

AN ACT concerning agriculture.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Illinois Seed Law is amended by adding Section 2.144 and changing Sections 4.2b and 5 as follows:

(505 ILCS 110/2.144 new)

Sec. 2.144. Cool weather grasses. "Cool weather grasses" include colonial bent grass, creeping bent grass, Kentucky bluegrass, red fescue, tall fescue, chewings fescue, hard fescue, annual ryegrass, intermediate ryegrass, and perennial ryegrass.

(505 ILCS 110/4.2b) (from Ch. 5, par. 404.2b)

Sec. 4.2b. Labeling for seed mixtures for lawn or turf purposes shall include:

(1) The word "Mixed" or "Mixture" shall be stated with the name of the mixture.

(2) The heading "Pure Seed" and "Germination" shall be used in the proper places.

(3) Commonly accepted name of kind or kind and variety of each agricultural seed component in excess of 5% of the whole, and the percentage by weight of pure seed in order of its predominance and in columnar form.

(4) Lot number or other lot identification.

(5) Percentage by weight of agricultural seed other than those required to be named on the label.

(6) Percentage by weight of inert matter.

(7) Percentage by weight of all weed seeds.

(8) For each agricultural seed named under (3) above:

(a) Percentage of germination, exclusive of hard or dormant seed;

(b) Percentage of hard or dormant seed, if present;

(c) Calendar month and year the test was completed to determine such percentages. Oldest test date shall be used.

(9) Name and address of the person who labeled that seed, or who sells, offers or exposes that seed for sale within the State.

(10) For cool weather grasses and mixtures of cool weather grasses, a "sell by" date that is no more than 15 months, exclusive of the calendar month in which the test was completed, after the date of the applicable test required under this Act.

(Source: P.A. 85-717.)

(505 ILCS 110/5) (from Ch. 5, par. 405)

Sec. 5. Prohibitions. It is unlawful for any person to sell, offer for sale, expose for sale or transport for sale any agricultural, vegetable or other seeds designated by the Department of Agriculture within this State:

(1) Without an annual permit from the Department of Agriculture of the State of Illinois to engage in such business. All permits shall expire annually as set by regulation.

(2) Unless the test to determine the percentage of germination required by Sections 4.2 through 4.5 shall have been completed within a 12-month period (or 15-month period for cool weather grasses) exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation unless the seed is in hermetically sealed packages or containers.

(3) Within a 36 month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation, if the seed is in hermetically sealed packages or containers.

(4) If such agricultural, vegetable or other seeds designated by the Department are not labeled in accordance with this Act or having a false or misleading labeling.

(5) Pertaining to which there has been false or misleading advertising.

(6) Consisting of or containing prohibited noxious weed seeds. If prohibited noxious weed seed is found in a sample of seed, a stop sale order shall be issued. Within 10 days following the issuance of the stop sale order, the Department shall take another sample of the seed, and if no prohibited

noxious weed seed is found, the stop sale order shall be removed.

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

(8) Containing more than 1.5% by weight of all weed seeds in chaffy seeds and native grasses or 1% by weight of weed seed in all other agricultural seed. Chaffy grasses shall be those that are recognized by the Association of Official Seed Analysts and native grasses shall be designated by regulation.

(9) If any labeling, advertising, or other representations subject to this Act represents the seed to be certified or registered seed unless (a) it has been determined by a seed certifying agency that such seed was produced, processed, and packaged, and conforms to standards of purity as to kind or variety, in compliance with rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is certified or registered.

(10) Labeled with a brand, trademark or term taken from a brand or trademark unless such is clearly identified with the word brand and as being other than part of the variety name.

(11) If the same brand designation is assigned to more than one variety or blend of soybean, wheat, oats, or barley.

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(Source: P.A. 85-717.)

Section 99. Effective date. This Act takes effect upon becoming law.