

## **CERTIFICATION OF SEED**

### **Act 221 of 1959**

AN ACT to define certified and certain classes of seed; to authorize the director of agriculture to promulgate rules and regulations governing the certification of seed as to certain genetic and other standards; to authorize the designation by the director of certain official seed certification agencies; to provide immunity for certain persons under certain circumstances; and to provide penalties for the violation of this act.

**History:** 1959, Act 221, Eff. Mar. 19, 1960;—Am. 1995, Act 66, Imd. Eff. May 31, 1995.

*The People of the State of Michigan enact:*

#### **286.71 Certification of seeds; definitions.**

Sec. 1. As used in this act:

(a) "Seed" means the seed or propagating materials of cereals, grain crops, vegetable crops, oil crops, fiber crops, forage crops, grasses, legumes, turf species, tuberous crops, and other crops used in agricultural products which are produced or processed for the purpose of being sold, offered or exposed for sale, for planting, sowing or seeding processes within this state.

(b) "Certified seed" means the progeny of foundation, registered or certified seed if designated foundation and plant propagating materials that are so handled as to maintain satisfactory genetic identity and purity and have met certification standards required by this act and have been approved and certified by the director upon the advice of official seed certifying agencies.

(c) "Foundation seed" means seed stocks or plant propagating materials that are increased from breeder or designated foundation seed and are so handled as to most nearly maintain specific genetic identity and purity. Foundation seed, established by designation, shall be that seed designated by the agricultural experiment station together with the legal certifying agency and approved by the director of agriculture.

(d) "Breeder seed" means seed or plant propagating material directly controlled by the originating or, in certain cases, the sponsoring plant breeder or institution, and which provides the source of foundation seed.

(e) "Registered seed" means the progeny of foundation or registered seed or plant propagating material that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the director of agriculture upon the advice of the official certifying agencies. This class of seed shall be of a quality suitable for the production of certified seed.

**History:** 1959, Act 221, Eff. Mar. 19, 1960.

#### **286.72 Director as legal seed certifying officer; rules; standards; sale and advertising for sale of group of seed having common characteristics within species; conditions.**

Sec. 2. (1) The director of the department of agriculture is the legal seed certifying officer of this state and may promulgate rules governing the certification of seed as to variety, type, strain, or other genetic character and the labeling of certified seed, and may adopt general seed certification standards in cooperation with certifying agencies. The rules authorized by this section shall be promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(2) The director of the department of agriculture may permit the sale and advertising for sale as certified seed of a group of seed having common characteristics within a species even though the seed does not meet the requirements of this act or the rules promulgated under this act for certified seed if all of the following conditions are met:

(a) The director determines, with the concurrence of the director of the Michigan agricultural experiment station, that there is an inadequate supply in this state of a group of seed having common characteristics within a species.

(b) The seed has been certified by the official certifying agency of another state and is advertised and sold bearing the state of origin certification.

(c) Reasonable and timely notice is given to persons affected by the director's determination under this subsection.

(3) If the director exercises the authority provided under subsection (2), the director shall issue a list of the seed permitted for sale.

**History:** 1959, Act 221, Eff. Mar. 19, 1960;—Am. 1986, Act 85, Imd. Eff. Apr. 24, 1986.

**Administrative rules:** R 285.623.1 et seq. and R 285.628.1 et seq. of the Michigan Administrative Code.

#### **286.73 Official seed certifying agencies; designation; fees; liability.**

Sec. 3. (1) The director of the department of agriculture shall, after consultation with the dean of agriculture of Michigan state university and the director of the Michigan agricultural experiment station, and after due notice and public hearing, designate official seed certifying agencies that he or she finds qualified to assist and advise him or her in carrying out this act in order to advise as to variety, type, strain, or other genetic characteristics and to recommend standards for agricultural or vegetable seeds or plant propagating materials to be certified and the labeling of the seeds. The director of the department of agriculture shall authorize the designated official seed certifying agencies to charge a fee commensurate with the cost of the seed certification function.

(2) Except as otherwise provided in subsection (3), a person shall not have a cause of action against a designated official seed certifying agency or its agent or employee if the designated seed certifying agency or its agent or employee is engaged in duties permitted by this act and utilizes written and approved procedures and protocols established by the director of the department of agriculture.

(3) A designated official seed certifying agency or its agent or employee is liable for injuries to persons and damages to property under 1 or more of the following circumstances:

(a) The designated official seed certifying agency or its agent or employee failed to follow written procedures and protocols.

(b) The designated seed certifying agency or its agent or employee improperly interpreted the laboratory test results even though the written procedures and protocols were followed.

(c) The actions taken by the designated official seed certifying agency or its agent or employee were not within the scope of its official duties.

**History:** 1959, Act 221, Eff. Mar. 19, 1960;—Am. 1974, Act 94, Imd. Eff. Apr. 25, 1974;—Am. 1995, Act 66, Imd. Eff. May 31, 1995.

#### **286.74 Repealed. 1995, Act 66, Imd. Eff. May 31, 1995.**

**Compiler's note:** The repealed section pertained to lists of varieties and hybrids of seeds or materials eligible for certification.

#### **286.75 Violation of act; penalty; seizure of mislabeled seeds.**

Sec. 5. Whoever sells or offers or exposes for sale any seed within this state represented to be or labeled as certified, foundation, registered or breeder seed, as defined in this act, unless it has been produced and labeled in compliance with the rules and regulations promulgated by the director under the provisions of this act, shall be guilty of a misdemeanor. The director or his duly authorized agent is authorized to seize and take possession of such seeds in accordance with the procedure set forth in section 10 of Act No. 314 of the Public Acts of 1923, as amended, being section 286.60 of the Compiled Laws of 1948.

**History:** 1959, Act 221, Eff. Mar. 19, 1960.