

250.021 Definitions for KRS 250.021 to 250.111.

As used in KRS 250.021 to 250.111, unless the context requires otherwise:

- (1) "Advertised" means all representations, other than those on the label, disseminated by the public press, circular, catalog, or other media, relating to agricultural, vegetable, or flower seed, or combination seed, mulch, and fertilizer products within the scope of KRS 250.021 to 250.111;
- (2) "Agricultural seed" includes grass, forage, cereal, oil, fiber, tobacco, and other kinds of crop seed commonly recognized within Kentucky as agricultural seed, lawn seed, and combinations of these seed. Regardless of the name used to describe seed, the product shall be seed if its intended use is for plant production;
- (3) "Blend" means seed consisting of more than one (1) variety of a kind, each in excess of five percent (5%) by weight of the whole;
- (4) "Brand" means a word, name, symbol, number, or design used to identify seed of one (1) person to distinguish it from seed of another person;
- (5) "Certified seed" means seed for which a certificate or any other instrument has been issued by an agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified;
- (6) "Certified custom seed conditioner" means a person who has been approved by the Kentucky Seed Improvement Association (KSIA) to condition seed for distribution as certified seed;
- (7) "Certified seed grower" means a person who has been approved by the Kentucky Seed Improvement Association to produce seed to be sold as Kentucky certified seed;
- (8) "Certifying agency" means:
 - (a) An agency authorized under the laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified; or
 - (b) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under paragraph (a) of this subsection;
- (9) "Conditioning" means drying, cleaning, applying seed treatment, scarifying, and other operations which could change the purity or germination of the seed;
- (10) "Crop seed" means seed of crop plants other than the kind or variety included in the pure seed;
- (11) "Distribute" means to consign, offer for sale, sell, advertise for sale, barter, or otherwise supply agricultural seed;
- (12) "Distributor" means any person who distributes agricultural seed;
- (13) "Dormant" means seed, excluding hard seed, which fail to germinate, even though

viable, when provided the specified germination conditions for the kind of seed in question;

- (14) "Flower seed" includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seed or wildflower seed, except for seed which have been placed on the Kentucky noxious weed seed list;
- (15) "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, indicate the ability to produce a normal plant under favorable conditions;
- (16) "Hard seed" means seed which remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat;
- (17) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining:
 - (a) Two (2) or more inbred lines;
 - (b) One (1) inbred or a single cross with an open-pollinated variety; or
 - (c) Two (2) varieties or species, excluding open-pollinated varieties of corn;and excludes the second generation or subsequent generations from those crosses;
- (18) "Inert matter" means all matter not seed, including broken seed, sterile florets, chaff, fungus bodies, and stones;
- (19) "Innoculant" means a formulation containing nitrogen-fixing bacteria which is applied as a treatment to legume seed to increase the nitrogen-fixing capabilities of the plants produced from the seed;
- (20) "Inspection fee" means a fee, based on volume or value of product distributed, collected by the director from permit holders in Kentucky;
- (21) "Kind" means one (1) or more related species or subspecies which singly or collectively is known by one (1) common name, for example, corn, oats, alfalfa, and timothy;
- (22) "Label" includes a tag or other device attached to or written, stamped, or printed on any container of seed or accompanying any lot of bulk seed purporting to set forth the information required on the seed label by KRS 250.021 to 250.111, and it may include other information relating to the labeled seed;
- (23) "Lot" means a definite quantity of seed identified by a number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling;
- (24) "Mixture" means seed consisting of more than one (1) kind, each in excess of five percent (5%) by weight of the whole;
- (25) "Mulch" means a protective covering of any suitable substance placed with seed which acts to retain moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil water, the control of weeds, and the prevention of erosion;
- (26) "Noncertified custom seed conditioner" means a person other than a certified seed conditioner who conditions agricultural seed which is to be distributed;

- (27) "Noxious weed seed" means one (1) of two (2) classes:
- (a) "Prohibited noxious weed seed" means those weed seed which are prohibited from being present in agricultural, vegetable, or flower seed, and are seed of weeds which are highly destructive and difficult to control; or
 - (b) "Restricted noxious weed seed" means those weed seed which are objectionable in agricultural crops, lawns, or gardens of Kentucky, but which can be controlled using conventional methods;
- (28) "Pelleted seed" means seed coated with a layer of inert materials that may obscure the original shape and size of the seed resulting in a substantial weight increase and improved plantability. The addition of polymers, biologicals, pesticides, identifying colorants or dyes, or other ingredients may be included in the pelleting material;
- (29) "Permit holder" means a person who has obtained a permit from the director to label agricultural, vegetable, or flower seed; or combination mulch, seed, and fertilizer products distributed in Kentucky and whose name and address is required to appear on labels of those products distributed in Kentucky as a condition for obtaining the permit;
- (30) "Person" means an individual, partnership, company, corporation, or other type of business establishment;
- (31) "Pure seed" means seed exclusive of inert matter and all other seed not of the kind or variety being considered;
- (32) "Informal hearing" means a discussion of facts between the person involved in an apparent law violation and the director;
- (33) "Record" means information which relates to the origin, treatment, germination, purity, kind, and variety of each lot of seed sold. The information shall include seed samples and documents showing declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests, or examinations;
- (34) "Retail agricultural seed dealer" means a person who engages in the business of distributing agricultural seed in containers or bulk units of forty (40) pounds or more;
- (35) "Seizure" means a legal process carried out by court order against a specified seed lot;
- (36) "Stop sale" means an administrative order provided by law, which restrains the distribution of a specified seed lot;
- (37) "Treated seed" means seed which has received an application of a substance or has been subjected to a process for which a claim is made;
- (38) "Variety" means a subdivision of a species which is distinct, uniform, and stable; distinct in the sense that the variety can be differentiated by one (1) or more identifiable morphological, physiological, or other characteristics from all other publicly known varieties; 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 as required by the different categories of varieties; and

- (39) "Vegetable seed" means the seed of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seed in Kentucky.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 38, sec. 2, effective July 15, 2016. -- Amended 1996 Ky. Acts ch. 318, sec. 164, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 370, sec. 1, effective April 8, 1994.