

2018 -- H 7782

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- RHODE ISLAND SEED ACT

Introduced By: Representatives Fogarty, Hull, Tanzi, and Winfield

Date Introduced: February 28, 2018

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 2-6-7 and 2-6-10 of the General Laws in Chapter 2-6 entitled
2 "Rhode Island Seed Act" are hereby amended to read as follows:

3 ~~2-6-7. Duties and authority of the director of the department of environmental~~
4 ~~management --- Appeal of stop sale order~~ **Duties and authority of the director of the**
5 **department of environmental management.**

6 (a) The duty of enforcing this chapter and carrying out its provisions and requirements is
7 vested in the director of the department of environmental management. It is the duty of that
8 officer, who may act through his or her authorized agents:

9 (1) To sample, inspect, make analysis of, and test agricultural and vegetable seeds
10 transported, sold, or offered or exposed for sale within the state for sowing purposes, at any time
11 and place and to any extent as he or she may deem necessary to determine whether those
12 agricultural or vegetable seeds are in compliance with the provisions of this chapter; to notify
13 promptly the person who transported, sold, offered, or exposed the seed for sale, of any violation;

14 (2) To prescribe and, after a public hearing following public notice, to adopt rules and
15 regulations governing the method of sampling, inspecting, analyzing, testing, and examining
16 agricultural and vegetable seed and the tolerances to be followed in the administration of this
17 chapter, which shall be in general accord with officially prescribed practice in interstate
18 commerce and any other rules and regulations that may be necessary to secure efficient
19 enforcement of this chapter;

1 (3) To prescribe and, after a public hearing following public notice, establish, add to, or
2 subtract from by regulations a prohibited and restricted noxious weed list; and

3 (4) To prescribe and, after a public hearing following public notice, to adopt rules and
4 regulations establishing reasonable standards of germination for vegetable seeds.

5 (b) For the purpose of carrying out the provisions of this chapter, the director,
6 individually or through his or her authorized agents, is authorized:

7 (1) To enter upon any public or private premises during regular business hours in order to
8 have access to seeds and the records connected with the premises subject to this chapter and rules
9 and regulations under this chapter, and any truck or other conveyor by land, water, or air at any
10 time when the conveyor is accessible, for the same purpose;

11 (2) To issue and enforce a written or printed "stop sale" order to the owner or custodian
12 of any lot of agricultural or vegetable seed that the director finds is in violation of any of the
13 provisions of this chapter or rules and regulations promulgated under this chapter. That order
14 shall prohibit further sale, processing, and movement of the seed, except on approval of the
15 director, until the director has evidence that the law has been complied with and the director has
16 issued a release from the "stop sale" order of the seed; provided, that in respect to seed that has
17 been denied sale, processing, and movement as provided in this paragraph, the owner or
18 custodian of the seed has the right to appeal from the order to a court of competent jurisdiction in
19 the locality in which the seeds are found, praying for a judgment as to the justification of the
20 order and for the discharge of the seeds from the order prohibiting the sale, processing, and
21 movement in accordance with the findings of the court. The provisions of this paragraph shall not
22 be construed as limiting the right of the director to proceed as authorized by other sections of this
23 chapter;

24 (3) To establish and maintain or make provisions for seed-testing facilities, to employ
25 qualified persons, and to incur any expenses that may be necessary to comply with these
26 provisions;

27 (4) To make or provide for making purity and germination tests of seed for farmers and
28 dealers on request; to prescribe rules and regulations governing that testing; and to fix and collect
29 charges for the tests made. Fees shall be accounted for in any manner that the state legislature
30 may prescribe;

31 (5) To cooperate with the United States Department of Agriculture and other agencies in
32 seed law enforcement.

33 (c) Jurisdiction in all matters pertaining to the cultivation, harvesting, production,
34 processing, certification, labeling, inspection, analyzing, testing, sampling, classification,

1 designation, advertising, marketing, sale, storage, transportation, distribution, possession,
2 notification of use, planting, and other use of agricultural and vegetable seeds is , by this chapter,
3 vested exclusively in the director, to the exclusion of all local ordinances or regulations.

4 (1) All acts or parts of acts, whether general, special, or local, inconsistent with this
5 section are expressly repealed, declared to be invalid, and of no effect.

6 **2-6-10. Violations and prosecutions.**

7 (a) Every violation of the provisions of this chapter shall be deemed a misdemeanor
8 punishable by a fine not exceeding one hundred dollars (\$100) for the first offense and not
9 exceeding two hundred fifty dollars (\$250) for each subsequent similar offense.

10 (b) ~~When the director finds that any person has violated any of the provisions of this~~
11 ~~chapter, the director shall file with the attorney general, with a view of prosecution, any evidence~~
12 ~~that may be deemed necessary.~~ No prosecution under this chapter shall be instituted without the
13 defendant first having been given an opportunity to appear before the director or his or her duly
14 authorized agent, to introduce evidence either in person or by agent or attorney at a private
15 hearing. If, after the hearing, or without the hearing in case the defendant or his or her agent or
16 attorney fails or refuses to appear, the director is of the opinion that the evidence warrants
17 prosecution, the director shall proceed as provided in this section.

18 (c) It is the duty of the ~~attorney general~~ director to institute proceedings at once against
19 any person charged with a violation of this chapter, if, in the judgment of the ~~attorney general~~
20 director, the information submitted warrants that action.

21 (d) After judgment by the court in any case arising under this chapter, the director shall
22 publish any information pertinent to the issuance of the judgment by the court in any media as the
23 director may designate from time to time.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO AGRICULTURE AND FORESTRY -- RHODE ISLAND SEED ACT

- 1 This act would provide that jurisdiction of all use of agricultural and vegetable seeds is
- 2 vested exclusively in the director of the department of environmental management.
- 3 This act would take effect upon passage.

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