

## LEGISLATIVE BILL 1290

Approved by the Governor March 21, 1972

Introduced by Walter H. Epke, 24th District

AN ACT to amend section 81-2,147.02, Revised Statutes Supplement, 1969, relating to agricultural seeds; to change the labeling requirements; and to repeal the original section.  
Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-2,147.02, Revised Statutes Supplement, 1969, be amended to read as follows:

81-2,147.02. Each container of agricultural or vegetable seeds, which is sold, offered for sale or exposed for sale or transported within this state for sowing purposes, shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container:

(1) For any agricultural seeds or any mixture thereof, or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with the rules and regulations as defined in sections 81-2,147 to 81-2,147.09:

(a) A word or statement indicating that the seeds have been treated;

(b) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

(c) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Director of Agriculture as adequate for the protection of the public, such as, Do not use for food or feed or oil purposes; Provided, that the caution statement for mercurials and similarly toxic substances, as defined in such rules and regulations, shall be a representation of a skull and crossbones and a statement such as, This seed has been treated with POISON, in red letters on a background of distinctly

contrasting color;

(d) A description, approved by the Director of Agriculture for the protection of the public, of any process used in such treatment; and

(e) If the seed is treated with an inoculant, the year and month beyond which the inoculant, if shown in the labeling, is no longer claimed to be effective;

(2) For agricultural seeds except for grass seed mixtures as provided in subdivision (3) of this section:

(a) The commonly accepted name of the kind and variety, or kind and the words variety not stated, of each agricultural seed component, in excess of five per cent of the whole, and the percentage by weight of each in the order of its predominance. Hybrids shall be labeled as hybrids. When more than one component is required to be named, the word mixture, mixed or blend shall be shown conspicuously on the label;

(b) The lot number or other lot identification;

(c) Origin, state or foreign country, if known, of alfalfa, red clover and field corn, except hybrid corn. If the origin is unknown, the fact shall be stated;

(d) The percentage by weight of all weed seed;

(e) The name and rate of occurrence of each kind of restricted noxious weed seed per pound:

(i) For *Agrostis* spp., bluegrass, timothy, orchardgrass, fescue, alsike clover, white clover, reed canarygrass, ryegrass, foxtail millet, alfalfa, red clover, sweetclover, lespedeza, bromegrass, crimson clover, *Brassica* spp., flax, *Agropyron* spp., and other agricultural seed of similar size and weight, or mixtures within such group, when present singly or collectively in excess of the number of seed per 50 grams in the years shown in the following table:

Number	Year
3 seeds per 50 grams or 27 per pound	1969-1970
2 seeds per 50 grams or 18 per pound	1971-1972
	<u>and</u>
	<u>thereafter;</u>
	<u>and</u>
1-seed-per-50-grams-or-9-per-pound	1973
0-seed-per-50-grams	1974-and
	thereafter;
	and

(ii) For all other agricultural seed or agricultural seed mixtures not included in group (i) above, when present, label as found;

(f) Percentage by weight of agricultural seeds which may be designated as other crop seed other than those required to be named on the label;

(g) The percentage by weight of inert matter;

(h) For each named agricultural seed the percentage of germination exclusive of hard seed; the percentage of hard seed, if present; and the calendar month and year the test was completed to determine such percentages. Following the percentage of germination exclusive of hard seed and the percentage of hard seed, if present, the total germination and hard seed percentage may be stated if desired;

(i) For each of the following named grasses the percentage of germination, exclusive of firm seed; the percentage of firm seed, if present; or the percentage of viability as indicated by a tetrazolium test; and the calendar month and year the test was completed to determine such percentages. Following the percentage of germination, exclusive of firm seed and the percentage of firm seed, if present, the total germination and firm seed may be stated if desired. Also, for each of the following named grasses, and similar seed where extreme dormancy is encountered, the result of a tetrazolium test may be shown in lieu of the percentage of germination to indicate the potential viability of the seed:  
Bluestem:

Big	Andropogon gerardi (A.furcatus)
Little	Andropogon scoparius
Sand	Andropogon hallii
Yellow	Andropogon ischaemum
Dropseed, sand	Sporobolus cryptandrus
Gramma, Side-oats	Bouteloua curtipendula
Indiangrass, yellow	Sorghastrum nutans
Lovegrass, sand	Eragrostis trichodes
Needlegrass, green	Stipa viridula
Needle and thread	Stipa comata
Reedgrass, prairie sand	Calamovilfa longifolia
Ricegrass, Indian	Oryzopsis hymenoides
Wheatgrass, western	Agropyron smithii; and

(j) The name and address of the person who labeled such seed or who sells, offers or exposes such seed for sale within this state;

(3) For seed mixtures for lawns and turf purposes in containers of fifty pounds or less:

(a) The word mixed, mixture or blend;

(b) The headings Fine-textured Grasses and Coarse Kinds in eight point or larger type on a contrasting background. Under such heading, in type no larger than the heading, the information required by subdivisions (c) to (j) of this subdivision shall be shown;

(c) Commonly accepted name, in order of its predominance of the kind and variety, or kind and the words variety not stated, of each agricultural seed present in excess of five per cent of the whole and determined to be a fine-textured grass or a coarse kind in accordance with the rules and regulations under the provisions of sections 81-2,147 to 81-2,147.09;

(d) Percentage by weight of pure seed of each agricultural seed named;

(e) For each agricultural seed named under subdivision (c) of this subdivision:

(i) Percentage of germination, exclusive of hard seed;

(ii) Percentage of hard seed, if present; and

(iii) Calendar month and year the test was completed to determine such percentages;

(f) The heading Other Ingredients and thereunder in type no larger than the heading:

(i) Percentage by weight of all weed seed;

(ii) Percentage by weight of all agricultural seeds other than those stated under subdivision (3) (c) of this section; and

(iii) Percentage by weight of inert matter;

(g) Lot number or other lot identification;

(h) The name and rate of occurrence of each kind of restricted noxious weed seed per pound when present singly or collectively in excess of the numbers shown in

the table in subdivision (2) (e) (i) of this section;

(i) Name and address of the person who labeled such seed, or who sells, offers or exposes such seed for sale within this state; and

(j) Net weight;

(4) For vegetable seeds in containers of one pound or less:

(a) The name of the kind and variety of seed;

(b) For seeds which germinate less than the standard last established in the rules and regulations of the Director of Agriculture under sections 81-2,147 to 81-2,147.09:

(i) Percentage of germination, exclusive of hard seed;

(ii) Percentage of hard seed, if present;

(iii) The calendar month and year the test was completed to determine such percentages; and

(iv) The words Below Standard in not less than eight-point type;

(c) The name and rate of occurrence of each kind of restricted noxious weed seed present; and

(d) The name and address of the person who labeled such seed or who sells, offers or exposes such seed for sale within this state; and

(5) For vegetable seeds in containers of more than one pound:

(a) The name of each kind and variety present in excess of five per cent and the percentage by weight of each in order of its predominance;

(b) Lot number or other lot identification;

(c) For each named vegetable seed:

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

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

(iii) The calendar month and year the test was completed to determine such percentages. Following (i) and (ii) the total germination and hard seed percentage may be stated as such, if desired;

(d) The name and rate of occurrence of each kind of restricted noxious weed seed present;

(e) Name and address of the person who labeled such seed or who sells, offers or exposes such seed for sale within this state; and

(f) The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Sec. 2. That original section 81-2,147.02, Revised Statutes Supplement, 1969, is repealed.