

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 47
SENATE BILL 146

AN ACT TO AMEND THE NORTH CAROLINA SEED LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-277.5 reads as rewritten:

"§ 106-277.5. Labels for agricultural seeds.

Agricultural seeds sold, offered or exposed for sale, transported for sale, or otherwise distributed within this State shall be labeled to show the following information:

- (1) The commonly accepted name of the kind and the variety, or kind and the phrase 'variety not stated' for each agricultural seed component, in excess of five percent (5%) of the whole, and the percentage by weight of each in order of its predominance. The Board of Agriculture may, pursuant to G.S. 106-277.15, require the variety to be stated on the labeling for certain kinds of agricultural seed, and the phrase 'variety not stated' shall not be used on the labeling of such seed. When more than one component is required to be named, the word 'mixture' or the word 'mixed' shall be shown conspicuously on the label. Second generation from hybrid seeds, if sold, shall be labeled 'second generation (of the parent), variety not stated.' 'F' designations on labels, unless used as a part of a variety name, will refer only to size and shape of corn seeds.
- (2) Lot number or other lot identification.
- (3) Net weight.
- (4) Origin, if known. If the origin is unknown, the fact shall be stated.
- (5) Percentage by weight of inert matter.
- (6) Percentage by weight of agricultural seeds and/or vegetable seeds (which shall be designated as 'other crop seeds') other than those named on the label. Different varieties of the same kind of seed, when in quantities of less than five percent (5%) will be considered as other crop seed.
- (7) Percentage by weight of all weed seeds, including noxious-weed seeds.
- (8) For each named agricultural seed:
 - a. Percentage of germination, exclusive of hard seed.
 - b. Percentage of hard seeds, if present.
 - c. The calendar month and year the test was completed to determine such percentages.

In addition to the individual percentage statement of germination and hard seed, the total percentage of germination and hard seed may be stated as such, if desired.

- (9) The name and number per pound of each kind of restricted noxious-weed seed present.
- (10) Name and address of person who labeled said seed or who sells, offers or exposes said seed for sale within this State. If the seeds are labeled by the shipper for a consignee within this State, the shipper may use his approved code designation with the name and address of the consignee.

(11) Such other information as the Board shall prescribe by rule."

Sec. 2. G.S. 106-277.6 is amended by adding the following new subdivision:

"(6) Such other information as the Board shall prescribe by rule."

Sec. 3. G.S. 106-277.7 is amended by adding the following new subdivision:

"(8) Such other information as the Board shall prescribe by rule."

Sec. 4. G.S. 106-277.15 reads as rewritten:

"§ 106-277.15. Rules, regulations and standards.

~~The Commissioner of Agriculture, jointly with the~~ Board of Agriculture, in accordance with the Administrative Procedure Act, after public hearing immediately following 10 days' public notice may adopt such rules, regulations and standards which they may find to be advisable or necessary to carry out and enforce the purposes and provisions of this Article, which shall have the force and effect of law. ~~The Commissioner and~~ Board of Agriculture shall adopt rules, regulations and standards as follows:

- (1) Prescribing the methods of sampling, inspecting, analyzing, testing and examining agricultural and vegetable seed, and determining the tolerance to be followed in the administration of this Article.
- (2) Declaring a list of prohibited and restricted noxious weeds, conforming with the definitions stated in this Article, and to add to or subtract therefrom, from time to time, after a public hearing following due public notice.
- (3) Declaring the maximum percentage of total weed seed content permitted in agricultural seed.
- (4) Declaring the maximum number of 'restricted' noxious-weed seeds per pound of agricultural seed permitted to be sold, offered or exposed for sale.
- (5) Declaring the minimum percentage of germination permitted for sale as 'Agricultural Seeds.'
- (6) Declaring germination standards for vegetable seeds.
- (7) Prescribing the form and use of tags or stamps to be used in labeling seed.
- (8) Prescribing such other rules and regulations as may be necessary to secure the efficient enforcement of this Article.

- (9) Establishing fees and charges for agricultural and vegetable seed testing and analysis.
- (10) Prescribing minimum hybrid percentage for labeling for each species hybridized.
- (11) Prescribing labeling and coloring requirements for treated seed.
- (12) Establishing a Tobacco Seed Committee which shall approve flue-cured tobacco varieties prior to registration with the Department.
- (13) Prescribing labeling requirements for agricultural and vegetable seed."

Sec. 5. G.S. 106-277.28 reads as rewritten:

"§ 106-277.28. License and inspection fees.

For the purpose of providing a fund to defray the expense of inspection, examination, and analysis of seeds and the enforcement of this Article:

- (1) Repealed by Session Laws 1991, c. 588, s. 1.
- (2) Each seed dealer who offers for sale any agricultural, vegetable, or lawn or turf seeds for seeding purposes shall register with the Commissioner and shall obtain an annual license, for each location where activities are conducted, by January 1 of each year and shall pay the following license fee:
 - a. Wholesale or combined wholesale and retail seed dealer \$100.00
 - b. Retail seed dealer with sales of no more than \$500.00 5.00
 - c. Retail seed dealer with sales of more than \$500.00 but no more than \$1,000 15.00
 - d. Retail seed dealer with sales of more than \$1,000 25.00.
- (3) Each seed dealer or grower who has seed, whether originated or labeled by the dealer or grower, that is offered for sale in this State shall report the quantity of seed ~~sold~~ offered for sale and pay an inspection fee of two cents (2¢) for each container of seeds weighing 10 pounds or more. Seed shall be subject to the inspection fee and reporting requirements only once in any 12-month period. This fee does not apply to seed grown by a farmer and offered for sale by the farmer at the farm where the seed was grown.

Each seed dealer or grower shall keep accurate records of the quantity of seeds and container weights ~~sold~~ offered for sale from each distribution point in the State. These records shall be available to the Commissioner or an authorized representative of the Commissioner at any and all reasonable hours for the purpose of verifying the quantity of seed ~~sold~~ offered for sale and the fees paid. Each seed dealer or grower shall report quarterly on forms furnished by the Commissioner the quantity and container weight of seeds ~~sold~~ first offered for sale that quarter. The reports shall be made on the first day of January, April, July, and October, or within 10 days ~~thereafter, and the~~

~~inspection fee shall be due and payable with the report thereafter.~~
Inspection fees shall be due and paid with the next quarterly report filed after the seed is first offered for sale. If the report is not filed and the inspection ~~fee~~ fees paid to the Department of Agriculture by the tenth day following the date due, or if the report of the quantity or container weights is false, the Commissioner may issue a stop-sale order for all seed offered for sale by the dealer or grower. If the inspection ~~fee~~ fees are unpaid more than 15 days after the due date, the amount due shall bear a penalty of ten percent (10%) which shall be added to the inspection ~~fee~~ fees due."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 20th day of April, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives