

AMENDED IN SENATE JUNE 15, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1810

Introduced by Assembly Member Levine
(Coauthor: Assembly Member Mathis)

February 8, 2016

An act to amend Sections ~~52288, 52311, 52451, and 52486~~ of, 52288 and 52451 of, and to add ~~Section~~ Sections 52258.2 to, and 52351.5 to, the Food and Agricultural Code, relating to seed.

LEGISLATIVE COUNSEL'S DIGEST

AB 1810, as amended, Levine. California Seed Law: exclusions: noncommercial seed sharing.

The California Seed Law (the seed law) regulates seed sold in California, and generally requires agricultural and vegetable seed that is sold in the state to be labeled in accordance with specified provisions. Specified penalties are prescribed for violating the provisions of the seed law.

This bill would exclude from the labeling requirements of the seed law seed distributed ~~through noncommercial seed sharing activities, and would revise applicable penalty provisions to exclude the collection, storage, or distribution of agricultural, flower, or vegetable seed for noncommercial purposes. The bill would also define the term "sell" for purposes of the seed law, and or received by seed libraries, as defined by the bill. The bill would authorize the Secretary of Food and Agriculture to require any person or organization that operates a seed~~

library to provide notification of its operation on a form created by the secretary, and would state that the Legislature ~~declares~~ declares, among other things, that the seed law is ~~not~~ intended to ~~regulate~~ support noncommercial seed ~~sharing~~, activities, as specified.

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

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

1 ~~SECTION 1. Section 52258.2 is added to the Food and~~
2 ~~Agricultural Code, to read:~~

3 ~~52258.2. "Sell" includes to offer, expose, or possess for sale,~~
4 ~~and to commercially exchange, barter, or trade.~~

5 *SECTION 1. Section 52258.2 is added to the Food and*
6 *Agricultural Code, to read:*

7 *52258.2. "Seed library" means a registered noncommercial*
8 *entity that lends, receives, or gives away seed at a place or event*
9 *without creating a contractual obligation or an expectation to*
10 *receive anything of value in return.*

11 *SEC. 2. Section 52288 of the Food and Agricultural Code is*
12 *amended to read:*

13 *52288. The Legislature hereby declares ~~that it is~~ all of the*
14 *following:*

15 *(a) It is the intent of this chapter to enable the seed industry,*
16 *with the aid of the state, to ensure that seed purchased by the*
17 *consumer-buyer is properly identified and of the quality and*
18 *amount represented on the tag or label. ~~The Legislature further~~*
19 *declares that the*

20 *(b) The success of agriculture and the seed industry in this state*
21 *depends upon the continued commitment to industry-funded*
22 *research in order to improve the quality and variety of seed*
23 *available to the consumer-buyer. ~~The Legislature further declares~~*
24 *that this*

25 *(c) Noncommercial seed sharing contributes significant value*
26 *to the health of our communities and to the resilience of our food*
27 *system. This chapter is ~~not~~ intended to ~~regulate~~ support*
28 *noncommercial seed sharing, including through seed ~~libraries,~~*
29 *seed exchanges, or other informal and formal noncommercial seed*
30 *sharing activities. ~~libraries, and is not intended to supersede any~~*

1 *provision of the California Rice Certification Act of 2000 (Chapter*
2 *4 (commencing with Section 55000) of Division 20).*

3 ~~SEC. 3. Section 52311 of the Food and Agricultural Code is~~
4 ~~amended to read:~~

5 ~~52311. A person is not subject to the penalties that are~~
6 ~~prescribed by this chapter in any of the following cases:~~

7 ~~(a) For selling in this state any agricultural or vegetable seed~~
8 ~~that is incorrectly labeled or represented as to kind, variety, or~~
9 ~~type, which cannot be identified by examination of it, unless the~~
10 ~~person has failed to obtain an invoice or grower's declaration that~~
11 ~~gives the commonly accepted name of the kind, kind and variety,~~
12 ~~or kind and type, and to take other precautions as may be necessary~~
13 ~~to insure the identity to be that which is stated.~~

14 ~~(b) As to any matter that is required by Article 8 (commencing~~
15 ~~with Section 52451), for selling the seed in original unopened~~
16 ~~sealed packages that are fully labeled by another dealer, unless the~~
17 ~~person has failed to have the seed retested and relabeled as to the~~
18 ~~percentage of germination within the period that is prescribed by~~
19 ~~Section 52481, or unless the person has failed to correct the label~~
20 ~~after notice that the label has been found to be incorrect.~~

21 ~~(c) For shipping, delivering, transporting, or selling within this~~
22 ~~state any agricultural or vegetable seed that has a false labeling as~~
23 ~~to percentage of germination or hard seeds, unless the person has~~
24 ~~first been given an opportunity by the secretary to be heard. This~~
25 ~~exemption does not, however, relieve any person from the~~
26 ~~obligation, upon order of an enforcement official, to stop further~~
27 ~~sale of any seed that is found to be incorrectly labeled as to~~
28 ~~germination, nor does it exempt such seed from seizure pursuant~~
29 ~~to this chapter.~~

30 ~~(d) For collecting, storing, or distributing in this state any labeled~~
31 ~~or unlabeled agricultural, flower, or vegetable seed for~~
32 ~~noncommercial purposes.~~

33 ~~SEC. 3. Section 52351.5 is added to the Food and Agricultural~~
34 ~~Code, to read:~~

35 ~~52351.5. (a) Notwithstanding Section 52351, the secretary~~
36 ~~may require any person or organization that operates a seed~~
37 ~~library to provide notification of its operation on a form created~~
38 ~~by the secretary. The notification form shall only include the~~
39 ~~entity's name and address and the contact information of the~~

1 *responsible party. No fee shall be assessed for submitting the*
2 *notification form.*

3 *(b) A person shall not be subject to any penalties under this*
4 *chapter for failing to provide notification to the secretary without*
5 *first receiving a written request to do so.*

6 SEC. 4. Section 52451 of the Food and Agricultural Code is
7 amended to read:

8 52451. This article does not apply to any of the following:

- 9 (a) Seed or grain that is not intended for sowing purposes.
- 10 (b) Seed that is in storage in, or consigned to, a seed cleaning
11 or conditioning establishment for cleaning or conditioning.
- 12 (c) Seed or grain that is transported without transfer of title for
13 sowing on land that is owned by the person by whom the seed or
14 grain was produced.
- 15 (d) Seed that is weighed and packaged in the presence of the
16 purchaser from a bulk container, if the container is properly and
17 conspicuously labeled as provided by this chapter.

18 (e) Seed or grain that is transported from one warehouse to
19 another without transfer of title or in storage in a warehouse, if
20 each container is plainly marked or identified with a lot number
21 or other lot identification and the label information that is required
22 by this article is available at the request of an enforcing officer.

23 ~~(f) Seed distributed in the state through formal or informal~~
24 ~~noncommercial seed sharing activities, including, but not limited~~
25 ~~to, seed libraries and seed exchanges. or received by seed libraries.~~

26 SEC. 5. ~~Section 52486 of the Food and Agricultural Code is~~
27 ~~amended to read:~~

28 ~~52486. Sections 52481, 52482, and 52484 of this article do not~~
29 ~~apply to any of the following:~~

- 30 ~~(a) Any common carrier in respect to any seed that is transported~~
31 ~~or delivered for transportation in the ordinary course of its business~~
32 ~~as a carrier if the carrier is not engaged in conditioning or~~
33 ~~merchandising seed that is subject to the provisions of this chapter.~~
- 34 ~~(b) Noncommercial seed sharing.~~