

No. 82

AN ACT

SB 774

Amending the act of August 17, 1965 (P.L.354), entitled "An act regulating the selling, offering or exposing for sale of agricultural, vegetable, flower, tree and shrub seeds and seed mixtures for seeding purposes; requiring certain information to be affixed to the container in which such seeds are sold; defining unlawful seed sales and other unlawful acts; conferring powers and imposing duties upon the Department of Agriculture and the secretary thereof; authorizing stop-sale orders by the secretary in certain cases; providing for inspections, reports and surveys by the department; requiring the keeping of records and samples by seed handlers; providing for seizure and disposition of certain seed; imposing powers and duties upon certain courts; and prescribing penalties," regulating herb seeds; further authorizing the Secretary of Agriculture to change labeling requirements; conforming provisions to the Uniform Recommended Seed Law and extending certain test dates.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (5) of section 2, subclause (1) of clause (B) and subclauses (3) and (4) of clause (E) of subsection (a) of section 3 and clause (1) of section 4, act of August 17, 1965 (P.L.354), known as "The Pennsylvania Seed Act of 1965," are amended to read:

Section 2. Definitions.—For the purpose of this act, the following terms shall have the meanings ascribed to them in this section, unless the context clearly requires otherwise:

* * *

(5) "Vegetable seeds." Includes the seeds of those crops which are grown in gardens or on truck farms, and are generally known and sold under the name of vegetable *or herb* seeds in this State.

* * *

Section 3. Seed Package Label Contents.—(a) It shall be unlawful to sell, offer for sale, or expose for sale, or transport any agricultural, vegetable, flower, tree or shrub seeds for seeding purposes in bulk, package or containers, unless the package or container in which the same shall be exposed or offered for sale or transported, shall have attached thereto in a conspicuous place on the exterior thereof, a tag or label, on which shall be plainly and legibly written or printed in the English language, the following information relating to such seed:

* * *

(B) For agricultural seeds:

(1) Commonly accepted name of (i) kind, or (ii) kind and variety of each agricultural seed component in excess of five per cent of the whole, and the percentage by weight of each in the order of its predominance or [in such order] as the secretary may direct. Where more than one component

is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

* * *

(E) For flower seeds:

* * *

(3) For flower seeds in packets [of one ounce or less] as prepared for use in home flower gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices:

(i) The year for which the seed was packed for sale such as "Packed for _____," or the percentage of germination and the calendar month and year the test was completed to determine such percentage.

(ii) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds, a statement to indicate the minimum number of seeds in the container.

(4) For seeds of more than one ounce in containers other than *packets prepared for use in home flower gardens or household plantings and other than* preplanted containers, mats, tapes, or other planting devices:

(i) Lot number.

(ii) For those kinds of seeds for which standard testing procedures are prescribed:

(I) The percentage of germination, exclusive of hard seed.

(II) The percentage of hard seed, if present.

(III) The calendar month and year the test was completed to determine such percentage.

* * *

Section 4. Unlawful Seed Sales.—It shall be unlawful for any person to sell, offer for sale or expose for sale, any agricultural, vegetable, tree, shrub or flower seed within this State:

(1) Unless the test to determine the percentage of germination required by section 3 shall have been completed within a nine month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation. *Except for seed in hermetically sealed containers as provided for in the regulations; in which case no more than a thirty-six month period shall have elapsed, exclusive of the calendar month in which the test was completed.*

* * *

APPROVED—The 12th day of August, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 82.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Secretary of the Commonwealth.