

**Introduced by Senator Rubio**

February 5, 2013

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An act to amend Sections 52256.5, 52288, and 52452 of the Food and Agricultural Code, relating to seed.

LEGISLATIVE COUNSEL'S DIGEST

SB 171, as introduced, Rubio. California Seed Law.

Existing law, the California Seed Law, regulates seed sold in California, and requires each container of seed that is sold within this state for sowing purposes to be labeled, 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 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.

Vote: majority. Appropriation: no. Fiscal committee: no.  
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:

1 52256.5. “Person” also means any individual, partnership,  
 2 *corporation*, trust association, cooperative association, or any other  
 3 business unit or organization.

4 SEC. 2. Section 52288 of the Food and Agricultural Code is  
 5 amended to read:

6 52288. The Legislature hereby declares that it is the intent of  
 7 this chapter to enable the seed industry, with the aid of the state,  
 8 to ensure that seed purchased by the consumer-buyer is properly  
 9 identified and of the quality *and amount* represented on the tag or  
 10 label. The Legislature further declares that the success of  
 11 agriculture and the seed industry in this state depends upon the  
 12 continued commitment to ~~industry-funded~~ *industry-funded* research  
 13 in order to improve the quality and variety of seed available to the  
 14 consumer-buyer.

15 SEC. 3. Section 52452 of the Food and Agricultural Code is  
 16 amended to read:

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

26 ~~(a)~~

27 (1) ~~Commonly~~ *The commonly* accepted name of the kind, kind  
 28 and variety, or kind and type of each agricultural seed component  
 29 in excess of 5 percent of the whole, and the percentage by weight  
 30 of each. If the aggregate of agricultural seed components, each  
 31 present in an amount not exceeding 5 percent of the whole, exceeds  
 32 10 percent of the whole, each component in excess of 1 percent  
 33 of the whole shall be named together with the percentage by weight  
 34 of each. If more than one component is required to be named, the  
 35 names of all components shall be shown in letters of the same type  
 36 and size.

37 ~~(b)~~

38 (2) ~~Lot~~ *The lot* number or other lot identification.

39 ~~(c)~~

40 (3) ~~Percentage~~ *The percentage* by weight of all weed seeds.

1     ~~(d)~~  
2     (4) The name and approximate number of each kind of restricted  
3 noxious weed seed per pound.

4     ~~(e)~~  
5     (5) ~~Percentage~~ *The percentage* by weight of any agricultural  
6 seed except that which is required to be named on the label.

7     ~~(f)~~  
8     (6) ~~Percentage~~ *The percentage* by weight of inert matter. If a  
9 percentage by weight is required to be shown by any provision of  
10 this ~~section~~ *such section*, *that* percentage shall be exclusive of any  
11 substance ~~which~~ *that* is added to the seed as a coating and shown  
12 on the label as such.

13     ~~(g)~~  
14     (7) For each agricultural ~~seed~~, *seed* in excess of 5 percent of  
15 the whole, stated in accordance with ~~subdivision (a) of this section~~,  
16 *paragraph (1)*, the percentage of ~~germination~~, *germination*  
17 exclusive of hard ~~seed~~, *seed*, the percentage of hard seed, if ~~present~~,  
18 *present*, and the calendar month and year the test was completed  
19 to determine ~~such~~ *the* percentages. Following the statement of ~~such~~  
20 *those* percentages, the additional statement “total germination and  
21 hard seed” may be ~~stated as such, if desired.~~ *stated.*

22     ~~(h)~~  
23     (8) ~~Name~~ *The name* and address of the person ~~that~~ *who* labeled  
24 the ~~seed~~, *seed* or of the person ~~that~~ *who* sells the seed within this  
25 state.

26     (b) All determinations of noxious weed seeds are subject to  
27 tolerances and methods of determination ~~which are~~ prescribed in  
28 the regulations ~~which~~ *that* are adopted pursuant to this chapter.

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