

4: 8-17.13 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 4:8-17.13 et al

(Seed law-revise)

LAWS OF: 1984

CHAPTER: 201

Bill No: A1715

Sponsor(s): Haines, Pankok and Hollenbeck

Date Introduced: March 20, 1984

Committee: Assembly: Agriculture and Environment

Senate: Natural Resources & Agriculture

Amended during passage: Yes Amendments during passage denoted by astrisks

Date of Passage: Assembly: May 17, 1984

Senate: October 18, 1984

Date of Approval: November 28, 1984

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

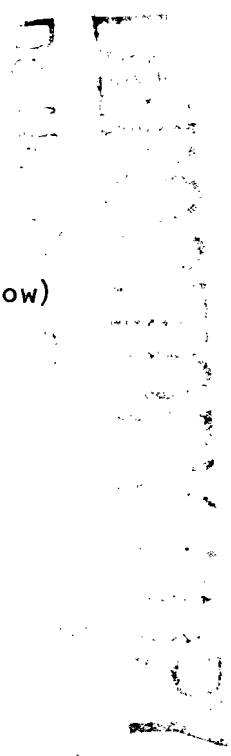
Reports: No

Hearings: No

Sponsors' statement:

This bill would revise the New Jersey State Seed Law (Revision of 1963) in accordance with recent changes made to similar federal statutes.

Federal Statute referred to: P.L. 97-439.



11-28-84 80

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## ASSEMBLY, No. 1715

## STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1984

By Assemblymen HAINES, PANKOK and HOLLENBECK

AN ACT to amend the title of "An act to regulate the labeling, sale, offering, exposing or transporting for sale of agricultural, vegetable, and flower seeds and seed mixtures in the State of New Jersey; to impose penalties for violations, and repealing the "New Jersey State Seed Law," approved June 30, 1948 (P. L. 1948, c. 189)," so that the same shall read "An act to regulate the labeling, sale, offering, exposing or transporting for sale of agricultural, vegetable, flower, tree and shrub seeds and seed mixtures in the State of New Jersey; to impose penalties for violations, and repealing the 'New Jersey State Seed Law,' " and to amend and supplement the body of said act.

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

1 1. The title of P. L. 1963, c. 29 is amended to read as follows:

2 An act to regulate the labeling, sale, offering, exposing or trans-  
3 porting for sale of agricultural, vegetable, [and] flower, *tree and*  
4 *shrub* seeds and seed mixtures in the State of New Jersey; to im-  
5 pose penalties for violations, and repealing the "New Jersey State  
6 Seed Law."

1 2. (New section) a. No person shall engage in the business of  
2 a wholesale seedsman or seed conditioner unless the person is  
3 registered with the State Board of Agriculture in accordance with  
4 this section.

5 b. A person engaged in the business of a wholesale seedsman or  
6 seed conditioner shall register with the State board on January 1st  
7 of each year or prior to commencing operation in the business.  
8 Registration as a wholesale seedsman or seed conditioner shall

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted September 13, 1984.

9 expire on December 31st. An application for registration shall be  
10 filed in a form and according to procedures determined by the  
11 Secretary of Agriculture. The application shall be accompanied  
12 by a nonrefundable application fee of \$125.00. The State board  
13 shall approve or disapprove the application, in writing, no later  
14 than the 10th day after its receipt.

15 c. The State board may disapprove an application for registra-  
16 tion filed under subsection b. of this section and revoke at any  
17 time a registration issued previously if it determines that the  
18 applicant or registrant violated a provision of the New Jersey  
19 State Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8-17.13  
20 et seq.). If the State board disapproves an application or revokes  
21 a registration, it shall provide the applicant or registrant, as the  
22 case may be, with a concise, written statement of reasons therefor.  
23 The statement of reasons shall be transmitted to the applicant or  
24 registrant simultaneously with the notice of disapproval or revo-  
25 cation.

26 d. An applicant or registrant may file a notice of appeal of a  
27 disapproval or revocation with the Secretary of Agriculture no  
28 later than the 10th day after receipt of the notification of the dis-  
29 approval or revocation. The secretary shall afford the applicant  
30 or registrant a hearing not later than the 10th day after receipt  
31 of the notice of appeal. The secretary shall recommend to the State  
32 board that it reverse or affirm the disapproval or revocation no  
33 later than the fifth day after the hearing, accompanying the rec-  
34 ommendation with a concise, written statement of the reasons  
35 therefor. A copy of the secretary's recommendation and reasons  
36 therefor, in writing, shall be transmitted simultaneously to the  
37 applicant or registrant. The State board shall notify the applicant  
38 or registrant of its decision to reject or uphold the appeal no later  
39 than the fifth day after its receipt of the secretary's recommenda-  
40 tion.

1 3. (New section) No provision of the New Jersey State Seed  
2 Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8-17.13 et seq.)  
3 shall apply to seeds produced by a farmer on his own premises and  
4 sold by him directly to the consumer, provided the farmer is not  
5 engaged in the business of selling seeds not produced by him.

1 4. Section 1 of P. L. 1963, c. 29 (C. 4:8-17.13) is amended to  
2 read as follows:

3 1. As used in this act:

4 (a) "State board" means the State Board of Agriculture.

5 (b) The term "State Seed Analyst" means the seed analyst of  
6 the New Jersey Department of Agriculture.

7 (c) The term "certifying agency" means:

8 (1) An agency authorized under the laws of a state, territory  
9 or possession to officially certify seed **[, or]** *and which has pro-*  
10 *cedure and standards approved by the United States Secretary of*  
11 *Agriculture to assure the genetic purity and identity of the seed*  
12 *certified; or*

13 (2) An agency of a foreign country determined by the United  
14 States Secretary of Agriculture to adhere to procedure and stan-  
15 dards for seed certification comparable to those adhered to gen-  
16 erally by seed certifying agencies *included* under **[the laws of states**  
17 **of the United States]** *paragraph (1) of this subsection.*

18 (d) The term "agricultural seeds" means and includes the seeds  
19 of grass, forage, cereal and fiber crops and any other kinds of  
20 seeds, commonly recognized within this State as agricultural seeds,  
21 lawn seeds and mixtures of such seeds, and may include noxious  
22 weed seeds when the State Seed Analyst determines that such seed  
23 is being used as agricultural seed.

24 (e) The term "vegetable seed" means and includes the seeds of  
25 those crops which are grown in gardens and on truck farms and  
26 are generally known and sold under the name of vegetables or  
27 herbs in this State.

28 (f) The term "flower seeds" means and includes the seeds of  
29 herbaceous plants grown for their blooms, ornamental foliage, or  
30 other ornamental parts and commonly known and sold under the  
31 name of flower seeds in this State.

32 (g) The term "kind" means one or more related species or sub-  
33 species which singly or collectively are known by one common  
34 name; for example, corn, oats, red clover and cabbage.

35 (h) The term "variety" means a subdivision of a kind, char-  
36 acterized by growth, yield, plant, fruit, seed, or other character-  
37 istics by which it can be differentiated from other plants of the  
38 same kind.

39 (i) The term "mixture" means seeds consisting of more than  
40 one kind or variety present to the extent of 5% or more of the  
41 total weight of the mixture.

42 (j) The term "weed seeds" includes the seeds or bulblets of all  
43 plants generally recognized as weeds within this State and shall  
44 include noxious weed seeds.

45 (k) (1) "Prohibited noxious weed seeds" are the seeds of peren-  
46 nial weeds such as not only reproduce by seed but also spread by  
47 underground roots, stems and other reproductive parts, and which  
48 when well established, are highly destructive and difficult to control  
49 in this State by ordinary good cultural practices.

50 (2) "Restricted noxious weed seeds" are the seeds of such weeds  
 51 as are very objectionable in fields, lawns [and] or gardens of this  
 52 State, but can be controlled by good cultural practices.

53 (l) The term "pure seed" means agricultural, vegetable or  
 54 flower seeds exclusive of inert matter, weed seeds, and all other  
 55 seeds distinguishable from the kinds or kinds and varieties being  
 56 considered.

57 (m) The term "percentage of germination" means the percent-  
 58 age of seeds other than hard seeds capable of producing normal  
 59 seedlings under favorable conditions (not including seeds which  
 60 produce weak, malformed or abnormal seedlings).

61 (n) The term "percentage of hard seeds" means the percentage  
 62 of seeds which are incapable of sprouting during the prescribed  
 63 test period because their outer structures are impermeable to  
 64 water.

65 (o) The term "labeling" includes all labels, and other written,  
 66 printed or graphic representations, in any form whatsoever, ac-  
 67 companying or pertaining to any seed whether in bulk or in con-  
 68 tainers and includes representations on invoices.

69 (p) The term "advertisement" means all representations, other  
 70 than those on the label, disseminated in any manner or by any  
 71 means relating to seed within the scope of this act.

72 (q) The term "hybrid" means the first generation of a cross  
 73 produced [under controlled pollination. The parents must be suf-  
 74 ficiently uniform to permit repeated production of the hybrid with-  
 75 out change in performance] *by controlling the pollination and by*  
 76 *combining:*

77 (1) *Two or more inbred lines;*

78 (2) *One inbred or a single cross with an open pollinated variety;*  
 79 *or*

80 (3) *Two varieties or species, except open-pollinated varieties of*  
 81 *corn (Zea mays). The second generation or subsequent generations*  
 82 *from crosses shall not be regarded as hybrids.*

83 Hybrid designations shall be treated as variety names.

84 (r) The term "origin" means the foreign country; state of the  
 85 United States; possession of the United States, or designated por-  
 86 tion thereof, where the seed is grown.

87 (s) The term "lot" means a definite quantity of seed which is  
 88 identified by a lot number or other mark, and which has been so  
 89 handled that each portion or container is representative of the  
 90 whole quantity.

91 (t) The term "record" includes all information relating to the  
 92 shipment or shipments involved and includes a file sample of each  
 93 lot of seed.

94 (u) The term "treated" means that the seed has received an  
 95 application of a substance or process designed to control, or repel  
 96 certain insects or disease organisms or other pests attacking such  
 97 seed or seedlings grown therefrom, or has received some other  
 98 treatment to improve its planting value.

99 (v) "*Retail seedsman*" means a person who is engaged in the  
 100 sale in the ordinary course of business of agricultural, vegetable,  
 101 flower, tree or shrub seed which is used for planting purposes and  
 102 is not intended for resale.

103 (w) "*Seed conditioner*" means a person who conditions agricul-  
 104 tural, vegetable, flower, tree or shrub seed for packaging in a con-  
 105 tainer for sale in this State or \***[who affixes]**\* whose name appears  
 106 on\* a label on the seed container which container is sold in this State  
 107 by a wholesale or retail seedsman.

108 (x) "*Shrub seed*" means seed of woody plants commonly known  
 109 and sold as shrub seed in this State.

110 (y) "*Tree seed*" means seed of woody plants commonly known  
 111 and sold as tree seed in this State.

112 (z) "*Tree collector's declaration*" means a statement concerning  
 113 tree and shrub seed which sets forth the place of collection and  
 114 giving, for a lot of seed, the lot number, the common or scientific  
 115 name of the species, the origin, elevation, and quantity of the seed  
 116 and, if appropriate, the subspecies and which contains the signature  
 117 of a person who attests to that information.

118 (aa) "*Wholesale seedsman*" means a person who sells, offers for  
 119 sale, exposes for sale or transports for sale, to a retail seedsman,  
 120 agricultural, vegetable, flower, tree or shrub seed used for planting  
 121 purposes.

1 5. Section 2 of P. L. 1963, c. 29 (C. 4:8-17.14) is amended to  
 2 read as follows:

3 2. Each container of seed treated with a substance harmful to  
 4 man or other animals shall bear thereon in a conspicuous place, a  
 5 plainly written or printed label or tag in the English language,  
 6 giving the information prescribed in (a), (b) **[and]**, (c) and (d)  
 7 of this section, which statement shall not be modified or denied in  
 8 the labeling or on another label attached to the container (for which  
 9 a separate label may be used). For bulk shipments such information  
 10 shall be set forth in a conspicuous place on the bill of lading and  
 11 invoice:

12 (a) A word or statement indicating that the seed has been  
 13 treated;

14 (b) The commonly accepted, coined, chemical, or abbreviated  
 15 chemical (generic) name of the applied substance; **[and]**

16 (c) If the substance in the amount present with the seed is  
 17 harmful to man or other animals, a caution statement such as "Do  
 18 not use for food or feed or oil purposes." The caution for mecurials  
 19 and similarly toxic substances shall be a poison statement and sym-  
 20 bol classification of substances shall conform as nearly as practical  
 21 to the rules and regulations of the federal Seed Act; *and*

22 (d) *If the seed is treated with an inoculant, the date the inocu-*  
 23 *lant becomes ineffective.*

1 6. 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 **[and]**, flower, *tree*  
 4 *and 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 **[grass seed mixtures]**  
 13 *lawn and turf seed* as 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 govern-*  
 19 *ment is not stated on the label, the label shall show the name of the*  
 20 *kind and the words, "Variety Not Stated." Hybrids shall be labeled*  
 21 *as hybrids.* Where more than one component is required to be  
 22 named, the word "mixture" or the word "mixed" shall be shown  
 23 conspicuously on the label.

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, if
- 41 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 the
- 44 quantity of seed without removing it from the medium, mat, tape
- 45 or device, the minimum number of seeds per square foot shall be
- 46 indicated.
- 47 (c) **¶**For seed mixtures for lawn and turf purposes in containers
- 48 of 50 pounds or less:
- 49 (1) The word "mixed" or "mixture."
- 50 (2) The headings "fine-textured grasses" or "coarse kinds," or
- 51 both if present, and thereunder in tabular form in type no larger
- 52 than the heading:
- 53 (A) Commonly accepted name, in order of its predomi-
- 54 nance, of the kind or kind and variety (if known) of each
- 55 agricultural seed present in excess of 5% of the whole and
- 56 determined to be a "fine-textured grass" or a "coarse kind"
- 57 in accordance with the rules and regulations under this act;
- 58 (B) Percentage by weight of pure seed of each agricultural
- 59 seed named;
- 60 (C) For each agricultural seed named under (A) above:
- 61 1. Percentage of germination, exclusive of hard seed.
- 62 2. Percentage of hard seed, if present.
- 63 3. Calendar month and year the test was completed to de-
- 64 termine such percentage.
- 65 (3) The heading "other ingredients" and thereunder in type no
- 66 larger than the heading:
- 67 (A) Percentage by weight of all weed seeds;
- 68 (B) Percentage by weight of all agricultural seeds other
- 69 than those stated under paragraph (2) (A) of this section;
- 70 (C) Percentage by weight of inert matter.
- 71 (4) Lot number or other lot identification.
- 72 (5) Name and rate of occurrence per pound of each kind of
- 73 restricted noxious weed seed present.
- 74 (6) Name and address of the person who labeled said seed, or
- 75 who sells, offers or exposes said seed for sale within this State.
- 76 (7) Net weight. **¶** *For lawn and turf seed and mixture of that*
- 77 *seed:*
- 78 (1) *The commonly accepted name of the kind or \***¶**variety\***¶***



79 *\*kind and variety\**, or both, of each agricultural seed component  
 80 *\*[consisting]\* \*in excess\* of 5.0% *\*[or more]\* of the whole and*  
 80A *the percentage by weight of pure seed of each.**

81 (A) *For mixtures the word "mixed" or "mixture" shall be*  
 82 *stated with the name of the mixture on *\*[the required labeling**  
 83 *block and on]\* the principal display panels; and*

84 (B) *For mixtures, all components shall be listed in the order*  
 85 *of their predominance and in columnar form. Percentages*  
 86 *shall be listed under headings "Pure Seed" and "Germination*  
 87 *\*or Germ\*." *\*[Headings shall not be abbreviated.]\***

88 (2) *\*[Other crop seed shall include the percentage]\* *\*Percent-**  
 89 *age\* by weight of all agricultural seed except those required to be*  
 90 *\*[labeled]\* *\*named on the label and which shall be designated**  
 91 *"crop seed"\*. If the mixture contains no other crop seed, the follow-*  
 91A *ing statement may be used on the label "Contains No Other Crop*  
 91B *Seeds."*

92 (3) *Percentage by weight of all weed seeds. Maximum weed*  
 93 *seed content shall not exceed 1% by weight.*

94 (4) *Percentage by weight of inert matter shall not exceed 15%*  
 95 *by weight. Foreign material not common to grass seed shall not*  
 96 *be added.*

97 (5) *Lot number or other lot identification.*

98 (6) *Name and rate of occurrence per pound of each kind of re-*  
 99 *stricted noxious weed seed present listed under the heading*  
 100 *"Noxious Weed Seeds."*

101 (7) *The percentage of germination, exclusive of hard seed; hard*  
 102 *seed, if present, and the calendar month and year that the germi-*  
 103 *nation test was completed. If a single test date is used, it shall be*  
 104 *that of the oldest tested component.*

105 (8) *Net weight.*

106 (d) *For vegetable seeds in containers of one pound or less:*

107 (1) *Name of kind and variety of seed.*

108 (2) *For seeds which germinate more than the standard last es-*  
 109 *tablished by the rules and regulations under this act.*

110 (A) *The year for which packeted or put up, provided that*  
 111 *the words "packed for" shall precede the year, or the percent-*  
 112 *age of germination and the month and year the test was com-*  
 113 *pleted to determine such percentage.*

114 (3) *For seeds which germinate less than the standard last*  
 115 *established by the rules and regulations under this act:*

116 (A) *Percentage of germination, exclusive of hard seed;*

117 (B) *Percentage of hard seed if present;*

118 (C) The calendar month and year the test was completed  
119 to determine such percentages;

120 (D) The words "below standard" in not less than 8-point  
121 type.

122 (4) For seeds placed in a germination medium, mat, tape or  
123 other device in such a way as to make it difficult to determine the  
124 quantity of seed without removing it the label must bear a state-  
125 ment to indicate the minimum number of seeds in the container.

126 (5) *Lot identification, such as by lot number or other means.*

127 (6) *For seeds without an established germination standard in*  
128 *the rules and regulations promulgated under the New Jersey State*  
129 *Seed Law (Revision of 1963), P. L. 1963, c. 29 (C. 4:8-17.13 et*  
130 *seq.):*

131 (A) *Percentage of germination, exclusive of hard seed;*

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

133 (C) *The calendar month and year the test was completed to*  
134 *determine the percentages.*

135 (e) For vegetable seeds in containers of more than one pound:

136 (1) The name of each kind and variety present in excess of 5%  
137 and the percentage by weight of each.

138 (2) Lot number or other lot identification.

139 (3) For each named vegetable seed:

140 (A) The percentage of germination, exclusive of hard seed;

141 (B) The percentage of hard seed if present;

142 (C) The calendar month and year the test was completed to  
143 determine such percentages.

144 Following (A) and (B) the "total germination and hard  
145 seed" may be stated as such if desired.

146 (4) The labeling requirements for vegetable seeds in containers  
147 of more than one pound shall be deemed to have been met if the  
148 seed is weighed from a properly labeled container in the presence  
149 of the purchaser.

150 (f) For flower seeds in containers intended for use in home  
151 gardens or household planting or in preplanted containers, mats,  
152 tapes, or other planting devices:

153 (1) For all kinds of flower seeds:

154 (A) The name of the kind and variety or a statement of  
155 type and performance characteristics as prescribed in the rules  
156 and regulations promulgated under the provisions of this act;

157 (B) The calendar month and year seed was tested or the  
158 year for which the seed was packaged; and

159 (C) The name and address of the person who labeled said

160 seed, or who sells, offers, or exposes said seed for sale within  
161 this State.

162 (2) For seeds of those kinds for which standard testing pro-  
163 cedures are prescribed and which germinate less than the germi-  
164 nation standard last established under the rules and regulations  
165 of this act:

166 (A) The percentage of germination exclusive of hard seed;  
167 and

168 (B) The words "below standard" in not less than 8-point  
169 type.

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

175 (4) *For seeds without an established germination standard in*  
176 *the rules and regulations under the New Jersey Seed Law (Revision*  
177 *of 1963), P. L. 1963, c. 29 (C. 4:8-17.13 et seq.):*

178 (A) *Percentage of germination, exclusive of hard seed;*

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

180 (C) *The calendar month and year the test was completed to*  
181 *determine the percentages.*

182 (g) For flower seeds in containers other than those intended for  
183 use in home gardens or household planting, preplanted containers,  
184 mats, tapes, or other planting devices as described in the rules and  
185 regulations:

186 (1) The name of the kind and variety or a statement of type  
187 and performance characteristics as prescribed in rules and regu-  
188 lations promulgated under the provisions of this act;

189 (2) The lot number or other lot identification;

190 (3) The calendar month and year that the seed was tested;

191 (4) The name and address of the person who labeled said seed  
192 or who sells, offers, or exposes said seed for sale within this State;  
193 and,

194 (5) For those kinds of seeds for which standard testing pro-  
195 cedures are prescribed by the rules and regulations:

196 (A) The percentage of germination exclusive of hard seed;  
197 and

198 (B) The percentage of hard seed, if present.

199 (h) *For agricultural seeds that are coated:*

200 (1) *Percentage of pure seeds with coating material removed.*

201 (2) *Percentage of coating material shall be shown as a separate*  
202 *item in close association with the percentage of inert matter.*

203 (3) *Percentage of germination shall be determined on 400 pellets*  
 204 *with or without seeds.*

205 (4) *In addition to the provisions of this subsection, labeling of*  
 206 *agricultural seeds that are coated shall comply with the require-*  
 207 *ments of subsections (a), (b) and (c) of this section.*

208 (i) *For tree and shrub seeds:*

209 (1) *Common name of the species of seed, and, if appropriate*  
 210 *the subspecies.*

211 (2) *The scientific name of the genus and species and, if appro-*  
 212 *priate, the subspecies.*

213 (3) *Lot number or other lot identification.*

214 (4) *Origin:*

215 (A) *For seed collected from a predominantly indigenous*  
 216 *stand, the area of collection given by latitude and longitude,*  
 217 *or geographic description, or political subdivision such as state*  
 218 *or county; and*

219 (B) *For seed collected from other than a predominantly in-*  
 220 *digenous stand, the area of collection and the origin of the*  
 221 *stand or state "Origin Not Indigenous."*

222 (5) *The elevation of the upper and lower limits of elevations*  
 223 *within which the seed was collected.*

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

225 (7) *For those species for which standard germination testing*  
 226 *procedures are prescribed by the State Seed Analyst, the follow-*  
 227 *ing:*

228 (A) *Percentage germination exclusive of hard seed;*

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

230 (C) *The calendar month and year the test was completed*  
 231 *to determine the percentages.*

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

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

1 7. Section 4 of P. L. 1963, c. 29 (C. 4:8-17.16) is amended to  
 2 read as follows:

3 4. No person shall sell, offer for sale, or transport for sale any  
 4 agricultural, vegetable [or], flower, *tree or shrub* seed within this  
 5 State—

6 (a) Unless the test to determine the percentage of germination  
 7 required by section 3 shall have been completed within a nine-month  
 8 period, exclusive of the calendar month in which the test was com-

9 pleted, immediately prior to sale, exposure for sale, or offering for  
10 sale or transportation.

11 *Notwithstanding the prohibition contained in this subsection,*  
12 *agricultural or vegetable seeds packaged in hermetically-sealed*  
13 *containers under the conditions specified in rules and regulations*  
14 *promulgated under the New Jersey State Seed Law (Revision of*  
15 *1963), P. L. 1963, c. 29 (C. 4:8-17.13 et seq.) may be sold, exposed*  
16 *for sale, offered for sale or transported for sale for a period of 36*  
17 *months after the last day of the month that the seeds were tested*  
18 *for germination prior to packaging. Agricultural or vegetable seeds*  
19 *in hermetically-sealed containers may be sold, exposed for sale,*  
20 *offered for sale or transported for sale more than 36 months after*  
21 *the last day of the month in which they were tested for germination*  
22 *prior to packaging if they are retested within a nine-month period,*  
23 *exclusive of the calendar month in which the retest is completed,*  
24 *immediately prior to sale, exposure for sale, offering for sale or*  
25 *transportation.*

26 *This subsection does not apply to tree and shrub seeds.*

27 (b) Not labeled in accordance with the provisions of this act.

28 (c) Pertaining to which there has been false or misleading ad-  
29 vertisement.

30 (d) Consisting of or containing prohibited noxious weed seeds,  
31 subject to the tolerances established in the rules and regulations  
32 promulgated under this act.

33 (e) Consisting of or containing restricted noxious weed seeds  
34 in excess of the number prescribed by rules and regulations promul-  
35 gated under this act, or in excess of the number declared on the  
36 label attached to the container of the seed or associated with the  
37 seed.

38 (f) Containing more than **[2½%]** 1% by weight of all weed  
39 seeds.

40 (g) If any labeling, advertising, or other representations subject  
41 to this act represents the seed to be certified or registered seed  
42 unless it has been determined by a seed certifying agency that such  
43 seed was produced, processed and packaged, and conforms to stan-  
44 dards of purity as to kind or variety, in compliance with rules and  
45 regulations of such agency pertaining to such seed, and the seed  
46 bears an official label issued for such seed by a seed certifying  
47 agency stating that the seed is **[certified or registered]** *of a speci-*  
48 *fied class and a specified kind, species and subspecies, if appropri-*  
49 *ate, or variety.*

50 (h) Represented to be hybrid unless such seed conforms to the  
51 definition of hybrid in section 1 (q) of this act; provided that this

52 prohibition shall not apply to variety names in common trade usage  
53 at the time this act becomes effective.

54 (i) *Labeled with a variety name but not certified by a certifying*  
55 *agency and the variety of seed has a certificate of plant variety*  
56 *protection issued by the Plant Variety Protection Office in the*  
57 *United States Department of Agriculture under the "Plant Variety*  
58 *Protection Act," Pub. L. 91-577 (7 U. S. C. § 2321 et seq.) which*  
59 *certificate specifies sale only as a class of certified seed, provided*  
60 *that seed from a certified lot may be labeled as to variety name*  
61 *when used in a mixture by, or with the approval of, the owner of*  
62 *the variety.*

1 8. Section 6 of P. L. 1963, c. 29 (C. 4:8-17.18) is amended to  
2 read as follows:

3 6. Each person whose name appears on the label as handling  
4 agricultural, vegetable, [or] flower, tree or shrub seeds subject to  
5 this act shall keep for a period of two years complete records of  
6 each lot of seed handled and keep for one year a file sample of each  
7 lot of seed after final disposition of said lot. All such records and  
8 samples pertaining to the shipment or shipments involved shall be  
9 accessible for inspection by the State Seed Analyst or his agent  
10 during customary business hours.

1 9. Section 8 of P. L. 1963, c. 29 (C. 4:8-17.20) is amended to  
2 read as follows:

3 8. It shall not constitute a violation of this act for any person to  
4 have sold or offered or exposed for sale agricultural, vegetable, [or]  
5 flower, tree or shrub seed, which was incorrectly labeled or repre-  
6 sented as to kind, variety, type or origin (if required) which seeds  
7 cannot be identified by examination thereof, unless he has failed  
8 to obtain an invoice, genuine grower's or tree seed collector's decla-  
9 ration or other labeling information and to take such other pre-  
10 cautions as may be reasonable to insure the identity to be that  
11 stated. *A genuine grower's declaration of variety shall affirm that*  
12 *the grower holds records of proof concerning parent seed, such as*  
13 *invoice and labels.*

1 10. Section 12 of P. L. 1963, c. 29 (C. 4:8-17.24) is amended to  
2 read as follows:

3 12. The State board may by rule or regulation prescribe and  
4 establish:

5 (a) The method or methods of sampling, inspecting, analyzing,  
6 testing, and examining seed, and the tolerances to be followed in  
7 the administration of this act, which shall be in general accord  
8 with officially prescribed practice in interstate commerce, and such

9 other rules and regulations as may be necessary to secure the  
10 enforcement of this act;

11 (b) Lists of prohibited and restricted noxious weeds, and  
12 changes in such lists;

13 (c) Reasonable standards of germination for vegetable seeds;

14 (d) Reasonable germination standards for flower seeds; **[and]**

15 (e) Schedule of fees for analysis of samples submitted; *and*

16 (f) *Procedures governing the registration of a wholesale seeds-*  
17 *man and a seed conditioner in accordance with this 1984 amenda-*  
18 *tory and supplementary act.*

1 11. Section 17 of P. L. 1963, c. 29 (C. 4:8-17.29) is amended to  
2 read as follows:

3 17. a. A person **[whi]** *who* violates any of the provisions of this  
4 act or any order, rule or regulation made by the State Board of  
5 Agriculture under this act *or who prevents or hinders a representa-*  
6 *tive of the Department of Agriculture in performing his duty under*  
7 *P. L. 1963, c. 29 (C. 4:8-17.13 et seq.)* shall be liable to a penalty  
8 of not less than **[\$25.00]** *\$50.00* nor more than \$100.00 for a first  
9 offense, and not less than \$100.00 nor more than **[\$200.00]** *\$500.00*  
10 for **[each]** *a subsequent offense committed within a 12 month*  
11 *period.*

12 The penalty shall be sued for and recovered in an action to be  
13 brought by and in the name of the Secretary of Agriculture in a  
14 summary manner pursuant to "the penalty enforcement law"  
15 (N. J. S. 2A:58-1 et seq.) as provided in article 2 of chapter 23  
16 of Title 4 of the Revised Statutes.

17 After judgment by the court in any case arising under this act,  
18 the State Seed Analyst shall publish any information pertinent  
19 to the issuance of the judgment by the court in such media as he  
20 may designate from time to time.

21 The Department of Agriculture shall be entitled to the assistance  
22 of the Attorney General in the enforcement of this act.

23 (b) *Nothing in the New Jersey State Seed Law (Revision of*  
24 *1963), P. L. 1963, c. 29 (C. 4:8-17.13 et seq.) shall be construed as*  
25 *requiring the State Seed Analyst or his representative to: (1) re-*  
26 *port for prosecution, (2) institute seizure proceedings, (3) issue*  
27 *a withdrawal from distribution order when he believes the public*  
28 *interest will best be served by a written notice of warning.*

29 (c) *Before the State Seed Analyst reports a violation of the New*  
30 *Jersey State Seed Law (Revision of 1963), the violator shall be*  
31 *given an opportunity to be heard before the secretary.*

32 (d) *The secretary is authorized to apply for a temporary or*  
33 *permanent injunction restraining a person from violating any of*

34 *the provisions of the New Jersey State Seed Law (Revision of*  
35 *1963) or a rule or regulation promulgated under the act, notwith-*  
36 *standing the existence of other remedies at law. The injunction*  
37 *shall be issued without bond.*

38 *(e) Upon receiving any information of a violation of any pro-*  
39 *visions of the New Jersey State Seed Law (Revision of 1963) or*  
40 *any rule or regulation adopted thereunder, the secretary or any*  
41 *agent designated by him, may hold hearings upon the violation and*  
42 *if the secretary or agent finds that the violation was committed, he*  
43 *may assess a penalty against the violator in an amount not to ex-*  
44 *ceed the maximum limit set forth in subsection (a) of this section,*  
45 *as he deems proper under the circumstances. If the violator pays*  
46 *the penalty, no further prosecution shall be had upon that violation.*

1 12. This act shall take effect immediately but shall remain in-  
2 operative until January 1 next following enactment in order to  
3 permit the taking of measures necessary for the implementation  
4 thereof.

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41 *agent designated by him, may hold hearings upon the violation and*  
42 *if the secretary or agent finds that the violation was committed, he*  
43 *may assess a penalty against the violator in an amount not to ex-*  
44 *ceed the maximum limit set forth in subsection (a) of this section,*  
45 *as he deems proper under the circumstances. If the violator pays*  
46 *the penalty, no further prosecution shall be had upon that violation.*

1 12. This act shall take effect immediately but shall remain in-  
2 operative until January 1 next following enactment in order to  
3 permit the taking of measures necessary for the implementation  
4 thereof.

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STATEMENT

This bill would revise the New Jersey State Seed Law (Revision of 1963) in accordance with recent changes made to similar federal statutes.

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ASSEMBLY AGRICULTURE AND ENVIRONMENT  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 1715

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STATE OF NEW JERSEY

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DATED: MAY 7, 1984

This bill requires persons wishing to engage in the business of selling or conditioning seeds for agricultural and horticultural purposes to register with the State Board of Agriculture and to otherwise conform to the New Jersey State Seed Law (Revision of 1983), P. L. 1963, c. 29 (C. 4:8-17.13 et seq.). Violators would have their registrations revoked.

The bill also amends the New Jersey State Seed Law (Revision of 1963) to: clarify certain terms used in the act by specifically defining them; provide that the label for agricultural seeds shall state the seed name, and shall include the phrase "Variety Not Stated" for that portion in excess of 5% of the whole by weight that is unknown; and provide that all seed is labelled specifying precise content by percentage in descending order.

The bill would establish a labelling procedure more consistent with that of other states and would more fully inform consumers of the exact content of the product.

SENATE NATURAL RESOURCES AND AGRICULTURE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 1715**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: SEPTEMBER 13, 1984

This bill would revise the New Jersey State Seed Law (Revision of 1963) to conform to recent changes in federal law.

The Senate Natural Resources and Agriculture Committee made several technical amendments to the bill embodying recommendations of the Department of Agriculture and the seed industry.



# OFFICE OF THE GOVERNOR

## NEWS RELEASE

CN-001

Contact: CARL GOLDEN  
609-292-8956

TRENTON, N.J. 08625

Release: THURS., NOV. 29, 1984

Governor Thomas H. Kean today signed legislation to permit the Boards of Freeholders in Essex and Hudson counties to appoint aides who would serve at the pleasure of the Board and in the unclassified Civil Service.

The legislation, A-2689, was sponsored by Assemblyman Harry McEnroe, D-Essex.

The bill restricts such appointive power to boards in first class counties operating under the Optional County Charter Law.

Kean also signed the following bills:

A-2874, sponsored by Assemblyman Nicholas Felice, R-Bergen, to appropriate \$30,000 to finance the relocation of the historic Cadmus House in Fair Lawn. The 168-year-old house was once the residence of Lt. Andrew Cadmus who was captured by the British during the Revolution in his attempt to defend the community.

S-1227, sponsored by Senator Matthew Feldman, D-Bergen, which extends eligibility for enrollment in the New Jersey Alternate Benefit Program Pension System to non academic employees of State and county colleges.

SJR-15, sponsored by Senator Raymond Lesniak, D-Union, which designates the week of December 9 as "Human Rights Week" in New Jersey.

A-1715, sponsored by Assemblyman C. William Haines, R-Burlington, to add tree and shrub seeds to the other seed types currently regulated by State law.

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