



**OKLAHOMA**  
Agriculture, Food  
and Forestry

**OKLAHOMA  
SEED LAW  
AND RULES**

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## **SEED LAW**

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**SEED RULES**  
**SUBCHAPTER 25**

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## SEED LAW

### §2-8-21. Definitions.

As used in this subarticle:

1. **“Advertisement”** means all representations, other than those on the label, disseminated in any manner or by any means relating to seed;
2. **“Agricultural seeds”** means the seeds of grass, forage, cereal and fiber crops, and any other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds, and mixtures of seeds;
3. **“Certified seed”, “registered seed”, and “foundation seed”** means seed that has been produced and labeled in accordance with the procedures and rules of an officially recognized seed-certifying agency or association;
4. **“Coated seed”** means a seed unit covered with any substance which changes the size, shape, or weight of the original seed. Seeds coated with ingredients including, but not limited to, rhizobia, dyes, and pesticides are excluded;
5. **“Germination”** means the percent of seeds capable of producing normal seedlings under ordinarily favorable conditions;
6. **“Kind”** means one or more related species or subspecies which singly or collectively is known by one common name, for example, corn, wheat, lespedeza, alfalfa, and fescue;
7. **“Labeling”** means all written, printed, or graphic representations accompanying and pertaining to any seed in bulk or in containers and includes, but is not limited to representations on invoices;
8. **“Lot”** means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling;
9. **“Noxious weed seeds”** shall be divided into two classes, “prohibited noxious weed seeds” and “restricted noxious weed seeds” as defined in subparagraphs (a) and (b) of this paragraph. The State Board of Agriculture may promulgate rules that add to or subtract from the list of seeds included under either definition:

(a) prohibited noxious weed seeds are the seeds of weeds which reproduce by seeds and spread by underground roots, stems, or other reproductive parts. When established, noxious weed seeds are highly destructive and difficult to control in this state by ordinary good cultural practice, and are prohibited by this subarticle subject to recognized tolerances, and

(b) restricted noxious weed seeds are the seeds of weeds which are very objectionable in fields, lawns, and gardens of this state, but can be controlled by good cultural practice;

**10. "Pure seed"** means agricultural and vegetable seeds, exclusive of inert matter, and all other seeds not of the kinds, or kinds and varieties, being considered;

**11. "Record"** means all information relating to lot, identification, source, origin, variety, amount, processing, testing, labeling, distribution, and a file sample of the seed;

**12. "Seizure"** means a legal process carried out by court order or Board order against a specific quantity of seed;

**13. "Stop sale"** means an administrative order provided by law restraining the sale, use, disposition, and movement of a specific quantity of seed;

**14. "Treated seed"** means seed that has been treated with an approved substance or subjected to a process designed to control or repel plant disease organisms, insects, or other pests attacking the seed or plants or will improve the planting value of the seed;

**15. "Variety"** means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind;

**16. "Vegetable seeds"** means seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable seeds in this state; and

**17. "Weed seeds"** means the seeds of all plants generally recognized as undesirable within this state and includes noxious weed seeds.

**§2-8-22. Containers to bear label or tag - Label information.**

**A.** Each bag, container, package, or bulk of agricultural seed transported, sold, offered for sale, or exposed for sale by any person within the State of Oklahoma for planting purposes, shall have, bear, or have attached in a conspicuous place, a plainly written or printed label or tag giving the following information, which shall not be modified or disclaimed in the labeling on the bag or container.

**B.** For treated seed, separate labeling shall show:

1. A word or statement that the seed has been treated;
2. The name or "coined name" of the treatment;
3. If harmful, the label must show the statement "Not to be Used for Feed or Food", and if poisonous materials are used, the label must show a caution statement stating words "Poison Treated".

**C.** For agricultural seeds separate labeling shall show:

1. Commonly accepted name as to kind, or kind and variety, of each agricultural seed component in excess of five percent (5%) of the whole. If more than one component is present in excess of five percent (5%) of the whole, the word "mixture" or "mixed" shall be shown conspicuously on the tag or label;
2. Net weight;
3. Lot number or other lot identification;
4. Origin, including state or foreign country where grown. If the origin is unknown, that fact shall be stated;
5. Percentage pure seed;
6. Percentage by weight of inert matter;
7. Percentage by weight of agricultural seed, other than the one required to be named on the label (designated as "other crop seed");
8. Percentage by weight of all weed seeds;

**9.** The name and rate of occurrence of each kind of restricted noxious weed seed per pound when present in any amount;

**10.** For each named agricultural seed:

a. percentage of germination, exclusive of hard seed,

b. percentage of hard seed, if present, and

c. the calendar month and year the test was completed to determine percentages;

**11.** Following (A) and (B), above, the "total germination and hard seed" may be stated if desired; and

**12.** Name and address of the person or vendor who labeled the seed or who sells, offers, or exposes the seed for sale within the state.

**D.** For vegetable seeds labeling shall show:

**1.** Net weight;

**2.** Name of kind and variety of seed; and

**3.** For seeds which germinate less than the standard last established by the State Board of Agriculture:

a. percentage of germination, exclusive of hard seed,

b. percentage of hard seed, if present,

c. the calendar month and year the test was completed to determine the percentages,

d. the words "below standard" in not less than eight-point type, and

e. name and address of the person who labels the seed, or who sells, offers, or exposes the seed for sale within this state.

**E.** For coated seed. In addition to the required labeling for agricultural and vegetable seeds, when the seeds have been coated, labeling shall show:

1. A word statement that seeds have been coated; and
2. Percentage by weight of inert coating material.

**§2-8-23. Unlawful acts.**

**A.** It shall be unlawful for any person to sell, offer for sale, or expose for sale any agricultural seed or vegetable seed within this state:

1. Unless a license has been obtained in accordance with the provisions of Sections 8-21 through 8-29 of this title;
2. Unless the date of test to determine the percentage of germination is not more than nine (9) months prior to the sale, except the date of test for hermetically sealed containers may be thirty-six (36) months prior to sale;
3. Not labeled in accordance with the provisions of this subarticle and rules, or having a false or misleading label;
4. When there has been a false or misleading advertisement; or
5. Treated with any substance designed to control or repel plant disease organisms or insects or other pests unless each container bears a label giving information in the form prescribed by rules of the State Board of Agriculture, to show the name of the substance and if the substance may be harmful to humans or animals, a warning or caution statement adequate to protect the public.

**B.** It shall be unlawful for any person within this state:

1. To sell agricultural or vegetable seed that does not meet the minimum standards of germination and purity, and the maximum for inert matter and weed seed, prescribed in rules promulgated under the provisions of this subarticle;
2. To sell agricultural or vegetable seed containing prohibited noxious weed seeds or restricted noxious weed seeds, subject to recognized



tolerances, in excess of the amount allowed as prescribed in rules promulgated under the provisions of this subarticle;

3. To detach, alter, deface, or destroy any label required or provided for in this subarticle or the rules;

4. To alter or substitute seed in a manner that may defeat the purposes of this subarticle;

5. To disseminate any false or misleading advertisement concerning agricultural seed or vegetable seed in any manner or by any means;

6. To fail to comply with a "stop-sale" order made by the Board on agricultural seed or vegetable seed sold, offered for sale, or exposed for sale; or to move, handle, or dispose of any lot of seed held under a "stop-sale" order except with the permission of the Board and for the purposes specified;

7. To fail to keep complete records of each lot of seed or make available for inspection the records of origin, testing, variety, distribution, seed samples, invoices, and other pertinent records or information, to the Board; or

8. To sell, offer, or expose for sale any seed labeled "certified seed", "registered seed", or "foundation seed", unless it has been produced and labeled in compliance with the rules of an officially recognized seed-certifying agency or association.

#### **§2-8-24. Records - File samples - Inspection.**

Each person whose name appears on the label and handles agricultural and vegetable seed subject to this subarticle shall keep, for a period of at least two (2) years, complete records of each lot of agricultural or vegetable seed handled, and shall keep for at least one (1) year a file sample of each lot of seed after final disposition. All records pertaining to the lot or lots involved shall be accessible for inspection by the State Board of Agriculture during customary business hours.

## **§2-8-25. Penalty exemptions - Provision exceptions.**

**A.** No person shall be subject to the penalties of this subarticle for having sold, offered, or exposed for sale in this state any agricultural seed or vegetable seed which is incorrectly labeled or represented as to kind, kind and variety, or origin which cannot be identified by examination, unless the person failed to obtain an invoice or grower's declaration giving kind, or kind and variety, and origin, and to take precautions necessary or required to insure the identity and variety of the seed.

**B.** The provisions of Sections 8-22 and 8-23 of this title shall not apply:

**1.** To seed sold by a farmer or grower to a seed dealer or processor, or in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing; provided, that any labeling or other representation which may be made with respect to uncleaned seed shall be subject to the provisions of this subarticle.

**2.** To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier, if the carrier is not engaged in producing, processing, or marketing agricultural or vegetable seed.

## **§2-8-26. Powers of Board and agents.**

The State Board of Agriculture shall have authority:

**1.** To sample, test, make analysis of, and inspect any agricultural seed or vegetable seed transported, sold, offered or exposed for sale within this state for planting purposes, at any time and place and to any extent necessary to determine whether the agricultural seed or vegetable seed are in compliance with the provisions of this subarticle and rules promulgated thereto;

**2.** To issue and enforce a written or printed "stop-sale" order to the person or vendor of any agricultural seed or vegetable seed which is in violation of any of the provisions of this subarticle or rules promulgated thereto; provided, that no "stop-sale" order shall be issued or attached to any seed without first giving the vendor an opportunity to comply with the provisions of this subarticle or to withdraw the seed from sale;

- 3.** To furnish adequate facilities for seed testing and to employ qualified persons for making the tests;
- 4.** To publish or cause to be published the results of the examination, analysis, and test of any agricultural or vegetable seed sampled in accordance with the provisions of this subarticle, together with any other information that the Board may deem advisable;
- 5.** To cooperate with the United States Department of Agriculture in the enforcement of the Federal Seed Act where mutual understanding is reached by written cooperative agreement;
- 6.** To issue a license to any person upon payment of Twenty-five Dollars (\$25.00) for each license of a retail seed dealer or One Hundred Dollars (\$100.00) for each license of a retail-wholesale seed dealer to be applied for by each seed dealer upon forms furnished for that purpose. Out-of state wholesale and retail seed dealers who sell or ship agricultural or vegetable seed into this state shall obtain a license in the same manner. A separate license shall be required for each place of business. Each license shall expire on a date to be determined by the Board. Any license issued under the provisions of this subarticle may be revoked by the Board upon satisfactory proof that the licensee has violated any of the provisions of this subarticle or any of the rules;
- 7.** To provide that any person in this state shall have the privilege of submitting seed samples for test, subject to the charges made for samples submitted as prescribed in rules promulgated by the Board;
- 8.** To provide that any agricultural or vegetable seeds sold, distributed, offered for sale, or exposed for sale in this state, the person or vendor responsible for labeling and distributing the seed shall pay an inspection fee of not to exceed eight cents (\$0.08) per hundred-pound weight. Every person responsible for labeling and distributing seed to a retail seed licensee in Oklahoma, or each retail seed licensee who processes and sells seed to the consumer on which the inspection fee has not been paid, shall file not later than the last day of January and July a semiannual affidavit, setting forth the number of pounds of seed sold for the preceding six (6) calendar months; and upon filing this statement shall pay the inspection fee required. Each person labeling and distributing seed shall keep records required by the Board to indicate accurately the number of pounds of seed sold;

9. To examine records and to verify the statement of the number of pounds of seed sold and the inspection fee reported. The form of the statement for reporting and paying the seed inspection fees on a semiannual basis shall be prescribed in rules of the Board. Failure to make an accurate statement of the number of pounds of seed sold and payment of the inspection fee shall be a misdemeanor, and constitute sufficient cause for the revocation of the person's Oklahoma Seed License and to take any other appropriate action provided under the law. An inspection fee penalty of ten percent (10%) of the amount due or Ten Dollars (\$10.00), whichever is greater, shall be assessed if the semiannual statement is not submitted when due; and

10. To collect all fees and other money as provided in this subarticle and deposit the monies in the State Department of Agriculture Revolving Fund.

#### **§2-8-26.1. State preemption - Exception for taxation.**

A. The Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way the regulation and enforcement of the registration, labeling, sale, storage, transportation, distribution, notification of use, and use of seeds to the complete exclusion of any order, ordinance or regulation by any municipality or other political subdivision of this state.

8. No political subdivision shall regulate the registration, packaging, labeling, sale, storage, distribution, use or application of seeds. No political subdivision shall adopt or continue in effect local orders, ordinances, or regulations in this field, except for those relating to taxation relating to registration, packaging, labeling, sale, storage, distribution, use or application of seeds. Local legislation in violation of this section is void and unenforceable.

#### **§2-8-27. Seizure - Condemnation.**

Any agricultural seed or vegetable seed sold, offered for sale, or exposed for sale in violation of any of the provisions of this subarticle or rules promulgated thereto shall be subject to seizure on petition of the State Board of Agriculture to a court in the locality in which the seed is located. If the court finds the seed to be in violation of this subarticle and orders the condemnation of the seed, the seed shall be destroyed, reprocessed, relabeled, or disposed of in compliance with the laws of this state and as directed by the court.

**§2-8-29. Minor violations - Deficient inspection fees.**

**A.** Nothing in Sections 8-21 through 8-28 of this title shall be construed as requiring the State Board of Agriculture or any authorized agent to report, for prosecution, or for the institution of seizure proceedings, minor violations of Sections 8-21 through 8-28 of this title when the Board determines that the public interest will best be served by a suitable notice of violation or written warning.

**B.** If the State Board of Agriculture finds any deficient inspection fees due, as a result of an audit of the records of any person subject to the provisions of Sections 8-21 through 8-28 of this title, the Board shall assess a penalty fee of ten percent (10%) maximum not to exceed Two Thousand Dollars (\$2,000.00) of amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment made within thirty (30) days.

## SEED RULES

### SUBCHAPTER 25. SEED

#### 35:30-25-1. Definitions

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Grower's declaration"** or **"Shipper's declaration"** means a written statement of a grower, shipper, processor, dealer, or importer giving for any lot of seed the kind, variety, type, origin, or the use for which the seed is intended.

**"Hybrid"** means, when applied to kinds of varieties of seed, the first generation seed of a cross produced by controlling the pollination and by combining: two or more inbred lines; one inbred or a single cross with an open pollinated variety; or two selected clones, seed lines, varieties, or species.

**"Mixture"** means seed consisting of more than one kind or variety each present in excess of five percent (5%) of the whole. When so mixed, the label should be marked with the word "mixed" or "mixture".

**"Retail Seed Dealer"** means any person who sells or offers for sale, agricultural seed to consumers for planting.

**"Wholesale Seed Dealer"** means any person who sells or offers for sale, agricultural seed to retailers, distributors, brokers, or other wholesalers for resale.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 Amended at 35 Ok Reg 772, eff 9-14-18 ]

#### 35:30-25-2. Labeling requirements

**(a) Agricultural Seed.** Labeling requirements for agricultural seed are as follows:

- (1)** The word "trace" or other nonspecific word is prohibited from the label in expressing any required labeling point.
- (2)** Noxious weeds shall be expressed on the label in "Name and Number Per Pound", subject to the limitations in Section 35:30-24-4. The name and number per gram or per ounce cannot be used in expressing noxious weeds. The words "None in Excess" or similar phrases are prohibited in the labeling of noxious weeds.
- (3)** Unacceptable abbreviations in labeling seed are not permissible.
- (4)** The percent of germination, hard or firm seed, shall be expressed in whole figures.

**(5)** Noncertified seed labeled a variety which has been restricted for sale to certified class only by the Federal Seed Act and U.S. Plant Variety Protection Act shall be considered falsely labeled.

**(6)** The name of the laboratory testing the seed is not required on the label. Phrases such as "State Tested" or "Tested by Oklahoma Seed Laboratory" are not permitted on the label.

**(7)** Variety labeling requirements are as follows:

**(A)** The following kinds of agricultural seeds are generally labeled as to variety and shall be labeled to show the variety name or the words "variety not stated":

- (i) Alfalfa
- (ii) Bahiagrass
- (iii) Barley
- (iv) Bean, field
- (v) Beet, field
- (vi) Brome, smooth
- (vii) Broomcorn
- (viii) Clover, crimson
- (ix) Clover, red
- (x) Clover, white
- (xi) Corn, field
- (xii) Corn, pop
- (xiii) Cotton
- (xiv) Cowpea
- (xv) Fescue, tall
- (xvi) Flax
- (xvii) Lespedeza, striate
- (xviii) Millet, foxtail
- (xix) Millet, pearl
- (xx) Oat
- (xxi) Pea, field
- (xxii) Peanut
- (xxiii) Rice
- (xxiv) Rye
- (xxv) Safflower
- (xxvi) Sorghum
- (xxvii) Sorghum-sudangrass, hybrid
- (xxviii) Soybean
- (xxix) Sudangrass
- (xxx) Sunflower
- (xxxi) Tobacco
- (xxxii) Trefoil, birdsfoot
- (xxxiii) Wheat, common
- (xxxiv) Wheat, durum

**(B)** If the name of the variety is given, the name may be associated with the name of the kind with or without the words "kind and variety". The percentages in this case, which may be shown as "pure seed", shall apply only to seed of the variety named. If separate percentages for the kind and variety are shown, the name of the kind and the name of the variety shall be clearly associated with the respective percentages. When two or more varieties are present in excess of 5 percent and are named on the label, the name of each variety shall be accompanied by the percentage of each.

**(8)** When type is designated, the designation may be associated with the name of the kind but shall in all cases be clearly associated with the word "type". The percentage, which may be shown as "pure seed", shall apply only to the type designated. If separate percentages for the kind and the type are shown, the percentages shall be clearly associated with the name of the kind and the name of the type.

**(A)** If the type designation does not include a variety name, it shall include a name descriptive of a group of varieties of similar character; and the pure seed shall be at least 90 percent of one or more varieties all of which conform to the type designation.

**(B)** If the name of a variety is used as a part of the type designation, the seed shall be of that variety and may contain an admixture of seed of other indistinguishable varieties of the same kind and of similar character; or an admixture of indistinguishable seeds having genetic characteristics dissimilar to the variety name by reason of cross-fertilization with other varieties. In either case, at least 90 percent of the pure seed shall be of the variety named or upon growth shall produce plants having characteristics similar to the variety named. No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 90 percent hybrid seed.

**(9)** No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than (90) percent hybrid seed.

**(10)** Agricultural seeds other than those included in the percentage or percentages of kind, hybrid, variety, or type may be expressed as "other crop seeds" or "other crop", but the percentage shall include collectively all kinds, hybrids, varieties, or types not named upon the label.

**(b) Vegetable Seed.** For vegetable seeds which contain other crop, weed seed, or noxious weed seed, labeling shall be attached showing:

- (1) Percent of pure seed
- (2) Percent of inert matter
- (3) Percent of other crop
- (4) Percent of weed seed



**(c) Standard of germination.** The standard of germination for vegetable seed, including hard seed, is as follows:

- (1) Artichoke - 60%
- (2) Asparagus - 70%
- (3) Asparagus bean - 75%
- (4) Bean, garden - 70%
- (5) Bean, lima - 70%
- (6) Bean, runner - 75%
- (7) Beet - 65%
- (8) Broadbean - 75%
- (9) Broccoli - 75%
- (10) Brussels sprouts - 70%
- (11) Burdock, great - 60%
- (12) Cabbage - 75%
- (13) Cabbage, tronchuda - 75%
- (14) Cantaloupe (see Muskmelon)
- (15) Cardoon - 60%
- (16) Carrot - 55%
- (17) Cauliflower - 75%
- (18) Celeriac - 55%
- (19) Celery - 55%
- (20) Chard, Swiss - 65%
- (21) Chicory - 65%
- (22) Chinese cabbage - 75%
- (23) Chives - 50%
- (24) Citron - 65%
- (25) Collards - 80%
- (26) Corn, sweet - 75%
- (27) Cornsalad - 70%
- (28) Cowpea - 75%
- (29) Cress, garden - 75%
- (30) Cress, upland - 60%
- (31) Cress, water - 40%
- (32) Cucumber - 80%
- (33) Dandelion - 60%
- (34) Eggplant - 60%
- (35) Endive - 70%
- (36) Kale - 75%
- (37) Kale, Chinese - 75%
- (38) Kohlrabi - 75%
- (39) Leek - 60%
- (40) Lettuce - 80%
- (41) Muskmelon - 75%
- (42) Mustard, India - 75%
- (43) Mustard, Spinach - 75%
- (44) Okra - 50%

- (45) Onion - 70%
- (46) Onion, Welsh - 70%
- (47) Pak-Choi - 75%
- (48) Parsley - 60%
- (49) Parsnip - 60%
- (50) Pea - 80%
- (51) Pepper - 55%
- (52) Pumpkin - 75%
- (53) Radish - 75%
- (54) Rhubarb - 60%
- (55) Rutabaga - 75%
- (56) Salsify - 75%
- (57) Sorrel - 65%
- (58) Soybean - 75%
- (59) Spinach - 60%
- (60) Spinach, New Zealand - 40%
- (61) Squash - 75%
- (62) Tomato - 75%
- (63) Tomato, husk - 50%
- (64) Turnip - 80%
- (65) Watermelon - 70%

**(d) Marijuana seed.** Labeling requirements for marijuana seed are as follows:

- (1) Company/grower's name
- (2) Company/grower's OMMA license number, if licensed
- (3) Company/grower's seed license number
- (4) Seed name (marijuana)
- (5) Strain name (if unknown, labeled as unknown)
- (6) Origin
- (7) Lot number (number or name identifier)
- (8) Harvest date (date of seed's actual harvest)
- (9) Net weight (g/oz.) or number of seeds

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 Amended at 37 Ok Reg 971, eff 9-14-20 ]

### **35:30-25-3. Noxious weed list**

The following is the noxious weed list:

- (1) Balloonvine (*Cardiospermum halicacabum*)
- (2) Bindweed, Field (*Convolvulus arvensis*)(*Solanum elaeagni folium*)
- (3) Bindweed, Hedge (*Convolvulus sepium*)
- (4) Blueweed, Texas (*Helianthus ciliaris*)
- (5) Buckwheat, Wild (*Polygonum convolvulus*)
- (6) Cheat or Chess (*Bromus secalinus*)

- (7) Cocklebur (*Xanthium* spp.)
- (8) Corncockle (*Agrostemma githago*)
- (9) Darnel (*Lolium temulentum*)
- (10) Dock (*Rumex* spp.)
- (11) Dodder (*Cuscuta* spp.)
- (12) Foxtail, Giant (*Setaria faberi*)
- (13) Goatgrass, Jointed (*Aegilops cylindrica*)
- (14) Horsenettle (*Solanum carolinense*)
- (15) Johnsongrass (*Sorghum Halepense*) Includes *Sorghum alumum* and other indistinguishable seeds.
- (16) Knapweed, Russian (*Centaurea picris*)
- (17) Moonflower or Giant Morningglory (*Calonyction muricatum*)
- (18) Morningglory, Wild (*Ipomoea* spp.)
- (19) Musk Thistle (*Carduus nutans* L.)
- (20) Mustard, Wild (*Brassica* spp.)
- (21) Nightshade, Purple
- (22) Nutgrass (*Cyperus rotundus*)
- (23) Oat, Wild (*Avena fatua*, *Avenasterilis* and other wild, non-cultivated *Avena* spp.)
- (24) Onion, Wild or Garlic (*Allium* spp.)
- (25) Plantain, Bracted (*Plantago aristata*)
- (26) Plantain, Buckhorn (*Plantago lanceolata*)
- (27) Quackgrass (*Agropyron repens*)
- (28) Red Horned Poppy (*Glaucium corniculatum*)
- (29) Sericea Lespedeza (*Lespedeza Cuneata*)
- (30) Scotch Thistle (*Onoprodum acanthium* )
- (31) Serrated Tussock (*Nassella trichotoma*)
- (32) Sicklepod (*Cassia obtusifolia*)
- (33) Sorrel, Sheep or Red (*Rumex acetosella*)
- (34) Thistle, Canada (*Cirsium arvense*)
- (35) Whitetop or Hoary Cress (*Cardaria draba*)
- (36) Yerba De Tajo (*Eclipta alba*)

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

#### **35:30-25-4. Limitations on noxious weed seeds**

It is unlawful to sell, offer for sale, or expose for sale any agricultural or vegetable seed in Oklahoma if the noxious weed seed per pound is in excess of the following limitations:

- (1) Bindweed, Field (*Convolvulus arvensis*) - Prohibited
- (2) Yerba De Tajo (*Eclipta alba*) - Prohibited
- (3) Red Horned Poppy (*Claucium corniculatum*) - Prohibited
- (4) Knapweed, Russian (*Centaurea picris*) - Prohibited
- (5) Musk Thistle (*Carduus nutans* L.) - Prohibited
- (6) Nutgrass (*Cyperus rotundus*) - Prohibited

- (7) Scotch Thistle (*Onoprodum acanthium*) - Prohibited
- (8) Serrated Tussock (*Nassella trichotoma*) - Prohibited
- (9) Sicklepod (*Cassia obtusifolia*) - Prohibited
- (10) Thistle, Canada (*Cirsium arvense*) - Prohibited
- (11) Whitetop or Hoary Cress (*Cardaria draba*) - Prohibited
- (12) Wild Oat (*Avena fatua*, *Avena sterilis*, and other wild noncultivated *Avena* spp., (In Wheat Only) - Prohibited
- (13) Cocklebur (*Xanthium* spp.) - 3 per lb.
- (14) Jointed Goatgrass (*Aegilops cylindrica*) - 5 per lb.
- (15) Moonflower or Giant Morningglory (*Calonyction muricatum*) - 5 per lb.
- (16) Balloonvine (*Cardiospermum halicacabum*) - 9 per lb.
- (17) Sericea Lespedeza (*Lespedeza Cuneata*) - 9 per lb.
- (18) Wild Oat (*Avena fatua*, *Avena sterilis*, and other wild noncultivated *Avena* spp., Except in Wheat) - 9 per lb.
- (19) Wild Buckwheat (*Polygonum convolvulus*) - 18 per lb.
- (20) Onion, Wild or Garlic (*Allium* spp.) - 18 per lb.
- (21) Wild Morningglory (*Ipomoea* spp.) - 27 per lb.
- (22) Bindweed, Hedge (*Convolvulus sepium*) - 27 per lb.
- (23) Johnsongrass (*Sorghum halepense*) - 45 per lb.
- (24) Quackgrass (*Agropyron repens*) - 45 per lb.
- (25) Blueweed, Texas (*Helianthus ciliaris*) - 45 per lb.
- (26) Wild Mustard (*Brassica* spp.) - 45 per lb.
- (27) Corncockle (*Agrostemma githago*) - 45 per lb.
- (28) Plantain, Bracted (*Plantago aristata*) - 45 per lb.
- (29) Giant Foxtail (*Setaria faberi*) - 54 per lb.
- (30) Dodder (*Cuscuta* spp.) - 90 per lb.
- (31) Darnel (*Lolium temulentum*) - 90 per lb.
- (32) Dock (*Rumex* spp.) - 90 per lb.
- (33) Horsenettle (*Solanum carolinense*) - 90 per lb.
- (34) Nightshade, Purple (*Solanum elaeagnifolium*) - 90 per lb.
- (35) Plantain, Buckhorn (*Plantago lanceolata*) - 90 per lb.
- (36) Sorrel, Sheep or Red (*Rumex acetosella*) - 90 per lb.
- (37) Cheat or Chess (*Bromus secalinus*) - 200 per lb.
- (38) Sum total noxious weeds (Subject to above limitations) - 200 per lb.  
(Except in Yellow bluestem, Caucasian bluestem, and chaffy grasses, the sum total noxious weeds shall not exceed 500 per lb.)

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-5. Standard of germination and purity**

**(a)** Agricultural seed is prohibited from being sold, offered, or exposed for sale in Oklahoma if:

- (1) The percentage germination, including hard seed, is below 70.
- (2) The percentage mechanical purity is below 90, except hybrid, or when seed is sold and labeled as a mixture.
- (3) The percentage of inert matter is more than 10.



(4) The percentage of weed seed is more than 2

**(b)** This section does not apply to Buffalograss, Johnsongrass, or chaffy grasses of the following kinds: Bluegrass spp., Bluestem spp., Bromus spp., Dallisgrass, Fescue spp. (except Tall Fescue), Grama spp., Orchardgrass, Wheatgrass, and Yellowgrass Indiangrass, also any other chaffy grasses or other special seed that are commonly marketed below the above standards.

### **35:30-25-6. Date of test**

The date of test on the tag or label for agricultural and vegetable seeds shall not be more than nine (9) months prior to sale, except hermetically sealed containers may be thirty-six (36) months. This means all carry-over seed, for which the date of test is more than nine (9) or thirty-six (36) months old, whichever applies, shall be retested. The person upon whose premises the seed is located shall be held responsible for obtaining a new test and subsequently relabeling the seed.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-7. Variety labeling**

**(a)** correct varietal labeling is the responsibility of the person labeling the seed unless that person holds a valid "Grower's or Shipper's Declaration" showing signature and address of grower or shipper, date and quantity of purchase, state and county where grown, grower's or shipper's lot number, purchaser's receiving lot number, date and place of delivery, and other information necessary to ensure the identity of the variety declared. Any shipper's declaration as to variety shall be substantiated by a valid grower's declaration or shipper's declaration. A valid grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed like invoice and labels.

**(b)** If incorrect varietal labeling is determined by field or laboratory test and the retail or wholesale seed dealer holds a valid grower's or shipper's declaration, the responsibility for misrepresentation as to variety rests with the grower or shipper signing the declaration.

**(c)** Retail or wholesale seed dealers who blend several lots of the same variety purchased from different growers shall be responsible for correct varietal labeling unless bulking records, grower's or shipper's declarations, and file samples are kept on each lot going into the blend.

**(d)** Grower's or shipper's declarations shall be obtained prior to labeling.

**(e)** The grower who signs a "Grower Declaration" as to variety is required under the State and Federal Seed Act to keep a sample of seed, a copy of the grower's declaration on the seed sold as to variety; also tags, labels, and/or invoice of parent seed which was the basis for his declaring the variety.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 Amended at 35 Ok Reg 772, eff 9-14-18 ]

### **35:30-25-8. Sampling and analyzing seed**

The methods of sampling, analyzing and testing of seed, tolerances, and methods of determination applied under the Oklahoma Seed Law shall be those adopted in the "Rules for Seed Testing of Association of Official Seed Analysts" or under the Federal Seed Act Rules and Regulations by the United States Department of Agriculture and as each may be subsequently amended, except that no tolerance is permitted for Prohibited Noxious Weed Seed.

### **35:30-25-9. Laboratory sample requirements**

**(a)** Official seed samples drawn by inspectors in the enforcement of the State Seed Law shall have first priority for testing in the Seed Laboratory.

**(b)** Service samples incident to tagging and labeling for compliance with the Seed Law shall have priority in the order received. All other service samples shall be analyzed as time and facilities permit.

**(c)** The State Seed Laboratory shall not be obligated to analyze uncleaned, unprocessed, and other time-consuming samples, or samples which obviously do not meet State Seed Law requirements, except as time and facilities shall permit.

**(d)** All service samples submitted for analysis shall be charged according to the set Laboratory fee schedule.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-10. Identification and size of samples**

Identification and size of seed samples submitted for analysis shall comply with the following:

#### **(1) Identification of Samples:**

**(A)** Samples sent common carrier should be addressed to the: Oklahoma Department of Agriculture Agricultural Laboratory, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 or samples sent U.S. Mail should be addressed to the: Oklahoma Dept of Agriculture Agricultural Laboratory, P O Box 528804, Oklahoma City, Oklahoma 73152-8804.

**(B)** Information accompanying the samples should state the test desired, such as "Complete Analysis (purity and germination)", "Germination Only", "Purity Analysis Only", "Noxious Weed", or "Phenol". Samples which do not indicate the test desired shall be given a complete analysis and charged accordingly.

**(C)** Treated seed shall show the name of the treatment. No purity analysis on treated seed shall be made.

**(D)** Samples should show the kind and variety of seed.

**(E)** Samples should be identified with a lot number.



Samples should show the name, phone number, and complete mailing address of the sender.

**(2) Size of samples:** When sending samples to the State Seed Laboratory, the following are the minimum weights to be submitted for a complete analysis.

- (i) White, Small hop, or Alsike clover and small grass seeds - 2 oz.
- (ii) Alfalfa, Korean lespedeza, Foxtail millet, Annual - ryegrass, 5 oz.
- (iii) Sudangrass, Sorghum, and Proso millet - 1 lb.
- (iv) Wheat, Barley, Oat, and - Rye 2 lbs. Corn, Bean, Pea, Cowpea, Soybean, Hairy vetch, and Cotton - 2 lbs.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-14. Seed advertisements**

Any person that places or causes to be placed a seed advertisement in any statewide or local publication or bulletin shall include the retail or wholesale seed dealer's license number in the advertisement.

[Source: Added at 22 Ok Reg 2309, eff 7-11-05 Amended at 35 Ok Reg 772, eff 9-14-18 ]

### **35:30-25-15. Schedule of seed program fees**

**(a)** The annual license fee shall be **Twenty Five Dollars (\$25.00) for each retail seed dealer, One Hundred Dollars (\$100.00) for each wholesale seed dealer, and One Hundred Dollars (\$100.00) for each medical marijuana seed dealer.** Each license shall expire on June 30 of each year.

**(b)** Wholesale seed dealers need only secure a single wholesale dealer's license to engage in both retail and wholesale sales.

**(c)** Failure to remit a retail, wholesale, or medical marijuana seed dealer license renewal application within thirty (30) days after the renewal date shall result in a penalty equal to the cost of an additional license.

**(d)** A semi-annual inspection fee of eight cents (\$0.08) per hundred pounds shall be paid by every person responsible for labeling and distributing seed to a retail seed licensee in Oklahoma, or each retail seed licensee who processes and sells seed to the consumer on which the inspection fee has not been paid.

- (1) The minimum semi-annual inspection fee shall be Ten Dollars (\$10.00).
- (2) A semi-annual affidavit, stating the number of pounds of seed sold for the preceding six (6) months, shall be filed no later than the last day of January and July and the semi-annual inspection fee shall be paid upon filing of the affidavit.
- (3) Failure to submit the semi-annual affidavit and inspection fee on time shall result in an inspection fee penalty of ten percent (10%) of the amount due or Ten Dollars (\$10.00), whichever is greater.

**(e)** If the State Board of Agriculture finds any deficient semi-annual inspection fees due as a result of an audit of the records of any person subject to the provisions of Sections 8-21 through 8-28 of Title 2 of the Oklahoma Statutes, the Board shall assess a penalty fee of ten percent (10%), not to exceed Two Thousand Dollars (\$2,000.00) of the amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient semi-annual inspection fees due and payment of the entire amount shall be made within thirty (30) calendar days of notice of the deficiency.

[Source: Added at 27 Ok Reg 903, eff 7-1-10 Amended at 35 Ok Reg 772, eff 9-14-18 Amended at 39 Ok Reg 795, eff 9-12-22 ]

### **35:30-25-16. Marijuana seed**

**(a)** Marijuana seed shall be sold to medical marijuana adult patient licensees at dispensaries licensed by the Oklahoma Medical Marijuana Authority (OMMA).

**(b)** Marijuana seed shall be sold by wholesale seed dealer licensees to:

- (1) Wholesale seed dealer licensees;
- (2) Dispensaries licensed by the OMMA; and
- (3) Growers licensed by the OMMA.

**(c)** All sales of marijuana seed shall comply with OMMA administrative rules relating to product sales.

[Source: Added at 39 Ok Reg 795, eff 9-12-22 ]