

## O.C.G.A. § 2-11-20

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)***

### **2-11-20. Short title.**

---

This article may be cited as the “Georgia Seed Law.”

### **History**

---

Ga. L. 1941, p. 497, § 10; Ga. L. 1956, p. 217, § 1; Ga. L. 1996, p. 1151, § 1.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-21

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)**

### 2-11-21. Definitions.

---

As used in this article, the term:

- (1) “Advertisement” means all representations, other than those on the label, disseminated in any manner or by any means, relating to any seed within the scope of this article.
- (2) “Agricultural seed” means the seeds of grass, forage, cereal, oil, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural seed, lawn seed, and mixtures of such seeds and may include noxious weed seed when the Commissioner of Agriculture determines that such seed is being used as agricultural seed.
- (3) “Bulk” means a volume of seed in a container larger than a typical individual packaging unit for that kind, e.g., bulk bags and boxes, bins, trucks, rail cars, or barges.
- (4) “Coated or encrusted seed” means seed that has been covered by a layer or layers of materials that obscure the original shape and size of the seed resulting in a substantial weight increase. The addition of biologicals, pesticides, identifying colorants, dyes, polymers, and other ingredients can be included in this process.
- (5) “Dormant seed” means viable seed, excluding hard seed, that fail to germinate when provided the specified germination conditions for the kind of seed in question.
- (6) “Flower seed” means the seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this state.
- (7) “Germination” means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.
- (8) “Hard seed” means seed that remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.
- (9) “Hybrid” means the first generation of a cross produced by controlling the pollination and by combining: (A) two or more inbred lines; (B) one inbred or a single cross with another single cross or with an open-pollinated variety; or (C) two varieties or species, except open-pollinated varieties of corn (*Zea mays*) and other open-pollinated crop kinds. The second generation or subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names and hybrids shall be labeled as hybrids.
- (10) “Inert matter” means all matter that is not seed, which includes but is not limited to broken seeds, sterile florets, chaff, fungus bodies, and stones as determined by methods defined by rule. The percent inert matter shall not exceed 3 percent for hybrid field corn, nor 4 percent inert matter for other agricultural crop seed, except as established by rule for special crops. Inert matter will not include coating or pelleting material, fertilizer, or mulch, for which there are no limitations.
- (11) “Inoculated seed” means seed that has received a coating of a preparation containing a microbial product, e.g., *Rhizobium* sp.

## O.C.G.A. § 2-11-21

**(12)** “Kind” means one or more related species or subspecies which singly or collectively are known by one common name, as, for example, corn, oats, alfalfa, and cotton.

**(13)** “Labeling” means a tag or other written, printed, or graphic representations on any container or accompanying any lot of bulk seeds, including such representations as those on invoices, purporting to set forth the information required on the seed label by this article.

**(14)** “Lawn and turf” pertains to seeds of the grass family (Poaceae) that are used within the industry for lawn and turf applications.

**(15)** “Lot” means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which are required to appear in the labeling.

**(16)** “Mixture,” “mix,” or “mixed” means seed consisting of more than one kind or variety or both, each in excess of 5 percent by weight of the whole.

**(17)** “Noxious weed seeds” include “prohibited noxious weed seeds” and “restricted noxious weed seeds,” as defined in subparagraphs (A) and (B) of this paragraph, provided that the Commissioner of Agriculture may, through the promulgation of regulations, establish a list of seeds included under subparagraphs (A) and (B), whenever the Commissioner finds that such seeds conform to the respective definitions.

**(A)** “Prohibited noxious weed seeds” are those weed seeds that are prohibited from being present in agricultural, vegetable, flower, tree, or shrub seed. They are the seed of weeds that are highly destructive and difficult to control by good cultural practices and the use of herbicides.

**(B)** “Restricted noxious weed seeds” are those weed seeds that are very objectionable in fields, lawns, and gardens of this state but can be controlled by good cultural practice.

**(18)** “Other crop seed” means seed of plants grown as crops (other than the kind or variety included in the pure seed) as determined by methods defined by rule.

**(19)** “Pelleted seed” means coated or encrusted seed that also improves the plantability or singulation of the seed.

**(20)** “Person” means an individual, partnership, corporation, company, association, receiver, trustee, or agent.

**(21)** “Private hearing” means a discussion of facts between the person charged with a violation and representatives of the Georgia Department of Agriculture.

**(22)** “Pure seed” means all seeds of each kind and variety under consideration that are present in excess of 5 percent of the whole. Kinds or varieties shown on a label as components of a mixture in amounts 5 percent or less of the whole may be considered pure seed when shown on a label as components of a mixture.

**(23)** “Record” means all information relating to the lot, identification, source, origin, variety, amount, processing, blending, testing, labeling, and distribution of the seed and includes a file sample thereof.

**(24)** “Seed” means the true seeds of all field crops, vegetables, flowers, trees, and shrubs, and any naturally occurring vegetative propagule, excluding plant parts of hybrids.

**(25)** “Seizure” means a legal process carried out by court order against a definite amount of seed.

**(26)** “Stop sale” means an administrative order provided by law restraining the sale, use, disposition, and movement of a definite amount of seed.

**(27)** “Treated” means seed that has received a minimal covering according to the manufacturer’s recommended rate of a substance or process which is designed to reduce or control certain disease organisms, insects, or other pests attacking such seed or seedlings growing therefrom and the covering substance may contain identifying colorants and dyes.

**(28)** “Tree and shrub seeds” means seeds of woody plants commonly known and sold as tree or shrub seeds in this state.

**(29)** “Variety” means a subdivision of a kind that is distinct, uniform, and stable; “distinct” in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; “uniform” in the sense that the variations in essential and distinctive characteristics are describable; and “stable” in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted.

**(30)** “Vegetable seeds” means the seeds of those crops which are grown in gardens and on farms and are generally known and sold under the name of vegetable or herb seeds in this state.

**(31)** “Weed seeds” means the seeds of all plants generally recognized as weeds within this state, and determined by methods defined by rule, and includes the prohibited and restricted noxious weed seeds.

## History

---

Ga. L. 1941, p. 497, § 1; Ga. L. 1956, p. 217, § 2; Ga. L. 1996, p. 1151, § 1; Ga. L. 1998, p. 128, § 2.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

## O.C.G.A. § 2-11-22

Current through the 2022 Regular Session of the General Assembly.

*Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)*

### 2-11-22. Labeling requirements.

---

**(a) Labeling required.** Each bag, container, package, or bulk of seeds which is sold, offered for sale, exposed for sale, or transported within this state for planting purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the information specified in subsections (b) through (j) of this Code section, which statement shall not be modified or denied in the labeling or on another label attached to the container. The labeler is responsible to assure that the required labeling is applied to each container or, in the case of bulk seed, that required labeling is shown on the invoice. All invoices and records pertaining to the shipment or sale of seed must show each lot number.

**(b) Treated seeds.** For all treated seeds, as defined in this article, for which a separate label may be used, the following information shall be given:

- (1) A word or statement that the seed has been treated;
- (2) The commonly accepted, coined, chemical, or abbreviated chemical (generic) name of the applied substance and the rate of application;
- (3) If the level of treatment exceeds the established tolerance or is not subject to an exemption to a tolerance, a caution statement, such as “Do not use for food or feed or oil purposes.” The caution for mercurials and similarly toxic substances shall be a poison statement or symbol and the label shall carry the words “poison treated”; and
- (4) If the seed is treated with an inoculant, the label must state the inoculant manufacturer’s lot number and expiration date as listed on the inoculant’s original package.

**(c) Agricultural seed.** For agricultural seed the following information shall be given except for grass seed mixtures as provided in subsection (d) of this Code section; and for hybrids that contain less than 95 percent hybrid seed as provided in subsection (j) of this Code section:

- (1) The commonly accepted name of kind and variety of each agricultural seed component in excess of 5 percent of the whole and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word “mixture” or the word “mixed” shall be shown conspicuously on the label, provided that the Commissioner may, through the promulgation of regulations, allow certain kinds of seed to be labeled “mixed” without showing the percentage of each variety present;
- (2) The net weight;
- (3) The lot number or other lot identification;
- (4) The origin (state or foreign country);
- (5) The percentage by weight of all weed seeds;
- (6) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present;
- (7) The percentage by weight of crop seeds other than those required to be named on the label;

## O.C.G.A. § 2-11-22

- (8) The percentage by weight of inert matter;
- (9) For each named agricultural seed:
- (A) The percentage of germination, exclusive of hard seed or dormant seed;
  - (B) The percentage of hard seed or dormant seed, if present; and
  - (C) The calendar month and year the test was completed to determine such percentage;
- following the information given pursuant to subparagraphs (A) and (B) of this paragraph, the “total germination and hard seed” or “total germination and dormant seed” may be stated as such, if desired; and
- (10) The name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this state.
- (d) For seed mixtures for lawn or turf purposes or both lawn and turf purposes the following information shall be given:
- (1) The word “mixed” or “mixture” shall be stated with the name of the mixture;
  - (2) The headings “pure seed” and “germination” or “germ” shall be used in the proper places;
  - (3) The net weight;
  - (4) The lot number or other lot identification;
  - (5) Commonly accepted name of kind, variety, and origin of each agricultural seed component in excess of 5 percent of the whole and the percentage by weight of pure seed in order of its predominance and in columnar form;
  - (6) Percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as “crop seed”);
  - (7) The percentage by weight of inert matter;
  - (8) Percentage by weight of all weed seeds;
  - (9) Noxious weeds that are required to be labeled will be listed under the heading “noxious weed seeds”;
  - (10) For each agricultural seed named under paragraph (5) of this subsection:
    - (A) Percentage of germination, exclusive of dormant seed;
    - (B) Percentage of dormant seed, if present; and
    - (C) The calendar month and year the test was completed to determine such percentages. The test date for each component may be labeled or, if each component does not show a test date, the oldest test date shall be used for the mixture; and
  - (11) Name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within the state.
- (e) For agricultural seeds that are coated or pelleted:
- (1) Percentage by weight of pure seed with coating or pelleting material removed;
  - (2) Percentage by weight of coating or pelleting material;
  - (3) Percentage by weight of inert material exclusive of coating or pelleting material;
  - (4) Percentage of germination is to be determined on 400 pellets with or without seeds;
  - (5) In addition to the provisions of paragraphs (1) through (4) of this subsection, labeling of coated or pelleted seed shall comply with the requirements of this Code section for the specific seed kind.

**(f)** For vegetable seeds in containers of one pound or less or preplanted containers, mats, tapes, or other planting devices, the following information shall be given:

- (1)** The name of kind and variety of seed;
- (2)** The lot number or other lot identification;
- (3)** The year for which the seed was packed for sale as “Packed for \_\_\_\_\_” or the percent germination and the calendar month and year the test was completed to determine such percentage;
- (4)** For seed which germinate less than the standard last established by the Commissioner under this article:
  - (A)** The percentage of germination, exclusive of hard seed or dormant seed;
  - (B)** The percentage of hard seed or dormant seed, if present;
  - (C)** The calendar month and year the test was completed to determine such percentage; and
  - (D)** For seed that germinate less than the standard last established by the Commissioner, the words “below standard” in not less than eight-point type must be printed or written with permanence on the face of the label, in addition to the other information required, provided that no seed marked “below standard” shall be sold if it falls more than 20 percent below the established standard for such seed;
- (5)** The name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this state; and
- (6)** For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.

**(g) Vegetable seeds in containers of more than one pound.**

- (1)** For vegetable seeds in containers of more than one pound, the following information shall be given:
  - (A)** The name of each kind and variety present in excess of 5 percent and the percentage by weight of each in order of its predominance;
  - (B)** The net weight or seed count;
  - (C)** The lot number or other lot identification;
  - (D)** For each named vegetable seed:
    - (i)** The percentage of germination, exclusive of hard seed or dormant seed;
    - (ii)** The percentage of hard seed or dormant seed, if present; and
    - (iii)** The calendar month and year the test was completed to determine such percentages; following the information given pursuant to such divisions (i) and (ii) of this subparagraph, the “total germination and hard seed” or the “total germination and dormant seed” may be stated as such, if desired; and
  - (E)** The name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this state.
- (2)** The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

**(h)** For flower seed in packets prepared for use in home gardens or household plantings or flower seed in preplanted containers, mats, tapes, or other planting devices, the following information shall be given:

## O.C.G.A. § 2-11-22

- (1)** For all kinds of flower seeds:
- (A)** The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules promulgated under this article;
  - (B)** The calendar month and year the seed was tested or the year for which the seed was packaged;
  - (C)** The lot number or other lot identification;
  - (D)** The net weight or seed count; and
  - (E)** The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this state;
- (2)** For flower seed kinds for which standard testing procedures are prescribed and that germinate less than the germination standard last established by rule under this article:
- (A)** Percentage of germination, exclusive of hard seed or dormant seed;
  - (B)** Percentage of hard seed or dormant seed, if present; and
  - (C)** The words "below standard" in not less than eight-point type; and
- (3)** For flower seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.
- (i)** For flower seed in containers other than packets and other than preplanted containers, mats, tapes, or other planting devices and not prepared for use in home flower gardens or household plantings, the following information shall be given:
- (1)** The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules promulgated under this article and for wildflowers the genus and species and, if appropriate, the subspecies;
  - (2)** The lot number or other lot identification;
  - (3)** The net weight or seed count;
  - (4)** For wildflower seed only with a pure seed percentage of less than 90 percent:
    - (A)** The percentage, by weight, of each component listed in order of their predominance;
    - (B)** The percentage by weight of weed seed if present; and
    - (C)** The percentage by weight of inert matter;
  - (5)** For those seed kinds for which standard testing procedures are prescribed:
    - (A)** Percentage of germination, exclusive of hard seed or dormant seed;
    - (B)** Percentage of hard seed or dormant seed, if present;
    - (C)** The calendar month and year that the seed was tested or the year for which the seed was packaged; and
    - (D)** For flower seed kinds that germinate less than the germination standard last established by rule under this article, the words "below standard" in not less than eight-point type;
  - (6)** For those kinds of seed for which standard testing procedures are not available, the year of production or collection; and
  - (7)** The name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this state.
- (j)** For hybrid agricultural and vegetable seed, the following is required:



**(1)** If any one kind or kind and variety of seed present in excess of 5.0 percent is hybrid seed, it shall be designated hybrid on the label. The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of 5.0 percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 90 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed. No kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 90 percent hybrid seed;

**(2)** Hybrid wheat, hybrid millet, and other hybrids to be established by rule shall be labeled the same as all other hybrids except that if any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination shall be labeled to show the percentage of pure seed that is hybrid seed. No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. Any seed containing less than 95 percent hybrids must be labeled as a mixture; and

**(3)** In addition to the provisions of paragraph (1) of this subsection, labeling of hybrid agricultural and vegetable seed shall comply with the requirements of this Code section for the specific seed kind and, if appropriate, quantity.

## History

---

Ga. L. 1941, p. 497, § 2; Ga. L. 1956, p. 217, § 3; Ga. L. 1982, p. 3, § 2; Ga. L. 1996, p. 1151, § 1; Ga. L. 1998, p. 128, § 2.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

## O.C.G.A. § 2-11-23

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)**

### **2-11-23. Prohibited acts.**

---

(a) No person shall sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, flower, tree, or shrub seed within this state:

(1) Unless the test to determine the percentage of germination required in Code Section 2-11-22 shall have been completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, offering for sale, or transportation. This prohibition does not apply to agricultural or vegetable seed in hermetically sealed containers. Agricultural or vegetable seeds packaged in hermetically sealed containers under the conditions defined in rules and regulations promulgated under the provisions of this article may be sold, exposed for sale, or offered for sale or transportation for a period of 24 months after the last day of the month that the seeds were tested for germination prior to packaging. If seeds in hermetically sealed containers are sold, exposed for sale, or offered for sale or transportation more than 24 months after the last day of the month in which they were tested prior to packaging, they must have been retested within a nine-month period, exclusive of the calendar month in which the retest was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation;

(2) Not labeled in accordance with this article or having false, misleading, or illegible labeling;

(3) Pertaining to which there has been a false or misleading advertisement;

(4) Consisting of or containing prohibited noxious weed seeds;

(5) Consisting of or containing restricted noxious weed seeds per pound in excess of the number prescribed by rules and regulations promulgated under this article or in excess of the number declared on the label attached to the container of the seed or associated with the seed;

(6) Represented to be “certified seed,” “registered seed,” or “foundation seed,” unless it has been produced and labeled in accordance with the procedures and in compliance with rules and regulations of a legally authorized seed certification agency; or

(7) Labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection under the Plant Variety Protection Act (7 U.S.C. Section 2321, et seq.) specifies sale only as a class of certified seed, provided that seed from a certified seed lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(b) It shall be unlawful for any person within this state:

(1) To detach, alter, deface, or destroy any label provided for in this article or the rules and regulations made and promulgated hereunder or to alter or substitute seed in a manner that may defeat the purpose of this article;

(2) To disseminate any false or misleading advertisements concerning seeds in any manner that may defeat the purpose of this article;

(3) To hinder or obstruct, in any way, any authorized person in the performance of his or her duties under this article;

## O.C.G.A. § 2-11-23

- (4) To fail to comply with a “stop sale” order or to move from the premises or dispose of any lot of seed or the tags attached thereto held under a “stop sale” order, except with express permission of the enforcing officer and for the purpose specified thereby;
- (5) To use the word “trace” as a substitute for any statement which is required;
- (6) To use the words “or better,” “more than,” “less than,” or similar words in connection with any information required on purity analyses;
- (7) To use the word “type” in any labeling in connection with the name of any agricultural seed variety;  
or
- (8) To alter or falsify any seed label, seed test, laboratory report, record, or other document pertaining to seed dealings for the purpose of defrauding or misleading the purchaser or to create a misleading impression as to kind or variety, history, quality, or origin of seed.

## History

---

Ga. L. 1941, p. 497, § 3; Ga. L. 1956, p. 217, § 4; Ga. L. 1996, p. 1151, § 1; Ga. L. 1998, p. 128, § 2.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-24

Current through the 2022 Regular Session of the General Assembly.

*Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)*

### **2-11-24. Records and samples to be kept; inspection thereof.**

---

Each person whose name or approved A.M.S. code number or other approved designation appears on the label as handling seed subject to this article shall keep, for a period of two years, complete records of each lot of agricultural, vegetable, flower, tree, or shrub seed handled and shall keep, for one year, a file sample of each lot of seed after final disposition of such lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the Commissioner or the Commissioner's agent during customary business hours.

### **History**

---

Ga. L. 1956, p. 217, § 5; Ga. L. 1996, p. 1151, § 1.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-25

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)***

### **2-11-25. Powers and duties of Commissioner — Generally.**

---

The duty of enforcing this article and the carrying out of its provisions and requirements shall be vested in the Commissioner of Agriculture, who may act through his or her authorized agents. He shall have authority:

- (1) To sample, test, make analysis of, and inspect any seed transported, sold, or offered or exposed for sale within this state for planting purposes, at such time and place and to such extent as may be deemed necessary to determine whether such seed is in compliance with this article;
- (2) To enter upon any public or private premises during regular business hours in order to have access to seeds and the records connected therewith subject to this article and rules and regulations promulgated hereunder;
- (3) To issue and enforce a written or printed “stop sale” order to the person or vendor of any seed which is in violation or is believed to be in violation of any of the provisions of this article or rules and regulations promulgated hereunder;
- (4) To furnish adequate facilities for testing seed and to employ qualified persons for making such tests;
- (5) To publish in print or electronically or cause to be published the results of the examination, analysis, and testing of any agricultural or vegetable seed sampled in accordance with this article, together with any other information that the Commissioner may deem advisable;
- (6) To provide that any person in this state shall have the privilege of submitting seed samples for testing, subject to the charges made for samples submitted as prescribed in rules and regulations promulgated under this article; provided, however, that seed samples shall be tested without charge for farmers who do not have a seed license; and
- (7) To cooperate with the United States Department of Agriculture in the enforcement of the Federal Seed Act.

### **History**

---

Ga. L. 1941, p. 497, § 5; Ga. L. 1956, p. 217, § 7; Ga. L. 1996, p. 1151, § 1; Ga. L. 2010, p. 838, § 10/SB 388.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

## O.C.G.A. § 2-11-26

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)**

### **2-11-26. Powers and duties of Commissioner — Licensing authority; penalties.**

---

(a) For the purpose of carrying out this article, the Commissioner, who may act through his or her authorized agents, is authorized to issue a license to each retail and wholesale seed dealer, such license to be applied for by each seed dealer upon forms furnished for such purpose. A separate license shall be required for each point of sale, from which seed are sold, offered for sale, or exposed for sale. Out-of-state wholesale and retail seed dealers who sell or ship seed into this state shall obtain a license in the same manner. Such licenses shall be renewable in August of every third year following issuance. A fee in an amount fixed by rule or regulation of the Commissioner at not less than \$70.00 nor more than \$100.00 per annum shall be charged for such license. Any fees collected pursuant to this Code section shall be retained pursuant to the provisions of Code Section 45-12-92.1.

(b) The Commissioner may enter an order imposing one or more of the following penalties against any person who violates any of the provisions of this chapter or the rules promulgated under this article or who impedes, obstructs, hinders, or otherwise prevents or attempts to prevent the Commissioner or the Commissioner's agent in the performance of his or her duty in connection with the provisions of this article:

- (1) Issuance of a warning letter;
- (2) Imposition of an administrative fine not more than \$1,000.00 per occurrence, suspension of a license, or both; or
- (3) Revocation of the seed dealer's license.

Actions stated in paragraphs (2) and (3) of this subsection shall be preceded by a departmental hearing to consider evidence that the licensee has violated this article or any rule or regulation promulgated under this article.

(c) No person who has not complied with this Code section shall sell or offer for sale any seed within this state.

### **History**

---

Ga. L. 1956, p. 217, §§ 7, 12; Ga. L. 1996, p. 1151, § 1; Ga. L. 2010, p. 9, § 1-7/HB 1055.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

## O.C.G.A. § 2-11-27

Current through the 2022 Regular Session of the General Assembly.

*Official Code of Georgia Annotated* > *TITLE 2 Agriculture (Chs. 1 — 23)* > *CHAPTER 11 Seeds and Plants (Arts. 1 — 4)* > *Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)*

### **2-11-27. [Reserved] Powers and duties of Commissioner — Treatment of itinerant vendors generally; bond.**

---

#### **History**

---

Ga. L. 1956, p. 217, §§ 7, 12; repealed by Ga. L. 1996, p. 1151, § 1, effective July 1, 1997.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-28

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)***

### **2-11-28. Powers and duties of Commissioner — Rule-making authority.**

---

The Commissioner shall have authority to promulgate and enforce such rules and regulations as the Commissioner may deem necessary to carry out or make effective this article. Such rules and regulations may:

- (1) Provide such additional definitions of terms as the Commissioner believes are needed;
- (2) Provide a noxious weed list and add to or subtract therefrom from time to time;
- (3) Prescribe minimum standards of germination and purity and maximum amounts of inert matter and weed seed;
- (4) Prescribe the maximum number of weed seeds per pound allowed for each type of restricted noxious weed;
- (5) Specify the methods of sampling, inspecting, analysis, testing, and examination of seed and the tolerance to be followed in the administration of this article, which shall be in general accord with the officially prescribed practice in interstate commerce;
- (6) Prescribe the form of tags or labels;
- (7) Fix the number of tests allowed to any one person, firm, corporation, etc.;
- (8) Fix charges for tests made;
- (9) Prescribe minimum standards for seed vigor when such standards have been developed and standardized by the Association of Official Seed Analysts (AOSA) and to require the results of any seed vigor test to be placed upon seed labels; and
- (10) Prescribe such other rules and regulations as may be necessary to secure the efficient enforcement of this article.

### **History**

---

Ga. L. 1956, p. 217, § 9; Ga. L. 1996, p. 1151, § 1.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.



## O.C.G.A. § 2-11-29

Current through the 2022 Regular Session of the General Assembly.

*Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)*

### **2-11-29. [Reserved] Seed Advisory Committee created; selection of members; compensation; duties.**

---

#### **History**

---

Ga. L. 1956, p. 217, § 10; Ga. L. 1972, p. 1015, § 12; Ga. L. 1988, p. 426, § 1; Ga. L. 1995, p. 10, § 2; repealed by Ga. L. 1996, p. 1151, § 1, effective July 1, 1997.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-30

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)***

### **2-11-30. Seizure of seed for violation of article; disposition thereof.**

---

Any seed sold, offered for sale, or exposed for sale in violation of this article or rules and regulations promulgated under this article shall be subject to seizure on the complaint of any authorized agent of the Commissioner to the superior court of the county where the seed is located. If the court finds the seed to be in violation of this article and orders its condemnation, the seed shall be destroyed, reprocessed, relabeled, or otherwise disposed of in compliance with the laws of this state and as directed by the court. In no instance shall the court order such disposition of seed without first having given the claimant an opportunity to apply to the court for the release of the seed or for permission to process or relabel it to bring it into compliance with this article.

### **History**

---

Ga. L. 1941, p. 497, § 6; Ga. L. 1956, p. 217, § 8; Ga. L. 1996, p. 1151, § 1.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-31

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)***

### **2-11-31. Injunctions.**

---

The Commissioner is authorized to apply for and the court is authorized to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this article or rules and regulations promulgated under this article, notwithstanding the existence of other remedies at law. Such injunctions shall be issued without bond.

### **History**

---

Ga. L. 1956, p. 217, § 8; Ga. L. 1996, p. 1151, § 1.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-32

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)***

### **2-11-32. Exemption from article.**

---

No person or vendor shall be subject to the penalties of this article for having sold or offered or exposed for sale in this state any seed incorrectly labeled or represented as to variety or origin when the variety or origin of such seed could not be identified by examination thereof, unless he or she failed to obtain an invoice, grower's declaration, or other document indicating variety and origin and failed to take such other precautions as were necessary or required to ensure that the identity and variety of the seed were as stated.

### **History**

---

Ga. L. 1941, p. 497, § 4; Ga. L. 1956, p. 217, § 6; Ga. L. 1996, p. 1151, § 1.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-33

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)**

### **2-11-33. Applicability of Code Sections 2-11-21 and 2-11-22.**

---

Code Sections 2-11-21 and 2-11-22 shall not apply:

- (1) To seed sold by a farmer or grower to a seed dealer or conditioner or in storage in or consigned to a seed cleaning or conditioning establishment for cleaning or processing, provided that any labeling or other representation which may be made with respect to uncleaned seed shall be subject to this article;
- (2) To seed grown by a farmer or other person, who sells it as such, when it is sold at his or her own farm and he or she does not advertise or transfer it by any public carrier provided such activity is not in conflict with paragraph (7) of subsection (a) of Code Section 2-11-23 or requirements of the United States Plant Variety Protection Act;
- (3) To seed or grain not intended for planting purposes, provided that such seed or grain sold to a farmer or consumer which could be used for planting purposes shall be marked or tagged “for feed” or “not for planting”; and
- (4) To any carrier, in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier, if such carrier is not engaged in producing, processing, or marketing agricultural or vegetable seed which is subject to this article.

### **History**

---

Ga. L. 1941, p. 497, § 4; Ga. L. 1956, p. 217, § 6; Ga. L. 1996, p. 1151, § 1.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-34

Current through the 2022 Regular Session of the General Assembly.

*Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)*

### **2-11-34. Penalty for violations of article or rules and regulations; Commissioner authorized to utilize warning for minor violations.**

---

- (a) Any person or vendor violating any of the provisions of this article or rules and regulations promulgated under this article shall be guilty of a misdemeanor.
- (b) When the Commissioner or any of the Commissioner's authorized agents find that a person has violated any of the provisions of this article or rules and regulations promulgated under this article, the Commissioner may institute proceedings in the superior court of the county in which the violation occurred to have such person convicted therefor or may file with the prosecuting attorney, with the view of prosecution, such evidence as may be deemed necessary.
- (c) It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted against the accused.
- (d) Nothing in this article shall be construed as requiring the Commissioner or any of the Commissioner's authorized agents to report, for prosecution or for the institution of seizure proceedings, minor violations of this article when the Commissioner believes that the public interest will best be served by a suitable notice of warning in writing.

### **History**

---

Ga. L. 1941, p. 497, § 7; Ga. L. 1956, p. 217, § 11; Ga. L. 1996, p. 1151, § 1.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-35

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)***

### **2-11-35. Local regulation prohibited.**

---

- (a) No county, municipal corporation, consolidated government, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation, or resolution regulating the labeling, packaging, sale, storage, transportation, distribution, notification of use, or use of seeds.
- (b) This Code section shall in no way prohibit or impair the legal right of any county, municipal corporation, consolidated government, or other political subdivision of this state to issue business licenses or to make zoning decisions.

### **History**

---

Code 1981, § 2-11-35, enacted by Ga. L. 2005, p. 45, § 1/SB 87.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-36

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 2 Sale and Transportation of Seeds (§§ 2-11-20 — 2-11-36)***

### **2-11-36. Seeds used in production of low THC oil.**

---

This article shall not apply to seeds used for the production of low THC oil in accordance with Article 9 of Chapter 12 of Title 16 and no person shall be subject to regulation or penalties pursuant to this article for growing, selling, offering for sale, exposing for sale, or transporting in this state any seed used for the lawful production of low THC oil pursuant to Article 9 of Chapter 12 of Title 16.

### **History**

---

Code 1981, § 2-11-36, enacted by Ga. L. 2019, p. 43, § 5/HB 324.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document



## **O.C.G.A. Title 2, Ch. 11, Art. 3**

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 3 Certification of Seeds and Plants (§§ 2-11-50 — 2-11-53)***

### **Article 3 Certification of Seeds and Plants**

---

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-50

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 3 Certification of Seeds and Plants (§§ 2-11-50 — 2-11-53)***

### **2-11-50. Legislative intent.**

---

The General Assembly declares that for the purpose of fostering improved agricultural methods, promoting advances in agricultural fields, and giving legal status to an existing practice and for the general welfare of the people it is necessary to establish as a policy of this state a method for protecting the public in the guarantee of the high quality of seeds and plants for various agricultural pursuits. It is the intent of the General Assembly to carry out that policy by this article, protecting the public from false claims and unwarranted statements as to genetic identity, varietal purity, and germinating viability of seeds and plants presented and claimed to be foundation, registered, or certified.

### **History**

---

Ga. L. 1956, p. 16, § 2; Ga. L. 1996, p. 1151, § 2.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-51

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 3 Certification of Seeds and Plants (§§ 2-11-50 — 2-11-53)***

### 2-11-51. Definitions.

---

For the purposes of this article, the term:

- (1) “Certified seed” means the progeny of foundation, registered, or in special cases certified seed which meets the standards of the official seed certifying agency.
- (2) “Foundation seed” means the progeny of breeder’s seed or in special cases the progeny of foundation seed which meets the standards of the official seed certifying agency.
- (3) “Plant” means seedlings, nursery stock, roots, tubers, bulbs, cuttings, and other parts used in the propagation of field crops, vegetables, fruits, flowers, trees, or other plants.
- (4) “Registered seed” means the progeny of foundation seed and meets the standards of the official seed certifying agency.
- (5) “Seed” means the true seeds of all field crops, vegetables, flowers, trees, or other plants.
- (6) “Variety” carries its original meaning and includes “strains” of varieties which are sufficiently different from the parent variety to justify special designation.

### History

---

Ga. L. 1956, p. 16, § 1; Ga. L. 1996, p. 1151, § 2.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

## O.C.G.A. § 2-11-52

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 3 Certification of Seeds and Plants (§§ 2-11-50 — 2-11-53)***

### **2-11-52. Designation of agency for certification of seeds and plants; liability for damages resulting from certification work; immunity.**

---

In order to execute the policy stated in Code Section 2-11-50, the dean of the College of Agricultural and Environmental Sciences of the University of Georgia is authorized to provide for seed, plant, and variety certification and labeling. The dean shall designate a certifying agency, provided that such designee must be in good standing with the Association of Official Seed Certifying Agencies. The College of Agricultural and Environmental Sciences of the University of Georgia shall not be held responsible for any claim, debt, obligation, or damage of any kind to any person in conducting certification work or in the work of the certifying agent. The certifying agency so designated by the dean shall, along with its employees, be immune from liability to the same extent as the state and state officers and employees under Article 2 of Chapter 21 of Title 50, "The Georgia Tort Claims Act."

### **History**

---

Ga. L. 1956, p. 16, § 3; Ga. L. 1995, p. 10, § 2; Ga. L. 1996, p. 1151, § 2; Ga. L. 2012, p. 1129, § 1/SB 390.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-53

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 3 Certification of Seeds and Plants (§§ 2-11-50 — 2-11-53)***

### **2-11-53. False use of evidence of certification in sale of seeds or plants.**

---

It shall be a misdemeanor for any person, firm, association, or corporation selling seeds or plants in this state to use any evidence of certification, including specially designed tags or any tags similar thereto or the word “certified,” on any package of seeds or plants, unless such seeds or plants have been duly inspected and certified as provided for in this article or have been inspected and certified by a legally constituted agency of another state or foreign country. The duty of enforcing this Code section shall be vested in the Commissioner.

### **History**

---

Ga. L. 1956, p. 16, § 4; Ga. L. 1996, p. 1151, § 2.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## **O.C.G.A. Title 2, Ch. 11, Art. 4**

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)***

### **Article 4 Seed Arbitration Council**

---

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-70

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)***

### **2-11-70. Purpose; creation of Seed Arbitration Council.**

---

(a) The intent and purpose of this article are to provide a method for assisting farmers, persons purchasing seed and commercial fruit and nut trees, and persons selling seed and commercial fruit and nut trees in determining the validity of complaints of seed and commercial fruit and nut trees purchasers against seed and commercial fruit and nut tree sellers relating to the quality and performance of the seed and the identity of the variety of fruit and nut trees by establishing a committee to investigate, hold informal hearings, make findings, and render recommendations in the nature of arbitration proceedings where damages suffered by seed and commercial fruit and nut trees purchasers are caused by the alleged failure of the seed to perform as represented or to conform to the description on the labeling thereof as required by law or to be the variety of fruit or nut tree represented by the seller.

(b) In order to effectuate the intent and purpose set out in subsection (a) of this Code section, there is created the “Seed Arbitration Council.”

### **History**

---

Code 1981, § 2-11-70, enacted by Ga. L. 1994, p. 1761, § 1; Ga. L. 1995, p. 10, § 2; Ga. L. 1996, p. 1151, § 3.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-71

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)***

### 2-11-71. Definitions.

---

As used in this article, the term:

- (1) “Commissioner” means the Commissioner of Agriculture or the designated official or department employed by the Department of Agriculture of this state.
- (2) “Council” means the Seed Arbitration Council.
- (3) “Person” means an individual, firm, partnership, corporation, or company.
- (4) “Purchaser” means the person who buys agricultural, flower, tree, shrub, or vegetable seed subject to Article 2 of this chapter or any commercial fruit or nut tree.
- (5) “Seller” means any person who sells seed, including but not limited to the person who sold the seed to the purchaser and the person who actually labeled the seed that is the subject of the council’s investigation and any person who sells commercial fruit or nut trees.

### History

---

Code 1981, § 2-11-71, enacted by Ga. L. 1994, p. 1761, § 1; Ga. L. 1996, p. 1151, § 3.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document



## O.C.G.A. § 2-11-72

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)***

### **2-11-72. Notice of requirements for filing complaint printed on seed container, label, or invoice; effect of failure to provide notice.**

---

(a) At the time of purchase of agricultural, vegetable, flower, tree, or shrub seed, except for vegetable and flower seed in packets weighing less than one pound for use in home gardens or household plantings or at the time of purchase of any commercial fruit or nut tree, language setting forth the requirement for filing a complaint shall be legibly typed or printed on the seed container, on the label affixed thereto, or printed on the invoice covering bulk seed or on a label attached to or on the invoice covering the commercial fruit or nut tree.

(b) Such language shall be in addition to the labeling requirements specified in Code Section 2-11-22 and shall contain a notice in a form acceptable in interstate trade as prescribed by rule and regulation promulgated by the Commissioner.

(c) If language setting forth the requirement is not so placed on the seed container, label, or invoice covering bulk seed or on a label or invoice covering the commercial fruit or nut tree, the filing of a complaint by the buyer shall not be required as a prerequisite to maintaining a legal action against the seller as provided in Code Section 2-11-73.

### **History**

---

Code 1981, § 2-11-72, enacted by Ga. L. 1994, p. 1761, § 1; Ga. L. 1996, p. 1151, § 3.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document

## O.C.G.A. § 2-11-73

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)**

### **2-11-73. Filing complaint; fee; procedure.**

---

(a) When any farmer or seed purchaser alleges to have been damaged by the failure of any agricultural, flower, tree, shrub, or vegetable seed, except for vegetable and flower seed in packets weighing less than one pound for use in home gardens or household plantings, to conform to or perform as represented by the label required to be attached to such seed under Code Section 2-11-22 or by warranty or as a result of negligence, as a prerequisite to the purchaser's right to maintain a legal action against the seller, the purchaser shall submit a complaint against the seller alleging the damages sustained or to be sustained and shall file such complaint with the Commissioner in time for the seed, crop, or plants to be inspected to determine if the alleged deficiencies warrant arbitration. Whenever any farmer or commercial fruit or nut tree purchaser alleges to have been damaged by the failure of any commercial fruit or nut tree to be the variety represented by the label or invoice or by warranty or as the result of negligence, as a prerequisite to the purchaser's right to maintain a legal action against the seller, the purchaser shall submit a complaint against the seller alleging the damages sustained or to be sustained and shall file such complaint with the Commissioner in time for the trees to be inspected to determine if the alleged deficiencies warrant arbitration. Upon receipt, the Commissioner shall send a copy of the complaint to the seller by registered or certified mail or statutory overnight delivery.

(b) A filing fee of \$75.00 shall be paid to the Commissioner with each complaint filed. Such fee shall be recovered from the seller upon recommendation of the Seed Arbitration Council. The filing fee shall be forfeited if the complaint is independently settled between the purchaser and seller prior to the informal hearing scheduled by the council. Such independent settlement serves to close the file on the complaint.

(c) Within ten days after the receipt of a copy of the complaint, the seller shall file with the Commissioner a response to said complaint. Upon receipt, the Commissioner shall send a copy of the response to the purchaser by registered or certified mail or statutory overnight delivery.

(d) Upon gathering the complaint and the response, the Commissioner shall refer the complaint and the response to the Seed Arbitration Council as provided in Code Section 2-11-75 for investigation, informal hearing, findings, and recommendations on the complaint.

(e) Upon receipt of findings and recommendations of the Seed Arbitration Council, the Commissioner shall transmit said items to the purchaser and seller by registered or certified mail or statutory overnight delivery.

(f) The purchaser and seller shall give written notice to the Commissioner of the acceptance or rejection of the council's recommendations within 30 days of the date the decision is mailed to the purchaser and seller.

### **History**

---

Code 1981, § 2-11-73, enacted by Ga. L. 1994, p. 1761, § 1; Ga. L. 1996, p. 1151, § 3; Ga. L. 2000, p. 1589, § 3; Ga. L. 2012, p. 1129, § 2/SB 390.

---

End of Document

## O.C.G.A. § 2-11-74

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)**

### **2-11-74. Membership of Seed Arbitration Council; terms; chairperson and secretary; sessions; expenses.**

---

(a) The Seed Arbitration Council shall be composed of five members. One member and one alternate shall be appointed upon the recommendation of each of the following individuals or executive committee:

- (1) The associate dean for the Cooperative Extension Service of the University of Georgia;
- (2) The associate dean for the experiment stations of the College of Agricultural and Environmental Sciences of the University of Georgia;
- (3) The president of the Georgia Farm Bureau Federation;
- (4) The executive committee of the Georgia Seedsmen's Association; and
- (5) The Commissioner of Agriculture.

(b) Each member and each alternate shall continue to serve until a replacement has been recommended by his or her appointing official. Alternate members shall serve only in the absence of the member for whom such person is an alternate.

(c) The council shall annually elect a chairperson and a secretary from its membership. The chairperson shall conduct the meetings and deliberations of the council and direct all activities. The secretary shall keep accurate records of all the meetings and deliberations and perform such other duties as the chairperson may direct.

(d) The council may be called into session upon the direction of the chairperson or by the Commissioner to consider matters referred to it by the Commissioner.

(e) Members of the council shall receive no compensation for the performance of their duties but shall be reimbursed for travel expenses by each representing organization.

### **History**

---

Code 1981, § 2-11-74, enacted by Ga. L. 1994, p. 1761, § 1; Ga. L. 1995, p. 10, § 2; Ga. L. 1996, p. 1151, § 3.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

## O.C.G.A. § 2-11-75

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)**

### 2-11-75. Hearings and investigations.

---

- (a) Upon receipt of a seed buyer complaint or a commercial fruit or nut tree buyer complaint and a seller response, the council shall schedule a hearing date within ten days and shall make a full and complete investigation of the matters stated in the complaint.
- (b) Hearings scheduled by the council shall be conducted in Tifton, Macon, Athens, or Rome, Georgia, whichever is most convenient to the farmer or other seed or commercial fruit or nut tree purchaser filing the complaint, such determination to be made by the chairperson.
- (c) The Commissioner shall provide administrative support for the council and shall adopt rules and regulations to govern investigations and hearings.
- (d) In conducting its investigation, the council, in addition to other activities deemed necessary, is authorized to:
  - (1) Examine the purchaser on the use of the seed or commercial fruit or nut tree or trees about which the complaint is filed, the purchaser's operation and the seller on the packaging and labeling, and the seller's operations on the seed or commercial fruit or nut tree or trees alleged to be faulty or of a different variety;
  - (2) Grow to production a representative sample of the alleged faulty seed through the facilities of the state and under the supervision of the Commissioner, as deemed necessary;
  - (3) Hold informal hearings at a reasonable time as directed by the chairperson. At such hearing, the purchaser and seller shall be allowed to present their side of the dispute before the council. Attorneys may be present, provided that no attorney may participate directly in the proceeding; and
  - (4) Seek evaluations from authorities in allied disciplines when deemed necessary.
- (e) Any investigation made by fewer than all of the councilmembers shall be by authority of a written directive by the chairperson, and such investigation shall be summarized in writing and considered by the council in reporting its findings and recommendations.
- (f) The Attorney General shall provide legal services for the council.

### History

---

Code 1981, § 2-11-75, enacted by Ga. L. 1994, p. 1761, § 1; Ga. L. 1996, p. 1151, § 3.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

## O.C.G.A. § 2-11-76

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)**

### 2-11-76. Findings and recommendations.

---

(a) After completion of the informal hearing by the council, a report of findings and recommendations shall be transmitted to parties present at the arbitration process pursuant to subsection (e) of Code Section 2-11-73. In such report, the council may make any recommendations it deems fair and equitable under the circumstances presented. These recommendations are up to the discretion of the council and may include, but are not limited to, the following:

(1) That no action be taken;

(2) That money damages be paid to the purchaser as a result of the alleged failure of the seed to conform to or perform as represented by the seed label, container, or invoice;

(2.1) That money damages be paid to the purchaser of a commercial fruit or nut tree or trees as a result of the alleged failure of the tree or trees to be the variety represented to the purchaser. Such damages shall not be less than three times the purchase price in the case of fruit trees or six times the purchase price in the case of nut trees;

(3) That the seller reimburse the purchaser for the amount of the filing fee paid to enter the arbitration process; or

(4) Such other recommendation found by the council to be fair and equitable to the parties.

(b) In any litigation involving a complaint which has been the subject of arbitration under this Code section, any party may introduce the report of arbitration as evidence of the facts found in the report as the court may see fit. Findings and conclusions of the council are not admissible as evidence. However, the court may take into account any determinations of the council with respect to the failure of any party to cooperate in the arbitration proceedings.

### History

---

Code 1981, § 2-11-76, enacted by Ga. L. 1994, p. 1761, § 1; Ga. L. 1996, p. 1151, § 3.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

## O.C.G.A. § 2-11-77

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 2 Agriculture (Chs. 1 — 23) > CHAPTER 11 Seeds and Plants (Arts. 1 — 4) > Article 4 Seed Arbitration Council (§§ 2-11-70 — 2-11-77)***

### **2-11-77. Rules and regulations.**

---

Pursuant to Chapter 13 of Title 50, the “Georgia Administrative Procedure Act,” the Commissioner shall have authority to promulgate and enforce such rules and regulations as may be deemed necessary to carry out the provisions of this article.

### **History**

---

Code 1981, § 2-11-77, enacted by Ga. L. 1994, p. 1761, § 1; Ga. L. 1996, p. 1151, § 3.

Official Code of Georgia Annotated

Copyright © 2022 No copyright claimed in original government works. Matthew Bender and Company, Inc. retains copyright in case annotations and research references independently created by publisher. All rights reserved.

---

End of Document