

1 HOUSE BILL NO. 487

2 INTRODUCED BY J. KASSMIER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING SEED CLEANING OR CONDITIONING WITHOUT
5 DEPARTMENT DECLARATION; PROVIDING A FILING FEE; AND AMENDING SECTION 80-5-134, MCA."

6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8

9 Section 1. Section 80-5-134, MCA, is amended to read:

10 "80-5-134. Prohibitions. (1) A person may not sell or transport for use in planting in this state any
11 seed that:

12 (a) contains prohibited noxious weed seeds;

13 (b) contains restricted weed seeds in excess of the maximum numbers per pound allowed under
14 rules adopted by the department;

15 (c) contains in excess of 2% or more of weed seed;

16 (d) is offered or exposed for sale more than 12 calendar months from the last day of the month in
17 which the germination test was completed. This 12-month limitation does not apply when seed is packaged in
18 hermetically sealed containers within 12 months after harvest. The container must be conspicuously labeled in
19 not less than 8-point type to indicate that:

20 (i) the container is hermetically sealed;

21 (ii) the seed has been preconditioned as to moisture content; and

22 (iii) the germination test is valid for a period not to exceed 18 months from the date of the
23 germination test for seeds offered for sale on a wholesale basis and for a period not to exceed 36 months for
24 seeds offered for sale at retail.

25 (e) is labeled, advertised, or otherwise represented as being certified seed of any class unless:

26 (i) it has been determined by a seed certifying agency that the seed conforms to standards of
27 purity and identity as to kind, species (and subspecies, if appropriate), or variety; and

28 (ii) the seed bears an official label issued for that seed by a seed certifying agency certifying that

Amendment - 1st Reading-white - Requested by: Joshua Kassmier - (H) Agriculture

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Drafter: Trevor Graff, 406-444-4975

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- 1 the seed is of a specified class and a specified kind, species (and subspecies, if appropriate), or variety;
- 2 (f) is a variety for which a United States certificate of plant variety protection has been issued or
- 3 applied for under the provisions of the Plant Variety Protection Act, 7 U.S.C. 2321, et seq., without the authority
- 4 of the owner of the variety or is labeled with a variety name but not certified by an official seed certifying agency
- 5 when it is a variety for which the certificate or application for "protection" specifies sale only as a class of
- 6 certified seed, provided that seed from a certified lot may be labeled as to variety name when used in a mixture;
- 7 (g) is not labeled in accordance with the provisions of this chapter and appurtenant rules or that
- 8 has false or misleading labeling;
- 9 (h) has been falsely or misleadingly advertised.
- 10 (2) It is unlawful for a person within this state to:
- 11 (a) detach, alter, deface, or destroy any label provided for in this chapter or by rules promulgated
- 12 pursuant to this chapter or to alter or substitute seed in a manner that may defeat the purposes of this chapter;
- 13 (b) disseminate any false or misleading advertisement concerning seed subject to the provisions of
- 14 this chapter in any manner or by any means;
- 15 (c) hinder or obstruct, in any way, any authorized person in the performance of duties authorized
- 16 under this chapter;
- 17 (d) fail or refuse to obtain a license when required pursuant to 80-5-130;
- 18 (e) fail to comply with a stop sale order or to move or otherwise handle or dispose of any lot of
- 19 seed held under a stop sale order except with permission of the department and for the purpose specified in the
- 20 stop sale order;
- 21 (f) fail to comply with any provisions of this part, including rules promulgated under this part;
- 22 (g) use the word "trace" as a substitute for any required statement; or
- 23 (h) use the word "type" in any labeling in connection with the name of any agricultural seed variety;
- 24 or
- 25 (i) provide seed cleaning and conditioning services without obtaining a properly completed
- 26 genuine grower declaration form as specified by the department. ~~Seed conditioners shall retain samples of all~~
- 27 ~~seeds cleaned. Seed conditioners shall follow the same sample retention rules as required for certified seed.~~
- 28 (3) The department shall assess a \$5 filing fee for grower declarations."