



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB2442**

Introduced 2/19/2009, by Rep. Dan Reitz

#### SYNOPSIS AS INTRODUCED:

505 ILCS 110/2.144 new

505 ILCS 110/4.2b

505 ILCS 110/5

from Ch. 5, par. 404.2b

from Ch. 5, par. 405

Amends the Illinois Seed Law. Defines "cool weather grasses". Sets out a labelling requirement for cool weather grasses that includes a "sell by" date. Provides that cool weather grasses may be sold up to 15 months (instead of 12 months) after the applicable test under the Act. Effective immediately.

LRB096 06648 JDS 16732 b

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 bent grass, creeping bent grass, 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 (Source: P.A. 85-717.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.