250.071 Unlawful acts.

It shall be unlawful:

(1) To distribute any agricultural seed, mixtures of agricultural seed, vegetable seed, or flower seed, for seeding purposes which is not labeled in compliance with the provisions of KRS 250.041 or which has false or misleading labeling.

(2) To perform or hold oneself out as being authorized to perform any of the acts for which registration or a permit is required without complying with requirements of KRS 250.051.

(3) To detach, alter, deface, or destroy any label provided for in KRS 250.021 to 250.111 or administrative regulations promulgated thereunder, or to alter or to falsely label seed.

(4) To disseminate false or misleading advertisements concerning seed subject to KRS 250.021 to 250.111.

(5) To hinder or obstruct any authorized person in the performance of his or her duties under KRS 250.021 to 250.111.

(6) To fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed, or tags attached thereto, held under a "stop sale" order, except with express permission of the director and for the purpose specified thereby.

(7) To distribute agricultural, vegetable, or flower seed subject to the requirements of KRS 250.021 to 250.111:

   (a) Unless the test to determine the percentage of germination shall have been completed within a nine (9) month period exclusive of the calendar month in which the test was completed. However, agricultural or vegetable seed packaged in hermetically sealed containers may be distributed for a period of thirty-six (36) months after the germination test was completed.

   (b) Consisting of or containing prohibited noxious weed seed.

   (c) Having a combined germination and hard seed or germination and dormant seed percentage that is under sixty percent (60%), unless exception is specifically granted by the director.

   (d) Consisting of or containing restricted noxious weed seed in amounts in excess of the number prescribed by administrative regulations promulgated under KRS 250.021 to 250.111, or in excess of the number declared on the label.

   (e) Containing more than two percent (2%) by weight of all weed seed.

   (f) Labeled with the word "trace" or other word as a substitute for a percentage amount.

(8) To distribute agricultural seed not certified by an official seed-certifying agency if it is a variety for which a certificate of plant variety protection under the Federal Plant Variety Protection Act, 7 U.S.C. secs. 2321 et seq., specifies distribution only as a class of certified seed. Agricultural seed from a certified lot may be included and labeled by variety name in a mixture provided that the approval of the owner of the variety has been obtained.

(9) To sell or offer for sale any seed bearing the certified label of any growers'

association whose requirements for certification are in any regard lower than those of the Kentucky Seed Improvement Association.

(10) To mix seed, including "feed wheat" or "wheat," with fertilizer and distribute the mixture unless the seed have been tested and labeled and are in full compliance with KRS 250.021 to 250.111.

(11) To condition seed belonging to one (1) person and deliver the conditioned seed to, or allow its pick-up by, any other person unless the seed have been tested and labeled in accordance with KRS 250.041.

Effective: April 8, 1994

History: Created 1994 Ky. Acts ch. 370, sec. 6, effective April 8, 1994.

Legislative Research Commission Note (4/8/94). Although the section of 1994 Ky. Acts ch. 370 creating this statute directed its placement in KRS Chapter 350, it is clear from the subject matter of this statute and the structure of ch. 370 that placement in KRS Chapter 250 was intended, and this has been done in codification pursuant to KRS 7.136(1)(h).