

250.021 Definitions for KRS 250.021 to 250.111.

As used in KRS 250.021 to 250.111, unless the context requires otherwise:

- (1) "Advertised" means all representations, other than those on the label, disseminated by the public press, circular, catalog, or other media, relating to agricultural, vegetable, or flower seed, or combination seed, mulch, and fertilizer products within the scope of KRS 250.021 to 250.111.
- (2) "Agricultural seed" includes grass, forage, cereal, oil, fiber, tobacco, and other kinds of crop seed commonly recognized within Kentucky as agricultural seed, lawn seed, and combinations of these seed. Regardless of the name used to describe seed, the product shall be seed if its intended use is for plant production.
- (3) "Certified seed" means seed for which a certificate or any other instrument has been issued by an agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified.
- (4) "Certified custom seed conditioner" means a person who has been approved by the Kentucky Seed Improvement Association (KSIA) to condition seed for distribution as certified seed.
- (5) "Certified seed grower" means a person who has been approved by the Kentucky Seed Improvement Association to produce seed to be sold as Kentucky certified seed.
- (6) "Certifying agency" means:
 - (a) An agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified; or
 - (b) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under subsection (6)(a) of this section.
- (7) "Conditioning" means drying, cleaning, applying seed treatment, scarifying, and other operations which could change the purity or germination of the seed.
- (8) "Crop seed" means seed of crop plants other than the kind or variety included in the pure seed.
- (9) "Distribute" means to consign, offer for sale, sell, advertise for sale, barter, or otherwise supply agricultural seed.
- (10) "Distributor" means any person who distributes agricultural seed.
- (11) "Dormant" means seed, excluding hard seed, which fail to germinate, even though viable, when provided the specified germination conditions for the kind of seed in question.
- (12) "Flower seed" includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under

the name of flower seed or wildflower seed, except for seed which have been placed on the Kentucky noxious weed seed list.

(13) "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, indicate the ability to produce a normal plant under favorable conditions.

(14) "Hard seed" means seed which remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

(15) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining:

(a) Two (2) or more inbred lines;

(b) One (1) inbred or a single cross with an open-pollinated variety; or

(c) Two (2) varieties or species, excluding open-pollinated varieties of corn; and excludes the second generation or subsequent generations from those crosses.

(16) "Inert matter" means all matter not seed, including broken seed, sterile florets, chaff, fungus bodies, and stones.

(17) "Innoculant" means a formulation containing nitrogen-fixing bacteria which is applied as a treatment to legume seed to increase the nitrogen-fixing capabilities of the plants produced from the seed.

(18) "Inspection fee" means a fee, based on volume or value of product distributed, collected by the director from permit holders in Kentucky.

(19) "Kind" means one (1) or more related species or subspecies which singly or collectively is known by one (1) common name, for example, corn, oats, alfalfa, and timothy.

(20) "Label" includes a tag or other device attached to or written, stamped, or printed on any container of seed or accompanying any lot of bulk seed purporting to set forth the information required on the seed label by KRS 250.021 to 250.111, and it may include other information relating to the labeled seed.

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

(22) "Mixture" means seed consisting of more than one (1) kind, each in excess of five percent (5%) by weight of the whole.

(23) "Mulch" means a protective covering of any suitable substance placed with seed which acts to retain moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil water, the control of weeds, and the prevention of erosion.

(24) "Noncertified custom seed conditioner" means a person other than a certified seed conditioner who conditions agricultural seed which is to be distributed.

(25) "Noxious weed seed" means one (1) of two (2) classes:

(a) "Prohibited noxious weed seed" means those weed seed which are prohibited from being present in agricultural, vegetable, or flower seed, and are seed of weeds which are highly destructive and difficult to control.

(b) "Restricted noxious weed seed" means those weed seed which are objectionable in agricultural crops, lawns, or gardens of Kentucky, but which can be controlled using conventional methods.

(26) "Pelleted seed" means seed coated with a layer of inert materials that may obscure the original shape and size of the seed resulting in a substantial weight increase and improved plantability. The addition of polymers, biologicals, pesticides, identifying colorants or dyes, or other ingredients may be included in the pelleting material.

(27) "Permit holder" means a person who has obtained a permit from the director to label agricultural, vegetable, or flower seed; or combination mulch, seed, and fertilizer products distributed in Kentucky and whose name and address is required to appear on labels of those products distributed in Kentucky as a condition for obtaining the permit.

(28) "Person" means an individual, partnership, company, corporation, or other type of business establishment.

(29) "Pure seed" means seed exclusive of inert matter and all other seed not of the kind or variety being considered.

(30) "Informal hearing" means a discussion of facts between the person involved in an apparent law violation and the director.

(31) "Record" means information which relates to the origin, treatment, germination, purity, kind, and variety of each lot of seed sold. The information shall include seed samples and documents showing declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests, or examinations.

(32) "Retail agricultural seed dealer" means a person who engages in the business of distributing agricultural seed in containers or bulk units of forty (40) pounds or more.

(33) "Seizure" means a legal process carried out by court order against a specified seed lot.

(34) "Stop sale" means an administrative order provided by law, which restrains the distribution of a specified seed lot.

(35) "Treated seed" means seed which has received an application of a substance or has been subjected to a process for which a claim is made.

(36) "Variety" means a subdivision of a species which is distinct, uniform, and stable; distinct in the sense that the variety can be differentiated by one (1) or more identifiable morphological, physiological, or other characteristics from all other publicly known varieties; uniform in the sense that the variations in essential and distinctive characteristics are describable; and stable in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.

250.034 ~~Application of KRS 250.021 to 250.111~~ to vegetable and herb seeds which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seed in Kentucky. ~~It does not apply to tobacco seed or to seed of any other plant which is not a vegetable or herb seed as defined in KRS 250.021.~~ (1) ~~Elementary units and packets of seed shall contain not less than one (1) pound or more, or in the case of tobacco seed of one-twelfth (1/12) ounce or more; each packet or other container of vegetable or flower seed; each preplanted container, mat, tape, or other planting device containing vegetable or flower seed; and each container of a combination of vegetable and fertilizer products distributed in Kentucky for planting purposes shall bear a primary label in a conspicuous place a plainly written or printed label in the English language providing the information stipulated in subsection (10) of this section.~~ KRS 250.021 to 250.111.

- (a) ~~To seed or grain not distributed for planting purposes.~~
 (b) ~~To seed in storage or being transported or consigned to a conditioning establishment, if the invoice or labeling accompanying any shipment of the seed bears the statement "seed for conditioning"; and if any labeling or other representation which may be made with respect to the unconditioned seed of the same lot shall be subject to the information stipulated in subsection (10) of this section.~~
 (c) ~~To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, distributing, or delivering seed.~~
 (2) ~~The labels specified in this section shall be delivered to the purchaser of the seed.~~
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 (4) ~~Labels shall be obtained as described in KRS 250.051.~~
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Effective: April 8, 1994 **History:** Created 1994 Ky. Acts ch. 370, sec. 2, effective April 8, 1994.

- (6) All soybean seed, except black soybean (hay bean) seed shall be labeled by variety name.
- (7) All tobacco seed or winter rape (Canola) seed shall be certified by the Kentucky Seed Improvement Association (KSIA) or by the agency responsible for certification in the state, province, or country where the seed originated, but only if the standards there are not lower than KSIA standards.
- (8) The label for treated seed shall provide the following as additional information:
 - (a) A word or statement indicating that the seed has been treated.
 - (b) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.
 - (c) A caution statement such as "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. The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.
 - (d) The expiration date if the treatment is an inoculant.

(9) The label for agricultural seed which have been pelleted shall provide the following as additional information:

- (a) Percentage by weight of pure seed with pelleting material removed.
- (b) Percentage by weight of pelleting material.
- (c) Percentage by weight of inert material exclusive of pelleting material.
- (d) Percentage of germination, which is to be determined on four hundred (400) pellets.

(10) Labels giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container, shall be used:

(a) For agricultural seed when in bulk or a container of one (1) pound or more or in the case of tobacco seed of one-twelfth (1/12) ounce or more:

1. The name and address of the person who labeled the seed;
2. The name of the kind and variety for each agricultural seed component present in excess of five percent (5%). If the variety of those kinds generally labeled as to variety as designated in the administrative regulations is not known, the label shall show the kind and the words, "Variety Unknown." Hybrid designations, when applicable, shall be used in place of variety names. If more than one (1) component is present in excess of five percent (5%), the word "mixed" or "mixture" shall be stated with the name of the mixture, and each component shall be listed in columnar form in order of its prominence.

3. Lot number or other lot identification;
4. Percentage by weight of all weed seed;
5. The name and rate of occurrence per pound of each kind of restricted noxious weed seed present;
6. Percentage by weight of crop seed;
7. Percentage by weight of inert matter; and
8. For each named agricultural seed:
 - . Percentage of germination, exclusive of hard or dormant seed;
 - . Percentage of hard or dormant seed, if present;
 - . Origin (state or foreign country);

(b) For vegetable seed in packets as prepared for use in home gardens or household plantings or vegetable seed in preplanted containers, mats, tapes, or other planting devices: ^{The calendar month and year in which the germination test was completed.}

1. — . The name and address of the person who labeled the seed;
2. Name of kind and variety of seed;
3. Lot identification, such as by lot number or other means;

4. The year for which the seed was packed for distribution as "Packed for ----" or the percentage germination and the calendar month and year the test was completed to determine such percentage;

5. For seed which germinate less than the standard last established by the director under KRS 250.021 to 250.111:

- . Percentage of germination, exclusive of hard seed;
- . Percentage of hard seed, if present; and
- . The words "Below Standard" in not less than eight (8) point type.
- .

6. For vegetable seed placed in a germination medium, mat, tape, or other device in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container.

(c) For vegetable seed in containers other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;

2. The name of each kind and variety present in excess of five percent (5%) and the percentage by weight of each in order of its predominance;

3. Lot number or other lot identification; and

4. For each named vegetable seed:

- . Percentage of germination, exclusive of hard seed;
- . Percentage of hard seed, if present; and

5. ~~The calendar month and year the test was completed to determine the percentages.~~ The labeling requirements for vegetable seed in containers of more than one (1) pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

(d) For flower seed in packets prepared for use in home gardens or household plantings, or flower seed in preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;

2. The name of the kind and variety or a statement of type and performance characteristics as prescribed in administrative regulations promulgated under the provisions of KRS 250.021 to 250.111;

3. The calendar month and year the seed was tested or the year for which the seed was packaged; and

4. If seed are of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the provisions of KRS 250.021 to 250.111:

- . Percentage of germination, exclusive of hard seed; and
- . The words "Below Standard" in not less than eight (8) point type.

5. If seed are in a germination medium, mat, tape, or other device in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seed in the container.

(e) For flower seed in containers other than packets prepared for use in home flower gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:

1. The name and address of the person who labeled the seed;
2. The name of the kind and variety or a statement of type and performance characteristics as prescribed in administrative regulations promulgated under the provisions of KRS 250.021 to 250.111;
3. The lot number or other lot identification;
4. The calendar month and year that the seed was tested or the year for which the seed was packaged;
5. If seed are of a kind for which standard testing procedures are prescribed:
 - . Percentage of germination, exclusive of hard seed; and
 - . Percentage of hard seed, if present.
 - .

(f) For combination mulch, seed, and fertilizer products:

1. The name and address of the person who labeled the seed.
2. The word "combination" followed by the words "mulch - seed fertilizer" (if appropriate) shall appear on the upper thirty percent (30%) of the principal display panel. The word "combination" shall be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch - seed - fertilizer" shall be no smaller than half the size of the word "combination" and in close proximity to the word "combination." These products shall contain a minimum of seventy percent (70%) mulch.

3. Agricultural, lawn, and turf seed placed in a germination medium, mat, tape, or other device or mixed with mulch shall, in addition, be labeled as follows:

Product name;

Lot number;

Percentage by weight of pure seed of each kind and variety named which may be less than five percent (5%) of the whole.

Percentage by weight of crop seed;

- . Percentage by weight of inert matter which shall not be less than seventy percent (70%);

Percentage by weight of weed seed;

Name and number of noxious weed seed per pound, if present; and

