



Sen. Wm. Sam McCann

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09900SB3130sam002

LRB099 19639 SLF 47680 a

1 AMENDMENT TO SENATE BILL 3130

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3130, AS AMENDED by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Seed Law is amended by adding  
6 Sections 2.1445 and 2.1446 and by changing Section 7 as  
7 follows:

8 (505 ILCS 110/2.1445 new)

9 Sec. 2.1445. Seed library. "Seed library" means a  
10 nonprofit, governmental, or cooperative organization,  
11 association, or activity for the purpose of facilitating the  
12 donation, exchange, preservation, and dissemination of seeds  
13 of open pollinated, public domain plant varieties by or among  
14 its members or members of the public when the use, exchange,  
15 transfer, or possession of seeds acquired by or from the seed  
16 library is free of charge or consideration.

1 (505 ILCS 110/2.1446 new)

2 Sec. 2.1446. Non-commercial seed sharing. "Non-commercial  
3 seed sharing" means seed sharing for which no monetary  
4 consideration or compensation is transferred in return for  
5 receiving seeds. A person participating in non-commercial seed  
6 sharing may not expect, or create the expectation, that seeds  
7 must be returned in exchange for receiving seeds, nor may such  
8 distribution of seed be given as compensation for work or  
9 services rendered.

10 (505 ILCS 110/7) (from Ch. 5, par. 407)

11 Sec. 7. Exemptions.

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

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

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

23 (3) To any carrier in respect to any seed transported  
24 or delivered for transportation in the ordinary course of

1           its business as a carrier; provided, that such carrier is  
2           not engaged in producing, processing, or marketing  
3           agricultural, vegetable or other seeds designated by the  
4           Department of Agriculture subject to the provisions of this  
5           Act.

6           (b) The provisions of Sections 4, 4.4, 4.5, 6, and 10, and  
7           of paragraphs (1), (2), (3), (4), (5), (8), and (11) of Section  
8           5, do not apply to unpatented, untreated seed that is free of  
9           noxious and exotic weed seeds and that is distributed within  
10           this State by means of interpersonal noncommercial seed sharing  
11           activities, including, but not limited to, seed libraries and  
12           seed swaps. A seed library may adopt labeling or record-keeping  
13           standards to identify the date, species or common name, and  
14           source of the seed received by the seed library, 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.

18           (Source: P.A. 85-717.)

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