

1 AN ACT concerning agriculture.

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

4 Section 5. The Illinois Seed Law is amended by adding  
5 Sections 2.121-5, 2.132-5 and 2.133-5 and by changing Section 7  
6 as follows:

7 (505 ILCS 110/2.121-5 new)

8 Sec. 2.121-5. Non-commercial seed sharing. "Non-commercial  
9 seed sharing" means seed sharing for which no monetary  
10 consideration or compensation is transferred in return for  
11 receiving seeds. "Non-commercial seed sharing" does not  
12 include seed sharing in which the person participating in the  
13 seed sharing expects or creates the expectation that seeds must  
14 be returned in exchange for receiving seeds or when the  
15 distribution of seed is given as compensation for work or  
16 services rendered.

17 (505 ILCS 110/2.132-5 new)

18 Sec. 2.132-5. Seed library. "Seed library" means a  
19 nonprofit, governmental, or cooperative organization,  
20 association, or activity for the purpose of facilitating the  
21 donation, exchange, preservation, and dissemination of seeds  
22 of open pollinated, public domain plant varieties by or among

1 its members or members of the public when the use, exchange,  
2 transfer, or possession of seeds acquired by or from the seed  
3 library is free of charge or consideration.

4 (505 ILCS 110/2.133-5 new)

5 Sec. 2.133-5. Seed swap event. "Seed swap event" means an  
6 organized and publicly promoted event at which non-commercial  
7 seed sharing takes place.

8 (505 ILCS 110/7) (from Ch. 5, par. 407)

9 Sec. 7. Exemptions.

10 (a) The provisions of Sections 4 through 4.5 and Sections 5  
11 and 5.1 do not apply:

12 (1) To seed or grain not intended for sowing purposes.

13 (2) To seed in storage in, or being transported or  
14 consigned to a cleaning or conditioning establishment for  
15 cleaning or conditioning, provided, that the invoice or  
16 labeling accompanying any shipment of said seed bears the  
17 statement "seed for conditioning"; and provided that any  
18 labeling or other representation which may be made with  
19 respect to the uncleaned or unconditioned seed shall be  
20 subject to this Act.

21 (3) To any carrier in respect to any seed transported  
22 or delivered for transportation in the ordinary course of  
23 its business as a carrier; provided, that such carrier is  
24 not engaged in producing, processing, or marketing

1 agricultural, vegetable or other seeds designated by the  
2 Department of Agriculture subject to the provisions of this  
3 Act.

4 (b) The provisions of Sections 4, 4.4, 4.5, 6, and 10, and  
5 of paragraphs (1), (2), (3), (4), (5), (8), and (11) of Section  
6 5, do not apply to unpatented, untreated seed that is free of  
7 noxious and exotic weed seeds and that is distributed within  
8 this State by means of interpersonal non-commercial seed  
9 sharing activities, including, but not limited to, seed  
10 libraries and seed swap events. A seed library or seed swap  
11 event organizer shall adopt labeling or record-keeping  
12 standards to identify the year, species or common name, and  
13 source of any non-commercially packaged seed received by the  
14 seed library or offered at a seed swap event, and shall make  
15 this information available to the Department upon request in  
16 the course of an investigation of an alleged violation of the  
17 provisions in this Act. Information maintained by seed  
18 libraries shall be provided to the Department to the extent  
19 permissible under the Library Records Confidentiality Act.

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

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