



ALABAMA DEPARTMENT OF
AGRICULTURE & INDUSTRIES

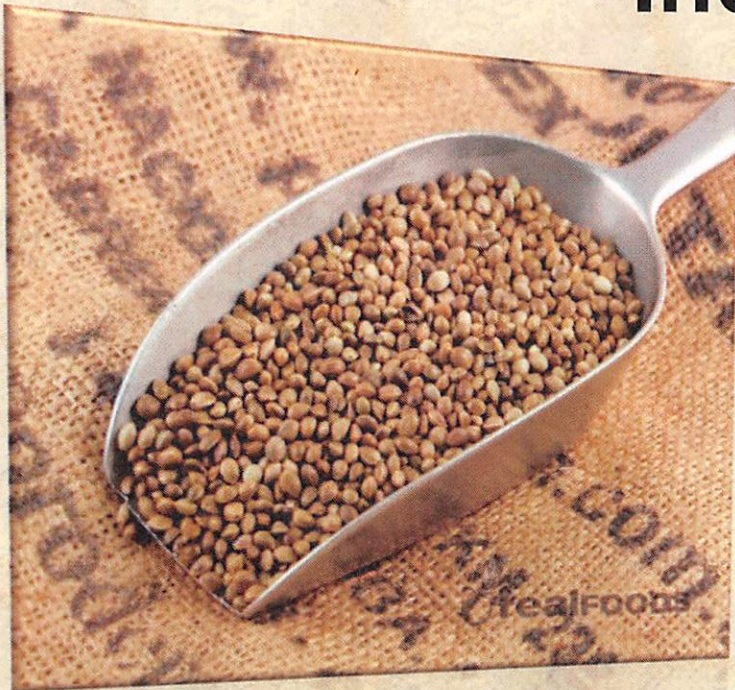
ALABAMA SEED LAWS AND REGULATIONS AND HOW THEY PERTAIN TO INDUSTRIAL HEMP

Andy K. Tipton
Division Director
Food Safety and Agricultural Compliance

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Alabama Seed Laws and Regulations And How They Pertain to Industrial Hemp



Andy K. Tipton

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Food Safety and Agricultural Compliance



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Labeling Requirements

§2-26-7

80-11-2-.02

The Labeling information required for agricultural seed under the provisions of Code of Alabama 1975 §2-26-7(a), with certain exceptions set out below, shall appear on a tag attached to each container in substantially the same form appearing below.

One seed variety.

Weight _____ Net Lot No. _____

Kind and Variety _____

Pure Seed _____ % Germ. _____ %

Inert _____ % Hard Seed _____ %

Weeds _____ % Germ. & H. S. _____ %

Crop _____ % Date Tested _____

Name & No. of Noxious Weeds per Lb. _____

_____ Grown In _____

NAME _____

ADDRESS _____



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UNDERSTANDING A SEED TAG

Lot Number

Unique number to specific lot of seed. Used to trace seed back to its origin.

Germ

The percentage of seed that germinated during laboratory tests.

Variety name(s) in product and the percentage of weight in relation to overall weight of product.

Inert Matter

The percentage of product that is not seed.



ALABAMA DEPARTMENT OF
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1445 Federal Drive
Montgomery, Alabama 36107-1123

334-240-7100 • 800-642-7761

www.agi.alabama.gov

SEED NAME HERE

LOT: ABC12345

	%	Germ	Hard Seed %	Total	Origin
A. Red Clover	49.67	85	0	85%	OR
B. Alfalfa	34.96	85	0	85%	CD
C. Clover	48.71	80	5	85%	OR

Other Crop Seeds

The percentage by weight, of crop seed other than the varieties named above.

Other Crop Seeds: 4.71%

Inert Matter: 0.76%

Weed Seed: 0.26%

Noxious Weed Seeds - None found

Seeding Rate: 18-25 Pounds Per Acre

Tested: Jan - 19

Net Wt. 50# (22.68kg)

Hard Seed %

The percentage of seed that did not germinate during laboratory tests.

Total

Total percentage of Germination and Hard Seed percentage.

Origin

State or country in which seed was grown.

Tested

Month and year that log of seed was lab tested for germination.

Net Weight

Net weight of package including seed. Listed in lbs. and kg's.

Noxious Weed Seeds

Weeds found in product that may be defined by a state to be prohibited. Prohibited weeds vary by state.

Seeding Rate

Rate that seed should be spread when seeded.

Certification

§2-26-9



The purpose shall be to maintain and make available to the public through certification, high quality seeds and propagating materials of superior crop plant varieties so grown and distributed as to maintain genetic identity and purity. The word "seed" or "seeds" as used in these standards shall be understood to include all propagating materials.

www.southernseedcertification.org

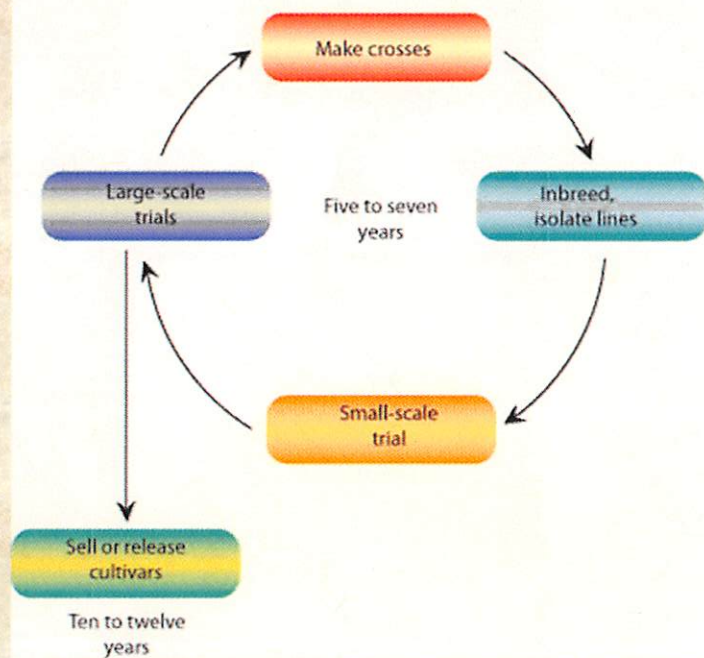


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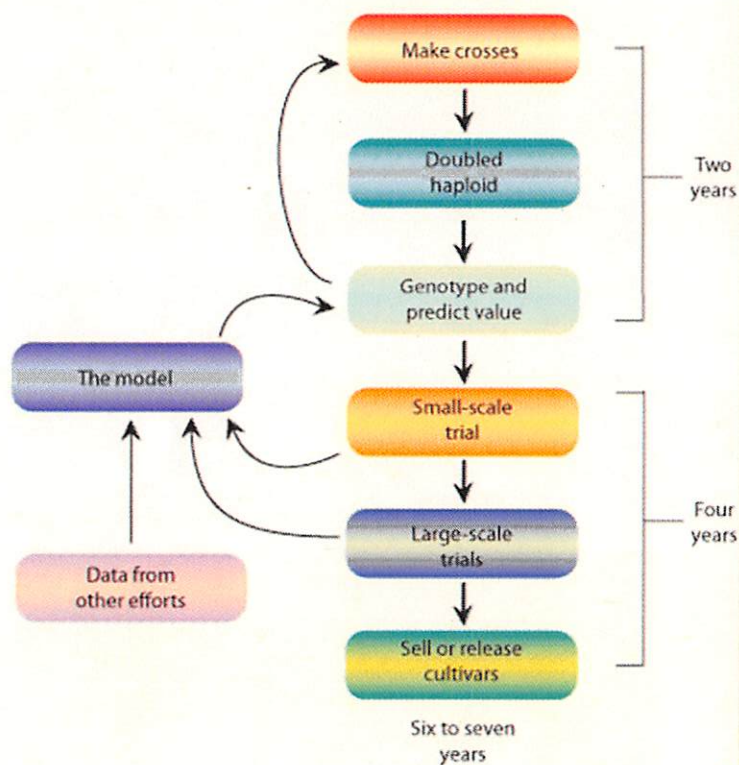
Plant Breeders / PVP

§2-26-50

Standard breeding



Genomic selection at CSU



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Rick Pate, Commissioner

ANNUAL SEED DEALER PERMIT

Application is hereby made for a permit to do business as a seed dealer in the State of Alabama, under provisions of the Alabama Seed Law, Section 2-26-5, Code of Alabama 1975.

Gross receipts from the sale of seed at the place of business shown on this application during the last preceding year including all agricultural, lawn, herb, tree, shrub, flower and vegetable seed as well as packet vegetable seed are:

Industrial Hemp seed sales in Alabama:

New dealers show anticipated sales for the coming year:

For Year Ending
December 31st

2020

- ☐ Renewal
☐ New Dealer
☐ Name Change

\$ _____

\$ _____

\$ _____

*All information supplied on this application is subject to audit by the
Audits and Reports Section of the Alabama Department of Agriculture and Industries.*

A DELINQUENT PAYMENT PENALTY OF 10% WILL BE ASSESSED IF RENEWAL APPLICATION AND
PAYMENT ARE NOT MADE BY **JANUARY 31, 2020**

**NO PERMIT WILL BE ISSUED WITHOUT A COMPLETED APPLICATION BEING
SUBMITTED ALONG WITH PROPER PAYMENT.**

Please Print or Type

Date of Application: _____
(mm/dd/yyyy)

Amount of Permit Fee: \$ _____

Amount of Penalty \$ _____

Total Amount Enclosed: \$ _____

Corporate Name: _____

D/B/A: _____

Physical Address: _____
(Street, City, State, Zip)

County: _____

Mailing Address: _____
(PO Box / Street, City, State, Zip)

Telephone: _____ Fax: _____

Email: _____

Contact Person: _____

EACH PLACE OF BUSINESS MUST BE PERMITTED SEPARATELY.

Permits

§2-26-5



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& Industries



ALABAMA DEPARTMENT OF
AGRICULTURE & INDUSTRIES
Rick Pate, Commissioner

For Year Ending
December 31st
2020

ANNUAL SEED PROCESSOR PERMIT

Application is hereby made for a permit to operate as a seed cleaner or processor, which includes peanut shellers, treaters, and corn processors in the State of Alabama, under provisions of the Alabama Seed Law, Section 2-26-5, Code of Alabama 1975.

An Annual Fee of Seventy Five Dollars (\$75.00) will be due for each Seed Processor Permit as required by Alabama Seed Law.

- ☐ Renewal
☐ New Processor
☐ Name Change
☐ Industrial Hemp Processor

All information supplied on this application is subject to audit by the Audits and Reports Section of the Alabama Department of Agriculture and Industries.

A DELINQUENT PAYMENT PENALTY OF 10% WILL BE ASSESSED IF RENEWAL APPLICATION AND PAYMENT ARE NOT MADE BY **JANUARY 31, 2020**

NO PERMIT WILL BE ISSUED WITHOUT A COMPLETED APPLICATION BEING SUBMITTED ALONG WITH PROPER PAYMENT.

Please Print or Type

Date of Application: _____ Total Amount Enclosed: \$ _____
(mm/dd/yyyy)

Corporate Name: _____

D/B/A: _____

Physical Address: _____
(Street, City, State, Zip)

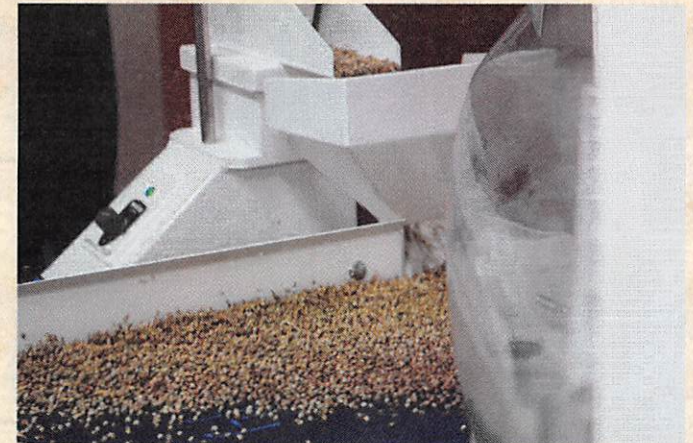
County: _____

Mailing Address: _____
(PO Box / Street, City, State, Zip)

Telephone: _____ Fax: _____

Email: _____

Contact Person: _____



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ALABAMA DEPARTMENT OF
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Rick Pate, Commissioner

For Year Ending
December 31st

2020

ANNUAL SEED PACKET PERMIT

Application is hereby made for a permit stamp(s) to sell seed as a packet seed dealer in the State of Alabama, under provisions of the Alabama Seed Law, Section 2-26-5, Code of Alabama 1975.

An Annual Fee of Five Dollars (\$5.00) will be due for each Seed Rack Permit as required by Alabama Seed Law.

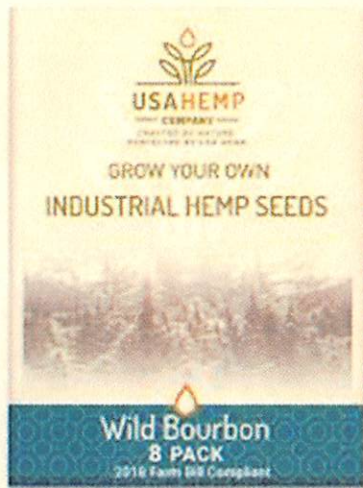
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NO PERMIT WILL BE ISSUED WITHOUT A COMPLETED APPLICATION BEING SUBMITTED ALONG WITH PROPER PAYMENT.

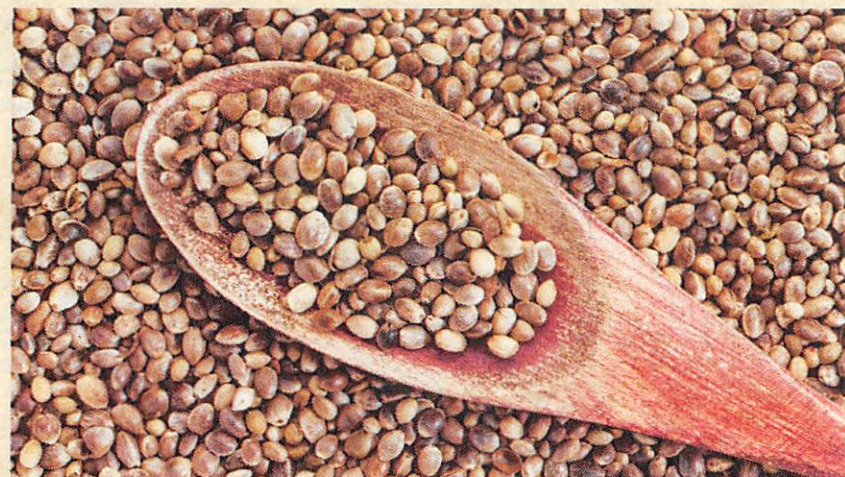
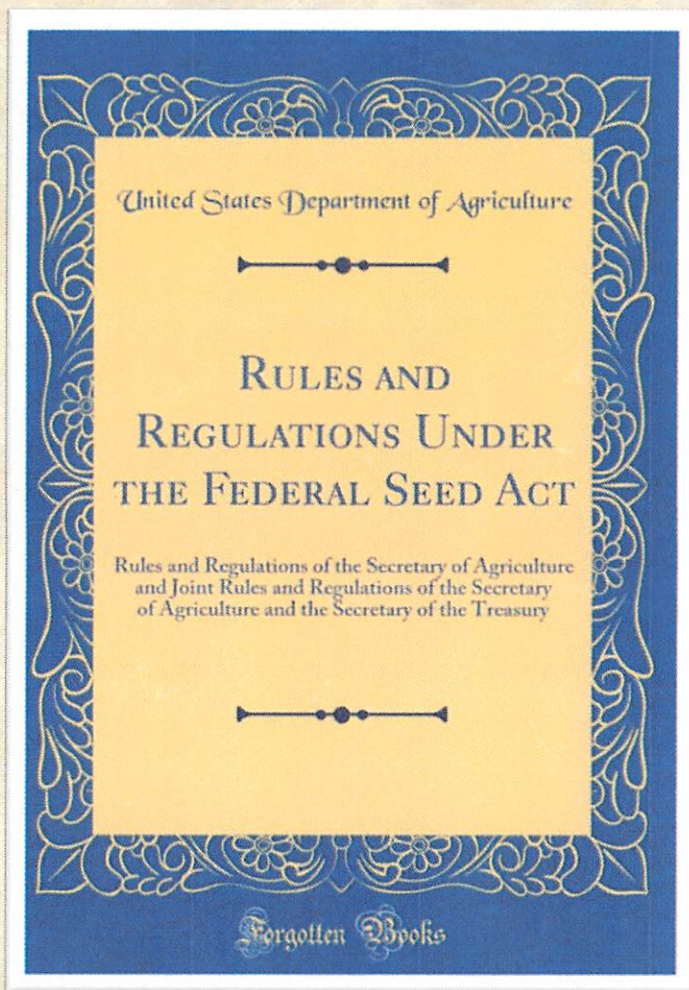
Please Print or Type

Date of Application: _____ Total Number of Permits: _____
(mm/dd/yyyy)
Corporate Name: _____
D/B/A: _____
Physical Address: _____
(Street, City, State, Zip)
County: _____
Mailing Address: _____
(PO Box / Street, City, State, Zip)
Telephone: _____ Fax: _____
Email: _____
Contact Person: _____

MAKE CHECKS PAYABLE TO: ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES



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The purpose of the Federal Seed Act, which has state counterparts that may require more disclosure or standards, is for everyone to know what is exactly in the bag. The Act generally applies to any vegetable or agricultural seeds, including lawn and forage seed, that are shipped in interstate commerce or will eventually be shipped in interstate commerce.

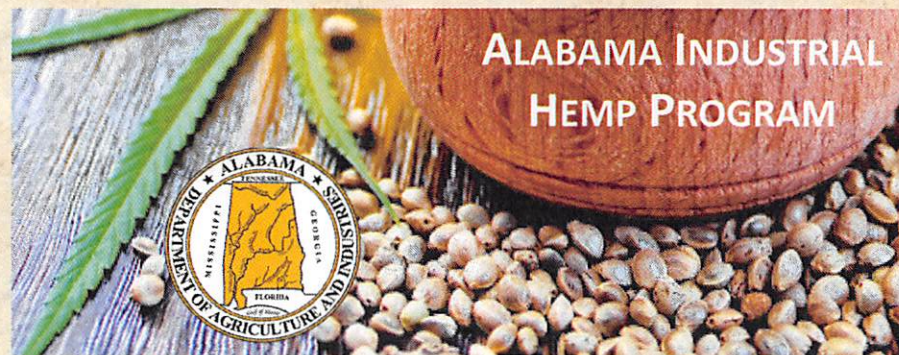


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Alabama Industrial Hemp Program

www.agi.alabama.gov/divisions/plant-protection/industrial-hemp

334-240-7225 ext. 1



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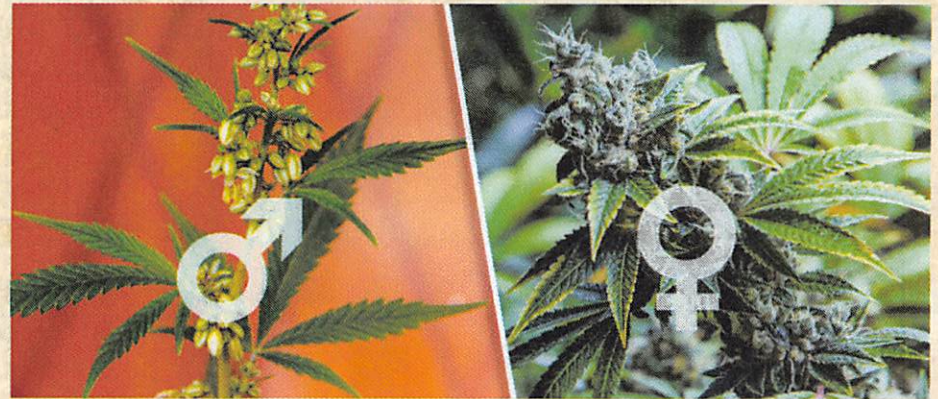
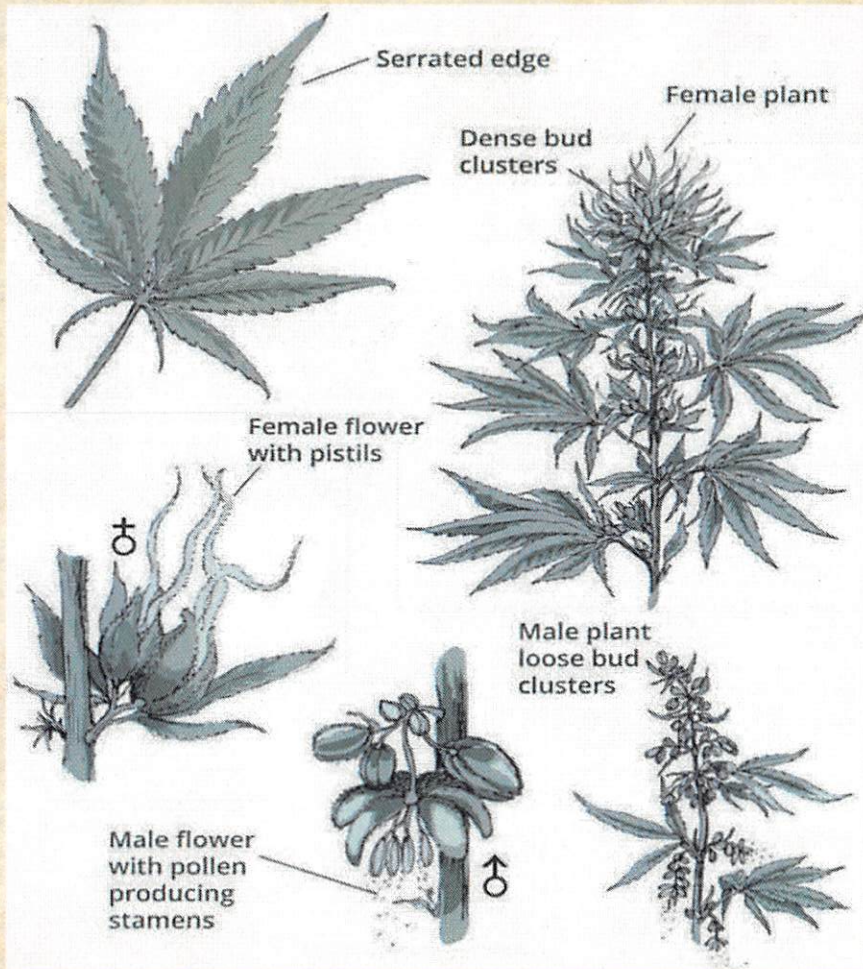
The Alabama Seed Laws and Regulations, links to the Federal Seed Act, along with Seed Dealer, Processor and Rack Permit Applications can be found at:

www.agi.alabama.gov/divisions.division-agcomp

***For more information feel free to contact our office at:
334-240-7182***



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UNDERSTANDING A SEED TAG

Lot Number

Unique number to specific lot of seed. Used to trace seed back to its origin.

Germ

The percentage of seed that germinated during laboratory tests.

Variety name(s) in product and the percentage of weight in relation to overall weight of product.

Inert Matter

The percentage of product that is not seed.



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SEED NAME HERE

LOT: ABC12345

	%	Germ	Hard Seed %	Total	Origin
A. Red Clover	49.67	85	0	85%	OR
B. Alfalfa	34.96	85	0	85%	CD
C. Clover	48.71	80	5	85%	OR
Other Crop Seeds:	4.71%				
Inert Matter:	0.76%				
Weed Seed:	0.26%				
Noxious Weed Seeds - None found					
Seeding Rate: 18-25 Pounds Per Acre					

Other Crop Seeds

The percentage by weight, of crop seed other than the varieties named above.

Noxious Weed Seeds

Weeds found in product that may be defined by a state to be prohibited. Prohibited weeds vary by state.

Seeding Rate

Rate that seed should be spread when seeded.

Hard Seed %

The percentage of seed that did not germinate during laboratory tests.

Total

Total percentage of Germination and Hard Seed percentage.

Origin

State or country in which seed was grown.

Tested

Month and year that log of seed was lab tested for germination.

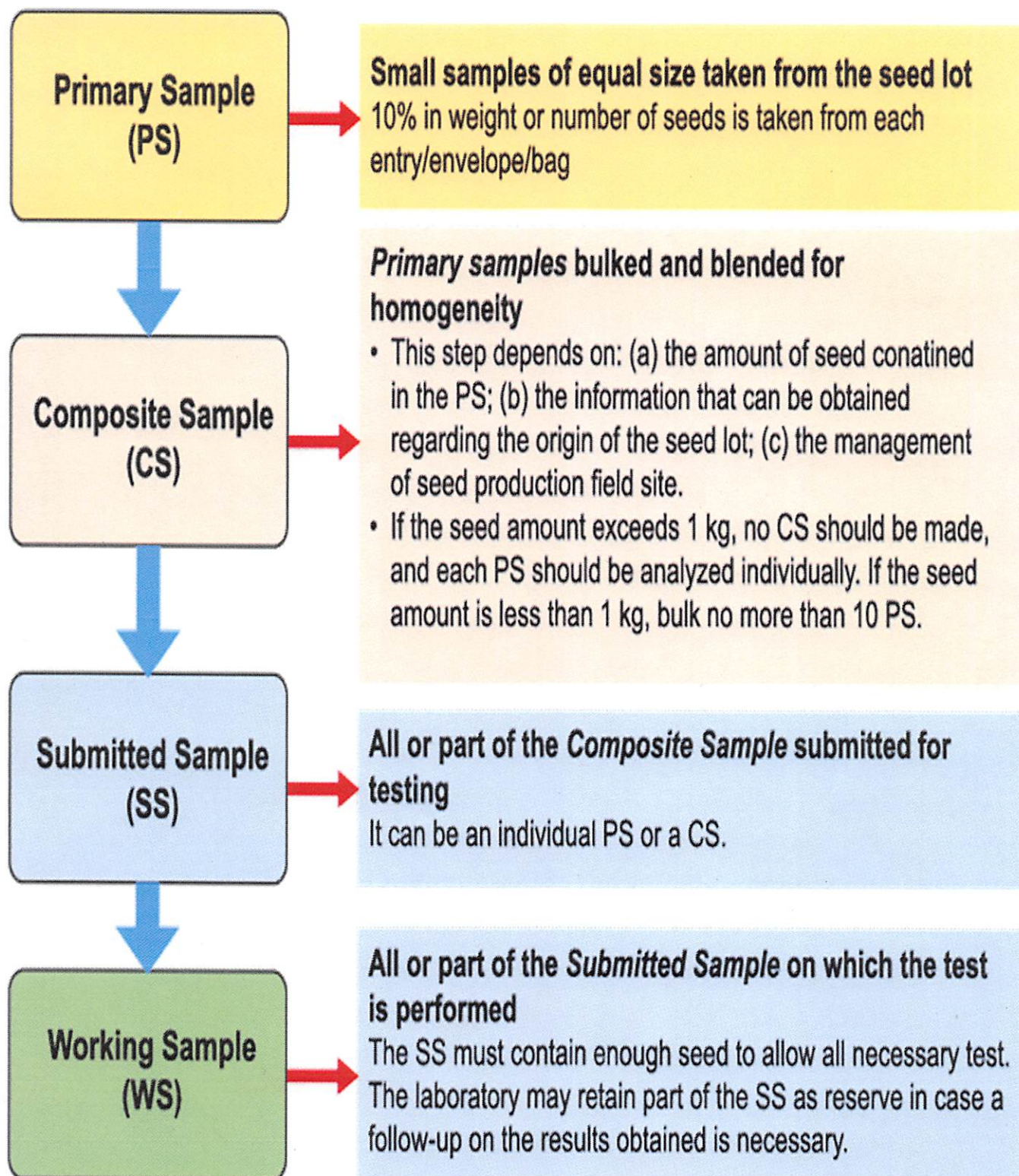
Net Weight

Net weight of package including seed. Listed in lbs. and kg's.

Tested: Jan - 19

Net Wt. 50# (22.68kg)

Seed Sampling Process





General Seed Certification Standards

These standards are applicable to all crops eligible for certification, and with the standards for the individual crops, shall constitute the Certification Standards of the **Southern Seed Certification Association, Inc.**

I. TYPE OF CERTIFYING ORGANIZATION

The Southern Seed Certification Association, Inc. (hereafter called the Association or the SSCA) is a non-profit organization incorporated under the laws of the State of Alabama. It is designated as an official seed-certifying agency pursuant to Alabama and Florida laws and is a member of the Association of Official Seed Certifying Agencies (AOSCA). SSCA's seed certifying activities meet or exceed the standards and procedures specified in part 201.68 through 201.78 of the Federal Seed Act (7 U. S. C. 1561 (a) (24).

SSCA carries neither products liability nor errors and omission insurance covering certification activities. It is not a marketing agency and it makes no representations or warranties of any kind, expressed or implied, including merchantability or fitness for purpose, or otherwise. Under no circumstances or event shall SSCA be responsible for incidental or consequential damages. Issuance of certification tags is based on a presumption of accuracy of information provided to the agency and on conclusions reached by competent personnel employing accepted procedures of field and conditioning plant inspections and seed analysis. Certification is limited to seed of officially recognized varieties that are grown and inspected so as to maintain varietal identity and genetic purity.

SSCA endeavors to maintain a close working relationship with seed growers, seed conditioners, seed developers and merchants, agricultural commodity and professional groups, agricultural research and extension organizations and state and federal seed regulatory agencies.

II. PURPOSE OF CERTIFICATION

The purpose shall be to maintain and make available to the public through certification, high quality seeds and propagating materials of superior crop plant varieties so grown and distributed as to maintain genetic identity and purity. The word "seed" or "seeds" as used in these standards shall be understood to include all propagating materials.

III. MEMBERSHIP

Any person, partnership or corporation involved in the production, conditioning distribution or consumption of Certified seed may become an active member of SSCA by agreeing to follow its rules, regulations, and procedures as adopted by the Board of Directors and by payment of the annual membership fee of fifty dollars (\$50.00). Any other person, partnership or corporation who is interested in supporting the work of the Association may become an associate member upon payment of the annual membership fee of twenty-five dollars (\$25.00). The membership year shall be from January 1 through December 31.

IV. ELIGIBILITY REQUIREMENTS FOR CERTIFICATION

A variety shall be eligible for certification if it has been approved as meriting certification by a member agency of the Association of Official Seed Certifying Agencies, an appropriate National Variety Review Board, a public Agricultural Experiment Station, or the Certification Committee of this Association.

Before a new variety will be considered for certification, the originator, developer, owner or agent of such variety must request certification and must provide the following information:

- A. The name of the variety. This name must be the established name if the variety has previously been marketed.
- B. A statement concerning the variety's origin and the breeding procedure used in its development.
- C. A detailed description of the morphological, physiological, and other characteristics of the plants and seed that distinguish it from other varieties.
- D. Evidence of performance of the variety, such as comparative yield data, insect and disease resistance, or other factors supporting the identity of the variety.
- E. A statement delineating the geographic area or areas of adaptation of the variety.
- F. A statement of the plans and procedures for the maintenance of stock seed classes including the number of generations through which the variety may be multiplied.
- G. A description of the manner in which the variety is constituted when a particular cycle of reproduction or multiplication is specified.
- H. Any additional restrictions on the variety, specified by the breeder, with respect to geographic area of seed production, age of stand or other factors affecting genetic purity.
- I. A sample of seed representative of the variety as marketed. The sample size shall be that required for a submitted sample in the current issue of the Rules of Testing Seeds for the Association of Official Seed Analysts.

V. CLASSES AND SOURCES OF CERTIFIED SEED

The following four classes of seed shall be recognized in seed certification.

- A. **Breeder Seed (White Tag)** - Breeder seed shall be seed directly controlled by the originating or sponsoring plant breeding institution or person or designee thereof, and is the source for production of seed of the other classes of certified seed.
- B. **Foundation Seed (White Tag)** - Foundation seed shall be the progeny of Breeder or Foundation seed produced under control of the originator or sponsoring plant breeding institution, or person, or designee thereof. Foundation seed is a class of certified seed, which is produced under procedures established by the Association for the purpose of maintaining genetic purity and identity.
- C. **Registered Seed (Purple Tag)** - Registered seed shall be the progeny of Breeder or Foundation seed handled under procedures acceptable to the Association to maintain satisfactory genetic purity and identity.
- D. **Certified Seed (Blue Tag)** - Certified seed shall be the progeny of Breeder, Foundation or Registered seed so handled as to maintain satisfactory genetic identity and purity and which has been acceptable to the Association, except as provided in VI.

VI. LIMITATIONS OF GENERATIONS

The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner of the variety, but shall not exceed two generations beyond the Foundation seed class, with the following exceptions:

- A. Recertification of the Certified class may be permitted when no Foundation seed is being maintained.
- B. The production of an additional generation of the Certified class may be permitted on a one-year basis only, when an emergency is declared by the Association stating that the Foundation and Registered seed supplies are not adequate to plant the needed certified acreage of the variety. The permission of the originating or sponsoring plant breeder, institution, firm or owner of the variety, if existent, must be obtained. The additional generation of Certified seed to meet the emergency need is ineligible for recertification.

VII. ESTABLISHING THE SOURCE OF SEED

The items must be provided with an application for certification to establish the source, class and quantity of seed used to plant each crop to be considered for certification. One item may be an invoice showing crop, variety, class, lot number and quantity of seed purchased. The other preferred item is a certification tag from each lot representing the seed planted. If either the invoice or tag is not available, a signed statement providing the necessary information will be accepted. In cases where growers plant eligible seed from their own production, a tag or a copy of the laboratory report must be submitted. In all cases, the applicant's signature on the application for certification shall serve as an affidavit that the information submitted for verification of seed eligibility represents the total amount of seed used.

VIII. PRODUCTION OF SEED

A. Field Inspection

One or more field inspections shall be made prior to the time a seed crop of any certified class is to be harvested and at such other time or times when genetic purity and identity, or any other factor affecting seed certification, can best be determined. The field shall be in such condition to permit an adequate inspection to determine genetic purity and identity.

It is the responsibility of the producer to make requests for all inspections required by the Association. All requests must be made on official application forms. Inspection fees must accompany the application; otherwise, the request shall not be considered as having been received.

B. Unit of Certification

The unit of certification shall be a clearly defined area, which may be divided subject to special regulations for specific crops.

C. Application for Field Inspection

forms for filing applications for field inspection will be furnished by the Association.

D. Dates for filing applications

1. Bahiagrass, Clovers, Fescue, Ryegrass, Small Grains, and Vetch - April 1
2. Peanuts and Cowpeas - June 15
3. Cotton, Sorghum, and Lespedeza - July 1
4. Soybeans, Millets, and Sweet Potatoes - August 1
5. Bermuda grasses, and Turfgrass -
 - a. New fields - 30 days prior to planting
 - b. Established fields - 30 days prior to lifting

6. Hybrid Corn - 10 days after planting.

E. Late Applications

All applications for inspection must be in by deadline dates. Exceptions to this requirement may be made at the discretion of the Association, but in all such cases the applicant will be required to pay the regular application fee plus a late application fee. In addition to these charges, travel expenses will be charged if an inspector must return to an area where inspection has been completed.

F. Enclosures to be submitted with application

1. Copy of purchase invoice or other acceptable evidence showing crop, variety, class, source, lot number and quantity of planting seed.
2. Certification tag from each lot of seed planted.
3. If tag or invoice is not available, a signed statement showing crop, variety, source, class, lot number and quantity of planting seed.
4. Annual membership fee of \$50.00, if not previously submitted.
5. Inspection fees as printed on application form.

G. Refunds on Field Inspection Fees

Applications may be withdrawn prior to inspection, and in such cases, a refund will be made, provided the Association receives such notice in time to notify the inspector prior to the visit to the grower's farm.

H. Contamination Crops and Weeds

Every field for which certification is requested shall show evidence of good management and shall show that reasonable precaution has been taken to control contaminating crops and varieties and objectionable weeds, the seeds of which are indistinguishable or inseparable, with available conditioning equipment, from seed of the particular crop being inspected.

I. Handling of Crop Prior to Inspection

Roguing of off-type plants, objectionable crop plants and weeds is required prior to field inspection.

J. Storage and Storage Inspection

Inspection of harvested lots of seed from approved fields may be made at any time by representatives of the Association, who shall have authority to reject for certification any lot not properly protected from mixture, or which is not properly identified.

K. Qualifications for Inspectors

Inspection work requiring technical training shall be performed only by trained personnel.

IX. SEED CONDITIONING

All certified seed must be conditioned in an approved seed plant. The plant must be inspected, and equipment and operational procedures approved prior to conditioning seed. Application forms will be furnished by the Association on request.

A. Approval and Responsibilities of Conditioners - Approval is contingent on the following:

1. Facilities and equipment shall be available to condition seed without introducing admixtures.
2. Identity of the seed must be maintained at all times.
3. Records of all operations shall be complete and adequate to account for all incoming seed and final disposition of seed.
4. Conditioners shall permit the Association to inspect all records of the kind of seed conditioned, including both certified and non-certified seed.
5. Approval of conditioners shall be on an annual basis. An SSCA inspector shall make one or more unannounced inspections of each plant annually.
6. Approved conditioners shall designate an individual who shall be responsible to and approved as an SSCA representative for performing such duties as may be required including the following:
 - a. Maintaining varietal purity and quality of seed.
 - b. Cleaning seed storage, handling and conditioning equipment when changing varieties.
 - c. Keeping records.
 - d. Keeping seed identified at all times.
 - e. Pulling sample for certification.
 - f. Ordering certification tags.
 - g. Attaching tags to the bags.
 - h. Preventing seed from being shipped until laboratory reports have been received in the SSCA office approving seed for certification.
 - i. Preventing non-certified seed from being placed in SSCA emblmed bags.
 - j. Submitting reports as required.

B. Blending - Seed lots of the same variety and class may be blended and the class retained. If lots of different classes are blended, the lowest class shall be applied to the resultant blend. Such blending can only be done when authorized by the Association.

X. SAMPLING SEED

A. Sampling Procedure - A representative sample of each lot of seed or propagating material shall be obtained by the Association or by a designated agent of the Association.

1. In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed to be sampled.
2. If seed is sampled during conditioning, the most representative sample can be obtained with an automatic sampling device in the flow of conditioned seed or by taking a small portion of seed by hand from the top of each bag before it is closed.

3. If seed is sampled after conditioning and closing of bags, a probe or trier long enough to sample all portions should be used for free flowing seed. Non-free flowing such as certain grasses and other seed difficult to sample with probe or trier shall be sampled by thrusting the hand into the bag and withdrawing representative portions.

When sampling closed bags in quantities of one to six bags, sample each bag and take a total of at least five cores or handfuls. For lots of more than six bags, sample five bags plus at least 10% of the number of bags in the lot. Regardless of lot size, it is not necessary to sample more than thirty bags.

4. If seed is sampled after conditioning and is to remain in bulk it shall be sampled by inserting a long probe or thrusting the hand into the bulk to obtain at least as many samples as if the quantity of seed were in bags of an ordinary size. The samples should be taken from well-distributed points throughout the bulk. Sufficient seed must be obtained from the bulk conditioned seed to provide the same number of samples required from the seed as if it were being bagged.
- B. Re-sampling of Seed** - When a lot of seed has been rejected because of noxious weed seed or excessive inert material, another sample may be drawn for analysis provided the lot of seed has been recleaned.
- C. Forwarding samples** - Before mailing or sending the containers of samples they should be properly identified and packaged so as to prevent mechanical damage.
- D. Rejection of seed** - Evidence that any lot of seed has not been protected from contamination which might affect genetic purity, or is not properly distributed, shall be cause for possible rejection of certification.

XI. LOT AND SAMPLE SIZES

The maximum quantity of seed permitted per lot and size of sample required for a purity and germination test is as follows:

<u>Crop</u>	<u>Lot size maximum pounds</u>	<u>Sample size</u>
Clovers	50,000	8 oz.
Cowpeas	50,000	2 lb.
Corn	50,000	2 lb.
Cotton	50,000	2 lb.
Fescue	50,000	6 oz.
Lespedeza	50,000	6 oz.
Peanuts	50,000	2 lb.
Small Grain		
Barley	48,000	2 lb.
Oats	64,000	2 lb.
Rye	56,000	2 lb.
Wheat	60,000	2 lb.
Triticale	48,000	2 lb.
Soybeans	60,000	2 lb.
Vetch	50,000	2 lb.

XII. SEED ANALYSES

A complete laboratory analysis including crop, variety, class of seed, and producer's name shall be required for each lot of seed before certification is completed. Official recognition will be given to laboratory reports made by either an official State Seed Laboratory or by a commercial laboratory approved by the Association. Approved seed laboratories shall be supervised by a Registered Seed

Technologist. Analyses and tests of samples of seed, and definition of analytical terms, shall be in accordance with the Rules of the Association of Official Seed Analysts.

XIII. SEED TREATMENTS

It is desirable but generally not a requirement, that all seed planted for certification purposes that are normally treated be properly treated to control seed and soil borne organisms.

NOTE: All treated seed must be labeled according to State and Federal Law.

XIV. SEED-BORNE DISEASES

Every field for which certification is requested shall show evidence that reasonable precaution has been taken to control seed-borne diseases. The field at times of inspection shall not contain injurious seed-borne diseases to a degree beyond the tolerance allowed by individual crop standards. A representative sample of the finished seed crop may be subjected to laboratory examination for diseases.

XV. BAGS, EMBLEMS, AND TRADEMARKS

All Foundation, Registered and Certified seed offered for sale shall be in new printed bags bearing the Association emblem. The use of the Association emblem by commercial seedsmen whose trademark appears on their bags is optional, however, it is strongly recommended that all certified seed producers use the emblem on their certified seed bags. The official colors of the Association emblem are orange and blue, however, the emblem may be placed on company brand name bags in the same color as that of other printing on the bag.

XVI. TAGS

- A. Certification tags bearing analysis data must be ordered from the Association by the producer or conditioner.
- B. All classes of certified seed when offered for sale shall have an official certification tag or label properly affixed to each container clearly identifying the Association as the certifying agency, the lot number or other identification, the variety name, and the kind and class of seed. The certification tag or label shall be affixed to the container in a manner that prevents removal and reattachment without tampering being obvious. Seed must remain in the possession of the producer/conditioner until properly tagged and the lab report received by the Association. Tags are not to be forwarded to another party for tagging. The certification tag, which is attached to the bag, serves as evidence of the genetic purity and identity of the seed contained therein. The Association shall maintain records of all tags issued.
- C. Producers may order their tags in advance of laboratory analysis provided detailed arrangements for printing, analysis data, shipping and handling these orders are worked out with the Association in advance. Seed must not be offered for sale until analysis reports have been received by the Association. If seed do not meet certification standards for any reason, tags must be returned to the Association office.
- D. Information to be submitted with tag order:
 1. When ordering certification tags the producer must submit a laboratory report and state the lot number, the crop, variety and class, the number of tags in the lot, the net weight of each bag and the name and address of the producer. If tags are not used for any reason they must be returned to the Association office.
 2. For the analysis data, the producer must state whether the actual laboratory analysis report data or the minimum certification standards data is to be printed on the tags. The producer is on the laboratory report and the tags were printed as ordered.

E. Preprinting Official Seed Labels on Seed Containers

In accordance with AOSCA regulations, the official Southern Seed Certification Association label or an approved AOSCA label may be preprinted on seed containers. Procedures and guidelines for accounting for the use of such containers are available from the SSCA office.

XVII. CHARGES FOR TAGS

The price for certification tags is listed on the application for certification form.

XVIII. LIABILITY

Responsibility for any obligation arising from the sale or shipment of certified seed rests with the producer or subsequent handler making the sale or shipment. It is the responsibility of certified seed producers to fully comply with the provisions of both the Federal and State Seed Laws and rules and regulations of the Association.

XIX. BELOW STANDARD SEED

Any seed lot that meets all SSCA standards, except that it germinates below the minimum standard, but not below the Federal and /or State Seed Law Standards, may be certified provided certification tags are marked "Below Standard for Germination".

XX. RECERTIFICATION OF SEED UNSOLD THE PREVIOUS YEAR

Seed that is carried over from the previous year must be resampled and meet certification requirements for germination and purity before it can be sold as certified seed. When requesting new tags on carryover seed, send in one out-of-date certification tag on each lot for which new tags are needed and a copy of the current laboratory report.

XXI. SALE OF CONDITIONED SEED IN BULK

- A. Conditioned Registered and Certified class of small grain or soybean seed may be sold in bulk by growers who are approved certified seed conditioners.
- B. All field and seed standards applying to bagged seed shall apply to bulk Registered and Certified seed.
- C. Only one sale of bulk Registered or Certified seed is permitted.
- D. Each bin or container of bulk conditioned seed which is ready for sale or which is being transferred to storage for sale must be labeled with a Bulk Registered or Certified Seed Label and Inventory form. The form must be obtained from the Association. One copy is to be attached to the bin or container, one copy is to be maintained by the conditioner in his files and one copy is to be provided the Association.
- E. Each time a sale is made from bulk conditioned seed a copy of the form Bulk Conditioned Seed Sale Certificate for Registered or Certified Seed must be completed, signed and issued to the purchaser to accompany the seed at the time of purchase. One copy must be retained in the conditioner's files and one copy must be mailed to the Association.

- F. Conditioned seed to be sold in bulk must be sampled in accordance with sampling procedure specified in (X).

XXII. DEFINITIONS

Whenever the following terms or similar terms are used therein, they shall have the following meanings, unless the context clearly indicates otherwise:

- A. **Conditioning** - The term conditioning means cleaning, bagging, treating or any other operation in the handling of seed from harvest until marketing.
- B. **Noxious Weeds** - The term noxious weeds shall mean the weeds listed as noxious weeds (prohibited and restricted) in the Alabama and Florida Seed Law, Rules and Regulation, plus any additional weeds listed in the specific standards.
- C. **Lot** - The term "seed lot" or "lot of seed" means a definite quantity of seed identified by a lot number or other identification mark, every portion or bag which is uniform for the factors which appear on the label, within permitted tolerance.
- D. **Variety** - The term variety (cultivar) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry or horticulture and which when reproduced (sexually or asexually) or reconstituted retain their distinguishing features.
- E. **Plant Breeder** - Person or organization actively engaged in the breeding and maintenance of varieties of plants.
- F. **Off-type** - Off-type means any seed or plant not a part of the variety in that it deviates in one or more characteristics from the variety as described and may include seeds or plants or other varieties; seeds or plants not necessarily any variety; seeds or plants resulting from cross-pollination by other kinds of varieties; seeds or plants resulting from uncontrolled self-pollination during production of hybrid seed, or segregates from any of the above.
- G. **Variant** - Variant means any seed or plant which (a) is distinct within the variety but occurs naturally in the variety. (b) is stable and predictable with a degree of reliability comparable to other varieties of the same kind, within recognized tolerances, when the variety is reproduced or reconstituted, and (c) was originally a part of the variety as released. A variant is not an off-type.
- H. **Open-Pollination** - Open-pollination seed is seed produced as a result of natural pollination as opposed to hybrid seed produced as a result of controlled pollination.
- I. **Field Boundary** - A field boundary shall clearly define the area to be inspected.

XXIII. NOXIOUS WEED LIST

Weed seed designated noxious by the Alabama and Florida Seed Laws, Rules and Regulations:

	<u>Common Name</u>	<u>Scientific Name</u>
1.	Annual Bluegrass	<i>Poa annua</i>
2.	Balloonvine	<i>Cardiospermum halicacabum</i>
3.	Bermudagrass	<i>Cynodon spp.</i>
4.	Blessed thistle	<i>Cnicus benedictus</i>
5.	Bracted plantain	<i>Plantago aristata</i>
6.	Buckhorn plantain	<i>Plantago lanceolata</i>
7.	Canada thistle	<i>Cirsium arvense</i>
8.	Cheat	<i>Bromus secalinus</i>
9.	Chess	<i>Bromus spp.</i>

10.	Cocklebur	<i>Xanthium spp.</i>
11.	Corn cockle	<i>Agrostemma githago</i>
12.	Crotalaria	<i>Crotalaria spp.</i>
13.	Darnel	<i>Lolium temulentum</i>
14.	Docks	<i>Rumex spp. except hastatulus</i>
15.	Dodder	<i>Cuscuta spp.</i>
16.	Field Bindweed	<i>Convolvulus arvensis</i>
17.	Giant Foxtail	<i>Setaria faberi</i>
18.	Hedge bindweed	<i>Convolvulus sepium</i>
19.	Carolina horsenettle	<i>Solanum carolinense</i>
20.	Johnsongrass	<i>Sorghum halepense and/or S. alnum</i>
21.	*Moonflower or Giant Morningglory	<i>Calonyction muricatum</i>
22.	Nutgrass	<i>Cyperus spp.</i>
23.	Quackgrass	<i>Agropyron repens</i>
24.	Red Rice	<i>Oryza sativa</i>
25.	Radish	<i>Raphanus spp.</i>
26.	Serrated tussock	<i>Nassella trichotoma</i>
27.	Sheep sorrel	<i>Rumex acetosella</i>
28.	Sickle pod	<i>Senna tora</i>
29.	Silverleaf nightshade	<i>Solanum elaeagnifolium</i>
30.	Texas millet	<i>Panicum texnum</i>
31.	Tropical soda apple	<i>Solanum viarum</i>
32.	Wild mustard or turnip	<i>Brassica spp.</i>
33.	Wild onion or garlic	<i>Allium spp.</i>
34.	Goatgrass	

*Recognized as purple morningglory - *Ipomoea turbinata* - by the Weed Science Society of America (WSSA)

XXIV. INTERAGENCY CERTIFICATION

Interagency Certification is the participation of two or more certifying agencies in performing the services required to certify a lot or lots of seed. Methods and standards employed in each step of Interagency Certification are generally similar to those used when certification is completed by a single agency.

It is recognized that in many cases, especially those involving increases of stock seed classes, detailed arrangements may be made between two agencies for the specific case involved. The following standards and procedures are provided to serve as a basis for uniform operation without prior arrangements between the agencies involved.

A. Varieties Eligible: Only those varieties and classes accepted for certification by a member agency of the Association of Official Seed Certifying Agencies shall be eligible for Interagency Certification.

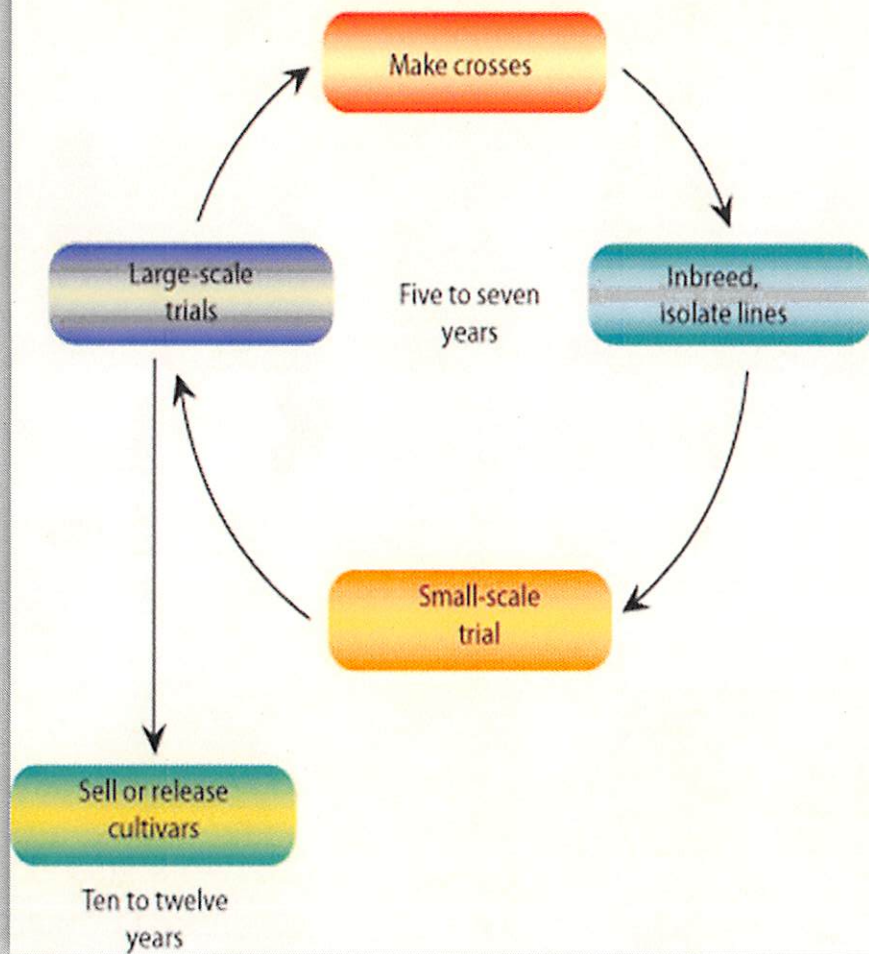
B. Application of Standards

1. The standards of the certifying agency issuing the Interagency Certification tags shall be applied, provided these standards meet the minimum AOSCA standards for the kind and variety in question.
2. Land requirements, field inspection procedures and field standards of the certifying agency making the field inspection shall be applied, provided those standards meet the minimum AOSCA standards for the kind and variety in question.
3. In the absence of applicable standards by the agency performing the certification service, the standards of the cooperating agency shall be applied. Such standards should meet the minimum AOSCA standards for the kind and variety in question.

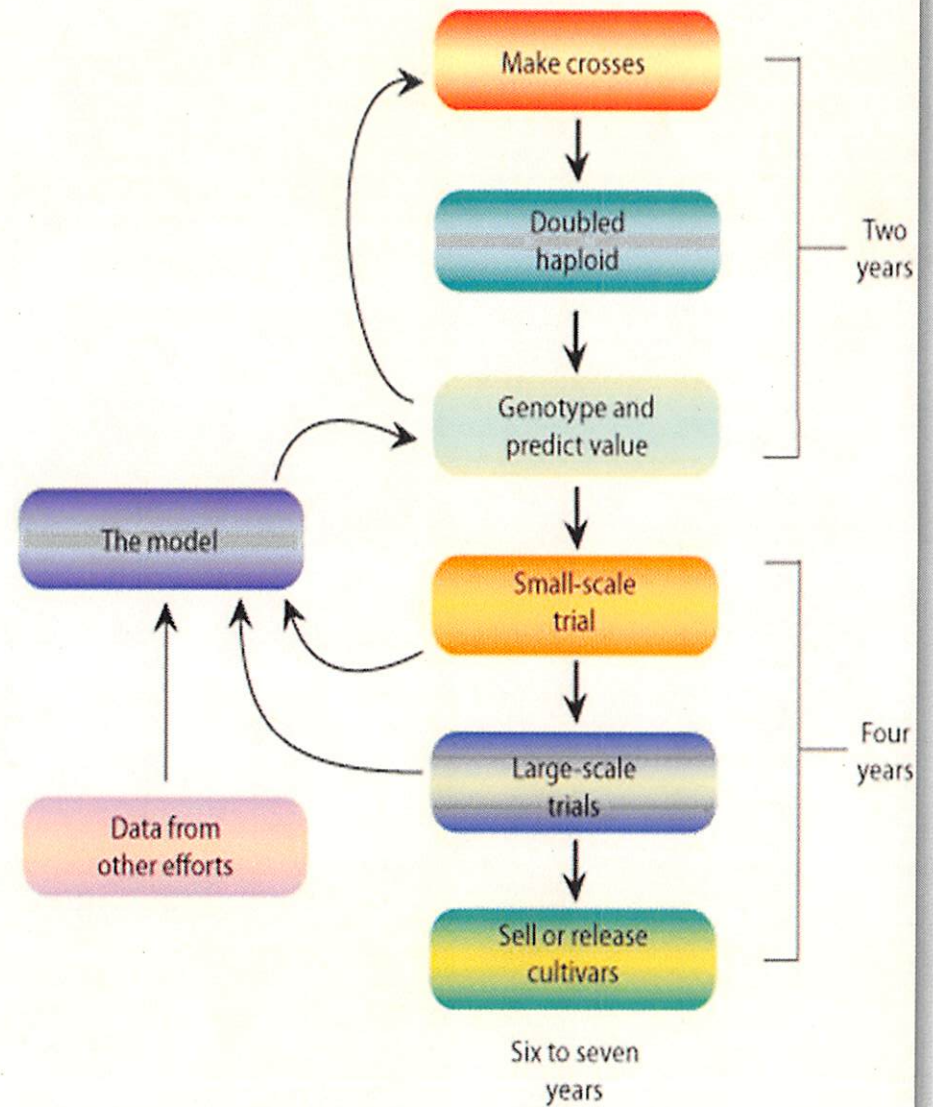
C. Evidence of Seed Eligibility: Seed to be recognized for Interagency Certification shall be received in containers carrying official certification labels or evidence of its eligibility from another certifying agency including the following:

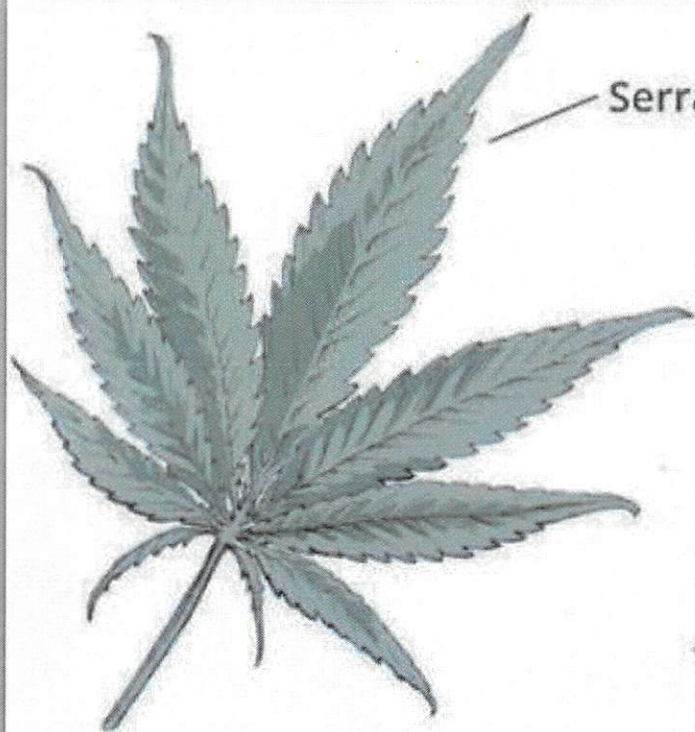
1. Kind, variety and class
 2. Amount of seed (pounds or bushels)
 3. Inspection or lot number traceable to the previous certifying agency's records.
- D. Labels and Tagging:** Tags or labels issued for Interagency Certified seed shall be serially numbered, or shall carry a lot number and/or certification identity number and clearly identify the certifying agencies involved, the variety, and the kind and class of seed. The Interagency Certification tag or label must be accompanied by an analysis tag showing analysis data required by law.

Standard breeding

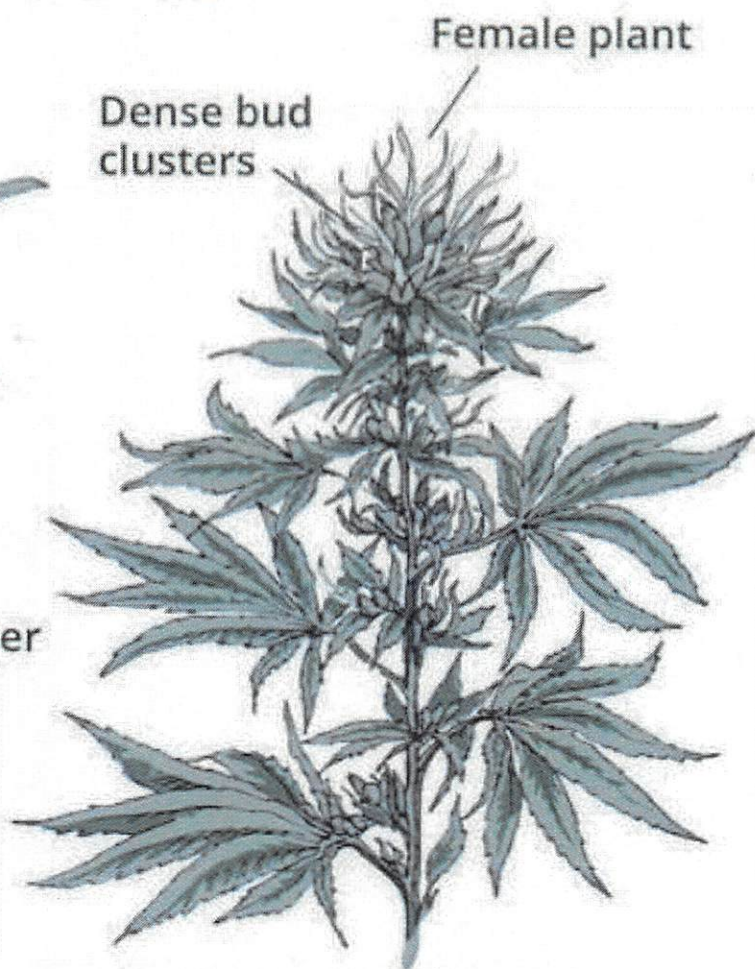


Genomic selection at CSU



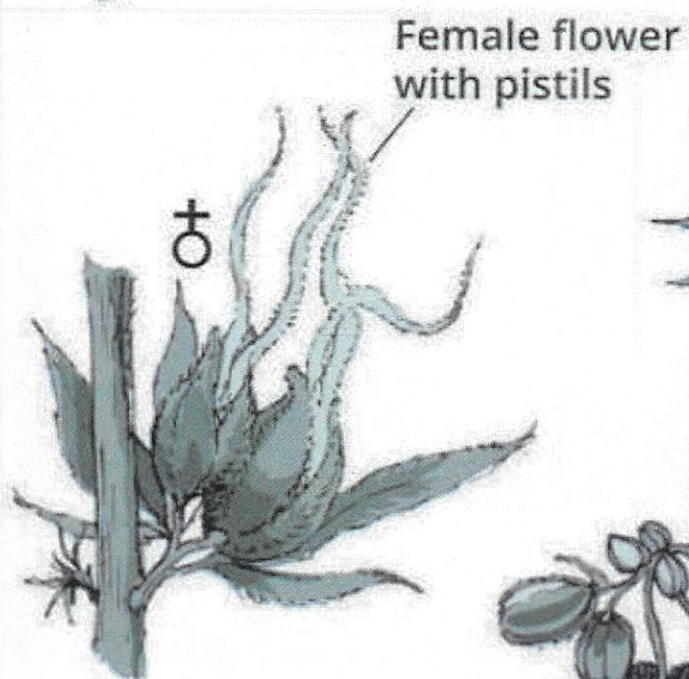


Serrated edge



Female plant

Dense bud clusters



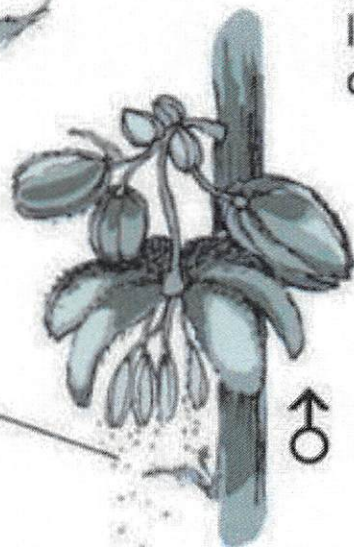
Female flower with pistils

♀

Male plant
loose bud clusters



Male flower
with pollen
producing
stamens



♂



ALABAMA DEPARTMENT OF AGRICULTURE & INDUSTRIES

Rick Pate, Commissioner

For Year Ending
December 31st

2020

ANNUAL SEED DEALER PERMIT

Application is hereby made for a permit to do business as a seed dealer in the State of Alabama, under provisions of the Alabama Seed Law, Section 2-26-5, Code of Alabama 1975.

- ☐ Renewal
☐ New Dealer
☐ Name Change

Gross receipts from the sale of seed at the place of business shown on this application during the last preceding year including all agricultural, lawn, herb, tree, shrub, flower and vegetable seed as well as packet vegetable seed are:

\$ _____

Industrial Hemp seed sales in Alabama:

\$ _____

New dealers show anticipated sales for the coming year:

\$ _____

All information supplied on this application is subject to audit by the Audits and Reports Section of the Alabama Department of Agriculture and Industries.

A DELINQUENT PAYMENT PENALTY OF 10% WILL BE ASSESSED IF RENEWAL APPLICATION AND PAYMENT ARE NOT MADE BY JANUARY 31, 2020

NO PERMIT WILL BE ISSUED WITHOUT A COMPLETED APPLICATION BEING SUBMITTED ALONG WITH PROPER PAYMENT.

Please Print or Type

Date of Application: _____
(mm/dd/yyyy)

Amount of Permit Fee: \$ _____

Amount of Penalty \$ _____

Total Amount Enclosed: \$ _____

Corporate Name: _____

D/B/A: _____

Physical Address: _____
(Street, City, State, Zip)

County: _____

Mailing Address: _____
(PO Box / Street, City, State, Zip)

Telephone: _____ Fax: _____

Email: _____

Contact Person: _____

EACH PLACE OF BUSINESS MUST BE PERMITTED SEPARATELY.

Section 2-26-5 (Excerpt) ALABAMA SEED LAW

- (a) Every person who sells, offers for sale, exposes for sale, distributes or solicits orders for the sale of any agricultural, vegetable, herb, tree, shrub or flower seed to retail seed dealers, farmers or to others who use or plant such seed in the State of Alabama shall, before selling or offering such seed for sale or distributing or soliciting orders for the sale of such seed and on or before January 1 of each year secure an annual permit from the Commissioner of Agriculture and Industries to engage in such business. Seed dealers and other sellers of seed shall apply for an annual permit upon forms prescribed by the commissioner, and such permit shall be issued upon the payment of the following permit fees when the application is in proper form.

The State of Alabama only allows the sale of Domestic Industrial Hemp Seed with a tetrahydrocannabinol (THC) concentration of 0.30% or less.

Currently the Alabama Hemp Program requires for purchases from other states within the United States, to attach at a minimum the following documents:

Documentation verifying source as a legal hemp operation in the state of origin.

Growing season test results indicating the variety, and the name, address, email, and telephone number of both the lab and the seed source.

We strongly encourage Hemp Seed Dealers to either include this information with their seed sales or make it available to the grower upon request as well as including a minimum of 400 extra seeds for regulatory testing.

NOTE: OTHER REQUIREMENTS MAY BE NECESSARY AT ADAI'S DIRECTION.

For each person selling seed to retail seed dealers, farmers or others who use or plant the seed, not displayed on a supplemental container display, a permit fee for each place of business, or each representative or representatives, where such person does not maintain an established place of business in Alabama, shall be based on gross receipts from the sale of such seed for the last preceding year in Alabama established by the Board of Agriculture and Industries within the range of the schedule set out below as follows:

Gross Receipts	Permit Fee
1. Receipts of \$2,500.00 or less	\$ 15.00
2. Receipts of \$2,500.01 through \$25,000.00	\$ 50.00
3. Receipts of \$25,000.01 through \$50,000.00	\$ 70.00
4. Receipts of \$50,000.01 through \$100,000.00	\$150.00
5. Receipts of \$100,000.01 through \$200,000.00	\$300.00
6. Receipts of \$200,000.01 through \$300,000.00	\$400.00
7. Receipts of 300,000.01 through \$400,000.00	\$500.00
8. Receipts of \$400,000.01 through \$500,000.00	\$600.00
9. Receipts of more than \$500,000.00	\$700.00

For places of business not previously in operation, the fee shall be based on anticipated gross receipts for the first year of business.

Make Checks Payable and Return completed application along with all required fees to:

Alabama Department of
Agriculture and Industries
Agricultural Compliance Section
1445 Federal Drive
Montgomery, Alabama 36107-1123

Should you have any questions
please feel free to contact us at:
334-240-7184 or
agcompliance@agi.alabama.gov

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**ALABAMA DEPARTMENT OF
AGRICULTURE & INDUSTRIES**

Rick Pate, Commissioner

For Year Ending
December 31st

2020

ANNUAL SEED PROCESSOR PERMIT

Application is hereby made for a permit to operate as a seed cleaner or processor, which includes peanut shellers, treaters, and corn processors in the State of Alabama, under provisions of the Alabama Seed Law, Section 2-26-5, Code of Alabama 1975.

An Annual Fee of Seventy Five Dollars (\$75.00) will be due for each Seed Processor Permit as required by Alabama Seed Law.

- ☐ Renewal
☐ New Processor
☐ Name Change
☐ Industrial Hemp Seed Processor

All information supplied on this application is subject to audit by the Audits and Reports Section of the Alabama Department of Agriculture and Industries.

A DELINQUENT PAYMENT PENALTY OF 10% WILL BE ASSESSED IF RENEWAL APPLICATION AND PAYMENT ARE NOT MADE BY **JANUARY 31, 2020**

NO PERMIT WILL BE ISSUED WITHOUT A COMPLETED APPLICATION BEING SUBMITTED ALONG WITH PROPER PAYMENT.

Please Print or Type

Date of Application: _____ Total Amount Enclosed: \$ _____
(mm/dd/yyyy)

Corporate Name: _____

D/B/A: _____

Physical Address: _____
(Street, City, State, Zip)

County _____

Mailing Address: _____
(PO Box / Street, City, State, Zip)

Telephone: _____ Fax: _____

Email: _____

Contact Person: _____

ANNUAL SEED PROCESSOR'S PERMIT AND PERMIT FEES

Section 2-26-5 (Excerpt) ALABAMA SEED LAW (c) Persons engaged in the operation of seed cleaning or processing plants, including peanut shellers, seed treaters and corn processors, and persons who purchase seed and process such seed for resale shall be required to obtain a permit as required under this section if such persons clean and/or process or treat seed at their plant, and the annual fee to be paid therefore shall be \$75.00.

History: New Rule: Filed August 16, 2004; effective September 20, 2004.

Hemp Seed Sales

The State of Alabama only allows the sale of Domestic Industrial Hemp Seed with a tetrahydrocannabinol (THC) concentration of 0.30% or less.

A licensed grower shall not sell or transfer, or permit the sale or transfer of viable hemp seeds to any person inside or outside of the United States who is not authorized by the Alabama Department of Agriculture and Industries under the authority of 7 U.S.C. 5940 and the laws of the state of Alabama.

The licensed grower shall ensure that the sale or transfer is lawful in other states.

A person shall not ship or transport, or allow to be shipped or transported viable hemp seeds from a variety that is currently designated by the Alabama Department of Agriculture and Industries as a prohibited variety or variety of concern to any location.

If you are an Alabama Seed Dealer as well as an Alabama Seed Processor, you must obtain a SEED DEALER PERMIT AND A SEED PROCESSOR'S PERMIT.

**A SEPARATE APPLICATION MUST BE SUBMITTED
FOR EACH PLACE OF BUSINESS.**

Return completed application along with all required fees to:

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
AGRICULTURAL COMPLIANCE SECTION
1445 FEDERAL DRIVE
MONTGOMERY, ALABAMA 36107-1123

**Should you have any questions please feel free to contact us at:
334-240-7184 or agcompliance@agi.alabama.gov**

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ALABAMA DEPARTMENT OF AGRICULTURE & INDUSTRIES

Rick Pate, Commissioner

For Year Ending
December 31st

2020

ANNUAL SEED PACKET PERMIT

Application is hereby made for a permit stamp(s) to sell seed as a packet seed dealer in the State of Alabama, under provisions of the Alabama Seed Law, Section 2-26-5, Code of Alabama 1975.

An Annual Fee of Five Dollars (\$5.00) will be due for each Seed Rack Permit as required by Alabama Seed Law.

All information supplied on this application is subject to audit by the Audits and Reports Section of the Alabama Department of Agriculture and Industries.

NO PERMIT WILL BE ISSUED WITHOUT A COMPLETED APPLICATION BEING SUBMITTED ALONG WITH PROPER PAYMENT.

Please Print or Type

Date of Application: _____
(mm/dd/yyyy)

Total Number of Permits: _____

Total Amount Enclosed: \$ _____

Corporate Name: _____

D/B/A: _____

Physical Address: _____
(Street, City, State, Zip)

County: _____

Mailing Address: _____
(PO Box / Street, City, State, Zip)

Telephone: _____ Fax: _____

Email: _____

Contact Person: _____

MAKE CHECKS PAYABLE TO: ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES

The following list includes the number of display racks and the location of all racks distributed by this firm in the State of Alabama.

(Use additional sheets of paper if necessary)

No. of Racks Per Location		

ANNUAL SEED PACKET PERMIT AND PERMIT FEES

(Acts 1963, No. 424, p. 931, & sect; 9.)

Section 2-26-5 (Excerpt) ALABAMA SEED LAW

(a) Every person who sells, offers for sale, exposes for sale, distributes or solicits orders for the sale of any agricultural, vegetable, herb, tree, shrub or flower seed to retail seed dealers, farmers or to others who use or plant such seed in the State of Alabama shall, before selling or offering such seed for sale or distributing or soliciting orders for the sale of such seed and on or before January 1 of each year secure an annual permit from the Commissioner of Agriculture and Industries to engage in such business.

(1) For each person engaged in selling seed at retail in closed containers or packets of eight ounces or less displayed on a supplemental container display, a permit fee established by the Board of Agriculture and Industries (\$5.00) for each such display, the fee to be deposited to the benefit of the Agricultural Fund in the State Treasury;...

Hemp Seed Sales

The State of Alabama only allows the sale of Domestic Industrial Hemp Seed with a tetrahydrocannabinol (THC) concentration of 0.30% or less.

A licensed grower shall not sell or transfer, or permit the sale or transfer of viable hemp seeds to any person inside or outside of the United States who is not authorized by the Alabama Department of Agriculture and Industries under the authority of 7 U.S.C. 5940 and the laws of the state of Alabama. The licensed grower shall ensure that the sale or transfer is lawful in other states. A person shall not ship or transport, or allow to be shipped or transported viable hemp seeds from a variety that is currently designated by the Alabama Department of Agriculture and Industries as a prohibited variety or variety of concern to any location.

Return completed application along with all required fees to:

**ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
AGRICULTURAL COMPLIANCE SECTION
1445 FEDERAL DRIVE
MONTGOMERY, ALABAMA 36107-1123**

334-240-7184 or agcompliance@agi.alabama.gov

"We provide employment & services without discrimination"

Code of Alabama 1975



Title 2 Agriculture

Seeds

Section 2-26-1 ~ Section 2-21-76

ARTICLE 1 GENERAL PROVISIONS

Section 2-26-1

Definitions.

When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) PERSON. An individual, partnership, corporation, company, society, association or agency.

(2) AGRICULTURAL SEED. The seeds of grasses, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural or field seeds and mixtures of such seeds.

(3) VEGETABLE SEED. The seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds in this state.

(4) FLOWER SEED. The seeds of all plants grown for ornamental purposes, either for domestic or commercial purposes, and which are generally known and sold under the name of flower seed in this state.

(5) TREE AND SHRUB SEED. The seeds of woody plants commonly known and sold as tree or shrub seeds in this state.

(6) **WEED SEEDS.** The seeds, bulblets and tubers of all plants generally recognized as weeds within this state, including noxious weed seeds, bulblets and tubers.

(7) **NOXIOUS WEED SEED.**

a. Prohibited noxious weeds.

b. Restricted noxious weeds.

The State Board of Agriculture and Industries by rules and regulations adopted under authority of this article is authorized to designate noxious weeds which shall be prohibited and noxious weeds which shall be restricted after public hearing indicates such prohibitions or restrictions are for the best interest of Alabama agriculture. Seed containing noxious weeds designated by the State Board of Agriculture and Industries as prohibited shall not be sold or offered for sale, and seed containing noxious weeds designated as restricted may be sold or offered for sale under limitations established by the board.

(8) **OTHER CROP SEED.** The seed of all kinds or varieties of agricultural or vegetable seeds not of the kind or variety declared on the label or tag.

(9) **INERT MATTER.** All matter not seeds, including, among others, broken seeds, sterile florets, chaff, fungus bodies and stones, etc.

(10) **PURE SEED.** The seed of the kind or kind and variety of agricultural, tree, shrub or vegetable seed declared on the label or tag.

(11) **KIND.** One or more related species or subspecies which singly or collectively are known by one common name, for example, wheat, oat, vetch, sweet clover, cabbage, cauliflower, etc.

(12) **VARIETY.** A subdivision of a kind which is characterized by growth, plant, fruit, seed, period of maturation or other characters by which it can be differentiated from other sorts of the same kind, for example, Redhart wheat, Flat Dutch cabbage, Ootootan soybeans, Chantenay carrot, etc.

(13) **GERMINATION.** The percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions (not including seeds which produce weak, malformed or obviously abnormal sprouts nor hard seeds).

(14) **HARD SEEDS.** The percentage of seeds which because of hardness or impermeability do not absorb moisture or germinate under prescribed tests but remain hard during the period prescribed for germination of the kind of seed concerned.

(15) **MIXTURE.** Seed consisting of more than one kind or variety, each present in excess of 5 percent of the whole.

(16) DEALER. Any person who buys and sells seed in Alabama. An itinerant trucker who buys seed and sells or delivers them in Alabama shall be deemed to be a dealer and shall be subject to the requirements of this article.

(17) LOT OF SEED. A definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for the factors which appear in the labeling.

(18) CERTIFIED SEED and REGISTERED SEED. Seed that have been produced and labeled in accordance with the procedure and in compliance with the rules and regulations of an officially recognized seed-certifying agency.

(19) HYBRID SEED CORN. The first generation seed of a cross produced by controlling the pollination and by combining two, three or four inbred lines or by combining one inbred line or a single cross with an open-pollinated variety. Hybrid designations shall be treated as variety names. As used in this subdivision, the term inbred means a pure live strain that has been self-pollinated for not less than three generations.

(20) ORIGIN or WHERE GROWN. The state, if grown in the United States, or country or province, if grown outside the continental United States.

(21) LABELING. All labels and other written, printed or graphic representations in any form whatsoever accompanying and pertaining to any seed, whether in bulk or in containers, and such term includes invoices and other bills of shipment.

(22) ADVERTISEMENT. All representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this article.

(23) PROCESSING. The passing of seed through a cleaning machine for the purpose of removing some constituent or through a blending machine or grinding of the seed for other uses.

(Acts 1943, No. 560, p. 552, §1; Acts 1963, No. 424, p. 931, §1.)

Section 2-26-2

Powers and duties of commissioner generally.

It shall be the duty of the Commissioner of Agriculture and Industries, who may act individually or through his authorized agents to:

(1) Inspect, sample, make analyses of and test agricultural, vegetable, herb, tree, shrub and flower seeds transported, sold, offered or exposed for sale or distributed within this state for sowing or planting purposes, at such time and place and to such extent as he may deem necessary to determine whether said seeds are in compliance with the

provisions of this article and notify promptly the person who transported, sold, offered or exposed the seed for sale of any violation;

(2) Enter upon any public or private premises during regular business hours in order to have access to seeds subject to this article and the rules and regulations thereunder;

(3) Issue and enforce a written or printed "stop-sale," "suspension from sale" or "nonuse" order to the owner or custodian of any lot of agricultural, vegetable, flower, tree, shrub or herb seed which is found to be in violation of any of the provisions of this article, which shall prohibit further sale or use of such seed until such officer has evidence that the law has been complied with; provided, that in respect to seeds which have been denied sale, the owner or custodian of such seeds shall have the right to appeal from such order to a court of competent jurisdiction where the seeds are found, requesting a judgment as to the justification of said order and for the discharge of such seed from the order prohibiting this sale in accordance with the findings of the court;

(4) Establish and maintain or make provision for seed testing and sampling facilities, employ qualified persons and incur such expenses as may be necessary to comply with these provisions;

(5) Make or provide for making purity and germination tests of such seeds for farmers and dealers on request, prescribe rules governing such testing and fix and collect charges for such tests. The fees collected for making service tests shall be paid into the Agricultural Fund;

(6) Cooperate with the United States Department of Agriculture in seed law enforcement; and

(7) Publish the result of laboratory and field analyses and tests, information shown on analyses tags or labels by seedsmen and information pertaining to violations of this article.

(Acts 1943, No. 560, p. 552, §7; Acts 1963, No. 424, p. 931, §8.)

Section 2-26-3

Promulgation of rules and regulations by state board.

(a) The State Board of Agriculture and Industries shall have power to prescribe and, after public hearing following due public notice, to adopt rules and regulations governing the method of sampling, inspecting, analyzing, testing and examining agricultural, vegetable, flower, tree, shrub and herb seed and the tolerances and limitations to be followed in the administration of this article, to add to or subtract from the list of noxious weeds, to adopt or amend standards for vegetable, flower, tree, shrub and herb seed, to increase or lower the standards for seeds when found to be in the best interest of users of seed and to meet emergencies, to adopt sizes of containers for seed sold, offered for sale or distributed in Alabama, to establish reasonable limitations as to the number of

bags or other containers of seed in any one lot of seed sold, offered for sale or distributed in Alabama and such other rules and regulations as may be reasonably necessary to carry out the evident intent and purposes of this article and to secure its efficient administration and enforcement.

(b) The board shall also be authorized to adopt rules and regulations to govern and control the sale or offering for sale of any seed which may be labeled and sold as feed or feed grain where such feed or grain is or may be used for planting purposes. The board is authorized to adopt rules, regulations and recommendations of the Association of Seed Control Officials of the Southern States; provided, that such recommendations are not in conflict with the provisions of this article.

(c) The board shall also be authorized to adopt rules and regulations which will prohibit any false or misleading labeling, false or misleading advertising or other false or misleading representations with respect to sale, handling, labeling or distribution of any agricultural, vegetable, flower, tree or herb seed sold, offered for sale or distributed in Alabama where the sale of such seed is subject to any of the provisions and requirements of the Plant Variety Protection Act of the Congress of the United States.

(Acts 1943, No. 560, p. 552, §6; Acts 1963, No. 424, p. 931, §7; Acts 1975, No. 741, §3.)

Section 2-26-4

Establishment of seed division and testing laboratory; powers and duties thereof; enforcement of rules and regulations as to sale or distribution of tree or shrub seed.

(a) There shall be established within the Department of Agriculture and Industries a seed division which shall maintain facilities, equipment and qualified personnel to perform the seed testing, sampling and analysis work required to execute the provisions and requirements of this article. The seed division established and created under this section shall also perform the administrative, clerical and other work incident to the administration and enforcement of the provisions and requirements of this article and such seed testing and administrative duties shall not be performed by any other division of the Department of Agriculture and Industries; except, that the State Board of Agriculture and Industries shall have the authority to enter into an agreement delegating the responsibility for the testing of tree and shrub seed to the United States Forest Service or any other seed laboratory designated and approved by the State Board of Agriculture and Industries.

(b) The responsibility for the enforcement of the rules and regulations governing the sale or distribution of tree or shrub seed within the state shall be the sole responsibility of the state Department of Agriculture and Industries.

(Acts 1963, No. 424, p. 931, §9.)

Section 2-26-5

Annual permit fees.

(a) Every person who sells, offers for sale, exposes for sale, distributes or solicits orders for the sale of any agricultural, vegetable, herb, tree, shrub, or flower seed to retail seed dealers, farmers, or to others who use or plant such seed in the State of Alabama shall, before selling or offering such seed for sale or distributing or soliciting orders for the sale of such seed and on or before January 1 of each year secure an annual permit from the Commissioner of Agriculture and Industries to engage in such business. Seed dealers and other sellers of seed shall apply for an annual permit upon forms prescribed by the commissioner, and such permit shall be issued upon the payment of the following permit fees when the application is in proper form:

(1) For each person engaged in selling seed at retail in closed containers or packets of eight ounces or less displayed on a supplemental container display, a permit fee established by the Board of Agriculture and Industries, not to exceed seven dollars fifty cents (\$7.50) for each such display, the fee to be deposited to the benefit of the Agricultural Fund in the State Treasury;

(2) For each person selling seed to retail seed dealers, farmers, or others who use or plant the seed, not displayed on a supplemental container display, a permit fee for each place of business, or each representative or representatives, where such person does not maintain an established place of business in Alabama, shall be based on gross receipts from the sale of such seed for the last preceding year in Alabama established by the Board of Agriculture and Industries within the range of the schedule set out below as follows:

Gross Receipts	Permit Fee
1. Receipts of \$2,500.00 or less	\$ 5.00 - \$15.00
2. Receipts of \$2,500.01 through \$25,000.00	\$ 25.00 - \$50.00
3. Receipts of \$25,000.01 through \$50,000.00	\$ 50.00 - \$75.00
4. Receipts of \$50,000.01 through \$100,000.00	\$100.00 - \$150.00
5. Receipts of \$100,000.01 through \$200,000.00	\$200.00 - \$300.00
6. Receipts of \$200,000.01 through \$300,000.00	\$300.00 - \$400.00
7. Receipts of \$300,000.01 through \$400,000.00	\$400.00 - \$500.00
8. Receipts of \$400,000.01 through \$500,000.00	\$500.00 - \$600.00
9. Receipts of more than \$500,000.00	\$600.00 - \$700.00

(3) For places of business not previously in operation, the fee shall be based on anticipated gross receipts for the first year of business. Out-of-state seed sellers not previously selling seed in Alabama which sell or distribute seed through a representative soliciting orders in Alabama shall not be required to pay the required permit fee for their first year of operation in the State of Alabama.

(b) Any person selling seed who also sells seed in closed containers or packets of eight ounces or less from a rack display shall be required to pay only the permit fee required by subdivision (2) of subsection (a) of this section.

(c) Persons engaged in the operation of seed cleaning or processing plants, including peanut shellers, seed treaters and corn processors, and persons who purchase seed and process such seed for resale shall be required to obtain a permit as required under this section if such persons clean and/or process or treat seed at their plant, and the annual fee to be paid therefor shall be established by the Board of Agriculture and Industries not to exceed one hundred dollars (\$100); provided, that if such persons shall sell seed to retail seed dealers, farmers, or to others who use or plant such seed they shall also be required to pay the annual permit fee required under subdivision (2) of subsection (a) of this section in addition to the annual permit fee.

(d) A broker, as defined in this subsection, shall obtain an annual permit as required by this section and pay the fee required under subdivision (2) of subsection (a) for a person selling seed. The term "broker" as used in this subsection means a person domiciled in Alabama or who solicits business in Alabama who acts as agent for or otherwise represents another person for compensation in negotiating the sale or purchase of agricultural, vegetable, flower, tree, shrub, or herb seed.

(e) Any permit issued under this section shall be valid and effective until January 1 next succeeding the date of issuance. The permit fee levied under this section shall be in addition to all other fees, licenses, taxes, and other similar charges or fees now levied by law for the sale of seed in Alabama. All fees collected under this section and all amounts collected as fines imposed under the penalty provisions of this article shall be paid into the Agricultural Fund of the State Treasury for use in the administration and enforcement of the provisions of this article. Amounts collected under this section as an improper or illegal collection or overpayment may be refunded to the person entitled thereto in accordance with Section 2-1-6.

(f) A permit as required under this section shall be obtained by a person for each place of business at which such person is engaged in the sale of seed and for each separate operation where seed are cleaned, treated, or otherwise processed unless such place of business is an integral part of one business or operation. All permit fees due under this section shall be delinquent if not paid within 30 days from the date on which the permit fee is due, and the commissioner is authorized to add a delinquent penalty of 10 percent to the amount of the permit fee due under this section. The permit fee levied under this section shall be paid by all agricultural cooperative marketing and purchasing associations, and the exemption allowed such organizations pursuant to Section 2-10-

105 or any other exemption statute shall not relieve such cooperative organizations from the payment of the permit fee levied under the provisions of this section.

(g) Farmers or producers of agricultural, vegetable, flower, tree, shrub, or herb seed who sell uncleaned, unprocessed, unpackaged, and unlabeled seed of their own production only and do not sell seed received or purchased from other sources shall not be required to obtain a permit or pay any fee required under this section; provided, that any farmer who sells cleaned, processed, packaged, and labeled seed to retail seed dealers, farmers, or to others who use or plant such seed where the total amount of the sale price thereof is in excess of \$3,000.00 in any one year shall be required to obtain a permit and pay the fee required by subdivision (2) of subsection (a) of this section; provided, that the first \$3,000.00 worth of cleaned, processed, packaged, and labeled seed of any farmer shall be exempted from the computation of gross receipts in determining the amount of the permit fee.

(Acts 1963, No. 424, p. 931, §10; Acts 1965, 2nd Ex. Sess., No. 118, p. 163; Acts 1971, No. 1951, p. 3168; Act 2004-516, p. 996, §1.)

Section 2-26-6

Injunctive proceedings to restrain persons selling, processing, cleaning, etc., seed without permit.

Any person required to secure a permit as provided under Section 2-26-5 who fails or refuses to apply for and obtain such a permit and pay the fee therefor may be restrained from engaging in the sale of agricultural, vegetable, flower, tree, shrub or herb seed or from operating a seed cleaning, shelling, delinting or processing plant. In addition to the penalty provided in this article, the Commissioner of Agriculture and Industries may file a petition in the circuit court for a temporary restraining order or permanent injunction or both; and, for cause shown, the court shall have jurisdiction to restrain or enjoin any person from engaging in the sale of seed without securing the permit as required under this article. Such temporary restraining order or permanent injunction shall be issued without bond.

(Acts 1963, No. 424, p. 931, §11.)

Section 2-26-7

Requirements as to labeling of containers in which seed sold, distributed, etc.

(a) Agricultural seed.

(1) Each container of agricultural seed in excess of two pounds which is sold, offered for sale, exposed for sale or distributed within this state for planting or sowing purposes shall have attached thereto in a conspicuous place a plainly written in ink or printed label of a size not less than 2 3/8 x 4 3/4 inches in the English language, giving information for the following items:

a. Commonly accepted name, kind and variety (of those crops for which commercial varieties have been developed) of each agricultural seed component in excess of five percent of the whole, subject to tolerances as provided in Section 2-26-3, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously near the top of the label or tag in type of not less than 8 point;

b. Lot number or other lot identification;

c. Origin or place where grown;

d. Percentage by weight of all weed seeds; provided, that not more than two percent weed seeds may occur in any lot of seed; provided further, that the State Board of Agriculture and Industries is authorized to reduce this percentage and the State Board of Agriculture and Industries is also authorized to exempt certain seeds from this requirement; and provided further, that such seed that may be exempted shall not exceed five percent weed seed;

e. Percentage by weight of agricultural seeds other than those required to be named on the label;

f. Percentage by weight of inert matter;

g. The name and rate of occurrence per pound of the whole for each kind of noxious weed seed provided that the limits under Section 2-26-11 are not exceeded. All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations under this article;

h. Percentage of germination, exclusive of hard seed, percentage of hard seed, when present, and the calendar month and year the test was completed to determine such percentages; provided, that such seed shall not germinate below the minimum standards to be found under Section 2-26-11;

i. Net weight;

j. Name and address of the person who labeled said seed or who sells, offers or exposes it for sale or distribution within this state; and

k. The name and address, for hybrid seed corn, of the person who grew the seed or is responsible for its distribution and the name or designation under which each lot of seed will be sold.

(2) All information required on the analysis tag or label shall be placed on one side of the tag without intervening matter which obliterates, defaces or contradicts the analysis. Information required under subsection (e) of this section hereof for treated seed may be shown on the face of the analysis tag. The State Board of Agriculture and Industries pursuant to rules and regulations is authorized to permit the required labeling

information to be placed on the bag or container if found to be in the best interest of Alabama agriculture.

(b) Vegetable seed.

(1) All vegetable seed, including beans, peas, edible soybeans, edible cowpeas and corn, shall be labeled to show:

- a. Name of kind and variety,
- b. Net weight,
- c. Lot identification,
- d. Percentage of germination, exclusive of hard seed,
- e. Date of germination test, and
- f. Name and address of person responsible for the information.

(2) For seed which germinate less than the standard last established by the State Board of Agriculture and Industries, the packet or container shall be labeled to also contain the words "below standard" in not less than 12 point type; provided, that the State Board of Agriculture and Industries shall also fix a minimum germination below which vegetable seed cannot be sold or offered for sale.

(3) If such seed contain weed seeds in excess of one half of one percent of the total or inert matter in excess of one percent or other crop seed in excess of one percent or any noxious weed seeds, a complete analysis must be given, showing information for all the items required under the labeling requirements for agricultural seed in subdivision (1) of subsection (a) of this section.

(c) Flower and herb seed. Every separate package of flower or herb seed sold, offered for sale or exposed for sale in this state for seeding purposes shall be labeled to show:

- (1) Name of kind and variety,
- (2) Year for which seed were packed for sale, and
- (3) Name and address of the person responsible for the information given.

(d) Tree and shrub seed. Each bag or container must be labeled to comply with the rules and regulations promulgated by the State Board of Agriculture and Industries.

(e) Treated seed. Any seed or any mixture thereof for seeding purposes that has been treated shall have shown on a label or tag in type no smaller than one-fourth inch bold face type to indicate that the seed has been treated and such label shall also state the

commonly accepted, coined, chemical or abbreviated chemical (generic) name of any substance or a description of any process (other than application of a substance) used in such treatment in accordance with this section. Seed treated with mercurials or similar toxic substances shall be labeled to show "treated with poison" or "poison treated," and such statement shall appear in bold face type of not less than one-fourth inch. These words shall be printed in heavy red type. The label shall also show a representation of a skull and crossbones which may be shown on the tag bearing the analysis information or on a separate tag or on the container. If the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals, the label shall also contain additional information as required under regulations of the State Board of Agriculture and Industries.

(Acts 1943, No. 560, p. 552, §2; Acts 1953, No. 736, p. 997, §1; Acts 1963, No. 424, p. 931, §2.)

Section 2-26-8

Analyses and interpretations of seeds.

Analyses and interpretations shall be in accordance with the rules and regulations prescribed by the Association of Official Seed Analysts.

(Acts 1943, No. 560, p. 552, §1; Acts 1963, No. 424, p. 931, §1.)

Section 2-26-9

Requirements as to certification, etc., of hybrid seed corn sold or offered for sale.

No hybrid seed corn shall be sold or offered for sale unless it is certified by a recognized seed certifying agency or produced by a person having a bona fide corn breeding program. The State Board of Agriculture and Industries shall be authorized to determine whether certain corn breeding programs constitute a bona fide program to comply with this requirement.

(Acts 1963, No. 424, p.931, §4.)

Section 2-26-10

Maintenance, inspection, etc., of records as to receipt, sale and delivery of seeds generally; maintenance of sales records by retail sellers; maintenance of bills of lading, waybills, etc., by trucks, etc., transporting seed for sale, etc.; auditing of records of receipts, sales and deliveries of seeds.

(a) Records of receipts, sale and delivery of all seed, other than retail sales and deliveries by a dealer, except as provided in subsection (b) of this section, shall be kept readily accessible for examination by an authorized agent of the Department of Agriculture and Industries. These records shall include invoices, bills of lading or

transportation records and a copy of the labeling information, and these records must show the lot numbers. Such records must be made available to the inspectors within 10 days after receipt of seeds which said records cover. Such records as are surrendered shall be duplicated and a copy left with the owner or party in question. Records shall be kept by the dealer for a period of three years; except, that a file sample of each lot of seed shall be kept for one year after final disposition of the lot in order to carry out the purpose of effective administration of this article.

(b) All retail seed sales having a value in excess of an amount to be fixed by the State Board of Agriculture and Industries shall be accompanied by an invoice or a sales ticket issued by the seller bearing the name and address of the seller and purchaser, the kind and variety of seed sold, the quantity of seed in each lot and the lot number or numbers for each kind and variety of seed sold or delivered. Such sales records shall be kept by the retail seller for a period of one year following sales, and such records shall be made available for inspection and examination by the Commissioner of Agriculture and Industries or his authorized agent upon request. Such records shall also be made available to any committee created by law for investigation and arbitration purposes for its examination and review.

(c) Trucks and other motor conveyors transporting seed for sale, to be sold to consumers or distributed, and using the Alabama public highways shall have available for examination at any time by an authorized agent of the Department of Agriculture and Industries a bill of lading, waybill or a delivery receipt showing the name of shipper or party from whom purchased, the name and address of the party to whom the seed is to be delivered, the kind and amount of each separate kind of seed, except that all vegetable seed can be grouped as "garden seed," and the name of the truck line or other carrier making delivery of the seed. A copy of the bill of lading, invoice or delivery receipt shall be left with the consignee.

(d) Records of receipts, sales and deliveries of all seed sold in Alabama shall be kept readily accessible for auditing by an authorized agent of the Department of Agriculture and Industries at reasonable times during business hours to determine whether sellers of seed comply with Section 2-26-5 with respect to payment of the permit fee required thereunder, and such information as obtained shall be treated as confidential, and no employee shall divulge the information obtained from such an audit, but nothing in this subsection shall be construed to prevent the commissioner, his authorized agents or employees or a committee created by law for investigation and arbitration purposes from having access to records for examination and review as authorized by subsection (a) of this section.

(Acts 1943, No. 560, p. 552, §5; Acts 1963, No. 424, p. 931, §6; Acts 1975, No. 741, §2.)

Section 2-26-11

Prohibited acts.

(a) It shall be unlawful for any person to sell, offer for sale, expose for sale or distribute within this state:

(1) Any agricultural or vegetable seed unless the test to determine the percentage of germination required by Section 2-26-7 shall have been completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale or offering for sale, transportation or distribution; provided, however, that the State Board of Agriculture and Industries shall have authority under rules and regulations adopted under this article to prescribe a shorter required test period when deemed necessary to meet seasonal conditions with respect to certain seed; provided further, that the State Board of Agriculture and Industries shall also have authority pursuant to rules and regulations to prescribe a longer period of time for the test required to determine the percentage of germination for agricultural and vegetable seed labeled and packed in hermetically sealed containers, which shall not exceed 36 months after the month of test, and to prescribe the conditions and labeling requirements for the sale of such seed in hermetically sealed containers;

(2) Any agricultural, vegetable, herb, tree, shrub or flower seed not labeled in accordance with the provisions of this article, or having a false or misleading labeling;

(3) Any agricultural, vegetable, herb, tree, shrub or flower seed pertaining to which there has been a false or misleading advertisement;

(4) Any agricultural or vegetable seed containing prohibited noxious weed seeds or restricted noxious weed seeds in excess of limitations prescribed by the State Board of Agriculture and Industries;

(5) Any agricultural or vegetable seed containing weed seed in excess of two percent of the whole by weight, except as provided by the State Board of Agriculture and Industries pursuant to rules and regulations adopted for the occurrence of weed seeds;

(6) Any agricultural seed having a total percentage of germination and hard seed of less than 60, except Dallisgrass, Johnsongrass and seed released by the U.S.A. Customs, unless such percentage of germination is lowered or increased by the State Board of Agriculture and Industries as authorized under Section 2-26-2;

(7) Any agricultural, vegetable, flower, tree, shrub or herb seed unless the person selling, offering for sale or distributing such seed for sale has obtained an annual permit as required under Section 2-26-5;

(8) Oat or sorghum seed not complying with the regulations promulgated by the State Board of Agriculture and Industries controlling the sale and distribution of same;

(9) Any hybrid seed corn unless it is certified or produced as required under Section 2-26-9; and

(10) Any tree or shrub seed not in compliance with the rules and regulations promulgated by the State Board of Agriculture and Industries.

(b) It shall be unlawful for any person within this state:

(1) To detach, alter, deface or destroy any label provided for in this article or the rules and regulations made and promulgated hereunder or to alter or substitute seed in a manner that may defeat the purpose of this article;

(2) To disseminate any false or misleading advertisement concerning agricultural, vegetable, herb, tree, shrub or flower seed in any manner or by any means;

(3) To hinder or obstruct in any way any authorized person in the performance of his duties under this article;

(4) To fail to comply with a "stop-sale," "suspension from sale" or "nonuse" order;

(5) To use a nonwarranty or disclaimer clause or limited warranty clause in any invoice, labeling or advertising which shall directly or indirectly deny or modify any information required by this article or regulations promulgated hereunder, nor shall any such clause relieve or exempt any person from any of the requirements of this article or regulations promulgated hereunder; or

(6) To violate or fail to comply with any rule or regulation promulgated and adopted by the State Board of Agriculture and Industries under authority of this article.

(Acts 1943, No. 560, p. 552, §3; Acts 1953, No. 736, p. 997, §2; Acts 1963, No. 424, p. 931, §3; Acts 1975, No. 741, §1.)

Section 2-26-12

Suspension from sale, seizure and condemnation of articles not in compliance with provisions of article.

Any lot of agricultural, vegetable, herb, tree, shrub or flower seed not in compliance with the provisions of this article shall be subject to suspension from sale, seizure and condemnation. The issuance of a "suspension from sale or use" or "stop-sale" order and seizure and condemnation of seed sold or offered for sale in violation of the provisions of this article shall be in accordance with Article 2 of Chapter 2 of this title.

(Acts 1943, No. 560, p. 552, §8; Acts 1963, No. 424, p. 931, §12.)

Section 2-26-13

Violation of provisions of article or rules or regulations promulgated hereunder deemed misdemeanor.

Any person who shall perform any of the acts which are declared to be unlawful by this article or who fails to perform any duty or requirements imposed by the provisions of this article or who violates any rule or regulation duly promulgated hereunder or who shall sell, offer for sale, distribute or solicit orders for agricultural, vegetable, herb, tree, shrub or flower seed without having a permit as required by this article shall be guilty of a misdemeanor and shall be punished as now prescribed by law for such offense.

(Acts 1943, No. 560, p. 552, §8; acts 1963, No. 424, p. 931, §13.)

Section 2-26-14

Exemptions from article.

The provisions of this article do not apply to:

- (1) Seed when sold directly to and in the presence of the consumer and taken from the container properly labeled in accordance with the provisions of this article, but this provision shall in no way exempt the vendor from the analysis given on the tag or label attached to any container;
- (2) Seed or grain not intended for sowing or planting purposes if proper indication of such intention is shown;
- (3) Seed in storage in or consigned to a seed-cleaning or processing establishment for cleaning or processing; provided, that for seed to be processed and stored in the same room from which seed are delivered for planting, sowing or resale, each bag shall bear a label or there shall be displayed a large placard with the following words "For Processing - Not for Sale;" further provided, that seed held in storage for interstate shipment need be labeled only with a lot number supported by an analysis in office files; and provided further, that any labeling or other representations which may be made with respect to such seed shall be subject to this article;
- (4) Seed produced in Alabama and sold by the farmer who produced such seed to another farmer with the provision that if such seed are advertised for sale by a paid advertisement or by free advertisement through publications of the Alabama Department of Agriculture and Industries such seed shall be subject to all of the requirements of this article; provided, however, that farmer-producers selling only their own production shall not be required to obtain the permit except as required under Section 2-26-5; or
- (5) Seed sold or distributed by the grower thereof, unless such grower is also a dealer, to a local merchant in due course of trade and by such local merchant resold in due

course of trade, but without advertising and without holding himself as a dealer as defined in this article.

(Acts 1943, No. 560, p. 552, §4; Acts 1963, No. 424, p. 931, §5.)

Section 2-26-15

Seed inspection fees; reporting.

(a) The Board of Agriculture and Industries may adopt seed inspection fees. The department shall administer the inspection fees, prescribe and furnish forms, and require the filing of reports necessary for the payment of the inspection fees. The department may inspect the record of any person who sells or distributes seed for sale during the normal hours of business operation as it deems necessary.

(b) All fees collected under this section shall be deposited into the Agricultural Fund in the State Treasury. The commissioner may expend revenue raised by this section for the support of the Alabama State Seed Laboratory.

(c) Every person who sells or distributes seed for sale, whether in bulk or in containers, within the state or into the state for planting purposes, shall be assessed a seed inspection fee as established by the board.

(d) Every person who sells or distributes seed for sale shall do all of the following:

(1) Pay an inspection fee on the total number of pounds of seed sold within or into the state. Payment of the seed inspection fees shall be the responsibility of the person initiating the first sale of seed within or into the state.

(2) Maintain records, as required by the department, that accurately reflect the total pounds of seed subject to the fees that are handled, sold or offered for sale, or distributed for sale.

(3) File quarterly reports on forms provided or approved by the department, covering the total pounds of all sales of seed subject to the fee and sold during the preceding quarter. The reports and fees due shall be filed with the department no later than 30 days following the end of each calendar quarter.

(e) A person who sells or distributes seed for sale who does not file the quarterly report by the due date shall pay a penalty fee as provided by the regulations of the department. The penalty fee shall be waived if the seedsman obtains prior written approval from the department for a late filing and complies with the late filing requirements.

(f) The commissioner may suspend the permit or seek any remedy provided in Section 2-26-13, against any person subject to this section.

(g) The Board of Agriculture and Industries shall review the fee schedule and administration of the seed inspection fee program and shall make recommendations for its renewal or renewal with revisions by the board meeting date immediately prior to the convening of the regular session of the Legislature in the fourth year of the quadrennium. Any change in the fee schedule or the administration of the seed inspection program shall be adopted by rule pursuant to the Alabama Administrative Procedure Act.

(Act 2012-401, p. 1097, §§1, 2.)

ARTICLE 2 ELIMINATION OF FUNGI AND NOXIOUS WEEDS FROM SEED

Section 2-26-30

Promulgation of rules and regulations for removal, etc., of fungi and noxious weeds from seeds and small grains by commissioner.

The Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is hereby authorized to promulgate and adopt rules and regulations for the purpose of eradicating and preventing the spread of fungus growths and diseases from seed and small grains used for planting purposes and the removal of noxious weeds from agricultural and vegetable seed and small grain used for planting purposes by requiring that persons, firms, partnerships, corporations and associations engaged in cleaning or otherwise processing seed shall process, clean or treat such seed and small grains in a manner whereby fungi, diseases and noxious weeds will be eradicated or removed from such seed and small grain prior to the packaging, shipping or sale thereof to growers. Rules and regulations adopted under this section may require seed cleaners or processors to clean or process seed and small grain used for planting purposes by applying fungicides or other chemicals and to process or treat such seed and grain in any other manner reasonably necessary to carry out the purposes of this article. Rules and regulations adopted under this section shall be adopted in accordance with the procedure prescribed under the provisions of Sections 2-2-16 and 2-2-17.

(Acts 1953, No. 739, p. 1003, §1.)

Section 2-26-31

Suspension from sale, seizure and condemnation of seeds and small grains sold, transported, etc., in violation of rules and regulations; right of commissioner to inspect and secure samples.

Any agricultural or vegetable seed or small grain used for planting purposes which is sold, offered for sale, exposed for sale or transported in violation of any rules and regulations promulgated and adopted in accordance with the provisions of this article shall be subject to suspension from sale, seizure and condemnation in accordance with the provisions of Article 2 of Chapter 2 of this title. The Commissioner of Agriculture and

Industries shall have the right of inspection and the right to secure samples as provided in said Article 2.

(Acts 1953, No. 739, p. 1003, §2.)

Section 2-26-32

Failure to process, clean, etc., seeds or small grains or sale, distribution, etc., of seeds or small grains not cleaned, processed, etc., in accordance with rules and regulations promulgated under article.

It shall be unlawful for anyone to fail or refuse to clean, process or treat agricultural or vegetable seed or small grain used for planting purposes in violation of any rules or regulations promulgated under the provisions of this article, and it shall also be unlawful for anyone to sell, offer for sale, expose for sale or distribute any agricultural or vegetable seed or small grain used for planting purposes unless such seed and grains have been cleaned, processed or treated in accordance with requirements of rules and regulations adopted and promulgated under the provisions of this article. Whoever shall violate any rules and regulations or other requirements of this article shall be guilty of a misdemeanor and shall be punished as prescribed by law.

(Acts 1953, No. 739, p. 1003, §3.)

ARTICLE 3 REGISTRATION OF SYMBOL OF SEEDS OR PLANT PARTS

Section 2-26-50

Adoption and registration of symbols of identification or certification of foundation seed, seeds or plant parts.

An association or associations of farmers engaged in multiplying and certifying seed or plant parts of a superior variety or strain of plants or crops, such as those bred and tested or tested only by the Agricultural Experiment Station of Auburn University, and in increasing breeder seed by producing, processing and distributing foundation seed may adopt a symbol or symbols of identification or certification of such seed or plant parts and such foundation seed and, upon approval of the director of such experiment station and of the Director of the Extension Service of Auburn University, register same with the state Commissioner of Agriculture and Industries. Only one such association may so register such a symbol or symbols for any one specified crop.

(Acts 1945, No. 404, p. 643, §§1, 2; Acts 1975, No. 745, §1.)

Section 2-26-51

Use of symbols by persons, associations, etc., other than associations registering same; violations of provisions of article deemed misdemeanors.

(a) It shall be unlawful for any person, firm, association or corporation, other than the association which so registered such symbol or symbols, to use such symbol or symbols in any manner for identifying or certifying seeds or plant parts or for any person, firm, association or corporation to sell, offer for sale or otherwise market or distribute foundation seed for any specified crop, other than the association which registered the symbol or symbols of such foundation seed for such crop with the Commissioner of Agriculture and Industries.

(b) Any person, firm, association or corporation who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor.

(Acts 1945, No. 404, p. 643, §3; Acts 1975, No. 745, §2.)

Section 2-26-52

Cooperation of Department of Agriculture and Industries and Agricultural Extension Service and Experiment Station of Auburn University.

The Department of Agriculture and Industries, the Agricultural Extension Service and the Agricultural Experiment Station of Auburn University are hereby authorized and directed to cooperate and work with such associations of farmers to accomplish the following purposes:

(1) To implement an Alabama seed improvement program encompassing activities of foundation seed production, seed certification and labeling and quality control in the production of seed in order to make available for agriculture in this state high quality seed;

(2) To conduct educational programs stressing the benefits of the use of seed of superior varieties and strains; and

(3) To otherwise formulate and implement such programs as will insure that quality seed is properly produced, processed, certified and distributed in the state.

(Acts 1945, No. 404, p. 643, §4; Acts 1975, No. 745, §3.)

ARTICLE 4 INVESTIGATION AND SETTLEMENT OF COMPLAINTS AS TO QUALITY OF SEEDS

Section 2-26-70

Purpose of article.

The intent and purpose of this article is to provide a method for assisting farmers and other seed purchasers and seed dealers to determine the validity of complaints of such seed purchasers against seed dealers relating to the quality of the seed by establishing a committee to investigate and make findings and recommendations in the nature of arbitration proceedings where damages are suffered by such seed purchasers caused by the failure of any agricultural, vegetable, flower, tree, shrub and herb seeds to perform as represented, or to conform to the description on the labeling thereof as required by Sections 2-26-1 through 2-26-14. The meaning of words and terms as used in this article shall, where applicable, be construed to conform to the meaning of such words and terms as same are defined in Section 2-26-1.

(Acts 1979, No. 79-424, p. 661, §1.)

Section 2-26-71

Creation of Seed Investigation and Arbitration Committee; composition; qualifications, appointment and terms of office of members; officers; meetings generally.

There is hereby created and established a Seed Investigation and Arbitration Committee to be appointed by the Commissioner of Agriculture and Industries to consist of five members. The members shall be appointed by the Commissioner of Agriculture and Industries upon the recommendation of each of the following: Dean and Director, School of Agriculture and Agricultural Experiment Station of Auburn University; Executive Committee of the Alabama Seedsmen's Association; President of the Alabama Farmers Federation; State Board of Agriculture and Industries, and one member shall be appointed by the Commissioner of Agriculture and Industries. Each of these members may be represented by an alternate appointed by the Commissioner of Agriculture and Industries, upon the recommendation of the recommending authority or on recommendation of the committee member when such authority has been vested in the committee member by the recommending authority. Each member shall continue to serve on the committee until a replacement has been recommended by one of the above named organizations, agencies, or officials authorized to make such recommendations or appointments, at which time the Commissioner of Agriculture and Industries shall appoint a new member from those recommended. Each alternate shall serve only for the case in which he has been appointed and only one member shall represent each of the above organizations, agencies, or officials authorized to make recommendations for appointment to the committee. The committee shall elect a chairman and a secretary from its membership. The committee chairman shall conduct all meetings and deliberations held by the committee and direct the other activities of the committee. The secretary shall keep accurate and correct records on all meetings

and deliberations and perform any other duties for the committee as directed by the chairman. The committee shall be known as the Seed Investigation and Arbitration Committee.

(Acts 1979, No. 79-424, p. 661, §3 (1); Acts 1992, No. 92-108, p. 178, §3.)

Section 2-26-72

Compensation and expenses of members of committee.

The members of the committee shall receive no compensation for the performance of their duties, but shall be reimbursed for travel expenses incurred in the performance of their duties in the same manner and at the same rate paid to state employees for travel expenses when such members attend meetings or perform other required duties which shall be paid from funds appropriated or available to the Department of Agriculture and Industries upon approval of the commissioner.

(Acts 1979, No. 79-424, p. 661, §3 (4).)

Section 2-26-73

Duties of committee; calling of meetings of committee.

The duties of the Seed Investigation and Arbitration Committee shall be to assist farmers and other purchasers of agricultural, vegetable, flower, tree, shrub and herb seeds and seed dealers to ascertain and determine the validity of complaints made by seed purchasers against seed dealers and recommend the settlement and payment of monetary damages by seed dealers where such damages result from the failure of the seed to perform as represented or to conform to the description of the labeling on or accompanying the seed or seed containers. The committee may be called into session by the Commissioner of Agriculture and Industries at his discretion or upon the direction of the chairman or a majority of the committee members to consider complaints and other matters referred to it by the Commissioner of Agriculture and Industries.

(Acts 1979, No. 79-424, p. 661, §3 (2).)

Section 2-26-74

Filing of complaint as to performance or labeling of seed by purchaser; forwarding of complaint and answer thereto to committee for investigation, findings and recommendations.

Any farmer, or other purchaser of agricultural, vegetable, flower, tree and shrub or herb seeds purchased for planting purposes who believes that he has been damaged by the failure of the seed to perform as represented, or to conform to the description on the labeling attached thereto or accompanying such seed as required by Sections 2-26-1 through 2-26-14, and rules and regulations promulgated thereunder, may make a sworn

complaint against the seed dealer from whom such seeds were purchased. The complaint shall allege the failure of the seed to perform or to conform to legal requirements and the damages sustained or to be sustained by him. The complaint shall be filed with the Commissioner of Agriculture and Industries within 10 days after the alleged defect or violation becomes apparent. The seed purchaser shall also mail a copy of said complaint to the dealer from which the seeds were purchased by United States registered or certified mail. A filing fee of \$10.00 shall be paid to the Commissioner of Agriculture and Industries with each complaint filed which shall be deposited to the credit of the Agricultural Fund of the State Treasury. Within 10 days after receipt of a copy of the complaint, the seed dealer shall file with the Commissioner of Agriculture and Industries an answer thereto and forward a copy of same to the purchaser of the seed by United States registered or certified mail. Any seed dealer against whom a complaint is filed hereunder or any seed purchaser filing a complaint may request an investigation and other action by the committee for the investigation and arbitration created by Section 2-26-71. The Commissioner of Agriculture and Industries shall forthwith refer the complaint and the answer to said committee for its investigation, findings and recommendation of the allegations of the complaint. Where seed which are the basis of a complaint are labeled by a person other than a seed dealer who sells directly to the farmer or other purchaser of seed, a copy of the complaint shall also be mailed by the commissioner to the person responsible for the labeling of such seed in order that he may be entitled to file an answer. Upon receipt of such findings and recommendation, the Commissioner of Agriculture and Industries shall transmit the findings and recommendations of the committee to the farmer or other purchaser of the seed and to the seed dealer by United States registered or certified mail together with a copy thereof to any person responsible for the labeling of the seed.

(Acts 1979, No. 79-424, p. 661, §2.)

Section 2-26-75

Conduct of investigation as to complaint by committee; hindering, obstructing, etc., access to premises, review of records, etc., by committee; report of findings and recommendations.

When the Commissioner of Agriculture and Industries refers a complaint by a farmer or other seed purchaser to the Seed Investigation and Arbitration Committee, said committee shall make a full and complete investigation of the matters complained of and at the conclusion of said investigation report its findings with its recommendations and file same with the Commissioner of Agriculture and Industries. The purchaser of the seed and the seed dealer shall upon request of either party be entitled to a hearing before the committee before any findings and recommendations are made. Notice of the date, time and place of the hearing shall be given to both parties. In conducting its investigation the committee or any member or members thereof is authorized to investigate the farmer or other purchaser's complaint and the farming or growing operation involved in the complaint and the seed dealer's sales, packaging, labeling, storage or processing operation relating to the seed alleged to be faulty. The investigation shall be conducted in a manner prescribed by the committee. The

committee, or any member thereof, in the performance of its duties is authorized to enter upon any public or private premises during regular business hours in order to have access to seed and records of the sale and purchase thereof for examination and review as authorized under the provisions of Section 2-26-10(b) and (d), when necessary to perform its duties required under this article. Any person who hinders, obstructs or refuses entry, access or review of such records shall be guilty of a violation of Sections 2-26-11(b)(3) and 2-26-13. The committee shall be authorized to grow to production a representative sample of the alleged faulty seed through the facilities of the state, or Auburn University, under the supervision of the Commissioner of Agriculture and Industries or his authorized agent when such action is deemed necessary; also, to hold hearings at a time and place directed by the chairman of the committee upon reasonable notice to the farmer or other purchaser of seed and the seed dealer and to prescribe and promulgate rules of procedure to carry out the evident intent and purpose of this article. Any investigation made by less than the whole membership of the committee shall be conducted by authority of a written directive by the chairman or by rules of procedure adopted by the committee. Investigations shall be summarized in writing and considered by the committee in a report of its findings and recommendations.

(Acts 1979, No. 79-424, p. 661, §3(3).)

Section 2-26-76

Effect and admissibility as evidence of findings and recommendations of committee; effect of provisions of article upon legal and equitable rights of persons.

The findings or recommendations of the committee shall be in the nature of arbitration or settlement, but its findings and recommendations shall not affect the rights of parties to resort to any arbitration proceedings available under authority of Sections 6-6-1 through 6-6-16 or as may be otherwise provided by law, nor shall any of the provisions of this article affect any legal or equitable rights that any person may have in a court having jurisdiction of such matters nor shall the findings or recommendations of the committee be admissible as evidence in any court of law. It is the intent and purpose of this article to provide a simplified procedure for investigations and recommendations for monetary settlements as declared in Section 2-26-70.

(Acts 1979, No. 79-424, p. 661, §4.)

**ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
SEED
ADMINISTRATIVE CODE**

**CHAPTER 80-11-1
SEED STANDARDS, TOLERANCES AND TREATMENT**

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80-11-1-.01 **Purpose.** The purpose of this regulation is to implement the manner of testing seeds regulated by the Alabama seed law, for germination and to prescribe germination standards and tolerances. It also provides prohibitions and restrictions of noxious weed seed. It also establishes permit fees for seed dealers and processors.

Authors: Charles H. Barnes, John P. Hagood

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004.

80-11-1-.02 **Previous Regulations Withdrawn And Amended.**

Portions of that regulation entitled Rules and Regulations for Administration of Alabama Seed Law adopted December 13, 1963, March 10, 1965 and November 17, 1965, identified as Regulations Nos. 1 through 13 and Regulations Nos. 17, 19, 21, 30, 31, and 33 and all amendments thereto, and all other regulations pertaining to the purpose appearing in Rule No. 80-11-1-.01 of this regulation are hereby repealed, amended and withdrawn. This chapter is submitted in their place.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982.

80-11-1-.03 Allowable Standards For Sampling And Tolerances.

(1) The manner of sampling and handling seed in the field and analyzing and testing seed in the Laboratory, Greenhouse and Trial plots shall be the same as that recommended in the Rules For Testing Seeds of the Association of Official Seed Analysts, as published in 1978 and as same is subsequently amended.

(2) The same tolerances published in the Rules For Testing Seeds as published by the Association of Official Seed Analysts, in 1978 and as subsequently amended, shall be recognized in the administration of the Alabama State Seed Law; except no tolerances shall be applied to minimum germination standards, maximum weed seed percentages, maximum noxious weed seeds permitted, prohibited noxious weeds and when the term "none allowed" is used, this shall mean 0 with no tolerance.

(3) Any portion of the Rules For Testing Seeds of the Association of Official Seed Analysts, or as may later be amended, in conflict with any Alabama law or regulation shall be disregarded and not followed:

(4) Tree and shrub seed shall be tested in accordance with the proceedings prescribed by the Association of Official Seed Analysts and set forth in the latest edition of the Rules For Testing Seeds published by that Association. For those kinds not covered in these rules, the testing procedure used shall be those recommended by the Eastern Tree Seed Lab.

(5) All lots of seeds shall be stacked separately and made accessible for proper sampling.

(6) The nine (9) month period of validity of a germination test is hereby extended to 36 months for agricultural and vegetable seeds packaged in hermetically sealed containers which comply with the following requirements:

(a) The seed was packaged within nine months after harvest;

(b) The container used does 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 F. with a relative humidity on one side of 90 per

cent and on the other side of 0 per cent. Water vapor penetration or W V P is measured by the standards of the U. S. Bureau of Standards as gm.H₂O/24 hr./100 sq. in./100 degrees F/90% RH V.0% RH;

(c) The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed in S201.36c of the Federal Seed Act for the crops listed in this section;

(d) The container is conspicuously labeled in not less than eight 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.

(e) The percentage of germination shall be stated on label at the time of packaging.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982.

80-11-1-.04 Germination Standards For Seed.

(1) Germination standards for vegetable seed shall be as follows:

	Percent		Percent
Artichoke	60	Bean, lima	70
Asparagus	70	Bean, runner	75
Asparagus bean	75	Beet	65
Bean, garden	75	Broad bean	75
[Varieties other		Broccoli	75
than Improved Tendergreen		Brussels sprouts	70
(Resistant Tendergreen),		Cabbage	75
Cornelli 14, King Green,		Cantaloupe (see	
Logan Processor, Ranger,		muskmelon)	
Rival Seminole, Tenderbest,		Cardoon	60
Tenderlong 15, Topcrop, Top-		Carrot	55
most, Wade, Whitseeded		Cauliflower	75
Tendergreen, and Woodruff's		Celeriac	55
Hyscore]		Celery	55
Beans, garden		Chard, Swiss	65
[Varieties Improved Tendergreen		Chicory	65
(Resistant Tendergreen),		Chinese cabbage	75
Tendercrop, King Green,		Chives	50
Logan, Processor, Ranger		Citron	65
		Collards	80

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Rival, Seminole, Tenderbest		Corn, sweet	75
Tenderlong 15, Topcrop, Top-		Cornsalad	70
most, Wade, Whiteseeded		Cowpea	75
Tendergreen, and Woodruff's			
Hyscore]	70		
Cress, upland	60	Cress, garden	75
Cress, water	40	Parsley	60
Cucumber	80	Parsnip	60
Dandelion	60	Pea	80
Eggplant	60	Pepper	55
Endive	70	Pumpkin	75
Kale	75	Radish	75
Kale, Chinese	75	Rhubarb	60
Kohlrabi	75	Rutabaga	75
Leek	60	Salsify	75
Lettuce	80	Sorrell	65
Muskmelon	75	Soybean	75
Mustard	75	Spinach	60
Mustard, spinach	75	Spinach, New Zealand	40
Okra	50	Squash	75
Onion	70	Tomato	75
Onion, Welsh	70	Tomato, husk	50
Pak-choi	75	Turnip	80
		Watermelon	70

(2) Germination standards for any vegetable seeds not listed above shall be the same as is published by the United States Department of Agriculture in the Code of Federal Regulations in regard to germination standards for vegetable seed.

(3) Seeds falling below the minimum germination set out below shall not be sold, offered for sale or distributed in Alabama.

(a) All vegetable seeds listed in Subrules (1) and (2) above falling below 20% of standards appearing in these subsections.

(b) Hybrid seed corn germinating less than 90%.

(c) Soybeans germinating less than 70%.

(d) Cotton seed germinating less than 70%.

(4) The person upon whose premises seed are located will be held responsible for securing a new germination test, and subsequently amending the analysis tags, when the test date exceeds 270 days.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982.

80-11-1-.05 Mixed Seed Prohibitions.

(1) The following adulterations or mixtures of seed shall not be sold, offered for sale, or distributed in Alabama:

(a) Common lespedeza containing more than 5% weed seed.

(b) Carpet grass containing more than 2.5% weed seed.

(c) Dallis grass containing less than 25% pure live seed.

(d) Johnson grass containing less than 50% pure live seed.

(e) Seed peanuts of one variety containing more than 2.5% of another variety; however, seed peanuts containing 2.5% or less of another variety may be sold, provided the percentages of such varieties are stated on the analysis tag attached to each bag, in addition to all other labeling requirements now, or in the future, in effect.

(f) Rye seed produced in a northern state or having a northern origin. The term "northern origin" shall mean all states north of North Carolina, Tennessee, Arkansas, Oklahoma and north and west of Texas.

(g) Seed corn, for planting purposes, containing Texas male sterile cytoplasm. Other types of cytoplasm, which are resistant to Race "T" of the Southern corn leaf blight are not banned nor shall the presence of these other types of cytoplasm be required to be shown on the analysis tag.

(h) Domestic Sunn Hemp (*Crotalaria juncea*) in a mixture.

(2) The following adulterations or mixtures of seed shall not be sold under the name of the dominant seed:

(a) Oats consisting of mixed varieties, and oats containing a total of 5% or more of other oat varieties shall not be labeled or sold as seed oats.

A false wild oat will be considered as any unstable or variant form of a cultivated and wild oat possessing one or more of the distinct characteristics of the wild oats (*Avena fatua*).

The sale of mixed oats shall not be prohibited when they are used as a component part in seed for wildlife mixtures. In order to be used in such a mixture the following criteria must be met: The mixture must include (3) kinds or more and the oat component must be labeled according to the predominate variety that comprises at least sixty (60) percent of the mixture.

(b) Sorghum consisting of mixed varieties and sorghum containing a total of 5% or more of other sorghum varieties shall not be labeled or sold as sorghum seed.

(c) Cowpeas consisting of mixed varieties shall be labeled as, "mixed." The percent of pure seed shall represent all cowpeas present and the germination test shall be based upon a uniform sample of all of the varieties in the lot.

(3) All whole grain rye sold, offered or exposed for sale in Alabama during the period of time beginning September 1 and ending December 31 of each year shall be labeled as seed rye and must meet all requirements of the Alabama seed law and rules and regulations, except, however, whole grain rye may be mixed with other grain and may be sold during the above prohibitive period, provided such mixture is labeled as commercial feed and shows the percentage of each kind of grain present and shall also comply with all provisions of the Alabama Commercial Feed Law of 1978, Code of Ala. 1975, §§2-21-17 through 2-21-34.

Authors: Charles H. Barnes, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed May 17, 2007; effective June 21, 2007. **Amended:** Filed May 16, 2012; effective June 20, 2012. **Amended:** Filed May 15, 2018; effective June 29, 2018.

80-11-1-.06 Noxious Weed Seed Prohibitions And Restrictions.

(1) No agricultural, vegetable, flower, herb, tree or shrub seed for planting purposes shall be sold, offered for sale, or distributed within the State if the noxious weed seed per pound of seed tested is in excess of the following limitations:

(a) Field bindweed (*Convolvulus arvensis*) - prohibited - none allowed.

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(b) Hedge bindweed (*Convolvulus sepium*) - prohibited - none allowed.

(c) Nutgrass (*Cyperus rotundus*) - Prohibited - none allowed.

(d) *Crotalaria* spp. - prohibited - none allowed except Sunn Hemp (*Crotalaria juncea*) - restricted - 5 seed per pound.

(e) Balloon Vine (*Cardiospermum halicacabum*) - prohibited - none allowed.

(f) Cocklebur (*Xanthium* sp.) in seed which are certified by an officially recognized seed certifying agency, as defined in Code of Ala. 1975, §2-26-1(18), - prohibited - none allowed.

(g) Cocklebur (*Xanthium* sp.), in uncertified seed - restricted - 2 seed per pound.

(h) Blessed Thistle (*Cnicus benedictus*) - restricted - 9 seed per pound.

(i) Moonflower or giant morninglory (*Calonyction muricatum*) restricted - 9 seed per pound.

(j) Wild Onion and/or Wild Garlic (*Allium* spp.) - restricted - 27 seed per pound.

(k) Wild Mustard and/or Turnip (*Brassica* spp.) - restricted - 27 seed per pound.

(l) Radish (*Raphanus* spp.) - restricted - 27 seed per pound.

(m) Johnson Grass (*Sorghum halepense*) and/or Sorghum Almun and perennial rhizomatous derivatives of these - restricted - 100 seed per pound.

(n) Dodder (*Cuscuta* spp.) - restricted - 100 seed per pound.

(o) Canada Thistle (*Cirsium arvense*) - restricted - 100 seed per pound.

(p) Quack Grass (*Agropyron repens*) - restricted - 100 seed per pound.

(q) Docks (*Rumex* spp. except *hastatulus*) - restricted - 100 seed per pound.

(r) Giant Foxtail (*Setaria faberi*) - restricted - 100 seed per pound.

(s) Darnel (*Lolium temulentum*) - restricted - 200 seed per pound.

(t) Corncockle (*Argrostemma githago*) restricted - 200 seed per pound.

(u) Horsenettle (*Solanum carolinense*) restricted - 200 seed per pound.

(v) Silverleaf Nightshade (*Solanum elaeagnifolium*) - prohibited - 200 seed per pound.

(w) Buckhorn (*Plantago lanceolata*) - restricted - 200 seed per pound.

(x) Bracted Plantain (*Plantago artistata*) - restricted - 200 seed per pound.

(y) Sheep Sorrel (*Rumex acetosella*) - restricted - 200 seed per pound.

(z) Bermuda Grass (*Cynodon* spp.) - restricted - 300 seed per pound.

(aa) Cheat or Chess (*Bromus secalinus*, *B. commutatus*) - restricted - 300 seed per pound.

(bb) Serrated Tussock (*Nassella trichotoma*) - prohibited - none allowed.

(cc) Goatgrass (*Aegilops* spp.) - restricted - 9 seed per pound.

(dd) Sickie Pod (*Senna tora*) - restricted - 27 seed per pound.

(ee) Tropical Soda-Apple (*Solanum viarum*) - prohibited - none allowed.

(ff) Brunswick Grass (*Paspalum nicorae*) - restricted - 300 seed per pound.

(2) When more than one species or variety of noxious weed seed are discovered in pure seed, in addition to the restrictions set out above, the following restrictions shall also apply:

(a) For seeds identified in Subrule 80-11-1-.06(1) (g) through (y), any combination of weed seed shall, also, collectively, not exceed 200 total weed seed per pound of pure seed.

(b) For seeds identified in Subrule 80-11-1-.06(1) (z) through (aa), any combination of these weed seed shall also, collectively, not exceed 300 total weed seed per pound of pure seed.

(c) The added restrictions in Subrule 80-11-1-.06(2) (a) and (b) are, in addition to, and are not to be interpreted as amending or changing the restrictions for individual species of weed seed set out in Subrule 80-11-1-.06(1) above.

Authors: Charles H. Barnes, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. Emergency amendment: Effective March 3, 1989. Permanent Amendment: Filed May 19, 1989.

Amended: Filed May 17, 2007; effective June 21, 2007. **Amended:** Filed May 16, 2012; effective June 20, 2012. **Amended:** Filed May 22, 2019; effective July 6, 2019.

80-11-1-.07 Permit Fees For Seed Dealers And Processors.

(1) Pursuant to Code of Ala. 1975, §2-26-5, Every person who sells, offers for sale, exposes for sale, distributes or solicits orders for the sale of any agricultural, vegetable, herb, tree, shrub or flower seed to retail seed dealers, farmers or to others who use or plant such seed in the State of Alabama shall, before selling or offering such seed for sale or distributing or soliciting orders for the sale of such seed and on or before January 1 of each year secure an annual permit from the Commissioner of Agriculture and Industries to engage in such business. Seed dealers and other sellers of seed shall apply for an annual permit upon forms prescribed by the commissioner, and such permit shall be issued upon the payment of the following permit fees when the application is in proper form:

(a) For each person engaged in selling seed at retail in closed containers or packets of eight ounces or less displayed on a supplemental container display such as a seed rack, a permit fee of \$5.00 for each such supplemental container display;

(b) For each person selling seed to retail seed dealers, farmers or others who use or plant such seed, not

displayed on a supplemental container display, a permit fee for each such place of business or each such representative or representatives, where such person does not maintain an established place of business in Alabama, shall be based on gross receipts from the sale of such seed for the last preceding year in Alabama as follows:

Gross Receipts	Permit Fee
1. Receipts of \$2,500.00 or less.....	\$ 15.00
2. Receipts of \$2,500.01 through \$25,000.00.....	\$ 50.00
3. Receipts of \$25,000.01 through \$50,000.00.....	\$ 70.00
4. Receipts of \$50,000.01 through \$100,000.00....	\$150.00
5. Receipts of \$100,000.01 through \$200,000.00...	\$300.00
6. Receipts of \$200,000.01 through \$300,000.00...	\$400.00
7. Receipts of \$300,000.01 through \$400,000.00...	\$500.00
8. Receipts of \$400,000.01 through \$500,000.00...	\$600.00
9. Receipts of more than \$500,000.00.....	\$700.00

(c) Persons engaged in the operation of seed cleaning or processing plants, including peanut shellers, seed treaters and corn processors, and persons who purchase seed and process such seed for resale shall be required to obtain a permit as required under this section if such persons clean and/or process or treat seed at their plant, and the annual fee to be paid therefor shall be \$75.00.

Authors: John P. Hagood, Robert J. Russell

Statutory Authority: Code of Ala. 1975, §2-26-5.

History: New Rule: Filed August 16, 2004; effective

September 20, 2004. **Amended:** Filed August 10, 2011; effective September 14, 2011.

**ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
SEED****ADMINISTRATIVE CODE****CHAPTER 80-11-2****RULES GOVERNING SEED LABELING, SAMPLING AND RECORDKEEPING****TABLE OF CONTENTS**

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80-11-2-.01 Purpose.

(1) The purpose of this Chapter is to set up guidelines to be used in labeling all types of seed to include chemically treated seeds. It also provides for the keeping of records and sets out charges for the testing of seeds.

(2) In recognition of the necessity of establishing clear and effective standards for the testing, analyzing and labeling of seed, and the corresponding duties and obligations of seed dealers and others engaged in the sale of seeds to test and analyze seeds and to disclose the results of such testing, seed which shall have been tested in accordance with, and meets the standards established under the Alabama Seed Law and regulations, shall be deemed to comply with all laws of this State relating to fitness and suitability for use within this State. This provision is declaratory of the laws of Alabama as they have existed since the adoption of the Alabama Seed laws.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.02 Labeling Requirements And Recommended Tags.

(a) The labeling information required for agricultural seed under the provisions of Code of Ala. 1975, §2-26-7(a), with certain exceptions set out below, shall appear on a tag attached to each container in substantially the same form appearing below.

1. One seed variety.

Weight _____	Net Lot No. _____
Kind and Variety _____	
Pure Seed _____	% Germ. _____ %
Inert _____	% Hard Seed _____ %
Weeds _____	% Germ. & H. S. _____ %
Crop _____	% Date Tested _____
Name & No. of Noxious Weeds per Lb. _____	
Grown In _____	
NAME _____	
ADDRESS _____	

2. Mixed seed variety tag.

MIXTURE						
Weight _____		Net Lot No. _____				
Kind	Variety	Pure Seed	Germ	H.S.	Test Date	
_____	_____	_____ %	_____ %	_____ %	_____	
_____	_____	_____ %	_____ %	_____ %	_____	
_____	_____	_____ %	_____ %	_____ %	_____	
_____	_____	_____ %	_____ %	_____ %	_____	
Weed Seed _____ %		Crop Seed _____ %		Inert Matter _____ %		
Name & No. of Noxious Weeds Per Lb. _____						
Grown In _____						
NAME _____						
ADDRESS _____						

(b) In lieu of using a tag as set out in subparagraph (a) above, containers in which seed corn or soybeans are sold may show the required labeling information on a sealing tape across the top of each bag, provided the seller of the seed must have first obtained approval for the use of sealing tape from the Commissioner of Agriculture and Industries prior to its use.

(c) Effective June 1, 1985, Tall Fescue (*Festuca arundinacea*) seed sold, offered for sale, or exposed for sale, for forage purposes, shall also be labeled to show the percentage of Fungal Endophyte (*Acremonium coenophialum*) infected seed, except carryover Tall Fescue seed may be labeled to show only the percentage of Live Fungal Endophyte. This information shall be

stated on the analysis tags with other required labeling information and in the same size print. Tall Fescue seed will be considered as carryover if more than nine months have expired from date of production.

(d) Effective June 1, 1985, Fescue and Ryegrass seed sold, offered for sale, or exposed for sale, for lawn and turf purposes, shall be labeled to show the percentage of Fungal Endophyte infected seed, if any representations as to these Fungal Endophytes are made in the labeling or advertising of the seed. Carryover seed shall be labeled to show only the percentage of live Fungal Endophyte infected seed.

(e) The labeling requirement for all vegetable seed and lawn seed mixtures may be placed directly on the bag or container in lieu of a tag.

(f) The tag or label for tree and shrub seeds shall give the following information:

1. Commonly accepted common or Latin name of species.
2. Variety (if applicable).
3. New weight.
4. Lot number.
5. Year collected.
6. Origin. The specific locality (state and county, or Alabama zone, in the United States or nearest equivalent political unit in case of foreign countries) in which seed were collected.
7. Date of test (month and year).
8. Percentage by weight of pure seed.
9. Percentage by count of full seed.
10. Percentage by weight of inert matter.
11. Percentage by weight of other crop.
12. Percentage of germination.
13. Percentage of hard seed.

14. Speed of germination, as days to reach 90 per cent of total.
15. Pregermination treatment used in test.
16. Number of seed per pound.
17. Name and address of the person who labeled said seed or who sells, offers or exposes said seed for sale within this State.
18. The above information shall be placed on an analysis tag no smaller in size than a number 5 standard shipping tag in substantially the same order as appearing below:

Species	_____	Variety	_____
Net wt.	_____	Yr. Coll.	_____
Lot No.	_____		
Origin: State	_____	County	_____
Ala. Zone	_____		
Date of Test	_____	Pure Seed	_____ %
Full Seed	_____ %	Inert Matter	_____ %
Other Crop	_____ %	Germination	_____ %
Hard Seed	_____ %		
Speed of Germination	_____		Days
Pregermination Treatment	_____	Seed Per Lb.	_____
NAME _____			
ADDRESS _____			

(g) The zones for labeling tree seed shall be Northern (N), Central (C) and Southern (S). The above abbreviations may be used. These zones are as follows:

See Master Code for a copy of map

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed
December 10, 1984.

80-11-2-.03 Labeling Requirements For Treated Seed.

(a) In addition to the labeling requirements for treated seed appearing in Code of Ala. 1975, §2-26-7(e), the separate tag required for seed treated for seed-borne disease shall show the kind of chemical used and the manufacturer's recommended rate or the rate actually used.

(b) The information required for the separate tag to be placed on treated seed under §2-26-7(e) and this Chapter shall appear on the tag in substantially the same order as appearing below:

1. Treated seed tag.

<p style="text-align: center;">A R A S A N T R E A T E D (THIRAM) (Red Print)</p> <p style="text-align: center;">Treated at rate specified by manufacturer or state the rate actually used</p> <p style="text-align: center;">DO NOT USE FOR FOOD, FEED OR OIL PURPOSES</p>
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2. Poison treated seed tag.

<p style="text-align: center;">P O I S O N T R E A T E D (Red Print) (MERCURY) (Red Print)</p> <p style="text-align: center;">(Skull & (Skull & Crossbones) Treated with Ceresan crossbones)</p> <p style="text-align: center;">Treated at rate specified by manufacturer or state the rate actually used</p> <p style="text-align: center;">DO NOT USE FOR FOOD, FEED OR OIL PURPOSES</p>
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As required under law, the words "Poison Treated", appearing on the above tag shall be in heavy red type of not less than 1/4 inch.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.04 Additional Labeling Requirements And Prohibitions.

(a) Analysis tags not bearing all of the information required under the provisions of Code of Ala. 1975, §2-26-7, and this Chapter will be considered incomplete unless the value of such information found upon analysis is none and so stated on the tag in the proper spaces provided for such information.

(b) The words "Free" and "None" shall be construed to mean that none were found in a test complying with the methods set forth for testing seed by the Association of Official Seed Analysts.

(c) Abbreviations of names of the variety and kind of seed on the tag or tape is prohibited.

(d) Distribution or sale of cottonseed under a varietal name which is not already registered with the American Society of Agronomy is prohibited unless evidence is first furnished the Board of Agriculture and Industries showing this cotton to be true to name.

(e) The place of origin shall not be used in connection with the name of variety or kind of seed, unless it is a part of the generally accepted name of kind or variety. Modifying words or phrases shall not be used in connection with the variety, as for example, "type", "for forage purposes", etc.; nor shall group names be used as varietal names.

(f) Brand names, designs, grades or pictures indicating a condition or quality other than that required or shown on the analysis tag, or corresponding with that on the analysis tag, or indicating contradictions to any part of the analysis is prohibited.

(g) Alabama dealers will not be held responsible for representations made as to the variety or kind of seed when such varieties or kinds are not distinguishable by seed characteristics if the dealer secures and retains a grower's declaration or statement from the shipper that he has reason to know that the seed in question are true to variety or kind.

(h) For vegetable seed packed in containers of eight ounces or less, the year in which packed may be stated in lieu of the date of test and the percentage of germination need not be shown on the container for vegetable seed which germinate above the standard last established by the State Board of Agriculture and Industries.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.05 Record And Bagging Requirements.

(a) In addition to the record keeping requirements under Code of Ala. 1975, §2-26-10, all seedsmen are also required to keep records of receipts, sales and deliveries of all seed for a period of not less than three years, (except retail sales and deliveries by dealers) for inspection purposes. Such records shall include:

1. Original shipper's analysis tag.
2. If lot numbers are changed, both the original and changed numbers shall be kept on record.
3. Copy of laboratory analysis identified by lot number from the original grower, shipper or firm responsible for analysis.
4. Such other available information as is needed for identification of shipment of lots of seeds.

(b) Records shall be kept on tree and shrub seed the same as any other seeds under §2-26-10 of this Chapter.

(c) All seed sold or offered for sale in Alabama may be sold in any size bags or containers, provided the bags or containers within each lot of seed are of uniform sizes and weights and further provided the net weight is stated on the analysis tag, except as stated below.

Single cross hybrid corn seed only may be sold or offered for sale in bags weighing not less than 42 pounds net weight nor more than 56 pounds net weight, without complying with uniform weight requirements, provided the number of seed contained in the bag is shown on the analysis tag and the net weight thereof is shown on the bag or tag attached to each bag.

(d) With the exception of sales of each kind and variety of vegetable seed, of less than \$25.00, all sales of agricultural or vegetable seed when sold by a seed dealer, must meet the following requirements:

1. An invoice or sales ticket shall be issued by the seller which shall include thereon the name and address of the seller and the purchaser, the kind and variety of seed, the

quantity in each lot and the lot number or numbers for each kind and variety of such seed sold or delivered.

2. Copies of the invoices or sales tickets containing the above record information shall be kept by the seller for a period of not less than 12 months from the date of such sale.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed December 10, 1984.

80-11-2-.06 Charges For Seed Testing.

(a) Alabama farmers shall be entitled to submit to the Seed Laboratory of the Department of Agriculture and Industries seed samples to be analyzed and tested free of charge, provided that not more than the equivalent of Ten Dollars (\$10.00) worth of free seed testing services will be provided to any farmer within a period of one month.

(b) Seed testing and analysis for farmers in excess of \$10.00 per month and for seed dealers and non-farmers shall be charged as follows:

1. For purity and germination per sample:

Group 1

Barley, Wheat, Rye, Field Peas (Austrian),
Corn, Lupine, Sorghum, Vetch and Rough Peas ----- \$ 3.00

Group 2

Soybeans, Cowpeas, Velvet Beans, Partridge
Peas, Crotalaria, Peanuts, Button Clover,
Crimson Clover, Lespedeza, Ryegrass (except
fluorescence test), Fescue, Millet, Sudan
Grass, Alfalfa, Cotton and Rescue Grass ----- \$ 4.00

Group 3

Johnson Grass, Bermuda Grass, Centipede
Grass, Alsike Clover, White Clover, Alyce
Clover, Ladino Clover, Persian Clover,
Lappacea Clover, Red Clover, Ball Clover,
Hop Clover, Oats, Carpet Grass, Redtop,
Dallis Grass, Kentucky Bluegrass, Orchard
grass and Love Grass ----- \$ 5.00

Bahia Grass: Hulled Samples -----	\$10.00
Unhulled Samples -----	\$ 5.00

2. For purity test only:

All Groups Deduct -----	\$ 1.00
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3. For germination test only:

For germination test only, except when a purity test is required in order to conduct the germination test, examination for noxious weeds only, varietal determination only and moisture test only per sample ----- \$ 2.00

Vegetable Seed -----	\$ 2.00
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4. Fluorescence Test for Ryegrass----- \$ 3.00

5. Vigor test for all varieties of seed-----\$ 1.00

Note: Pending the promulgation by the Association of Official Seed Analysts of uniform seed vigor testing procedures in its Rules For Testing Seeds, and the recognition and adoption of such testing procedures and corresponding labeling requirements relating to vigor under Alabama seed laws and regulations, persons requesting vigor tests are cautioned to only use the results for personal information. Pending the above, advertising or warranting of vigor in the selling of seed is prohibited. No Alabama dealer or other person offering seed for sale within this State shall be under a duty to conduct or secure tests for vigor or to disclose by label or otherwise any information relating to vigor.

(c) Seed not listed above will be charged according to other seed of similar size.

(d) All of the above prices apply only to seed that have been properly cleaned, and also to each kind or variety of seed in a mixture

Author:

Statutory Authority: Code of Ala. 1975, §2-26-3.

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