

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 15
SEED AND PLANT CERTIFICATION

22-1501. CERTIFICATION OF SEEDS AND PLANTS -- REGULATION OF CERTIFICATION TO BE IN PUBLIC INTEREST. Certification of varieties or strains of seeds, tubers, plants and plant parts raised in the state of Idaho and offered or intended to be offered for sale is in the public interest and a proper subject of regulation by the state of Idaho.

[(22-1501) 22-1101, added 1990, ch. 413, sec. 2, p. 1144; am. and redesign. 2005, ch. 25, sec. 16, p. 92.]

22-1502. COMPLIANCE REQUIRED WHERE CERTAIN PHRASES USED. Every person, firm, association or corporation who shall issue, use or circulate any certificate, advertisement, tag, seal, poster, letterhead, marking, circular, written or printed representation or description of or pertaining to lots of seeds, tubers, plants or plant parts intended for propagation or sale, or sold or offered for sale wherein the words "Idaho State Certified," "State Certified," "Idaho Certified," or similar words or phrases are used or employed, or wherein are used or employed signs, symbols, maps, diagrams, picture words or phrases expressly or impliedly stating or representing that such seed, tubers, plants or plant parts comply with or conform to the standards and requirements approved by the Idaho agricultural experiment station in the college of agriculture of the university of Idaho shall be subject to the provisions of this chapter.

[(22-1502) 22-1102, added 1990, ch. 413, sec. 2, p. 1144; am. and redesign. 2005, ch. 27, sec. 17, p. 92; am. 2020, ch. 80, sec. 1, p. 170.]

22-1503. DEFINITIONS. (1) "Breeder seed" means seed or vegetative propagating material directly controlled by the originating, or in certain cases the sponsoring, plant breeder or institution and which provides the source for the initial increase of foundation seed.

(2) "Certified" means the written assurance, in certificate form, of the college of agriculture of the university of Idaho, or of its agent designated hereunder, that the particular seeds, tubers, plants or plant parts have the necessary genetic purity of strain and/or other characteristics to meet the standards and requirements approved hereunder. Certification by the certifying agent or college of agriculture of the university of Idaho, or its agent, or state of Idaho does not constitute any warranty that the certified seeds, tubers, plants or plant parts will be free from disease or contamination.

(3) "Foundation seed" means the progeny of breeder seed stocks that are so handled as to maintain specific genetic identity and purity, and that are designated or distributed by the Idaho agricultural experiment station or private companies.

(4) "Genetic purity" means that the lot of seeds, tubers, plants or plant parts are homogeneous for inheritable characteristics as stated in the official description of the variety or strain represented.

(5) "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 that appear in the labeling.

(6) "Plant" or "tubers" or "plants" or "plant parts" means any variety or strain of plant or part thereof that may be eligible for certification, as hereinafter provided.

(7) "Seed" or "seeds" means the seed of any variety or strain of plant, including tubers that may be eligible for certification, as hereinafter provided.

(8) "Variety or strain" 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.

[(22-1503) 1990, ch. 413, sec. 2, p. 1145; am. and redesign. 1993, ch. 69, sec. 1, p. 182; am. 2020, ch. 80, sec. 2, p. 170.]

22-1504. ADMINISTRATION OF THE CHAPTER. The regents of the university of Idaho through the Idaho agricultural experiment station in the college of agriculture of the university of Idaho, or the agent of the university of Idaho, an entity or servant of the state, appointed in writing, as hereinafter provided, is hereby authorized to administer the provisions of this chapter to establish, alter, amend and repeal reasonable standards and requirements as to what shall constitute certified seeds, tubers, plants, and plant parts under the terms of this chapter. Such reasonable standards and requirements shall also comprehend and fix the standards necessary to qualify seeds, tubers, plants, and plant parts for certification hereunder and the procedures for certification by the said college of agriculture or the said agent thereof. All varieties or strains of seed, tubers, plants, and plant parts eligible for certification in the state of Idaho shall be approved by the director of the Idaho agricultural experiment station. Any agent designated hereunder shall be a servant of the state of Idaho and shall be acting in an official capacity for the state of Idaho and under the supervision of the college of agriculture of the university of Idaho and the director of the Idaho experiment station consistent with this chapter.

[(22-1504) 1990, ch. 413, sec. 2, p. 1145; am. and redesign. 1993, ch. 69, sec. 2, p. 183; am. 2020, ch. 80, sec. 3, p. 171.]

22-1505. STANDARDS AND REQUIREMENTS. (1) Every person, firm, association, or corporation that intends to offer for sale, offers or sells seeds, tubers, plants, or plant parts as certified shall comply with the provisions of this chapter and such standards and requirements as are approved by the Idaho agricultural experiment station in the college of agriculture of the university of Idaho as provided herein, such standards and requirements to contain, among other things, a designation of the crops grown or to be grown in Idaho eligible for certification with standards, requirements, and procedures necessary for certification with designation of the agency authorized to provide certification.

(2) Upon the passage of this chapter, the Idaho agricultural experiment station in the college of agriculture of the university of Idaho shall prepare and issue such standards, requirements, and procedures as are required by this chapter. Such standards and requirements shall be made publicly available for review and public comment for a period of no less than thirty (30) days prior to their establishment. At the close of the public

comment period, the standards and requirements shall be filed with the college of agriculture of the university of Idaho and shall become effective thirty (30) days from the date they are filed with the college of agriculture of the university of Idaho.

[(22-1505) 22-1105, added 1990, ch. 413, sec. 2, p. 1145; am. and redesign. 2005, ch. 25, sec. 18, p. 92; am. 2020, ch. 80, sec. 4, p. 171.]

22-1506. FEES CHARGED BY CERTIFYING AGENCY. Fees may be charged by the certifying agency, under schedules set forth in standards, requirements, and procedures for certification of seeds, tubers, plants, and plant parts under this chapter, but these fees shall have a reasonable relation to the cost and may be used only for expenses in connection with certification and improvement of certification services.

[(22-1506) 22-1106, added 1990, ch. 413, sec. 2, p. 1146; am. and redesign. 2005, ch. 25, sec. 19, p. 93; am. 2020, ch. 80, sec. 5, p. 172.]

22-1507. MAINTENANCE OF SEED STOCKS. The Idaho agricultural experiment station or an agent of the university of Idaho appointed, in writing, shall be responsible to obtain and maintain sources of basic seed stocks that include breeder class and foundation class seed of public varieties or strains of crops deemed appropriate by the director of the Idaho agricultural experiment station. Basic seed stocks, limited generation certified seed tubers, plants, or plant parts shall first be made available for production in Idaho. This shall be accomplished through a system of equitable allocation to any person, firm, partnership, association, corporation, or entity located in this state unless a contract or agreement entered into with another public research entity or institution provides otherwise. Price established for the basic seed stocks of seed, tubers, plants, or plant parts shall be in reasonable relation to the cost of production, maintenance, handling, storage, and processing necessary to meet standards set forth in the standards and requirements.

[(22-1507) 22-1107, added 1990, ch. 413, sec. 2, p. 1146; am. and redesign. 2005, ch. 25, sec. 20, p. 93; am. 2020, ch. 80, sec. 6, p. 172.]

22-1508. DELEGATION OF AUTHORITY. The regents of the university of Idaho may delegate in writing its authority, or any part thereof, under this chapter to any instrumentality or entity as an agent and servant of the state whose principal purpose is to establish and maintain a uniform and reasonable system of certification of seeds, tubers, plants and plant parts. The delegated instrumentality or entity as agent and servant of the state shall be an entity of the state of Idaho as provided in the tort claims act, [chapter 9, title 6](#), Idaho Code. The university will cooperate with the Idaho department of agriculture in seed analysis and inspection.

[(22-1508) 1990, ch. 413, sec. 2, p. 1146; am. and redesign. 1993, ch. 69, sec. 3, p. 184.]

22-1509. LIABILITY OF REGENTS LIMITED. The regents of the university of Idaho shall not be financially responsible for debts incurred, damages inflicted, or contracts broken by the certifying agent in conducting certifi-

cation work. The certifying agent shall be entitled to all the protections as provided in the tort claims act, [chapter 9, title 6](#), Idaho Code.

[(22-1509) 1990, ch. 413, sec. 2, p. 1146; am. and redesign. 1993, ch. 69, sec. 4, p. 184.]

22-1510. REVIEW OF ACTION TAKEN UNDER PROVISIONS OF LAW. Any person, firm, partnership, association or corporation aggrieved by any act or action taken under the provisions of this chapter law may, within thirty (30) days of such act or action, appeal to the district court within and for the district in which said act or action was committed for appropriate relief. It is further provided that any order or judgment of the district court pertaining to such appeal may be appealed to the Supreme Court of the state of Idaho in the manner in which appeals are made under the present code and procedure, provided, however, that on the appeal to the Supreme Court, the Supreme Court shall consider only questions of law.

[(22-1510) 22-1110, added 1990, ch. 413, sec. 2, p. 1146; am. and redesign. 2005, ch. 25, sec. 21, p. 93.]

22-1511. TITLE. This chapter shall be known as, and may be cited as, the "Seed and Plant Certification Act."

[(22-1511) 22-1111, added 1990, ch. 413, sec. 2, p. 1147; am. and redesign. 2005, ch. 25, sec. 22, p. 93.]