



Arizona Department of Agriculture

Environmental Services Division
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DATE: May 8, 2019
TO: Hemp seed purchasers
FROM: Jack Peterson, Associate Director, ESD
Brian McGrew, Industrial Hemp Program Manager
RE: Industrial Hemp Seed - Protecting your business!

Before selling or purchasing seed to plant, here is a list of items to consider to help save you time, effort, money and help alleviate potential violations of the Arizona Department of Agriculture's (AZDA) Seed Laws and Rules.

1. All companies or individuals who sell seed and/or label seed sold in Arizona must be licensed to do so.
 - a. Are you a seed dealer? Seed dealers sell seed to the grower and buy seed from the individuals or companies that package the seed and guarantee it.
 - b. Are you a seed labeler? Seed labelers are the seed packagers, who put that seed in a package and label it. Seed labelers must pay attention to seed quality and make sure that the seed is tested prior to generating a label that discloses information about the seed to the consumer.

2. When purchasing seed the seed labeling guarantees should be reviewed prior to purchasing. This will help protect the buyer.

3. All seed sold or distributed in Arizona must be labeled. Labeling is defined as any labels, tags, or other written, printed or graphic representations, in any form, accompanying or pertaining to any seed whether in bulk or in containers and includes invoices; except that labeling does not include advertisements.
 - a. How should hemp seed be labeled? Hemp is categorized as Agricultural Seed. The following must be present on a hemp seed label
 - i. The name or kind and variety of seed present or the words "variety not stated" for all seed in excess of 5%; (i.e. Hemp)
 - ii. A lot number.
 - iii. Percentage by weight of all weed seeds.
 - iv. The name and rate of occurrence of all restricted noxious weed seeds.
 - v. Percentage by weight of other ag. seeds designated as "crop seeds".

- vi. Percentage by weight of inert matter.
- vii. Percentage germination, exclusive of hard or dormant seed.
- viii. Percentage of hard or dormant seeds, if present.
- ix. The calendar month and year that the test was completed to determine germination percentages.
- x. Net weight or seed count of container.
- xi. Name and address of the labeler.

4. Pay attention to the germination percentage listed on the label. By law, the crop planted must germinate at the level listed on the label. If the crop does not germinate as stated on the label, you may file a complaint with the AZDA as soon as the problem is noted. The AZDA will investigate if the seed sold to you was in violation of seed law. Any unopened and unused seed should be kept for potential sampling and testing. This investigation and any fines that may be levied go to the state's general fund.

5. Pay attention to the seed test date (calendar month and year that the test was completed). This is important as the test data determined during a test is only valid for 9 months. Seed is alive and the germination percentage can decline over time, just as other commodities that have a 'shelf life' decline. It is a violation of seed law for a lot of seed to be sold outside of its' valid or expired test date.

6. The term "certified hemp seed" may not be used arbitrarily. By law the term certified seed means: seed certified by a seed certifying agency. In Arizona hemp seed grown in Arizona may only be certified by the Arizona Crop Improvement Association. Only certified, foundation, or registered categories of hemp seed may be labeled as 'certified'. Any seed variety labeled as 'certified' that is not part of the Arizona seed certification program will be considered misbranded and is a violation of Arizona Seed Laws and Rules.

The Industrial Hemp industry is in its' infancy. The inherent risks associated with any new crop can be minimized by making sure the seed purchased is labeled according to Arizona Seed Laws and Rules which are to help protect the consumer. Buyers of industrial hemp seed must beware and become educated. Even though related, the seed law and the industrial hemp law are separate. Variability in the amount of THC produced by seed varieties and rooted cutting clonal strains is not governed by seed law. If the THC level of plants produced from a lot of seed goes above 0.3% THC, it is the industrial hemp licensed grower's responsibility to stay in compliance with the rules of the industrial hemp program.

If you have purchased industrial hemp seed that you feel was mislabeled or otherwise was in violation of the state seed law please contact the AZDA Seed Program by calling 1-800-423-8876 and leave a message. We will return your call.