

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2143 Session of  
1976

INTRODUCED BY SHELHAMER, YAHNER, KLINGAMAN AND W. W. FOSTER,  
FEBRUARY 17, 1976

REFERRED TO COMMITTEE ON AGRICULTURE, FEBRUARY 17, 1976

AN ACT

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

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

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

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

24 \* \* \*

1       (23) "Certifying agency." Means (i) an agency authorized  
2 under the laws of a state, territory or possession to officially  
3 certify seed; or (ii) an agency of a foreign country determined  
4 by the United States Secretary of Agriculture to adhere to  
5 procedures and standards for seed certification comparable to  
6 those adhered to generally by seed certifying agencies under  
7 (i).

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

12       \* \* \*

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

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