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AB-1810 California Seed Law: exclusions: noncommercial seed sharing. (2015-2016)

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Assembly Bill No. 1810

CHAPTER 259

An act to amend Sections 52288 and 52451 of, and to add Sections 52255.5, 52289, and 52351.5 to, the Food and Agricultural Code, relating to seed.

[Approved by Governor September 09, 2016. Filed with Secretary of State September 09, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1810, Levine. California Seed Law: exclusions: noncommercial seed sharing.

The California Seed Law (the seed law) regulates seed sold in California, and generally requires agricultural and vegetable seed that is sold in the state to be labeled in accordance with specified provisions. Specified penalties are prescribed for violating the provisions of the seed law.

This bill would exclude from the labeling requirements of the seed law seed distributed or received by noncommercial seed sharing activity, as defined by the bill. The bill would authorize the Secretary of Food and Agriculture to require any entity that conducts noncommercial seed sharing activity to provide notification of its activity on a form created by the secretary. The bill would state that the Legislature declares, among other things, that the seed law is intended to support noncommercial seed sharing activities. The bill would authorize the Department of Food and Agriculture to post on its Internet Web site information about noncommercial seed sharing activity.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 52255.5 is added to the Food and Agricultural Code, to read:

52255.5. "Noncommercial seed sharing activity" means the receiving or giving away of seed by a noncommercial entity without the creation of a contractual obligation or an expectation to receive anything of value in return. This definition does not prohibit a noncommercial entity engaging in noncommercial seed sharing activity from receiving the progeny of the seeds it distributes to the extent that the activity does not violate the federal Plant Variety Protection Act (7 U.S.C. 2321 et seq.). Noncommercial seed sharing activity does not include receiving, storing, or distributing patented seed.

SEC. 2. Section 52288 of the Food and Agricultural Code is amended to read:

52288. The Legislature hereby declares all of the following:

(a) It is the intent of this chapter to enable the seed industry, with the aid of the state, to ensure that seed purchased by the consumer-buyer is properly identified and of the quality and amount represented on the tag or label.

(b) The success of agriculture and the seed industry in this state depends upon the continued commitment to industry-funded research in order to improve the quality and variety of seed available to the consumer-buyer.

(c) Noncommercial seed sharing activity contributes significant value to the health of our communities and to the resilience of our food system. This chapter is intended to support noncommercial seed sharing activity and is not intended to supersede any provision of the California Rice Certification Act of 2000 (Chapter 4 (commencing with Section 55000) of Division 20).

SEC. 3. Section 52289 is added to the Food and Agricultural Code, to read:

52289. The department may post information on its Internet Web site about noncommercial seed sharing activity that includes, but is not limited to, the following:

(a) Germination or varietal purity standards.

(b) Compliance with the federal Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

(c) Best practices for entities participating in noncommercial seed sharing activities, including public disclosure.

SEC. 4. Section 52351.5 is added to the Food and Agricultural Code, to read:

52351.5. (a) Notwithstanding Section 52351, the secretary may require any entity that conducts noncommercial seed sharing activity to provide notification of its activity on a form created by the secretary. The notification form shall only include the entity's name and address and the contact information of the responsible party. No fee shall be assessed for submitting the notification form.

(b) An entity shall not be subject to any penalties under this chapter for failing to provide notification to the secretary without first receiving a written request to do so.

SEC. 5. Section 52451 of the Food and Agricultural Code is amended to read:

52451. This article does not apply to any of the following:

(a) Seed or grain that is not intended for sowing purposes.

(b) Seed that is in storage in, or consigned to, a seed cleaning or conditioning establishment for cleaning or conditioning.

(c) Seed or grain that is transported without transfer of title for sowing on land that is owned by the person by whom the seed or grain was produced.

(d) Seed that is weighed and packaged in the presence of the purchaser from a bulk container, if the container is properly and conspicuously labeled as provided by this chapter.

(e) Seed or grain that is transported from one warehouse to another without transfer of title or in storage in a warehouse, if each container is plainly marked or identified with a lot number or other lot identification and the label information that is required by this article is available at the request of an enforcing officer.

(f) Seed distributed or received by noncommercial seed sharing activity.