

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1378

Introduced by

Representative M. Nelson

1 A BILL for an Act to amend and reenact section 4-09-10 of the North Dakota Century Code or in
2 the alternative to repeal section 4.1-53-18 of the North Dakota Century Code, relating to label
3 requirements for canola seed.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** If House Bill No. 1027 does not become effective, section
6 4-09-10 of the North Dakota Century Code is amended and reenacted as follows:

7 **4-09-10. Labeling requirements for agricultural seed.**

8 1. Each container of agricultural seed which is sold, offered for sale, exposed for sale,
9 transported for sale, or held in storage with the intent to sell for planting purposes
10 within this state must bear or have attached, or there must be properly delivered with
11 bulk sales or movements of agricultural seed a conspicuous, plainly printed label in the
12 English language with the information required by this section, which may not be
13 modified or denied in the labeling.

14 2. In seed of wheat, durum, barley, oats, rye, soybeans, field peas, dry beans, canola,
15 and flax, the label must contain the commonly accepted name of the kind and variety
16 of each agricultural seed component in excess of five percent of the whole and the
17 percentage by weight of each. Variety identification is not required for seeds labeled
18 "for vegetative cover only". Seed listed in this subsection may be sold by brand if the
19 true variety name or number is clearly stated on the label in a type size equal to or
20 greater than the brand.

21 3. ~~In seed of canola, the label must contain a statement that the seed is certified by the~~
22 ~~commissioner as meeting the standards of this chapter or certified by another state or~~
23 ~~province having certification standards for canola which meet or exceed standards~~
24 ~~adopted by this chapter.~~

1 4. In all other seed not named in ~~subsections 2 and 3~~subsection 2, the label must contain
2 the commonly accepted name of the kind or the kind and variety of each agricultural
3 seed component in excess of five percent of the whole and the percentage of weight
4 of each.

5 ~~5.4.~~ When more than ten percent of the whole consists of an aggregate of agricultural seed
6 components, each present in an amount not exceeding five percent of the whole, the
7 label must contain each component in excess of one percent of the whole named
8 together with the percentage by weight of each. Each component must be listed in the
9 order of its predominance. When more than one component is named, the word "mix",
10 "mixed", "mixture", or "blend" must be appropriately stated with the name of the
11 mixture or blend.

12 ~~6.5.~~ For each container of agricultural seed, the label must contain:

- 13 a. Lot number or other lot identification.
- 14 b. The origin, state or foreign country, where grown. If the origin is unknown, that
15 fact must be stated.
- 16 c. The percentage by weight of all weed seed.
- 17 d. The name and rate of occurrence per pound [453.59 grams] of each kind of
18 restricted noxious weed seed present, if the restricted noxious weed seed is
19 present singly or collectively in amounts in seeds of grasses and small seeded
20 legumes in excess of thirteen seeds per pound [453.59 grams], or in other
21 agricultural seeds, including the cereals, oil seed crops, millets, and seeds of
22 similar size, in excess of five seeds per pound [453.59 grams].
- 23 e. The percentage by weight of agricultural seed that may be designated as crop
24 seed, other than those required to be named on the label.
- 25 f. The percentage by weight of inert matter.
- 26 g. The percentage of germination for each agricultural seed, exclusive of hard seed;
27 the percentage of hard seed if present for each agricultural seed; if desired, the
28 total germination and hard seed for each agricultural seed; and the calendar
29 month and year the test was completed to determine these percentages.
- 30 h. The full name and address of the person who labeled the seed or who sells,
31 offers for sale, or exposes the seed for sale within this state.

- i. If the seed is treated, for which a separate label may be used, a word or statement indicating that the seed has been treated; the commonly accepted, coined, chemical, or abbreviated chemical name of the applied substance; and if the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement prohibiting use for food, feed, or oil purposes and for mercurials and similar toxic substances a poison statement or symbol. If the seed is treated with an inoculant, the label must contain the date beyond which the inoculant is not to be considered effective.
- j. The seed container is hermetically sealed.
- k. A disease test result for seedborne diseases.

SECTION 2. REPEAL. Section 4.1-53-18 of the North Dakota Century Code, as created by House Bill No. 1027, as approved by the sixty-second legislative assembly, is repealed.