

ACT 98

H.B. NO. 3074

A Bill for an Act Relating to the Sale of Vegetable and Agricultural Seed.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 150-22, Hawaii Revised Statutes, is amended to read as follows:

“§150-22 Rules. Subject to chapter 91, the department may adopt rules with respect to:

- (1) Designation of noxious weed seed for the purpose of this chapter;
- (2) Maximum amount of noxious weed seed and other weed seed which may be found in agricultural or vegetable seed sold in the State;
- (3) Germination standards for agricultural and vegetable seed;
- (4) Inspection, sampling, and testing of seed at the request of interested persons, and charges to be made for these services;
- (5) Minimum standards pertaining to the process of certifying seed; and
- (6) Other requirements regarding the sale and labeling of seed and seed licenses, including the license fee, as it deems necessary to effectuate this chapter.

In adopting rules with respect to standards for agricultural and vegetable seed and tolerances of noxious weed seed, the department shall follow as closely

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as practicable the standards and tolerances of the Federal Seed Act, or as adopted by the Association of Official Seed Analysts.”

SECTION 2. Section 150-23, Hawaii Revised Statutes, is amended to read as follows:

“§150-23 Prohibiting sales; germination tests. A person may not sell, offer, or expose for sale within the State any agricultural or vegetable seed for planting purposes[, provided:] if any one or more of the following conditions exist:

- (1) The seed has not been labeled in accordance with sections 150-24 and 150-25;
- (2) [No false] A false or misleading advertisement has been made with respect to the seed;
- (3) The amount of noxious weed seed and other weed seed is [not] in excess of tolerances established by rules of the department;
- (4) A testing of the seed, to determine the percentages of germination, has not been completed within nine months, exclusive of the calendar month in which the test was completed, [to determine the percentage of germination.] before the date of sale or offer or exposure for sale. The department, by rule, may extend the nine-month limitation for seed that has been packaged or processed under conditions that would greatly extend the viability of the seed;
- (5) Descriptive words or phrases on labels are not clearly distinguishable from the kind and variety names[.]; or
- (6) The seed has a false or misleading label.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 27, 1992.)