

Rule 40-12-1-.01. Definitions

Terms used in these Rules are defined as follows:

- (a) 'Commissioner' means the Commissioner of Agriculture or the designated section or employee employed by the Department of Agriculture of this state.
- (b) 'Seed Dealer' means any person who sells seed, including persons who label seed, transfer and market seed within the trade or sell seed to purchasers, except for farmers or other persons that sell seed they produced and sell it as such at their own farm and they do not advertise or transfer it by any public carrier.
- (c) 'Non-Commercial Seed Sharing' means that no monetary consideration or compensation may be transferred in return for receiving seeds. Additionally, anyone distributing seeds under the rules of this definition may not expect, or create the expectation, that seeds must be returned in exchange for receiving seeds. If distribution of seeds is found to be in anticipation or connected to money paid for work or services rendered by the same person distributing seeds, such distribution shall not be considered non-commercial within these rules.

Authority: Ga. L. 1956, p. 217, O.C.G.A. Sec. 2-11-28.

Rule 40-12-5-.05 Requirements for Non-Commercial Seed Sharing

- (a) Each container of agricultural, vegetable, and flower seeds distributed for sowing purposes in a non-commercial setting shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, conveying the following information:
 - (1) The name of the species or commonly accepted name of kind or kind and variety of each agricultural seed component present. Hybrids shall be labeled as hybrids;
 - (2) A word or statement indicating if the seed has been treated. And, if treated, must be labeled in accordance with applicable state and federal laws;
 - (3) Some form of reference identification that provides traceability. Retention of posterity file samples are not required;
 - (4) Name and city or address of the non-commercial seed sharing entity; and
 - (5) The calendar month and year the seed was donated.
- (b) The seed shall be free of foreign material, other than coatings or treatments, including germination medium, mulch, fertilizer, pre-planted containers, mats, tapes, or other planting devices.
- (c) No distributed container shall hold more than eight (8) ounces of agricultural seed or four (4) ounces of vegetable or flower seed.
- (d) Germination and purity analysis is not required, however if a germination or purity percentage is noted on the label, it must be noted whether or not the analysis was performed according to the AOSA rules for testing seed.
- (e) At each location involved with non-commercial seed sharing a legible and visible sign shall state that the seeds being distributed may not meet germination or varietal purity standards prescribed by the state seed law. The sign must also state that patented seed or varieties protected by the Plant Variety Protection Act will not be accepted or distributed without permission of the certificate holder.

Authority: O.C.G.A. § 2-11-28.