

By: Springer

H.B. No. 4222

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of the labeling, sale, offering,
3 exposing or transporting for sale of agricultural, vegetable,
4 flower, and tree and shrub seeds for certification; to prevent
5 misrepresentation thereof; making changes to the State Seed and
6 Plant Board; to repeal all laws in conflict with this Act; changing
7 the amount of a fee.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

9 SECTION 1. Section 61.002, Agriculture Code, is amended to
10 read as follows:

11 Sec. 61.002. ADMINISTRATION; RULES. (a) The Texas A&M
12 AgriLife Extension Service [~~department~~] shall administer and
13 enforce this chapter and may employ qualified persons and incur
14 expenses as necessary in performing those duties. [~~The number of~~
15 ~~persons employed shall be set in the General Appropriations Act.~~]

16 (b) The Texas A&M AgriLife Extension Service [~~department~~]
17 may adopt rules as necessary for the efficient enforcement of this
18 chapter. [~~Before adopting rules under this chapter, the department~~
19 ~~shall conduct a public hearing on the proposed rule or amendment.~~]

20 (c) The Texas A&M AgriLife Extension Service may contract
21 with a private entity to [~~The department may~~] establish and
22 maintain or provide for seed testing facilities as necessary to
23 administer this chapter.

24 (e) A reference in this chapter to the department means the

1 Texas A&M AgriLife Extension Service [~~The department may cooperate~~
2 ~~with the United States Department of Agriculture in the enforcement~~
3 ~~of seed law.~~]

4 SECTION 2. Section 61.010, Agriculture Code, is amended to
5 read as follows:

6 Sec. 61.010. INSPECTION OF SEED. (a) The Texas A&M
7 AgriLife Extension Service annually [~~At the time, place, and to the~~
8 ~~extent the department considers necessary, the department]~~ shall
9 sample, inspect, analyze, and test agricultural and vegetable seed
10 transported, sold, or offered or exposed for sale in this state for
11 sowing purposes in order to determine if the seed is in compliance
12 with this chapter. The service [~~department~~] shall promptly notify
13 of any violation the person who transported, sold, or offered or
14 exposed the seed for sale.

15 (b) The Texas A&M AgriLife Extension Service [~~department~~]
16 shall adopt rules governing the methods of sampling, inspection,
17 analysis, and testing and the tolerances to be allowed in the
18 administration of this chapter. The service may adopt any other
19 rules governing agricultural and vegetable seed [~~rules adopted~~
20 ~~shall be in general accord with officially prescribed practice in~~
21 ~~interstate commerce~~].

22 [~~(c) In order to gain access to seed or to records from~~
23 ~~authorized personnel, the department is entitled to enter any~~
24 ~~public or private premises during regular business hours or any~~
25 ~~land, water, or air conveyance at any time when the conveyance is~~
26 ~~accessible.~~]

27 SECTION 3. Section 61.011(a), Agriculture Code, is amended

1 to read as follows:

2 (a) A person who sells, or offers, exposes, or otherwise
3 distributes for sale agricultural seed within this state for
4 planting purposes shall pay an inspection fee not to exceed \$1,000
5 ~~[in the manner provided by Subsection (b) or (c) of this section. A~~
6 ~~person may not use both procedures for fee payment. The person shall~~
7 ~~pay the fee during each germination period that the seed remains~~
8 ~~offered or exposed for sale. If the germination test has expired on~~
9 ~~any seed, the custodian of the seed is responsible for payment of~~
10 ~~the fee].~~

11 SECTION 4. Section 62.001(1), Agriculture Code, is amended
12 to read as follows:

13 (1) "Board" means the Texas A&M AgriLife Extension
14 Service ~~[State Seed and Plant Board].~~

15 SECTION 5. Section 62.004(a), Agriculture Code, is amended
16 to read as follows:

17 (a) The board by rule shall adopt standards prescribed by a
18 national seed and plant certification organization to govern ~~[may~~
19 ~~establish, not inconsistent with federal law,~~] the eligibility of
20 various kinds and varieties of seed and plants for genetic purity
21 and identity certification and the procedures for that
22 certification.

23 SECTION 6. Section 62.011, Agriculture Code, is amended to
24 read as follows:

25 Sec. 62.011. PENALTIES. (a) A person commits an offense if
26 the person:

27 (1) sells or offers for sale in this state seed or

1 plants with labeling or packaging accompanying the seed or plants
2 using the terms "from officially inspected fields," "state approved
3 [~~inspected~~]," "approved seed," "approved plants," "approved sods,"
4 "approved trees," "inspected fields," "foundation seed,"
5 "certified plants," or terms having the same meaning, unless the
6 seed or plants have been certified as Foundation, Registered, or
7 Certified seed or plants;

8 (2) represents himself or herself to be a registered
9 plant breeder or licensed producer of Foundation, Registered, or
10 Certified seed or plants unless he or she has been registered or
11 licensed under this chapter;

12 (3) sells or offers for sale in this state Foundation,
13 Registered, or Certified seed or plants that are not in compliance
14 with this chapter or with the rules adopted under this chapter;

15 (4) sells or offers for sale seed or plants
16 represented to be certified in explicit oral or written statements
17 or by misleading oral or written statements if the seed or plants
18 have not been certified or have not been certified as being of the
19 class of which they are represented;

20 (5) violates Section 62.007(c) of this code; or

21 (6) violates Section 62.009(c), (d), or (e) of this
22 code.

23 (b) An offense under Subsection (a)(1), (a)(2), (a)(5), or
24 (a)(6) of this section is a Class C misdemeanor.

25 (c) An offense under Subsection (a)(3) or (a)(4) of this
26 section is a Class C [~~B~~] misdemeanor.

27 SECTION 7. Section 62.002, Agriculture Code, is repealed.

1 SECTION 8. This Act takes effect September 1, 2017.