

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2387 Session of
2004

INTRODUCED BY HICKERNELL, HERSHEY, DALEY, ARMSTRONG, BALDWIN,
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MARCH 8, 2004

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, NOVEMBER 17, 2004

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, PROVIDING FOR CROP INSURANCE; adding provisions <—
3 relating to the labeling, sale and distribution of seed;
4 creating a licensing requirement for all seed distributors;
5 adding civil penalty provisions and specifying the appeal
6 process; providing for the powers and duties of the
7 Department of Agriculture; placing revenue into the Agronomic
8 Regulatory Account; prescribing penalties; and making related
9 repeals.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 6725 of Title 3 of the Pennsylvania~~ <—
13 ~~Consolidated Statutes is amended to read:~~

14 SECTION 1. TITLE 3 OF THE PENNSYLVANIA CONSOLIDATED STATUTES <—
15 IS AMENDED BY ADDING A CHAPTER TO READ:

16 CHAPTER 47

17 CROP INSURANCE

18 SEC.

1 4701. SHORT TITLE OF CHAPTER.

2 4702. PURPOSE OF CHAPTER.

3 4703. DEFINITIONS.

4 4704. ESTABLISHMENT OF PROGRAM.

5 4705. POWERS AND DUTIES OF DEPARTMENT.

6 4706. CROP INSURANCE FINANCIAL ASSISTANCE.

7 4707. FUNDING.

8 4708. REPORT.

9 § 4701. SHORT TITLE OF CHAPTER.

10 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE CROP
11 INSURANCE LAW.

12 § 4702. PURPOSE OF CHAPTER.

13 THE PURPOSE OF THIS CHAPTER IS TO ESTABLISH A PROGRAM WITHIN
14 THE DEPARTMENT TO ENCOURAGE PRODUCERS OF AGRICULTURAL
15 COMMODITIES TO PURCHASE FEDERAL CROP INSURANCE AND ADOPT RISK
16 MANAGEMENT PRACTICES, AND TO PROVIDE CROP INSURANCE FINANCIAL
17 ASSISTANCE, SUBJECT TO THE AVAILABILITY OF FUNDING, TO ELIGIBLE
18 PRODUCERS FOR CROP INSURANCE PREMIUM COSTS.

19 § 4703. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "AGRICULTURAL COMMODITY." ANY OF THE FOLLOWING, TRANSPORTED
24 OR INTENDED TO BE TRANSPORTED IN COMMERCE:

25 (1) AGRICULTURAL, AQUACULTURAL, HORTICULTURAL,
26 FLORICULTURAL, VITICULTURAL OR DAIRY PRODUCTS.

27 (2) AGRICULTURAL CROPS.

28 (3) LIVESTOCK AND PRODUCTS OF LIVESTOCK.

29 (4) POULTRY AND PRODUCTS OF POULTRY.

30 (5) RANCH-RAISED FUR-BEARING ANIMALS AND THE PRODUCTS OF

1 RANCH-RAISED FUR-BEARING ANIMALS.

2 (6) THE PRODUCTS OF BEE RAISING.

3 (7) FORESTRY AND FORESTRY PRODUCTS.

4 (8) ANY PRODUCTS RAISED OR PRODUCED ON FARMS INTENDED
5 FOR ON FARM OR HUMAN CONSUMPTION AND THE PROCESSED OR
6 MANUFACTURED PRODUCTS OF SUCH PRODUCTS INTENDED FOR HUMAN
7 CONSUMPTION.

8 "ELIGIBLE PRODUCER." A PRODUCER WHO HAS APPLIED FOR AND HAS
9 RECEIVED FEDERAL CROP INSURANCE FOR THE CROP YEAR FOR WHICH CROP
10 INSURANCE FINANCIAL ASSISTANCE IS SOUGHT.

11 "PRODUCER." ANY PERSON ENGAGED WITHIN THIS COMMONWEALTH IN
12 THE BUSINESS OF PRODUCING AN AGRICULTURAL COMMODITY OR CAUSING
13 AGRICULTURAL COMMODITIES TO BE PRODUCED.

14 § 4704. ESTABLISHMENT OF PROGRAM.

15 THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO EDUCATE PRODUCERS
16 ON THE BENEFITS OF FEDERAL CROP INSURANCE AND RISK MANAGEMENT
17 PRACTICES. THE PROGRAM SHALL PROMOTE THE PURCHASE OF FEDERAL
18 CROP INSURANCE AND MAY PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE
19 PRODUCERS TO PARTIALLY OFFSET FEDERAL CROP INSURANCE PREMIUMS.
20 THE PROVISION OF FINANCIAL ASSISTANCE SHALL BE SUBJECT TO THE
21 AVAILABILITY OF FUNDING.

22 § 4705. POWERS AND DUTIES OF DEPARTMENT.

23 (A) ADMINISTRATION OF CHAPTER.--SUBJECT TO THE CONDITIONS
24 CONTAINED IN THIS CHAPTER, THE DEPARTMENT SHALL ADMINISTER THIS
25 CHAPTER AND SHALL EXERCISE ALL ADMINISTRATIVE POWERS NECESSARY
26 TO EFFECTUATE THE PURPOSES OF THIS CHAPTER, INCLUDING, BUT NOT
27 LIMITED TO, DRAFTING AND ENTERING INTO AGREEMENTS NECESSARY TO
28 IMPLEMENT THIS CHAPTER, ESTABLISHING ELIGIBILITY CRITERIA FOR
29 CROP INSURANCE FINANCIAL ASSISTANCE, AND DEVELOPING AN
30 APPLICATION AND APPLICATION PROCEDURE FOR CROP INSURANCE

1 FINANCIAL ASSISTANCE INCLUDING TIME FRAMES FOR THE SUBMISSION,
2 REVIEW AND APPROVAL OF APPLICATIONS.

3 (B) DRAFTING AND ENTERING AGREEMENTS.--THE DEPARTMENT IS
4 AUTHORIZED TO DRAFT AND ENTER INTO AGREEMENTS WITH FEDERAL
5 AGENCIES, OTHER COMMONWEALTH AGENCIES AND PRIVATE ENTITIES AS
6 NECESSARY TO IMPLEMENT THIS CHAPTER.

7 (C) REGULATIONS.--THE DEPARTMENT IS AUTHORIZED TO PROMULGATE
8 ANY REGULATIONS THAT MAY BE NECESSARY TO IMPLEMENT THIS CHAPTER.

9 § 4706. CROP INSURANCE FINANCIAL ASSISTANCE.

10 THE DEPARTMENT MAY PROVIDE CROP INSURANCE FINANCIAL
11 ASSISTANCE TO ELIGIBLE PRODUCERS FOR FEDERAL CROP INSURANCE IN
12 AN AMOUNT UP TO 10% OF THE COST OF THE INSURANCE PREMIUMS IN
13 YEARS IN WHICH FUNDS ARE APPROPRIATED OR MADE AVAILABLE TO THE
14 DEPARTMENT. IF SUFFICIENT FUNDS ARE NOT AVAILABLE TO PROVIDE FOR
15 UP TO 10% OF THE COST OF THE INSURANCE PREMIUMS, THE DEPARTMENT
16 SHALL PRORATE THE AVAILABLE FUNDS AMONG ALL THE PRODUCERS OF
17 AGRICULTURAL COMMODITIES WHO APPLIED FOR AND RECEIVED FEDERAL
18 CROP INSURANCE FOR THAT CROP YEAR.

19 § 4707. FUNDING.

20 (A) USE OF SPECIFIC APPROPRIATIONS, CONTRIBUTIONS AND OTHER
21 PAYMENTS.--THE DEPARTMENT IS AUTHORIZED TO USE FUNDS
22 SPECIFICALLY APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE
23 PURPOSES OF THIS CHAPTER AND ANY FUNDS, CONTRIBUTIONS OR
24 PAYMENTS WHICH MAY BE MADE AVAILABLE TO THE DEPARTMENT BY
25 ANOTHER STATE AGENCY, THE FEDERAL GOVERNMENT OR ANY PUBLIC OR
26 PRIVATE SOURCE FOR THE PURPOSE OF IMPLEMENTING THIS CHAPTER.

27 (B) CONTINUING APPROPRIATIONS.--MONEYS APPROPRIATED BY THE
28 GENERAL ASSEMBLY, AFTER THE EFFECTIVE DATE OF THIS SECTION, FOR
29 THE PURPOSES OF THIS CHAPTER, SHALL BE TWO-YEAR CONTINUING
30 APPROPRIATIONS AND SHALL LAPSE AT THE CLOSE OF THE FISCAL YEAR

1 NEXT SUCCEEDING THE FISCAL YEAR IN WHICH THE MONEYS WERE
2 APPROPRIATED.

3 § 4708. REPORT.

4 THE DEPARTMENT SHALL SUBMIT ANNUALLY TO THE CHAIRMAN AND
5 MINORITY CHAIRMAN OF THE AGRICULTURE AND RURAL AFFAIRS COMMITTEE
6 OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
7 AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE HOUSE OF
8 REPRESENTATIVES A REPORT THAT PROVIDES DETAILS OF THE
9 DEPARTMENT'S EXPENDITURES, INCLUDING ADMINISTRATIVE
10 EXPENDITURES, UNDER THIS CHAPTER.

11 SECTION 1.1. SECTION 6725 OF TITLE 3 IS AMENDED TO READ:

12 § 6725. Disposition of funds.

13 Moneys received from license fees, registration fees,
14 inspection fees, fines and penalties shall be paid into a
15 special restricted account in the General Fund to be known as
16 the Agronomic Regulatory Account. All moneys in the Agronomic
17 Regulatory Account are hereby appropriated to the department for
18 the purposes of this chapter and [Chapter] Chapters 69 (relating
19 to soil and plant amendment) and 71 (relating to seed).

20 Section 2. Title 3 is amended by adding a chapter to read:

21 CHAPTER 71

22 SEED

23 Sec.

24 7101. Short title of chapter.

25 7102. Definitions.

26 7103. Licensing.

27 7104. Labels and labeling.

28 7105. Unlawful seed sales.

29 7106. Other unlawful acts.

30 7107. Nonseeding and conditioning seed.

1 7108. Certification and inspection of crops.
2 7109. Fees.
3 7110. Prohibited use of the term "certified."
4 7111. Powers and duties of secretary and department.
5 7112. Refusal, suspension or revocation of license.
6 7113. Stop-sale orders.
7 7114. Seizure and condemnation.
8 7115. Appeal process.
9 7116. Cooperation with other entities.
10 7117. Rules and regulations.
11 7118. Unlawful conduct.
12 7119. Interference with officer or employee of department.
13 7120. Delegation of duties; exclusion of local laws and
14 regulations.
15 7121. Enforcement and penalties.
16 7122. Disposition of funds.

17 § 7101. Short title of chapter.

18 This chapter shall be known and may be cited as the Seed Act.

19 § 7102. Definitions.

20 The following words and phrases when used in this chapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Advertisement." All representations other than those on the
24 label, disseminated in any manner or by any means, relating to
25 seed within the scope of this chapter.

26 "Agent," "inspector" or "deputy." Any person duly authorized
27 or appointed by the Secretary of Agriculture to act as the
28 representative of the Department of Agriculture in carrying out
29 any of the provisions of this chapter.

30 "Agricultural seeds." The term includes the seeds of grass,

1 forage, cereal, oil and fiber crops and any other kinds of seeds
2 commonly recognized within this Commonwealth as agricultural
3 seeds and mixtures of such seeds.

4 "Blend." Seed consisting of more than one variety of a kind,
5 each in excess of 5% by weight of the whole.

6 "Certified seed." Any seed, including seed potatoes,
7 agricultural, vegetable and such other seeds and plants, which
8 have been inspected and tested during their period of growth and
9 conditioning by a recognized seed-certifying agency and found to
10 conform to the requirements of the laws and regulations
11 governing seed certification in this Commonwealth or any other
12 state.

13 "Certifying agency."

14 (1) An agency authorized under the laws of a state,
15 territory or possession to officially certify seed; or

16 (2) an agency of a foreign country determined by the
17 United States Secretary of Agriculture to adhere to
18 procedures and standards for seed certification comparable to
19 those adhered to generally by seed-certifying agencies under
20 paragraph (1).

21 "Complete record." Any and all records and required labeling
22 information which relates to each lot of seed, including
23 agricultural, vegetable, flower, tree or shrub seed, sold,
24 distributed or stored in this Commonwealth. Such information
25 includes seed samples and records of declarations, labels,
26 purchases, sales, conditioning, bulking, treatment, handling,
27 storage, analyses, tests and examinations.

28 "Conditioning." The processing, cleaning, blending or other
29 operations which would change the purity or germination of the
30 seeds.

1 "Department." The Department of Agriculture of the
2 Commonwealth.

3 "Distribution." The importing, consigning, offering for
4 sale, selling, bartering or otherwise supplying seed in this
5 Commonwealth.

6 "Distributor." The person whose name appears on the label of
7 seed.

8 "Flower seeds." The term includes seeds of herbaceous plants
9 grown for their blooms, ornamental foliage or other ornamental
10 parts and commonly known and sold under the name of flower or
11 wildflower seeds in this Commonwealth.

12 "Germination" or "germ." The emergence and development from
13 the seed embryo of those essential structures which, for the
14 kind of seed in question, are indicative of the ability to
15 produce a normal plant under favorable conditions.

16 "Hard seeds." Seeds which remain hard at the end of the
17 prescribed test period because they have not absorbed water due
18 to an impermeable seed coat.

19 "Hybrid." The first generation seed of a cross produced by
20 controlling the pollination and by combining two or more inbred
21 lines, one inbred or a single cross with an open-pollinated
22 variety or two varieties or species, except open-pollinated
23 varieties of corn. The second generation and subsequent
24 generations from such crosses shall not be regarded as hybrids.
25 Hybrid designations shall be treated as variety names. The term
26 "cross" means the union of two varieties of the same species.
27 The term "inbred line" means a relatively homozygous line
28 produced by inbreeding and selection.

29 "Inert matter." All matter not seed, which includes broken
30 seeds, sterile florets, chaff, fungus bodies and stones as

1 determined by methods defined by rule.

2 "Kind." One or more related species or subspecies which
3 singly or collectively is known by one common name, for example,
4 corn, oats, alfalfa and timothy.

5 "Label." The display of all written, printed or graphic
6 matter upon the immediate container or a statement accompanying
7 the seed.

8 "Labeling." All written, printed or graphic matter upon or
9 accompanying any seed or advertisements, brochures, posters or
10 electronic media used in promoting the distribution of seed.

11 "Lot." A definite quantity of seed identified by a lot
12 number or mark, every portion or bag of which is uniform for the
13 factors which appear in the labeling within permitted
14 tolerances.

15 "Mixture," "mixed" or "mix." Seeds consisting of more than
16 one kind when each is present in excess of 5% of the whole.

17 "Mulch." A protective covering of any suitable substance
18 placed with seed which acts to retain sufficient moisture to
19 support seed germination and sustain early seedling growth and
20 aid in the prevention of the evaporation of soil moisture, the
21 control of weeds and the prevention of erosion.

22 "Other crop seed." Seed of plants grown as crops, other than
23 the kind or variety included in the pure seed, as determined by
24 methods defined by rule.

25 "Person." An individual, partnership, association, firm,
26 corporation or any other legal entity.

27 "Prohibited noxious weed seeds." The seeds of perennial
28 weeds that reproduce by seed and also those that spread by
29 underground roots, stems and other reproductive parts and which,
30 when well established, are highly destructive and difficult to

1 control in this Commonwealth by ordinary good cultural practice.

2 "Pure seed." Seed exclusive of inert matter and all other
3 seeds not of the seed being considered as determined by methods
4 established by regulation.

5 "Record." The term includes all information relating to the
6 shipment or shipments involved and includes a file sample of
7 each lot of seed.

8 "Relabeling sticker." An adhesive sticker printed with the
9 germination test date, lot number matching the lot number on the
10 original label and a sell by date, if required.

11 "Restricted noxious weed seeds." The seeds of such weeds as
12 are very objectionable in fields, lawns and gardens of this
13 Commonwealth, but can be controlled by good cultural practices.

14 "Secretary." The Secretary of Agriculture of the
15 Commonwealth or the secretary's designee.

16 "Seed potatoes." The tubers of the Irish potato, which are
17 grown and intended to be used as seed.

18 "Stop-sale." The term includes any written or printed
19 notices given or issued by the Secretary of Agriculture or his
20 agent to the owner or custodian of any lot of seeds in this
21 Commonwealth directing such owner or custodian not to sell,
22 offer or expose for sale or move such seeds within or out of
23 this Commonwealth until the requirements of this chapter, and
24 the regulations promulgated under authority of this chapter,
25 shall have been complied with and a written release has been
26 issued.

27 "Tolerance." A permitted variation from the seed analysis
28 stated on the label.

29 "Treated." Seed that has received an application of a
30 substance, or seed that has been subjected to a process, for

1 which a claim is made.

2 "Tree and shrub seeds." The term includes seeds of woody
3 plants commonly known and sold as tree or shrub seeds in this
4 Commonwealth.

5 "Type." A group of varieties so nearly similar that the
6 individual varieties cannot be clearly differentiated except
7 under special conditions.

8 "Undesirable grass seeds." Seeds of grass species declared
9 to be restricted noxious weed seed when found in lawn and turf
10 seed and mixtures and blends thereof.

11 "Variety." A subdivision of a kind characterized by growth,
12 yield, plant, fruit, seed or other characteristics by which it
13 can be differentiated from other plants of the same kind.

14 "Vegetable seeds." The term includes the seeds of those
15 crops which are grown in gardens or on truck farms and are
16 generally known and sold under the name of vegetable or herb
17 seeds in this Commonwealth.

18 "Vegetatively propagated." Sod pieces or the stolons or
19 rhizomes of the creeping bent grass species (*Agrostis*
20 *palustris*), or prenuclear seed potatoes, or tree or shrub plant
21 parts intended for vegetative reproduction, or whole plants
22 propagated vegetatively or grown from certified seed, or other
23 crop species as may be designated by the Secretary of
24 Agriculture.

25 "Weed seeds." The term includes the seeds of all plants
26 generally recognized as weeds within this Commonwealth and
27 includes the prohibited and restricted noxious weed seeds.

28 § 7103. Licensing.

29 (a) General rule.--Every person functioning as a distributor
30 of seed in this Commonwealth shall, on or before January 1 of

1 each year or prior to distribution, apply for and obtain an
2 annual license for each legal entity. Each distributor shall
3 complete a form furnished by the department and pay a \$25
4 application fee. All licenses shall expire on December 31 of
5 each year.

6 (b) Labeling.--The department may require an applicant for a
7 license or a current licensee to submit the labeling that the
8 person is using or intends to use for the seed.

9 § 7104. Labels and labeling.

10 (a) General rule.--It shall be unlawful to sell, offer for
11 sale, expose for sale or transport any seed subject to the
12 provisions of this chapter for seeding purposes in bulk,
13 packages or containers unless the package or container in which
14 the same shall be exposed or offered for sale or transported
15 shall have attached thereto, in a conspicuous place on the
16 exterior thereof, a tag or label on which shall be plainly and
17 legibly written or printed in English the following information
18 relating to the seed:

19 (1) The name and address of the distributor who labeled
20 the seed.

21 (2) A treatment statement as prescribed by the secretary
22 in the regulations.

23 (3) The calendar month and year the germination test was
24 completed. Unless otherwise stated in this section or section
25 7105 (relating to unlawful seed sales), the test to determine
26 germination shall have been completed within a nine-month
27 period exclusive of the calendar month in which the test was
28 completed.

29 (b) Specific types of seed.--In addition to the information
30 required in subsection (a), specific types of seeds shall be

1 labeled with the following information:

2 (1) For agricultural seeds, except for cool season lawn
3 and turf grass seed and mixtures and blends thereof as
4 provided in paragraph (2):

5 (i) Commonly accepted name of kind or kind and
6 variety of each agricultural seed component in excess of
7 5% of the whole, and the percentage by weight of each in
8 the order of its predominance or as the secretary may
9 direct. Where more than one component is required to be
10 named, the word "mixture," "mix," "mixed" or "blend"
11 shall be shown conspicuously on the label.

12 (ii) Lot number.

13 (iii) Country and state of origin of certified seed
14 and agency responsible for its certification.

15 (iv) Country and state of origin of alfalfa, bird's-
16 foot trefoil, red and white clovers and field corn,
17 except hybrid corn. If the origin is unknown, that fact
18 shall be so stated.

19 (v) Percentage by weight of all weed seeds.

20 (vi) The name and number of restricted noxious weed
21 seeds or number of bulblets per pound.

22 (vii) Percentage by weight of agricultural seeds,
23 other than those required to be named on the label, which
24 may be designated as crop seeds.

25 (viii) Percentage by weight of inert matter.

26 (ix) For each named agricultural seed:

27 (A) The percentage of germination, exclusive of
28 hard seed.

29 (B) The percentage of hard seed, if present.

30 (C) The calendar month and year the test was

completed to determine such percentages.

The additional statement "total germination and hard seeds" may be stated after the foregoing, if desired.

(2) For cool season lawn and turf grasses, including Kentucky bluegrass, red fescue, Chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, creeping bent grass, colonial bent grass and mixtures and blends thereof:

(i) For single kinds, the name of the kind or kind and variety.

(ii) For mixtures and/or blends:

(A) The word "mix," "mixed," "mixture" or "blend" shall be stated with the name of the mixture or blend.

(B) The heading "pure seed" and "germination" or "germ" shall be used in proper places.

(C) Commonly accepted name of kind or kind and variety of each agricultural seed component in excess of 5% of the whole, and the percentage by weight of pure seed in order of predominance and in columnar form.

(D) Percentage by weight of agricultural seed other than those required to be named on the label, which shall be designated as crop seed.

(E) The percentage by weight of inert matter for lawn and turf grass not to exceed 10%, except that 15% inert matter is permitted in Kentucky bluegrass labeled without a variety name. Foreign material other than material used for coating, pelleting as in paragraph (7), combination products as in paragraph

(6) to enhance the planting value, not common to grass seed, may not be added.

(F) Percentage by weight of all weed seeds. Maximum weed seed content not to exceed 1% by weight.

(G) Restricted noxious weed seed and undesirable grass seed that are required to be labeled will be listed under the heading "noxious weed seeds" or "undesirable grass seeds." Restricted noxious weed seeds may not exceed the standard established by regulation. Undesirable grass seeds may not exceed 0.50% of the labeled weight.

(H) For each seed identified under subparagraph (i) or this clause:

(I) Percentage of germination, exclusive of hard seed.

(II) Percentage of hard seed, if present.

(III) Calendar month and year the test was completed to determine such percentages. The oldest test date shall be used.

(IV) The statement "Sell by " which may be no more than 15 months from the date of test, exclusive of the month of test.

(3) For tree and shrub seeds:

(i) Common name of the kind of seed.

(ii) The scientific name of the genus and species to which the kind belongs and, for those kinds which belong to subspecies, the name of the subspecies.

(iii) Lot number.

(iv) The specific locality (state and county in the United States or nearest equivalent political unit in the

case of foreign countries) in which seed was collected.

(v) The elevation for forest tree seeds to the nearest 500 feet above sea level at which the seed was collected.

(vi) The calendar year in which the seed was collected.

(vii) For those kinds of seed for which standard testing procedures are prescribed:

(A) Percentage by weight of pure seed.

(B) Percentage germination exclusive of hard seed.

(C) Percentage hard seed, if present.

(D) Calendar month and year the test was completed to determine such percentage.

(4) For vegetable seeds:

(i) Name of kind and variety of seed.

(ii) Lot number, which shall be on each container.

(iii) Name and number per pound of restricted noxious weed seeds present.

(iv) For seeds which germinate less than the standard last established by the secretary under this chapter:

(A) Percentage of germination, exclusive of hard seed.

(B) Percentage of hard seed, if present.

(C) The calendar month and year the test was completed to determine such percentages.

(D) The words "below standard" in not less than eight-point type.

(v) Percentage of germination:

1 (A) In containers of one pound or less, the
2 calendar month and year the germination test was
3 completed and the statement "Sell by _____,"
4 which may be no more than 12 months from the date of
5 test, exclusive of the month of test, or the
6 percentage of germination and the calendar month and
7 year the test was completed to determine such
8 percentage provided that the germination test must
9 have been completed within 12 months, exclusive of
10 the month of test.

11 (B) In containers of more than one pound:

12 (I) The percentage of germination, exclusive
13 of hard seed.

14 (II) The percentage of hard seed, if
15 present.

16 (III) The calendar month and year the test
17 was completed to determine such percentages.

18 (vi) For seeds placed in germination medium, mat,
19 tape or other device in such a way to make it difficult
20 to determine the quantity of seed without removing the
21 seed from the medium, mat, tape or other device, a
22 statement to indicate the minimum number of seeds in the
23 container.

24 (5) For flower seeds:

25 (i) The name of the kind and variety or a statement
26 of type and performance characteristic as prescribed by
27 the secretary in the regulations.

28 (ii) Lot number, which shall be on each container.

29 (iii) For seeds of those kinds for which standard
30 testing procedures are prescribed and which germinate

1 less than the standard last established by the secretary
2 under this chapter:

3 (A) Percentage of germination exclusive of hard
4 seed.

5 (B) Percentage of hard seed, if present.

6 (C) The words "below standard" in not less than
7 eight-point type.

8 (D) Calendar month and year the test was
9 completed to determine such percentage.

10 (iv) For flower seeds in packets as prepared for use
11 in home flower gardens or household plantings or flower
12 seeds in preplanted containers, mats, tapes or other
13 planting devices:

14 (A) The calendar month and year the germination
15 test was completed and the statement "Sell by
16 , " which may be no more than 12 months
17 from the date of test, exclusive of the month of
18 test, or the percentage germination and the calendar
19 month and year the test was completed to determine
20 such percentage provided that the germination test
21 must have been completed within 12 months, exclusive
22 of the month of test.

23 (B) For seeds placed in a germination medium,
24 mat, tape or other device in such a way as to make it
25 difficult to determine the quantity of seed without
26 removing the seeds, a statement to indicate the
27 minimum number of seeds in the container.

28 (v) For those kinds of seeds for which standard
29 testing procedures are prescribed and weighing more than
30 one ounce in containers other than packets prepared for

1 use in home flower gardens or household plantings and
2 other than preplanted containers, mats, tapes or other
3 planting devices:

4 (A) The percentage of germination, exclusive of
5 hard seed.

6 (B) The percentage of hard seed, if present.

7 (C) The calendar month and year the test was
8 completed to determine such percentage.

9 (6) For agricultural, lawn or turf seeds combined with
10 mulch, with or without fertilizer, in addition to the other
11 label requirements for agricultural, lawn and turf seeds set
12 forth in this section:

13 (i) The word "combination" followed by the
14 applicable words "mulch-seed-fertilizer" or "mulch-seed"
15 must appear on the upper 30% of the principal display
16 panel. The word "combination" must be the largest and
17 most conspicuous type on the container, equal to or
18 larger than the product name. The words "mulch-seed-
19 fertilizer" or "mulch-seed" shall be no smaller than one-
20 half the size of the word "combination" and in close
21 proximity to the word "combination."

22 (ii) Combination products shall contain a minimum of
23 70% mulch.

24 (iii) Agricultural, lawn or turf seeds placed in a
25 germination medium, mat, tape or other device or mixed
26 with mulch shall be labeled as follows:

27 (A) Percentage by weight of pure seed of each
28 kind and variety named which may be less than 5% of
29 the whole.

30 (B) Percentage by weight of inert matter, which

1 shall not be less than 70% mulch.

2 (7) For agricultural seeds that are coated, in addition
3 to the other label requirements for agricultural seeds set
4 forth in this section:

5 (i) Percentage by weight of pure seeds with coating
6 material removed.

7 (ii) Percentage by weight of coating material.

8 (iii) Percentage by weight of inert material
9 exclusive of coating material.

10 (iv) Percentage of germination is to be determined on
11 400 pellets with or without seeds.

12 (c) Construction of section.--The provisions of this section
13 shall not be construed to prohibit the sale in smaller units by
14 a retailer to the ultimate user when such sales are made from
15 packages or containers bearing the information required by this
16 section.

17 § 7105. Unlawful seed sales.

18 It shall be unlawful for any person to sell, offer for sale
19 or expose for sale in this Commonwealth any seed subject to the
20 provisions of this chapter when:

21 (1) The distributor whose name appears on the label is
22 not duly licensed under the provisions of this chapter.

23 (2) The test to determine the percentage of germination
24 has not been completed within the time frames established by
25 section 7104 (relating to labels and labeling), exclusive of
26 the calendar month in which the test was completed,
27 immediately prior to sale, exposure for sale or offering for
28 sale or transportation. Except as otherwise stipulated in
29 section 7104 and for seed in hermetically sealed containers
30 as provided for in the regulations, no more than a 36-month

1 period shall have elapsed, exclusive of the calendar month in
2 which the test was completed.

3 (3) The seed contains prohibited noxious weed seeds.

4 (4) The seed contains restricted noxious weed seeds in
5 excess of established maximum.

6 (5) The seed contains weed seeds, collectively in excess
7 of one percent by weight.

8 (6) Not labeled in accordance with the provisions of
9 this chapter or having false or misleading labeling.

10 (7) False or misleading advertisement has been used.

11 (8) Any label, labeling, advertising or other
12 representations subject to this chapter represents the seed
13 to be certified or registered seed and:

14 (i) it has not been determined by a seed-certifying
15 agency that such seed was produced, processed and
16 packaged and conforms to standards, in compliance with
17 rules and regulations of such agency, pertaining to such
18 seed; and

19 (ii) the seed does not bear an official label issued
20 for such seed by a seed-certifying agency stating that
21 the seed is certified or registered.

22 (9) Labeled with a variety name but not certified by an
23 official seed-certifying agency when it is a variety for
24 which an application for certificate or a United States
25 certificate of plant variety protection under the Plant
26 Variety Protection Act (Public Law 91-577, 7 U.S.C. § 2321 et
27 seq.) specifies sale only as a class of certified seed,
28 provided that seed from a certified lot may be labeled as to
29 variety name when used in a mixture by or with approval of
30 the owner of the variety.

1 § 7106. Other unlawful acts.

2 It shall be unlawful for any person selling, offering or
3 exposing seed for sale within this Commonwealth to:

4 (1) Detach, alter, deface or destroy any label provided
5 for in this chapter or in the rules and regulations made and
6 promulgated thereunder or to alter or substitute seed in a
7 manner that may defeat the purposes of this chapter or
8 conflict with the label.

9 (2) Disseminate any false or misleading advertisement or
10 labeling concerning any seed subject to the provisions of
11 this chapter in any manner or by any means.

12 (3) Hinder or obstruct in any way any authorized person
13 in the performance of his duties under this chapter.

14 (4) Fail to comply with a stop-sale order.

15 (5) Offer or expose for sale any seed labeled with a
16 test date (month and year) that does not agree with the
17 actual date the test was performed.

18 (6) Use relabeling stickers without having both the
19 calendar month and year the germination test was completed,
20 the sell-by date as stated in section 7104 (relating to
21 labels and labeling) and the lot number that matches the
22 existing, original lot number. Relabeling of a seed lot using
23 stickers may not occur more than once.

24 (7) Fail to comply with or to cause or assist in the
25 violation of any order or any of the provisions of this
26 chapter or the rules and regulations adopted under this
27 chapter.

28 § 7107. Nonseeding and conditioning seed.

29 The provisions of section 7104 (relating to labels and
30 labeling) shall not apply to potatoes or grain not intended for

1 seeding purposes or to seed in storage in or being transported
2 or consigned to a seed cleaning or conditioning establishment
3 for cleaning or conditioning if:

4 (1) the invoice or labeling accompanying any shipment of
5 the seed bears the statement "seed for conditioning"; and

6 (2) any labeling, advertisement or other representation
7 which may be made with respect to such unclean or unprocessed
8 seed complies with the provisions of this chapter.

9 § 7108. Certification and inspection of crops.

10 Any grower of potatoes, agricultural, vegetable, tree and
11 shrub seeds or plants vegetatively propagated and located in
12 this Commonwealth may make application to the department for
13 inspection and certification of his crop for seed or propagation
14 purposes, under such rules and regulations as the department may
15 issue. The department or its authorized agents shall issue such
16 certificates of inspection and designate or provide such
17 official tags for marking containers of "certified seed" or
18 "certified planting material" and establish such standards of
19 grade and quality as are necessary to safeguard the privileges
20 and services provided for in this chapter.

21 § 7109. Fees.

22 (a) Inspections and tests.--The department shall have
23 authority to fix, adjust, assess and collect, or cause to be
24 collected, fees for the certification inspection service and
25 requested seed tests authorized by this chapter. Such fees shall
26 be large enough to meet the reasonable expenses incurred by the
27 department or its agents in making such inspections as may be
28 necessary for seed certification and conducting requested tests.

29 (b) Service samples.--

30 (1) The testing fee may be required to accompany the

sample.

(2) Fees shall be paid by check or money order made payable to the Commonwealth of Pennsylvania.

(3) There shall be a \$5 late fee assessed for every month that the testing fee is past due.

(4) A Pennsylvania Noxious Weed Seed Examination shall be included with all purity analyses.

(5) Service sample fees.

Purity Analysis			
(including		Combined	
Pennsylvania		Purity	
State Noxious		Analysis and	
Weed Seed		Germination	Germination
Kind of Seed	Examination)	Test	Test
Alfalfa	\$7.00	\$5.50	\$12.00
Barley	7.00	5.50	12.00
Beans, garden	6.00	6.50	12.00
Beans, Lima	6.00	7.50	13.00
Bent grass	14.00	8.00	21.50
Bluestems	26.00	8.00	33.50
Bird's-foot			
trefoil	7.00	5.50	12.00
Bluegrass	15.00	8.00	22.50
Bromegrass	10.00	7.50	17.00
Buckwheat	7.00	5.50	12.00
Clovers	7.00	5.50	12.00
Corn	5.00	6.50	11.00
Crown vetch	8.00	6.50	14.00
Deer's-tongue			
grass	10.00	7.50	17.00

1	Fescues	10.00	7.50	17.00
2	Flat pea	6.00	7.50	13.00
3	Milletts	8.50	6.50	14.50
4	Oats (including			
5	fluorescence			
6	test)	8.00	5.50	13.00
7	Orchard grass	12.00	7.00	18.50
8	Peas	5.00	6.50	11.00
9	Redtop	14.00	8.00	21.50
10	Reed			
11	Canary grass	9.00	6.50	15.00
12	Rye	7.00	5.50	12.00
13	Ryegrass	9.00	6.00	14.50
14	Ryegrass (including			
15	fluorescence			
16	test)	9.00	10.50	19.00
17	Sorghums	8.00	6.50	14.00
18	Soybeans	6.00	7.50	13.00
19	Sudan grass	8.00	6.50	14.00
20	Timothy	7.00	5.50	12.00
21	Tobacco	8.00	6.50	14.00
22	Vetch	8.00	6.50	14.00
23	Wheat	7.00	5.50	12.00
24	Flowers	8.00	6.50	14.00
25	Vegetables			
26	and herbs,			
27	except beans,			
28	corn and peas	8.00	5.50	13.00
29	Tree, forb and			
30	shrub:			

1	without embryo			
2	excision	8.00	9.00	16.50
3	with embryo			
4	excision	8.00	20.00	27.00
5	with embryo			
6	excision and			
7	removal of pits	8.00	22.00	29.00
8	Mixtures:			
9	Lawn and			
10	turf:			
11	Two components	22.00	16.00	36.00
12	Each			
13	additional			
14	component	8.00	8.00	15.00
15	Germination only		8.00 extra	
16	Pasture, hay and			
17	conservation:			
18	Two components	12.00	14.00	25.00
19	Each additional			
20	component	5.00	7.00	11.00
21	Germination only		6.00 extra	
22	Miscellaneous			
23	charges:			
24	Interstate			
25	noxious weed			
26	examinations:			
27	Lawn and turf			
28	with purity		6.00 extra	
29	Lawn and turf			
30	without purity		20.00	

1	All others,	
2	with purity	5.00 extra
3	Pennsylvania	
4	noxious weed	
5	seed examination:	
6	Lawn and turf	
7	grasses and	
8	mixtures	15.00
9	All others	4.00
10	Cold test	10.00
11	Canada standards	
12	test	10.00
13	Identification	5.00
14	Embryo excision	
15	test	15.00
16	Rush	10.00
17	Extra laboratory	
18	report	2.00
19	Tests not listed,	
20	special	
21	procedures,	20.00
22	extra time, etc.	per hour

23 (c) Seed Certification.--

24 (1) The department will provide annually a schedule
 25 listing application, inspection, tag and label fees.

26 (2) An applicant shall include the appropriate
 27 application fee payment for each crop. Fees shall be paid by
 28 check or money order made payable to the Commonwealth of
 29 Pennsylvania. Fees are nonrefundable.

30 (3) The field inspection fee is based on the total acres

inspected or, in the case of grass and legumes, the pounds of clean seed produced. An invoice stating the amount of the fee will be sent to the applicant.

(4) Acreage or plants withdrawn by the applicant prior to the actual inspection may not be included, except as provided for in regulation.

(5) Application and inspection fees.

Crop	Application Fee	Inspection Fee
Potatoes (other than prenuclear seed potatoes)	\$25.00	\$10 per acre
Prenuclear seed potatoes (greenhouse)	25.00	15¢ per sq. ft., assessed once per crop
Prenuclear seed potatoes (laboratory)	25.00	\$50 assessed annually
Tobacco	25.00	\$50 (minimum)
Winter barley, wheat, rye	25.00	\$3 per acre
Hybrid field corn	25.00	\$7 per acre
Spring barley, oats	25.00	\$3 per acre
Soybean	25.00	\$3 per acre
Grass, legume	25.00	4¢ per pound production fee; any field inspection \$3 per acre
Turfgrass sod	25.00	\$4 per acre (preplant inspection) \$7 per acre

1		(final inspection)
2		Fees based on the
3	Trees	25.00 actual
4		administrative costs
5		incurred by
6		the department

7 (6) Tag and label fees.

8		Tag	Label
9	Pennsylvania certified seed	10¢	10¢
10	Interagency certified seed	15¢	15¢
11	Pennsylvania certified sod		20¢
12	Pennsylvania certified seed potatoes	10¢	

13 (7) There is a \$25 per lot fee for each official
14 interagency sample received.

15 (8) The shipping inspection fee for potatoes is \$30 per
16 inspection.

17 (d) Adjustment of fee.--If the secretary determines
18 following notice to the licensees that moneys derived from the
19 registration and inspection fees are either greater or less than
20 that required to administer this chapter, the secretary may
21 reduce or increase the inspection fee so as to maintain revenues
22 sufficient to administer this chapter.

23 (e) Notice.--The secretary shall announce the adjustment of
24 fees by publishing a notice in the Pennsylvania Bulletin. The
25 adjusted fees shall take effect 60 days after publication of
26 such notice in the Pennsylvania Bulletin.

27 § 7110. Prohibited use of the term "certified."

28 It shall be a violation of this chapter to use the term
29 "certified," or any form or modification of this term which
30 tends to convey to the purchaser of such seed or planting

1 material for vegetative propagation that the same has been
2 certified as defined in section 7102 (relating to definitions),
3 on labels, labeling or containers, either orally or in writing,
4 or in advertising material intended to promote the sale of seed
5 potatoes or agricultural or vegetable seeds or planting material
6 for vegetative propagation or tree and shrub seed or on labels
7 or containers, unless these have been inspected and certified
8 under the provisions of this chapter.

9 § 7111. Powers and duties of secretary and department.

10 (a) General rule.--The department is hereby authorized and
11 empowered to enforce all the provisions of this chapter and
12 shall have power to prescribe, modify and enforce such
13 reasonable rules, regulations, standards, tolerances and orders
14 as in the judgment of the secretary shall be necessary to carry
15 out the provisions of this chapter.

16 (b) Powers and duties of department.--The department, in
17 carrying out the provisions of this chapter, shall have the
18 authority to:

19 (1) Enter upon any public or private premises or
20 carriers during regular business hours in order to have
21 access to seed subject to provisions of this chapter and the
22 records relating to this chapter.

23 (2) Sample, inspect, make analysis of and test seeds
24 subject to the provisions of this chapter that are
25 transported, sold, offered or exposed for sale within this
26 Commonwealth, at such time and place and to such extent as
27 may be deemed necessary to determine whether the seeds are in
28 compliance with the provisions of this chapter.

29 (3) Issue and enforce a written or printed stop-sale
30 order to the distributor, owner or custodian of any lot of

1 seed which may be found in violation of any of the provisions
2 of this chapter in order to prohibit further sale of such
3 seed until the department has determined this chapter has
4 been complied with. With respect to seeds which have been
5 subject to a stop-sale order as provided in this paragraph,
6 the distributor, owner or custodian of such seeds shall have
7 the right to appeal as provided for in section 7115 (relating
8 to appeal process).

9 (4) Upon request by the distributor, owner or custodian
10 of seeds held under a stop-sale order, issue a written permit
11 for the sale of such seeds for feed or for the purpose of
12 conditioning.

13 (5) Establish and maintain seed testing facilities, to
14 employ qualified persons and to incur such expenses as may be
15 necessary to carry out the provisions of this chapter.

16 (6) Make purity and germination tests of seeds and other
17 tests of seeds on request and to prescribe rules and
18 regulations governing such testing.

19 (7) Require that each person whose name appears on the
20 label or labeling of seeds subject to the provisions of this
21 chapter to keep for a period of two years complete records of
22 each lot of seed handled and to keep for one year a file
23 sample of each lot of seed after final disposition of each
24 lot. All such records and samples pertaining to the shipment
25 or shipments involved shall be accessible for inspection by
26 the secretary or his agent during regular business hours.

27 (8) Publish in bulletins or reports any and all
28 information obtained from tests or analyses made under the
29 provisions of this chapter, which the secretary may deem
30 proper for publication in the interest of the public,

1 including the names and addresses of any person who has sold,
2 offered for sale or exposed for sale any seeds subject to the
3 provisions of this chapter so tested or analyzed. The
4 secretary shall not publish the name or address of any
5 citizen who shall have submitted samples of seeds for test or
6 analysis, but who has not sold, offered for sale or exposed
7 for sale any such seeds.

8 (9) Establish by regulation lists of prohibited noxious
9 weed seeds, restricted noxious weed seeds and undesirable
10 grass seeds. By regulation, seeds of any plants may be added
11 to or subtracted from these lists.

12 (c) Delegation.--The department may delegate any powers and
13 duties under this chapter to any employee, agent or inspector.

14 § 7112. Refusal, suspension or revocation of license.

15 The department may refuse, suspend or revoke the license of
16 any person where the licensee has not complied with the
17 provisions of this chapter or of any person who has used
18 fraudulent or deceptive practices in the evasion of the
19 provisions of this chapter.

20 § 7113. Stop-sale orders.

21 (a) General rule.--The department may issue and enforce a
22 written or printed stop-sale, use or removal order to the owner
23 or custodian of any lot of seed and to hold at a designated
24 place when the department finds the seed is being offered or
25 exposed for sale in violation of any of the provisions of this
26 chapter. The order shall remain in effect until the law has been
27 complied with and the seed is released in writing by the
28 department or the violation has been otherwise legally disposed
29 of by written authority.

30 (b) Release by department.--The department shall release

1 seed held under a stop-sale order when the requirements of the
2 provisions of this chapter have been complied with and all costs
3 and expenses incurred in connection with the withdrawal have
4 been paid by the person responsible for the violation.

5 § 7114. Seizure and condemnation.

6 A lot of seed not in compliance with the provisions of this
7 chapter shall be subject to seizure and condemnation by the
8 department, provided that in no instance shall the disposition
9 of the seed be ordered by the department without first giving
10 the claimant an opportunity for a hearing as provided for in
11 section 7115 (relating to appeal process) or for opportunity to
12 apply for permission to process or relabel the seed to bring it
13 into compliance with this chapter.

14 § 7115. Appeal process.

15 All appeals shall be taken and hearings conducted in
16 accordance with the provisions of 2 Pa.C.S. Chs. 5 Subch. A
17 (relating to practice and procedure of Commonwealth agencies)
18 and 7 Subch. A (relating to judicial review of Commonwealth
19 agency action).

20 § 7116. Cooperation with other entities.

21 The department may cooperate with and enter into agreement
22 with governmental agencies of this Commonwealth, agencies of the
23 Federal Government and any other state in order to carry out the
24 purpose and provisions of this chapter.

25 § 7117. Rules and regulations.

26 The department shall promulgate and enforce rules and
27 regulations necessary for administration and implementation of
28 this chapter.

29 § 7118. Unlawful conduct.

30 It shall be unlawful to fail to comply with or to cause or

1 assist in the violation of any order or any of the provisions of
2 this chapter or the rules and regulations adopted under this
3 chapter.

4 § 7119. Interference with officer or employee of department.

5 A person who willfully or intentionally interferes with an
6 employee or officer of the department in the performance of that
7 employee's or officer's duties or activities authorized under
8 this chapter commits a misdemeanor of the third degree and
9 shall, upon conviction, be subject to a term of imprisonment of
10 not more than one year or a fine of not more than \$2,500, or
11 both.

12 § 7120. Delegation of duties; exclusion of local laws and
13 regulations.

14 (a) Designation.--All authority vested in the secretary by
15 virtue of the provisions of this chapter may with like force and
16 effect be executed by such employees of the Commonwealth as the
17 secretary may from time to time designate for said purpose.

18 (b) Statewide jurisdiction and preemption.--This chapter and
19 its provisions are of Statewide concern and occupy the whole
20 field of regulation regarding the registration, labeling, sale,
21 storage, transportation, distribution, notification of use, and
22 use of seeds to the exclusion of all local regulations. Except
23 as otherwise specifically provided in this act, no ordinance or
24 regulation of any political subdivision or home rule
25 municipality may prohibit or in any way attempt to regulate any
26 matter relating to the registration, labeling, sale, storage,
27 transportation, distribution, notification of use or use of
28 seeds, if any of these ordinances, laws or regulations are in
29 conflict with this chapter.

30 § 7121. Enforcement and penalties.

1 (a) Criminal penalties.--Unless otherwise specified, any
2 person who violates any of the provisions of this chapter or a
3 rule or regulation adopted thereunder or any order issued
4 pursuant thereto:

5 (1) For the first offense, commits a summary offense and
6 may, upon conviction, be sentenced for each offense to pay a
7 fine of not less than \$50 nor more than \$100 and costs of
8 prosecution or to undergo imprisonment for a term which shall
9 be fixed at not more than 90 days, or both.

10 (2) For a subsequent offense committed within three
11 years of a prior conviction for any violation of this chapter
12 or any rule, regulation or order made under this chapter,
13 commits a misdemeanor of the second degree and shall, upon
14 conviction, be sentenced to pay a fine of not less than \$500
15 nor more than \$1,000 and costs of prosecution or to
16 imprisonment for not more than two years, or both.

17 (b) Trade secrets.--

18 (1) Any person who uses to his own advantage or reveals
19 to anyone other than the department, administrative tribunal
20 or the courts, when relevant in any judicial proceeding, any
21 information acquired under the authority of this chapter
22 concerning any method, records, formulations or processes
23 which as a trade secret is entitled to protection under the
24 law commits a misdemeanor of the third degree and shall, upon
25 conviction, be sentenced to pay a fine of not less than \$500
26 or to imprisonment for not less than one year, or both.

27 (2) This subsection shall not be construed to prohibit
28 the department from exchanging information of a regulatory
29 nature with governmental agencies of this Commonwealth,
30 agencies of the Federal Government or any other state to

1 implement the provisions of this chapter.

2 (c) Civil penalties.--

3 (1) In addition to any other remedy available at law or
4 in equity for a violation of this chapter, the department may
5 assess a civil penalty of not more than \$2,500 upon a person
6 for each violation of this chapter. The civil penalty
7 assessed shall be payable to the department and shall be
8 collectible in any manner provided by law for the collection
9 of debt.

10 (2) No civil penalty shall be assessed unless the person
11 assessed the penalty has been given notice and an opportunity
12 for a hearing on the assessment in accordance with section
13 7115 (relating to appeal process).

14 (d) Certified copy of official analysis.--In prosecution
15 under this chapter involving the composition of a lot of seed, a
16 certified copy of the official analysis signed by the secretary
17 or his designee shall be accepted as prima facie evidence of the
18 composition.

19 (e) De minimis violations.--Nothing in this chapter shall be
20 construed as requiring the department to report a violation and
21 to institute seizure proceedings as a result of de minimis
22 violations of this chapter when the department concludes that
23 the public interest will be best served by a suitable notice of
24 warning in writing.

25 § 7122. Disposition of funds.

26 Moneys received from license fees, seed testing fees,
27 certification fees, fines and penalties shall be paid into the
28 Agronomic Regulatory Account established in section 6725
29 (relating to disposition of funds). All moneys in the Agronomic
30 Regulatory Account are hereby appropriated to the department for

1 the purposes of Chapters 67 (relating to fertilizer) and 69
2 (relating to soil and plant amendment) and this chapter.

3 Section 3. Except to the extent that they are inconsistent
4 with any provisions of this act, regulations promulgated under
5 the act of August 17, 1965 (P.L.354, No.187), known as The
6 Pennsylvania Seed Act of 1965, and the act of April 11, 1929
7 (P.L.488, No.205), referred to as the Certified Seed Law, in
8 effect on the effective date of this act shall continue in
9 effect unless subsequently modified by regulations promulgated
10 by the department under this act.

11 Section 4. The following acts and parts of acts are
12 repealed:

13 Act of April 11, 1929 (P.L.488, No.205), referred to as the
14 Certified Seed Law.

15 Act of August 17, 1965 (P.L.354, No.187), known as The
16 Pennsylvania Seed Act of 1965.

17 SECTION 5102(B) OF THE ACT OF DECEMBER 13, 1999 (P.L.905, <—
18 NO.57), KNOWN AS THE DROUGHT, ORCHARD AND NURSERY INDEMNITY AND
19 FLOOD RELIEF ACT.

20 Section 5. This act shall take effect in 60 days.