

Selling Seed in Minnesota

Farmers, homeowners, and businesses purchase seed from a variety of sources. Seed sales in Minnesota are regulated under the Minnesota Seed Law MN-Stat. 21.82-21.92. Seed sellers must be aware of their responsibilities when selling seed in Minnesota.

What To Look For

Label claims are the responsibility of the person or firm whose name and address appears on the label. However, a retailer can also be held responsible if they sell unlawfully labeled seed even though it was obtained that way from someone else. The following labels are examples which show the required information for Minnesota. Label appearance can vary as long as all required information is listed. Some information may be printed directly on the container.

- **Agricultural Seed** - Agricultural seed includes all crops, lawn and turf grasses, and vegetable and flower seeds intended for agricultural use and are required to be labeled as follows:

Lawn and Turfgrass Mixture				
Kind				
Variety				
Pure Seed				
Germination				
Hard Seed				
Origin				
Weed Seed				

Weed Seed:	Other Crop:	Inert Matter:	Lot No.:	Test Date:
Noxious Weed Seeds (Name of Batch Present):			No Per Lb:	Sell by Date:
Labeler's Name				Net Weight:
Labeler's Address:				

Note: The "germination test date" cannot be more than 12 months old (15 months for lawn & turf grass, native grass, and wildflower seeds), exclusive of the month of the test. A "sell by" date is required on lawn & turf grass seed and is optional on other agricultural seed.

- **Vegetable and Flower Seed** - Vegetable and flower seeds, including wildflowers, when packaged exclusively for homeowner use are required to be labeled as follows:

Kind:	Variety:	Lot No.:	Net Wt.:	Packed For:
Labeler's Name:				Sell by Date:
Labeler's Address:				

Note: Vegetable and flower seed must be tested and packed for the year of sale. A "sell by" date may be listed along with or in lieu of the "Packed For" date and it indicates the end of the period for which the label information is valid. *The number of seeds may be stated in lieu of or in combination with net weight.

- **Bulk Bins:** seeds for homeowner use may be sold outside their original containers if dispensed from a container or bin where a valid original label is displayed for the purchaser to view.
- Treated means the seed has received an application of a substance or has been subjected to a process for which a claim is made such as pesticides, inoculants, or growth enhancement products. The name of the substance applied and the words **“DO NOT USE FOR FOOD, FEED, OR OIL PURPOSES”** must be included in the labeling for the seed. If poisonous, the appropriate signal word and symbol must also be shown.
- A blend is a combination of varieties and a mixture is a combination of kinds and must be labeled as such.
- Brands are marketing names and must be clearly identified as brands, not varieties. The actual variety name or the words “variety not stated” must be listed on the label.
- “Bin run” seed is generally not legal for sale in the state because it has not been conditioned, tested, or labeled for sale as required. Don’t accept unlabeled seed from a supplier.

Noxious Weed Seed Requirements

Prohibited Noxious Weed Seeds

The following species are not allowed in any seed offered for sale in the state.

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

Restricted Noxious Weed Seeds

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

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

Counties may further restrict use of seed containing the seeds of noxious weedy that have been petitioned to the county prohibited noxious weed list.

Permit Requirements

Initial labelers of seed must have a valid seed permit to sell seed in Minnesota. Retailers may sell seed in Minnesota without obtaining a seed permit when:

1. Reselling seed properly labeled by another person or firm who has a valid permit; or
2. Repackaging into smaller containers seed properly labeled by another person or firm as long as there has been no change in composition or quality of the seed. The original label and purchase records are very important and should be kept!

Recordkeeping for Retailers

Retailers have less stringent recordkeeping requirements than initial labelers. Retailers are not required to keep file samples but should keep accurate records of purchase and sale of seed for three years when reselling seed.

When Repackaging/Relabeling

An invoice containing the kind and variety names, lot number, quantity, date, and the name of the person the seed was purchased from and a copy of the original label would be an adequate record for a retailer repackaging or relabeling seed. When possible, invoices showing who seed was sold to should also be retained. Protect yourself and your business reputation — accurate and complete records may help to show that you were not responsible for unlawfully labeled seed involved in an investigation!

Recordkeeping for Initial Labelers

Initial labelers must keep complete records for each lot indicating where the seed originated, all testing documents, a copy of the label, and to whom it was sold shipped or delivered for three years after the sale of the last portion of the lot. An initial labeler must also keep a file sample of the seed that represents the lot for one year after the sale of the last portion of the lot. For certified seed, documentation of certification must also be a part of the record.

Unlawful Acts

Persons who fail to comply with the requirements of the Minnesota Seed Law are subject to administrative, civil and criminal penalties.

What Retailers Must Remember

- When purchasing seed for resale, accept only properly labeled seed. Make sure the test date is current.
- Don’t sell seed with expired test dates or packed for dates. Properly dispose of old seed or return it to the supplier
- Obtain a seed permit if required.
- Keep good records!

For more information e-mail: seed.mda@state.mn.us • For copies of forms, go to: www.mda.state.mn.us/seed