

199.1 Definitions.

For the purpose of this chapter or as used in labeling of seed:

1. "*Advertisement*" means all representations, other than those on the label, relating to seed within the scope of this chapter.
2. "*Agricultural seed*" means grass, forage, cereal, oil, fiber, and any other kind of crop seed commonly recognized within this state as agricultural seed, lawn seed, vegetable seed, or seed mixtures. Agricultural seed may include any additional seed the secretary designates by rules.
3. "*Certifying agency*" means an agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States secretary of agriculture to assure genetic purity and identity of the seed certified, or an agency of a foreign country determined by the United States secretary of agriculture to adhere to the procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies in the United States.
4. "*Coated seed*" means seed that has been encapsulated or covered with a substance other than those defined as "*inoculated seed*" or "*treated seed*". Pelleted seed is a subclass of "*coated seed*".
5. "*Conditioning*" means cleaning to remove chaff, sterile florets, immature seed, weed seed, inert matter, and other crop seed; scarifying; blending to obtain uniform quality; or any other operation which may change the purity or germination of the seed and require retesting to determine the quality of the seed.
6. "*Cultivar*" or "*variety*" means a cultivated subdivision of a kind of plant that may be characterized by growth habits, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.
7. "*Hybrid*" means the first generation seed produced by controlled pollination of two inbred lines to produce a single cross; an inbred line and a single cross of two unrelated inbred lines to produce a three-way cross; an inbred line and a single cross of two related lines to produce a modified single cross; two single crosses to produce a double cross; an inbred line or a single cross with an open-pollinated or synthetic cultivar to produce a modified cultivar cross; or a cross of two open-pollinated or synthetic cultivars to produce a cultivar cross. The second or subsequent generation from such crosses are not hybrids. Hybrid designations shall be treated as cultivar names.
8. "*Inoculant for leguminous plants*" means a bacterial culture, or material containing bacteria, that is represented as causing the formation of nodules and aiding the growth of leguminous plants by the fixation of nitrogen.
9. "*Inoculated seed*" means seed to which has been added a substance containing the cells, spores or mycelia of microorganisms for which a claim is made.
10. "*Kind*" means one or more related species or subspecies which singly or collectively are known by one common name.
11. "*Labeling*" means all labels and other written, printed, or graphic representations, in any form, accompanying and pertaining to seed, whether in bulk or in containers, and includes invoices.
12. a. "*Local governmental entity*" means any political subdivision, or any state authority which is not any of the following:
 - (1) The general assembly.

(2) A principal central department as enumerated in section 7E.5, or a unit of a principal central department.

b. "Local governmental entity" includes but is not limited to a county, special district, township, or city as provided in title IX of this Code.

13. *"Local legislation"* means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

14. *"Mixture"* or *"blend"* means a combination of seed of more than one kind or variety if present in excess of five percent of the whole.

15. *"Multiline cultivar"* means a planned combination of two or more near-isogenic lines of a normally self-fertilizing kind of crop.

16. *"Noxious weed seed"* shall be divided into two classes, *"primary noxious weed seed"* and *"secondary noxious weed seed"* which are defined in paragraphs *"a"* and *"b"* of this subsection. The secretary, upon the recommendation of the dean of agriculture, Iowa state university of science and technology, shall adopt as a rule, after public hearing, pursuant to chapter 17A, the list of seed classified as *"primary noxious weed seed"* and *"secondary noxious weed seed"*.

a. "Primary noxious weed seed" are the seed of perennial weeds that reproduce by seed and by underground roots or stems and which, when established, are highly destructive and difficult to control in this state by good cultural practices. For the purpose of this chapter and the sale of seed, primary noxious weeds in this state are the seeds of:

(1) Quack grass *Agropyron repens* (L.) Beauv.

(2) Canada thistle *Cirsium arvense* (L.) Scop.

(3) Perennial sow thistle *Sonchus arvensis* L.

(4) Perennial pepper grass (hoary cress) *Cardaria draba* (L.) Desv.

(5) European morning-glory (field bindweed) *Convolvulus arvensis* L.

(6) Horse nettle *Solanum carolinense* L.

(7) Leafy spurge *Euphorbia esula* L.

(8) Russian knapweed *Centaurea repens* L.

b. "Secondary noxious weed seed" are the seed of weeds that are very objectionable in fields, lawns, or gardens in this state, but can be controlled by good cultural practices. For the purpose of this chapter and the sale of seed, the secondary noxious weed seeds in this state are the seeds of:

(1) Wild carrot *Daucus carota* L.

(2) Sour dock (curly dock) *Rumex crispus* L.

(3) Smooth dock *Rumex altissimus* Wood.

(4) Sheep sorrel (red sorrel) *Rumex acetosella* L.

(5) Butterprint (velvet leaf) *Abutilon theophrasti* Medic.

(6) Mustards *Brassica juncea* (L.) Coss., *Sinapis arvensis* L. and *B. nigra* (L.) Koch.

(7) Cocklebur *Xanthium strumarium* L.

(8) Buckhorn *Plantago lanceolata* L.

(9) Dodders *Cuscuta* species.

(10) Giant foxtail *Setaria faberii* Herrm.

(11) Poison hemlock *Conium maculatum*.

(12) Wild sunflower Wild strain of *Helianthus annuus* (L.)

(13) Puncture vine *Tribulus terrestris*.

17. "*Permit holder*" is a person who has obtained a permit from the department as required under sections 199.15 and 199.16.

18. "*Person*" means an individual, partnership, corporation, company, society, or association.

19. "*Purity*" means the pure seed percentage by weight, exclusive of inert matter and of other agricultural or weed seed which are distinguishable by their appearance from the crop seed in question.

20. "*Record*" means all information relating to a shipment of agricultural seed and includes a file sample of each lot of seed.

21. "*Registered seed technologist*" is a person who has attained registered membership in the society of commercial seed technologists through qualifying tests and experience as required by this society.

22. "*Tolerance*" means the allowable deviation from any figure used on a label to designate the percentage of any component or the number of seeds given for the lot in question and is based on the law of normal variation from a mean. The secretary shall prepare tables of tolerances allowable in the enforcement of this chapter and may be guided in the preparation by the regulations under the federal Seed Act, 7 C.F.R. § 201.59 et seq.

23. "*Treated seed*" means agricultural seed that has been given an application of a substance, or subjected to a procedure, for which a claim is made or which is designed to reduce, control or repel disease organisms, insects, or other pests which attack seed or seedlings.

24. "*Vegetable seed*" means the crops which are grown in gardens or truck farms and are generally sold under the name of vegetable or herb seed in this state.

25. "*Weed seed*" means the seed of all plants listed as weeds in this chapter or listed as weeds in the rules of the department or commonly recognized as weeds in this state.

The Iowa secretary of agriculture shall, by rule, define the terms "*breeder*", "*foundation*", "*registered*", "*certified*" and "*inbred*", as used in this chapter.

[S13, § 5077-a14a17; C24, 27, 31, § 3127, 3128; C35, § 3137-e1; C39, § **3127, 3128, 3137.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 199.1, 199.5; 82 Acts, ch 1191, § 1]

2005 Acts, ch 21, §2

Footnotes

Weeds, chapter 317

Further definitions, see § 189.1