

HOUSE BILL NO. 487

INTRODUCED BY J. KASSMIER

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

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

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

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

(a) contains prohibited noxious weed seeds;

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

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

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

(i) the container is hermetically sealed;

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

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

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

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

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

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."

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