

Senate Study Bill 1215

Bill Text

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1 1 Section 1. Section [159.6](#), Code 2001, is amended to by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 6B. The Iowa seed law, chapter 199.
1 4 Sec. 2. Section [177.2](#), Code 2001, is amended by adding the
1 5 following new subsection:
1 6 NEW SUBSECTION. 3A. To study the impact of genetically
1 7 modified agricultural seed as defined in section 199.1,
1 8 including all issues relating to sound management practices,
1 9 the segregation of grain produced from field crops produced
1 10 from the seed, liability, and the marketability of those
1 11 crops.
1 12 Sec. 3. Section [177A.5](#), Code 2001, is amended to read as
1 13 follows:
1 14 177A.5 DUTIES PUBLIC NUISANCES.
1 15 1. The state entomologist shall keep informed as to known
1 16 species and varieties of insect pests and diseases, the
1 17 origin, locality, nature and appearance thereof, the manner in
1 18 which they are disseminated, and approved methods of treatment
1 19 and eradication.
1 20 2. In

~~the~~

- rules

~~made~~

- adopted pursuant to

~~this chapter~~

-
1 21 section 177A.6. the state entomologist shall list the
1 22 dangerously injurious insect pests and diseases which the
1 23 entomologist

~~shall find~~

- determines should be prevented from

1 24 being introduced into, or disseminated within, this state in
1 25 order to safeguard the plants and plant products likely to
1 26 become infested or infected with such insect pests and
1 27 diseases.

~~Every such~~

- Each insect pest and disease listed, and
1 28

~~every~~

- each plant product infested or infected

~~therewith~~

-, is

1 29

~~hereby~~

- declared to be a public nuisance.

~~Every~~

- A person who

1 30 has knowledge of the presence in or upon any place of any
1 31 insect pest or disease

~~so~~
- listed

~~,~~
- shall immediately report
1 32 information regarding the infestation or infection, including
1 33 the

~~fact and~~
- location, to the state entomologist, or the
1 34 assistant state entomologist

~~, giving such detailed information~~
-
1 35

~~relative thereto as the person may have~~

~~Every~~

- A person who
2 1 deals in or engages in the sale of plants and plant products
2 2 shall furnish to the state entomologist or the entomologist's
2 3 inspectors, when requested, a statement of the names and
2 4 addresses of the persons from whom and the localities where
2 5 the person purchased or obtained such plants and plant
2 6 products.
2 7 3. The state entomologist shall consult with the secretary
2 8 of agriculture regarding the effect of genetically modified
2 9 agricultural seeds, as defined in section 199.1, upon insect
2 10 pests and diseases.

2 11 Sec. 4. Section 185.11, subsection 1, Code 2001, is
2 12 amended to read as follows:

2 13 1. Enter into contracts or agreements with recognized and
2 14 qualified agencies or organizations for the development and
2 15 carrying out of research and education programs directed
2 16 toward better and more efficient production, marketing, and
2 17 utilization of soybeans and soybean products. In carrying out
2 18 these functions, the board shall consider the impact of
2 19 genetically modified agricultural seeds, as defined in section
2 20 199.1, on research and education programs.

2 21 Sec. 5. Section 185A.2, subsection 1, Code 2001, is
2 22 amended to read as follows:

2 23 1. Aid in the promotion of the soybean industry

~~of~~

- in Iowa
2 24 through education, research, marketing, transportation study,
2 25 and public relations programs

~~, and to~~

- The association shall
2 26 foster research designed to develop new, additional and
2 27 improved uses for soybean products and determine better
2 28 methods of converting

~~them~~

- soybeans to various industrial and
2 29 human consumption uses. In promoting the soybean industry in
2 30 Iowa, the association shall consider the impact of genetically
2 31 modified agricultural seeds, as defined in section 199.1, on
2 32 management practices, marketability, and liability.

2 33 Sec. 6. Section 185B.2, subsection 1, Code 2001, is
2 34 amended to read as follows:

2 35 1. Aid the promotion of corn growers and the corn industry
3 1

~~of~~

- in Iowa through education, research, marketing,
3 2 transportation study, and public relations programs

~~, and to~~

~~3 3 The association shall foster research designed to develop new
3 4 additional and improved uses for corn products and determine
3 5 better methods of converting them to various industrial and
3 6 human consumption uses. In promoting the corn industry in
3 7 Iowa, the association shall consider the impact of genetically
3 8 modified agricultural seeds, as defined in section 199.1, on
3 9 management practices, marketability, and liability.~~

3 10 Sec. 7. Section 185C.11, subsection 1, Code 2001, is
3 11 amended to read as follows:

3 12 1. Enter into contracts or agreements with recognized and
3 13 qualified agencies or organizations for the development and
3 14 carrying out of research and education programs directed
3 15 toward better and more efficient production, marketing, and
3 16 utilization of corn and corn products. In carrying out these
3 17 functions, the board shall consider the impact of genetically
3 18 modified agricultural seeds, as defined in section 199.1, on
3 19 research and education programs.

3 20 Sec. 8. NEW SECTION. 199.0A SHORT TITLE.

3 21 This chapter shall be known and may be referred to as the
3 22 "Iowa Seed Law".

3 23 Sec. 9. Section 199.1, Code 2001, is amended by adding the
3 24 following new subsections:

3 25 NEW SUBSECTION. 1A. "Agricultural producer" means a
3 26 person who plants agricultural seed that produces a field
3 27 crop.

3 28 NEW SUBSECTION. 5A. "Contamination" means the unintended
3 29 presence of a plant or plant part transferred from an
3 30 originating area to another area without the presence of the
3 31 plant or plant part that alters the genetic characteristics of
3 32 a plant in that other area.

3 33 NEW SUBSECTION. 6A. "Designated crop" means a field crop
3 34 that is produced from an agricultural seed that has been
3 35 genetically modified.

4 1 NEW SUBSECTION. 6B. "Field crop" means any plant which is
4 2 used for food, animal feed, fiber, or oil, if the plant is
4 3 classified as a forage or cereal plant, including but not
4 4 limited to alfalfa, barley, buckwheat, corn, flax, forage,
4 5 millet, oats, popcorn, rye, sorghum, soybeans, sunflowers,
4 6 wheat, and grasses used for forage or silage.

4 7 NEW SUBSECTION. 6C. "Genetically modified" means to alter
4 8 the genetic characteristics of a plant by modifying the
4 9 deoxyribonucleic acid of the plant's seed in a manner other
4 10 than by breeding or pollination.

4 11 NEW SUBSECTION. 19A. "Seed dealer" means a person who
4 12 sells or offers for sale agricultural seed to persons on a
4 13 retail basis.

4 14 NEW SUBSECTION. 19B. "Seed labeler" means a person
4 15 required to label agricultural seed as provided in section
4 16 199.3 or 199.4.

4 17 NEW SUBSECTION. 19C. "Sell" or "sold" means to sell,
4 18 offer for sale, or expose for sale.

4 19 Sec. 10. Section 199.1, subsections 2 and 3, Code 2001,
4 20 are amended to read as follows:

4 21 2. "Agricultural seed" means grass, forage, cereal, oil,
4 22 fiber, and any other kind of crop seed commonly recognized
4 23 within this state as agricultural seed, lawn seed, vegetable
4 24 seed, or seed mixtures. Agricultural seed may include any
4 25 additional seed the

~~secretary~~

- department designates by rules
4 26 adopted pursuant to chapter 17A.
4 27 3. "Certifying agency" means an agency authorized under
4 28 the laws of a state, territory, or possession to officially
4 29 certify seed and which has standards and procedures approved
4 30 by the United States

~~secretary~~

- department of agriculture to
4 31 assure genetic purity and identity of the seed certified, or
4 32 an agency of a foreign country determined by the United States
4 33

~~secretary~~

- department of agriculture to adhere to the
4 34 procedures and standards for seed certification comparable to
4 35 those adhered to generally by seed certifying agencies in the
5 1 United States.
5 2 Sec. 11. Section [199.1](#), subsection 14, unnumbered
5 3 paragraph 1, Code 2001, is amended to read as follows:
5 4 "Noxious weed seed" shall be divided into two classes,
5 5 "primary noxious weed seed" and "secondary noxious weed seed"
5 6 which are defined in paragraphs "a" and "b" of this
5 7 subsection. The

~~secretary~~

- department, upon the recommendation
5 8 of the dean of agriculture, Iowa State University of science
5 9 and technology, shall adopt as a rule, after public hearing,
5 10 pursuant to chapter 17A, the list of seed classified as
5 11 "primary noxious weed seed" and "secondary noxious weed seed".
5 12 Sec. 12. Section [199.1](#), subsection 20, Code 2001, is
5 13 amended to read as follows:
5 14 20. "Tolerance" means the allowable deviation from any
5 15 figure used on a label to designate the percentage of any
5 16 component or the number of seeds given for the lot in question
5 17 and is based on the law of normal variation from a mean. The
5 18

~~secretary~~

- department shall prepare tables of tolerances
5 19 allowable in the enforcement of this chapter and may be guided
5 20 in the preparation by the regulations under the federal Seed
5 21 Act, 7 C.F.R., sec. 201.59 et seq.
5 22 Sec. 13. Section [199.1](#), unnumbered paragraph 2, Code 2001,
5 23 is amended to read as follows:
5 24 The

~~Iowa secretary of agriculture~~

- department shall, by
5 25 rule, define the terms "breeder", "foundation", "registered",
5 26 "certified" and "inbred", as used in this chapter.
5 27 Sec. 14. Section [199.3](#), unnumbered paragraph 1, Code 2001,
5 28 is amended to read as follows:
5 29

~~Each~~

- A seed labeler shall label each container of
5 30 agricultural or vegetable seed

~~which~~

- that is sold

~~, offered for~~

-

~~sale, exposed for sale,~~
- or transported within this state

~~shall~~

~~be labeled~~
- according to the following schedule:

5 33 Sec. 15. Section [199.3](#), subsection 3, paragraph i, Code
5 34 2001, is amended to read as follows:

5 35 i. Name and address of the person who labeled the seed, or
6 1 who sells

~~, offers, or exposes~~
- the seed

~~for sale~~

- within the

6 2 state.

6 3 Sec. 16. Section [199.3](#), subsection 4, paragraph e,
6 4 unnumbered paragraph 1, Code 2001, is amended to read as
6 5 follows:

6 6 For seed which germinate less than the standard last
6 7 established by the

~~secretary~~

- department in rules adopted under

6 8 chapter 17A:

6 9 Sec. 17. Section [199.3](#), subsection 5, paragraph d, Code
6 10 2001, is amended to read as follows:

6 11 d. Name and address of the person who labeled the seed, or
6 12 who sells

~~, offers, or exposes~~
- the seed

~~for sale~~

- within the

6 13 state.

6 14 Sec. 18. Section [199.4](#), Code 2001, is amended to read as
6 15 follows:

6 16 199.4 SALES FROM BULK.

6 17 In case agricultural or vegetable seed is

~~offered or~~

~~exposed for sale in bulk or~~

- sold from bulk, the information

6 19 required under section 199.3 may be supplied by a seed labeler
6 20 in a

~~placard~~

- conspicuously displayed

~~with the several required~~

~~items thereon or a~~

- placard or in a printed or written

6 22 statement to be furnished to any purchaser of the seed.

6 23 Sec. 19. NEW SECTION. 199.4A AGRICULTURAL PRODUCER

6 24 LIABILITY.

6 25 An agricultural producer shall not be found to be liable
6 26 for damages caused by the contamination of the agricultural
6 27 producer's field crop if the contamination originates from
6 28 another person's property, including contamination caused by a
6 29 designated crop produced on another person's adjoining
6 30 property.

6 31 Sec. 20. Section [199.5](#), Code 2001, is amended to read as
6 32 follows:

6 33 199.5 HYBRID CORN.
6 34

~~It is unlawful for any~~

~~- A person~~

~~to~~

~~- shall not sell~~

~~, offer or~~

~~-~~
6 35

~~expose for sale,~~

~~- or falsely mark or tag, within the state any~~

7 1 seed corn as hybrid unless it falls within the definition of
7 2 hybrid in section 199.1.

7 3 Sec. 21. Section [199.6](#), unnumbered paragraph 1, Code 2001,
7 4 is amended to read as follows:

7 5 The container of any inoculant for leguminous plants which
7 6 is sold

~~, offered for sale, or exposed for sale~~

~~- within~~

~~the~~

~~- this~~

7 7 state shall bear a label giving in the English language in
7 8 legible letters the following information:

7 9 Sec. 22. Section [199.7](#), subsection 1, paragraph a, Code
7 10 2001, is amended to read as follows:

7 11 a. Such seed has been certified by a duly constituted
7 12 state authority or state association recognized by the

~~Iowa~~

~~-~~
7 13

~~secretary of agriculture~~

~~- department.~~

7 14 Sec. 23. Section [199.7](#), unnumbered paragraph 2, Code 2001,
7 15 is amended to read as follows:

7 16

~~It shall be unlawful for any~~

~~- A person~~

~~to~~

~~- shall not sell~~

~~,~~

~~-~~
7 17

~~offer for sale, or expose for sale~~

~~- in the state any of the~~

7 18 following:

7 19 Sec. 24. Section [199.8](#), subsection 1, unnumbered paragraph

7 20 1, Code 2001, is amended to read as follows:

7 21

~~It is unlawful for a~~

- ~~A person~~

~~to~~

- ~~shall not~~ sell, transport,

7 22

~~offer for sale, expose for sale,~~

- or advertise an agricultural

7 23 or vegetable seed:

7 24 Sec. 25. Section [199.8](#), subsection 3, Code 2001, is

7 25 amended to read as follows:

7 26 3.

~~It is unlawful for a~~

- ~~A person~~

~~to~~

- ~~shall not~~ sell,

7 27 transport,

~~offer for sale, expose for sale,~~

- or advertise

7 28 screenings of any agricultural seed subject to this chapter,

7 29 unless it is stated on the label if in containers or on the

7 30 invoice if in bulk, that they are not intended for seeding

7 31 purposes. For the purpose of this subsection, "screenings"

7 32 includes chaff, empty florets, immature seed, weed seed, inert

7 33 matter, and other materials removed by cleaning from any

7 34 agricultural seed subject to this chapter.

7 35 Sec. 26. Section [199.9](#), subsection 2, Code 2001, is

8 1 amended to read as follows:

8 2 2. A person, including a seed dealer, is not subject to

8 3 the penalties of this chapter for having sold

~~, offered or~~

- 8 4

~~exposed for sale in this state any~~

- agricultural

~~seeds~~

- seed in

8 5 this state which

~~were~~

- was incorrectly labeled or

~~represented~~

- 8 6 advertised as to kind, species, variety, or origin when

~~those~~

- 8 7

~~seeds~~

- the seed cannot be identified by examination, unless the

8 8 person has failed to obtain an invoice or genuine grower's

8 9 declaration or other labeling information and to take other

8 10 precautions as reasonable to ensure the identity. A genuine

8 11 grower's declaration of variety shall affirm that the grower

8 12 holds records of proof concerning parent seed such as invoices

8 13 and labels.

8 14 Sec. 27. Section [199.11](#), subsection 1, paragraph a, Code
8 15 2001, is amended to read as follows:

8 16 a. Sample, inspect, analyze, and test agricultural seed,
8 17 if the agricultural seed is transported

~~—~~
- or sold

~~—, offered, or~~

8 18

~~—exposed for sale~~

- within this state for sowing. The department

8 19 shall perform these duties at a time and place and to an
8 20 extent necessary to determine whether the agricultural seed is
8 21 in compliance with this chapter. The department shall
8 22 promptly notify the person who transported

~~—~~
- or sold

~~—, offered,~~

8 23

~~—or exposed~~

- the agricultural seed for sale

~~—~~
- of a violation.

8 24 Sec. 28. Section [199.12](#), Code 2001, is amended to read as
8 25 follows:

8 26 199.12 SEIZURE OF UNLAWFUL SEED.

8 27 Upon the recommendation of the

~~—secretary or the secretary's~~

8 28

~~—duly authorized agents~~

- department, the court of competent

8 29 jurisdiction in the area in which the seed is located shall
8 30 cause the seizure and subsequent denaturing, conditioning, or
8 31 destruction to prevent the use for sowing purposes of any lot
8 32 of agricultural seed found to be prohibited from sale as set
8 33 forth in section 199.8, provided that in no instance shall the
8 34 denaturing, conditioning, or destruction be ordered without
8 35 first having given the claimant of the seed an opportunity to
9 1 apply to the court for the release of the seed.

9 2 Sec. 29. Section [199.13](#), Code 2001, is amended to read as
9 3 follows:

9 4 199.13 PENALTY.

9 5 A violation of this chapter is a simple misdemeanor. The
9 6 department may institute criminal or civil proceedings in a
9 7 court of competent jurisdiction to enforce this chapter. When
9 8 in the performance of the

~~—secretary's~~

- department's duties in

9 9 enforcing this chapter the

~~—secretary~~

- department applies to a

9 10 court for a temporary or permanent injunction restraining a
9 11 person from violating or continuing to violate any of the

9 12 provisions of this chapter or rules adopted under this
9 13 chapter, the injunction is to be issued without bond and the
9 14 person restrained by the injunction shall pay the costs made
9 15 necessary by the procedure.
9 16 Sec. 30. Section [199.14](#), Code 2001, is amended to read as
9 17 follows:
9 18 199.14 ENFORCEMENT.
9 19

~~It shall be the duty of the secretary of agriculture, and~~

9 20

~~the secretary's agents, to~~
- The department shall enforce this
9 21 chapter

~~and of the~~
- The county attorneys and

~~of~~
- the attorney
9 22 general of the state

~~to co operate~~
- shall cooperate with the
9 23

~~secretary~~
- department in the enforcement of this chapter.
9 24 Sec. 31. Section [199.15](#), unnumbered paragraph 1, Code
9 25 2001, is amended to read as follows:

9 26 A person shall not sell, distribute, advertise, or solicit
9 27 orders for

~~, offer or expose for sale,~~
- agricultural or
9 28 vegetable seed without first obtaining from the department a
9 29 permit to engage in the business. A permit is not required of
9 30 persons selling seeds which have been packed and distributed
9 31 by a person holding and having in force a permit. A permit is
9 32 not required of persons selling or advertising seed of their
9 33 own production, provided that the seed is stored or delivered
9 34 to a purchaser only on or from the farm or premises where
9 35 grown. The fee for a new permit is ten dollars and the fee
10 1 for a renewed permit is based on the gross annual sales of
10 2 seeds in Iowa during the previous twelve-month period under
10 3 the permit holder's label and all permits expire on the first
10 4 day of July following date of issue. Permits shall be issued
10 5 subject to the following fee schedule:

Gross sales of seeds	Fee
Not more than	\$ 25,000 \$30
Over \$25,000 but not exceeding	50,000 60
Over \$50,000 but not exceeding	100,000 90
Over \$100,000 but not exceeding	200,000 120

10 11 PARAGRAPH DIVIDED. For each additional increment of one
10 12 hundred thousand dollars of sales in Iowa the fee shall
10 13 increase by thirty dollars. The fee shall not exceed one
10 14 thousand five hundred dollars for a permit holder.

10 15 Sec. 32. Section [199.15](#), unnumbered paragraph 3, Code
10 16 2001, is amended to read as follows:

10 17 After due notice given at least ten days prior to a date of
10 18 hearing

~~fixed~~
- provided by the

~~secretary~~

- department, the

10 19 department may revoke or refuse to renew a permit issued under
10 20 this section if a violation of this chapter or if intent to
10 21 defraud is established. The failure to fulfill a contract to
10 22 repurchase the seed crop produced from any agricultural seed,
10 23 if the crop meets the requirements set forth in the contract
10 24 and the standards specified in this chapter, is prima facie
10 25 evidence of intent to defraud the purchaser at the time of
10 26 entering into the contract. However, this does not apply when
10 27 seed stock is furnished by the contractor to the grower at no
10 28 cost.

10 29 Sec. 33. Section [199.16](#), Code 2001, is amended to read as
10 30 follows:

10 31 199.16 PERMIT HOLDER'S BOND.

10 32 It is unlawful for the permit holder to enter into a
10 33 contract with a grower who purchases agricultural seed in
10 34 which the permit holder agrees to repurchase the seed crop
10 35 produced from the purchased seed at a price in excess of the
11 1 current market price, unless the permit holder has on file
11 2 with the department a bond, in a penal sum of twenty-five
11 3 thousand dollars running to the state of Iowa, with sureties
11 4 approved by the

~~secretary~~

- department, for the use and benefit

11 5 of a person holding a repurchase contract who might have a
11 6 cause of action of any nature arising from the purchase or
11 7 contract. However, the aggregate liability of the surety to
11 8 all purchasers of seed holding repurchase contracts shall not
11 9 exceed the sum of the bond.

11 10 EXPLANATION

11 11 This Act amends a number of provisions relating to
11 12 agricultural seeds required to be labeled according to
11 13 regulations adopted by the department of agriculture and land
11 14 stewardship under Code chapter 199.

11 15 COORDINATING PROVISION. The bill amends Code section
11 16 159.6, which provides for general duties and powers of the
11 17 department, by adding a coordinating amendment that specifies
11 18 that the department is required to regulate and enforce Code
11 19 chapter 199.

11 20 CONSIDERATION AND STUDY REQUIRED BY INTERESTED AGENCIES AND
11 21 ORGANIZATIONS. The bill amends Code section 177.2 providing
11 22 duties of the Iowa crop improvement association. The bill
11 23 requires the association to study the impact of genetically
11 24 modified agricultural seed on issues relating to sound
11 25 management practices, the segregation of grain produced from
11 26 field crops produced from the seed, liability, and the
11 27 marketability of those crops.

11 28 The bill amends Code section 177A.5, which provides for the
11 29 duties and powers of the state entomologist. The bill
11 30 requires the state entomologist to consult with the secretary
11 31 of agriculture regarding the effect of genetically modified
11 32 agricultural seeds upon insect pests and diseases.

11 33 The bill amends Code section 185.11, which provides for the
11 34 purpose of the Iowa soybean promotion board, and Code section
11 35 185C.11, which provides for the purpose of the Iowa corn
12 1 promotion board. The bill provides that these organizations
12 2 in carrying out research and education programs shall consider
12 3 the impact of genetically modified agricultural seeds. The
12 4 bill also amends Code section 185A.2, which provides for the
12 5 duties of the Iowa soybean association, and Code section
12 6 185B.2, which provides for the duties of the Iowa corn growers
12 7 association. The bill provides that these organizations in
12 8 carrying out activities relating to education, research,
12 9 marketing, transportation, and public relations, must consider
12 10 the impact of genetically modified agricultural seeds on

12 11 management practices, marketability, and liability.
12 12 IOWA SEED LAW. The bill makes a number of changes to Code
12 13 chapter 199, including changes to enhance readability and
12 14 provide consistency with other provisions in the Code. The
12 15 bill also limits liability of agricultural producers whose
12 16 crops have been contaminated by genetically modified crops.
12 17 The bill names the Code chapter the "Iowa Seed Law". It
12 18 provides a number of new definitions in part to improve
12 19 readability and to provide for genetically modified
12 20 agricultural seed. Various sections in the Code chapter refer
12 21 to "sale", "sold", "offer for sale", and "exposed for sale".
12 22 The bill defines the term "sale" based on current use in the
12 23 various sections and amends the sections to use the term as
12 24 defined. The bill amends various sections to replace the term
12 25 "secretary" or "secretary of agriculture" with "department".
12 26 The bill provides a definition of "seed labeler" and amends
12 27 provisions in the Code chapter referring to the seed labeler's
12 28 duty to provide labels as required in Code sections 199.3 and
12 29 199.4. It amends Code section 199.9, which excepts from
12 30 penalties under the chapter a person who unintentionally
12 31 misrepresents seed sold. The bill provides that this person
12 32 includes a seed dealer and replaces the term "represented"
12 33 with "advertised" which is currently defined in Code section
12 34 199.1.
12 35 The bill provides that an agricultural producer who
13 1 produces a field crop shall not be found to be liable for
13 2 damages caused by the contamination of the field crop,
13 3 including by a genetically modified designated crop, if the
13 4 contamination originates from another person's property.
13 5 "Contamination", "designated crop", "field crop", and
13 6 "genetically modified" are defined in the bill.
13 7 A person who violates the chapter's prohibitions is guilty
13 8 of a simple misdemeanor.
13 9 LSB 3069XC 79
13 10 da/cls/14