

AMENDED IN SENATE JUNE 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2470**

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**Introduced by Assembly Member Salas**

February 21, 2014

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An act to amend Sections 52256.5, 52288, 52332, and 52452 ~~of~~ *of, and to add Section 52334 to*, the Food and Agricultural Code, relating to seed.

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, as amended, Salas. California Seed Law.

Existing law, the California Seed Law, regulates seed sold in California, and requires each container of agricultural seed that is for sale or sold within this state for sowing purposes to be labeled, as specified, unless the sale is an occasional sale of seed grain by the producer of the seed grain to his neighbor for use by the purchaser within the county of production. Existing law defines “person” for purposes of ~~that law~~ *the California Seed Law* to mean an individual, partnership, trust association, cooperative association, or any other business unit or organization.

This bill would clarify that definition of “person” to include corporations. The bill would also clarify the term “neighbor” for purposes of the labeling requirements specified above to mean a person who lives in close proximity, not to exceed 3 miles, to another. The bill would revise a statement of legislative intent to include ensuring that the amount of seed represented on a tag or label is properly identified.

*Existing law authorizes the Secretary of Food and Agriculture, by regulation, to adopt a list of plants and crops that the secretary finds are or may be grown in this state from agricultural or vegetable seed.*

*This bill would instead authorize the secretary, by regulation, to adopt a list of plants and crops that the secretary finds are or may be grown in this state from any seed. The bill would also prohibit a city, county, or district, including a charter city or county, from adopting or enforcing an ordinance on or after January 1, 2015, that regulates plants, crops, or seeds without the consent of the secretary. The bill would make other nonsubstantive changes.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 52256.5 of the Food and Agricultural
- 2 Code is amended to read:
- 3 52256.5. "Person" also means any individual, partnership,
- 4 corporation, trust association, cooperative association, or any other
- 5 business unit or organization.
- 6 SEC. 2. Section 52288 of the Food and Agricultural Code is
- 7 amended to read:
- 8 52288. The Legislature hereby declares that it is the intent of
- 9 this chapter to enable the seed industry, with the aid of the state,
- 10 to ensure that seed purchased by the consumer-buyer is properly
- 11 identified and of the quality and amount represented on the tag or
- 12 label. The Legislature further declares that the success of
- 13 agriculture and the seed industry in this state depends upon the
- 14 continued commitment to industry-funded research in order to
- 15 improve the quality and variety of seed available to the
- 16 consumer-buyer.
- 17 SEC. 3. Section 52332 of the Food and Agricultural Code is
- 18 amended to read:
- 19 52332. The secretary, by regulation, may adopt all of the
- 20 following:
- 21 (a) A list of the plants and crops that the secretary finds are or
- 22 may be grown in this state ~~from agricultural or vegetable seed.~~
- 23 *state.*
- 24 (b) A list of the plants and crops that the secretary finds are
- 25 detrimental to agriculture if they occur incidentally in other crops,
- 26 and which, therefore, are classed as weed seed except if sold alone
- 27 or as a specific constituent of a definite seed mixture.

1 (c) A list of noxious weed seed that the secretary finds are  
2 prohibited noxious weed seed, as defined in this chapter.

3 (d) A list of those noxious weed seed that are not classified as  
4 prohibited noxious weed seed, ~~and which, therefore, seed and~~ are  
5 ~~classed~~ *classified* by this chapter as restricted noxious weed seed.

6 (e) A list of substances that are likely to be used for treating  
7 grain or other crop seed, ~~which seed that~~ the secretary finds and  
8 determines are toxic to human beings or animals if ~~so~~ used, ~~together~~  
9 ~~with~~ *and* an appropriate warning or caution statement for each  
10 ~~such~~ substance.

11 (f) (1) Establish methods and procedures, upon the  
12 recommendation of the board, for the conciliation, mediation, or  
13 arbitration of disputes between labelers and any persons concerning  
14 conformance with label ~~statements~~, *statements*, advertisements,  
15 or other disputes regarding the quality or performance of seed.  
16 The methods and procedures shall be a mandatory prerequisite to  
17 pursuing other dispute resolution mechanisms, including, but not  
18 limited to, litigation. However, if conciliation, mediation, or  
19 arbitration proceedings are commenced under this section to resolve  
20 a controversy, the statute of limitations that applies to a civil action  
21 concerning that controversy is tolled upon commencement of  
22 conciliation, mediation, or arbitration proceedings, and until 30  
23 days after the completion of those proceedings. As used in this  
24 subdivision, “completion of those proceedings” means the filing  
25 of a statement of agreement or nonagreement by the conciliator  
26 or mediator, or the rendering of a decision by an arbitrator or  
27 arbitration committee.

28 ~~Conciliation,~~

29 (2) *Conciliation*, mediation, or arbitration shall not affect any  
30 enforcement action by the secretary pursuant to this chapter.  
31 Regulations adopted by the secretary for the mandatory  
32 conciliation, mediation, or arbitration of disputes shall require that  
33 adequate notice be provided on the seed label notifying any buyer  
34 of the requirement to submit a dispute to mandatory conciliation,  
35 mediation, or arbitration as a prerequisite to other dispute resolution  
36 mechanisms, including litigation.

37 (g) Establish additional labeling requirements for coated,  
38 pelleted, encapsulated, mat, tape, or any other germination medium  
39 or device used on ~~agricultural or vegetable~~ seed in order that the

1 purchaser or consumer will be informed as to the actual amount  
2 of seed purchased.

3 *SEC. 4. Section 52334 is added to the Food and Agricultural*  
4 *Code, to read:*

5 *52334. Notwithstanding any other law, on and after January*  
6 *1, 2015, a city, county, or district, including a charter city or*  
7 *county, shall not adopt or enforce an ordinance that regulates*  
8 *plants, crops, or seeds without the consent of the secretary. An*  
9 *ordinance enacted before January 1, 2015, shall be considered*  
10 *part of the comprehensive program of the department and shall*  
11 *be enforceable.*

12 ~~SEC. 3.~~

13 *SEC. 5. Section 52452 of the Food and Agricultural Code is*  
14 *amended to read:*

15 *52452. (a) Except as otherwise provided in Section 52454,*  
16 *each container of agricultural seed that is for sale or sold within*  
17 *this state for sowing purposes, unless the sale is an occasional sale*  
18 *of seed grain by the producer of the seed grain to his or her*  
19 *neighbor for use by the purchaser within the county of production,*  
20 *shall bear upon it or have attached to it in a conspicuous place a*  
21 *plainly written or printed label or tag in the English language that*  
22 *includes all of the following information:*

23 (1) The commonly accepted name of the kind, kind and variety,  
24 or kind and type of each agricultural seed component in excess of  
25 5 percent of the whole, and the percentage by weight of each. If  
26 the aggregate of agricultural seed components, each present in an  
27 amount not exceeding 5 percent of the whole, exceeds 10 percent  
28 of the whole, each component in excess of 1 percent of the whole  
29 shall be named together with the percentage by weight of each. If  
30 more than one component is required to be named, the names of  
31 all components shall be shown in letters of the same type and size.

32 (2) The lot number or other lot identification.

33 (3) The percentage by weight of all weed seeds.

34 (4) The name and approximate number of each kind of restricted  
35 noxious weed seed per pound.

36 (5) The percentage by weight of any agricultural seed except  
37 that which is required to be named on the label.

38 (6) The percentage by weight of inert matter. If a percentage  
39 by weight is required to be shown by any provision of this section,

1 that percentage shall be exclusive of any substance that is added  
2 to the seed as a coating and shown on the label as such.

3 (7) For each agricultural seed in excess of 5 percent of the  
4 whole, stated in accordance with paragraph (1), the percentage of  
5 germination exclusive of hard seed, the percentage of hard seed,  
6 if present, and the calendar month and year the test was completed  
7 to determine the percentages. Following the statement of those  
8 percentages, the additional statement “total germination and hard  
9 seed” may be stated.

10 (8) The name and address of the person who labeled the seed  
11 or of the person who sells the seed within this state.

12 (b) All determinations of noxious weed seeds are subject to  
13 tolerances and methods of determination prescribed in the  
14 regulations that are adopted pursuant to this chapter.

15 (c) For purposes of this section, “neighbor” means a person who  
16 lives in close proximity, not to exceed three miles, to another.