

## CHAPTER 137.

[H. B. 110.]

## AGRICULTURAL AND VEGETABLE SEEDS.

AN ACT relating to agricultural and vegetable seeds and amending sections 2810, 2818, 2819, 2820, 2825, 2827 and 2828 of Remington's Compiled Statutes of the State of Washington.

*Be it enacted by the Legislature of the State of Washington:*

Amends Rem.  
Comp. Stat.  
§ 2810;  
Pierce's Code  
§ 99.

SECTION 1. That Section 2810 of Remington's Compiled Statutes be amended to read as follows:

Agricultural  
seed, defined.

Section 2810. That the term "agricultural seed" as used in this act shall include the seeds of all domesticated grasses, cereals, legumes such as alfalfa, alsike clover, crimson clover, red clover, sweet clover, white clover, field peas, horse beans and vetches, and the seeds of all other crops that are, or may be commercially grown on a field scale in the state of Washington; while the term "vegetable seeds" shall include the seeds of those crops which are successfully grown in Washington on a garden scale and are generally known or sold under the name of "vegetable seeds"; *Provided*, the director of agriculture shall have the power to apply, through rules and regulations, any part of the seed law as he shall deem necessary or applicable to the sale and distribution of tubers, bulbs or parts of plants commonly used for planting or propagating purposes.

Vegetable  
seeds, defined.

Tubers, bulbs.

Amends Rem.  
Comp. Stat.  
§ 2818;  
Pierce's Code  
§ 107.

SEC. 2. That Section 2818 of Remington's Compiled Statutes be amended to read as follows:

Weed seeds  
prohibited.

Section 2818. No person shall sell, offer or expose for sale or distribution for the purpose of seeding, any agricultural seeds as herein defined, which shall contain more than five (5) to the pound of the following weed seeds:

- Quack grass (*Agropyron repens*)
- Dodder (*Cuscuta* species)
- Fanweed (*Thlaspi arvense*)

or that shall contain any seeds of bindweed or wild morning glory (*Convolvulus* species), Canada thistle (*Cnicus arvensis*), or corn cockle (*Lychnis githago*).

SEC. 3. That Section 2819 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 2819;  
Pierce's Code  
§ 108.

Section 2819. (2) No person shall sell, offer or expose for sale or distribution for the purpose of seeding any agricultural seeds as herein defined which shall contain more than ninety (90) to the pound, of the following weed seeds:

Russian thistle (*Salsola pestifer*)

Charlock (*Brassica arvensis*)

Jim Hill mustard (*Sisymbrium altissimum*)

Buckhorn plantain (*Plantago lanceolata*)

or more than fifteen to the pound of wild oats (*Avena fatua*) in the seeds of cereals, vetches or peas.

(b) Weed seeds of any other kind than those mentioned in section 2818 and section 2819, paragraph (a), when found in any sample of agricultural seed, shall be classed as impurities therein and when presented in quantities exceeding two per cent of the sample either singly or in combination, the approximate percentage of each shall be stated on the label attached to the container or stamped on the container itself.

See Rem.  
Comp. Stat.  
§ 2818 and 2819;  
Pierce's Code  
§ 107 and 108.

Impurities.

The director of agriculture may make regulations determining the species of noxious weeds which shall be included with those mentioned in section 2818 or section 2819, paragraph (a).

See Rem.  
Comp. Stat.  
§ 2818 and 2819;  
Pierce's Code  
§ 107 and 108.

SEC. 4. That section 2820 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 2820;  
Pierce's Code  
§ 109.

Section 2820. Sand, dirt, chaff and foreign substances, broken seed and seed not capable of germinating, shall be considered impurities when present in agricultural seeds sold, offered or exposed for sale

Sand, dirt,  
chaff, etc.

for the purpose of seeding, and when such impurities or any of them are present in quantity exceeding one-half ( $1\frac{1}{2}$ ) of one (1) per cent, the approximate percentage shall be plainly indicated on the label.

Amends Rem.  
Comp. Stat.  
§ 2825;  
Pierce's Code  
§ 112b.

SEC. 5. That section 2825 of Remington's Compiled Statutes shall be amended to read as follows:

Inspection  
by director.

Section 2825. It shall be the duty of the said director of agriculture, either by himself or his inspectors or assistants, to inspect, examine, and take samples of any agricultural seeds, stored, sold, offered or exposed for sale or distribution within this state for seeding purposes, at such time, and place, and to such extent as he may determine.

Access to  
vessels,  
structures, etc.

The director, supervisor, inspectors, or assistants shall have free access at all reasonable hours upon and into any vessels, ferries, premises or structures, to make examination of any agricultural seeds whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in possession of any warehouse, elevator, railway or steamship company; and he is hereby given authority in person or by his inspectors or assistants upon notice to the dealer, his agent or representative of any warehouse, elevator, railway or steamship company, if present, to take for analysis a sample of such agricultural seeds from a parcel, package, lot or other container or number of parcels, packages, lots, or other containers; said sample shall be thoroughly mixed and divided into two samples of at least two ounces each and securely sealed. One of said samples shall be left with, or on the premises of the vendor or party in interest, and the other retained by said director of agriculture or his agent for analysis.

Evidence of  
fraud, etc.

The said director, supervisor, inspector, and assistants shall be vested with all necessary powers for the proper execution of their duties, including all

action or procedure needful to secure evidence of fraud and dishonest dealing in or the fraudulent advertising of seed.

Prosecutions for violation of this act shall be brought in the proper court by the prosecuting attorney of the county in which said violation occurred, upon complaint of the director, supervisor, inspectors or assistants. Prosecutions.

All moneys received from license fees, fines, costs imposed and recovered under the provisions of this act shall be paid to the director of agriculture, or his agents, and by him paid into the state treasury to the credit of the agricultural seed revolving fund to be used to assist in defraying costs of inspection and analysis and grading of agricultural and vegetable seeds under the provisions of this act. License fees, fines, costs, how disposed of.

The director, supervisor, or inspectors shall have the power whenever he shall deem it necessary to call upon the attorney general for aid in the prosecution of all cases arising under the provisions of this act. Attorney general.

Whoever violates any of the provisions named in this act, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named herein, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) and costs for the first offense and not less than one hundred dollars (\$100.00) and costs for the second or any subsequent offense. Violation, penalties.

SEC. 6. That section 2827 of Remington's Compiled Statutes be amended to read as follows: Amends Rem. Comp. Stat. § 2827; Pierce's Code § 112d.

Section 2827. It shall be unlawful for any person, firm or corporation to engage in, conduct, or carry on the business of selling, dealing in or importing into this state for sale or distribution any agricultural or vegetable seed, without first having ob- License for dealers.

Fee.

tained from the director of agriculture and having in force a license so to do. The license fee shall be two hundred dollars (\$200.00) for wholesale seed dealers, ten dollars (\$10.00) for those engaged in the retail seed business in cities of the first and second classes, five dollars (\$5.00) for those engaged in the retail seed business in cities of the third class, and one dollar (\$1.00) for all other retailers dealing in agricultural or vegetable seeds: *Provided*, that no license shall be required of retail seed dealers for handling only seed purchased from a licensed wholesale dealer or seed grown in the state of Washington and purchased from the producer within the state. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. The director of agriculture may publish from time to time, in bulletins or reports, a list of those licensed under this act.

Amends Rem.  
Comp. Stat.  
§ 2828;  
Pierce's Code  
§ 112e.

SEC. 7. That section 2828 of Remington's Compiled Statutes be amended to read as follows:

Rules for  
grading  
alfalfa, etc.

Section 2828. The director of agriculture shall have the power to adopt, promulgate and enforce rules and regulations for the grading of alfalfa, alsike clover, red clover, white clover, timothy or other agricultural or vegetable seeds, sold or distributed for seeding purposes. When such grades are in force they shall be placed on the label in lieu of such requirements of labeling prescribed in sections 2814, 2815 and 2816 of Remington's Compiled Statutes as the director of agriculture may designate.

See Rem.  
Comp. Stat.  
§ 2814, 2815  
and 2816;  
Pierce's Code  
§ 103, 104  
and 105.

Passed the House March 3, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 17, 1923.