

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1742

5 By: Representative Wooldridge
6 By: Senator D. Wallace
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING AGRICULTURE; TO
10 AMEND THE LAW RELATED TO SEED CERTIFICATION; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND THE LAW RELATED TO SEED
16 CERTIFICATION.
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

22 2-18-102. Penalty – Revocation of certificate.

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

24 (A) Falsely advertises or proclaims that seed has been
25 certified by the ~~State Plant Board~~ Department of Agriculture;

26 (B) Uses any emblem, label, or language for the purpose of
27 misleading a person into believing that seed has been certified by the ~~board~~
28 department when it has not;

29 (C) Misuses any tag, label, or certificate issued by the
30 ~~board~~ department;

31 (D) Obtains or attempts to obtain certification for seed
32 or plants by making false statements or misrepresentations to the ~~board~~
33 department or to the ~~board's~~ department's inspectors, deputies, or agents;

34 (E) Having received a certificate, violates any of the
35 rules of the ~~board~~ State Plant Board made under this chapter; or

36 (F) Violates any agreement made as a condition for



1 receiving a certificate.

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

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

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

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

13

14 2-18-103. Investigation and certification.

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

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

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

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

30

31 2-18-104. Rules.

32 The State Plant Board:

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

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

1 have developed high-quality strains of seed; and

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

5
6 2-18-105. ~~Fees~~ Costs.

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

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

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

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

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

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

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

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

33
34 2-18-106. Certificates of inspection.

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

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

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

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

9
10 2-18-107. Improper use of terms.

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

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

18
19 2-18-108. Intergovernmental cooperation.

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

23
24 2-18-109. Aflatoxin levels.

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