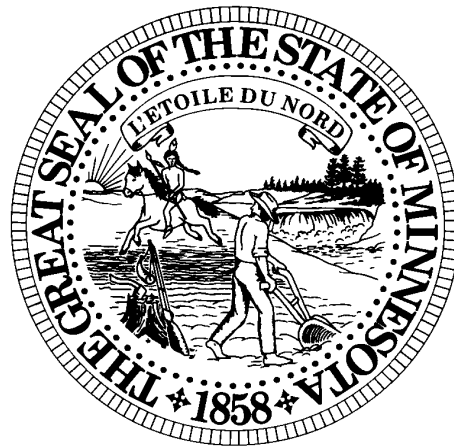


Minnesota Seed Law and Related Statutes

12/01/2020



Minnesota Department of Agriculture

Plant Protection Division

Seed Unit

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St. Paul, Minnesota 55155-2538

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711. The MDA is an equal opportunity employer and provider.

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MINNESOTA SCREENINGS ACT

21.71 CITATION, MINNESOTA SCREENINGS ACT.

Sections 21.71 to 21.78 may be cited as the "Minnesota Screenings Act."

History: 1959 c 172 s 1

21.72 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 21.73 to 21.78, the terms defined in this section have the meanings given them.

Subd. 2. [Repealed, 1996 c 310 s 1]

Subd. 3. **Vendor.** "Vendor" means any person who sells any weed-seed infested agricultural seeds and grains, or screenings.

Subd. 4. **Sell.** "Sell" when applying to weed-seed infested agricultural seeds and grains, or screenings, and samples thereof, shall be construed as including:

- (1) the act of selling, transferring ownership;
- (2) the offering and exposing for sale, exchange, distribution, giving away, and transportation in, and into, this state;
- (3) the having in possession with intent to sell, exchange, distribute, give away, or transport in, and into, this state;

(4) the storing, carrying, and handling in aid of traffic therein, whether done in person or through an agent, employee, or others; and

(5) receiving, accepting, and holding on consignment for sale.

Subd. 5. **Advertisement.** "Advertisement" means all representation disseminated in any manner or by any means relating to weed-seed infested agricultural seeds and grains, or screenings, within the scope of sections 21.71 to 21.78.

Subd. 6. **Consumer.** "Consumer" refers to any person that uses for the purpose of feeding any weed-seed infested agricultural seeds and grains, or screenings.

Subd. 7. **Record.** "Record" includes all information relating to the shipment, or shipments, involved in a lot of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 8. **Lot.** "Lot" means a definite quantity of weed-seed infested agricultural seeds and grains, or screenings, which can be definitely identified.

Subd. 9. **Seizure.** "Seizure" means a legal process carried out by court order against a definite amount of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 10. **Stop-sale.** "Stop-sale" means an administrative order provided by law restraining the sale, use, disposition, and movement of a definite amount of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 11. **Screenings.** "Screenings" means chaff, florets, immature or broken seed, weed seeds, inert matter, and other foreign material removed in any way from any seeds or grains in any kind of cleaning and processing, or obtained from any other source.

Subd. 12. **Agricultural seeds and grains.** "Agricultural seeds and grains" includes the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, and mixtures of such seeds.

Subd. 13. **Weed seeds.** "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

Subd. 14. **Noxious weed seeds.** "Noxious weed seeds" includes restricted and prohibited noxious weed seeds as defined in subdivisions 15 and 16.

Subd. 15. **Restricted weed seeds.** "Restricted weed seeds" are those weed seeds placed on the list provided under section 21.85, subdivision 15.

Subd. 16. **Prohibited noxious weed seeds.** "Prohibited noxious weed seeds" are those weed seeds placed on the list provided under section 21.85, subdivision 15.

History: 1959 c 172 s 2; 1961 c 127 art 2 s 4; 2020 c 89 art 2 s 1-4

21.73 PROHIBITED ACTS.

Subdivision 1. **Infested feed grain; screenings.** It is unlawful for any person to feed or to sell, offer for sale, or expose for sale, or transport, to the consumer, for feeding purposes, any weed-seed infested agricultural seeds and grains, or screenings, if:

(1) restricted noxious weed seeds are present singly or collectively in excess of the rate of 90 per pound;

- (2) prohibited noxious weed seeds are present; or
- (3) they contain more than ten percent total weed seeds by weight.

Subd. 2. **False advertisement; obstruction; noncompliance with orders.** It is unlawful for any person:

- (1) to disseminate any false or misleading advertisement concerning weed-seed infested agricultural seeds and grains, or screenings, in any manner or by any means;
- (2) to hinder or obstruct in any way any authorized person in the performance of duties under sections 21.71 to 21.78; and
- (3) to fail to comply with a stop-sale order.

History: 1959 c 172 s 3; 1961 c 127 art 2 s 5; 1986 c 444; 2020 c 89 art 2 s 5

21.74 EXCEPTIONS.

The provisions of section 21.73 shall not apply to:

- (1) agricultural seeds and grains, or screenings, not intended for feeding purposes;
- (2) weed-seed infested agricultural seeds and grains, or screenings, being transported upon any public highway to or from a cleaning or processing establishment for cleaning or processing, which same are carried or transported in such vehicles or containers as will prevent the leaking or scattering thereof;
- (3) weed-seed infested agricultural seeds and grains, or screenings, which have first been devitalized by grinding, heating, chemical treatment, or any other suitable method;
- (4) the sale of weed-seed infested agricultural seeds and grains, or screenings, to each other by jobbers, manufacturers, or processors who mix or grind concentrated commercial feeding stuff for sale; provided that the restrictions applying to clause (2), are complied with;
- (5) the sale of weed-seed infested agricultural seeds and grains, or screenings, by any vendor to a consumer, provided that the restrictions set forth in clauses (2) and (3) are complied with. However, where the vendor is not equipped to devitalize weed seeds, the vendor may sell weed-seed infested agricultural seeds, grains, or screenings only to a consumer who holds a permit issued by the commissioner for such a purchase. The commissioner shall issue such a permit annually to a consumer only if the consumer has the necessary facilities for devitalization, as determined by the commissioner, or has access to such facilities. The consumer shall devitalize such weed-seed infested agricultural seeds, grains, or screenings. The commissioner may revoke a permit after due notice and a hearing if the consumer does not comply with the provisions of this clause. The provisions of this clause shall not apply to the sale at a farm auction of a vendors agricultural seeds or grains for feeding or processing purposes. "Farm auction" for the purpose of this clause means the final sale at auction of the personal property of the farmer to the highest bidder. However, if such agricultural seeds and grains are sold under variety names, and in such manner and at such prices as to indicate that it is intended to use the seeds and grains for seeding purposes, the seeds and grains are then subject to all laws relating to cleaning, testing, and labeling of agricultural seed as set forth in the agricultural seed laws and the agricultural weed laws of the state of Minnesota and such rules as have been promulgated by the commissioner of agriculture thereunder; and

(6) weed-seed infested agricultural seed and grains or screenings, produced by the farmer and fed on the farmer's own farm, provided it does not contain restricted or prohibited noxious weed seeds in excess of the legal limit.

History: 1959 c 172 s 4; 1961 c 127 art 2 s 6; 1961 c 713 s 1; 1963 c 592 s 1; 1985 c 248 s 70; 1986 c 444; 2020 c 89 art 2 s 6

21.75 POWERS AND DUTIES OF COMMISSIONER.

Subdivision 1. **Enforcement; rulemaking.** The commissioner must enforce sections 21.71 to 21.78. The commissioner must:

(1) sample, inspect, make analysis of, and test weed-seed infested agricultural seeds and grains, or screenings, transported, sold, or offered, or exposed for sale within this state for any purpose, at such time and place, and to such extent as the commissioner may deem necessary to determine whether such weed-seed infested agricultural seeds and grain, or screenings, is in compliance with the provisions of sections 21.71 to 21.78, and to notify promptly the person who transported, sold, offered, or exposed the weed-seed infested agricultural seeds and grains, or screenings, for sale of any violation; and

(2) prescribe and, after public hearing following due public notice, adopt such rules as may be necessary to secure the efficient enforcement of sections 21.71 to 21.78.

Subd. 2. **Entry, orders, and testing.** The commissioner of agriculture, personally or through agents, is further authorized to:

(1) enter upon any public or private premises, excluding the home, during regular business hours in order to have access to weed-seed infested agricultural seeds and grains, or screenings, subject to sections 21.71 to 21.78, and the rules thereunder;

(2) issue and enforce a written or printed stop-sale order to the owner or custodian of any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, which the commissioner finds is in violation of any of the provisions of sections 21.71 to 21.78, which order shall prohibit further sale of such weed-seed infested agricultural seeds and grains, or screenings, until such officer has evidence that the law has been complied with; provided, that no stop-sale order shall be issued or attached to any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, without first giving the owner or custodian of such weed-seed infested agricultural seeds and grains, or screenings, an opportunity to comply with the law; provided, further, that in respect to weed-seed infested agricultural seeds and grains, or screenings, which have been denied sale as provided in this paragraph, the owner or custodian of such weed-seed infested agricultural seeds and grains, or screenings, shall have the right to appeal from such order to a court of competent jurisdiction in the locality in which the weed-seed infested agricultural seeds and grains, or screenings, are found, praying for a judgment as to the justification of said order and for the discharge of such weed-seed infested agricultural seeds and grains, or screenings, from the order prohibiting the sale in accordance with the findings of the court; and provided, further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of 21.71 to 21.78;

(3) test weed-seed infested agricultural seeds and grains, or screenings, under presently existing facilities; and

(4) make or provide for making tests of weed-seed infested agricultural seeds and grains, or screenings, for farmers and dealers on request; to prescribe rules governing such testing; and to fix and collect charges for the tests made.

History: 1959 c 172 s 5; 1961 c 127 art 1 s 7; 1985 c 248 s 70; 1986 c 444; 2020 c 89 art 2 s 7

21.76 INJUNCTION; BOND.

When in the performance of duties the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of sections 21.71 to 21.78, or any rules thereunder, said injunction, if any be granted, shall be issued without bond.

History: 1959 c 172 s 6; 1985 c 248 s 70; 1986 c 444

21.77 SEIZURE.

Any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, not in compliance with the provisions of sections 21.71 to 21.78, is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality in which the weed-seed infested agricultural seeds and grains, or screenings, are located. In the event that the court finds the weed-seed infested agricultural seeds and grains, or screenings, to be in violation of said sections and orders the condemnation of said weed-seed infested agricultural seeds and grains, or screenings, they shall be denatured, processed, destroyed, or otherwise disposed of in compliance with the laws of this state; provided, that in no instance shall the court order such disposition of said weed-seed infested agricultural seeds and grains, or screenings, without first having given the claimant any opportunity to apply to the court for the release of said weed-seed infested agricultural seeds and grains, or screenings, or permission to process them to bring them into compliance with these sections.

History: 1959 c 172 s 7

21.78 VIOLATIONS; ENFORCEMENT.

Subdivision 1. **Misdemeanor.** Any person violating any of the provisions of sections 21.71 to 21.78, or any of the rules promulgated by the commissioner thereunder, is guilty of a misdemeanor.

Subd. 2. **Duty to prosecute.** It is the duty of every prosecuting officer to whom the commissioner shall report any violation of sections 21.71 to 21.78, or of any of the rules promulgated thereunder, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case provided.

History: 1959 c 172 s 8; 1985 c 248 s 70

MINNESOTA SEED LAW

21.80 MINNESOTA SEED LAW.

Sections 21.80 to 21.92 may be cited as the "Minnesota Seed Law."

History: 1983 c 293 s 39

21.81 DEFINITIONS.

Subdivision 1. **Scope.** The terms used in sections 21.80 to 21.92 have the meanings given them in this section.

Subd. 1a. **Address.** "Address" means the complete primary mailing address of the labeler or the person or firm selling seed. A complete address includes the street address, post office box, or rural route, and city, state, and zip code or postal code.

Subd. 2. **Advertisement.** "Advertisement" means any representation, other than on a label, disseminated in any manner or by any means, relating to seed within the scope of sections 21.80 to 21.92.

Subd. 3. **Agricultural seeds.** "Agricultural seeds" includes the seeds of grass, forage, cereal, oil, fiber crops, seeds of vegetables grown for processing, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, or mixtures of those seeds, and may include noxious weed seed when the commissioner determines that the seed is being used as agricultural seed.

Subd. 4. **Blend.** "Blend" means seed consisting of more than one variety of a kind, each in excess of five percent of the whole.

Subd. 5. **Certified seed.** "Certified seed" means certified, registered, or foundation seed, or any other term conveying a similar meaning when referring to seed that has been produced, conditioned, and labeled in compliance with the rules of an officially recognized seed certification agency.

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of agriculture or an authorized agent and may include a county agricultural inspector.

Subd. 7. **Conditioning.** "Conditioning" means cleaning to remove chaff, sterile florets, immature seeds, weed seeds, inert matter, and other crop seeds, scarifying, combining to obtain uniform quality, or any other operation which would change the purity or germination of the seed and require retesting to determine the quality of the seed. Conditioning does not include such operations as packaging, labeling, combining uniform lots of the same kind or variety without cleaning or preparing a mixture without cleaning, if it would not require retesting to determine the quality of the seed.

Subd. 7a. **Dormant.** "Dormant" means viable seed, exclusive of hard seed, that fail to germinate under the specified germination conditions for the kind of seed.

Subd. 8. **Flower seeds.** "Flower seeds" includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this state. This does not include native or introduced wildflowers.

Subd. 9. **Genuine grower's declaration.** A "genuine grower's declaration" is a statement signed by the grower which gives for a lot of agricultural seed, the lot number, kind, variety, origin, weight, year of production, date of shipment, and to whom it was sold, shipped, or delivered.

Subd. 10. **Germination.** "Germination" means the percentage of seeds other than hard seeds which are capable of producing normal seedlings under favorable growing conditions. Broken, weak, diseased, malformed, or abnormal seedlings shall not be considered as having germinated.

Subd. 10a. **Hard seed.** "Hard seed" means seeds that remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

Subd. 11. **Hybrid.** "Hybrid" when applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two selected clones, seed lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. The second generation or subsequent generations from these crosses are not hybrids. Hybrid designations shall be treated as variety names.

Subd. 11a. **Inert matter.** "Inert matter" means all matter that is not seed, including broken seeds, sterile florets, chaff, fungus bodies, and stones as determined by methods defined by rule.

Subd. 12. MS 2018 [Repealed, 2020 c 89 art 2 s 19]

Subd. 13. **Kind.** "Kind" means one or more related species or subspecies which singly or collectively is known by one common name, such as wheat, oats, or sweet clover.

Subd. 14. **Label.** "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the kind of seeds contained, or any other information relating to the labeled seed and includes invoices under which any seed is imported into the state.

Subd. 14a. **Labeler.** "Labeler" means the person whose complete name and address appears on the label of agricultural, vegetable, flower, tree, shrub, or any other seed for sale within this state, or the person identified by the code designation on the label as authorized by Code of Federal Regulations, title 7, section 201.23.

Subd. 15. **Lot.** "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

Subd. 16. **Mixture.** "Mixture" means seeds consisting of more than one kind, each in excess of five percent of the whole.

Subd. 16a. **Native wildflower.** "Native wildflower" means a kind, type, or variety of wildflower derived from wildflowers that are indigenous to Minnesota and wildflowers that are defined or designated as native species under chapter 84D.

Subd. 17. **Noxious weed seeds.** "Noxious weed seeds" includes prohibited and restricted noxious weed seeds.

Subd. 17b. **Origin.** "Origin," for an indigenous stand of trees, means the area on which the trees are growing and, for a nonindigenous stand, the place from which the seed or plants were originally introduced. "Origin" for agricultural and vegetable seed is the area where the seed was produced, and for native grasses and forbs, it is the area where the original seed was harvested.

Subd. 17c. **Other crop seed.** "Other crop seed" means seed of plants grown as crops, other than the variety included in the pure seed, as determined by methods defined by rule.

Subd. 17d. **Person.** "Person" means an individual, firm, corporation, partnership, association, trust, joint stock company, or unincorporated organization; the state, a state agency, or a political subdivision.

Subd. 18. [Repealed, 1996 c 310 s 1]

Subd. 19. **Prohibited noxious weed seeds.** "Prohibited noxious weed seeds" are those weed seeds which are prohibited from being present in any agricultural, vegetable, flower, tree or shrub seed. They are the

seeds of weeds which are highly destructive and difficult to control by good cultural practices or by the use of herbicides. They not only reproduce by seed but also may spread by underground reproductive parts such as roots and rootstocks and aboveground reproductive parts such as runners and stolons.

Subd. 20. **Pure live seed.** "Pure live seed" means the product of the percent germination multiplied by the percent pure seed divided by 100 percent.

Subd. 21. **Pure seed.** "Pure seed" means seed exclusive of inert matter and all other seeds not of the kind of seed being considered as defined by the rules for testing seeds of the Association of Official Seed Analysts.

Subd. 21a. **Recommended Uniform State Seed Law.** "Recommended Uniform State Seed Law" refers to the Association of American Seed Control Officials guidelines for seed law.

Subd. 22. **Record.** "Record" includes all information relating to seed shipments and includes a file sample of each lot of seed. For tree and shrub seed, the record includes all documents regarding statement of origin and elevation where the seed originated.

Subd. 23. **Restricted noxious weed seeds.** "Restricted noxious weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree or shrub seed, shall be named on the label together with the number per pound of seed specified and which shall not exceed the legal limit. They are seeds of weeds which are objectionable in fields, lawns, and gardens of this state and can be controlled by good cultural practice and use of herbicides.

Subd. 24. **Screenings.** "Screenings" means chaff, sterile florets, immature seed, weed seeds, inert matter, and other material removed from seed in any kind of conditioning and which contains less than 25 percent by weight of live agricultural or vegetable seed.

Subd. 25. **Seizure.** "Seizure" means a legal process carried out by a court order against a definite amount of seed.

Subd. 26. **Sell.** "Sell," when applying to agricultural, vegetable, flower, tree or shrub seed, and seed samples, includes:

- (a) selling or transferring ownership;
- (b) offering and exposing for sale, exchange, distribution, giving away, and transportation in or into this state;
- (c) having in possession with intent to sell, exchange, distribute, give away, or transport in or into this state;
- (d) storing, carrying, and handling in aid of traffic in seeds, whether done in person or through an agent, employee, or other person; and
- (e) receiving, accepting, and holding on consignment for sale.

Subd. 27. **Stop sale.** "Stop sale" means an administrative order restraining the sale, use, disposition, and movement of a definite amount of seed.

Subd. 27a. **Total viable.** "Total viable" means the sum of the germination percentage, plus hard seeds, dormant seeds, or both.

Subd. 28. **Treated.** "Treated" means that the seed has received an application of a substance or that it has been subjected to a process for which a claim is made.

Subd. 29. **Tree and shrub seeds.** "Tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this state.

Subd. 30. **Tree seed collector's declaration.** A "tree seed collector's declaration" is a statement signed by a grower or person having knowledge of the place of collection which gives for a lot of seed: the lot number, common or scientific name of the species, subspecies if appropriate, origin, elevation, and quantity of tree and shrub seed.

Subd. 31. **Type.** "Type" means a group of varieties so nearly similar that individual varieties cannot be clearly differentiated except under special conditions.

Subd. 32. **Vegetable seeds.** "Vegetable seeds" includes the seeds of those crops which are grown in gardens and on truck farms that are generally known and sold under the name of vegetable or herb seeds in this state.

Subd. 33. **Variety.** "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

Subd. 34. **Weed seeds.** "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

History: 1983 c 293 s 40; 1986 c 444; 2003 c 128 art 8 s 1-8; 2015 c 44 s 13,14; 2020 c 89 art 2 s 8,9

21.82 LABEL REQUIREMENTS; AGRICULTURAL, VEGETABLE, FLOWER, OR WILDFLOWER SEEDS.

Subdivision 1. **Form.** Each container of agricultural, vegetable, flower, or wildflower seed which is offered for sale for sowing purposes must bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This statement must not be modified or denied in the labeling or on another label attached to the container.

Subd. 2. **Content.** For agricultural, vegetable, flower, or wildflower seeds offered for sale as agricultural seed, except as otherwise provided in subdivisions 4, 5, and 6, the label must contain:

(a) The name of the kind or kind and variety for each seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. The commissioner shall by rule designate the kinds that are required to be labeled as to variety. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label shall show the name of the kind and the words: "Variety not stated." The heading "pure seed" must be indicated on the seed label in close association with other required label information.

(1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of five percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be shown on the label in conjunction with the kind.

(2) Blends shall be listed on the label using the term "blend" in conjunction with the kind.

(3) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(b) Lot number or other lot identification.

(c) Origin, if known, or that the origin is unknown.

(d) Percentage by weight of all weed seeds present. This percentage may not exceed one percent. The heading "weed seed" must be indicated on the seed label in close association with other required label information.

(e) Name and rate of occurrence per pound of each kind of restricted noxious weed seeds present. They must be listed under the heading "noxious weed seeds" in close association with other required label information.

(f) Percentage by weight of seeds other than those kinds and varieties required to be named on the label. They must be listed under the heading "other crop" in close association with other required label information.

(g) Percentage by weight of inert matter. The heading "inert matter" must be indicated on the seed label in close association with other required label information.

(h) Net weight of contents, to appear on either the container or the label.

(i) For each named kind or variety of seed:

(1) percentage of germination, exclusive of hard or dormant seed or both;

(2) percentage of hard or dormant seed or both, if present; and

(3) the calendar month and year the percentages were determined by test or the statement "sell by (month and year)" which may not be more than 12 months from the date of test, exclusive of the month of test.

The headings for "germination" and "hard seed or dormant seed" percentages must be stated separately on the seed label. A separate percentage derived from combining these percentages may also be stated on the seed label as "total viable."

(j) Name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.

Subd. 3. **Treated seed.** For all named agricultural, vegetable, flower, or wildflower seeds which are treated, for which a separate label may be used, the label must contain:

(1) a word or statement to indicate that the seed has been treated;

(2) the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;

(3) the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;

(4) in the case of mercurials or similarly toxic substances, a poison statement and symbol;

(5) a word or statement describing the process used when the treatment is not of pesticide origin; and

(6) the date beyond which the inoculant is considered ineffective if the seed is treated with an inoculant. It must be listed on the label as "inoculant: expires (month and year)" or wording that conveys the same meaning.

Subd. 4. **Hybrid seed corn.** For hybrid seed corn purposes a label must contain:

(1) a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents; and

(2) for each variety of hybrid seed field corn, the day classification as determined by the originator or owner. The day classification must approximate the number of days of growing season necessary from emergence of the corn plant above ground to relative maturity and must be within three days of maturity ratings determined in comparative trials by the Minnesota agricultural experiment station.

Subd. 5. **Grass seed.** For grass seed and mixtures of grass seeds intended for lawn and turf purposes, the requirements in paragraphs (a) and (b) must be met.

(a) The label must contain the statement "sell by (month and year listed here)" which may be no more than 15 months from the date of test, exclusive of the month of test.

(b) When grass seeds are sold outside their original containers, the labeling requirements are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 6. **Coated agricultural seeds.** For coated agricultural seeds the label must contain:

(1) percentage by weight of pure seeds with coating material removed;

(2) percentage by weight of coating material shown as a separate item in close association with the percentage of inert matter; and

(3) percentage of germination determined on 400 pellets with or without seeds.

Subd. 7. **Vegetable seeds.** For vegetable seeds prepared for use in home gardens or household plantings the requirements in paragraphs (a) to (p) apply. Vegetable seeds packed for sale in commercial quantities to farmers, conservation groups, and other similar entities are considered agricultural seeds and must be labeled accordingly.

(a) The label must contain the name of the kind or kind and variety for each seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label must show the name of the kind and the words "variety not stated."

(b) The percentage that is hybrid must be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds of varieties are present in excess of five percent and are named on the label, each that is hybrid must be designated as hybrid on the label. Any one kind or kind and variety that has pure seed that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed may be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word "hybrid" must be shown on the label in conjunction with the kind.

(c) Blends must be listed on the label using the term "blend" in conjunction with the kind.

(d) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(e) The label must show a lot number or other lot identification.

(f) The origin may be omitted from the label.

(g) The label must show the year for which the seed was packed for sale listed as "packed for (year)" for seed with a percentage of germination that exceeds the standard last established by the commissioner, the percentage of germination and the calendar month and year that the percentages were determined by test, or the calendar month and year the germination test was completed and the statement "sell by (month and year listed here)," which may be no more than 12 months from the date of test, exclusive of the month of test.

(h) For vegetable seeds which germinate less than the standard last established by the commissioner, the label must show:

(1) a percentage of germination, exclusive of hard or dormant seed or both;

(2) a percentage of hard or dormant seed or both, if present; and

(3) the words "below standard" in not less than eight point type and the month and year the percentages were determined by test.

(i) The net weight of the contents or a statement indicating the number of seeds in the container or both, must appear on either the container or the label.

(j) The heading for and percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(k) The heading for and percentage by weight of weed seed may be omitted from a label if they are not present in the seed.

(l) The heading "noxious weed seeds" may be omitted from a label if they are not present in the seed.

(m) The heading for and percentage by weight of other crop seed may be omitted from a label if it is less than five percent.

(n) The heading for and percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(o) The label must contain the name and address of the person who labeled the seed or who sells the seed in this state or a code number that has been registered with the commissioner.

(p) The labeling requirements for vegetable seeds prepared for use in home gardens or household plantings when sold outside their original containers are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 8. Flower seeds. For flower and wildflower seeds prepared for use in home gardens or household plantings, the requirements in paragraphs (a) to (l) apply. Flower and wildflower seeds packed for sale in commercial quantities to farmers, conservation groups, and other similar entities are considered agricultural seeds and must be labeled accordingly.

(a) The label must contain the name of the kind and variety or a statement of type and performance characteristics as prescribed by rule.

(b) The percentage that is hybrid must be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds of varieties are present in excess of five percent and are named on the label, each that is hybrid must be designated as hybrid on the label. Any one kind or kind and variety that has pure seed that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed may be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word "hybrid" must be shown on the label in conjunction with the kind.

(c) Blends must be listed on the label using the term "blend" in conjunction with the kind.

(d) Mixtures must be listed on the label using the term "mixture," "mix," or "mixed."

(e) The label must contain the lot number or other lot identification.

(f) The origin may be omitted from the label.

(g) The label must contain the year for which the seed was packed for sale listed as "packed for (year)" for seed with a percentage of germination that exceeds the standard last established by the commissioner, the percentage of germination and the calendar month and year that the percentages were determined by test, or the calendar month and year the germination test was completed and the statement "sell by (month and year listed here)," which may be no more than 12 months from the date of test, exclusive of the month of test.

(h) For flower seeds which germinate less than the standard last established by the commissioner, the label must show:

(1) percentage of germination exclusive of hard or dormant seed or both;

(2) percentage of hard or dormant seed or both, if present; and

(3) the words "below standard" in not less than eight point type and the month and year this percentage was determined by test.

(i) The label must show the net weight of contents or a statement indicating the number of seeds in the container, or both, on either the container or the label.

(j) The heading for and percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(k) The heading for and percentage by weight of weed seed may be omitted from a label if they are not present in the seed.

(l) The heading "noxious weed seeds" may be omitted from a label if they are not present in the seed.

(m) The heading for and percentage by weight of other crop seed may be omitted from a label if it is less than five percent.

(n) The heading for and percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(o) The label must show the name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.

Subd. 9. **Hemp seed.** To comply with the hemp requirements in chapter 18K, a hemp seed labeler must test the hemp parent plants used to produce the hemp seed at the appropriate developmental stage and obtain a certificate of analysis showing that the hemp seed was produced from hemp parent plants with less than 0.3 percent total delta-9 tetrahydrocannabinol concentration.

History: 1983 c 293 s 41; 2003 c 128 art 8 s 9; 2012 c 244 art 1 s 29,30; 2015 c 44 s 15,16; 2020 c 89 art 2 s 10

21.83 LABEL REQUIREMENTS; TREE OR SHRUB SEEDS.

Subdivision 1. **Form.** Each container of tree or shrub seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This label statement shall not be modified or denied in the labeling or on another label attached to the container, except that labeling of seed supplied under a contractual agreement may be made by an invoice accompanying the shipment or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number stenciled on the container. Each bag or container that is not so stenciled must carry complete labeling.

Subd. 2. **Label content.** For all tree or shrub seed subject to this section the label shall contain:

- (a) the common name of the species, and the subspecies if appropriate;
- (b) the scientific name of the genus and species, and the subspecies if appropriate;
- (c) the lot number or other lot identification;
- (d) for seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county;
- (e) for seed collected from a predominantly nonindigenous stand, the identity of the area of collection and the origin of the stand or the words "origin not indigenous";
- (f) the elevation or the upper and lower limits of elevation within which the seed was collected;
- (g) the percentage of pure seed by weight;
- (h) for those kinds of seed for which standard testing procedures are prescribed:
 - (1) the percentage of germination exclusive of hard or dormant seed;
 - (2) the percentage of hard or dormant seed, if present; and
 - (3) the calendar month and year the percentages were determined by test; or
 - (4) in lieu of the requirements of clauses (1) to (3), the seed may be labeled "test is in progress, results will be supplied upon request";
- (i) for those species for which standard germination testing procedures have not been prescribed by the commissioner, the calendar year in which the seed was collected; and
- (j) the name and address of the person who labeled the seed or who sells the seed within this state.

Subd. 3. **Treated seed.** For all treated tree and shrub seeds for which a separate label may be used the label shall contain:

- (a) a word or statement to indicate that the seed has been treated;
- (b) the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;
- (c) the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;
- (d) in the case of mercurials or similarly toxic substances, a poison statement and symbol;
- (e) a word or statement describing the process used when the treatment is not of pesticide origin;
- (f) if the seed has been treated with an inoculant, the date beyond which the inoculant is considered ineffective. It shall be listed on the label as "inoculant: expires (month and year)" or wording which conveys the same meaning.

History: 1983 c 293 s 42; 2003 c 128 art 8 s 10

21.84 RECORDS.

- (a) A labeler must keep (1) for three years complete records of each seed lot sold in this state, and (2) for one year a file sample of each seed lot after disposition of the lot.
- (b) The labeler must retain the following information as part of the complete record for each seed lot sold:
 - (1) the lot number or other lot identification;
 - (2) a copy of the genuine grower's or tree seed collector's declaration, or a similar document containing the same information;
 - (3) copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or the kind and variety of the seed, and the lot number;
 - (4) a copy of the label that was attached to or accompanied the seed lot;
 - (5) a copy of the field and final certification documents, if applicable;
 - (6) a copy of each testing report of the seed for labeling purposes; and
 - (7) a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample in accordance with section 201.43 of the Federal Seed Act regulations.

History: 1983 c 293 s 43; 2003 c 128 art 8 s 11; 2020 c 89 art 2 s 11

21.85 COMMISSIONER'S POWERS AND DUTIES.

Subdivision 1. [Repealed, 2003 c 128 art 8 s 22]

Subd. 2. **Seed laboratory.** (a) The commissioner must establish and maintain a seed laboratory for seed testing, employing necessary agents and assistants to administer and enforce sections 21.80 to 21.92, who shall be governed by chapter 43A.

(b) The laboratory procedures for testing official seed samples are the procedures set forth in the Rules for Testing Seeds that is published annually by the Association of Official Seed Analysts. If a laboratory

procedure rule does not exist for a particular type of seed, then laboratory procedures from other recognized seed testing sources may be used, including procedures under the Code of Federal Regulations, title 7, part 201, or the International Rules for Testing Seeds.

(c) The commissioner must apply the following tolerances when comparing the label claims made for required label categories, minimum standards not specifically required to be labeled, or other label claims that can be verified by laboratory analysis:

(1) tolerances for pure seed, weed seed, other crop seed, and inert matter according to Code of Federal Regulations, title 7, section 201.60, including additional tolerances for chaffy seeds and mixtures containing chaffy seeds;

(2) tolerances for the presence of prohibited noxious weed seeds and rate of occurrence of restricted weed seeds according to Code of Federal Regulations, title 7, section 201.65;

(3) tolerances for germination, hard seed, dormant seed, total viable seed, and pure live seed percentages of kinds of seeds required to be labeled as agricultural seed according to Code of Federal Regulations, title 7, section 201.63; and

(4) minimum germination standards:

(i) for vegetable seed germination, in accordance with section 21.82, subdivision 7, paragraph (a), and the germination standards for vegetable seeds prepared for use by home gardeners in Code of Federal Regulations, title 7, section 201.31; and

(ii) for flower seed germination, in accordance with section 21.82, subdivision 8, paragraph (a), and the germination standards for flower seeds prepared for use by home gardeners as listed in the Recommended Uniform State Seed Law.

Subd. 3. [Repealed, 2003 c 128 art 8 s 22]

Subd. 4. [Repealed, 2003 c 128 art 8 s 22]

Subd. 5. [Repealed, 2003 c 128 art 8 s 22]

Subd. 6. [Repealed, 2003 c 128 art 8 s 22]

Subd. 7. [Repealed, 2003 c 128 art 8 s 22]

Subd. 8. [Repealed, 2003 c 128 art 8 s 22]

Subd. 9. [Repealed, 2003 c 128 art 8 s 22]

Subd. 10. **Commissioner may alter requirements in emergencies.** In the event of acute shortages of any seed or seeds, or the occurrence of other conditions which in the opinion of the commissioner create an emergency which would make impractical the enforcement of any requirement of sections 21.80 to 21.92 relating to the percentage of purity, weed seed content, and the variety name of any seed or seeds, the commissioner may temporarily change and alter any requirement relating to percentage of purity, weed seed content, and the variety name for the duration of the emergency.

Subd. 11. **Rules.** The commissioner may adopt rules under this chapter. A violation of the rules is a violation of this chapter.

Subd. 12. **Service testing and identification.** The commissioner shall provide for purity and germination tests of seeds and identification of seeds and plants for farmers, dealers, and others, and shall establish schedules to recover the cost of services provided. Money collected must be deposited in the laboratory services account in the agricultural fund.

Subd. 13. **Sampling export seed.** The commissioner may sample agricultural, vegetable, flower, wildflower, tree, or shrub seeds which are destined for export to other countries, and may establish and collect suitable fees from the exporter for this service.

Subd. 14. **Cooperation with United States Department of Agriculture.** The commissioner shall cooperate with the United States Department of Agriculture in Seed Law enforcement.

Subd. 15. **Prohibited and restricted seeds.** The commissioner, in consultation with the Seed Program Advisory Committee, must determine species that are considered prohibited weed seeds and restricted noxious weed seeds and the allowable rate of occurrence of restricted noxious weed seeds subject to sections 21.80 to 21.92. The commissioner must prepare, publish, and revise at least once every three years, a list of prohibited and restricted noxious weed seeds. The commissioner must distribute the list to the public and may request the help of the United States Department of Agriculture's published All-States Noxious Weed Seed List or any other organization that the commissioner considers appropriate to assist in the distribution. The commissioner may, in consultation with the Seed Program Advisory Committee, accept and consider noxious weed seed designation petitions from Minnesota citizens or Minnesota organizations or associations including the Noxious Weed Advisory Committee.

History: 1983 c 293 s 44; 1984 c 640 s 32; 1986 c 444; 1992 c 567 art 3 s 2; 1993 c 367 s 25; 1995 c 233 art 2 s 56; 1Sp2001 c 2 s 41; 2003 c 128 art 8 s 12,13; 2015 c 44 s 17,18; 2020 c 89 art 2 s 12,13

21.851 ADVISORY COMMITTEE; MEMBERSHIP.

Subdivision 1. **Duties.** The commissioner must consult with the Seed Program Advisory Committee to advise the commissioner concerning responsibilities under the seed regulatory program. The committee must evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by each species. For each species evaluated, the committee must recommend to the commissioner whether a species should be listed as a prohibited noxious weed seed or restricted noxious weed seed or not be listed. Species designated as prohibited or restricted noxious weed seeds must be reevaluated every three years for a recommendation on whether or not the designated species need to remain on the noxious weed seed lists. The committee must also advise the commissioner on the implementation of the Minnesota Seed Law. Members of the committee are not entitled to reimbursement of expenses nor payment of per diem. Members serve two-year terms with subsequent reappointment by the commissioner.

Subd. 2. **Membership.** The commissioner must appoint members to include representatives from:

(1) the College of Food, Agricultural and Natural Resource Sciences or Extension at the University of Minnesota;

(2) Minnesota Crop Improvement;

(3) the seed industry in Minnesota, a minimum of six members with representation from multinational, national, regional, and Minnesota seed companies;

(4) the grain industry in Minnesota;

(5) farmers in Minnesota;

- (6) other state and federal agencies with an interest in seed; and
- (7) other members as needed.

Subd. 3. **Organization.** The committee must select a chair from its membership. Meetings of the committee may be called by or at the direction of the commissioner or the chair.

History: 2020 c 89 art 2 s 14

21.86 UNLAWFUL ACTS.

Subdivision 1. **Prohibitions.** A person may not advertise or sell any agricultural, vegetable, flower, wildflower, tree, or shrub seed if:

(a) a test to determine the percentage of germination required by sections 21.82 and 21.83 has not been completed within a 12-month period, exclusive of the calendar month in which the test was completed or it is offered for sale beyond the sell by date exclusive of the calendar month in which the seed was to have been sold, except that:

(1) when advertised or offered for sale as agricultural seed, native grass and forb (wildflowers) seeds must have been tested for percentage of germination as required by section 21.82 within a 15-month period, exclusive of the calendar month in which the test was completed;

(2) it is unlawful to offer cool season lawn and turf grasses including Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bent grass, creeping bent grass, and mixtures or blends of those grasses, for sale beyond the sell by date exclusive of the calendar month in which the seed was to have been sold;

(3) this prohibition does not apply to tree, shrub, agricultural, flower, wildflower, or vegetable seeds packaged in hermetically sealed containers. Seeds packaged in hermetically sealed containers under the conditions defined by rule may be offered for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging; and

(4) if seeds in hermetically sealed containers are offered for sale more than 36 months after the last day of the month in which they were tested prior to packaging, they must be retested within a nine-month period, exclusive of the calendar month in which the retest was completed;

(b) it is not labeled in accordance with sections 21.82 and 21.83 or has false or misleading labeling;

(c) false or misleading advertisement has been used in respect to its sale;

(d) it contains prohibited noxious weed seeds;

(e) it consists of or contains restricted noxious weed seeds in excess of 25 seeds per pound or in excess of the number declared on the label attached to the container of the seed or associated with the seed;

(f) it contains more than one percent by weight of all weed seeds;

(g) it contains less than the stated net weight of contents;

(h) it contains less than the stated number of seeds in the container;

(i) it contains any labeling, advertising, or other representation subject to sections 21.82 and 21.83 representing the seed to be certified unless:

(1) it has been determined by a seed certifying agency that the seed conformed to standards of purity and identity as to kind, species, subspecies, or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules pertaining to the seed; and

(2) the seed bears an official label issued for it by a seed certifying agency stating that the seed is of a certified class and a specified kind, species, subspecies, or variety;

(j) it is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection has been granted under United States Code, title 7, sections 2481 to 2486, specifying sale by variety name only as a class of certified seed. Seed from a certified lot may be labeled as to variety name when used in a blend or mixture by or with approval of the owner of the variety; or

(k) the person whose name appears on the label does not have complete records including a file sample of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state as required in section 21.84.

Subd. 2. **Miscellaneous violations.** No person may:

(a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or alter or falsify any seed tests, laboratory reports, records, or other documents to create a misleading impression as to kind, variety, history, quality, or origin of the seed;

(b) hinder or obstruct in any way any authorized person in the performance of duties under sections 21.80 to 21.92;

(c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;

(d) use the word "type" in any labeling in connection with the name of any agricultural seed variety;

(e) use the word "trace" as a substitute for any statement which is required;

(f) plant any agricultural seed which the person knows contains weed seeds or noxious weed seeds in excess of the limits for that seed; or

(g) advertise or sell seed containing patented, protected, or proprietary varieties used without permission of the patent or certificate holder of the intellectual property associated with the variety of seed.

History: 1983 c 293 s 45; 2000 c 477 s 23; 2003 c 128 art 8 s 14; 2020 c 89 art 2 s 15

21.87 EXEMPTION.

(a) Sections 21.82 and 21.83 do not apply to:

(1) seed or grain not intended for sowing purposes;

(2) seed in storage in or being transported or consigned to a conditioning establishment for conditioning, provided that the invoice or label accompanying any shipment of the seeds bears the statement "seeds for conditioning," and provided that any labeling or other representation which may be made with respect to the unconditioned seed is subject to the provisions of sections 21.82 and 21.83;

(3) any carrier with respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier, provided that the carrier is not engaged in producing, conditioning, or marketing seeds subject to sections 21.82 and 21.83; or

(4) interpersonal sharing of seed for home, educational, charitable, or personal noncommercial use.

(b) Notwithstanding paragraph (a), sections 21.82 and 21.83 do apply if a person distributes seed found to:

(1) contain seed of patented, protected, or proprietary varieties used without permission of the patent or certificate holder of the intellectual property associated with the variety;

(2) have been misrepresented as certified seed; or

(3) contain prohibited or restricted weed seeds or seeds from species listed as noxious by the commissioner under chapter 18.

History: 1983 c 293 s 46; 2015 c 44 s 19

21.88 PENALTIES NOT TO APPLY.

A person is not subject to penalties for having sold seeds which were incorrectly labeled or represented as to kind, species, subspecies, if appropriate, variety, type, origin and year, elevation or place of collection if required, if the seeds cannot be identified by examination unless the person has failed to obtain an invoice or genuine grower's or tree seed collector's declaration or other labeling information and to take other reasonable precautions to ensure the identity is as stated.

History: 1983 c 293 s 47; 1986 c 444; 2003 c 128 art 8 s 15

21.89 SEED FEE PERMITS.

Subdivision 1. **Seed fee.** In order to pay for administering and enforcing sections 21.80 to 21.92, the commissioner shall establish the fees charged for various seeds and shall collect the fees on all seeds covered by sections 21.82 to 21.92.

Subd. 2. **Permits; issuance and revocation.** The commissioner shall issue a permit to the labeler of agricultural, vegetable, flower, and wildflower seeds which are sold for use in Minnesota and which conform to and are labeled under sections 21.80 to 21.92. Permit fees are determined based on the first sale in the state. Any sale after the first sale does not increase the permit fee. The categories of permits are as follows:

(1) for labelers who sell 50,000 pounds or less of agricultural, native grasses, or wildflower seed each calendar year, an annual permit issued for a fee established in section 21.891, subdivision 2, paragraph (b);

(2) for labelers who sell vegetable, flower, and wildflower seed packed for use in home gardens or household plantings, an annual permit issued for a fee established in section 21.891, subdivision 2, paragraph (c), based upon the gross sales from the previous year; and

(3) for labelers who sell more than 50,000 pounds of agricultural, native grasses, or wildflower seed each calendar year, a permanent permit issued for a fee established in section 21.891, subdivision 2, paragraph (d).

In addition, the person shall furnish to the commissioner an itemized statement of all seeds sold in Minnesota for the periods established by the commissioner. This statement shall be delivered, along with the payment of the fee, based upon the amount and type of seed sold, to the commissioner no later than 30

days after the end of each reporting period. Any person holding a permit shall show as part of the analysis labels or invoices on all agricultural, vegetable, flower, wildflower, tree, or shrub seeds all information the commissioner requires. The commissioner may revoke any permit in the event of failure to comply with applicable laws and rules.

Subd. 3. **Penalty.** A penalty fee established by the commissioner shall be assessed any permit holder who fails to submit a statement and pay the fee due within the 30 days following the end of each reporting period.

Subd. 4. **Exemptions.** A labeler who sells for use in Minnesota agricultural, vegetable, or flower seeds must have a seed fee permit unless the agricultural, vegetable, or flower seeds are of the breeder or foundation seed classes of varieties developed by publicly financed research agencies intended for the purpose of increasing the quantity of seed available.

History: 1983 c 293 s 48; 1989 c 312 s 1,2; 2003 c 128 art 8 s 16,17; 1Sp2015 c 4 art 2 s 47; 2020 c 89 art 2 s 16,17

21.891 FEES.

Subdivision 1. **Sampling export seed.** In accordance with section 21.85, subdivision 13, the commissioner may, if requested, sample seed destined for export to other countries. The fee for sampling export seed is an hourly rate published annually by the commissioner and it must be an amount sufficient to recover the actual costs of the service provided.

Subd. 2. **Seed fee permits.** (a) A labeler who wishes to sell seed in Minnesota must comply with section 21.89, subdivisions 1 and 2, and the procedures in this subdivision. Each labeler who wishes to sell seed in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, and the name and title of the applicant's contact person. Permit fees are based on the initial sale of seed in Minnesota.

(b) The application for a seed permit covered by section 21.89, subdivision 2, clause (1), must be accompanied by an application fee of \$75.

(c) The application for a seed permit covered by section 21.89, subdivision 2, clause (2), must be accompanied by an application fee based on the level of annual gross sales as follows:

- (1) for gross sales of \$0 to \$25,000, the annual permit fee is \$75;
- (2) for gross sales of \$25,001 to \$50,000, the annual permit fee is \$150;
- (3) for gross sales of \$50,001 to \$100,000, the annual permit fee is \$300;
- (4) for gross sales of \$100,001 to \$250,000, the annual permit fee is \$750;
- (5) for gross sales of \$250,001 to \$500,000, the annual permit fee is \$1,500;
- (6) for gross sales of \$500,001 to \$1,000,000, the annual permit fee is \$3,000; and
- (7) for gross sales of \$1,000,001 and above, the annual permit fee is \$4,500.

(d) The application for a seed permit covered by section 21.89, subdivision 2, clause (3), must be accompanied by an application fee of \$75. Labelers holding seed fee permits covered under this paragraph need not apply for a new permit or pay the application fee. Under this permit category, the fees for the following kinds of agricultural seed sold either in bulk or containers are:

- (1) oats, wheat, and barley, 9 cents per hundredweight;
- (2) rye, field beans, buckwheat, and flax, 12 cents per hundredweight;
- (3) field corn, 17 cents per 80,000 seed unit;
- (4) forage, hemp, lawn and turf grasses, and legumes, 69 cents per hundredweight;
- (5) sunflower, \$1.96 per hundredweight;
- (6) sugar beet, 12 cents per 100,000 seed unit;
- (7) soybeans, 7.5 cents per 140,000 seed unit;

(8) for any agricultural seed not listed in clauses (1) to (7), the fee for the crop most closely resembling it in normal planting rate applies; and

- (9) for native grasses and wildflower seed, \$1 per hundredweight.

(e) If, for reasons beyond the control and knowledge of the labeler, seed is shipped into Minnesota by a person other than the labeler, the responsibility for the seed fees are transferred to the shipper. An application for a transfer of this responsibility must be made to the commissioner. Upon approval by the commissioner of the transfer, the shipper is responsible for payment of the seed permit fees.

(f) Seed permit fees may be included in the cost of the seed either as a hidden cost or as a line item cost on each invoice for seed sold. To identify the fee on an invoice, the words "Minnesota seed permit fees" must be used.

(g) All seed fee permit holders must file semiannual reports with the commissioner, even if no seed was sold during the reporting period. Each semiannual report must be submitted within 30 days of the end of each reporting period. The reporting periods are October 1 to March 31 and April 1 to September 30 of each year or July 1 to December 31 and January 1 to June 30 of each year. Permit holders may change their reporting periods with the approval of the commissioner.

(h) The holder of a seed fee permit must pay fees on all seed for which the permit holder is the labeler and which are covered by sections 21.80 to 21.92 and sold during the reporting period.

(i) If a seed fee permit holder fails to submit a semiannual report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of \$100 or eight percent, calculated on an annual basis, of the fee due, whichever is greater, but no more than \$500 for each late semiannual report. A \$15 penalty must be charged when the semiannual report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this paragraph or the Minnesota seed law.

Subd. 3. [Repealed, 2003 c 128 art 8 s 22]

Subd. 4. [Repealed, 2003 c 128 art 8 s 22]

Subd. 5. **Brand name registration fee.** The fee is \$50 for each variety registered for sale by brand name.

History: 2003 c 128 art 8 s 18; 1Sp2015 c 4 art 2 s 48,49; 2020 c 89 art 2 s 18

21.90 [Repealed, 2003 c 128 art 8 s 22]

21.901 BRAND NAME REGISTRATION.

The owner or originator of a variety of nonhybrid seed that is to be sold in this state must annually register the variety with the commissioner if the variety is to be sold only under a brand name. The registration must include the brand name and the variety of seed. The brand name for a blend or mixture need not be registered.

History: *1996 c 407 s 16; 2003 c 128 art 8 s 21*

21.91 SEED CERTIFICATION AGENCIES.

Subdivision 1. **Minnesota.** The official seed certification agency for Minnesota shall be determined by the commissioner of agriculture and the director of the Minnesota Agricultural Experiment Station.

Subd. 2. **Other jurisdictions.** The official seed certification agency for other jurisdictions shall be determined and the identity filed as a public record in the office of the commissioner of agriculture. The determination shall be made by the commissioner of agriculture and the director of the Minnesota Agricultural Experiment Station.

History: *1983 c 293 s 50*

21.92 SEED INSPECTION ACCOUNT.

There is established in the agricultural fund an account known as the seed inspection account. Fees and penalties collected by the commissioner under sections 21.80 to 21.92 and interest attributable to money in the account shall be deposited into this account. Money in the account, including interest earned, is appropriated to the commissioner for the administration and enforcement of sections 21.80 to 21.92.

History: *1983 c 293 s 51; 1985 c 248 s 9; 1993 c 172 s 26; 1996 c 305 art 3 s 5; 1999 c 231 s 47; 1999 c 250 art 3 s 5*

CHAPTER 18J

INSPECTION AND ENFORCEMENT

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18J.01 DEFINITIONS.

(a) The definitions in sections 18G.02, 18H.02, 18K.02, 27.01, 223.16, 231.01, and 232.21 apply to this chapter.

(b) For purposes of this chapter, "associated rules" means rules adopted under this chapter, chapter 18G, 18H, 18K, 27, 223, 231, or 232, or sections 21.80 to 21.92.

History: 2003 c 128 art 6 s 1; 2012 c 244 art 1 s 15; 1Sp2015 c 4 art 2 s 21

18J.02 DUTIES OF COMMISSIONER.

The commissioner shall administer and enforce this chapter, chapters 18G, 18H, 18K, 27, 223, 231, and 232; sections 21.80 to 21.92; and associated rules.

History: 2003 c 128 art 6 s 2; 2012 c 244 art 1 s 16; 1Sp2015 c 4 art 2 s 22

18J.03 CIVIL LIABILITY.

A person regulated by this chapter, chapter 18G, 18H, 18K, 27, 223, 231, or 232, or sections 21.80 to 21.92, is civilly liable for any violation of one of those statutes or associated rules by the person's employee or agent.

History: 2003 c 128 art 6 s 3; 2012 c 244 art 1 s 17; 1Sp2015 c 4 art 2 s 23

18J.04 INSPECTION, SAMPLING, ANALYSIS.

Subdivision 1. **Access and entry.** The commissioner, upon presentation of official department credentials, must be granted immediate access at reasonable times to sites where a person manufactures, distributes, uses, handles, disposes of, stores, or transports seeds, plants, grain, household goods, general merchandise, produce, or other living or nonliving products or other objects regulated under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

Subd. 2. **Purpose of entry.** (a) The commissioner may enter sites for:

(1) inspection of inventory and equipment for the manufacture, storage, handling, distribution, disposal, or any other process regulated under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

(2) sampling of sites, seeds, plants, products, grain, household goods, general merchandise, produce, or other living or nonliving objects that are manufactured, stored, distributed, handled, or disposed of at those sites and regulated under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

(3) inspection of records related to the manufacture, distribution, storage, handling, or disposal of seeds, plants, products, grain, household goods, general merchandise, produce, or other living or nonliving objects regulated under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

(4) investigating compliance with chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules; or

(5) other purposes necessary to implement chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

(b) The commissioner may enter any public or private premises during or after regular business hours without notice of inspection when a suspected violation of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules may threaten public health or the environment.

Subd. 3. Notice of inspection samples and analyses. (a) The commissioner shall provide the owner, operator, or agent in charge with a receipt describing any samples obtained. If requested, the commissioner shall split any samples obtained and provide them to the owner, operator, or agent in charge. If an analysis is made of the samples, a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge within 30 days after an analysis has been performed. If an analysis is not performed, the commissioner must notify the owner, operator, or agent in charge within 30 days of the decision not to perform the analysis.

(b) The sampling and analysis must be done according to methods provided for under applicable provisions of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules. In cases not covered by those sections and methods or in cases where methods are available in which improved applicability has been demonstrated the commissioner may adopt appropriate methods from other sources.

Subd. 4. Inspection requests by others. (a) A person who believes that a violation of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules has occurred may request an inspection by giving notice to the commissioner of the violation. The notice must be in writing, state with reasonable particularity the grounds for the notice, and be signed by the person making the request.

(b) If after receiving a notice of violation the commissioner reasonably believes that a violation has occurred, the commissioner shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if a violation has occurred.

(c) An inspection conducted pursuant to a notice under this subdivision may cover an entire site and is not limited to the portion of the site specified in the notice. If the commissioner determines that reasonable grounds to believe that a violation occurred do not exist, the commissioner must notify the person making the request in writing of the determination.

Subd. 5. Order to enter after refusal. After a refusal, or an anticipated refusal based on a prior refusal, to allow entrance on a prior occasion by an owner, operator, or agent in charge to allow entry as specified in this section, the commissioner may apply for an order in the district court in the county where a site is located, that compels a person with authority to allow the commissioner to enter and inspect the site.

Subd. 6. Violator liable for inspection costs. (a) The cost of reinspection and reinvestigation may be assessed by the commissioner if the person subject to an order of the commissioner does not comply with the order in a reasonable time as provided in the order.

(b) The commissioner may enter an order for recovery of the inspection and investigation costs.

Subd. 7. **Investigation authority.** (a) In making inspections under this chapter, the commissioner may administer oaths, certify official acts, issue subpoenas to take and cause to be taken depositions of witnesses, and compel the attendance of witnesses and production of papers, books, documents, records, and testimony.

(b) If a person fails to comply with a subpoena, or a witness refuses to produce evidence or to testify to a matter about which the person may be lawfully questioned, the district court shall, on application of the commissioner, compel obedience proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by the court or a refusal to testify in court.

History: 2003 c 128 art 6 s 4; 2012 c 244 art 1 s 18-21; 1Sp2015 c 4 art 2 s 24-27

18J.05 ENFORCEMENT.

Subdivision 1. **Enforcement required.** (a) A violation of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or an associated rule is a violation of this chapter.

(b) Upon the request of the commissioner, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws must take action to the extent of their authority necessary or proper for the enforcement of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules or valid orders, standards, stipulations, and agreements of the commissioner.

Subd. 2. **Commissioner's discretion.** If minor violations of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules occur or the commissioner believes the public interest will be best served by a suitable notice of warning in writing, this section does not require the commissioner to:

- (1) report the violation for prosecution;
- (2) institute seizure proceedings; or
- (3) issue a withdrawal from distribution, stop-sale, or other order.

Subd. 3. **Civil actions.** Civil judicial enforcement actions may be brought by the attorney general in the name of the state on behalf of the commissioner. A county attorney may bring a civil judicial enforcement action upon the request of the commissioner and agreement by the attorney general.

Subd. 4. **Injunction.** The commissioner may apply to a court with jurisdiction for a temporary or permanent injunction to prevent, restrain, or enjoin violations of this chapter.

Subd. 5. **Criminal actions.** For a criminal action, the county attorney from the county where a criminal violation occurred is responsible for prosecuting a violation of this chapter. If the county attorney refuses to prosecute, the attorney general on request of the commissioner may prosecute.

Subd. 6. **Agent for service of process.** All persons licensed, permitted, registered, or certified under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules must appoint the commissioner as the agent upon whom all legal process may be served and service upon the commissioner is deemed to be service on the licensee, permittee, registrant, or certified person.

History: 2003 c 128 art 6 s 5; 2012 c 244 art 1 s 22-24; 1Sp2015 c 4 art 2 s 28-30

18J.06 FALSE STATEMENT OR RECORD.

A person must not knowingly make or offer a false statement, record, or other information as part of:

(1) an application for registration, license, certification, or permit under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules;

(2) records or reports required under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules; or

(3) an investigation of a violation of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

History: 2003 c 128 art 6 s 6; 2012 c 244 art 1 s 25; 1Sp2015 c 4 art 2 s 31

18J.07 ADMINISTRATIVE ACTION.

Subdivision 1. **Administrative remedies.** The commissioner may seek to remedy violations by a written warning, administrative meeting, cease and desist, stop-use, stop-sale, removal, correction order, or an order, seizure, stipulation, or agreement, if the commissioner determines that the remedy is in the public interest.

Subd. 2. **Revocation and suspension.** The commissioner may, after written notice and hearing, revoke, suspend, or refuse to grant or renew a registration, permit, license, or certification if a person violates this chapter or has a history within the last three years of violation of this chapter.

Subd. 3. **Cancellation of registration, permit, license, certification.** The commissioner may cancel or revoke a registration, permit, license, or certification provided for under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules or refuse to register, permit, license, or certify under provisions of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules if the registrant, permittee, licensee, or certified person has used fraudulent or deceptive practices in the evasion or attempted evasion of a provision of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules.

Subd. 4. **Service of order or notice.** (a) If a person is not available for service of an order, the commissioner may attach the order to the facility, site, seed or seed container, plant or other living or nonliving object regulated under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules and notify the owner, custodian, other responsible party, or registrant.

(b) The seed, seed container, plant, or other living or nonliving object regulated under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules may not be sold, used, tampered with, or removed until released under conditions specified by the commissioner, by an administrative law judge, or by a court.

Subd. 5. **Unsatisfied judgments.** (a) An applicant for a license, permit, registration, or certification under provisions of this chapter, chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.80 to 21.92; or associated rules may not allow a final judgment against the applicant for damages arising from a violation of those statutes or rules to remain unsatisfied for a period of more than 30 days.

(b) Failure to satisfy, within 30 days, a final judgment resulting from a violation of this chapter results in automatic suspension of the license, permit, registration, or certification.

History: 2003 c 128 art 6 s 7; 2012 c 244 art 1 s 26-28; 1Sp2015 c 4 art 2 s 32-34

18J.08 APPEALS OF COMMISSIONER'S ORDERS.

Subdivision 1. **Notice of appeal.** (a) After service of an order, a person has 45 days from receipt of the order to notify the commissioner in writing that the person intends to contest the order.

(b) If the person fails to notify the commissioner that the person intends to contest the order, the order is a final order of the commissioner and not subject to further judicial or administrative review.

Subd. 2. **Administrative review.** If a person notifies the commissioner that the person intends to contest an order issued under this section, the state Office of Administrative Hearings must conduct a hearing in accordance with the applicable provisions of chapter 14 for hearings in contested cases.

Subd. 3. **Judicial review.** Judicial review of a final decision in a contested case is available as provided in chapter 14.

History: 2003 c 128 art 6 s 8

18J.09 CREDITING OF PENALTIES, FEES, AND COSTS.

Penalties, cost reimbursements, fees, and other money collected under this chapter must be deposited into the state treasury and credited to the appropriate nursery and phytosanitary, industrial hemp, or seed account.

History: 2003 c 128 art 6 s 9; 1Sp2015 c 4 art 2 s 35

18J.10 CIVIL PENALTIES.

Subdivision 1. **General penalty.** Except as provided in subdivision 2, a person who violates this chapter or an order, standard, stipulation, agreement, or schedule of compliance of the commissioner is subject to a civil penalty of up to \$7,500 per day of violation as determined by the court.

Subd. 2. **Defense to civil remedies and damages.** As a defense to a civil penalty or claim for damages under subdivision 1, the defendant may prove that the violation was caused solely by an act of God, an act of war, or an act or failure to act that constitutes sabotage or vandalism, or any combination of these defenses.

Subd. 3. **Actions to compel performance.** In an action to compel performance of an order of the commissioner to enforce a provision of this chapter, the court may require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.

Subd. 4. **Recovery of penalties by civil action.** The civil penalties and payments provided for in this chapter may be recovered by a civil action brought by the county attorney or the attorney general in the name of the state.

History: 2003 c 128 art 6 s 10

18J.11 CRIMINAL PENALTIES.

Subdivision 1. **General violation.** Except as provided in subdivisions 2, 3, and 4, a person is guilty of a misdemeanor if the person violates this chapter or an order, standard, stipulation, agreement, or schedule of compliance of the commissioner.

Subd. 2. **Violation endangering humans.** A person is guilty of a gross misdemeanor if the person violates this chapter or an order, standard, stipulation, agreement, or schedule of compliance of the commissioner, and the violation endangers humans.

Subd. 3. **Violation with knowledge.** A person is guilty of a gross misdemeanor if the person knowingly violates this chapter or an order, standard, stipulation, agreement, or schedule of compliance of the commissioner.

Subd. 4. **Controlled substance offenses.** Prosecution under this section does not preclude prosecution under chapter 152.

History: *2003 c 128 art 6 s 11; 1Sp2015 c 4 art 2 s 36,37*

CHAPTER 1510
DEPARTMENT OF AGRICULTURE
SEEDS, FERTILIZERS, FEEDS

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1510.0010 [Repealed, 9 SR 693]

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AGRICULTURAL SEEDS

1510.0011 LABELING VARIETY, VARIETY NOT STATED, AND BRAND; EXAMPLES.

Subpart 1. **Definition; brand.** As used in this part, "brand" means a word, mark, or picture representing a trademark or a term taken from a trademark which indicates the owner, originator, or labeler of the seed and does not indicate the genetic identity of the seed.

Subp. 2. **Labeling variety.** In accordance with Minnesota Statutes, section 21.82, subdivision 2, paragraph (a), the commissioner designates that all kinds of agricultural and vegetable seed must be labeled to show the variety name unless otherwise specified in subpart 3.

Subp. 3. **Labeling variety not stated.** Unless otherwise specified in this subpart, the words "variety not stated" must be shown on agricultural seed labels if any of the following circumstances exist:

A. the variety name is not known for a nonhybrid seed and it cannot be determined by examining the seed and records of the seed lot;

B. the variety name is known for a nonhybrid biennial or perennial seed, in which case the variety name may be omitted from the seed label but only when written permission to do so is signed by the owner or originator and is part of the record for the seed lot;

C. two or more varieties are combined to form a blend, in which case the variety names and the percentages by weight of the components together may be omitted from the seed label but only when information concerning the varieties used and the proportion of each in the blend is part of the record for the seed lot; or

D. lawn and turf grass seeds are sold in mixtures, in which case the variety name and the words "variety not stated" may be omitted from the seed label if none of the components are listed and sold by brand name.

Subp. 4. **Labeling brands.** When agricultural seed is labeled with a brand, trademark, or term taken from a brand or trademark, the seed label must clearly identify the term with the word "brand" and as being other than part of the variety name.

Subp. 5. **Examples.** The examples in this subpart indicate the required arrangements of terms used to label variety, variety not stated, and brand. The size type used to indicate the kind name on the seed label must also be used for all other terms specified in the examples.

A. When the variety name is stated, the terms designating the kind and variety may appear in any order but must be in close proximity to each other.

B. When both a brand and variety name are stated, the terms must be shown in the following order from left to right or top to bottom: the brand name, the word "brand," the variety name, and the kind name.

C. When a brand name but no variety name is stated, the terms must be shown on the seed label in the following order from left to right or top to bottom: the brand name, the word "brand," the kind name, and the words "variety not stated." If the seed offered for sale is a blend, the word "blend" must be inserted between the kind name and the words "varieties not stated."

Statutory Authority: *MS s 21.82; 21.85*

History: *10 SR 622*

Published Electronically: *July 24, 2008*

1510.0020 DISCLAIMER CLAUSE.

It shall be unlawful for vendors or sellers of agricultural seed to print upon the seed labels or tags, or to use, attach, or print upon literature, or state in any manner, any form of wording designed as a disclaimer

or statement that purposes to disclaim responsibility of the vendor or seller for the data on the label required by law.

Statutory Authority: *MS s 21.85*

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1510.0030 LABEL SHOWING PERCENT OF HARD SEED.

The label required on all agricultural seed containers shall show the percent of hard seed, when present, separately from the germination percent. It is permissible to combine these percentages and list them on the label as "total percent germination and hard seed." They shall not be stated as "total live seed," "total germination," or in any other unauthorized manner.

Statutory Authority: *MS s 21.85*

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1510.0040 LABELING OF SEED BINS AND OTHER BULK CONTAINERS.

When agricultural seeds are sold out of the farmers' or seed vendors' bins or other bulk containers which are in retail sales rooms or to which the consumer buyers have access before buying for the purpose of examining the seed and the label thereof, a complete label shall be attached to such bin or other bulk container in a conspicuous place on the exterior of the container, where the buyer may read it conveniently before making a purchase of the seed. Seed labels and label data in the records or files of the seed seller do not meet the requirements of this part.

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0050 TOLERANCES. OBSOLETE

The following tolerances shall be recognized between the percentages or rates of occurrence found by analysis, test, or examination in the administration of the law and percentages or rates of occurrence required or stated as required by the law. Unless otherwise provided, tolerances shall be determined by applying the formulas in parts 1510.0060 to 1510.0100 to the percentages or rates of occurrence found in the administration of the law.

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0060 PURITY TOLERANCES. OBSOLETE

In determination of the tolerance for the percentage of the distinguishable kind, type, or variety (pure seed), weed seeds, other crop seeds, and inert matter, the sample shall be first considered as made up of two parts:

- A. the percentage of the component (pure seed, weed seed, crop seed, or inert matter as the case may be) being considered; and
- B. the difference between that percentage and 100.

The number represented by item A is then multiplied by the number represented by item B and the product is divided by 100. The resulting number is then multiplied by 0.2 (2/10) and the resulting product added to 0.2 or 0.6 as indicated in the following formulas:

$$\text{Pure seed tolerance} = \frac{0.6 + (0.2 \times a \times b)}{100}$$

$$\text{Weed seeds, other crop seeds and inert matter tolerance} = \frac{0.2 + (0.2 \times a \times b)}{100}$$

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0070 ADDITIONAL TOLERANCE. **OBSOLETE**

An additional tolerance shall be allowed for the following kinds of seeds and mixtures containing any of these kinds of seeds singly or combined in excess of 50 percent. The tolerance is to be obtained by adding to the regular tolerance mentioned above the product obtained by multiplying the regular tolerance by the lesser of part 1510.0060, items A and B divided by 100.

Agrostis spp.
 Andropogon spp.
 Bermuda grass
 Bouteloua spp.
 Brome grass
 Buffalo grass
 Carpet grass
 Dallis grass
 Festuca spp.
 Guinea grass
 Indian grass, yellow
 Meadow foxtail
 Molasses grass

Oatgrass, tall
 Orchard grass
 Panic grass, blue
 Poa spp.
 Rhodes grass
 Ricegrass, Indian
 Sweet vernal grass
 Switch grass
 Vasey grass
 Velvet grass
 Wheatgrass, crested
 Wheatgrass, western
 Wild-rye, Canada

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0080 NOXIOUS WEED SEED TOLERANCES. OBSOLETE

The following tolerances for rates of occurrence of noxious weed seeds (prohibited and restricted) shall be recognized and shall be applied to the number of noxious weed seeds found by analysis in the quantity of seed specified by the state seed laboratory. Representations showing the rate of occurrence indicated in columns 2 and 4 shall be considered within the tolerance if no more than the accompanying number in columns 1 and 3 are found by analysis in the administration of the law. For rates of occurrence higher than those shown in the table and in case of additional or more extensive analysis, a tolerance based on a degree of certainty of five percent ($P = 0.05$) will be recognized.

Number Found By Analysis	The Following Are Within The Tolerance
2	0
4	1
6	2
8	3
9	4
11	5
12	6
13	7

14	8
16	9
17	10
18	11
20	12
21	13
22	14
23	15
24	16
25	17
27	18
28	19
29	20
30	21

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0090 GERMINATION. OBSOLETE

The following tolerances are applicable to the percentage of germination and also to the sum of the germination plus the hard seed when 400 or more seeds are tested.

Found by test	Tolerance
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
60 or over but less than 70	9
Less than 60	10

When only 200 seeds of a component in a mixture are tested, two percent shall be added to the above germination tolerances.

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0100 PURE LIVE SEED. OBSOLETE

The tolerance for pure live seed shall be determined by applying the respective tolerances to the germination plus the hard seed and the pure seed.

Statutory Authority: *MS s 21.85*

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1510.0110 [Repealed, 27 SR 1820]

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1510.0111 [Repealed, L 2015 c 44 s 37]

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1510.0120 [Repealed, 9 SR 693]

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1510.0130 [Repealed, 27 SR 1820]

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1510.0140 [Repealed, 27 SR 1820]

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1510.0150 [Repealed, 27 SR 1820]

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1510.0160 [Repealed, 9 SR 693]

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1510.0161 KINDS OF LAWN AND TURF GRASS SEEDS EXEMPT FROM TEN PERCENT INERT MATTER LIMITATION.

In accordance with Minnesota Statutes, section 21.82, subdivision 5, paragraph (a), Kentucky bluegrass is a kind of lawn and turf grass seed for which the ten percent inert matter limitation does not apply.

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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1510.0170 [Repealed, 9 SR 693]

Published Electronically: *July 24, 2008*

1510.0171 STANDARDS, REQUIREMENTS, AND CONDITIONS FOR LABELING HERMETICALLY SEALED SEEDS.

In accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (a), the following standards, requirements, and conditions must be met before seed is considered to be hermetically sealed:

- A. The seed must be packed within nine months after harvest.
- B. The container used must not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100 degrees Fahrenheit with a relative humidity on one side of 90 percent and on the other side of zero percent. Water vapor penetration or WVP is measured by the standards of the United States Bureau of Standards as:

gm. H₂O/24 hr./100 sq. in./100°F./90%RHV.0%RH

C. The agricultural seed in the container must not exceed the following percentages of moisture, on a wet weight basis:

- (1) beet, field, 7.5 percent;
- (2) beet, sugar, 7.5 percent;
- (3) bluegrass, kentucky, 6.0 percent;
- (4) clover, crimson, 8.0 percent;
- (5) fescue, red, 8.0 percent;
- (6) ryegrass, annual, 8.0 percent;
- (7) ryegrass, perennial, 8.0 percent;
- (8) all others, 6.0 percent; and
- (9) mixture of above, 8.0 percent.

D. The vegetable seeds in the container must not exceed the following percentages of moisture, on a wet weight basis:

- (1) bean, garden, 7.0 percent;
- (2) bean, lima, 7.0 percent;
- (3) beet, 7.5 percent;
- (4) broccoli, 5.0 percent;
- (5) brussels sprout, 5.0 percent;
- (6) cabbage, 5.0 percent;
- (7) carrot, 7.0 percent;
- (8) cauliflower, 5.0 percent;
- (9) celeriac, 7.0 percent;
- (10) celery, 7.0 percent;
- (11) chard, Swiss, 7.5 percent;
- (12) Chinese cabbage, 5.0 percent;
- (13) chives, 6.5 percent;

- (14) collards, 5.0 percent;
- (15) corn, sweet, 8.0 percent;
- (16) cucumber, 6.0 percent;
- (17) eggplant, 6.0 percent;
- (18) kale, 5.0 percent;
- (19) kohlrabi, 5.0 percent;
- (20) leek, 6.5 percent;
- (21) lettuce, 5.5 percent;
- (22) muskmelon, 6.0 percent;
- (23) mustard, India, 5.0 percent;
- (24) onion, 6.5 percent;
- (25) onion, Welsh, 6.5 percent;
- (26) parsley, 6.5 percent;
- (27) parsnip, 6.0 percent;
- (28) pea, 7.0 percent;
- (29) pepper, 4.5 percent;
- (30) pumpkin, 6.0 percent;
- (31) radish, 5.0 percent;
- (32) rutabaga, 5.0 percent;
- (33) spinach, 8.0 percent;
- (34) squash, 6.0 percent;
- (35) tomato, 5.5 percent;
- (36) turnip, 5.0 percent;
- (37) watermelon, 6.5 percent; and
- (38) all others, 6.0 percent.

E. The container must be conspicuously labeled in not less than 8-point type to indicate:

- (1) that the container is hermetically sealed;
- (2) that the seed has been preconditioned as to moisture content; and
- (3) the calendar month and year in which the germination test was completed.

F. The percentage of germination of seed at the time of packaging must be equal to or above the standards in part 1510.0231, subpart 1.

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

Published Electronically: *July 24, 2008*

1510.0180 STATE SEED LABORATORY REPORT.

The report of any examination, test, or determination of the state seed laboratory as provided in Minnesota Statutes, section 21.85, subdivisions 2 and 12, applies directly to the sample of seed received and examined by the seed analyst and does not apply directly to any other sample or to the bulk of seed from which this sample was drawn, or to any other lot of seed. Any discrepancy between the analysis and the nature of the lot of seed from which the sample was drawn indicates inadequate sampling, and is the responsibility of the dealer or seller of the seed.

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0190 PROHIBITED ADVERTISING; USES OF STATE TEST RESULTS.

The words "state tested" or "state" or the name of the state, the state Department of Agriculture, or state seed laboratory shall not be used for advertising or sales purpose or any other purpose in connection with any analysis test, identification, or examination of any seed or other material or any seed label price list, literature, or advertisement or in any other way to give the impression that the state or any of its subdivisions guarantees the data on any seed label or elsewhere or in any way assumes responsibility for the quality or nature of any seed or other material covered by any seed label, price list, advertisement, or literature.

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0200 GRAIN SOLD UNDER VARIETY NAMES.

Flax, oats, and other grains sold to farmers in seed quantities in the spring or at seeding time under variety names or where variety names are mentioned in the transaction are subject to all agricultural seed requirements as to cleaning, testing, and labeling unless such seed sales are definitely known to be for nonseed purposes.

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0210 LABELING FOR SEED SAMPLES.

Samples of all sizes of agricultural seed which are sent to or given to persons or are exposed or displayed for sale as an inducement to prospective retail or consumer purchases shall be labeled fully. The responsibility for such labeling shall rest on the person who owns the seed or in whose possession or place of business such samples are placed on display. No person shall permit any agricultural seed for sale or samples thereof to be on display in or on the person's premises which are not fully labeled.

Statutory Authority: *MS s 21.85*

History: *17 SR 1279*

Published Electronically: *July 24, 2008*

1510.0220 CORRECTION OF ERRONEOUS SEED LABELS.

Whenever, by examination of the label or by resampling and retesting of the seed or by other dependable information, the label on any seed container of agricultural seed is found to be unlawful or to be in error beyond the limits of tolerance allowed by law, the label shall be corrected at once if the seed is of legal quality. Otherwise the seed shall be removed from sale at once.

Statutory Authority: *MS s 21.85*

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1510.0230 [Repealed, 9 SR 693]

Published Electronically: *July 24, 2008*

1510.0231 GERMINATION STANDARDS; STANDARDIZED GERMINATION TESTING PROCEDURES. OBSOLETE

Subpart 1. **Vegetable seed germination.** In accordance with Minnesota Statutes, section 21.82, subdivision 7, paragraph (a), clause (2), the germination standards for vegetable seeds prepared for use by home gardeners are as follows:

- A. artichoke, 60 percent;
- B. asparagus, 70 percent;
- C. asparagus bean, 75 percent;
- D. bean, garden, 70 percent;
- E. bean, lima, 70 percent;
- F. bean, runner, 75 percent;
- G. beet, 65 percent;
- H. broadbean, 75 percent;
- I. broccoli, 75 percent;
- J. brussels sprout, 70 percent;
- K. burdock, great, 60 percent;
- L. cabbage, 75 percent;
- M. cabbage, tronchuda, 75 percent;
- N. cantaloupe (see muskmelon);
- O. cardoon, 60 percent;
- P. carrot, 55 percent;
- Q. cauliflower, 75 percent;
- R. celeriac, 55 percent;
- S. celery, 55 percent;
- T. chard, Swiss, 65 percent;

- U. chicory, 65 percent;
- V. Chinese cabbage, 75 percent;
- W. chives, 50 percent;
- X. citron, 65 percent;
- Y. collards, 80 percent;
- Z. corn, sweet, 75 percent;
- AA. cornsalad, 70 percent;
- BB. cowpea, 75 percent;
- CC. cress, garden, 75 percent;
- DD. cress, upland, 60 percent;
- EE. cress, water, 40 percent;
- FF. cucumber, 80 percent;
- GG. dandelion, 60 percent;
- HH. eggplant, 60 percent;
- II. endive, 70 percent;
- JJ. kale, 75 percent;
- KK. kale, Chinese, 75 percent;
- LL. kale, Siberian, 75 percent;
- MM. kohlrabi, 75 percent;
- NN. leek, 60 percent;
- OO. lettuce, 80 percent;
- PP. muskmelon, 75 percent;
- QQ. mustard, India, 75 percent;
- RR. mustard, spinach, 75 percent;
- SS. okra, 50 percent;
- TT. onion, 70 percent;
- UU. onion, Welsh, 70 percent;
- VV. pak-choi, 75 percent;
- WW. parsley, 60 percent;
- XX. parsnip, 60 percent;
- YY. pea, 80 percent;
- ZZ. pepper, 55 percent;
- AAA. pumpkin, 75 percent;
- BBB. radish, 75 percent;

- CCC. rhubarb, 60 percent;
- DDD. rutabaga, 75 percent;
- EEE. salsify, 75 percent;
- FFF. sorrel, 65 percent;
- GGG. soybean, 75 percent;
- HHH. spinach, 60 percent;
- III. spinach, New Zealand, 40 percent;
- JJJ. squash, 75 percent;
- KKK. tomato, 75 percent;
- LLL. tomato, husk, 50 percent;
- MMM. turnip, 80 percent;
- NNN. watermelon, 70 percent;

Subp. 2. **Flower seed germination.** In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (3), the germination standards for flower seeds prepared for use by home gardeners are set in this subpart.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is the total of percentage germination and percentage hard seed.

- (1) Achillea (The Pearl), *Achillea ptarmica*, 50 percent;
- (2) African Daisy, *Dimorphotheca aurantiaca*, 55 percent;
- (3) Ageratum, *Ageratum mexicanum*, 60 percent;
- (4) Agrostemma (rose campion), *Agrostemma coronaria*, 65 percent;
- (5) Alyssum, *Alyssum compactum*, *A. maritimum*, *A. procumbens*, *A. saxatile*, 60 percent;
- (6) Amaranthus, (*Amaranthus* spp.) 65 percent;
- (7) Anagalis (pimpernel), (*Anagalis arvensis*, *Anagalis coerulea*, *Anagalis grandiflora*), 60 percent;
- (8) Anemone, *Anemone coronaria*, *A. pulsatilla*, 55 percent;
- (9) Angel's Trumpet, *Datura arborea*, 60 percent;
- (10) Arabis, *Arabis alpina*, 60 percent;
- (11) Arctotis (African lilac daisy), (*Arctotis grandis*), 45 percent;
- (12) Armeria, (*Armeria formosa*), 55 percent;
- (13) Asparagus, fern, (*Asparagus plumosus*), 50 percent;
- (14) Asparagus, sprenger, (*Asparagus sprengeri*), 55 percent;
- (15) Aster, China, *Callistephus chinensis*, except Pompon, Powderpuff, and Princess types, 55 percent;

- percent;
- (16) Aster, China, *Callistephus chinensis*, Pompon, Powderpuff, and Princess types, 50 percent;
 - (17) Aubretia, *Aubretia deltoides*, 45 percent;
 - (18) Balsam, *Impatiens balsamina*, 70 percent;
 - (19) Begonia, (*Begonia fibrous rooted*), 60 percent;
 - (20) Begonia, (*Begonia tuberous rooted*), 50 percent;
 - (21) Bells of Ireland, (*Molucella laevis*), 60 percent;
 - (22) Brachycome (swan river daisy), (*Brachycome iberidifolia*), 60 percent;
 - (23) Browallia, (*Browallia elata* and *B. speciosa*), 65 percent;
 - (24) Bupthalmum (sunwheel), (*Bupthalmum salicifolium*), 60 percent;
 - (25) Calceolaria, (*Calceolaria* spp.), 60 percent;
 - (26) Calendula, *Calendula officinalis*, 65 percent;
 - (27) California Poppy, *Eschscholtzia californica*, 60 percent;
 - (28) Calliopsis, *Coreopsis bicolor*, *C. drummondi*, *C. elegans*, 65 percent;
 - (29) Campanula:
 - (a) Canterbury Bells, *Campanula medium*, 60 percent;
 - (b) Cup and Saucer Bellflower, *Campanula medium calycanthema*, 60 percent;
 - (c) Carpathian Bellflower, *Campanula carpatica*, 50 percent;
 - (d) Peach Bellflower, *Campanula persicifolia*, 50 percent;
 - (30) Candytuft, Annual, *Iberis amara*, *I. umbellata*, 65 percent;
 - (31) Candytuft, Perennial, *Iberis gibraltarica*, *I. sempervirens*, 55 percent;
 - (32) Castor Bean, *Ricinus communis*, 60 percent;
 - (33) Cathedral Bells, *Cobaea scandens*, 65 percent;
 - (34) Celosia, *Celosia argentea*, 65 percent;
 - (35) Centaurea (Basket Flower), *Centaurea americana*, Cornflower, *C. cyanus*, Dusty Miller, *C. candidissima*, Royal Centaurea, *C. imperialis*, Sweet Sultan, *C. moschata*, Velvet Centaurea, *C. gymnocarpa*, 60 percent;
 - (36) Chinese Forget-me-not, *Cynoglossum amabile*, 55 percent;
 - (37) Chrysanthemum, Annual, *Chrysanthemum carinatum*, *C. coronarium*, *C. segetum*, 40 percent;
 - (38) Clarkia, *Clarkia elegans*, 65 percent;
 - (39) Cleome, *Cleome gigantea*, 65 percent;
 - (40) Columbine, *Aquilegia* spp., 50 percent;
 - (41) Coral Bells, *Heuchera sanguinea*, 55 percent;
 - (42) Coreopsis, Perennial, *Coreopsis lanceolata*, 40 percent;

- (43) Cosmos, Sensation, Mammoth, and Crested types, *Cosmos bipinnatus*, Klondyke type, *C. sulfureus*, 65 percent;
- (44) Dahlia, *Dahlis* spp., 55 percent;
- (45) Delphinium, Perennial, Belladonna and Bellamosum types, Cardinal Larkspur, *Delphinium cardinale*, Chinensis types, Pacific Giant, Gold Medal, and other hybrids of *D. elatum*, 55 percent;
- (46) Dianthus, Carnation, *Dianthus caryophyllus*, 60 percent;
- (47) Dianthus, China Pinks, *Dianthus chinensis*, *heddewigi*, *heddensis*, 70 percent;
- (48) Grass Pinks, *Dianthus plumarius*, 60 percent;
- (49) Maiden Pinks, *Dianthus deltoides*, 60 percent;
- (50) Sweet William, *Dianthus barbatus*, 70 percent;
- (51) Sweet Wivelsfield, *Dianthus allwood*, 60 percent;
- (52) Dracaena, *Dracaena indivisa*, 55 percent;
- (53) English Daisy, *Bellis perennis*, 55 percent;
- (54) Foxglove, *Digitalis* spp., 60 percent;
- (55) Gaillardia, Annual, *Gaillardia pulchella*, *G. picta*, Perennial, *G. grandiflora*, 45 percent;
- (56) Geum, *Geum* spp., 55 percent;
- (57) Gilia, *Gilia* spp., 65 percent;
- (58) Godetia, *Godetia amoena*, *G. grandiflora*, 65 percent;
- (59) Gourds: Yellow Flowered, *Cucurbita pepo*; White Flowered, *Lagenaria sisceraria*; Dishcloth, *Luffa cylindrica*, 70 percent;
- (60) Gypsophila: Annual Baby's Breath, *Gypsophila elegans*; Perennial Baby's Breath, *G. paniculata*, *G. pacifica*, *G. repens*, 70 percent;
- (61) Helenium, (*Helenium autumnale*), 40 percent;
- (62) Helichrysum, *Helichrysum monstrosum*, 60 percent;
- (63) Heliopsis, (*Heliopsis scabra*), 55 percent;
- (64) Helipterum (*Acroclinium*), (*Helipterum roseum*), 60 percent;
- (65) Hesperis (sweet rocket), (*Hesperis matronalis*), 65 percent;
- (66) *Hollyhock, *Althea rosea*, 65 percent;
- (67) Hunnemanian (mexican tulip poppy), (*Hunnemanian fumariaefolia*), 60 percent;
- (68) *Hyacinth bean, (*Dolichos lablab*), 70 percent;
- (69) Impatiens, (*Impatiens holstii*, *I. sultani*), 55 percent;
- (70) *Ipomea, Cypress Vine, *Ipomea quamoclit*; Moonflower, *I. noctiflora*; Morning Glories, Cardinal Climber, Hearts and Honey Vine, *Ipomea* spp., 75 percent;
- (71) Jerusalem cross (maltese cross), (*Lychnis chalcidonica*), 70 percent;

- (72) Job's Tears, *Coix lacrymajobi*, 70 percent;
- (73) Kochia, *Kochia childsi*, 55 percent;
- (74) Larkspur, Annual, *Delphinium ajacis*, 60 percent;
- (75) Lantana, *Lantana camara*, *L. hybrida*, 35 percent;
- (76) Lilium (regal lily), (*Lilium regale*), 50 percent;
- (77) Linaria, *Linaria* spp., 65 percent;
- (78) Lobelia, Annual, *Lobelia erinus*, 65 percent;
- (79) Lunaria, Annual, *Lunaria annua*, 65 percent;
- (80) *Lupine, *Lupinus* spp., 65 percent;
- (81) Marigold, *Tagetes* spp., 65 percent;
- (82) Marvel of Peru, *Mirabilis jalapa*, 60 percent;
- (83) Matricaria (feverfew), (*Matricaria* spp.), 60 percent;
- (84) Mignonette, *Reseda odorata*, 55 percent;
- (85) Myosotis, *Myosotis alpestris*, *M. oblongata*, *M. palustris*, 50 percent;
- (86) Nasturtium, *Tropaeolum* spp., 60 percent;
- (87) Nemesis, *Nemesis* spp., 65 percent;
- (88) Nemophila, *Nemophila insignis*, 70 percent;
- (89) Nemophila, Spotted, (*Nemophila maculata*), 60 percent;
- (90) Nicotiana, *Nicotiana affinis*, *N. sanderae*, *N. sylvestris*, 65 percent;
- (91) Nierembergia, *Nierembergia* spp., 55 percent;
- (92) Nigella, *Nigella damascena*, 55 percent;
- (93) Pansy, *Viola tricolor*, 60 percent;
- (94) Penstemon, *Penstemon barbatus*, *P. grandiflorus*, *P. laevigatus*, *P. pubescens*, 60 percent;
- (95) Petunia, *Petunia* spp., 45 percent;
- (96) Phacelia, *Phacelia campanularia*, *P. minor*, *P. tanacetifolia*, 65 percent;
- (97) Phlox, Annual, *Phlox drummondii* all types and varieties, 55 percent;
- (98) Physalis, *Physalis*, spp., 60 percent;
- (99) Platycodon (balloon flower), (*Platycodon grandiflorum*), 60 percent;
- (100) Plumbago, cape, (*Plumbago capensis*), 50 percent;
- (101) Poppy: Shirley Poppy, *Papaver rhoeas*; Iceland Poppy, *P. nudicaule*; Oriental Poppy, *P. orientale*; Tulip Poppy, *P. glaucum*, 60 percent;
- (102) Portulaca, *Portulaca grandiflora*, 55 percent;
- (103) Primula (primrose), (*Primula* spp.), 50 percent;

- (104) Pyrethrum (painted daisy), (*Pyrethrum coccineum*), 60 percent;
- (105) Salpiglossis, *Salpiglossis gloxinaeflora*, *S. sinuata*, 60 percent;
- (106) Salvia, Scarlet Sage, *Salvia splendens*; Mealycup Sage (blue bedder), *Salvia farinacea*, 50 percent;
- (107) Saponaria, *Saponaria ocymoides*, *S. vaccaria*, 60 percent;
- (108) Scabiosa, Annual, *Scabiosa atropurpurea*, 50 percent;
- (109) Scabiosa, Perennial, *Scabiosa caucasica*, 40 percent;
- (110) Schizanthus, *Schizanthus* spp., 60 percent;
- (111) *Sensitive plant (mimosa), (*Mimosa pudica*), 65 percent;
- (112) Shasta Daisy, *Chrysanthemum maximum*, *C. leucanthemum*, 65 percent;
- (113) Snapdragon, *Antirrhinum* spp., 55 percent;
- (114) Solanum, *Solanum* spp., 60 percent;
- (115) Statice, (*Statice sinuata*, *S. suworonii*) (flower heads), 50 percent;
- (116) Stocks: Common, *Mathiola incana*; Evening Scented, *Mathiola bicornis*, 65 percent;
- (117) Sunflower, *Helianthus* spp., 65 percent;
- (118) *Sweet Pea, Annual and Perennial other than dwarf bush, *Lathyrus odoratus*, *L. latifolius*, 75 percent;
- (119) *Sweet Pea, dwarf bush, *Lathyrus odoratus*, 65 percent;
- (120) Tahoka daisy, (*Machaeathera tanacetifolia*), 60 percent;
- (121) Thunbergia, *Thunbergia alata*, 60 percent;
- (122) Torch flower, *Tithonia speciosa*, 70 percent;
- (123) Torenia (wishbone flower), (*Torenia fournieri*), 70 percent;
- (124) Tritoma, *Kniphofia* spp., 65 percent;
- (125) Verbena, Annual, *Verbena hybrida*, 35 percent;
- (126) Vinca, *Vinca rosea*, 60 percent;
- (127) Viola, *Viola cornuta*, 55 percent;
- (128) Virginian stocks, (*Malcolmia maritima*), 65 percent;
- (129) Wallflower, *Cheiranthus allioni*, 65 percent;
- (130) Yucca (Adam's needle), (*Yucca filamentosa*), 50 percent;
- (131) Zinnia (except Linearis and Creeping), *Zinnia angustifolia*, *Z. elegans*, *Z. grandiflora*, *Z. gracillima*, *Z. haegeana*, *Z. multiflora*, *Z. pumila*, 65 percent; and
- (132) Zinnia, Linearis and Creeping, *Zinnia linearis*, *Sanvitalia procumbens*, 50 percent.

B. A mixture of kinds of flower seeds is below standard if the germination of any kind or combination of kinds constituting 25 percent or more of the mixture by number is below standard for the kind or kinds involved.

Statutory Authority: *MS s 21.85*

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1510.0241 STANDARDIZED GERMINATION TESTING PROCEDURES AVAILABLE.

A. In accordance with Minnesota Statutes, section 21.83, subdivision 2, paragraph (h), item B lists the kinds of tree and shrub seed that have standardized germination testing procedures available for them.

B. Tree and shrub seeds with standardized germination testing procedures available for them are as follows:

- (1) *Abies amabilis* (Dougl.) Forbes, Pacific Silver Fir;
- (2) *Abies balsamea* (L.) Mill., Balsam Fir;
- (3) *Abies concolor* (Gord. and Glend.) Lindl., White Fir;
- (4) *Abies fraseri* (Pursh.) Poir, Fraser Fir;
- (5) *Abies grandis* (Dougl.) Lindl., Grand Fir;
- (6) *Abies homolepis* Sieb. and Zucc., Nikko Fir;
- (7) *Abies lasiocarpa* (Hook.) Nutt., Subalpine Fir;
- (8) *Abies magnifica* A. Murr., California Red Fir;
- (9) *Abies magnifica* var. *shastensis* Lemm., Shasta Red Fir;
- (10) *Abies procera* Rehd., Nobel Fir;
- (11) *Abies veitchii* (Lindl.), Veitch Fir;
- (12) *Acer ginnala* Maxim., Amur Maple;
- (13) *Acer macrophyllum* Pursh., Bigleaf Maple;
- (14) *Acer negundo* L., Box Elder;
- (15) *Acer pensylvanicum* L., Striped Maple;
- (16) *Acer platanoides* L., Norway Maple;
- (17) *Acer pseudoplatanus* L., Sycamore Maple;
- (18) *Acer rubrum* L., Red Maple;
- (19) *Acer saccharinum* L., Silver Maple;
- (20) *Acer saccharum* Marsh., Sugar Maple;

- (21) *Acer spicatum* Lam., Mountain Maple;
- (22) *Aesculus pavia* L., Red Buckeye;
- (23) *Ailanthus altissima* (Mill.) Swingle, Tree of Heaven, Ailanthus;
- (24) *Berberis thunbergii* DC., Japanese Barberry;
- (25) *Berberis vulgaris* L., European Barberry;
- (26) *Betula lenta* L., Sweet Birch;
- (27) *Betula alleghaniensis* Britton, Yellow Birch;
- (28) *Betula nigra* L., River Birch;
- (29) *Betula papyrifera* Marsh., Paper Birch;
- (30) *Betula pendula* Roth., European White Birch;
- (31) *Betula populifolia* Marsh., Gray Birch;
- (32) *Carya illinoensis* (Wang.) K. Koch, Pecan;
- (33) *Carya ovata* (Mill) K. Koch, Shagbark Hickory;
- (34) *Casuarina* spp., Beefwood;
- (35) *Catalpa bignonioides* Walt., Southern Catalpa;
- (36) *Catalpa speciosa* Warder., Northern Catalpa;
- (37) *Cedrus atlantica* Manetti, Atlas Cedar;
- (38) *Cedrus deodara* (Roxb.) Loud., Deodar Cedar;
- (39) *Cedrus libani* (Loud.), Cedar of Lebanon;
- (40) *Celastrus scandens* L., American Bittersweet;
- (41) *Celastrus orbiculata* Thunb., Oriental Bittersweet;
- (42) *Chamaecyparis lawsoniana* (A. Murr.) Parl, Port Orford Cedar;
- (43) *Chamaecyparis nootkatensis* (D. Don.) Spach., Alaska Cedar;
- (44) *Cornus florida* L., Flowering Dogwood;
- (45) *Cornus Stolonifera* Michx., Red osier Dogwood;
- (46) *Crataegus mollis*, Downy Hawthorn;
- (47) *Cupressus arizonica* Greene, Arizona Cypress;
- (48) *Eucalyptus deglupta*;
- (49) *Eucalyptus grandis*;
- (50) *Fraxinus americana* L., White Ash;
- (51) *Fraxinus excelsior* L., European Ash;
- (52) *Fraxinus latifolia* Benth., Oregon Ash;
- (53) *Fraxinus nigra* Marsh., Black Ash;
- (54) *Fraxinus pensylvanica* Marsh., Green Ash;

- (55) *Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg., Green Ash;
- (56) *Gleditsia triacanthos* L., Honey Locust;
- (57) *Grevillea robusta*, Silk-oak;
- (58) *Larix decidua* Mill., European Larch;
- (59) *Larix eurolepis* Henry, Dunkfeld Larch;
- (60) *Larix leptolepis* (Sieb. and Zucc.) Gord., Japanese Larch;
- (61) *Larix occidentalis* Nutt., Western Larch;
- (62) *Larix sibirica* Ledeb., Siberian Larch;
- (63) *Libocedrus decurrens*, incense-cedar;
- (64) *Liquidambar styraciflua* L., Sweetgum;
- (65) *Liriodendron tulipifera* L., yellow-poplar;
- (66) *Magnolia grandiflora*, Southern magnolia;
- (67) *Malus* spp., Apple;
- (68) *Malus* spp., Crabapple;
- (69) *Nyssa aquatica* L., Water tupelo;
- (70) *Nyssa sylvatica* var. *sylvatica*, Black tupelo;
- (71) *Picea abies* (L.) Karst., Norway Spruce;
- (72) *Picea engelmanni* Parry, Engelmann Spruce;
- (73) *Picea glauca* (Moench.) Voss, White Spruce;
- (74) *Picea glauca* var. *albertiana* (S. Brown) Sarg., Western White Spruce, Alberta White Spruce;
- (75) *Picea glehnii* (Fr. Schmidt) Mast., Sakhalin Spruce;
- (76) *Picea jezoensis* (Sieb. and Zucc.) Carr, Yeddo Spruce;
- (77) *Picea Koyamai* Shiras, Koyama Spruce;
- (78) *Picea mariana* (Mill.) B.S.P., Black Spruce;
- (79) *Picea omorika* (Pancic.) Purkyne, Serbian Spruce;
- (80) *Picea orientalis* (L.) Link., Oriental Spruce;
- (81) *Picea polita* (Sieb. and Zucc.) Carr, Tigertail Spruce;
- (82) *Picea pungens* Engelm., Blue Spruce, Colorado Spruce;
- (83) *Picea pungens* var. *glauca* Reg., Colorado Blue Spruce;
- (84) *Picea rubens* Sar., Red Spruce;
- (85) *Picea sitchensis* (Bong.) Carr, Sitka Spruce;
- (86) *Pinus albicaulis* Engelm., Whitebark Pine;
- (87) *Pinus aristata* Engelm., Bristlecone Pine;

- (88) *Pinus banksiana* Lamb., Jack Pine;
- (89) *Pinus canariensis* C. Smith, Canary Pine;
- (90) *Pinus caribaea*, Caribbean Pine;
- (91) *Pinus cembroides* Zucc., Mexican Pinyon Pine;
- (92) *Pinus clausa*, Sand Pine;
- (93) *Pinus contorta* Dougl., Lodgepole Pine;
- (94) *Pinus contorta* var. *latifolia* Engelm., Lodgepole Pine;
- (95) *Pinus coulteri* D. Don., Coulter Pine, Bigcone Pine;
- (96) *Pinus densiflora* Sieb. and Zucc., Japanese Red Pine;
- (97) *Pinus echinata* Mill., Shortleaf Pine;
- (98) *Pinus elliotii* Engelm., Slash Pine;
- (99) *Pinus flexilis* James, Limber Pine;
- (100) *Pinus glabra* Walt., Spruce Pine;
- (101) *Pinus griffithi* McClelland, Himalayan Pine;
- (102) *Pinus halepensis* Mill., Aleppo Pine;
- (103) *Pinus jeffreyi* Grev. and Balf., Jeffrey Pine;
- (104) *Pinus khasya* Royle, Khasia Pine;
- (105) *Pinus lambertiana* Dougl., Sugar Pine;
- (106) *Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen, Balkan Pine,
Bosnian Pine;
- (107) *Pinus markusii* DeVriese, Markus Pine;
- (108) *Pinus monticola* Dougl., Western White Pine;
- (109) *Pinus mugo* Turra., Mountain Pine;
- (110) *Pinus mugo* var. *mughus* (Scop.) Zenari, Mugo Swiss Mountain Pine;
- (111) *Pinus muricata* D. Don., Bishop Pine;
- (112) *Pinus nigra* Arnold, Austrian Pine;
- (113) *Pinus nigra poiretiana* (Ant.) Aschers and Graebn., Corsican Pine;
- (114) *Pinus palustris* Mill., Longleaf Pine;
- (115) *Pinus parviflora* Sieb. and Zucc., Japanese White Pine;
- (116) *Pinus patula* Schl. and Cham., Jelecote Pine;
- (117) *Pinus pinaster* Sol., Cluster Pine;
- (118) *Pinus pinea* L., Italian Stone Pine;
- (119) *Pinus ponderosa* Laws., Ponderosa Pine, Western Yellow Pine;
- (120) *Pinus radiata* D. Don., Monterey Pine;

- (121) *Pinus resinosa* Ait., Red Pine, Norway Pine;
- (122) *Pinus rigida* Mill., Pitch Pine;
- (123) *Pinus serotina* Michx., Pond Pine;
- (124) *Pinus strobus* L., Eastern White Pine;
- (125) *Pinus sylvestris* L., Scotch Pine;
- (126) *Pinus taeda* L., Loblolly Pine;
- (127) *Pinus taiwanensis* Hayata, Formosa pine;
- (128) *Pinus thunbergii* Parl., Japanese Black pine;
- (129) *Pinus virginiana* Mill., Virginia Pine, Scrub Pine;
- (130) *Plantanus occidentalis* L., American Sycamore;
- (131) *Populus* spp., Poplars;
- (132) *Prunus armeriaca* L., Apricot;
- (133) *Prunus avium* (L.) L., Cherry;
- (134) *Prunus domestica* L., Plum, Prune;
- (135) *Prunus persica* Batsch., Peach;
- (136) *Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco, Blue Douglas Fir;
- (137) *Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco, Gray Douglas Fir;
- (138) *Pseudotsuga menziesii* var. *viridis*, Green Douglas Fir;
- (139) *Pyrus communis* L., Pear;
- (140) *Quercus* spp., (Red or black oak group);
- (141) *Quercus alba* L., White Oak;
- (142) *Quercus muehlenbergii* Engelm., Chinkapin Oak;
- (143) *Quercus virginiana* Mill., Live Oak;
- (144) *Rhododendron* spp., Rhododendron;
- (145) *Robinia pseudoacacia* L., Black Locust;
- (146) *Rosa multiflora* Thunb., Japanese Rose;
- (147) *Sequoia gigantea* (Lindl.) Decne., Giant Sequoia;
- (148) *Sequoia sempervirens* (D. Don.) Engl., Redwood;
- (149) *Syringa vulgaris* L., Common lilac;
- (150) *Thuja occidentalis* L., Northern White Cedar, Eastern Arborvitae;
- (151) *Thuja orientalis* L., Oriental Arborvitae, Chinese Arborvitae;
- (152) *Thuja plicata* Donn., Western Red Cedar, Giant Arborvitae;
- (153) *Tsuga canadensis* (L.) Carr., Eastern Hemlock, Canada Hemlock;
- (154) *Tsuga heterophylla* (Raf.) Sarg., Western Hemlock, Pacific Hemlock;

- (155) *Ulmus americana* L., American Elm;
- (156) *Ulmus parvifolia* Jacq., Chinese Elm;
- (157) *Ulmus pumila* L., Siberian Elm;
- (158) *Vitis vulpina* L., Riverbank Grape.

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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1510.0250 [Repealed, 9 SR 693]

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1510.0251 KIND AND VARIETY OR TYPE AND PERFORMANCE CHARACTERISTICS OF FLOWER SEEDS.

In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (1), this part contains the requirements for labeling the kind and variety or a statement of type and performance characteristics for flower seeds prepared for use by home gardeners.

A. For seeds of plants grown primarily for their blooms;

(1) if the seeds are of a single named variety, the kind and variety must be stated, for example, "Marigold, Butterball";

(2) if the seeds are of a single type and color for which there is no specific variety name, the type of plant, if it is significant, and the type and color of bloom must be indicated, for example, "Scabiosa, Tall, Large Flowered, Double, Pink";

(3) if the seeds consist of a mixture of colors or a blend of varieties of a single kind, the kind name, the type of plant, if it is significant, and the type of bloom must be indicated, and it must be clearly indicated that the seed is mixed or blended, for example, "Marigold, Dwarf Double French, Mixed Colors" or "Marigold Blend, Dwarf Double French, Mixed Colors";

(4) if the seeds consist of a mixture of kinds, it must be clearly indicated that the seed is mixed and the specific use of the mixture must be indicated, for example, "Cut Flower Mixture" or "Rock Garden Mixture." Statements like "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed is not permitted unless the specific use of the mixture is also stated.

B. For seeds of plants grown for ornamental purposes other than their blooms, the kind and variety must be stated, or the kind must be stated together with a descriptive statement concerning the ornamental part of the plant, for example, "Ornamental Gourds, Small Fruited, Mixed."

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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1510.0260 [Repealed, 9 SR 693]

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1510.0261 REQUIREMENTS FOR COMPLETE RECORD. OBSOLETE

The initial labeler of agricultural, vegetable, flower, tree, or shrub seeds subject to Minnesota Statutes, sections 21.82 and 21.83, must have the following information as part of the complete record for each seed lot sold:

- A. lot number or other lot identification;
- B. a copy of the genuine grower's declaration or tree seed collector's declaration or similar documents containing the same information;
- C. copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or kind and variety, and the lot number;
- D. a copy of the label that was attached to or accompanied the seed lot;
- E. a copy of the field and final certification documents, if applicable;
- F. a copy of each report concerning the testing of the seed for labeling purposes; and
- G. a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample as prescribed in section 201.43 of the Federal Seed Act regulations. The prescribed official sample sizes are as follows:
 - (1) two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these;
 - (2) five ounces of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or seeds of similar size;
 - (3) one pound of sudan grass, sorghum, proso, or seeds of similar size;
 - (4) two pounds of cereals, vetch, or seeds of similar or larger size; and
 - (5) at least 400 vegetable seeds.

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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1510.0270 [Repealed, 9 SR 693]

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1510.0271 PROHIBITED WEED SEEDS. OBSOLETE

The following are weed seeds which are prohibited from being present in agricultural, vegetable, flower, tree, and shrub seeds sold in Minnesota in accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (d):

- A. bull thistle (*Cirsium vulgare L.*);

- B. Canada thistle (*Cirsium arvense Scop.*);
- C. musk thistle (*Carduus nutans L.*);
- D. perennial sow thistle (*Sonchus arvensis L.*);
- E. plumeless thistle (*Carduus acanthoides L.*);
- F. field bindweed (*Convolvulus arvensis L.*);
- G. hemp (*Cannabis sativa L.*);
- H. leafy spurge (*Euphorbia esula L.*);
- I. perennial peppergrass (*Lepidium draba L.*); and
- J. Russian knapweed (*Centaurea repens L.*).

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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1510.0280 [Repealed, 9 SR 693]

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1510.0281 Subpart 1. [Repealed, L 2003 c 128 art 7 s 1]

Subp. 2. [Repealed, L 2003 c 128 art 7 s 1]

Subp. 3. [Repealed, L 2003 c 128 art 7 s 1]

Subp. 4. [Repealed, L 2003 c 128 art 7 s 1]

Subp. 5. [Repealed, 26 SR 77; L 2003 c 128 art 7 s 1]

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1510.0290 [Repealed, 9 SR 693]

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1510.0300 [Repealed, 9 SR 693]

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1510.0310 RETESTING AND RELABELING SEEDS.

No seed label shall contain any purity, germination, or identification data which is not obtained by testing a sample of seed drawn from the specific containers, sacks, or bins of seed which are to be relabeled. Containers of seed which have been stored under different conditions which might affect the germination or purity of the seed differently should be sampled and tested separately.

Statutory Authority: *MS s 21.85*

Published Electronically: *July 24, 2008*

1510.0320 RESTRICTED WEED SEEDS. OBSOLETE

"Restricted weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree, and shrub seed, must be named on the label together with the number per ounce or pound of seed specified and which may not exceed the legal limit. They are seeds of weeds which are objectionable in fields, lawns, and gardens of this state, and which can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckhorn plantain (*Plantago lanceolata* L.), dodder (*Cuscuta* spp.), Frenchweed (*Thlaspi arvense* L.), hoary alyssum (*Berteroa incana* D.C.), horse nettle (*Solanum carolinense* L.), wild mustard (*Brassica arvensis* L.), quack grass (*Agropyron repens* L.), wild radish (*Raphanus raphanistrum*), giant foxtail (*Setaria faberii*), and Eastern black nightshade (*Solanum ptycanthum* Dun).

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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1510.0330 [Repealed, 33 SR 8]

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1510.0340 SAMPLE LABELS FOR AGRICULTURAL SEED.

The labels shown in parts 1510.0350 and 1510.0360 are suggestive of suitable arrangement of required labeling data. Any arrangement is legal as long as data is complete and may be read and understood readily by the buyer of the seed. Misleading and confusing statements and data must be avoided.

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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1510.0350 SUGGESTED LABEL FOR SINGLE AGRICULTURAL SEED.

This label may be used for hybrid corn, or a special label may be used. The hybrid corn part may be omitted if not wanted. If known, the origin of the seed must be stated for all agricultural seeds or that the origin is unknown if the origin cannot be determined.

KIND _____ VARIETY _____ LOT NO _____

PURE SEED % _____ GERM % _____ HARD SEED % _____ GERM. DATE _____

WEED SEED % _____ INERT MATTER % _____ OTHER CROP % _____

NOXIOUS WEED SEEDS _____ NO. PER POUND _____
 (Name)

ORIGIN _____
 (State or Foreign Country)

FOR HYBRID MINNESOTA RELATIVE MATURITY _____ DAYS

CORN:

LABELER'S NAME AND ADDRESS _____

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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1510.0360 SUGGESTED LABEL FOR MIXTURES AND BLENDS OF AGRICULTURAL SEED.

LOT NO. _____

KIND _____

VARIETY _____

PURE SEED % _____

GERMINATION % _____

HARD SEED % _____

ORIGIN _____

WEED SEED % _____ INERT MATTER % _____ OTHER CROP % _____

NOXIOUS _____ NO. PER _____ GERM.
WEED SEEDS _____ POUND _____ DATE _____
(Name)

LABELER'S NAME _____
AND ADDRESS _____

Statutory Authority: *MS s 21.85*

History: *9 SR 693*

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CHAPTER 1572
DEPARTMENT OF AGRICULTURE
AGRICULTURAL CONTRACTS

- 1572.0010 DEFINITIONS.
- 1572.0020 MEDIATION AND ARBITRATION.
- 1572.0030 RECAPTURE OF LARGE CAPITAL INVESTMENT.
- 1572.0040 PARENT COMPANY LIABILITY.
- 1572.0045 UNFAIR TRADE PRACTICES.
- 1572.0050 DAIRY MARKETING AGREEMENTS.

1572.0010 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1572.0010 to 1572.0050.

Subp. 2. **Arbitration.** "Arbitration" means a process by which the parties to a dispute submit their differences to the judgment of an impartial party. The arbitrator's role is to hear the parties' arguments and issue a decision or grant an award, resolving the dispute.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or a designee.

Subp. 4. **Contract.** "Contract" means a legally enforceable agreement between two or more parties. Contract includes a written commodity contract signed by all parties. If the parties have not signed a written commodity contract, contract includes an invoice, purchase order, memorandum, or confirmation of sale unless the terms of the document have been objected to by a party to the proposed agreement within ten days of receipt of the document by the objecting party. Contract does not include a grain scale ticket.

Subp. 5. **Mediation.** "Mediation" means a process by which parties to a dispute jointly explore and resolve all or a part of their differences with the assistance of a neutral person. The mediator's role is to assist the parties in resolving the dispute. The mediator has no authority to impose a settlement.

Statutory Authority: *MS s 17.945*

History: *15 SR 1924*

Published Electronically: *May 13, 2004*

1572.0020 MEDIATION AND ARBITRATION.

Subpart 1. **Procedure.** If mediation or arbitration services are requested, the commissioner may refer the parties to outside mediation or arbitration services or conduct the services within the department of agriculture. Mediation and arbitration activities of the commissioner must be conducted according to the Uniform Arbitration Act in Minnesota Statutes, sections 572.08 to 572.30, and the Minnesota Civil Mediation Act in Minnesota Statutes, sections 572.31 to 572.40.

Mediation or arbitration services provided by the commissioner under this part must be provided according to the terms of the contract between the parties. In addition, the commissioner shall require the providers of any outside mediation or arbitration services to which the commissioner refers the parties to conduct arbitration or mediation proceedings according to the terms of the contract between the parties.

Subp. 2. **Limitations.** The commissioner may not accept a request under subpart 1 if the contract governing the dispute between the parties contains an arbitration or mediation clause, and if:

A. mediation or arbitration procedures have started before a mediator or arbitrator who has been appointed in accordance with the contract or who otherwise is agreeable to the parties; or

B. whether or not mediation or arbitration has started, the arbitration or mediation clause or terms adopted under it contains a mechanism for designating a mediator or arbitrator the parties are legally obligated to use under the Uniform Arbitration Act or the Minnesota Civil Mediation Act, whichever is appropriate.

Subp. 3. **No review.** The commissioner shall not review decisions made under a mediation or arbitration proceeding between a contractor and a producer, or otherwise provide services under subpart 1 relative to a matter that was disputed in the arbitration or mediation proceedings.

Subp. 4. **Findings.** The findings and order of an arbitrator under this part are prima facie evidence of the matters contained in them.

Subp. 5. **Seed.** If arbitration is required in a contract for seed, as defined in Minnesota Statutes, section 21.81, subdivisions 3, 8, and 32, the arbitration procedure in items A to C applies.

A. A notice in the following form, or equivalent language must be part of a seed contract:

"Arbitration is required as a precondition of maintaining certain legal actions, counterclaims, or defenses against a seller of seed for damages for the failure of seed for planting to produce or perform as represented by a seed tag or label."

B. The commissioner shall appoint an arbitration council composed of five members and five alternate members. One member and one alternate must be appointed upon the recommendation of each of the following:

- (1) the dean and director of the College of Agriculture, University of Minnesota;
- (2) the director of the Minnesota Agricultural Experiment Station;
- (3) the president of the Minnesota Crop Improvement Association;
- (4) the president of a farm organization designated by the commissioner; and
- (5) the commissioner.

An alternate member may serve only in the absence of the member for whom the person is an alternate.

The council shall select a chair and a secretary from its membership. The chair shall conduct meetings and deliberations of the council and direct all of its other activities. The secretary shall keep accurate records of all meetings and deliberations and perform other duties for the council as the chair may direct.

The purpose of the council is to conduct arbitration as provided in this part. The council may be called into session by or at the direction of the commissioner or upon direction of its chair to consider matters referred to it by the commissioner or the chair in accordance with this part.

C. Procedures:

(1) A buyer may invoke arbitration by filing a sworn complaint with the commissioner. The buyer shall serve a copy of the complaint upon the seller by certified mail. Except in case of seed that has not been planted, the claims must be filed within a time that permits effective inspection of the plants under field conditions.

(2) Within 15 days after receipt of a copy of the complaint, the seller shall file with the commissioner an answer to the complaint and serve a copy of the answer upon the buyer by certified mail.

(3) The commissioner shall refer the complaint and answer to the council for investigation, findings, and recommendations.

(4) Upon referral of a complaint for investigation the council shall make a prompt and full investigation of the matters complained of and report its findings and recommendations to the commissioner within 60 days of the referral or a later date as the parties may determine.

(5) The report of the council must include findings of fact and recommendations as to costs, if any.

(6) In the course of its investigation, the council or any of its members may examine the buyer and the seller on all matters the council considers relevant; may grow to production a representative sample of the seed through the facilities of the commissioner or a designated university under the commissioner's supervision if considered necessary; and may hold informal hearings at a time and place the council chair may direct upon a reasonable notice to all parties.

(7) The council may delegate all or any part of an investigation to one or more of its members. Any delegated investigation must be summarized in writing and considered by the council in its report.

(8) After the council has made its report, the commissioner shall promptly transmit the report by certified mail to all the parties.

(9) All expenses of the arbitration, including required travel and other expenses of the council, must be borne equally by the parties, unless the council, in the award, assesses the expenses or any part of them against a specified party or parties.

Subp. 6. **Clause required.** Contract mediation or arbitration clauses are required in contracts signed by Minnesota producers.

Subp. 7. **Sample copies of contracts.** A contractor using a written commodity contract must submit to the commissioner a sample copy of each contract offered to producers. Schedules of prices and charges need not be included. Contract samples must be submitted to the commissioner and made available to producers at least 30 days before the contract crops are planted or the contract livestock is placed in the producer's facility.

Subp. 8. **Effective date.** Minnesota Statutes, section 17.91, applies only to contracts signed after August 1, 1990.

Statutory Authority: *MS s 17.945*

History: *15 SR 1924*

Published Electronically: *May 13, 2004*