

SENATE BILL No. 330

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-15-1-27.

Synopsis: Seed commissioner rulemaking. Provides that the state seed commissioner may not adopt rules banning all varieties of *Amaranthus*.

Effective: Upon passage.

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January 4, 2018, read first time and referred to Committee on Agriculture.



Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 330

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-15-1-27, AS AMENDED BY P.L.75-2010,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 27. (a) The state seed commissioner shall
4 administer this chapter. The state seed commissioner may authorize an
5 agent to act for the state seed commissioner under this chapter.
6 (b) The state seed commissioner may do any of the following to
7 administer this chapter:
8 (1) Sample, inspect, analyze, and test agricultural and vegetable
9 seed distributed within Indiana for seeding and sowing purposes,
10 when, where, and to the extent the state seed commissioner
11 considers necessary to determine whether the agricultural or
12 vegetable seed is in compliance with this chapter.
13 (2) Notify a seed distributor of any violations of this chapter.
14 (3) Adopt rules:
15 (A) governing:
16 (i) methods of sampling, inspecting, analyzing, testing, and
17 examining agricultural and vegetable seed; and



- 1 (ii) tolerances to be followed in the administration of this
 2 chapter; and
 3 (B) necessary for the efficient enforcement of this chapter.
- 4 (4) **Subject to subsection (d)**, adopt rules to establish lists of
 5 prohibited and restricted noxious weeds.
- 6 (5) Adopt rules to establish reasonable standards of germination
 7 (as defined by rule adopted under section 28 of this chapter) for
 8 vegetable seed.
- 9 (6) Adopt rules to establish standards for the effectiveness of
 10 legume inoculant applied to pre-inoculated seed.
- 11 (7) Adopt rules to govern the treatment of seed and the labeling
 12 and distribution of treated seed.
- 13 (8) Publish at least one (1) time each year, in the form the seed
 14 commissioner considers proper, information concerning:
 15 (A) the sales of agricultural and vegetable seed; and
 16 (B) the results of the analysis of official samples of
 17 agricultural and vegetable seed sold within Indiana as
 18 compared with the analysis guaranteed on the label.
- 19 Information concerning production and use of agricultural and
 20 vegetable seed may not disclose the operation of any person.
- 21 (9) Enter any:
 22 (A) public or private property during regular business hours;
 23 or
 24 (B) vehicle that transports seed, whether by land, water, or air,
 25 at any time the vehicle is accessible;
- 26 to inspect seed and the records relating to the seed, subject to this
 27 chapter and the rules adopted under this chapter.
- 28 (10) As used in this subdivision, "stop sale order" refers to a
 29 written order issued by the state seed commissioner to the owner
 30 or custodian of a lot of agricultural or vegetable seed that the state
 31 seed commissioner has found violates this chapter or rules
 32 adopted under this chapter. The state seed commissioner may
 33 issue and enforce stop sale orders. A stop sale order prohibits the
 34 future sale, processing, and movement of the seed until the state
 35 seed commissioner issues a release from the stop sale order. The
 36 owner or custodian of the seed is entitled to appeal a stop sale
 37 order to a court with jurisdiction in the locality in which the seed
 38 is found, as provided in IC 4-21.5, seeking a judgment as to the
 39 justification for the order for the discharge of the seed from the
 40 stop sale order in accordance with the findings of the court. This
 41 subdivision does not limit the right of the state seed commissioner
 42 to proceed as otherwise authorized by this chapter.



- 1 (11) Establish and maintain or make provisions for seed testing
 2 facilities.
 3 (12) Employ qualified persons.
 4 (13) Incur necessary expenses.
 5 (14) Test or provide for testing seed for purity and germination
 6 (as defined by rule adopted under section 28 of this chapter) for
 7 farmers and dealers on request of a farmer or dealer, prescribe
 8 rules governing such testing, and charge for the tests made.
 9 (15) Cooperate with the United States Department of Agriculture
 10 and other agencies in seed law enforcement.
 11 (16) Enter the property of a producer of hybrid seed to determine
 12 whether the seed produced is as the seed is represented.
 13 (17) Issue a written special use permit to a person to use a
 14 prohibited noxious weed seed or a restricted noxious weed seed
 15 for purposes of research, development, production, or education,
 16 subject to subsection (c).
 17 (18) Adopt rules under IC 4-22-2 to establish fees that are
 18 necessary for the administration of this chapter, including costs of
 19 inspections, analysis, and publications.
 20 (19) Adopt rules under IC 4-22-2 to establish civil fines for the
 21 following:
 22 (A) Failure to submit a report required under this chapter.
 23 (B) Failure to pay a fee required under this chapter.
 24 (c) The seed commissioner, in response to an application for the
 25 issuance of a special use permit under subsection (b)(17), may:
 26 (1) issue a special use permit;
 27 (2) issue a special use permit subject to conditions; or
 28 (3) deny a special use permit request.
 29 In determining whether to issue a special use permit, the seed
 30 commissioner shall consider each species of prohibited noxious weed
 31 or restricted noxious weed separately. The seed commissioner may
 32 revoke a special use permit at any time if it appears that the permit
 33 holder is not complying with the conditions established under the
 34 special use permit.
 35 **(d) The seed commissioner may not adopt rules banning all**
 36 **varieties of Amaranthus. This subsection expires January 1, 2019.**
 37 **SECTION 2. An emergency is declared for this act.**

