

As Introduced

**126th General Assembly
Regular Session
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S. B. No. 189

Senator Grendell

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A B I L L

To amend sections 907.01, 907.14, and 907.28 of the 1
Revised Code to make changes to the Agricultural 2
Seed Law. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 907.01, 907.14, and 907.28 of the 4
Revised Code be amended to read as follows: 5

Sec. 907.01. As used in sections 907.01 to 907.17 of the 6
Revised Code: 7

(A) "Advertisement" means any representation, other than that 8
on a label, disseminated in any manner or by any means. 9

(B) "Agricultural seed" means the seed of grass, native 10
grass, forage, cereal, field and fiber crops, any other kinds of 11
seed commonly recognized in this state as agricultural or field 12
seed, lawn seed, and mixtures or blends of such seed. 13

(C) "Certifying agency" means an agency authorized by the 14
laws of a state or a foreign country to certify officially seed, 15
tubers for seeding purposes, or plants for varietal identification 16
or for other factors and, in the case of seed, an agency 17
determined by the United States secretary of agriculture to follow 18
procedures and standards of seed certification comparable to those 19

generally followed by seed certifying agencies that are members of
the association of official seed certifying agencies.

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(D) "Germination" means the emergence and development from
seed embryos of those structures that indicate the capability of
producing normal seedlings under ordinarily favorable conditions
as determined by methods prescribed by rules of the association of
official seed analysts.

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(E) "Hard seed" means seed that, because of impermeability,
does not absorb moisture or germinate, but remains hard during the
period of germination prescribed for that particular kind of seed.

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(F) "Hermetically sealed" means that the container used does
not allow water vapor penetration through any wall, including the
seals, greater than five one-hundredths grams of water per
twenty-four hours per one hundred square inches of surface at one
hundred degrees Fahrenheit with a relative humidity on one side of
ninety per cent and on the other side of zero per cent.

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(G) "Hybrid" means the first generation seed of a cross
produced by controlling the pollination and by combining:

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(1) Two or more inbred lines;

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(2) One inbred or a single cross with an open-pollinated
variety;

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(3) Two varieties or species, except open-pollinated
varieties of corn (*Zea Mays*).

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The second generation and subsequent generations from such
crosses shall not be regarded as hybrids.

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(H) "In bulk" or "bulk" means loose in vehicles or bins.

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(I) "Inert matter" means all matter not seeds, including
broken seeds, sterile florets, chaff, fungus bodies, and stones.

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(J) "Kind," in reference to seed, means one or more related

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species or subspecies that, singly or collectively, are known by
one common name, for example, soybeans, oats, alfalfa, or timothy.

(K) "Label" means a tag or other device that is attached to
or written, stamped, or printed on any container of seed or that
accompanies any lot of bulk seed and that describes the kind of
seed together with any other information required by law. "Label"
includes an invoice under which any seed is imported into the
state.

(L) "Lot of seed" means a definite quantity of seed
identified by a lot number, every portion or bag of which is
uniform, within permitted tolerances, as to the factors that
appear on the label.

(M) "Mixture" means seed consisting of more than one kind,
each of which is present in excess of five per cent of the whole.

(N) "Origin" means a state, the District of Columbia, Puerto
Rico, a possession of the United States, or a foreign country, or
designated portion thereof, where grown.

(O) "Other crop seed" means agricultural seed commingled with
the kind, or kind and variety, of seed under consideration, but
less than five per cent by weight of the lot.

(P) "Person" means any individual, partnership, corporation,
company, society, association, public agency, receiver, trustee,
or agent.

(Q) "Place of business" means any location, including any
vehicle, where seed is sold, processed, conditioned, or stored.

(R) "Prohibited noxious weeds" means ~~perennial~~ weeds that
reproduce by seed, spread by roots, underground stems, or other
reproductive parts, and, when established, are highly destructive
and difficult to control.

(S) "Processing" or "conditioning" means cleaning to remove

chaff, sterile florets, immature seeds, weed seeds, inert matter, 79
and other crop seeds, scarifying, blending to obtain uniform 80
quality, or any other operation that would change the purity or 81
germination of the seed and therefore require retesting to 82
determine the quality of the seed. "Processing" or "conditioning" 83
does not include such operations as packaging, labeling, blending 84
uniform lots of the same kind or variety without cleaning, or 85
preparing a mixture without cleaning, any of which would not 86
require retesting to determine the quality of the seed. 87

(T) "Pure seed" means agricultural, vegetable, or flower seed 88
free of inert matter and free of other seed distinguishable by 89
appearance or by test. 90

(U) "Records" means the complete data, including 91
representative samples, concerning each lot of agricultural, 92
vegetable, or flower seed that is sold. "Records" includes 93
information about the seed's source of purchase and origin; the 94
results of germination tests; the results of purity tests 95
regarding the amount of pure seed, inert matter, crop seed, weed 96
seed, and noxious weed seed contained in the lot of seed; and 97
information concerning the processing and disposition of the seed. 98

(V) "Screenings" means chaff, sterile florets, immature seed, 99
inert matter, weed seed, or any other matter removed from seed in 100
any kind of processing and that contains less than twenty-five per 101
cent by weight of live agricultural, vegetable, or flower seed. 102

(W) "Restricted noxious weeds" means weeds that are 103
objectionable in fields, lawns, or gardens, but that can be 104
controlled by good cultural practices. 105

(X) "Sell" or "sold" includes: 106

(1) Transferring ownership, offering or exposing for sale, 107
exchanging, distributing, giving away, or transporting in this 108
state; 109

(2) Storing, carrying, or handling in aid of traffic in this state, whether in person or through an agent, employee, or others;	110 111
(3) Receiving, accepting, or holding on consignment for sale.	112
(Y) "Germination standard," as applied to vegetable or flower seed, means the minimum percentage of germination established by the director of agriculture for any kind or variety of seed.	113 114 115
(Z) "Tolerance" means the allowable deviation from any percentage, fraction, or rate of occurrence stated on the label of a lot of seed. Tolerance is based on the law of normal variation from a mean.	116 117 118 119
(AA) "Type" means either a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions or, when used with a variety name, seed of that variety that may be mixed with seed of other varieties of the same kind and of similar character. In either case, ninety per cent of the pure seed shall be of the variety or group of varieties named or, upon growth, shall produce plants having characteristics similar to the variety or group of varieties named.	120 121 122 123 124 125 126 127 128
(BB) "Variety" means a subdivision of a kind that is characterized by growth, plant, fruit, seed, or other characteristics by which it can be differentiated from other sorts of the same kind.	129 130 131 132
(CC) "Vegetable seed" means the seed of any crop that is grown in gardens or on truck farms and is generally known and sold in this state under the name of vegetable seed or herb seed.	133 134 135
(DD) "Weed seed" means the seed and bulblets of all plants generally recognized in this state as weeds, including prohibited noxious weeds and restricted noxious weeds.	136 137 138
(EE) "Coated agricultural seed" means an agricultural seed	139

with a film or layer applied to the seed that is greater than one 140
per cent of the net weight, for purposes of, including, but not 141
limited to, accurate seeding, nitrogen fixation, nutrient 142
improvement, or protection from insects and pathogens. "Coated 143
agricultural seed" does not include seeds treated with dusts or 144
liquids that are virtually unmeasurable using association of 145
official seed analysts rules. 146

(FF) "Combination seed-mulch product" means any product 147
containing both seeds and a natural or artificial substance that 148
is applied to the soil surface for the purpose of promoting seed 149
germination through moisture retention, maintaining soil 150
temperature, or preventing erosion, and may contain fertilizer. 151

(GG) "Blend" means seed that consists of more than one 152
variety of a kind, with each variety representing more than five 153
per cent by weight of the whole. 154

(HH) "Flower seed" means the seed of herbaceous plants grown 155
for their blooms, ornamental foliage, or other ornamental parts 156
and commonly known as and sold under the name of flower seed. 157

(II) "Pure live seed" means the sum of seed's percentage of 158
germination plus the percentage of hard seed or dormant seed, 159
multiplied by the percentage of pure seed, the product of which is 160
divided by one hundred. The result is expressed as a whole number. 161
Expressed as an equation, the definition of "pure live seed" is as 162
follows: (percentage of germination plus percentage of hard seed 163
or dormant seed) multiplied by the percentage of pure seed equals 164
(product) divided by one hundred equals pure live seed. 165

(JJ) "Cool season grass seed" means the agricultural seed of 166
Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall 167
fescue, perennial ryegrass, intermediate ryegrass, annual 168
ryegrass, colonial bentgrass, creeping bentgrass, and mixtures or 169
blends containing only those grass seeds. 170

(KK) "Native grass" has the meaning established in rules 171
adopted under section 907.10 of the Revised Code. 172

(LL) "Class of seed" means a classification of seed that is 173
established using the standards and procedures established by the 174
association of official seed certifying agencies and that 175
designates seed as breeder, foundation, registered, or certified 176
seed. 177

(MM) "Container" means a packet, bag, box, tape, tube, 178
envelope, pre-planted device, mat, or other device used to contain 179
seed, except that "container" does not include a vehicle or bin 180
used to contain bulk seed. 181

(NN) "Dormant seed" means viable seed, excluding hard seed, 182
that fails to germinate when provided with the specified 183
germination conditions for that kind of seed. 184

Sec. 907.14. (A) A person who holds a valid seed labeler 185
permit issued under section 907.13 of the Revised Code shall 186
report to the director of agriculture concerning the amount of 187
seed that the person sells in this state. The report shall be made 188
semiannually on a form that the director prescribes and provides. 189
One semiannual report shall be filed with the director prior to 190
the first day of February of each year with respect to all sales 191
that the person made during the period from the first day of July 192
to the thirty-first day of December of the preceding year. The 193
second semiannual report shall be filed prior to the first day of 194
August of each year with respect to all sales that the person made 195
during the period from the first day of January to the thirtieth 196
day of June of that year. 197

(B) A person who holds a valid seed labeler permit shall 198
include with each semiannual report a seed fee based on the amount 199
of the seed that the person sold during that reporting period as 200

follows:	201
(1) For soybeans and small grains, including barley, oats, rye, wheat, triticale, and spelt, four cents per one hundred pounds;	202 203 204
(2) For corn and grain sorghum, five cents per one hundred pounds;	205 206
(3) For vegetable and flower <u>any of the following</u> seed sold at wholesale or retail or on consignment or commission in <u>containers of eight ounces or less</u> , two per cent of the wholesale value of the containers of seed or, if the seed is not sold wholesale, two per cent of the retail value of the containers of seed+;	207 208 209 210 211 212
(a) <u>Vegetable and flower seed sold in containers of eight ounces or less;</u>	213 214
(b) <u>Flower seed sold in hermetically sealed containers that contain fewer than three hundred seeds;</u>	215 216
(c) <u>Vegetable seed sold in hermetically sealed containers that contain fewer than one thousand seeds.</u>	217 218
<u>The fee established under division (B)(3) of this section applies with respect to seed sold in hermetically sealed containers even if the containers do not clearly state the number of seeds that they contain. Further, if the weight or quantity of seed in a container exceeds the applicable weight or quantity specified in division (B)(3)(a), (b), or (c) of this section, the fee established in division (B)(4) of this section applies.</u>	219 220 221 222 223 224 225
(4) For alfalfa, clover, grass, native grass, mixtures containing any of these, and all agricultural, vegetable, and flower seeds not specified in divisions (B)(1) to (3) of this section, ten cents per one hundred pounds.	226 227 228 229
If the total amount of the seed fee that is due is less than	230

five dollars, the person shall pay the minimum seed fee, which is 231
five dollars. 232

(C) For each failure to report in full the amount of seed 233
sold or to submit the required seed fees in full by the due date, 234
a person who holds a valid seed labeler permit shall pay a penalty 235
of ten per cent of the amount due or fifty dollars, whichever is 236
greater. Failure to pay either the fee or the penalty within 237
thirty days after the due date is cause for suspension or 238
revocation by the director of the seed labeler permit or refusal, 239
without a hearing, to issue a subsequent seed labeler permit for 240
which the person applies. 241

(D) This section does not apply to governmental entities that 242
donate seed for conservation purposes. 243

Sec. 907.28. No person shall manufacture or distribute any 244
type of legume inoculant or pre-inoculated seeds in this state 245
until ~~he~~ the person has registered the brand of the legume 246
inoculant with the director of agriculture. Applications for 247
registration shall be made on forms obtainable from the director 248
and shall be accompanied by the fee prescribed in section 907.31 249
of the Revised Code. A copy of each label used with each brand 250
shall be attached to the application form at the time of filing. 251

(A) Each application for registration of a brand of legume 252
inoculant shall state: 253

(1) The name and address of the person responsible for 254
distribution of the legume inoculant culture; 255

(2) The name of the group or groups of plants for which the 256
brand is represented to be effective; 257

(3) The name or nature of medium or substrata upon which 258
marketed; 259

(4) The name of the brand of the pure or mixed culture of 260

legume inoculant being registered. 261

(B) All registrations shall expire each year on the 262
thirty-first day of ~~July~~ December and shall be renewed according 263
to the standard renewal procedure of sections 4745.01 to 4745.03~~7~~ 264
~~inclusive~~, of the Revised Code. 265

(C) No other person shall be required to register a brand of 266
legume inoculant if the manufacturer has already registered the 267
brand. 268

Section 2. That existing sections 907.01, 907.14, and 907.28 269
of the Revised Code are hereby repealed. 270