

Assembly Bill No. 1080

CHAPTER 282

An act to amend Section 52482 of, and to add Section 52489 to, the Food and Agricultural Code, relating to agriculture.

[Approved by Governor September 3, 2003. Filed with Secretary of State September 4, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1080, Committee on Agriculture. California Seed Law: violation of federal plant law.

Existing law known as the California Seed Law, among other things, seeks to ensure the quality and variety of seed available to the consumer-buyer, as specified. A violation of any of these provisions is generally a misdemeanor.

This bill would provide, in addition, that a violation of specified provisions of the United States Plant Variety Protection Act is a violation of the California Seed Law. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 52482 of the Food and Agricultural Code is amended to read:

52482. Except as otherwise provided in Section 52486, it is unlawful for any person to ship, deliver, transport, or sell any agricultural or vegetable seed within this state which is within any of the following classes:

(a) Is not labeled in accordance with the provisions of this chapter. This subdivision does not, however, apply to any seed which is described in Section 52451.

(b) Contains prohibited noxious weed seed, subject to tolerances and methods of determination prescribed in the regulations which are adopted pursuant to this chapter. This subdivision does not, however,



apply to any of the seed which is described in subdivisions (a) or (b) of Section 52451.

(c) Has a false or misleading labeling, or pertaining to which there has been a false or misleading advertisement.

(d) Is represented to be certified seed or registered seed, unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of a seed-certifying agency which is officially recognized under the provisions of this chapter, if produced in this state, or under the provisions of the Federal Seed Act (7 U.S.C., Sec. 1551, et seq.), as enacted, and rules and regulations which are adopted pursuant to that act, if produced outside of this state.

(e) Contains more than 1¹/₂ percent by weight of all weed seeds. This subdivision does not, however, apply to any seed which is described in subdivision (a),(b), or (c) of Section 52451.

(f) To sell, by variety name, seed not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection under the United States Plant Variety Protection Act (84 Stats 1542; 7 U.S.C. Sec. 2321, et seq.) specifies sale only as a class of certified seed, except that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the written approval of the owner of the variety.

SEC. 2. Section 52489 is added to the Food and Agricultural Code, to read:

52489. It is unlawful for any person to violate the provisions of the United States Plant Variety Protection Act contained in Part J (commencing with Section 2531), Part K (commencing with Section 26510), or Part L (commencing with Section 2561) of Subchapter III of Chapter 57 of Title 7 of the United States Code, as enacted.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

