

MICHIGAN SEED LAW (EXCERPT)
Act 329 of 1965

286.709 Seed; circumstances prohibiting selling, offering for sale, advertising, exposing, or transporting for sale; prohibited conduct.

Sec. 9. (1) A person shall not sell, offer for sale, advertise, expose, or transport for sale in this state any of the seed subject to this act if any 1 or more of the following circumstances exist:

- (a) The seed is not labeled in accordance with this act, or has a false or misleading label.
- (b) The test to determine the percentage of germination required by section 3 was not completed within an 11-month period, or a 15-month period for cool season lawn and turf seed and mixtures, exclusive of the month in which the test was completed immediately prior to sale, exposure, offering, or transporting for sale, except that a longer time shall be permitted for any kind of agricultural or vegetable seed that is packaged in container materials and under conditions prescribed under the rules promulgated under this act that will maintain the viability of the seed under ordinary conditions of handling.
- (c) The seed consists of, or contains, prohibited noxious weed seed.
- (d) The seed consists of, or contains, restricted noxious weed seed in excess of the limits prescribed by rule promulgated under this act.
- (e) The seed has a percentage of germination, including hard seeds, that is below 60%, or, in the case of vegetable seed and flower seed, below the germination standard established in the rules promulgated under this act, unless labeled according to section 5.
- (f) The seed has tags or labels on, or attached to, the container of seed including a liability or nonwarranty clause disclaiming responsibility for the information on the label required by this act.
- (g) The seed has been the subject of false or misleading advertisement in any manner or by any means.
- (h) The seed contains in excess of 1% by weight of all weed seeds.
- (i) The seed was not produced and labeled in accordance with the procedures and in compliance with rules as prescribed in section 2 of 1959 PA 221, MCL 286.72.
- (j) If seed, under tag or label, has been substituted or altered.
- (k) If stop sale orders have been instituted by the director.
- (l) The seed is falsely represented to be a hybrid as defined in this act.
- (m) A person whose name appears on the label as distributing agricultural, vegetable, or flower seed subject to this act fails to retain, for a period of 2 years, complete records of each lot of agricultural, vegetable, or flower seed distributed, fails to retain, for 1 year, a file sample of each lot of seed that is distributed after final disposition of the lot, and fails to make accessible for inspection by the director during customary business hours, records and samples pertaining to the shipment or shipments involved.
- (n) If the name of the department is used in connection with the labeling or advertising or sale of any seed in any manner.
- (o) If the word "trace" is used as a substitute for any statement that is required by this act.
- (p) If the word "type" is used on any labeling in connection with the name of any agricultural or vegetable seed variety.
- (q) There is less than the stated number of seed in the container.
- (r) The seed is labeled with a brand or a trademark, or a term taken from a brand or trademark, unless the brand name or trademark is clearly identified with the word "brand" and is other than a part of the variety.
- (s) The seed is labeled with a variety name but is not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection, under the plant variety protection act, 7 USC 2321 to 2582, specifies sale only as a class of certified seed. However, seed from a certified lot may be labeled as to variety name if used in a mixture by, or with the approval of, the owner of the variety.
- (t) For field bean seeds, the label does not include a statement indicating that the lot has been field inspected and laboratory tested and meets the disease tolerances established by the director.
- (u) For field bean seeds, the lot is found to contain diseases in excess of the tolerances prescribed in section 7a.

(2) A person shall not do any of the following:

- (a) Hinder, obstruct, or resist the director in the discharge of his or her duties under this act.
- (b) Store, ship, or handle seed under conditions that make it impossible to properly inspect or obtain a sample representative of the seed being sold, offered, exposed, or transported for sale.
- (c) Sell seed that has been treated, as defined in this act, to any person for any purpose unless the seed is colored and clearly labeled as required in section 7.

History: 1965, Act 329, Eff. Mar. 31, 1966;—Am. 1970, Act 208, Imd. Eff. Aug. 25, 1970;—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.

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