

No. 255

AN ACT

HB 2143

Amending the act of August 17, 1965 (P.L.354, No.187), entitled "An act regulating the selling, offering or exposing for sale of agricultural, vegetable, flower, tree and shrub seeds and seed mixtures for seeding purposes; requiring certain information to be affixed to the container in which such seeds are sold; defining unlawful seed sales and other unlawful acts; conferring powers and imposing duties upon the Department of Agriculture and the secretary thereof; authorizing stop-sale orders by the secretary in certain cases; providing for inspections, reports and surveys by the department; requiring the keeping of records and samples by seed handlers; providing for seizure and disposition of certain seed; imposing powers and duties upon certain courts; and prescribing penalties," defining "certifying agency" and prohibiting certain sales of uncertified seeds.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 2 and 4, act of August 17, 1965 (P.L.354, No.187), known as "The Pennsylvania Seed Act of 1965," are amended by adding clauses to read:

Section 2. Definitions.—For the purpose of this act, the following terms shall have the meanings ascribed to them in this section, unless the context clearly requires otherwise:

* * *

(23) "Certifying agency." Means (i) an agency authorized under the laws of a state, territory or possession to officially certify seed; or (ii) 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 (i).

Section 4. Unlawful Seed Sales.—It shall be unlawful for any person to sell, offer for sale or expose for sale, any agricultural, vegetable, tree, shrub or flower seed within this State:

* * *

(8) Labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which an application for a certificate or a United States Certificate of plant variety protection under the Plant Variety Protection Act (7 U.S.C.2321 et. seq.) specifies sale only as a class of certified seed: Provided, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with approval of, the owner of the variety.

Section 2. This act shall take effect in 60 days.

APPROVED—The 23rd day of November, A. D. 1976.

MILTON J. SHAPP