

FIRST REGULAR SESSION

HOUSE BILL NO. 606

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RONE.

0341H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 266.071, RSMo, and to enact in lieu thereof one new section relating to the commercial sale of agricultural seed, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 266.071, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 266.071, to read as follows:

266.071. 1. It is unlawful for any person to sell, distribute, offer for sale, or expose for sale any agricultural or vegetable seed within this state:

(1) Unless the test to determine the percentage of germination was performed within ten months of the time the seed is sold, exposed for sale, offered for sale or distributed. An exception shall be allowed for seed packaged in hermetically sealed containers, which may be sold, exposed for sale, offered for sale or transported up to thirty-six months after the test to determine the percentage of germination, if the seed is packaged according to the regulation governing hermetically packaged seed;

(2) Not labeled in accordance with the provisions of sections 266.011 to 266.111 or having a false or misleading labeling;

(3) Which has false or misleading advertisement;

(4) Containing prohibited weed seeds;

(5) Containing noxious weed seeds in excess of one-half percent, or in excess of the number declared on the label attached to the container of the seed;

(6) Containing more than two percent by weight of weed seeds, except for Brome grass, orchard grass or fescue which may not exceed three percent;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (7) Which is represented to be certified, registered, foundation, or any other term
18 conveying a similar meaning when referring to seed unless it has been produced, processed, and
19 labeled in accordance with procedures and in compliance with the rules and regulations of an
20 officially recognized certifying agency;

21 **(8) Which contains a genetically modified trait allowing the resulting plant to**
22 **tolerate a herbicide, if no such herbicide has been approved by the regulating federal**
23 **agency, unless the seller of the seed has a contract to purchase the resulting crop. For**
24 **purposes of this subdivision, the term "herbicide" shall have the same meaning as such**
25 **term is defined in section 281.220.**

26 2. It is unlawful for any person within this state:

27 (1) To detach, alter, deface or destroy any label provided for in sections 266.011 to
28 266.111, or the rules and regulations made and promulgated thereunder, or to alter or substitute
29 seed, in a manner that may defeat the purposes of sections 266.011 to 266.111;

30 (2) To hinder or obstruct in any way any authorized person in the performance of his
31 duties under sections 266.011 to 266.111;

32 (3) To fail to comply with a "stop-sale" order or to move or otherwise handle or dispose
33 of any lot of seed held under a "stop-sale" order or tags attached thereto, except with express
34 permission of the enforcing officer, and for the purpose specified thereby;

35 (4) To sell noxious or prohibitive weed seed except as provided in section 266.080;

36 (5) To sell seed to persons performing the seed sale functions listed in subdivision (1),
37 (2), (3), or (4) of subsection 1 of section 266.031, unless the person buying has a retail permit
38 to sell seed;

39 (6) To permit seed to move into this state which does not meet the standards of the seed
40 certifying agency of the state in which the seed originated or the provisions of Missouri seed law.

Section B. Because immediate action is necessary to ensure the vitality of the
2 agricultural industry in this state by preventing the devastating effects of the misuse of
3 herbicides, the repeal and reenactment of section 266.071 of section A of this act is deemed
4 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution, and the repeal
6 and reenactment of section 266.071 of section A of this act shall be in full force and effect upon
7 its passage and approval.

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