

SENATE BILL NO. 443—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MAY 10, 2021

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to agriculture.
(BDR 51-1084)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to agriculture; defining certain terms that apply to standards that govern seeds; revising the definition for “certifying agency”; requiring certain containers of seeds to bear or have attached a sell-by date which contains certain information; requiring containers for seeds of agricultural crops to include certain additional information if the seeds are coated; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth various standards governing seeds. (NRS 587.015-587.123) **Sections 2-11** of this bill define certain terms that apply to the standards that govern seeds, including, without limitation, terms such as “complete records” and “conditioning,” which appear in existing sections of Nevada Revised Statutes but not in the new language of this bill. **Sections 12 and 16** of this bill make conforming changes by: (1) indicating the proper placement of **sections 2-11** in the Nevada Revised Statutes; and (2) replacing certain phrases in existing law with the newly defined terms. **Section 14** of this bill expands the scope of required regulations to account for the new provisions.

Existing law defines “certifying agency,” in part, to mean an agency that is authorized under the laws of a state, territory or possession of the United States to officially certify seed. (NRS 587.023) **Section 13** of this bill defines a certifying agency, in part, as an agency that is authorized under the laws of a state, territory or possession of the United States to officially certify seed and which has procedures and standards approved by the United States Secretary of Agriculture to assure the purity and identity of certified seed.



Existing law requires each container of seeds of agricultural crops, flowers, vegetables, herbs, trees and shrubs which is sold, offered for sale or transported within this State for sowing purposes to bear or have attached to it a plainly written label or tag that complies with certain requirements. (NRS 587.091) **Section 15** of this bill requires such containers to additionally bear or have attached a plainly written sell-by date which contains the phrase "sell by ____" and a date which: (1) for seeds of agricultural crops, must be not more than 15 months after the date of the test for germination was completed; and (2) for seeds of flowers, vegetables, herbs, trees and shrubs, must be not more than 12 months after the date of the test for germination was completed.

Existing law requires the labeling of containers for seeds of agricultural crops to state certain information. (NRS 587.093) **Section 16** requires that such containers also include certain additional information if the seeds of agricultural crops contained in the containers are coated.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. 1. "Complete records" means any and all information which relates to:

(a) The origin, treatment, germination, purity, kind and variety of each lot of agriculture seeds sold in this State; or

(b) The treatment, germination, kind and variety of each lot of vegetable seeds and flower seeds sold in this State.

2. The term includes, without limitation, information concerning:

(a) Seed samples; and

(b) Records of declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests and examinations.

Sec. 3. "Conditioning" means drying, cleaning, scarifying and any other operation which can change the purity or germination of the seed and which requires the lot of seed to be retested to determine the labeling.

Sec. 4. "Germination" means the emergence and development from the embryo of the seed any structures which indicate the ability of the seed to produce a normal plant under conditions that are favorable.

Sec. 5. "Hard seeds" means seeds which remain hard at the end of a test period as a result of an inability to absorb water due to an impermeable seed coat.

Sec. 6. 1. "Inert matter" means all matter that are not seeds.



2. The term includes, without limitation, broken seeds, sterile florets, chaff, fungus bodies and stones, as determined by methods set forth in regulations.

Sec. 7. "Mixture" means seed that consists of more than one kind, each in excess of 5 percent by weight of the whole.

Sec. 8. 1. "Other crop seed" means the seeds of plants that are grown as crops, as determined by methods defined in regulation.

2. The term does not include seeds that are pure seed.

Sec. 9. "Prohibited noxious weed seed" means the seeds of noxious weeds which are prohibited from being present in agricultural, vegetable, flower, tree or shrub seed due to being highly destructive and difficult to control in this State by ordinary good cultural or chemical practice.

Sec. 10. "Pure seed" means seed that does not contain inert matter and does not contain any other type of seed, as determined by methods set forth in regulations.

Sec. 11. "Restricted noxious weed seed" means the seeds of noxious weeds which are objectionable or injurious in fields, lawns and gardens of this State, but may be controlled by good cultural or chemical practices.

Sec. 12. NRS 587.015 is hereby amended to read as follows:

587.015 As used in NRS 587.015 to 587.123, inclusive, unless the context otherwise requires, the words and terms defined in NRS 587.017 to 587.073, inclusive, *and sections 2 to 11, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 13. NRS 587.023 is hereby amended to read as follows:

587.023 "Certifying agency" means:

1. An agency authorized under the laws of a state, territory or possession of the United States officially to certify seed ~~and~~ *and which has procedures and standards that are approved by the United States Secretary of Agriculture to assure the purity and identity of the certified seed;* or

2. An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedure and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under subsection 1.

Sec. 14. NRS 587.083 is hereby amended to read as follows:

587.083 1. The Director shall adopt regulations:

(a) Governing the terms and methods used in sampling, inspecting, analyzing, testing and examining seeds subject to NRS 587.015 to 587.123, inclusive, and the tolerances to be used.

(b) Establishing a list of prohibited and restricted noxious weeds, *prohibited noxious weed seeds and restricted noxious weed seeds* and prescribing the maximum rate of occurrence per pound of seeds



1 of restricted noxious weeds which may be associated with any
2 seeds. A noxious weed , *prohibited noxious weed seed or restricted*
3 *noxious weed seed* may be prohibited if it is highly destructive and
4 difficult to control in this state by ordinary good cultural or chemical
5 practice and restricted if it is objectionable or injurious in fields,
6 lawns and gardens of this state, but may be controlled by good
7 cultural or chemical practices **H**, *as applicable*.

8 (c) Establishing minimum standards of germination for seeds of
9 vegetables, herbs and flowers.

10 (d) Defining the terms to be used in labeling seeds.

11 (e) Establishing a list of the species of trees and shrubs subject
12 to the labeling requirements set forth in subsection 7 of
13 NRS 587.105.

14 (f) Establishing the duration of the validity of testing to
15 determine the percentage of germination of seeds subject to the
16 requirements for labeling as set forth in NRS 587.091 to 587.105,
17 inclusive, before the sale, offering for sale or transporting of those
18 seeds.

19 (g) For the labeling of seeds of flowers in respect to kind and
20 variety or the characteristics of type and performance as required by
21 NRS 587.101 and 587.103.

22 (h) Establishing a list of the kinds of seeds of flowers which are
23 subject to the labeling requirements of NRS 587.101 and 587.103.

24 2. The Director may adopt such other regulations as are
25 necessary to carry out the provisions of NRS 587.015 to 587.123,
26 inclusive.

27 **Sec. 15.** NRS 587.091 is hereby amended to read as follows:

28 587.091 1. Each container of seeds of agricultural crops,
29 flowers, vegetables, herbs, trees and shrubs which is sold, offered
30 for sale or transported within this state for sowing purposes must
31 bear or have attached to it, in a conspicuous place, a plainly written
32 **H** :

33 (a) *Label* or tag in the English language, giving the net weight
34 of the seed and the information specified for the respective classes
35 of seed in subsection 2 and in NRS 587.093 to 587.105, inclusive,
36 which information must not be modified or denied in the labeling or
37 on another label attached to the container **H**; and

38 (b) *Sell-by date. The sell-by date must contain the phrase "sell*
39 *by _____" and a date which:*

40 (1) *For a container of seeds of agricultural crops, must be*
41 *not more than 15 months after the date of the test for germination*
42 *was completed, not including the month in which the test*
43 *occurred.*

44 (2) *For a container of seeds of flowers, vegetables, herbs,*
45 *trees and shrubs, must be not more than 12 months after the date*



of the test for germination was completed, not including the month in which the test occurred.

2. For all such seeds which are treated, the label must contain:

(a) A word or statement indicating that the seed has been treated;

(b) The commonly accepted coined, chemical, generic or abbreviated chemical or generic name of the substance used for treatment, or the description of the process used for treatment;

(c) If the substance applied to the seed for treatment is in an amount which may be harmful to human or other vertebrate animals, a caution, stating: “Do not use for food, feed or oil purposes.” The caution for mercurials and similarly toxic substances must be a statement or symbol indicating the presence of poison; and

(d) If the seed is treated with an inoculant, the month and year beyond which the inoculant is not to be considered effective.

3. A separate label may be used to contain the information required in subsection 2.

Sec. 16. NRS 587.093 is hereby amended to read as follows:

587.093 The labeling of containers for seeds of agricultural crops must state, in addition to the requirements of NRS 587.091:

1. The kind and variety, or the kind and the phrase “variety not stated,” for each seed of another crop in the container in excess of 5 percent of the whole, and the percentage by weight of the pure seed of each listed in a column in order of its predominance. ~~Seeds of other crops~~ *Other crop seeds* in the container which are less than 5 percent of the whole may be claimed as part of a mixture but if so must conform to the requirements applicable to seeds in excess of 5 percent of the whole. Mixtures must be designated by the word “mixed” or “mixture” accompanying the name of the mixture. Hybrids must be labeled as hybrids.

2. The number or other identification of the lot.

3. The origin, state or foreign country, if known, of alfalfa, red clover and field corn, but not of hybrid corn. If the origin is unknown, this fact must be stated.

4. The percentage by weight of all seeds of weeds present.

5. The name and rate of occurrence per pound of each kind of seeds of restricted noxious weeds present.

6. The percentage by weight of seeds of crops other than those named on the label. These may be designated “crop seeds.”

7. The percentage by weight of inert matter.

8. For each *named agricultural* seed : ~~{for agricultural crops named in the label:}~~

(a) The percentage of germination, exclusive of hard seed;

(b) The percentage of hard seed, if present; and



(c) The month and year the test for germination was completed, and for mixtures, only the date of the oldest test of the seeds in the mixture.

➤ In addition, following the percentages shown in paragraphs (a) and (b), the total germination and hard seed may be stated as such.

9. The name and address of the person who labeled the seed, or who sells or offers the seed for sale within this state.

10. In addition to the information required pursuant to this section, if the seeds of agricultural crops are coated:

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

(b) The percentage by weight of coating material;

(c) The percentage, by weight, of inert material, not including coating material; and

(d) The percentage of germination, tested in accordance with any standards established by the Director.

11. As used in this section, “named agricultural seed” means seed for agricultural crops named in the label on the container of the seed.

Sec. 17. This act becomes effective upon passage and approval.

