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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **766**

02/04/2021 Authored by Hansen, R.; Lee; Acomb; Morrison; Fischer and others
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to agriculture; requiring additional seed label information; prohibiting
- 1.3 certain seed uses; requiring product stewardship for corn and soybean seed coated
- 1.4 or treated with neonicotinoid pesticide; amending Minnesota Statutes 2020, sections
- 1.5 21.82, subdivisions 3, 6; 21.86, subdivision 2; 21.89, by adding a subdivision.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7 Section 1. Minnesota Statutes 2020, section 21.82, subdivision 3, is amended to read:
- 1.8 Subd. 3. **Treated seed.** For all named agricultural, vegetable, flower, or wildflower
- 1.9 seeds which are treated, for which a separate label may be used, the label must contain:
- 1.10 (1) a word or statement to indicate that the seed has been treated;
- 1.11 (2) the commonly accepted, coined, chemical, or abbreviated generic chemical name of
- 1.12 the applied substance;
- 1.13 (3) the caution statement "Do not use for food, feed, or oil purposes" if the substance in
- 1.14 the amount present with the seed is harmful to human or other vertebrate animals;
- 1.15 (4) in the case of mercurials or similarly toxic substances, a poison statement and symbol;
- 1.16 (5) a word or statement describing the process used when the treatment is not of pesticide
- 1.17 origin; ~~and~~
- 1.18 (6) the date beyond which the inoculant is considered ineffective if the seed is treated
- 1.19 with an inoculant. It must be listed on the label as "inoculant: expires (month and year)" or
- 1.20 wording that conveys the same meaning; and
- 1.21 (7) for corn or soybean seed treated with neonicotinoid pesticide, the following caution
- 1.22 statement framed in a box and including a bee icon approved by the commissioner: "Planting

2.1 seed treated with a neonicotinoid pesticide may negatively impact pollinator health. Please
 2.2 use care when handling and planting this seed. Do not use for food, feed, or oil purposes,
 2.3 or ethanol production."

2.4 Sec. 2. Minnesota Statutes 2020, section 21.82, subdivision 6, is amended to read:

2.5 Subd. 6. **Coated agricultural seeds.** For coated agricultural seeds the label must contain:

2.6 (1) percentage by weight of pure seeds with coating material removed;

2.7 (2) percentage by weight of coating material shown as a separate item in close association
 2.8 with the percentage of inert matter; ~~and~~

2.9 (3) percentage of germination determined on 400 pellets with or without seeds; and

2.10 (4) for corn or soybean seed coated with neonicotinoid pesticide, the caution statement
 2.11 required under subdivision 3, clause (7).

2.12 Sec. 3. Minnesota Statutes 2020, section 21.86, subdivision 2, is amended to read:

2.13 Subd. 2. **Miscellaneous violations.** No person may:

2.14 (a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter
 2.15 or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or
 2.16 alter or falsify any seed tests, laboratory reports, records, or other documents to create a
 2.17 misleading impression as to kind, variety, history, quality, or origin of the seed;

2.18 (b) hinder or obstruct in any way any authorized person in the performance of duties
 2.19 under sections 21.80 to 21.92;

2.20 (c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of
 2.21 any lot of seed held under a stop sale order or attached tags, except with express permission
 2.22 of the enforcing officer for the purpose specified;

2.23 (d) use the word "type" in any labeling in connection with the name of any agricultural
 2.24 seed variety;

2.25 (e) use the word "trace" as a substitute for any statement which is required;

2.26 (f) plant any agricultural seed which the person knows contains weed seeds or noxious
 2.27 weed seeds in excess of the limits for that seed; ~~or~~

2.28 (g) advertise or sell seed containing patented, protected, or proprietary varieties used
 2.29 without permission of the patent or certificate holder of the intellectual property associated
 2.30 with the variety of seed; or

3.1 (h) use or sell as food, feed, oil, or ethanol feedstock any seed treated or coated with
3.2 neonicotinoid pesticide.

3.3 Sec. 4. Minnesota Statutes 2020, section 21.89, is amended by adding a subdivision to
3.4 read:

3.5 Subd. 2a. **Product stewardship.** (a) The commissioner must not issue a permit to a
3.6 labeler of corn or soybean seed coated or treated with neonicotinoid pesticide unless the
3.7 labeler satisfies the requirements of this subdivision. The labeler must, individually or
3.8 through a stewardship organization approved by the commissioner, implement and finance
3.9 a product stewardship program to collect any unsold or unwanted corn or soybean seed
3.10 coated or treated with neonicotinoid pesticide.

3.11 (b) The labeler must submit to the commissioner the labeler's individual stewardship
3.12 plan or documentation demonstrating that the producer has entered into an agreement with
3.13 an approved stewardship organization as an active participant in the organization's product
3.14 stewardship program.

3.15 (c) A stewardship plan submitted by a labeler must include:

3.16 (1) certification that the product stewardship program will accept all unsold or unwanted
3.17 corn or soybean seed coated or treated with a neonicotinoid pesticide regardless of which
3.18 labeler sold the seed;

3.19 (2) contact information for the labeler submitting the plan, a list of all labelers
3.20 participating in the product stewardship program, and the brands or products covered by
3.21 the product stewardship program;

3.22 (3) a description of the methods by which the discarded seed will be collected in all
3.23 applicable areas of the state without reliance on end-of-life fees;

3.24 (4) a description of how the labeler will monitor and maintain the adequacy of the
3.25 collection program;

3.26 (5) the names and locations of collectors, transporters, and recyclers that will handle
3.27 discarded seed;

3.28 (6) a description of how the discarded seed will be safely and securely transported,
3.29 tracked, and handled from collection through final disposal;

3.30 (7) a description of the promotion and outreach activities that will be used to encourage
3.31 participation in the collection program and how the effectiveness of these activities will be
3.32 evaluated; and

4.1 (8) evidence of adequate insurance or other financial assurance that may be required for
4.2 responsible collection, handling, and disposal of discarded seed.

4.3 (d) A labeler or stewardship organization that organizes collection, transport, and disposal
4.4 of seed under this subdivision is immune from liability for such conduct under state laws
4.5 relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade
4.6 or commerce only to the extent that the conduct is necessary to plan and implement the
4.7 labeler's or organization's product stewardship program.

4.8 (e) The labeler must individually or through a stewardship organization submit an annual
4.9 report to the commissioner describing the product stewardship program and its outcomes.
4.10 At a minimum, the report must describe the methods used to collect, transport, and dispose
4.11 of discarded seed and the amounts collected, transported, and disposed.