

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 1034
HOUSE BILL 406

AN ACT TO AMEND THE SEED LAW AND TO APPROPRIATE FUNDS TO
IMPROVE THE SEED TESTING PROGRAM OF THE DEPARTMENT OF
AGRICULTURE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-277 is rewritten to read:

"§ **106-277. Purpose.**—The purpose of this Article is to regulate the labeling, possessing for sale, sale and offering or exposing for sale or otherwise providing for planting purposes of agricultural seeds, vegetable seeds and screenings; to prevent misrepresentation thereof; and for other purposes."

Sec. 2. G.S. 106-277.2 is amended by adding a subdivision to read:

"(9a) The term 'distribute' means to provide seed for seeding purposes to more than five persons, but shall not include seed provided for educational purposes."

Sec. 3. G.S. 106-277.2(13) is amended in the first sentence by adding "within prescribed limits" between "cross-fertilization" and "and".

Sec. 4. G.S. 106-277.2(13) is amended by adding the following sentence at the end:

"The Board of Agriculture shall prescribe minimum limits of pollination control (percent hybridity) for each hybridized species which will qualify to be labeled 'hybrid'."

Sec. 5. G.S. 106-277.4 is repealed.

Sec. 6. G.S. 106-277.5 is amended by deleting "agricultural seeds sold, offered or exposed for sale, or transported for sale within this State shall be labeled to show the following information:" and substituting "Agricultural seeds sold, offered or exposed for sale, transported for sale, or otherwise distributed within this State shall be labeled to show the following information:".

Sec. 7. G.S. 106-277.9(1) is amended by adding "distribute," between "sell," and "offer".

Sec. 8. G.S. 106-277.9(1)i. is amended by deleting "not produced in the arid regions of the Western United States,".

Sec. 9. G.S. 106-277.9(1)o. is amended in the second sentence by adding "or distribution" between "sale" and "of".

Sec. 10. G.S. 106-277.15 is amended by adding the following subdivisions:

"(10) Prescribing minimum hybrid percentage for labeling for each species hybridized.

(11) Prescribing labeling and coloring requirements for treated seed.

(12) Establishing a Tobacco Seed Committee which shall approve flue-cured tobacco varieties prior to registration with the Department."

Sec. 11. G.S. 106-277.17 is amended in the first sentence by adding ", blend," between "variety" and "or".

Sec. 12. G.S. 106-277.17 is amended in the second sentence by inserting ", blend," between "variety" and "or".

Sec. 13. G.S. 106-277.28(2) is rewritten to read:

"(2) Each seed dealer selling, distributing, offering, or exposing for sale in, or exporting from, this State any agricultural, vegetable, or lawn or turf seeds for seeding purposes shall register with the Commissioner and shall obtain an annual license, for each location where activities are conducted, by January 1 of each year and shall pay for such license as follows:

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| a. | Wholesale or combined wholesale and retail seed dealer | \$100.00 |
| b. | Retail seed dealer with sales of less than \$500.00 | 5.00 |
| c. | Retail seed dealer with sales of more than \$500.00 but less than \$1,000 | 15.00 |
| d. | Retail seed dealer with sales of more than \$1,000 | 25.00." |

Sec. 14. This act shall become effective July 1, 1988.

In the General Assembly read three times and ratified this the 30th day of June, 1988.