

MICHIGAN SEED LAW (EXCERPT)
Act 329 of 1965

***** 286.702.amended THIS AMENDED SECTION IS EFFECTIVE SEPTEMBER 7, 2016 *****

286.702.amended Definitions.

Sec. 2. As used in this act:

(1) "Person" means any individual, partnership, company, corporation, society, cooperative, union, or association.

(2) "Sale or sell" means the act of transferring property for any consideration and includes the acts of offering, advertising, exposing, holding, or transporting for sale.

(3) "Label" includes all labels, and other written, printed, or graphic representation in any form, accompanying or pertaining to any seed in bulk or in containers and includes representation on invoices, bills, and letterheads.

(4) "Agricultural seed" means the seed of grass, forage, cereal, fiber, oil plants, and any other seed commonly recognized within this state as agricultural or field seed, lawn seed, or mixtures of those seeds.

(5) "Director" means director of the department of agriculture and rural development or his or her authorized representative.

(6) "Screenings" means chaff, florets, immature seed, weed seed, or inert and other foreign matter removed in any way in cleaning or conditioning of seed, or obtained from weedy fields or any source, and contains less than 50% agricultural seed.

(7) "Vegetable seed" means the seed of those crops that are grown in gardens or on truck farms and that generally are known and sold under the name of vegetable or herb seed in this state.

(8) "Flower seed" means the seed of those plants usually grown for their blooms, ornamental foliage, or other ornamental parts and commonly are known and sold under the name of flower seed in this state.

(9) "Forest tree seed" means the seeds of those forest trees that are usually grown in nurseries and forests in this state, and that are listed in the rules promulgated under this act.

(10) "Pure seed" means seed exclusive of inert matter and all other seeds not of the seed being considered, as determined by methods defined by rule promulgated under this act.

(11) "Inert matter" means broken seed 1/2 or less the original size, seeds of legumes or crucifers with seed coats removed, undeveloped or badly injured weed seed, the empty glumes or attached sterile glumes of grasses, stems, leaves, stones, chaff, soil, insects, fungal bodies, material added in coating or pelleting, and all other matter other than pure seed, weed, or crop seed, as determined by methods defined by rule promulgated under this act.

(12) "Weed seed" means the seeds of all plants generally recognized as weeds within the state, as determined by methods defined by rule promulgated under this act, and includes prohibited and restricted noxious weed seeds.

(13) "Crop seed" means the seed of plants grown as crops, other than the kind or variety included in the pure seed, as determined by methods defined by rule promulgated under this act.

(14) "Germination percent" means the percent of seeds capable of producing normal seedlings under favorable growing conditions. Broken, weak, diseased, malformed, or abnormal seedlings, as determined by methods defined by rule promulgated under this act, shall not be considered as having germinated.

(15) "Hard seed percent" means the seed which, due to hardness or impermeability, does not absorb moisture and start growth under favorable conditions during a prescribed germination period but remains hard.

(16) "Prohibited noxious weed seed" means the seed of plants that are highly destructive and difficult to control in this state by ordinary good cultural practices, and that are listed in the rules promulgated under this act.

(17) "Restricted noxious weed seed" means the seeds of the plants that are objectionable in the fields, lawns, and gardens of this state but can be controlled by ordinary good cultural practices, and that are listed in the rules promulgated under this act.

(18) "Lot" means a definite quantity of seed identified by a number or other mark, every portion of which is uniform within recognized tolerances for the factors that appear in the labeling.

(19) "Kind" means 1 or more related species or subspecies that singly or collectively is known by 1 common name, including, but not limited to, oats, wheat, soybeans, and corn.

(20) "Variety" means a subdivision of a kind that is distinct, uniform, and stable; distinct in the sense that the variety can be differentiated by 1 or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; uniform in the sense that variations in essential

and distinctive characteristics are describable, and stable in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties; for example, heritage oats, augusta wheat, corsoy soybeans.

(21) "Hybrid" means, as applied to kinds or varieties of seed, the first generation seed of a cross, produced by controlling the pollination and by combining 2 or more inbred lines, or 1 inbred line or a single cross with an open pollinated variety, or 2 selected clones, seed lines, varieties, or species, except open pollinated varieties of corn such as zea mays. A hybrid designation shall be treated as a variety name.

(22) "Records" means all label information and the source of this information required by this act for the seed being considered, and all information relating to the shipment or shipments involved with seed, such as invoices, vouchers, freight bills, and other records.

(23) "Advertising" means all representations other than those on the label, disseminated in any manner or by any means, and relating to seed within the scope of this act.

(24) "Treated" means that the seed has received an effective application of substance or method designed to reduce, control, or repel certain disease organisms, fungi, insects, or other pests attacking the seed or seedlings or has received some other treatment to improve its planting value.

(25) "Tolerance" means the allowable deviation from any percentage claim used on a label and is based on the law of normal variation from a mean. Tolerance tables used in the enforcement of this act are those prescribed in the rules promulgated under this act.

(26) "Official sample" means the sample taken from a lot of seed by a representative of the director.

(27) "Representative sample" means a sample taken from a seed lot that is of sufficient size to supply an adequate amount of seed for laboratory testing and that is secured and submitted according to the guidelines approved by the director.

(28) "Vendor" means a person engaged in the selling of seed.

(29) "Grower's declaration" means a statement signed by the grower or shipper giving, for any lot of seed, the lot number, the kind, variety, weight, and origin.

(30) "Hermetically sealed seed" means seed packed in a moisture proof container when the container and the seed in the container meet the requirements specified in the rules promulgated under this act.

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

(32) "Blend" means seed consisting of more than 1 variety of a kind, each in excess of 5% of the whole.

(33) "Mixture" means seed consisting of more than 1 kind, each in excess of 5% of the whole.

(34) "Dormant seed" means viable seed, excluding hard seed that fail to germinate when provided with the specified germination conditions for the kind of seed in question.

(35) "Controlling the pollination" means a method of hybridization that will produce pure seed that is at least 75% hybrid seed. The second generation or subsequent generations from these crosses are not hybrids.

(36) "Seizure" means a legal process carried out by a court order against a definite amount of seed.

(37) "Stop sale" means an administrative order restraining the sale, disposition, and movement of a definite amount of seed.

(38) "Conditioning" means drying, cleaning, scarifying, and other operations that change the purity or germination of the seed and require the seed lot to be retested to determine the label information. Conditioning does not include packaging, labeling, combining seed lots to form blends or mixtures, or other operations that would not make necessary the retesting of the seed lot to determine the label information.

(39) "Brand" means a word, name, symbol, number, or design used to identify seed of 1 person to distinguish it from the seed of another person.

(40) "Cool season lawn and turf grass" means grasses including Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass, annual bentgrass, and mixtures of any of these.

(41) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.326.

History: 1965, Act 329, Eff. Mar. 31, 1966;—Am. 1988, Act 455, Imd. Eff. Dec. 27, 1988;—Am. 1996, Act 86, Imd. Eff. Feb. 27, 1996;—Am. 2016, Act 166, Eff. Sept. 7, 2016.

Administrative rules: R 285.714.1 et seq. of the Michigan Administrative Code.