

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1338

Introduced by

Representatives Nicholas, Nowatzki

Senators Kinnoin, Wanzek

1 A BILL for an Act to amend and reenact section 4-09-10 and subsection 3 of section 4-09-10.1  
2 of the North Dakota Century Code, relating to labeling requirements for agricultural seed.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 4-09-10 of the 1997 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **4-09-10. Labeling requirements for agricultural seed.** Each container of agricultural  
7 seed which is sold, offered for sale, exposed for sale, transported for sale, or held in storage  
8 with the intent to sell for planting purposes within this state must bear thereon or have attached  
9 thereto in a conspicuous place, or there must be properly delivered with bulk sales or  
10 movements of ~~said~~ the seed, a plainly written or printed label or tag in the English language  
11 giving the following information, which ~~statement~~ may not be modified or denied in the labeling  
12 or on another label attached to the container:

- 13 1. a. In seeds of wheat, durum, barley, oats, rye, soybeans, dry beans, and flax the  
14 commonly accepted name of the kind and variety of each agricultural seed  
15 component in excess of five percent of the whole and the percentage by  
16 weight of each. Variety identification is not required if the state seed  
17 commission, by rule, provides for a variety registration system allowing  
18 specific kinds of crops to be labeled as brands or brand names, nor is variety  
19 identification required for seeds labeled "for vegetative cover only".  
20 b. In all other seeds not named in subdivision a, the commonly accepted name  
21 of the kind or the kind and variety of each agricultural seed component in  
22 excess of five percent of the whole and the percentage of weight of each.  
23 c. When more than ten percent of the whole consists of an aggregate of  
24 agricultural seed components, each present in an amount not exceeding five

- 1 percent of the whole, each component in excess of one percent of the whole  
2 must be named together with the percentage by weight of each. All  
3 components must be listed in the order of their predominance. Where more  
4 than one component is named, the word "mixture", or the word "mixed", must  
5 be shown conspicuously on the label.
- 6 2. Lot number or other lot identification.
- 7 3. Origin, state or foreign country where grown. If the origin is unknown, that fact  
8 must be stated.
- 9 4. Percentage by weight of all weed seeds.
- 10 5. The name and rate of occurrence per pound [453.59 grams] of each kind of  
11 restricted noxious weed seeds present, if the restricted noxious weed seeds are  
12 present singly or collectively in amounts:
- 13 a. In seeds of grasses and small seeded legumes, in excess of thirteen seeds  
14 per pound [453.59 grams]; and
- 15 b. In other agricultural seeds including the cereals, oil seed crops, millets, and  
16 seeds of similar size, in excess of five seeds per pound [453.59 grams].
- 17 6. Percentage by weight of agricultural seed which may be designated as crop seed,  
18 other than those required to be named on the label.
- 19 7. Percentage by weight of inert matter.
- 20 8. For each agricultural seed:
- 21 a. Percentage of germination, exclusive of hard seed. Total germination and  
22 hard seed may be stated as such, if desired.
- 23 b. Percentage of hard seed, if present. Total germination and hard seed may be  
24 stated as such, if desired.
- 25 c. The calendar month and year the test was completed to determine such  
26 percentages.
- 27 9. The full name and address of the person who labeled said seed, or who sells,  
28 offers for sale or exposes said seed for sale within this state.
- 29 10. For treated seeds as defined in this chapter, for which a separate label may be  
30 used:
- 31 a. A word or statement indicating that the seed has been treated;

- 1           b. The commonly accepted, coined, chemical or abbreviated chemical (generic)  
2           name of the applied seed protectant pesticide; and  
3           c. If the substance in the amount present with the seed is harmful to human or  
4           other vertebrate animals, a caution statement such as "Do not use for food or  
5           feed or oil purposes". The caution for mercurials and similar toxic substances  
6           must be a poison statement or symbol.

7           11. That the seed container itself is a hermetically sealed container as defined by rules  
8           adopted by the commissioner.

9           12. A disease test result for seedborne diseases. For the purpose of this subsection,  
10           the words "disease test result" have the meaning ascribed to them by rules  
11           adopted by the commissioner.

12           **SECTION 2. AMENDMENT.** Subsection 3 of section 4-09-10.1 of the 1997

13 Supplement to the North Dakota Century Code is amended and reenacted as follows:

14           3. Each bag must have the following information stamped on or otherwise attached to  
15           the bag:

16           a. For seeds of wheat, durum, barley, oats, rye, soybeans, edible beans, and  
17           flax, the commonly accepted name of the kind and variety of each agricultural  
18           seed component. Variety identification is not required if the state seed  
19           commission, by rule, provides for a variety registration system allowing  
20           specific kinds of crops to be labeled as brands or brand names, nor is variety  
21           identification required for seeds labeled "for vegetative cover only".

22           b. For seeds other than those listed in subdivision a, the commonly accepted  
23           name of the kind or the kind and variety of each agricultural seed component.

24           c. The lot number or other lot identification.

25           d. The name and address of the labeler or packager.

26           e. For seeds of all certified classes, an official certification tag properly attached  
27           to or printed on each bag.