

## Labeling Hemp Seed in Minnesota

Seed offered for sale in containers or in bulk for sowing purposes in Minnesota must have attached a seed label containing the information required by the Minnesota Seed Law (Minnesota Statutes, section 21.82). Proper labeling is the responsibility of the initial labeler, that is, the first person or firm to label the seed lot for sale in Minnesota, regardless of where the firm is located. Initial labelers are required to have a current seed permit.

### Labeling Hemp Seed In Minnesota

In Minnesota, industrial hemp is an agricultural crop, and hemp seed is considered agricultural seed. The example label below shows all of the information that is required on a hemp seed label by the Minnesota Seed Law

Kind: <b>Hemp</b>		Variety: <b>Indie</b>		Lot Number: <b>INDHCS-0001-0319</b>	
Pure Seed: <b>98%</b>		Weed Seed: <b>0.50%</b>		Other Crop: <b>0.50%</b>	
				Inert Matter: <b>1.00%</b>	
Germination: <b>85%</b>		Hard (Dormant) Seed (If Present): <b>N/A %</b>		Total: Germination Plus Hard (Dormant) Seed (Optional): <b>N/A %</b>	
Noxious Weed Seeds (Name and Number per Pound of Each Present): <b>None Found</b>				Net Weight: <b>50 lbs.</b>	
Origin (State or Foreign Country): <b>Minnesota</b>			Test Date (Month and Year): <b>03/19</b>		
Labeler's Name: <b>Hemp Labeling LLC</b>					
Labeler's Mailing Address: <b>123 Cannabis St, Sativa, MN 55555</b>					

**Note:** The Test Date cannot be more than 12 months old for any agricultural seed, exclusive of the month of the test. A "sell by" date is optional for hemp seed.

The label may contain an additional statement as required under the Plant Variety Protection Act concerning PVP status, the requirement to be sold as a class of certified seed if a Title V Variety, and a warning against unauthorized propagation. The label may also include a licensing agreement that prohibits a licensee's ability to save seed or cultivate volunteer plants.

### Selling Hemp Seed in Minnesota

To sell hemp seed in Minnesota the initial labeler must possess a seed permit, label seed as required, retain required records, and provide the following information prior to shipping a new seed lot into the state:

- A copy of their hemp program license from their state.
- A copy of the THC test results of the parent plants, showing that the level does not exceed 0.3% by dry weight. The test results must have the unique seed lot number on it.

### Seed Permits

All labelers of hemp seed in Minnesota must hold a valid seed permit. When a permit holder is the initial labeler, the first to label and sell a specific seed lot, they are responsible for reporting and paying permit fees. If the labeler possesses a Type C permanent permit, the fee rate for hemp will be \$0.69 per hundred pounds of seed.

## Required Records Keeping

The initial labeler is required to retain complete records of each of seed lot sold in this state for three years.

- Invoices that include the lot number, name of the kind and variety, amount of seed being sold, date of sale, and the name and address of buyer and seller.
- A copy of the seed label and the certification documents when applicable.
- The test information from which the labeling information was derived.
- A representative file sample for each seed lot for one year. Samples should be stored to maintain the purity and quality of the sample. A file sample for hemp seed should be 500 grams.

## Labeling Varieties and Brands

The variety name must be listed on the seed label unless:

- The variety name is not known or does not exist for a nonhybrid seed
- The variety name is known for nonhybrid biennial or perennial seed but the owner of the variety has granted written permission to omit it from the label
- The seed being offered for sale is a blend
- The components are not sold by brand names for lawn and turf grass seed sold in mixtures
- A variety being marketed as a branded AND the brand has been registered with the MDA. A brand name must be clearly identified as a brand so that it cannot be confused as a variety name.

If one of these conditions is applicable, then the words "VARIETY NOT STATED" are used in place of the variety name.

## Seed Testing

A representative sample of a lot is submitted for testing prior to labeling seed for sale. Pure seed, other crop, weed seed, inert matter percentages reported on the label must be substantiated by a purity test. Noxious weeds listed by name and number per pound must be substantiated by an All-States or Minnesota Noxious weed seed exam. Germination, hard seed, and dormancy percentages must be substantiated by a germination test. All testing should be conducted according to Association of Official Seed Analysts (AOSA) Rules for Testing Seeds.

## Certified Seed

The term "certified hemp seed" may not be used arbitrarily. By law the term certified seed means: seed certified by a certifying agency. Only certified, foundation, or registered categories of hemp seed may be labeled as "certified." Certified seed will also have an additional label indicating certification status. Certified hemp seed may be imported from international sources or produced and certified in the US by an official seed certifying agency. Minnesota Crop Improvement Association is the official seed certification program in Minnesota.

## Noxious Weed Seed Requirements

Prohibited noxious weed seeds - The following species are not allowed in any seed offered for sale in the state

- Canada thistle
- Musk thistle
- Field bindweed
- Perennial peppergrass
- Plumeless thistle
- Palmer amaranth\*\*
- Leafy spurge
- Perennial sowthistle
- Russian knapweed
- Hemp\*
- Bull thistle

\* Note: A **Commissioners Order** in 2016 designated industrial hemp as an agricultural seed allowing hemp seed to be labeled and sold in Minnesota. If found as a contaminant in other kinds of seed, hemp would still be considered a prohibited noxious weed seed.

\*\* **Genetic testing** of all amaranth seeds found in testing is required to determine if Palmer amaranth is present in a seed lot.

Restricted noxious weed seeds - The following species are allowed in seed offered for sale in the state but only up to maximum total rate of twenty-five (25) per pound. If present in lesser amounts, the name and number per pound for each must be listed on the label under the heading "Noxious Weed Seeds."

- Buckhorn plantain
- Dodder
- Frenchweed
- Eastern black nightshade
- Horse nettle
- Wild mustard
- Wild radish
- Hoary alyssum
- Quackgrass
- Giant foxtail

Township, city, or county ordinances may further restrict use of seed containing noxious weeds.

## For More Information

**Seed Regulations:** [denise.thiede@state.mn.us](mailto:denise.thiede@state.mn.us), 651-201-6531 Web: [www.mda.state.mn.us/seed](http://www.mda.state.mn.us/seed)

**Hemp Regulations:** [hemp.mda@state.mn.us](mailto:hemp.mda@state.mn.us), 651-201-6660, Web: [www.mda.state.mn.us/plants/hemp](http://www.mda.state.mn.us/plants/hemp)