

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1742

By: Representative Wooldridge

By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING AGRICULTURE; TO
AMEND THE LAW RELATED TO SEED CERTIFICATION; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAW RELATED TO SEED
CERTIFICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code §§ 2-18-102 through 2-18-109 are amended to read as follows:

2-18-102. Penalty – Revocation of certificate.

(a)(1) Any person shall be guilty of a violation who:

- (A) Falsely advertises or proclaims that seed has been certified by the ~~State Plant Board~~ Department of Agriculture;
- (B) Uses any emblem, label, or language for the purpose of misleading a person into believing that seed has been certified by the ~~board~~ department when it has not;
- (C) Misuses any tag, label, or certificate issued by the ~~board~~ department;
- (D) Obtains or attempts to obtain certification for seed or plants by making false statements or misrepresentations to the ~~board~~ department or to the ~~board's~~ department's inspectors, deputies, or agents;
- (E) Having received a certificate, violates any of the rules of the ~~board~~ State Plant Board made under this chapter; or
- (F) Violates any agreement made as a condition for



receiving a certificate.

(2) Upon conviction, an offender shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500) for each offense.

(b)(1) When the person holds a certificate from the ~~board~~ department, the certificate, after a hearing before the Director of the ~~State Plant Board~~ Plant Industries Division of the Department of Agriculture has been given to the person, shall be revoked by the director regardless of whether a prosecution is commenced.

(2)(A) Any person whose certificate is revoked by the director shall be entitled to an appeal to the ~~board~~ State Plant Board.

(B) The board's decision shall be final.

2-18-103. Investigation and certification.

(a)(1) The ~~State Plant Board~~ Department of Agriculture is empowered to investigate and certify to varietal purity and fitness for planting of agricultural seed on request of the grower thereof.

(2)(A) For this purpose, the ~~board~~ State Plant Board shall set up, in its rules, one (1) or more classifications of seed, designating the classifications as "Registered" and "Certified" or by any other one (1) or more names which it may specify; and

(B) ~~It~~ The board shall specify, in its rules, the standards which seed must meet and the methods by which seed must be handled in order to be certified under the classifications.

(b) Any person applying for certification of seed must, if required by the ~~board~~ department, produce satisfactory evidence as to character, qualifications as a seed breeder, and possession of such facilities for the growing and handling of purebred seed as may be deemed necessary by the ~~board~~ department.

2-18-104. Rules.

The State Plant Board:

(1) Shall promulgate all rules necessary to carry into effect the purpose of this chapter, which is to provide supplies of high-grade seed, true to name and free from disease, for planting purposes;

(2) Shall make rules to protect the interest of breeders who

have developed high-quality strains of seed; and

(3) May appoint or may authorize the Director of the ~~State Plant Board~~ Plant Industries Division to appoint such deputies as shall be necessary to carry into effect the purpose of this chapter.

2-18-105. ~~Fees~~ Costs.

(a)(1) To cover costs of inspection and certification, the State Plant Board shall require a reasonable fees of sum from all applicants ~~in advance~~.

(2) Upon receipt of an application, the Department of Agriculture will invoice the applicant for payment.

(3) These fees sums invoiced under subdivision (a)(2) of this section shall be deposited into a separate fund and shall be used in carrying out the purposes of this chapter.

(b)(1)(A) To cover costs of promotion and advertising of certified seed, the board after a public hearing shall establish by rule promotion and advertising ~~fees which shall be collected in advance~~ costs.

(B) The fees costs under subdivision (b)(1)(A) of this section shall be assessed upon the acreage grown for certified agricultural seed production or upon the number of certified tags and labels sold for production of certified seed from the acreage.

(C) The department shall assess the costs under subdivision (b)(1)(B) of this section and shall invoice the responsible party for payment.

(2) Those ~~fees~~ costs collected for seed promotion and advertising shall be remitted by the board to the Arkansas Seed Dealers' Association and the Arkansas Seed Growers Association, or their successors, which shall establish and administer their own promotion and advertising programs.

(3) Before collecting the ~~fees~~ costs under this subsection or increasing ~~those fees~~ the costs hereafter, the board shall seek the advice of the House Committee on Agriculture, Forestry, and Economic Development and the Senate Committee on Agriculture, Forestry, and Economic Development.

2-18-106. Certificates of inspection.

(a) Persons whose seed has met the standards set up by the State Plant Board and who have complied with all the provisions of this chapter and with

all the rules of the board made under this chapter shall receive from the ~~board~~ Department of Agriculture the proper certificate of inspection designating the classification of seed.

(b) Each bag or other container of seed sold under the classification designated by a certificate of the ~~board~~ department shall bear an appropriate tag or label securely attached to it.

(c) Certificates issued under the provisions of this section shall run one (1) crop season only.

2-18-107. Improper use of terms.

(a) It shall be unlawful for any person to use the terms "certified" or "registered" as applied to the quality of seed or plants or to use any other term applying to seed classifications promulgated by the State Plant Board, without first having applied for and received the proper certificate from the ~~board~~ Department of Agriculture.

(b) Any person violating the provisions of this section shall be punished as provided in § 2-18-102.

2-18-108. Intergovernmental cooperation.

In administering this chapter, the ~~State Plant Board~~ Department of Agriculture is authorized to cooperate to the fullest extent with other agencies of the state and federal government.

2-18-109. Aflatoxin levels.

The level of aflatoxin in Arkansas-grown grain and seed sold or distributed in this state shall be monitored by the ~~State Plant Board~~ Department of Agriculture.