

Senate Bill 863

Sponsored by Senator BEYER (at the request of Oregon Seed Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires seed producers and growers to obtain licenses.

Requires seed producers, growers and wholesalers to annually report seed varieties and amounts of seed produced, grown or purchased during previous calendar year.

A BILL FOR AN ACT

1
2 Relating to seed licenses; creating new provisions; and amending ORS 633.700.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 633.700 is amended to read:

5 633.700. (1) A person may not sell, offer or expose for sale in this state, or contract to have
6 produced in this state for commercial purposes, any agricultural, flower or vegetable seeds unless
7 the person holds an unsuspended license issued by the State Department of Agriculture. However,
8 a person is not required to obtain a license **under this subsection** if the person is selling only seeds
9 produced by the person or if the person is selling flower or vegetable seeds at retail in packages
10 weighing not more than one-half pound that were prepared for retail sale by a seed company li-
11 censed under this section. For the purposes of this section, persons operating more than one branch,
12 plant or warehouse where seeds are sold, offered or exposed for sale shall secure a separate license
13 for each such branch, plant or warehouse.

14 (2) Any person desiring to sell, offer or expose for sale in this state any agricultural, flower or
15 vegetable seeds, for planting purposes, except as provided in this section, shall make application to
16 the Director of Agriculture for a license for this purpose. The application shall be signed by the
17 applicant or the authorized agent of the applicant and shall be in a form approved by the director.
18 Upon presentation of such signed application for a license and the tendering of the license fee es-
19 tablished by the department pursuant to subsection [(3)] (4) of this section, the department shall is-
20 sue the license to the applicant. The license shall expire on June 30 next following the date of
21 issuance or on such date as may be specified by department rule.

22 (3) **Any producer or seed grower, as those terms are defined in ORS 576.715 or section**
23 **1, chapter 26, Oregon Laws 2018, desiring to grow or produce seeds in this state on a com-**
24 **mercial basis shall make application to the director for a license for this purpose. The ap-**
25 **plication shall be signed by the applicant or the authorized agent of the applicant and shall**
26 **be in a form approved by the director. Upon presentation of such signed application for a li-**
27 **cence and the tendering of the license fee established by the department pursuant to sub-**
28 **section (4) of this section, the department shall issue the license to the applicant. The**
29 **license shall expire on June 30 next following the date of issuance or on such date as may**
30 **be specified by department rule.**

31 [(3)] (4) The department shall **require only one license for one person's operation at one**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **location and** establish annual license fees, not to exceed:

2 (a) \$75 for a retailer's license [*and not to exceed*];

3 (b) \$750 for a wholesaler's license[. *Only one license shall be required for one person's operation*
4 *at one location.*]; **or**

5 (c) \$_____ for a producer's or seed grower's license.

6 **SECTION 2.** (1) **As used in this section:**

7 (a) **"Seed production contract"** means a contract defined as a seed production contract
8 **under ORS 576.715 to 576.744 or sections 1 to 10, chapter 26, Oregon Laws 2018.**

9 (b) **"Variety"** means a subdivision of a kind that is:

10 (A) **Characterized by growth, plant, fruit, seed or another characteristic by which it can**
11 **be distinguished from other sorts of the same kind; and**

12 (B) **Recognized as a variety under rules adopted by the State Department of Agriculture.**

13 (2) **A person that holds a license under ORS 633.700 (2) shall annually report to the State**
14 **Department of Agriculture, for seed purchased by the person under a seed production con-**
15 **tract during the previous calendar year:**

16 (a) **The amount of the seed; and**

17 (b) **The varieties of the seed.**

18 (3) **A person that holds a license under ORS 633.700 (3) shall annually report to the de-**
19 **partment, for seed produced or grown by the person during the previous calendar year:**

20 (a) **The acreage of the seed; and**

21 (b) **The varieties of the seed.**

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