

4:8-17.15

3/16/88

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:8-17.15 (Seeds- agricultural and horticultural--
amend law)

LAWS OF: 1987 **CHAPTER:** 242

Bill No: S2090

Sponsor(s): Haines

Date Introduced: May 5, 1986

Committee: **Assembly:** Economic Development and Agriculture
Senate: Natural Resources and Agriculture

Amended during passage: No

Date of Passage: **Assembly:** June 22, 1987
Senate: February 23, 1987

Date of Approval: August 19, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

SENATE, No. 2090

STATE OF NEW JERSEY

INTRODUCED MAY 5, 1986

By Senator HAINES

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the labeling of certain agricultural seeds and amending P. L. 1963, c. 29.

1 *BE IT ENACTED by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 3 of P. L. 1963, c. 29 (C. 4:8-17.15) is amended to
2 read as follows:

3 3. Each container of agricultural, vegetable, flower, tree and
4 shrub seeds which is sold, offered for sale, or exposed for sale,
5 or transported within this State for sowing purposes shall bear
6 thereon or have attached thereto or in a conspicuous place on the
7 exterior of the container a plainly written or printed label or tag
8 in the English language, in legible type or in script specifying:

9 (a) For all seeds:

10 (1) The name and address of the person who labeled said seed,
11 or who sells, offers for sale, exposes for sale within this State.

12 (b) For agricultural seeds (except for lawn and turf seed as
13 provided in (c)):

14 (1) Commonly accepted name, in the order of its predominance,
15 of the kind or kind and variety, of each agricultural seed com-
16 ponent in excess of 5% of the whole, and the percentage by weight
17 of each, provided that, if the variety of those kinds labeled as to
18 variety in rules and regulations of this State or the federal gov-
19 ernment is not stated on the label, the label shall show the name of
20 the kind and the words, "Variety Not Stated." Hybrids shall be
21 labeled as hybrids. Where more than one component is required
22 to be named, the word "mixture" or the word "mixed" shall be
23 shown conspicuously on the label.

Matter printed in italics *thus* is new matter.

- 24 (2) Lot number or other lot identification.
- 25 (3) Origin (State or foreign country), if known, of alfalfa, red
26 clover and field corn (except hybrid corn). If the origin is un-
27 known, the fact shall be stated.
- 28 (4) Percentage by weight of all weed seeds.
- 29 (5) The name and rate of occurrence per pound of each kind of
30 restricted noxious weed seed present.
- 31 (6) Percentage by weight of agricultural seeds (which may be
32 designated as "crop seeds") other than those required to be
33 named on the label.
- 34 (7) Percentage by weight of inert matter.
- 35 (8) For each named agricultural seed:
- 36 (A) Percentage of germination, exclusive of hard seed.
- 37 (B) Percentage of hard seeds, if present.
- 38 (C) The calendar month and year the test was completed
39 to determine such percentage. Following (A) and (B) the
40 "total germination and hard seed" may be stated as such,
41 if desired.
- 42 (9) For seeds placed in a germination medium, mat, tape or
43 other device in such a way as to make it difficult to determine
44 the quantity of seed without removing it from the medium, mat,
45 tape or device, the minimum number of seeds per square foot
46 shall be indicated.
- 47 (c) For lawn and turf seed and mixture of that seed:
- 48 (1) The commonly accepted name of the kind or kind and vari-
49 ety, or both, of each agricultural seed component in excess of 5.0%
50 of the whole and the percentage by weight of pure seed of each.
- 51 (A) For mixtures the word "mixed" or "mixture" shall
52 be stated with the name of the mixture on the principal dis-
53 play panels; and
- 54 (B) For mixtures, all components shall be listed in the
55 order of their predominance and in columnar form. Percent-
56 ages shall be listed under headings "Pure Seed" and "Ger-
57 mination or Germ."
- 58 (2) Percentage by weight of all agricultural seed except those
59 required to be named on the label and which shall be designated
60 "crop seed." If the mixture contains no other crop seed, the
61 following statement may be used on the label "Contains No Other
62 Crop Seeds."
- 63 (3) Percentage by weight of all weed seeds. Maximum weed
64 seed content shall not exceed 1% by weight.
- 65 (4) Percentage by weight of inert matter shall not exceed 15%

- 66 by weight. Foreign material not common to grass seed shall not
67 be added.
- 68 (5) Lot number or other lot identification.
- 69 (6) Name and rate of occurrence per pound of each kind of
70 restricted noxious weed seed present listed under the heading
71 "Noxious Weed Seeds," or "*Undesirable Grass Seeds*" or as other-
72 wise specified by rule or regulation adopted by the State Board of
73 *Agriculture*.
- 74 (7) The percentage of germination, exclusive of hard seed; hard
75 seed, if present, and the calendar month and year that the germi-
76 nation test was completed. If a single test date is used, it shall
77 be that of the oldest tested component.
- 78 (8) Net weight.
- 79 (d) For vegetable seeds in containers of one pound or less:
- 80 (1) Name of kind and variety of seed.
- 81 (2) For seeds which germinate more than the standard last
82 established by the rules and regulations under this act.
- 83 (A) The year for which packeted or put up, provided that
84 the words "packed for" shall precede the year, or the per-
85 centage of germination and the month and year the test was
86 completed to determine such percentage.
- 87 (3) For seeds which germinate less than the standard list es-
88 tablished by the rules and regulations under this act:
- 89 (A) Percentage of germination, exclusive of hard seed;
90 (B) Percentage of hard seed if present;
91 (C) The calendar month and year the test was completed to
92 determine such percentages;
- 93 (D) The words "below standard" in not less than 8-point
94 type.
- 95 (4) For seeds placed in a germination medium, mat, tape or
96 other device in such a way to make it difficult to determine the
97 quantity of seed without removing it the label must bear a state-
98 ment to indicate the minimum number of seeds in the container.
- 99 (5) Lot identification, such as by lot number or other means.
- 100 (6) For seeds without an established germination standard in
101 the rules and regulations promulgated under the New Jersey State
102 Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8-17.13
103 et seq.):
- 104 (A) Percentage of germination, exclusive of hard seed;
105 (B) Percentage of hard seed, if present; and
106 (C) The calendar month and year the test was completed
107 to determine the percentages.

- 108 (e) For vegetable seeds in containers of more than one pound:
109 (1) The name of each kind and variety present in excess of
110 5% and the percentage by weight of each.
111 (2) Lot number or other lot identification.
112 (3) For each named vegetable seed:
113 (A) The percentage of germination, exclusive of hard seed;
114 (B) The percentage of hard seed if present;
115 (C) The calendar month and year the test was completed
116 to determine such percentages.
117 Following (A) and (B) the "total germination and hard
118 seed" may be stated as such if desired.
119 (4) The labeling requirements for vegetable seeds in containers
120 of more than one pound shall be deemed to have been met if the
121 seed is weighed from a properly labeled container in the presence
122 of the purchaser.
- 123 (f) For flower seeds in containers intended for use in home
124 gardens or household planting or in preplanted containers, mats,
125 tapes, or other planting devices:
126 (1) For all kinds of flower seeds:
127 (A) The name of the kind and variety or a statement of
128 type and performance characteristics as prescribed in the
129 rules and regulations promulgated under the provisions of this
130 act;
131 (B) The calendar month and year seed was tested or the
132 year for which the seed was packaged; and
133 (C) The name and address of the person who labeled said
134 seed, or who sells, offers, or exposes said seed for sale within
135 this State.
136 (2) For seeds of those kinds for which standard testing pro-
137 cedures are prescribed and which germinate less than the germi-
138 nation standard last established under the rules and regulations
139 of this act:
140 (A) The percentage of germination exclusive of hard seed;
141 (B) The words "below standard" in not less than 8-point
142 type.
143 (3) For seeds placed in a germination medium, mat, tape, or
144 other device in such a way as to make it difficult to determine the
145 quantity of seed without removing the seeds from the medium,
146 mat, tape, or device, a statement to indicate the minimum number
147 of seeds in the container.
148 (4) For seeds without an established germination standard in
149 the rules and regulations under the New Jersey Seed Law (Re-
150 vision of 1963), P. L. 1963, c. 29 (C. 4:8-17.13 et seq.):

- 151 (A) Percentage of germination, exclusive of hard seed;
152 (B) Percentage of hard seed, if present; and
153 (C) The calendar month and year the test was completed
154 to determine the percentages.
- 155 (g) For flower seeds in containers other than those intended for
156 use in home gardens or household planting, preplanted containers,
157 mats, tapes, or other planting devices as described in the rules and
158 regulations:
- 159 (1) The name of the kind and variety or a statement of type
160 and performance characteristics as prescribed in rules and regu-
161 lations promulgated under the provisions of this act;
- 162 (2) The lot number or other lot identification;
- 163 (3) The calendar month and year that the seed was tested;
- 164 (4) The name and address of the person who labeled said seed
165 or who sells, offers, or exposes said seed for sale within this State;
166 and,
- 167 (5) For those kinds of seeds for which standard testing pro-
168 cedures are prescribed by the rules and regulations:
- 169 (A) The percentage of germination exclusive of hard seed;
170 (B) The percentage of hard seed, if present.
- 171 (h) For agricultural seeds that are coated:
- 172 (1) Percentage of pure seeds with coating material removed.
- 173 (2) Percentage of coating material shall be shown as a separate
174 item in close association with the percentage of inert matter.
- 175 (3) Percentage of germination shall be determined on 400 pellets
176 with or without seeds.
- 177 (4) In addition to the provisions of this subsection, labeling of
178 agricultural seeds that are coated shall comply with the require-
179 ments of subsections (a), (b) and (c) of this section.
- 180 (i) For tree and shrub seeds:
- 181 (1) Common name of the species of seed, and, if appropriate
182 the subspecies.
- 183 (2) The scientific name of the genus and species and, if appro-
184 priate, the subspecies.
- 185 (3) Lot number or other lot identification.
- 186 (4) Origin:
- 187 (A) For seed collected from a predominantly indigenous
188 stand, the area of collection given by latitude and longitude,
189 or geographic description, or political subdivision such as
190 state or county; and
- 191 (B) For seed collected from other than a predominantly
192 indigenous stand, the area of collection and the origin of the
193 stand or state "Origin Not Indigenous."

194 (5) The elevation of the upper and lower limits of elevations
195 within which the seed was collected.

196 (6) Purity as a percentage of pure seed by weight.

197 (7) For those species for which standard germination testing
198 procedures are prescribed by the State Seed Analyst, the follow-
199 ing:

200 (A) Percentage germination exclusive of hard seed;

201 (B) Percentage of hard seed, if present; and

202 (C) The calendar month and year the test was completed to
203 determine the percentages.

204 In lieu of the provisions of subparagraphs (A), (B), and (C) of
205 this paragraph, the seed may be labeled, if appropriate, "Test is
206 in process, results will be supplied upon request."

207 (8) For those species for which standard germination testing
208 procedures have not been prescribed by the State Seed Analyst
209 the calendar year in which the seed was collected.

1 2. This act shall take effect immediately.

STATEMENT

This bill would amend the law regulating the labeling, sale or transporting of agricultural or horticultural seeds. Specifically, the bill would permit the label for lawn and turf seeds to indicate the name and rate of occurrence per pound of each kind of noxious weed seed present in the mix under the heading "Undesirable Grass Seeds," or under another heading adopted by regulation. Currently the required label is "Noxious Weed Seeds." This amendment is consistent with a recommendation of the Northeast Association of State Departments of Agriculture.

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ASSEMBLY ECONOMIC DEVELOPMENT AND
AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 2090

STATE OF NEW JERSEY

DATED: JUNE 11, 1987

This bill amends the law regulating the labeling of agricultural or horticultural seeds to permit the label for lawn and turf seeds to indicate the name and rate of occurrence per pound of each kind of restricted noxious weed seed present in the mix under the heading "Undesirable Grass Seeds," or under another heading adopted by regulation. Currently, the required label is "Noxious Weed Seeds."

SENATE NATURAL RESOURCES AND AGRICULTURE
COMMITTEE

STATEMENT TO

SENATE, No. 2090

STATE OF NEW JERSEY

DATED: OCTOBER 20, 1986

The Senate Natural Resources and Agriculture Committee favorably reported Senate Bill No. 2090.

This bill would amend the law regulating the labeling, sale, or transporting of agricultural or horticultural seeds. Specifically, the bill would permit the label for lawn and turf seeds to indicate the name and rate of occurrence per pound of each kind of restricted noxious weed seed present in the mix under the heading "Undesirable Grass Seeds," or under another heading adopted by regulation. Currently, the required label is "Noxious Weed Seeds." This amendment is consistent with a recommendation of the Northeast Association of State Departments of Agriculture.