

AMENDED IN ASSEMBLY MARCH 28, 1995

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 510

Introduced by Assembly Member Battin

February 17, 1995

An act to amend Sections 52332, 52453, and 52455 of, *and to add Section 52456 to*, the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 510, as amended, Battin. Seed: labeling.

Existing law, the California Seed Law, contains various requirements with respect to the labeling of seed that is sold in this state, including a viability assurance statement on seed that is sold for nonfarm usage. *This provision does not apply, however, to seed bearing a date of test prior to July 1, 1984.*

This bill would require that viability assurance statement on all seed, ~~except as specified, intended for~~ *at the time of sale by a retail merchant* for nonfarm usage.

Under that law, the Secretary of Food and Agriculture may, by regulation, establish methods and procedures for the conciliation or mediation of disputes between a labeler and any person concerning the conformance with label statements as required by the law.

This bill would permit the secretary to establish, by regulation, methods and procedures for arbitration of those disputes. *This bill would also toll the statute of limitations in any civil action concerning the controversy upon*

commencement of conciliation, mediation, or arbitration proceedings.

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 52332 of the Food and
- 2 Agricultural Code is amended to read:
- 3 52332. The secretary may, by regulation, adopt all of
- 4 the following:
- 5 (a) A list of the plants and crops that the secretary
- 6 finds are or may be grown in this state from agricultural
- 7 or vegetable seed.
- 8 (b) A list of the plants and crops that the secretary
- 9 finds are detrimental to agriculture if they occur
- 10 incidentally in other crops, and which, therefore, are
- 11 classed as weed seed except if sold alone or as a specific
- 12 constituent of a definite seed mixture.
- 13 (c) A list of noxious weed seed that the secretary finds
- 14 are prohibited noxious weed seed, as defined in this
- 15 chapter.
- 16 (d) A list of those noxious weed seed that are not
- 17 classified as prohibited noxious weed seed, and which,
- 18 therefore, are classed by this chapter as restricted noxious
- 19 weed seed.
- 20 (e) A list of seed-certifying agencies that the secretary
- 21 finds qualified to certify as to the variety, purity, quality,
- 22 or other matter of agricultural or vegetable seed. The
- 23 secretary shall consult with the Director of the University
- 24 of California Agricultural Experiment Station before
- 25 approving the qualifications of any agency to certify as to
- 26 variety, type, strain, or other genetic character of
- 27 agricultural or vegetable seed.
- 28 (f) A list of substances that are likely to be used for
- 29 treating grain or other crop seed, which the secretary
- 30 finds and determines are toxic to human beings or
- 31 animals if so used, together with an appropriate warning
- 32 or caution statement for each such substance.



1 (g) Establish methods and procedures, upon the
2 recommendation of the board, for the mandatory
3 conciliation, mediation, or arbitration of disputes
4 between labelers and any persons concerning the
5 conformance with label statements as required by this
6 chapter as a prerequisite to pursuing other dispute
7 resolution mechanisms, including, but not limited to,
8 litigation. ~~If the secretary establishes a mandatory
9 arbitration procedure, the procedure shall require
10 adequate notice on the seed label notifying the
11 complainant of the consequences of failing to arbitrate
12 disputes. Mediation, arbitration, or conciliation litigation.~~
13 *However, if conciliation, mediation, or arbitration
14 proceedings are commenced under this section to resolve
15 a controversy, the statute of limitations that applies to a
16 civil action concerning that controversy is tolled upon
17 commencement of conciliation, mediation, or arbitration
18 proceedings, and until 10 days after the final order of
19 those proceedings. Conciliation, mediation, or arbitration
20 shall not affect any enforcement action by the secretary
21 pursuant to this chapter. Regulations adopted by the
22 secretary for the mandatory conciliation, mediation, or
23 arbitration of disputes shall require that adequate notice
24 be provided on the seed label notifying any person of the
25 consequences of failing to follow the procedures
26 authorized by this section.*

27 (h) Establish additional labeling requirements for
28 coated, pelleted, encapsulated, mat, tape, or any other
29 germination medium or device used on agricultural or
30 vegetable seed in order that the purchaser or consumer
31 will be informed as to the actual amount of seed
32 purchased.

33 SEC. 2. *Section 52453 of the Food and Agricultural
34 Code is amended to read:*

35 52453. Except as otherwise provided in Section 52454,
36 each container of vegetable seed ~~which~~ *that* is for sale or
37 sold within this state for sowing purposes shall bear upon
38 it, or have attached to it, in a conspicuous place a plainly
39 written or printed label or tag in the English language,
40 which gives all of the following information:



1 (a) Name of kind and variety of seed.

2 (b) For any seed ~~which~~ *that* germinates less than the
 3 standard last established by the director under this
 4 chapter, the percentage of germination, exclusive of hard
 5 seed; the percentage of hard seed, if present; the calendar
 6 month and year the test was completed to determine
 7 those percentages; and the words “Below Standard” in
 8 not less than eight-point type.

9 (c) Name and address of the person that labeled the
 10 seed, or of the person that sells the seed within this state.

11 (d) In addition to the information required in
 12 subdivisions (a), (b), and (c), on each container of more
 13 than one-half pound (227 grams), the label shall include
 14 both the lot number or other lot identification and the
 15 calendar month and year the germination test was
 16 completed.

17 (e) In addition to the information required in
 18 subdivisions (a), (b), and (c), on each container of
 19 one-half pound (227 grams) or less, ~~which was packed on~~
 20 ~~or after July 1, 1984,~~ the labeling shall include the
 21 statement “Packed for the (number of the year) season.”
 22 The year shall be the year intended for planting.

23 *SEC. 2.5.* Section 52455 of the Food and Agricultural
 24 Code is amended to read:

25 52455. In addition to the labeling requirements of this
 26 ~~article, all seed, except vegetable seed in containers of~~
 27 ~~one-half pound (227 grams) or less, intended for sale for~~
 28 ~~nonfarm usage,~~ *article, all seed* at the time of sale by a
 29 retail merchant for nonfarm usage, shall conspicuously
 30 bear upon the labeling of the seed a viability assurance
 31 statement.

32 (a) The statement shall be “SELL BY (month)
 33 (year)”, or “USE BEFORE (month) (year)”. The month
 34 and year in the statement shall not exceed the 15-month
 35 retail time period allowed by subdivision (b) of Section
 36 52481.

37 (b) The statement shall be conspicuous and in capital
 38 letters of the same size of type as other printed material
 39 on the labeling and contiguous to the germination date.



1 (c) The statement shall be affixed at the time of
2 labeling for those containers destined for retail sales.

3 ~~(d) This section does not apply to seed bearing a date~~
4 ~~of test that is prior to July 1, 1984.~~

5 *SEC. 3. Section 52456 is added to the Food and*
6 *Agricultural Code, to read:*

7 *52456. In addition to the labeling requirements of this*
8 *article, all seed, except seed at the time of sale by a retail*
9 *merchant for nonfarm use, shall conspicuously bear upon*
10 *the label adequate notice of the consequences of failing*
11 *to follow the conciliation, mediation, or arbitration*
12 *procedures governing disputes between labelers and any*
13 *person, as authorized by this chapter.*

