CHAPTER 21

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21.001 DEFINITION.

Subdivision 1. **Scope.** Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Agriculture.

History: *1961 c 113 s 1; 1961 c 128 s 4*

SEED POTATOES

21.01 Subdivision 1. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 2. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 3. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 4. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 5. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 6. MS 1949 [Repealed, 1951 c 552 s 1]

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Subd. 8. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 9. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 10. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 11. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 12. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 13. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 14. MS 1949 [Repealed, 1951 c 465 s 1]

Subd. 15. MS 1949 [Repealed, 1951 c 465 s 1]

Subd. 16. MS 1949 [Repealed, 1951 c 465 s 1]

Subd. 17. MS 1949 [Repealed, 1951 c 465 s 1]

Subd. 18. MS 1941 [Repealed, 1945 c 543 s 1]

Subd. 18. MS 1949 [Superseded, 1951 c 552 s 2 subd 4]

Subd. 19. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 20. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 21. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 22. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 23. MS 1949 [Repealed, 1951 c 552 s 1]

Subd. 24. MS 1949 [Repealed, 1951 c 552 s 1]

21.02 MS 1949 [Repealed, 1951 c 552 s 1]

21.03 MS 1949 [Repealed, 1951 c 552 s 1]

21.031 MS 1949 [Repealed, 1951 c 552 s 1]

21.032 MS 1949 [Repealed, 1951 c 552 s 1]

21.04 MS 1949 [Repealed, 1951 c 552 s 1]

21.05 MS 1949 [Repealed, 1951 c 552 s 1]

21.06 MS 1949 [Repealed, 1951 c 552 s 1]

21.07 MS 1949 [Repealed, 1951 c 552 s 1]

21.08 MS 1949 [Repealed, 1951 c 552 s 1]

21.09 MS 1949 [Repealed, 1951 c 552 s 1]

21.10 MS 1949 [Repealed, 1951 c 552 s 1]

21.101 MS 1949 [Repealed, 1951 c 552 s 1]

21.11 MS 1949 [Repealed, 1951 c 465 s 1]

21.111 DEFINITIONS.

Subdivision 1. **Scope.** When used in sections 21.111 to 21.122 the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Inspected.** "Inspected" means that the potato plants are examined in the field and that the harvested potatoes produced by the potato plants are examined by or under the authority of the commissioner. For seed potatoes produced in a lab, inspected means that the lab's records, including records related to the lab's procedures and protocols, as well as the seed potatoes, have been examined under the authority of the commissioner.

Subd. 3. **Certified.** "Certified" means that the potatoes were inspected while growing in the field and again after being harvested, and were thereafter duly certified by or under the authority of the commissioner, as provided in sections 21.111 to 21.122, and as provided by rules adopted and published by the commissioner. For seed potatoes produced in a lab, certified means that:

(1) the seed potato lab facilities and the lab's procedures and protocols have been examined under the authority of the commissioner; and

(2) the seed potatoes have been inspected after they have been harvested, removed, or released from the lab, and were duly certified by or under the authority of the commissioner, as provided in sections 21.111 to 21.122.

Subd. 3a. **Interstate cooperation.** In order to best use state resources, the commissioner may enter into agreements with other seed potato certification entities to carry out the purposes of sections 21.111 to 21.122. Any agreement may provide for field inspections, shipping point inspections, winter tests, and other certification functions to be carried out by personnel employed by either entity according to methods determined by the certification entities of the respective areas. The commissioner may extend seed potato certification services to states where growers wish to grow certified seed potatoes and the state does not have a seed potato certification program. Any agreement must be reported to the chairs of the legislative committees responsible for the budget or policy of the seed potato inspection program and to the commissioner of management and budget.

Subd. 4. MS 1953 [Repealed, 1955 c 287 s 1]

Subd. 5. **Seed potatoes.** "Seed potatoes" means potatoes used, sold, offered or exposed for sale, or held with intent to sell or as a sample representing any lot or stock of potatoes offered or exposed for sale or held with intent to sell within this state, for the purpose of planting.

Subd. 6. **Person.** "Person" includes an individual, partnership, corporation, company, society, association, and firms.

History: *1951 c 465 s 2; 1985 c 248 s 70; 1986 c 444; 2002 c 373 s 17; 2009 c 101 art 2 s 109; 2017 c 88 art 2 s 26,27*

21.112 COMMISSIONER, DUTIES; SEED POTATOES.

Subdivision 1. **Duties, employees.** The commissioner shall provide the means and direct the work for the inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes. The commissioner may enter into contracts and ground leases for planting and growing potatoes outside of the state for experimental and research purposes. The commissioner shall provide such forms as are necessary

and keep a record of the work performed, and shall appoint, designate, or employ such officers, inspectors, and employees as may be deemed necessary and fix their compensation.

Subd. 2. MS 2006 [Repealed by amendment, 2007 c 133 art 2 s 4]

History: *1951 c 465 s 3; 1983 c 260 s 12; 1986 c 444; 1997 c 192 s 14; 2001 c 161 s 9; 2007 c 133 art 2 s 4*

21.113 CERTIFICATES OF INSPECTION.

(a) The commissioner shall issue certificates of inspection only when seed potatoes have been inspected while growing in the field and again after being harvested.

(b) For seed potatoes produced in a lab, the commissioner shall issue certificates of inspection only after:

(1) the seed potato lab facility and the lab's records have been inspected; and

(2) the seed potatoes have been inspected after they have been harvested, removed, or released from the lab.

(c) Certificates of inspection under this section shall show the varietal purity and the freedom from disease and physical injury of such potatoes and any other information as may be prescribed by rules adopted and published under sections 21.111 to 21.122.

History: *1951 c 465 s 4; 1985 c 248 s 70; 2017 c 88 art 2 s 28*

21.114 MS 1978 [Repealed, 1979 c 68 s 6]

21.115 FEES; SEED POTATO INSPECTION ACCOUNT.

The commissioner shall fix the fees for all inspections and certifications in such amounts as from time to time may be found necessary to pay the expenses of carrying out and enforcing the purposes of sections 21.111 to 21.122, with a reasonable reserve, and shall require the same to be paid before such inspections or certifications are made. All moneys collected as fees or as penalties for violations of any of the provisions of such sections shall be paid into the agricultural fund and credited to the seed potato inspection account of the commissioner, which account is hereby created and appropriated for carrying out the purposes of sections 21.111 to 21.122. Interest, if any, received on deposits of these moneys shall be credited to the account, and there shall be paid into this fund any sum provided by the legislature for the purpose of carrying out the provisions of such sections.

History: *1951 c 465 s 6; 1993 c 172 s 25; 1999 c 231 s 44*

21.116 EXPENSES.

All necessary expenses incurred in carrying out the provisions of sections 21.111 to 21.122 and the compensation of officers, inspectors, and employees appointed, designated, or employed by the commissioner, as provided in such sections, together with their necessary traveling expenses, together with the traveling expenses of the members of the advisory seed potato certification committee, and other expenses necessary in attending committee meetings, shall be paid from, and only from, the seed potato inspection account, on order of the commissioner and commissioner of management and budget.

History: *1951 c 465 s 7; 1973 c 492 s 14; 1999 c 231 s 45; 2009 c 101 art 2 s 109; 1Sp2019 c 10 art 3 s 13*

21.117 APPLICATIONS FOR INSPECTIONS; WITHDRAWALS.

(a) Any person may make application to the commissioner for inspection or certification of seed potatoes growing or to be grown. Upon receiving such application and the required fee and such other information as may be required, the commissioner shall cause such potatoes to be inspected or certified in accordance with the provisions of sections 21.111 to 21.122 and the rules adopted and published thereunder.

(b) If a grower wishes to withdraw a field or lab after having made application for inspection and such withdrawal is requested before the field or lab inspection has been made, the fee paid shall be refunded to said grower.

History: *1951 c 465 s 8; 1985 c 248 s 70; 1986 c 444; 2017 c 88 art 2 s 29*

21.118 RULES.

It shall be the duty of the commissioner to promulgate reasonable rules for carrying out the purposes and enforcing the provisions of sections 21.111 to 21.122.

History: *1951 c 465 s 9; 1985 c 248 s 70*

21.119 USE OF CERTAIN TERMS FORBIDDEN; EXCEPTIONS.

It shall be unlawful to use or employ the term "certified" or the term "inspected," or any term or terms conveying a meaning substantially equivalent to the meaning of either of these terms, either orally or in writing, printing, marking, or otherwise in reference to or in connection with, or in advertising or characterizing or labeling seed potatoes or the containers thereof, unless such potatoes shall have been duly inspected and certified pursuant to the provisions of sections 21.111 to 21.122.

History: *1951 c 465 s 10; 1955 c 287 s 2*

21.1195 MINIMUM STANDARDS FOR PLANTING.

Seed potatoes may not be planted in the state in lots of ten or more acres unless the seed meets the minimum disease standards prescribed by the commissioner. Seed potatoes may meet the standards by being certified in accordance with this chapter and rules adopted by the commissioner, or under the certification program of another state or province which, in the judgment of the commissioner, provides equivalent assurances of seed potato quality. Seed potatoes may be planted without certification if they have had at least field inspection as required for certified seed potatoes, have passed the field inspection standards of disease tolerance, and are free from ring rot. A person that plants seed potatoes in violation of this section is subject to a civil penalty of $20 per acre for each acre or part of an acre planted in violation of this section. Failure to maintain complete and accurate records in accordance with this section or rules adopted by the commissioner is an additional violation resulting in a separate civil penalty of $200 for each failure.

If there is not available to be planted in this state, in any year, a sufficient volume of potato seed meeting certified seed potato disease standards, in any or all varieties, the commissioner may, upon application by one or more growers, permit seed that does not comply with this section to be planted for that growing season if the seed does not pose a serious disease threat.

Each grower shall keep records of each lot of seed potatoes planted. For each growing season, the records must include, by field, the variety and source of the seed potatoes. Each grower shall file records as prescribed by the commissioner. All records must be made available for inspection by the commissioner or the commissioner's agents during normal business hours.

In addition to the enforcement powers and penalties in this section, the commissioner may issue a subpoena to a grower in order to compel delivery of records which are required under this section. These subpoenas are enforceable by any court of competent jurisdiction.

History: *1987 c 124 s 1*

21.1196 RESTRICTED SEED POTATO GROWING AREA.

Subdivision 1. **Definition.** (a) "Restricted seed potato growing area" means Clearwater, Kittson, Koochiching, and Roseau Counties; the portions of Marshall and Pennington Counties that lie east of United States Highway No. 59; the portion of Red Lake County that lies east of United States Highway No. 59 and north of Minnesota Highway No. 92; the portion of Polk County that lies north of Minnesota Highway No. 92; and the portion of Beltrami County that lies north of Beltrami County Highway No. 32 and west of Minnesota Highway No. 72.

(b) "Historic certified seed potato area" means the portion of Marshall County included in the towns of Augsburg and Nelson Park that are north of Marshall County Highway No. 5.

Subd. 2. **Restriction.** (a) The seed potato certification requirements under sections 21.111 to 21.122 apply to potatoes grown in plots of ten acres or more in the restricted seed potato growing area. Qualifying potatoes grown in the restricted seed potato growing area must be certified as seed potatoes.

(b) The commissioner may enter and inspect plots subject to paragraph (a) during the growing season.

Subd. 3. **Penalty.** A potato grower who violates subdivision 2, paragraph (a), is subject to a penalty of $100 per acre of potatoes grown and not certified.

History: *1990 c 479 s 1; 1992 c 397 s 1; 1994 c 422 s 1*

21.12 MS 1949 [Repealed, 1951 c 465 s 1]

21.121 VIOLATIONS; REPORTS, PROSECUTIONS.

It shall be the duty of every prosecuting officer, to whom the commissioner shall report any violation of sections 21.111 to 21.122, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties in such case as provided in such sections.

History: *1951 c 465 s 11*

21.122 PENALTIES.

Any person violating any provision of sections 21.111 to 21.121 or any rule promulgated by the commissioner thereunder shall be guilty of a misdemeanor; and upon conviction for a first offense shall be punished by a fine of not less than $25 nor more than $1,000 or by imprisonment for not less than 10 days nor more than 90 days; and for each second and subsequent offense such persons shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than $50 nor more than $3,000 or by imprisonment for not less than 30 days nor more than six months. Upon conviction for such second offense the commissioner shall refuse the violator the privilege of handling in any way certified seed potatoes during the season in which such second offense was committed.

History: *1951 c 465 s 12; 1984 c 628 art 3 s 11; 1985 c 248 s 70; 2004 c 228 art 1 s 72*

21.13 MS 1949 [Repealed, 1951 c 465 s 1]

21.14 MS 1949 [Repealed, 1951 c 465 s 1]

21.15 MS 1949 [Repealed, 1951 c 465 s 1]

21.16 MS 1949 [Repealed, 1951 c 465 s 1]

21.17 MS 1949 [Repealed, 1951 c 465 s 1]

21.18 MS 1949 [Repealed, 1951 c 465 s 1]

21.19 MS 1949 [Repealed, 1951 c 465 s 1]

21.20 MS 1949 [Repealed, 1951 c 465 s 1]

21.21 MS 1949 [Repealed, 1951 c 552 s 1]

21.22 MS 1949 [Repealed, 1951 c 552 s 1]

21.23 MS 1941 [Repealed, 1945 c 543 s 12]

21.24 MS 1949 [Repealed, 1951 c 552 s 1]

21.31 [Renumbered 30.31]

21.32 [Renumbered 30.32]

21.33 [Renumbered 30.33]

21.34 [Renumbered 30.34]

21.35 [Renumbered 30.35]

21.36 [Renumbered 30.36]

21.37 [Renumbered 30.37]

21.38 [Renumbered 30.38]

21.39 [Renumbered 30.39]

21.40 [Renumbered 30.40]

21.41 [Renumbered 30.41]

21.42 [Renumbered 30.42]

21.43 [Renumbered 30.43]

21.44 [Renumbered 30.44]

21.45 [Renumbered 30.45]

21.46 [Renumbered 30.46]

21.47 MS 1982 [Repealed, 1983 c 293 s 115]

21.48 MS 1982 [Repealed, 1983 c 293 s 115]

21.49 MS 1982 [Repealed, 1983 c 293 s 115]

21.50 MS 1982 [Repealed, 1983 c 293 s 115]

21.502 MS 1982 [Repealed, 1983 c 293 s 115]

21.503 MS 1982 [Repealed, 1983 c 293 s 115]

21.51 MS 1982 [Repealed, 1983 c 293 s 115]

21.52 MS 1982 [Repealed, 1983 c 293 s 115]

21.53 MS 1982 [Repealed, 1983 c 293 s 115]

21.54 Subdivision 1. MS 1982 [Repealed, 1983 c 293 s 115]

Subd. 2. MS 1982 [Repealed, 1983 c 293 s 115]

Subd. 3. MS 1982 [Repealed, 1983 c 293 s 115]

Subd. 4. MS 1957 [Repealed, Ex1961 c 6 s 5; 1983 c 293 s 115]

21.55 MS 1982 [Repealed, 1983 c 293 s 115]

21.56 MS 1982 [Repealed, 1983 c 293 s 115]

21.57 MS 1982 [Repealed, 1983 c 293 s 115]

21.58 MS 1982 [Repealed, 1983 c 293 s 115]

MINNESOTA SCREENINGS ACT

21.71 CITATION, MINNESOTA SCREENINGS ACT.

Sections 21.71 to 21.78 may be cited as the "Minnesota Screenings Act."

History: *1959 c 172 s 1*

21.72 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 21.73 to 21.78, the terms defined in this section have the meanings given them.

Subd. 2. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 3. **Vendor.** "Vendor" means any person who sells any weed-seed infested agricultural seeds and grains, or screenings.

Subd. 4. **Sell.** "Sell" when applying to weed-seed infested agricultural seeds and grains, or screenings, and samples thereof, shall be construed as including:

(1) the act of selling, transferring ownership;

(2) the offering and exposing for sale, exchange, distribution, giving away, and transportation in, and into, this state;

(3) the having in possession with intent to sell, exchange, distribute, give away, or transport in, and into, this state;

(4) the storing, carrying, and handling in aid of traffic therein, whether done in person or through an agent, employee, or others; and

(5) receiving, accepting, and holding on consignment for sale.

Subd. 5. **Advertisement.** "Advertisement" means all representation disseminated in any manner or by any means relating to weed-seed infested agricultural seeds and grains, or screenings, within the scope of sections 21.71 to 21.78.

Subd. 6. **Consumer.** "Consumer" refers to any person that uses for the purpose of feeding any weed-seed infested agricultural seeds and grains, or screenings.

Subd. 7. **Record.** "Record" includes all information relating to the shipment, or shipments, involved in a lot of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 8. **Lot.** "Lot" means a definite quantity of weed-seed infested agricultural seeds and grains, or screenings, which can be definitely identified.

Subd. 9. **Seizure.** "Seizure" means a legal process carried out by court order against a definite amount of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 10. **Stop-sale.** "Stop-sale" means an administrative order provided by law restraining the sale, use, disposition, and movement of a definite amount of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 11. **Screenings.** "Screenings" means chaff, florets, immature or broken seed, weed seeds, inert matter, and other foreign material removed in any way from any seeds or grains in any kind of cleaning and processing, or obtained from any other source.

Subd. 12. **Agricultural seeds and grains.** "Agricultural seeds and grains" includes the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, and mixtures of such seeds.

Subd. 13. **Weed seeds.** "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

Subd. 14. **Noxious weed seeds.** "Noxious weed seeds" includes restricted and prohibited noxious weed seeds as defined in subdivisions 15 and 16.

Subd. 15. **Restricted weed seeds.** "Restricted weed seeds" are those weed seeds placed on the list provided under section 21.85, subdivision 15.

Subd. 16. **Prohibited noxious weed seeds.** "Prohibited noxious weed seeds" are those weed seeds placed on the list provided under section 21.85, subdivision 15.

History: *1959 c 172 s 2; 1961 c 127 art 2 s 4; 2020 c 89 art 2 s 1-4*

21.73 PROHIBITED ACTS.

Subdivision 1. **Infested feed grain; screenings.** It is unlawful for any person to feed or to sell, offer for sale, or expose for sale, or transport, to the consumer, for feeding purposes, any weed-seed infested agricultural seeds and grains, or screenings, if:

(1) restricted noxious weed seeds are present singly or collectively in excess of the rate of 90 per pound;

(2) prohibited noxious weed seeds are present; or

(3) they contain more than ten percent total weed seeds by weight.

Subd. 2. **False advertisement; obstruction; noncompliance with orders.** It is unlawful for any person:

(1) to disseminate any false or misleading advertisement concerning weed-seed infested agricultural seeds and grains, or screenings, in any manner or by any means;

(2) to hinder or obstruct in any way any authorized person in the performance of duties under sections 21.71 to 21.78; and

(3) to fail to comply with a stop-sale order.

History: *1959 c 172 s 3; 1961 c 127 art 2 s 5; 1986 c 444; 2020 c 89 art 2 s 5*

21.74 EXCEPTIONS.

The provisions of section 21.73 shall not apply to:

(1) agricultural seeds and grains, or screenings, not intended for feeding purposes;

(2) weed-seed infested agricultural seeds and grains, or screenings, being transported upon any public highway to or from a cleaning or processing establishment for cleaning or processing, which same are carried or transported in such vehicles or containers as will prevent the leaking or scattering thereof;

(3) weed-seed infested agricultural seeds and grains, or screenings, which have first been devitalized by grinding, heating, chemical treatment, or any other suitable method;

(4) the sale of weed-seed infested agricultural seeds and grains, or screenings, to each other by jobbers, manufacturers, or processors who mix or grind concentrated commercial feeding stuff for sale; provided that the restrictions applying to clause (2), are complied with;

(5) the sale of weed-seed infested agricultural seeds and grains, or screenings, by any vendor to a consumer, provided that the restrictions set forth in clauses (2) and (3) are complied with. However, where the vendor is not equipped to devitalize weed seeds, the vendor may sell weed-seed infested agricultural seeds, grains, or screenings only to a consumer who holds a permit issued by the commissioner for such a purchase. The commissioner shall issue such a permit annually to a consumer only if the consumer has the necessary facilities for devitalization, as determined by the commissioner, or has access to such facilities. The consumer shall devitalize such weed-seed infested agricultural seeds, grains, or screenings. The commissioner may revoke a permit after due notice and a hearing if the consumer does not comply with the provisions of this clause. The provisions of this clause shall not apply to the sale at a farm auction of a vendors agricultural seeds or grains for feeding or processing purposes. "Farm auction" for the purpose of this clause means the final sale at auction of the personal property of the farmer to the highest bidder. However, if such agricultural seeds and grains are sold under variety names, and in such manner and at such prices as to indicate that it is intended to use the seeds and grains for seeding purposes, the seeds and grains are then subject to all laws relating to cleaning, testing, and labeling of agricultural seed as set forth in the agricultural seed laws and the agricultural weed laws of the state of Minnesota and such rules as have been promulgated by the commissioner of agriculture thereunder; and

(6) weed-seed infested agricultural seed and grains or screenings, produced by the farmer and fed on the farmer's own farm, provided it does not contain restricted or prohibited noxious weed seeds in excess of the legal limit.

History: *1959 c 172 s 4; 1961 c 127 art 2 s 6; 1961 c 713 s 1; 1963 c 592 s 1; 1985 c 248 s 70; 1986 c 444; 2020 c 89 art 2 s 6*

21.75 POWERS AND DUTIES OF COMMISSIONER.

Subdivision 1. **Enforcement; rulemaking.** The commissioner must enforce sections 21.71 to 21.78. The commissioner must:

(1) sample, inspect, make analysis of, and test weed-seed infested agricultural seeds and grains, or screenings, transported, sold, or offered, or exposed for sale within this state for any purpose, at such time and place, and to such extent as the commissioner may deem necessary to determine whether such weed-seed infested agricultural seeds and grain, or screenings, is in compliance with the provisions of sections 21.71 to 21.78, and to notify promptly the person who transported, sold, offered, or exposed the weed-seed infested agricultural seeds and grains, or screenings, for sale of any violation; and

(2) prescribe and, after public hearing following due public notice, adopt such rules as may be necessary to secure the efficient enforcement of sections 21.71 to 21.78.

Subd. 2. **Entry, orders, and testing.** The commissioner of agriculture, personally or through agents, is further authorized to:

(1) enter upon any public or private premises, excluding the home, during regular business hours in order to have access to weed-seed infested agricultural seeds and grains, or screenings, subject to sections 21.71 to 21.78, and the rules thereunder;

(2) issue and enforce a written or printed stop-sale order to the owner or custodian of any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, which the commissioner finds is in violation of any of the provisions of sections 21.71 to 21.78, which order shall prohibit further sale of such weed-seed infested agricultural seeds and grains, or screenings, until such officer has evidence that the law has been complied with; provided, that no stop-sale order shall be issued or attached to any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, without first giving the owner or custodian of such weed-seed infested agricultural seeds and grains, or screenings, an opportunity to comply with the law; provided, further, that in respect to weed-seed infested agricultural seeds and grains, or screenings, which have been denied sale as provided in this paragraph, the owner or custodian of such weed-seed infested agricultural seeds and grains, or screenings, shall have the right to appeal from such order to a court of competent jurisdiction in the locality in which the weed-seed infested agricultural seeds and grains, or screenings, are found, praying for a judgment as to the justification of said order and for the discharge of such weed-seed infested agricultural seeds and grains, or screenings, from the order prohibiting the sale in accordance with the findings of the court; and provided, further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of 21.71 to 21.78;

(3) test weed-seed infested agricultural seeds and grains, or screenings, under presently existing facilities; and

(4) make or provide for making tests of weed-seed infested agricultural seeds and grains, or screenings, for farmers and dealers on request; to prescribe rules governing such testing; and to fix and collect charges for the tests made.

History: *1959 c 172 s 5; 1961 c 127 art 1 s 7; 1985 c 248 s 70; 1986 c 444; 2020 c 89 art 2 s 7*

21.76 INJUNCTION; BOND.

When in the performance of duties the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of sections 21.71 to 21.78, or any rules thereunder, said injunction, if any be granted, shall be issued without bond.

History: *1959 c 172 s 6; 1985 c 248 s 70; 1986 c 444*

21.77 SEIZURE.

Any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, not in compliance with the provisions of sections 21.71 to 21.78, is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality in which the weed-seed infested agricultural seeds and grains, or screenings, are located. In the event that the court finds the weed-seed infested agricultural seeds and grains, or screenings, to be in violation of said sections and orders the condemnation of said weed-seed infested agricultural seeds and grains, or screenings, they shall be denatured, processed, destroyed, or otherwise disposed of in compliance with the laws of this state; provided, that in no instance shall the court order such disposition of said weed-seed infested agricultural seeds and grains, or screenings, without first having given the claimant any opportunity to apply to the court for the release of said weed-seed infested agricultural seeds and grains, or screenings, or permission to process them to bring them into compliance with these sections.

History: *1959 c 172 s 7*

21.78 VIOLATIONS; ENFORCEMENT.

Subdivision 1. **Misdemeanor.** Any person violating any of the provisions of sections 21.71 to 21.78, or any of the rules promulgated by the commissioner thereunder, is guilty of a misdemeanor.

Subd. 2. **Duty to prosecute.** It is the duty of every prosecuting officer to whom the commissioner shall report any violation of sections 21.71 to 21.78, or of any of the rules promulgated thereunder, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case provided.

History: *1959 c 172 s 8; 1985 c 248 s 70*

MINNESOTA SEED LAW

21.80 MINNESOTA SEED LAW.

Sections 21.80 to 21.92 may be cited as the "Minnesota Seed Law."

History: *1983 c 293 s 39*

21.81 DEFINITIONS.

Subdivision 1. **Scope.** The terms used in sections 21.80 to 21.92 have the meanings given them in this section.

Subd. 1a. **Address.** "Address" means the complete primary mailing address of the labeler or the person or firm selling seed. A complete address includes the street address, post office box, or rural route, and city, state, and zip code or postal code.

Subd. 2. **Advertisement.** "Advertisement" means any representation, other than on a label, disseminated in any manner or by any means, relating to seed within the scope of sections 21.80 to 21.92.

Subd. 3. **Agricultural seeds.** "Agricultural seeds" includes the seeds of grass, forage, cereal, oil, fiber crops, seeds of vegetables grown for processing, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, or mixtures of those seeds, and may include noxious weed seed when the commissioner determines that the seed is being used as agricultural seed.

Subd. 4. **Blend.** "Blend" means seed consisting of more than one variety of a kind, each in excess of five percent of the whole.

Subd. 5. **Certified seed.** "Certified seed" means certified, registered, or foundation seed, or any other term conveying a similar meaning when referring to seed that has been produced, conditioned, and labeled in compliance with the rules of an officially recognized seed certification agency.

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of agriculture or an authorized agent and may include a county agricultural inspector.

Subd. 7. **Conditioning.** "Conditioning" means cleaning to remove chaff, sterile florets, immature seeds, weed seeds, inert matter, and other crop seeds, scarifying, combining to obtain uniform quality, or any other operation which would change the purity or germination of the seed and require retesting to determine the quality of the seed. Conditioning does not include such operations as packaging, labeling, combining uniform lots of the same kind or variety without cleaning or preparing a mixture without cleaning, if it would not require retesting to determine the quality of the seed.

Subd. 7a. **Dormant.** "Dormant" means viable seed, exclusive of hard seed, that fail to germinate under the specified germination conditions for the kind of seed.

Subd. 8. **Flower seeds.** "Flower seeds" includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this state. This does not include native or introduced wildflowers.

Subd. 9. **Genuine grower's declaration.** A "genuine grower's declaration" is a statement signed by the grower which gives for a lot of agricultural seed, the lot number, kind, variety, origin, weight, year of production, date of shipment, and to whom it was sold, shipped, or delivered.

Subd. 10. **Germination.** "Germination" means the percentage of seeds other than hard seeds which are capable of producing normal seedlings under favorable growing conditions. Broken, weak, diseased, malformed, or abnormal seedlings shall not be considered as having germinated.

Subd. 10a. **Hard seed.** "Hard seed" means seeds that remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

Subd. 11. **Hybrid.** "Hybrid" when applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two selected clones, seed lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. The second generation or subsequent generations from these crosses are not hybrids. Hybrid designations shall be treated as variety names.

Subd. 11a. **Inert matter.** "Inert matter" means all matter that is not seed, including broken seeds, sterile florets, chaff, fungus bodies, and stones as determined by methods defined by rule.

Subd. 12. MS 2018 [Repealed, 2020 c 89 art 2 s 19]

Subd. 13. **Kind.** "Kind" means one or more related species or subspecies which singly or collectively is known by one common name, such as wheat, oats, or sweet clover.

Subd. 14. **Label.** "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the kind of seeds contained, or any other information relating to the labeled seed and includes invoices under which any seed is imported into the state.

Subd. 14a. **Labeler.** "Labeler" means the person whose complete name and address appears on the label of agricultural, vegetable, flower, tree, shrub, or any other seed for sale within this state, or the person identified by the code designation on the label as authorized by Code of Federal Regulations, title 7, section 201.23.

Subd. 15. **Lot.** "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

Subd. 16. **Mixture.** "Mixture" means seeds consisting of more than one kind, each in excess of five percent of the whole.

Subd. 16a. **Native wildflower.** "Native wildflower" means a kind, type, or variety of wildflower derived from wildflowers that are indigenous to Minnesota and wildflowers that are defined or designated as native species under chapter 84D.

Subd. 17. **Noxious weed seeds.** "Noxious weed seeds" includes prohibited and restricted noxious weed seeds.

Subd. 17b. **Origin.** "Origin," for an indigenous stand of trees, means the area on which the trees are growing and, for a nonindigenous stand, the place from which the seed or plants were originally introduced. "Origin" for agricultural and vegetable seed is the area where the seed was produced, and for native grasses and forbs, it is the area where the original seed was harvested.

Subd. 17c. **Other crop seed.** "Other crop seed" means seed of plants grown as crops, other than the variety included in the pure seed, as determined by methods defined by rule.

Subd. 17d. **Person.** "Person" means an individual, firm, corporation, partnership, association, trust, joint stock company, or unincorporated organization; the state, a state agency, or a political subdivision.

Subd. 18. MS 1994 [Repealed, 1996 c 310 s 1]

Subd. 19. **Prohibited noxious weed seeds.** "Prohibited noxious weed seeds" are those weed seeds which are prohibited from being present in any agricultural, vegetable, flower, tree or shrub seed. They are the

seeds of weeds which are highly destructive and difficult to control by good cultural practices or by the use of herbicides. They not only reproduce by seed but also may spread by underground reproductive parts such as roots and rootstocks and aboveground reproductive parts such as runners and stolons.

Subd. 20. **Pure live seed.** "Pure live seed" means the product of the percent germination multiplied by the percent pure seed divided by 100 percent.

Subd. 21. **Pure seed.** "Pure seed" means seed exclusive of inert matter and all other seeds not of the kind of seed being considered as defined by the rules for testing seeds of the Association of Official Seed Analysts.

Subd. 21a. **Recommended Uniform State Seed Law.** "Recommended Uniform State Seed Law" refers to the Association of American Seed Control Officials guidelines for seed law.

Subd. 22. **Record.** "Record" includes all information relating to seed shipments and includes a file sample of each lot of seed. For tree and shrub seed, the record includes all documents regarding statement of origin and elevation where the seed originated.

Subd. 23. **Restricted noxious weed seeds.** "Restricted noxious weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree or shrub seed, shall be named on the label together with the number per pound of seed specified and which shall not exceed the legal limit. They are seeds of weeds which are objectionable in fields, lawns, and gardens of this state and can be controlled by good cultural practice and use of herbicides.

Subd. 24. **Screenings.** "Screenings" means chaff, sterile florets, immature seed, weed seeds, inert matter, and other material removed from seed in any kind of conditioning and which contains less than 25 percent by weight of live agricultural or vegetable seed.

Subd. 25. **Seizure.** "Seizure" means a legal process carried out by a court order against a definite amount of seed.

Subd. 26. **Sell.** "Sell," when applying to agricultural, vegetable, flower, tree or shrub seed, and seed samples, includes:

(a) selling or transferring ownership;

(b) offering and exposing for sale, exchange, distribution, giving away, and transportation in or into this state;

(c) having in possession with intent to sell, exchange, distribute, give away, or transport in or into this state;

(d) storing, carrying, and handling in aid of traffic in seeds, whether done in person or through an agent, employee, or other person; and

(e) receiving, accepting, and holding on consignment for sale.

Subd. 27. **Stop sale.** "Stop sale" means an administrative order restraining the sale, use, disposition, and movement of a definite amount of seed.

Subd. 27a. **Total viable.** "Total viable" means the sum of the germination percentage, plus hard seeds, dormant seeds, or both.

Subd. 28. **Treated.** "Treated" means that the seed has received an application of a substance or that it has been subjected to a process for which a claim is made.

Subd. 29. **Tree and shrub seeds.** "Tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this state.

Subd. 30. **Tree seed collector's declaration.** A "tree seed collector's declaration" is a statement signed by a grower or person having knowledge of the place of collection which gives for a lot of seed: the lot number, common or scientific name of the species, subspecies if appropriate, origin, elevation, and quantity of tree and shrub seed.

Subd. 31. **Type.** "Type" means a group of varieties so nearly similar that individual varieties cannot be clearly differentiated except under special conditions.

Subd. 32. **Vegetable seeds.** "Vegetable seeds" includes the seeds of those crops which are grown in gardens and on truck farms that are generally known and sold under the name of vegetable or herb seeds in this state.

Subd. 33. **Variety.** "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

Subd. 34. **Weed seeds.** "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

History: *1983 c 293 s 40; 1986 c 444; 2003 c 128 art 8 s 1-8; 2015 c 44 s 13,14; 2020 c 89 art 2 s 8,9*

21.82 LABEL REQUIREMENTS; AGRICULTURAL, VEGETABLE, FLOWER, OR WILDFLOWER SEEDS.

Subdivision 1. **Form.** Each container of agricultural, vegetable, flower, or wildflower seed which is offered for sale for sowing purposes must bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This statement must not be modified or denied in the labeling or on another label attached to the container.

Subd. 2. **Content.** For agricultural, vegetable, flower, or wildflower seeds offered for sale as agricultural seed, except as otherwise provided in subdivisions 4, 5, and 6, the label must contain:

(a) The name of the kind or kind and variety for each seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. The commissioner shall by rule designate the kinds that are required to be labeled as to variety. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label shall show the name of the kind and the words: "Variety not stated." The heading "pure seed" must be indicated on the seed label in close association with other required label information.

(1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of five percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be shown on the label in conjunction with the kind.

(2) Blends shall be listed on the label using the term "blend" in conjunction with the kind.

(3) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(b) Lot number or other lot identification.

(c) Origin, if known, or that the origin is unknown.

(d) Percentage by weight of all weed seeds present. This percentage may not exceed one percent. The heading "weed seed" must be indicated on the seed label in close association with other required label information.

(e) Name and rate of occurrence per pound of each kind of restricted noxious weed seeds present. They must be listed under the heading "noxious weed seeds" in close association with other required label information.

(f) Percentage by weight of seeds other than those kinds and varieties required to be named on the label. They must be listed under the heading "other crop" in close association with other required label information.

(g) Percentage by weight of inert matter. The heading "inert matter" must be indicated on the seed label in close association with other required label information.

(h) Net weight of contents, to appear on either the container or the label.

(i) For each named kind or variety of seed:

(1) percentage of germination, exclusive of hard or dormant seed or both;

(2) percentage of hard or dormant seed or both, if present; and

(3) the calendar month and year the percentages were determined by test or the statement "sell by (month and year)" which may not be more than 12 months from the date of test, exclusive of the month of test.

The headings for "germination" and "hard seed or dormant seed" percentages must be stated separately on the seed label. A separate percentage derived from combining these percentages may also be stated on the seed label as "total viable."

(j) Name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.

Subd. 3. **Treated seed.** For all named agricultural, vegetable, flower, or wildflower seeds which are treated, for which a separate label may be used, the label must contain:

(1) a word or statement to indicate that the seed has been treated;

(2) the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;

(3) the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;

(4) in the case of mercurials or similarly toxic substances, a poison statement and symbol;

(5) a word or statement describing the process used when the treatment is not of pesticide origin; and

(6) the date beyond which the inoculant is considered ineffective if the seed is treated with an inoculant. It must be listed on the label as "inoculant: expires (month and year)" or wording that conveys the same meaning.

Subd. 4. **Hybrid seed corn.** For hybrid seed corn purposes a label must contain:

(1) a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents; and

(2) for each variety of hybrid seed field corn, the day classification as determined by the originator or owner. The day classification must approximate the number of days of growing season necessary from emergence of the corn plant above ground to relative maturity and must be within three days of maturity ratings determined in comparative trials by the Minnesota agricultural experiment station.

Subd. 5. **Grass seed.** For grass seed and mixtures of grass seeds intended for lawn and turf purposes, the requirements in paragraphs (a) and (b) must be met.

(a) The label must contain the statement "sell by (month and year listed here)" which may be no more than 15 months from the date of test, exclusive of the month of test.

(b) When grass seeds are sold outside their original containers, the labeling requirements are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 6. **Coated agricultural seeds.** For coated agricultural seeds the label must contain:

(1) percentage by weight of pure seeds with coating material removed;

(2) percentage by weight of coating material shown as a separate item in close association with the percentage of inert matter; and

(3) percentage of germination determined on 400 pellets with or without seeds.

Subd. 7. **Vegetable seeds.** For vegetable seeds prepared for use in home gardens or household plantings the requirements in paragraphs (a) to (p) apply. Vegetable seeds packed for sale in commercial quantities to farmers, conservation groups, and other similar entities are considered agricultural seeds and must be labeled accordingly.

(a) The label must contain the name of the kind or kind and variety for each seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label must show the name of the kind and the words "variety not stated."

(b) The percentage that is hybrid must be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds of varieties are present in excess of five percent and are named on the label, each that is hybrid must be designated as hybrid on the label. Any one kind or kind and variety that has pure seed that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed may be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word "hybrid" must be shown on the label in conjunction with the kind.

(c) Blends must be listed on the label using the term "blend" in conjunction with the kind.

(d) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(e) The label must show a lot number or other lot identification.

(f) The origin may be omitted from the label.

(g) The label must show the year for which the seed was packed for sale listed as "packed for (year)" for seed with a percentage of germination that exceeds the standard last established by the commissioner, the percentage of germination and the calendar month and year that the percentages were determined by test, or the calendar month and year the germination test was completed and the statement "sell by (month and year listed here)," which may be no more than 12 months from the date of test, exclusive of the month of test.

(h) For vegetable seeds which germinate less than the standard last established by the commissioner, the label must show:

(1) a percentage of germination, exclusive of hard or dormant seed or both;

(2) a percentage of hard or dormant seed or both, if present; and

(3) the words "below standard" in not less than eight point type and the month and year the percentages were determined by test.

(i) The net weight of the contents or a statement indicating the number of seeds in the container or both, must appear on either the container or the label.

(j) The heading for and percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(k) The heading for and percentage by weight of weed seed may be omitted from a label if they are not present in the seed.

(l) The heading "noxious weed seeds" may be omitted from a label if they are not present in the seed.

(m) The heading for and percentage by weight of other crop seed may be omitted from a label if it is less than five percent.

(n) The heading for and percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(o) The label must contain the name and address of the person who labeled the seed or who sells the seed in this state or a code number that has been registered with the commissioner.

(p) The labeling requirements for vegetable seeds prepared for use in home gardens or household plantings when sold outside their original containers are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 8. **Flower seeds.** For flower and wildflower seeds prepared for use in home gardens or household plantings, the requirements in paragraphs (a) to (l) apply. Flower and wildflower seeds packed for sale in commercial quantities to farmers, conservation groups, and other similar entities are considered agricultural seeds and must be labeled accordingly.

(a) The label must contain the name of the kind and variety or a statement of type and performance characteristics as prescribed by rule.

(b) The percentage that is hybrid must be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds of varieties are present in excess of five percent and are named on the label, each that is hybrid must be designated as hybrid on the label. Any one kind or kind and variety that has pure seed that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed may be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word "hybrid" must be shown on the label in conjunction with the kind.

(c) Blends must be listed on the label using the term "blend" in conjunction with the kind.

(d) Mixtures must be listed on the label using the term "mixture," "mix," or "mixed."

(e) The label must contain the lot number or other lot identification.

(f) The origin may be omitted from the label.

(g) The label must contain the year for which the seed was packed for sale listed as "packed for (year)" for seed with a percentage of germination that exceeds the standard last established by the commissioner, the percentage of germination and the calendar month and year that the percentages were determined by test, or the calendar month and year the germination test was completed and the statement "sell by (month and year listed here)," which may be no more than 12 months from the date of test, exclusive of the month of test.

(h) For flower seeds which germinate less than the standard last established by the commissioner, the label must show:

(1) percentage of germination exclusive of hard or dormant seed or both;

(2) percentage of hard or dormant seed or both, if present; and

(3) the words "below standard" in not less than eight point type and the month and year this percentage was determined by test.

(i) The label must show the net weight of contents or a statement indicating the number of seeds in the container, or both, on either the container or the label.

(j) The heading for and percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(k) The heading for and percentage by weight of weed seed may be omitted from a label if they are not present in the seed.

(l) The heading "noxious weed seeds" may be omitted from a label if they are not present in the seed.

(m) The heading for and percentage by weight of other crop seed may be omitted from a label if it is less than five percent.

(n) The heading for and percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(o) The label must show the name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.

Subd. 9. **Hemp seed.** To comply with the hemp requirements in chapter 18K, a hemp seed labeler must test the hemp parent plants used to produce the hemp seed at the appropriate developmental stage and obtain a certificate of analysis showing that the hemp seed was produced from hemp parent plants with less than 0.3 percent total delta-9 tetrahydrocannabinol concentration.

History: *1983 c 293 s 41; 2003 c 128 art 8 s 9; 2012 c 244 art 1 s 29,30; 2015 c 44 s 15,16; 2020 c 89 art 2 s 10*

21.83 LABEL REQUIREMENTS; TREE OR SHRUB SEEDS.

Subdivision 1. **Form.** Each container of tree or shrub seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This label statement shall not be modified or denied in the labeling or on another label attached to the container, except that labeling of seed supplied under a contractual agreement may be made by an invoice accompanying the shipment or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number stenciled on the container. Each bag or container that is not so stenciled must carry complete labeling.

Subd. 2. **Label content.** For all tree or shrub seed subject to this section the label shall contain:

(a) the common name of the species, and the subspecies if appropriate;

(b) the scientific name of the genus and species, and the subspecies if appropriate;

(c) the lot number or other lot identification;

(d) for seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county;

(e) for seed collected from a predominantly nonindigenous stand, the identity of the area of collection and the origin of the stand or the words "origin not indigenous";

(f) the elevation or the upper and lower limits of elevation within which the seed was collected;

(g) the percentage of pure seed by weight;

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

(1) the percentage of germination exclusive of hard or dormant seed;

(2) the percentage of hard or dormant seed, if present; and

(3) the calendar month and year the percentages were determined by test; or

(4) in lieu of the requirements of clauses (1) to (3), the seed may be labeled "test is in progress, results will be supplied upon request";

(i) for those species for which standard germination testing procedures have not been prescribed by the commissioner, the calendar year in which the seed was collected; and

(j) the name and address of the person who labeled the seed or who sells the seed within this state.

Subd. 3. **Treated seed.** For all treated tree and shrub seeds for which a separate label may be used the label shall contain:

(a) a word or statement to indicate that the seed has been treated;

(b) the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;

(c) the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;

(d) in the case of mercurials or similarly toxic substances, a poison statement and symbol;

(e) a word or statement describing the process used when the treatment is not of pesticide origin;

(f) if the seed has been treated with an inoculant, the date beyond which the inoculant is considered ineffective. It shall be listed on the label as "inoculant: expires (month and year)" or wording which conveys the same meaning.

History: *1983 c 293 s 42; 2003 c 128 art 8 s 10*

21.84 RECORDS.

(a) A labeler must keep (1) for three years complete records of each seed lot sold in this state, and (2) for one year a file sample of each seed lot after disposition of the lot.

(b) The labeler must retain the following information as part of the complete record for each seed lot sold:

(1) the lot number or other lot identification;

(2) a copy of the genuine grower's or tree seed collector's declaration, or a similar document containing the same information;

(3) copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or the kind and variety of the seed, and the lot number;

(4) a copy of the label that was attached to or accompanied the seed lot;

(5) a copy of the field and final certification documents, if applicable;

(6) a copy of each testing report of the seed for labeling purposes; and

(7) a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample in accordance with section 201.43 of the Federal Seed Act regulations.

History: *1983 c 293 s 43; 2003 c 128 art 8 s 11; 2020 c 89 art 2 s 11*

21.85 COMMISSIONER'S POWERS AND DUTIES.

Subdivision 1. MS 2002 [Repealed, 2003 c 128 art 8 s 22]

Subd. 2. **Seed laboratory.** (a) The commissioner must establish and maintain a seed laboratory for seed testing, employing necessary agents and assistants to administer and enforce sections 21.80 to 21.92, who shall be governed by chapter 43A.

(b) The laboratory procedures for testing official seed samples are the procedures set forth in the Rules for Testing Seeds that is published annually by the Association of Official Seed Analysts. If a laboratory

procedure rule does not exist for a particular type of seed, then laboratory procedures from other recognized seed testing sources may be used, including procedures under the Code of Federal Regulations, title 7, part 201, or the International Rules for Testing Seeds.

(c) The commissioner must apply the following tolerances when comparing the label claims made for required label categories, minimum standards not specifically required to be labeled, or other label claims that can be verified by laboratory analysis:

(1) tolerances for pure seed, weed seed, other crop seed, and inert matter according to Code of Federal Regulations, title 7, section 201.60, including additional tolerances for chaffy seeds and mixtures containing chaffy seeds;

(2) tolerances for the presence of prohibited noxious weed seeds and rate of occurrence of restricted weed seeds according to Code of Federal Regulations, title 7, section 201.65;

(3) tolerances for germination, hard seed, dormant seed, total viable seed, and pure live seed percentages of kinds of seeds required to be labeled as agricultural seed according to Code of Federal Regulations, title 7, section 201.63; and

(4) minimum germination standards:

(i) for vegetable seed germination, in accordance with section 21.82, subdivision 7, paragraph (a), and the germination standards for vegetable seeds prepared for use by home gardeners in Code of Federal Regulations, title 7, section 201.31; and

(ii) for flower seed germination, in accordance with section 21.82, subdivision 8, paragraph (a), and the germination standards for flower seeds prepared for use by home gardeners as listed in the Recommended Uniform State Seed Law.

Subd. 3. MS 2002 [Repealed, 2003 c 128 art 8 s 22]

Subd. 4. MS 2002 [Repealed, 2003 c 128 art 8 s 22]

Subd. 5. MS 2002 [Repealed, 2003 c 128 art 8 s 22]

Subd. 6. MS 2002 [Repealed, 2003 c 128 art 8 s 22]

Subd. 7. MS 2002 [Repealed, 2003 c 128 art 8 s 22]

Subd. 8. MS 2002 [Repealed, 2003 c 128 art 8 s 22]

Subd. 9. MS 2002 [Repealed, 2003 c 128 art 8 s 22]

Subd. 10. **Commissioner may alter requirements in emergencies.** In the event of acute shortages of any seed or seeds, or the occurrence of other conditions which in the opinion of the commissioner create an emergency which would make impractical the enforcement of any requirement of sections 21.80 to 21.92 relating to the percentage of purity, weed seed content, and the variety name of any seed or seeds, the commissioner may temporarily change and alter any requirement relating to percentage of purity, weed seed content, and the variety name for the duration of the emergency.

Subd. 11. **Rules.** The commissioner may adopt rules under this chapter. A violation of the rules is a violation of this chapter.

Subd. 12. **Service testing and identification.** The commissioner shall provide for purity and germination tests of seeds and identification of seeds and plants for farmers, dealers, and others, and shall establish schedules to recover the cost of services provided. Money collected must be deposited in the laboratory services account in the agricultural fund.

Subd. 13. **Sampling export seed.** The commissioner may sample agricultural, vegetable, flower, wildflower, tree, or shrub seeds which are destined for export to other countries, and may establish and collect suitable fees from the exporter for this service.

Subd. 14. **Cooperation with United States Department of Agriculture.** The commissioner shall cooperate with the United States Department of Agriculture in Seed Law enforcement.

Subd. 15. **Prohibited and restricted seeds.** The commissioner, in consultation with the Seed Program Advisory Committee, must determine species that are considered prohibited weed seeds and restricted noxious weed seeds and the allowable rate of occurrence of restricted noxious weed seeds subject to sections 21.80 to 21.92. The commissioner must prepare, publish, and revise at least once every three years, a list of prohibited and restricted noxious weed seeds. The commissioner must distribute the list to the public and may request the help of the United States Department of Agriculture's published All-States Noxious Weed Seed List or any other organization that the commissioner considers appropriate to assist in the distribution. The commissioner may, in consultation with the Seed Program Advisory Committee, accept and consider noxious weed seed designation petitions from Minnesota citizens or Minnesota organizations or associations including the Noxious Weed Advisory Committee.

History: *1983 c 293 s 44; 1984 c 640 s 32; 1986 c 444; 1992 c 567 art 3 s 2; 1993 c 367 s 25; 1995 c 233 art 2 s 56; 1Sp2001 c 2 s 41; 2003 c 128 art 8 s 12,13; 2015 c 44 s 17,18; 2020 c 89 art 2 s 12,13*

21.851 ADVISORY COMMITTEE; MEMBERSHIP.

Subdivision 1. **Duties.** The commissioner must consult with the Seed Program Advisory Committee to advise the commissioner concerning responsibilities under the seed regulatory program. The committee must evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by each species. For each species evaluated, the committee must recommend to the commissioner whether a species should be listed as a prohibited noxious weed seed or restricted noxious weed seed or not be listed. Species designated as prohibited or restricted noxious weed seeds must be reevaluated every three years for a recommendation on whether or not the designated species need to remain on the noxious weed seed lists. The committee must also advise the commissioner on the implementation of the Minnesota Seed Law. Members of the committee are not entitled to reimbursement of expenses nor payment of per diem. Members serve two-year terms with subsequent reappointment by the commissioner.

Subd. 2. **Membership.** The commissioner must appoint members to include representatives from:

(1) the College of Food, Agricultural and Natural Resource Sciences or Extension at the University of Minnesota;

(2) Minnesota Crop Improvement;

(3) the seed industry in Minnesota, a minimum of six members with representation from multinational, national, regional, and Minnesota seed companies;

(4) the grain industry in Minnesota;

(5) farmers in Minnesota;

(6) other state and federal agencies with an interest in seed; and

(7) other members as needed.

Subd. 3. **Organization.** The committee must select a chair from its membership. Meetings of the committee may be called by or at the direction of the commissioner or the chair.

History: *2020 c 89 art 2 s 14*

21.86 UNLAWFUL ACTS.

Subdivision 1. **Prohibitions.** A person may not advertise or sell any agricultural, vegetable, flower, wildflower, tree, or shrub seed if:

(a) a test to determine the percentage of germination required by sections 21.82 and 21.83 has not been completed within a 12-month period, exclusive of the calendar month in which the test was completed or it is offered for sale beyond the sell by date exclusive of the calendar month in which the seed was to have been sold, except that:

(1) when advertised or offered for sale as agricultural seed, native grass and forb (wildflowers) seeds must have been tested for percentage of germination as required by section 21.82 within a 15-month period, exclusive of the calendar month in which the test was completed;

(2) it is unlawful to offer cool season lawn and turf grasses including Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bent grass, creeping bent grass, and mixtures or blends of those grasses, for sale beyond the sell by date exclusive of the calendar month in which the seed was to have been sold;

(3) this prohibition does not apply to tree, shrub, agricultural, flower, wildflower, or vegetable seeds packaged in hermetically sealed containers. Seeds packaged in hermetically sealed containers under the conditions defined by rule may be offered for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging; and

(4) if seeds in hermetically sealed containers are offered for sale more than 36 months after the last day of the month in which they were tested prior to packaging, they must be retested within a nine-month period, exclusive of the calendar month in which the retest was completed;

(b) it is not labeled in accordance with sections 21.82 and 21.83 or has false or misleading labeling;

(c) false or misleading advertisement has been used in respect to its sale;

(d) it contains prohibited noxious weed seeds;

(e) it consists of or contains restricted noxious weed seeds in excess of 25 seeds per pound or in excess of the number declared on the label attached to the container of the seed or associated with the seed;

(f) it contains more than one percent by weight of all weed seeds;

(g) it contains less than the stated net weight of contents;

(h) it contains less than the stated number of seeds in the container;

(i) it contains any labeling, advertising, or other representation subject to sections 21.82 and 21.83 representing the seed to be certified unless:

(1) it has been determined by a seed certifying agency that the seed conformed to standards of purity and identity as to kind, species, subspecies, or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules pertaining to the seed; and

(2) the seed bears an official label issued for it by a seed certifying agency stating that the seed is of a certified class and a specified kind, species, subspecies, or variety;

(j) it is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection has been granted under United States Code, title 7, sections 2481 to 2486, specifying sale by variety name only as a class of certified seed. Seed from a certified lot may be labeled as to variety name when used in a blend or mixture by or with approval of the owner of the variety; or

(k) the person whose name appears on the label does not have complete records including a file sample of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state as required in section 21.84.

Subd. 2. **Miscellaneous violations.** No person may:

(a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or alter or falsify any seed tests, laboratory reports, records, or other documents to create a misleading impression as to kind, variety, history, quality, or origin of the seed;

(b) hinder or obstruct in any way any authorized person in the performance of duties under sections 21.80 to 21.92;

(c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;

(d) use the word "type" in any labeling in connection with the name of any agricultural seed variety;

(e) use the word "trace" as a substitute for any statement which is required;

(f) plant any agricultural seed which the person knows contains weed seeds or noxious weed seeds in excess of the limits for that seed;

(g) advertise or sell seed containing patented, protected, or proprietary varieties used without permission of the patent or certificate holder of the intellectual property associated with the variety of seed; or

(h) use or sell as food, feed, oil, or ethanol feedstock any seed treated with neonicotinoid pesticide.

History: *1983 c 293 s 45; 2000 c 477 s 23; 2003 c 128 art 8 s 14; 2020 c 89 art 2 s 15; 2023 c 60 art 9 s 5*

21.87 EXEMPTION.

(a) Sections 21.82 and 21.83 do not apply to:

(1) seed or grain not intended for sowing purposes;

(2) seed in storage in or being transported or consigned to a conditioning establishment for conditioning, provided that the invoice or label accompanying any shipment of the seeds bears the statement "seeds for

conditioning," and provided that any labeling or other representation which may be made with respect to the unconditioned seed is subject to the provisions of sections 21.82 and 21.83;

(3) any carrier with respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier, provided that the carrier is not engaged in producing, conditioning, or marketing seeds subject to sections 21.82 and 21.83; or

(4) interpersonal sharing of seed for home, educational, charitable, or personal noncommercial use.

(b) Notwithstanding paragraph (a), sections 21.82 and 21.83 do apply if a person distributes seed found to:

(1) contain seed of patented, protected, or proprietary varieties used without permission of the patent or certificate holder of the intellectual property associated with the variety;

(2) have been misrepresented as certified seed; or

(3) contain prohibited or restricted weed seeds or seeds from species listed as noxious by the commissioner under chapter 18.

History: *1983 c 293 s 46; 2015 c 44 s 19*

21.88 PENALTIES NOT TO APPLY.

A person is not subject to penalties for having sold seeds which were incorrectly labeled or represented as to kind, species, subspecies, if appropriate, variety, type, origin and year, elevation or place of collection if required, if the seeds cannot be identified by examination unless the person has failed to obtain an invoice or genuine grower's or tree seed collector's declaration or other labeling information and to take other reasonable precautions to ensure the identity is as stated.

History: *1983 c 293 s 47; 1986 c 444; 2003 c 128 art 8 s 15*

21.89 SEED FEE PERMITS.

Subdivision 1. **Seed fee.** In order to pay for administering and enforcing sections 21.80 to 21.92, the commissioner shall establish the fees charged for various seeds and shall collect the fees on all seeds covered by sections 21.82 to 21.92.

Subd. 2. **Permits; issuance and revocation.** The commissioner shall issue a permit to the labeler of agricultural, vegetable, flower, and wildflower seeds which are sold for use in Minnesota and which conform to and are labeled under sections 21.80 to 21.92. Permit fees are determined based on the first sale in the state. Any sale after the first sale does not increase the permit fee. The categories of permits are as follows:

(1) for labelers who sell 50,000 pounds or less of agricultural, native grasses, or wildflower seed each calendar year, an annual permit issued for a fee established in section 21.891, subdivision 2, paragraph (b);

(2) for labelers who sell vegetable, flower, and wildflower seed packed for use in home gardens or household plantings, an annual permit issued for a fee established in section 21.891, subdivision 2, paragraph (c), based upon the gross sales from the previous year; and

(3) for labelers who sell more than 50,000 pounds of agricultural, native grasses, or wildflower seed each calendar year, a permanent permit issued for a fee established in section 21.891, subdivision 2, paragraph (d).

In addition, the person shall furnish to the commissioner an itemized statement of all seeds sold in Minnesota for the periods established by the commissioner. This statement shall be delivered, along with the payment of the fee, based upon the amount and type of seed sold, to the commissioner no later than 30 days after the end of each reporting period. Any person holding a permit shall show as part of the analysis labels or invoices on all agricultural, vegetable, flower, wildflower, tree, or shrub seeds all information the commissioner requires. The commissioner may revoke any permit in the event of failure to comply with applicable laws and rules.

Subd. 3. **Penalty.** A penalty fee established by the commissioner shall be assessed any permit holder who fails to submit a statement and pay the fee due within the 30 days following the end of each reporting period.

Subd. 4. **Exemptions.** A labeler who sells for use in Minnesota agricultural, vegetable, or flower seeds must have a seed fee permit unless the agricultural, vegetable, or flower seeds are of the breeder or foundation seed classes of varieties developed by publicly financed research agencies intended for the purpose of increasing the quantity of seed available.

History: *1983 c 293 s 48; 1989 c 312 s 1,2; 2003 c 128 art 8 s 16,17; 1Sp2015 c 4 art 2 s 47; 2020 c 89 art 2 s 16,17*

21.891 FEES.

Subdivision 1. **Sampling export seed.** In accordance with section 21.85, subdivision 13, the commissioner may, if requested, sample seed destined for export to other countries. The fee for sampling export seed is an hourly rate published annually by the commissioner and it must be an amount sufficient to recover the actual costs of the service provided.

Subd. 2. **Seed fee permits.** (a) A labeler who wishes to sell seed in Minnesota must comply with section 21.89, subdivisions 1 and 2, and the procedures in this subdivision. Each labeler who wishes to sell seed in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, and the name and title of the applicant's contact person. Permit fees are based on the initial sale of seed in Minnesota.

(b) The application for a seed permit covered by section 21.89, subdivision 2, clause (1), must be accompanied by an application fee of $75.

(c) The application for a seed permit covered by section 21.89, subdivision 2, clause (2), must be accompanied by an application fee based on the level of annual gross sales as follows:

(1) for gross sales of $0 to $25,000, the annual permit fee is $75;

(2) for gross sales of $25,001 to $50,000, the annual permit fee is $150;

(3) for gross sales of $50,001 to $100,000, the annual permit fee is $300;

(4) for gross sales of $100,001 to $250,000, the annual permit fee is $750;

(5) for gross sales of $250,001 to $500,000, the annual permit fee is $1,500;

(6) for gross sales of $500,001 to $1,000,000, the annual permit fee is $3,000; and

(7) for gross sales of $1,000,001 and above, the annual permit fee is $4,500.

(d) The application for a seed permit covered by section 21.89, subdivision 2, clause (3), must be accompanied by an application fee of $75. Labelers holding seed fee permits covered under this paragraph need not apply for a new permit or pay the application fee. Under this permit category, the fees for the following kinds of agricultural seed sold either in bulk or containers are:

(1) oats, wheat, and barley, 9 cents per hundredweight;

(2) rye, field beans, buckwheat, and flax, 12 cents per hundredweight;

(3) field corn, 17 cents per 80,000 seed unit;

(4) forage, hemp, lawn and turf grasses, and legumes, 69 cents per hundredweight;

(5) sunflower, $1.96 per hundredweight;

(6) sugar beet, 12 cents per 100,000 seed unit;

(7) soybeans, 7.5 cents per 140,000 seed unit;

(8) for any agricultural seed not listed in clauses (1) to (7), the fee for the crop most closely resembling it in normal planting rate applies; and

(9) for native grasses and wildflower seed, $1 per hundredweight.

(e) If, for reasons beyond the control and knowledge of the labeler, seed is shipped into Minnesota by a person other than the labeler, the responsibility for the seed fees are transferred to the shipper. An application for a transfer of this responsibility must be made to the commissioner. Upon approval by the commissioner of the transfer, the shipper is responsible for payment of the seed permit fees.

(f) Seed permit fees may be included in the cost of the seed either as a hidden cost or as a line item cost on each invoice for seed sold. To identify the fee on an invoice, the words "Minnesota seed permit fees" must be used.

(g) All seed fee permit holders must file semiannual reports with the commissioner, even if no seed was sold during the reporting period. Each semiannual report must be submitted within 30 days of the end of each reporting period. The reporting periods are October 1 to March 31 and April 1 to September 30 of each year or July 1 to December 31 and January 1 to June 30 of each year. Permit holders may change their reporting periods with the approval of the commissioner.

(h) The holder of a seed fee permit must pay fees on all seed for which the permit holder is the labeler and which are covered by sections 21.80 to 21.92 and sold during the reporting period.

(i) If a seed fee permit holder fails to submit a semiannual report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $100 or eight percent, calculated on an annual basis, of the fee due, whichever is greater, but no more than $500 for each late semiannual report. A $15 penalty must be charged when the semiannual report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this paragraph or the Minnesota seed law.

Subd. 3. MS 2004 [Repealed, 2003 c 128 art 8 s 22]

Subd. 4. MS 2004 [Repealed, 2003 c 128 art 8 s 22]

Subd. 5. **Brand name registration fee.** The fee is $50 for each variety registered for sale by brand name.

History: *2003 c 128 art 8 s 18; 1Sp2015 c 4 art 2 s 48,49; 2020 c 89 art 2 s 18*

21.90 MS 2004 [Repealed, 2003 c 128 art 8 s 22]

21.901 BRAND NAME REGISTRATION.

The owner or originator of a variety of nonhybrid seed that is to be sold in this state must annually register the variety with the commissioner if the variety is to be sold only under a brand name. The registration must include the brand name and the variety of seed. The brand name for a blend or mixture need not be registered.

History: *1996 c 407 s 16; 2003 c 128 art 8 s 21*

21.91 SEED CERTIFICATION AGENCIES.

Subdivision 1. **Minnesota.** The official seed certification agency for Minnesota shall be determined by the commissioner of agriculture and the director of the Minnesota Agricultural Experiment Station.

Subd. 2. **Other jurisdictions.** The official seed certification agency for other jurisdictions shall be determined and the identity filed as a public record in the office of the commissioner of agriculture. The determination shall be made by the commissioner of agriculture and the director of the Minnesota Agricultural Experiment Station.

History: *1983 c 293 s 50*

21.915 PESTICIDE-TREATED SEED USE AND DISPOSAL; CONSUMER GUIDANCE REQUIRED.

(a) The commissioner, in consultation with the commissioner of the Pollution Control Agency, must develop and maintain consumer guidance regarding the proper use and disposal of seed treated with pesticide.

(b) A person selling seed treated with pesticide at retail must post in a conspicuous location the guidance developed by the commissioner under paragraph (a).

History: *2023 c 60 art 9 s 6*

21.92 SEED INSPECTION ACCOUNT.

There is established in the agricultural fund an account known as the seed inspection account. Fees and penalties collected by the commissioner under sections 21.80 to 21.92 and interest attributable to money in the account shall be deposited into this account. Money in the account, including interest earned, is appropriated to the commissioner for the administration and enforcement of sections 21.80 to 21.92.

History: *1983 c 293 s 51; 1985 c 248 s 9; 1993 c 172 s 26; 1996 c 305 art 3 s 5; 1999 c 231 s 47; 1999 c 250 art 3 s 5*