

---

SENATE BILL 5273

---

State of Washington                      64th Legislature                      2015 Regular Session

By Senators Schoesler, Hatfield, Sheldon, and King

Read first time 01/16/15. Referred to Committee on Agriculture,  
Water & Rural Economic Development.

1            AN ACT Relating to native and reclamation seeds; amending RCW  
2 15.49.005, 15.49.021, and 15.49.051; and reenacting and amending RCW  
3 15.49.011.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 15.49.005 and 1989 c 354 s 70 are each amended to  
6 read as follows:

7            The purpose of this chapter is to provide uniformity and  
8 consistency in the packaging of agricultural, vegetable, native,  
9 reclamation, and flower seeds so as to facilitate the interstate  
10 movement of seed, to protect consumers, and to provide a dispute-  
11 resolution process. The department of agriculture is hereby  
12 authorized to adopt rules in accordance with chapter 34.05 RCW to  
13 implement this chapter. To the extent possible, the department shall  
14 seek to incorporate into the rules provisions from the recommended  
15 uniform state seed law in order to attain consistency with other  
16 states.

17            **Sec. 2.** RCW 15.49.011 and 2013 c 144 s 5 are each reenacted and  
18 amended to read as follows:

1       (~~Unless the context clearly requires otherwise,~~)    The  
2 definitions in this section apply throughout this chapter unless the  
3 context clearly requires otherwise.

4       (1) "Advertisement" means all representations, other than those  
5 on the label, disseminated in any manner or by any means, relating to  
6 seed within the scope of this chapter.

7       (2) "Agricultural seed" includes grass, forage, cereal, oil,  
8 fiber, and other kinds of crop seeds commonly recognized within this  
9 state as agricultural seeds, lawn seeds, and combinations of such  
10 seeds, and may include common and restricted noxious weed seeds but  
11 not prohibited noxious weed seeds.

12       (3) "Blend" means seed consisting of more than one variety of a  
13 kind, each in excess of five percent by weight of the whole.

14       (4) "Bulk seed" means seed distributed in a nonpackage form.

15       (5) "Business licensing system" means the mechanism established  
16 by chapter 19.02 RCW by which business licenses, endorsed for  
17 individual state-issued licenses, are issued and renewed using a  
18 business license application and a business license expiration date  
19 common to each renewable license endorsement.

20       (6) "Certifying agency" means (a) an agency authorized under the  
21 laws of any state, territory, or possession to certify seed  
22 officially and which has standards and procedures approved by the  
23 United States secretary of agriculture to assure the genetic purity  
24 and identity of the seed certified; or (b) an agency of a foreign  
25 country determined by the United States secretary of agriculture to  
26 adhere to procedures and standards for seed certification comparable  
27 to those adhered to generally by seed-certifying agencies under (a)  
28 of this subsection.

29       (7) "Coated seed" means seed that has been treated and has  
30 received an application of inert material during the treatment  
31 process.

32       (8) "Conditioning" means drying, cleaning, scarifying, and other  
33 operations that could change the purity or germination of the seed  
34 and require the seed lot to be retested to determine the label  
35 information.

36       (9) "Dealer" means any person who distributes.

37       (10) "Department" means the department of agriculture of the  
38 state of Washington or its duly authorized representative.

39       (11) "Director" means the director of the department of  
40 agriculture.

1 (12) "Distribute" means to import, consign, offer for sale, hold  
2 for sale, sell, barter, or otherwise supply seed in this state.

3 (13) "Flower seeds" includes seeds of herbaceous plants grown  
4 from their blooms, ornamental foliage, or other ornamental parts, and  
5 commonly known and sold under the name of flower seeds in this state.

6 (14) The terms "foundation seed," "registered seed," and  
7 "certified seed" mean seed that has been produced and labeled in  
8 compliance with the regulations of the department.

9 (15) "Germination" means the emergence and development from the  
10 seed embryo of those essential structures which, for the kind of seed  
11 in question, are indicative of the ability to produce a normal plant  
12 under favorable conditions.

13 (16) "Hard seeds" means seeds that remain hard at the end of the  
14 prescribed test period because they have not absorbed water due to an  
15 impermeable seed coat.

16 (17) "Hybrid" means the first generation seed of a cross produced  
17 by controlling the pollination and by combining (a) two or more  
18 inbred lines; (b) one inbred or a single cross with an open  
19 pollinated variety; or (c) two varieties or species, except open-  
20 pollinated varieties of corn (*Zea mays*). The second generation or  
21 subsequent generations from such crosses are not regarded as hybrids.  
22 Hybrid designations must be treated as variety names.

23 (18) "Inert matter" means all matter not seed, that includes  
24 broken seeds, sterile florets, chaff, fungus bodies, and stones as  
25 determined by methods defined by rule.

26 (19) "Inoculant" means a commercial preparation containing  
27 nitrogen fixing bacteria applied to the seed.

28 (20) "Kind" means one or more related species or subspecies that  
29 singly or collectively is known by one common name, for example,  
30 corn, oats, alfalfa, and timothy.

31 (21) "Label" includes a tag or other device attached to or  
32 written, stamped, or printed on any container or accompanying any lot  
33 of bulk seeds purporting to set forth the information required on the  
34 seed label by this chapter, and it may include any other information  
35 relating to the labeled seed.

36 (22) "Lot" means a definite quantity of seed identified by a lot  
37 number or other mark, every portion or bag of which is uniform within  
38 recognized tolerances for the factors that appear in the labeling.

39 (23) "Lot number" must identify the producer or dealer and year  
40 of production or the year distributed for each lot of seed. This

1 requirement may be satisfied by use of a conditioner's or dealer's  
2 code.

3 (24) "Mixture," "mix," or "mixed" means seed consisting of more  
4 than one kind, each in excess of five percent by weight of the whole.

5 (25) "Official sample" means any sample of seed taken and  
6 designated as official by the department.

7 (26) "Other crop seed" means seed of plants grown as crops, other  
8 than the kind or variety included in the pure seed, as determined by  
9 methods defined by rule.

10 (27) "Person" means an individual, partnership, corporation,  
11 company, association, receiver, trustee, or agent.

12 (28) "Prohibited (primary) noxious weed seeds" are the seeds of  
13 weeds which when established are highly destructive, competitive,  
14 and/or difficult to control by cultural or chemical practices.

15 (29) "Pure live seed" means the product of the percent of  
16 germination plus hard or dormant seed multiplied by the percent of  
17 pure seed divided by one hundred. The result is expressed as a whole  
18 number.

19 (30) "Pure seed" means seed exclusive of inert matter and all  
20 other seeds not of the seed being considered as determined by methods  
21 defined by rule.

22 (31) "Restricted (secondary) noxious weed seeds" are the seeds of  
23 weeds which are objectionable in fields, lawns, and gardens of this  
24 state, but which can be controlled by cultural or chemical practices.

25 (32) "Retail" means to distribute to the ultimate consumer.

26 (33) "Screenings" mean chaff, seed, weed seed, inert matter, and  
27 other materials removed from seed in cleaning or conditioning.

28 (34) "Seed labeling registrant" means a person who has obtained a  
29 permit to label seed for distribution in this state.

30 (35) "Seeds" mean agricultural or vegetable seeds or other seeds  
31 as determined by rules adopted by the department.

32 (36) "Stop sale, use, or removal order" means an administrative  
33 order restraining the sale, use, disposition, and movement of a  
34 specific amount of seed.

35 (37) "Treated" means that the seed has received an application of  
36 a substance, or that it has been subjected to a process for which a  
37 claim is made.

38 (38) "Type" means a group of varieties so nearly similar that the  
39 individual varieties cannot be clearly differentiated except under  
40 special conditions.

1 (39) "Variety" means a subdivision of a kind that is distinct,  
2 uniform, and stable; "distinct" in the sense that the variety can be  
3 differentiated by one or more identifiable morphological,  
4 physiological, or other characteristics from all other varieties of  
5 public knowledge; "uniform" in the sense that variations in essential  
6 and distinctive characteristics are describable; and "stable" in the  
7 sense that the variety will remain unchanged in its essential and  
8 distinctive characteristics and its uniformity when reproduced or  
9 reconstituted as required by the different categories of varieties.

10 (40) "Vegetable seeds" includes the seeds of those crops that are  
11 grown in gardens and on truck farms and are generally known and sold  
12 under the name of vegetable or herb seeds in this state.

13 (41) "Weed seeds" include the seeds of all plants generally  
14 recognized as weeds within this state, and includes the seeds of  
15 prohibited and restricted noxious weeds as determined by regulations  
16 adopted by the department.

17 (42) "Native seed" means seed that originates from species that  
18 are indigenous to North America and are seed types that are not used  
19 as agricultural, vegetable, or flower seeds.

20 (43) "Reclamation seed" means seed that is intended to be used to  
21 reclaim wildland areas, conservation areas, and road sides to a state  
22 that closely approximates the natural plant community and are seed  
23 types that are not used as agricultural, vegetable, or flower seeds.

24 (44) "Viability" means the condition of being alive and free from  
25 mechanical damage that would prevent germination and the formation of  
26 a normal seedling.

27 (45) "Wildland areas" are uninhabited or uncultivated areas that  
28 are no longer in a natural state due to logging, mining, or for any  
29 other reason.

30 **Sec. 3.** RCW 15.49.021 and 1989 c 354 s 71 are each amended to  
31 read as follows:

32 (1) The department shall establish by rule standards and label  
33 requirements for the following seed types: Agricultural seed  
34 (including grass, lawn, and turf seed), flower seed, native seed,  
35 reclamation seed, and vegetable seed.

36 (2) The standards and label requirements shall be divided into  
37 the following categories:

38 (a) Percentage of kind and variety of each seed component  
39 present; and

- 1 (b) Percentage of weed seed (restricted and common).
- 2 (3) The standards and label requirements developed by the  
3 department shall at a minimum include:
- 4 (a) Amount of inert material;
- 5 (b) Specifics and warning for treated seed;
- 6 (c) Specifics for coated seed;
- 7 (d) Specifics and duration for inoculated seed;
- 8 (e) Specifics for seed which is below standard;
- 9 (f) Specifics for seed contained in containers, mats, tapes, or  
10 other planting devices;
- 11 (g) Specifics for seed sold in bulk;
- 12 (h) Specifics for hybrid seed; and
- 13 (i) Specifics for seed mixtures.

14 **Sec. 4.** RCW 15.49.051 and 1989 c 354 s 75 are each amended to  
15 read as follows:

16 (1) It is unlawful for any person to sell, offer for sale, expose  
17 for sale, or transport for sale any agricultural, vegetable, or  
18 flower seeds within this state unless the test to determine the  
19 percentage of germination is completed within a fifteen-month period  
20 prior to sale, provided that germination tests for seed packaged in  
21 hermetically sealed containers shall be completed within thirty-six  
22 months prior to sale. The department shall establish rules for  
23 allowing retesting.

24 (2) It is unlawful for any person to sell, offer for sale, expose  
25 for sale, or transport for sale any native or reclamation seeds  
26 within this state unless a test to determine the percentage of  
27 viability is completed within a fifteen-month period prior to sale.

28 (3) It is unlawful for any person to sell, offer for sale, expose  
29 for sale, or transport for sale any agricultural, vegetable, native,  
30 reclamation, or flower seed within this state not labeled in  
31 accordance with this chapter or having false or misleading labeling  
32 or for which there has been false or misleading advertisement.

33 ~~((3))~~ (4) It is unlawful to represent seed to be certified  
34 unless it has been determined by a seed-certifying agency that such  
35 seed conformed to standards of purity and identity or variety in  
36 compliance with the rules adopted under this chapter.

37 ~~((4))~~ (5) It is unlawful to attach any tags of similar size and  
38 format to the official certification tag that could be mistaken for  
39 the official certification tag.

1       (~~(5)~~) (6) It is unlawful for any person to sell, offer for  
2 sale, expose for sale, or transport for sale any agricultural,  
3 vegetable, native, reclamation, or flower seed within this state  
4 labeled with a variety name but not certified by an official seed-  
5 certifying agency when it is a variety for which a United States  
6 certification of plant variety protection under the plant variety  
7 protection act (7 U.S.C. Sec. 2321 et seq.) specifies sale only as a  
8 class of certified seed: PROVIDED, That seed from a certified lot may  
9 be labeled as to variety name when used in a mixture by, or with the  
10 approval of, the owner of the variety.

11       (~~(6)~~) (7) It is unlawful for any person within this state:

12       (a) To detach, alter, deface, or destroy any label required by  
13 this chapter or its implementing rules or to alter or substitute seed  
14 in a manner that may defeat the purpose of this chapter;

15       (b) To disseminate any false or misleading advertisements  
16 concerning seeds subject to this chapter in any manner or by any  
17 means;

18       (c) To hinder or obstruct in any way, any authorized person in  
19 the performance of his or her duties under this chapter;

20       (d) To fail to comply with a "stop sale" order or to move or  
21 otherwise handle or dispose of any lot of seed held under a "stop  
22 sale" order or tags attached thereto, except with express permission  
23 of the enforcing officer, and for the purpose specified thereby;

24       (e) To use the word "trace" as a substitute for any statement  
25 that is required; and

26       (f) To use the word "type" in any labeling in connection with the  
27 name of any agricultural seed variety.

28       (~~(7)~~) (8) It is unlawful for any person to sell, offer for  
29 sale, expose for sale, or transport for sale any agricultural,  
30 vegetable, native, reclamation, or flower seed within this state that  
31 consists of or contains: (a) Prohibited noxious weed seeds; or (b)  
32 restricted noxious weed seeds in excess of the number declared on the  
33 label.

--- END ---