

1 AN ACT concerning agriculture.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Seed Law is amended by adding
5 Section 2.144 and changing Sections 4.2b and 5 as follows:

6 (505 ILCS 110/2.144 new)

7 Sec. 2.144. Cool weather grasses. "Cool weather grasses"
8 include colonial bentgrass, creeping bentgrass, Kentucky
9 bluegrass, red fescue, tall fescue, chewings fescue, hard
10 fescue, annual ryegrass, intermediate ryegrass, and perennial
11 ryegrass.

12 (505 ILCS 110/4.2b) (from Ch. 5, par. 404.2b)

13 Sec. 4.2b. Labeling for seed mixtures for lawn or turf
14 purposes shall include:

15 (1) The word "Mixed" or "Mixture" shall be stated with the
16 name of the mixture.

17 (2) The heading "Pure Seed" and "Germination" shall be used
18 in the proper places.

19 (3) Commonly accepted name of kind or kind and variety of
20 each agricultural seed component in excess of 5% of the whole,
21 and the percentage by weight of pure seed in order of its
22 predominance and in columnar form.

1 (4) Lot number or other lot identification.

2 (5) Percentage by weight of agricultural seed other than
3 those required to be named on the label.

4 (6) Percentage by weight of inert matter.

5 (7) Percentage by weight of all weed seeds.

6 (8) For each agricultural seed named under (3) above:

7 (a) Percentage of germination, exclusive of hard or
8 dormant seed;

9 (b) Percentage of hard or dormant seed, if present;

10 (c) Calendar month and year the test was completed to
11 determine such percentages. Oldest test date shall be used.

12 (9) Name and address of the person who labeled that seed,
13 or who sells, offers or exposes that seed for sale within the
14 State.

15 (10) For cool weather grasses and mixtures of cool weather
16 grasses, a "sell by" date that is no more than 15 months,
17 exclusive of the calendar month in which the test was
18 completed, after the date of the applicable test required under
19 this Act.

20 (Source: P.A. 85-717.)

21 (505 ILCS 110/5) (from Ch. 5, par. 405)

22 Sec. 5. Prohibitions. It is unlawful for any person to
23 sell, offer for sale, expose for sale or transport for sale any
24 agricultural, vegetable or other seeds designated by the
25 Department of Agriculture within this State:

1 (1) Without an annual permit from the Department of
2 Agriculture of the State of Illinois to engage in such
3 business. All permits shall expire annually as set by
4 regulation.

5 (2) Unless the test to determine the percentage of
6 germination required by Sections 4.2 through 4.5 shall have
7 been completed within a 12-month period (or 15-month period for
8 cool weather grasses) exclusive of the calendar month in which
9 the test was completed, immediately prior to sale, exposure for
10 sale, or offering for sale or transportation unless the seed is
11 in hermetically sealed packages or containers.

12 (3) Within a 36 month period, exclusive of the calendar
13 month in which the test was completed, immediately prior to
14 sale, exposure for sale, or offering for sale or
15 transportation, if the seed is in hermetically sealed packages
16 or containers.

17 (4) If such agricultural, vegetable or other seeds
18 designated by the Department are not labeled in accordance with
19 this Act or having a false or misleading labeling.

20 (5) Pertaining to which there has been false or misleading
21 advertising.

22 (6) Consisting of or containing prohibited noxious weed
23 seeds. If prohibited noxious weed seed is found in a sample of
24 seed, a stop sale order shall be issued. Within 10 days
25 following the issuance of the stop sale order, the Department
26 shall take another sample of the seed, and if no prohibited

1 noxious weed seed is found, the stop sale order shall be
2 removed.

3 (7) Consisting of or containing restricted noxious weed
4 seeds per pound in excess of the number prescribed by rules and
5 regulations promulgated under this Act, or in excess of the
6 number declared on the label attached to the container of the
7 seed or associated with the seed.

8 (8) Containing more than 1.5% by weight of all weed seeds
9 in chaffy seeds and native grasses or 1% by weight of weed seed
10 in all other agricultural seed. Chaffy grasses shall be those
11 that are recognized by the Association of Official Seed
12 Analysts and native grasses shall be designated by regulation.

13 (9) If any labeling, advertising, or other representations
14 subject to this Act represents the seed to be certified or
15 registered seed unless (a) it has been determined by a seed
16 certifying agency that such seed was produced, processed, and
17 packaged, and conforms to standards of purity as to kind or
18 variety, in compliance with rules and regulations of such
19 agency pertaining to such seed; and (b) the seed bears an
20 official label issued for such seed by a seed certifying agency
21 stating that the seed is certified or registered.

22 (10) Labeled with a brand, trademark or term taken from a
23 brand or trademark unless such is clearly identified with the
24 word brand and as being other than part of the variety name.

25 (11) If the same brand designation is assigned to more than
26 one variety or blend of soybean, wheat, oats, or barley.

1 Notwithstanding any other rulemaking authority that may
2 exist, neither the Governor nor any agency or agency head under
3 the jurisdiction of the Governor has any authority to make or
4 promulgate rules to implement or enforce the provisions of this
5 amendatory Act of the 95th General Assembly. If, however, the
6 Governor believes that rules are necessary to implement or
7 enforce the provisions of this amendatory Act of the 95th
8 General Assembly, the Governor may suggest rules to the General
9 Assembly by filing them with the Clerk of the House and the
10 Secretary of the Senate and by requesting that the General
11 Assembly authorize such rulemaking by law, enact those
12 suggested rules into law, or take any other appropriate action
13 in the General Assembly's discretion. Nothing contained in this
14 amendatory Act of the 95th General Assembly shall be
15 interpreted to grant rulemaking authority under any other
16 Illinois statute where such authority is not otherwise
17 explicitly given. For the purposes of this paragraph, "rules"
18 is given the meaning contained in Section 1-70 of the Illinois
19 Administrative Procedure Act, and "agency" and "agency head"
20 are given the meanings contained in Sections 1-20 and 1-25 of
21 the Illinois Administrative Procedure Act to the extent that
22 such definitions apply to agencies or agency heads under the
23 jurisdiction of the Governor.

24 (Source: P.A. 85-717.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.