

STATE OF TENNESSEE  
DEPARTMENT OF AGRICULTURE  
NASHVILLE

Buford Ellington, Governor  
W. F. Moss, Commissioner

March 28, 1961

To: All Seed Dealers

Gentlemen:

Enclosed find copies of the amendments to the Tennessee Agricultural and Vegetable Seed Laws, which were recently enacted into law by the 1861 Tennessee Legislature.

The amendments to the Agricultural Seed Law are self-explanatory.

The amendment to the Vegetable Seed Law makes it mandatory for the person or persons, company or corporation responsible for packaging and shipping packaged vegetable seed to be displayed in display racks or other containers used for displaying seed to purchase a \$1.00 vegetable seed stamp from the Tennessee Department of Agriculture, and affix same to display rack or container. This fee will be due July 1, 1961.

You will notice in the amendment the \$1.00 stamp applies only to shipments of \$100.00 or less (wholesale price of seed), and only one stamp will be required for each retail store, you will only be required to affix a stamp to one rack.

If shipment of seed to a retail store is more than \$100.00 (wholesale price), no stamp will be required. The licenses referred to in subsection 2 and 3 of this amendment based on volume of business will be obtained by the retail dealer.

Realizing that wholesale vegetable seed dealers cannot always know in advance exactly how many racks of seed they will place in retail stores, the Department of Agriculture will issue any number of stamps requested. In the event all stamps are not used, the unused stamps may be returned to the Department of Agriculture and the purchase price will be refunded.

If we can be of further assistance, please do not hesitate to call on us.

Yours very truly,

Clyde Cathey, Director  
Div. Feeds, Seeds, & Fertilizers  
PUBLIC CHAPTER NO. 140

HOUSE BILL NO. 59 by James I. Bell

AN ACT to amend Sections 43-902, 43-903, 43-904, 43-907, 43-911 and 43-917 Tennessee Code Annotated, pertaining to agricultural seed laws, and to add a new section to Title 43, Chapter 9, pertaining to agricultural seeds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That Section 43-902 Tennessee Code Annotated be amended by striking therefrom subsection (a) and inserting in lieu thereof the following:

"The kind of a crop and the commonly accepted varietal name of such an agricultural seed." and by adding to said section a new subsection (j) as follows: "(j) The net weight shall be printed plainly."

SECTION 2. BE IT FURTHER ENACTED, That Section 43-903 Tennessee Code Annotated be amended by striking said section and inserting in lieu thereof the following:

"The term 'noxious weed seeds' as used in this chapter shall be construed to include the seeds of Canada Thistle, corn cockle, all dodders, oxeye daisy, quack grass, bind weed, buckhorn, Johnson grass, or any other seeds that cannot be distinguished from Johnson grass, and wild onions (seed or bulblets). Johnson grass or any seed which cannot be distinguished from Johnson grass is prohibited. Small grains and vetches may contain wild onions at the rate of 10 seeds or bulblets per pound.

All other crop seeds may be sold containing wild onions, seeds or bulblets, at the rate of 13 seeds or bulblets per pound. The rate of occurrence shall be plainly printed on the analysis tag. Lespedeza seed may be sold containing more than 100 dodder seed per pound, but not more than 1,000; but otherwise shall conform to the tolerances prescribed by Rules and Regulations. Each bag of such lespedeza must have a Tennessee Department of Agriculture Red Caution Tag attached, in addition to the regular analysis tag and revenue stamp."

SECTION 3. BE IT FURTHER ENACTED, That Section 43-904 Tennessee Code Annotated be amended by adding to said section the following:

"Agricultural seeds containing total weed seeds in excess of 2 ½% by weight shall be prohibited."

SECTION 4. BE IT FURTHER ENACTED, That Section 43-907 Tennessee Code Annotated be amended by striking the section in its entirety and substituting in lieu thereof the following:

"Seed mixtures of two or more kinds or two or more varieties of a kind of agricultural seeds present in excess of 5% or more by weight and sold, offered or exposed for sale or donated or distributed within the State for seeding purposes within the State shall in

addition to the requirements of Section 43-902 supply the following information on the tag or label that:

- (a) Such seed is a mixture;
- (b) The kind and approximate percentages by weight of each seed entering into the mixture."

SECTION 5. BE IT FURTHER ENACTED, That Section 43-911 Tennessee Code Annotated be amended by striking subsection (a) and inserting in lieu thereof the following:

"The Commissioner of Agriculture or those designated by him shall enforce said standards set forth by a certifying agency approved by the International Crop Improvement Association on all seed carrying a tag showing certification when offered or exposed for sale in the State of Tennessee.:

SECTION 6. BE IT FURTHER ENACTED, That Section 43-917 Tennessee Code Annotated be amended by striking the same and substituting in lieu the following:

"The use of a disclaimer or non-warranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution or other proceedings brought under the provisions of this Act, or the Rules and Regulations made and promulgated hereunder or under the general law."

SECTION 7. BE IT FURTHER ENACTED, That a new section be added to Title 43, Chapter 9, pertaining to agricultural seeds and designated Section 43-920 Tennessee Code Annotated as follows:

"It shall be unlawful for any person to sell or offer to sell agricultural seeds in this state unless the same have been tested for germination within nine months next preceding the date when such agricultural seed are sold or offered for sale. It shall be the duty and responsibility of the person having such agricultural seeds in his possession to ascertain whether the same have been properly tested within such period. Any person who sells or offers to sell such agricultural seeds without complying with this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provide in Code Section 43-913."

SECTION 8. BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1961, the public welfare requiring it.

PASSED; February 28, 1961

APPROVED: March 4, 1961

Speaker of the House of Representatives: James L. Bomar

Speaker of the Senate: William D. Baird

Governor: Buford Ellington

*Source A. J. Lambert: This typed document was found in the Walter Shanks General Store near Buffalo Valley, Putnam Co., TN. This store had a mill and blacksmith shop near by all structures have been torn down.*

<http://www.ajlambert.com>