

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1192

AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 15-15-1-2, AS AMENDED BY P.L.75-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter, "agricultural seed" means the seeds of legume, grass, forage, cereal, fiber, **field crops**, or oil crops, **including agricultural seeds listed in 7 CFR 201.2(h)**. The term includes other kinds of seeds commonly recognized in Indiana as agricultural seeds, lawn seeds, and mixtures of such seeds.

SECTION 2. IC 15-15-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 2.5. As used in this chapter, "blend" refers to a mixture of varieties of a single kind, which may be labeled as such.**

SECTION 3. IC 15-15-1-3, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. As used in this chapter, "brand" means a word, name, **term, sign, symbol**, number, or design, used **alone or in a combination**, to identify **the** seed of one (1) person **or a group of persons and** to distinguish ~~it~~ **that seed** from **the** seed of another person.

SECTION 4. IC 15-15-1-6, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. As used in this chapter, "distribute" means to sell, offer

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to sell, barter, or supply or transport for sale agricultural seed or vegetable seed for sowing and seeding purposes in Indiana.

SECTION 5. IC 15-15-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 7.5. As used in this chapter, "grower's declaration" means a statement signed by the grower, shipper, processor, dealer, or importer giving, for any lot of seed, the:**

- (1) lot number;**
- (2) kind;**
- (3) variety;**
- (4) type; and**
- (5) origin.**

SECTION 6. IC 15-15-1-8, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 8. As used in this chapter, "hybrid" means the first generation of a cross made under controlled conditions between strains of different parentage and of satisfactory purity: produced by controlling the pollination, which will produce pure seed which is at least seventy-five percent (75%) hybrid seed, and by combining:**

- (1) two (2) or more inbred lines;**
- (2) one (1) inbred or a single cross with an open pollinated variety; or**
- (3) two (2) selected clones, seed lines, varieties, or species.**

Hybrid designations shall be treated as variety names.

SECTION 7. IC 15-15-1-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 13.5. As used in this chapter, "mixture" means seeds consisting of more than one (1) kind or variety, each present in excess of five percent (5%) by weight of the whole.**

SECTION 8. IC 15-15-1-15.5, AS ADDED BY P.L.75-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 15.5. As used in this chapter, "permit" means a written authorization granted by the seed commissioner and required under this chapter before a person may distribute agricultural seed or vegetable seed in Indiana subject to this chapter.**

SECTION 9. IC 15-15-1-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 23.5. As used in this chapter, "variety name" refers to the name of each variety of agricultural seed or vegetable seed as determined in 7 CFR 201.34(d).**

SECTION 10. IC 15-15-1-24, AS ADDED BY P.L.2-2008,



SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 24. As used in this chapter, "vegetable seed" means the seeds:

- (1) of crops grown commercially or in home gardens; and
- (2) commonly known and sold in Indiana as vegetable seeds.

The term includes vegetable seeds listed in 7 CFR 201.2(i) and agricultural seeds packaged and sold for home gardens.

SECTION 11. IC 15-15-1-27, AS AMENDED BY P.L.10-2022, SECTION 1, AND P.L.33-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 27. (a) The state seed commissioner shall administer this chapter. The state seed commissioner may authorize an agent to act for the state seed commissioner under this chapter.

(b) The state seed commissioner may do any of the following to administer this chapter:

- (1) Sample, inspect, analyze, and test agricultural **seed** and vegetable seed distributed within Indiana for seeding and sowing purposes, when, where, and to the extent the state seed commissioner considers necessary to determine whether the agricultural **seed** or vegetable seed is in compliance with this chapter.
- (2) Notify a seed distributor of any violations of this chapter.
- (3) Adopt rules:
 - (A) governing:
 - (i) methods of sampling, inspecting, analyzing, testing, and examining agricultural **seed** and vegetable seed; and
 - (ii) tolerances to be followed in the administration of this chapter; and
 - (B) necessary for the efficient enforcement of this chapter.
- (4) Adopt rules to establish lists of prohibited **noxious weed seeds** and restricted noxious ~~weeds~~: **weed seeds**.
- (5) **Subject to section 28 of this chapter**, adopt rules to establish reasonable standards of germination (~~as defined by rule adopted under section 28 of this chapter~~) for **agricultural seed and** vegetable seed.
- (6) Adopt rules to establish standards for the effectiveness of legume inoculant applied to pre-inoculated seed.
- (7) Adopt rules to govern the treatment of seed and the labeling and distribution of treated seed.
- (8) Publish at least one (1) time each year, in the form the seed commissioner considers proper, information concerning:
 - (A) the sales of agricultural **seed** and vegetable seed; and



(B) the results of the analysis of official samples of agricultural **seed** and vegetable seed sold within Indiana as compared with the analysis guaranteed on the label.

Information concerning production and use of agricultural **seed** and vegetable seed may not disclose the operation of any person.

(9) Enter any:

(A) public or private property during regular business hours;
or

(B) vehicle that transports seed, whether by land, water, or air,
at any time the vehicle is accessible;

to inspect seed and the records relating to the seed, subject to this chapter and the rules adopted under this chapter.

(10) As used in this subdivision, "stop sale order" refers to a written order issued by the state seed commissioner to the owner or custodian of a lot of agricultural **seed** or vegetable seed that the state seed commissioner has found violates this chapter or rules adopted under this chapter. The state seed commissioner may issue and enforce stop sale orders. A stop sale order prohibits the future sale, processing, and movement of the seed until the state seed commissioner issues a release from the stop sale order. The owner or custodian of the seed is entitled to appeal a stop sale order to a court with jurisdiction in the locality in which the seed is found, as provided in IC 4-21.5, seeking a judgment as to the justification for the order for the discharge of the seed from the stop sale order in accordance with the findings of the court. This subdivision does not limit the right of the state seed commissioner to proceed as otherwise authorized by this chapter.

(11) Establish and maintain or make provisions for seed testing facilities.

(12) Employ qualified persons.

(13) Incur necessary expenses.

(14) Test or provide for testing seed for purity (**as defined by 7 CFR 201.2(w)**) and germination (as defined by rule adopted under section 28 of this chapter) for farmers and dealers on request of a farmer or dealer and:

(A) prescribe rules governing such testing; and

(B) charge for the tests made.

Without adopting a rule, the state seed commissioner shall charge fees that are commensurate with fees that are standard in the seed testing industry.

(15) Cooperate with the United States Department of Agriculture and other agencies in seed law enforcement.



(16) Enter the property of a producer of hybrid seed to determine whether the seed produced is as the seed is represented.

(17) **Subject to subsection (c)**, issue a written special use permit to a person to use a prohibited noxious weed seed or a restricted noxious weed seed for purposes of research, development, production, or education. ~~subject to subsection (c)~~.

(18) Adopt rules under IC 4-22-2 to establish fees that are necessary for the administration of this chapter, including costs of inspections, analysis, and publications.

(19) Adopt rules under IC 4-22-2 to establish civil fines for the following:

(A) Failure to submit a report required under this chapter.

(B) Failure to pay a fee required under this chapter.

(c) The seed commissioner, in response to an application for the issuance of a special use permit under subsection (b)(17), may:

(1) issue a special use permit;

(2) issue a special use permit subject to conditions; or

(3) deny a special use permit request.

In determining whether to issue a special use permit, the seed commissioner shall consider each species of prohibited noxious weed or restricted noxious weed separately. The seed commissioner may revoke a special use permit at any time if it appears that the permit holder is not complying with the conditions established under the special use permit.

SECTION 12. IC 15-15-1-28, AS AMENDED BY P.L.143-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 28. (a) The state seed commissioner may by rule define seed labeling and testing terms in common usage such as "pure seed" and "germination".

(b) A rule adopted by the state seed commissioner under this section must be based on published sources such as the rules of the Association of Official Seed Analysts.

(c) The state seed commissioner shall apply the agricultural seed and vegetable seed standards set forth in 7 CFR 201 as the state germination standards and requirements for agricultural seed and vegetable seed.

(d) The state seed commissioner shall use:

(1) the terms used in seed testing and labeling; and

(2) the methods of testing for official samples;

as provided in the Association of Official Seed Analysts, Rules for Testing Seeds.

SECTION 13. IC 15-15-1-29, AS ADDED BY P.L.2-2008,



SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 29. **(a) If any kind and variety of seed present in excess of five percent (5%) is "hybrid" seed, the seed must be designated "hybrid" on the label.**

(b) The percentage that is hybrid seed must be at least ninety-five percent (95%) of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two (2) or more kinds or varieties are present in excess of five percent (5%), each that is hybrid must be designated as hybrid on the label.

(c) Any kind and variety that has pure seed which is less than ninety-five percent (95%) but more than seventy-five percent (75%) hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed.

(d) One (1) kind and variety of seed may not be labeled as hybrid if the pure seed contains less than seventy-five percent (75%) hybrid seed. However, the seed may be labeled as a mixture or blend.

(e) The state seed commissioner may, by rule, define controlled conditions and satisfactory purity for the production of hybrid seed of any kind. A hybrid designation shall must be treated as a variety name.

SECTION 14. IC 15-15-1-30.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 30.5. A disclaimer, nonwarranty, or limited warranty used on any labeling or advertisement may not directly or indirectly deny or modify any information required by this chapter or a rule adopted under this chapter.**

SECTION 15. IC 15-15-1-31, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 31. **(a) Sections 31.5, 32, and 33 of this chapter do not apply to the following:**

- (1) Seed or grain not intended for seeding and sowing purposes. However, treated agricultural seed must be labeled in accordance with section 32 of this chapter when sold to any person for any purpose whether the seed is in containers or in bulk.**
- (2) Seed in storage or seed that is being transported or consigned to a seed cleaning or processing establishment for cleaning or processing if the invoice or labeling accompanying a shipment of the seed contains the statement "Seed For Processing". Any labeling or other representation that may be made with respect to uncleaned or unprocessed seed is subject to this chapter.**



(3) A carrier in respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, processing, or distributing agricultural **seed** or vegetable seed subject to this chapter.

(4) Seed that satisfies all the following:

(A) The seed is grown on the property owned by the seller of the seed.

(B) The seed is sold and delivered to the purchaser on the property on which the seed is grown.

(C) The seed does not contain prohibited noxious weed seed.

(D) The seed contains not more than one-fourth of one percent (0.25%) of restricted noxious weed seed.

(E) The seed contains not more than two and one-half percent (2.5%) of all weed seed.

If seed is advertised for sale through the medium of the public press, by circular, by catalog, or by exposing a sample of the seed or a printed or written statement about the seed in a public place or place of business, or if the seed is delivered by a common carrier, (except when transported for the purpose of being recleaned as provided in this section), the producer is considered to be a vendor, and the seed must meet all requirements of this chapter, including complete labeling of the seed. For cereal and soybean seed where the purpose for which the seed is intended may be in question, seed advertised for sale by variety name, as processed, tested, treated, or offered at a price substantially higher than current market prices, is presumed to be offered for seeding purposes and subject to the labeling provisions of this chapter.

(b) A person is not subject to the penalties of this chapter for distributing agricultural **seed** or vegetable seed incorrectly labeled or represented as to kind, variety, or origin and that cannot be identified by examination of the seed unless the person fails to:

(1) obtain an invoice, ~~genuine~~ grower's declaration, or other labeling information; and

(2) take other precautions reasonable to ensure the identity of the seed as stated.

SECTION 16. IC 15-15-1-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 31.5. (a) After a seed has been processed, the seed must be labeled before distribution to any person, including a wholesaler.**

(b) Labeling of seed supplied to a wholesaler may be by invoice or by an analysis tag attached to the invoice if each bag or other



container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. However, each bag that is not identified with an invoice or analysis tag must carry complete labeling.

SECTION 17. IC 15-15-1-32, AS AMENDED BY P.L.75-2010, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 32. (a) A container of agricultural seed of any size consisting of more than one (1) pound distributed in Indiana for sowing and seeding purposes must contain or have attached in a conspicuous place on the outside of the container a plainly written or printed tag or label in English giving the information required by this section. If the seed is distributed in bulk, the information required by this section must accompany delivery and be supplied to the purchaser at the time of delivery.

(b) The labeling required for seed sold in bags and packages, and in bulk as required by this section, must include the following statements on the labeling attached to the container:

- (1) The commonly accepted name of each kind and variety of each agricultural seed component that exceeds five percent (5%) of the whole and the percentage by weight of each in the order of its predominance. However, the variety designation may be omitted if the label states the name of the kind and the words "variety not stated". If more than one (1) component is required to be named, the word "mixture" or the word "mixed" must be shown conspicuously on the label. A mixture consisting of two (2) or more varieties of the same kind may be designated as a "blend".
- (2) Lot number or other lot identification.
- (3) Origin (state or foreign country where grown) for all seed except hybrid corn. If the origin is unknown, that fact must be stated.
- (4) The percentage of all weed seed.
- (5) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present.
- (6) The percentage of all other agricultural **seed** or vegetable seed, which may be designated as "other crop seeds" or "crop seeds".
- (7) The percentage of inert matter.
- (8) For each named agricultural seed:
 - (A) the percentage of germination (as **defined by rule adopted provided** under section 28 of this chapter), exclusive of hard seed;



- (B) the percentage of hard seed, if present; and
 - (C) the calendar month and year the test was completed to determine the percentages.
- (9) The name and address of the person who labeled the seed or who distributed it within Indiana.
- (10) For all seed named and treated (for which a separate label may be used):
- (A) a word or statement indicating that the seed has been treated;
 - (B) the commonly accepted coined chemical or abbreviated chemical (generic) name of any applied pesticide;
 - (C) a description of the process or the commonly accepted name of the substance applied if other than a pesticide; and
 - (D) if the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do Not Use For Food Or Feed Or Oil Purposes". A poison statement or symbol must be used as the caution for mercurials and similarly toxic substances.
- (11) For pre-inoculated seed, in addition to other labeling requirements of this section (for which a separate label may be used):
- (A) a word or statement indicating that the seed has been pre-inoculated; and
 - (B) the date beyond which the inoculant is not to be considered effective.
- (12) For cool season lawn and turf grasses, the following statements on the labeling:
- (A) For single kinds of grasses, the name of the kind or the kind and variety.
 - (B) For grass mixtures:
 - (i) the word "mix", "mixed", "mixture", or "blend" must be stated with the name of the mixture;
 - (ii) the headings "Pure Seed" and "Germination" or "Germ" must be used in the proper places; and
 - (iii) the commonly accepted name of the kind or the kind and variety of each agricultural seed component that exceeds five percent (5%) of the whole, and the percentage by weight of pure seed in order of its predominance and in columnar form.
 - (C) The percentage by weight of agricultural seed other than those required to be named on the label (which must be designated as "crop seed").



- (D) The percentage by weight of inert matter.
- (E) The percentage by weight of all weed seeds. The maximum weed seed content may not exceed two and five-tenths percent (2.5%) by weight.
- (F) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present and listed under the heading "Noxious Weed Seeds". Restricted noxious weed seed may not exceed twenty-five hundredths of one percent (0.25%) by weight.
- (G) For each agricultural seed named under clause (A) or (B), the following:
 - (i) The percentage of germination, exclusive of hard seed.
 - (ii) The percentage of hard seed, if present.
 - (iii) The calendar month and year the test was completed to determine the required percentages. The oldest test date must be used.
 - (iv) The statement "Sell by (month/year)". The date may not exceed fifteen (15) months from the date that must be stated on the labeling under item (iii), exclusive of the month of the test.

The total of the percentages by weight under clauses (B)(iii), (C), (D), and (E) must equal one hundred percent (100%).

(c) The statements required by this section may not be modified or denied.

(d) Words and terms that are required to be on a label may not be abbreviated or contracted when used on a seed label.

(e) The required seed label for agricultural seeds may not carry any statement relating to the sum of the percentage of germination and the percentage of hard seeds.

~~(f)~~ **(f)** The total of the percentages that are stated on the labeling under subsection (b)(1), (b)(4), (b)(6), and (b)(7) must equal one hundred percent (100%).

SECTION 18. IC 15-15-1-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 32.5. (a) Any agricultural seed that remains in the inventory of a distributor after the germination test has expired must be removed from sale or relabeled. The new germination and hard seed claim, if applicable, along with the new germination test date updated on the original label in a manner:**

- (1) that is clearly legible; and**
 - (2) in which the old data is completely covered or obliterated.**
- (b) The person upon whose premises the seed is located is**



responsible for obtaining the new test and for subsequent relabeling of the seed.

SECTION 19. IC 15-15-1-33, AS AMENDED BY P.L.75-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 33. (a) For vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices in containers that do not exceed one (1) pound, the labeling must include the following information:

- (1) The name of the kind and variety of seed.
- (2) The name and address of the person who labeled or who distributed the seed.
- (3) For seed that germinates less than the standard most recently established under this chapter:
 - (A) the percentage of germination (as ~~defined by rule adopted~~ **provided** under section 28 of this chapter), exclusive of hard seed;
 - (B) the percentage of hard seed, if present;
 - (C) the calendar month and year the test was completed to determine the percentages; and
 - (D) the words "Below Standard" in not less than 8 point type.
- (4) For seed that has been treated, the same labeling information required for agricultural seeds.
- (5) The number of noxious weed seeds per pound of vegetable seed, if any weed seed is present.
- (6) Lot number or other lot identification.
- (7) Germination test information in any of the following forms:
 - (A) The calendar month and year the germination test was completed and the statement "Sell by (month/year)". The date may not exceed twelve (12) months from the date of the test, exclusive of the month of the test.
 - (B) The year for which the seed was packaged for sale, as "Packed for (year)". The date must be for a calendar year and include the statement "Sell by (month/year)". The date may not exceed twelve (12) months from the date of the test, exclusive of the month of the test.
 - (C) The percentage of germination and the calendar month and year the test was completed to determine the percentages. However, the germination test must have been completed within the previous twelve (12) months, exclusive of the month of the test.
- (b) For vegetable seeds sold in containers that are more than one (1)



pound, the labeling must include the following:

- (1) The name of each kind and variety present that exceeds five percent (5%) and the percentage by weight of each in order of its predominance.
- (2) Lot number or other lot identification.
- (3) For each named vegetable seed:
 - (A) the percentage of germination, exclusive of hard seed;
 - (B) the percentage of hard seed, if present; and
 - (C) the calendar month and year the test was completed to determine the percentages. The date may not be later than twelve (12) months after the date of the test, exclusive of the month of the test.

(c) For seeds placed in a germination medium, mat, tape, or another device and in a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or other device, the labeling must include a statement to indicate the minimum number of seeds in the container.

SECTION 20. IC 15-15-1-33.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 33.2. (a) The name of a kind and variety of seed and any descriptive terms pertaining to the seed must be correctly represented in any labeling and advertisement of the seed.**

(b) The label for agricultural seed and vegetable seed must contain the required information, in any form, that is clearly legible and complies with this chapter and any rules adopted under this chapter. The required information may be on a tag attached securely to the container or printed in a conspicuous manner on a side or the top of the container.

(c) The label may contain information in addition to that required by this chapter if the additional information is not misleading.

SECTION 21. IC 15-15-1-33.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 33.4. (a) Except as provided in subsection (b), the name of each kind of agricultural seed or vegetable seed is the name associated with one (1) or more related species or subspecies which singly or collectively are:**

- (1) allowed under 7 CFR 201.34; or**
- (2) known by one (1) common name.**

(b) A name of a kind of agricultural seed or vegetable seed that is synonymous through broad common usage may be substituted



for the name in subsection (a) if the name:

- (1) does not apply to more than one (1) kind of seed; and
- (2) is not misleading.

(c) The representation of the same kind and variety of agricultural seed or vegetable seed in any advertisement or labeling must be confined to the kind and variety as determined under this chapter. The kind name and variety name may not be associated with words or terms that create a misleading impression as to the history or characteristics of the kind and variety. Descriptive terms and firm names may be used in kind and variety names if the descriptive terms or firm names are a part of the name of the kind and variety name of the seed. Examples: Stringless Green Pod, Detroit Dark Red, Black Seeded Simpson, and Henderson Bush Lima.

(d) A term that describes color, shape, size, habit of growth, disease resistance, or other characteristics of the kind and variety may be associated with the name of the kind and variety if it is done in a manner that clearly indicates the descriptive term is not a part of the name of the kind and variety. Examples: Oshkosh Pepper (yellow), Copenhagen Market (round head) Cabbage, and Kentucky Wonder pole bean.

(e) A term that describes the:

- (1) quality;
- (2) origin; or
- (3) basis for representations made;

may be associated with the name of the kind and variety of seed, if the term is clearly identified as being other than part of the name of the kind and variety. Examples: Blue Tag Gem Barley, Idaho Origin Alfalfa, and Grower's Affidavit of Variety Atlas Sorghum.

(f) A descriptive term that describes the manner or method of production or conditioning of seed may be associated with the name of the kind and variety of seed if the term is not misleading. For example, the terms "certified", "registered", "scarified", "treated", and "hulled" may be used if they are not misleading.

(g) A brand name or term taken from a trademark may be associated with the kind and variety or mixtures of kinds or varieties or blends of varieties of seed as an indication of the source. However, the term must clearly indicate that the term is not part of the name of the kind and variety, mixture, or blend. Example: Ox Brand Golden Cross sweet corn. A brand name or trademark may not be used in place of a variety name or in any manner that may be interpreted as being a variety name.



SECTION 22. IC 15-15-1-33.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 33.6. (a) When both a brand and variety name are stated, the following terms must be shown on the seed label in the following order from left to right or top to bottom:**

- (1) The brand name.
- (2) The word "brand".
- (3) The variety name.
- (4) The kind name.

(b) When a brand name is stated but no variety name is stated, the following terms must be shown on the seed label in the following order from left to right or top to bottom:

- (1) The brand name.
- (2) The word "brand".
- (3) The kind name.
- (4) The words "variety not stated".

SECTION 23. IC 15-15-1-34, AS AMENDED BY P.L.10-2022, SECTION 2, AND P.L.33-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 34. (a)** A person who distributes agricultural **seed** or vegetable seed in Indiana may apply to the state seed commissioner for a permit to use the person's own labeling, report the quantity of seed sold, and pay the inspection fee on the basis of the report.

(b) In making application for a permit under subsection (a), the distributor must agree to the following:

- (1) Label the seed with the information required by law.
- (2) Keep the records the state seed commissioner considers necessary to indicate accurately the number and size of containers of each kind of agricultural **seed** and vegetable seed distributed and the quantity of such seed distributed in bulk.
- (3) Grant the state seed commissioner or the state seed commissioner's authorized representative permission to examine the records described in subdivision (2) and verify the statement of quantity of seed distributed.
- (4) Report under oath to the state seed commissioner on forms furnished by the state seed commissioner the quantity of agricultural **seed** and vegetable seed sold during the period covered.

(c) The state seed commissioner may grant a permit under subsection (a) if the state seed commissioner determines that the applicant's proposed report of the quality of agricultural **seed** and vegetable seed sold will lead to efficient enforcement of this chapter.



The state seed commissioner may revoke the permit at any time if it appears to the state seed commissioner that the distributor is not complying with the agreement described in subsection (b) or this chapter. If:

- (1) the report is not filed and the inspection fee not paid before ten (10) days following the due date;
- (2) the report of volume is false; or
- (3) the labeling requirements of this chapter have not been complied with;

the state seed commissioner may revoke the permit. If the inspection fee is unpaid after the ten (10) day grace period, a penalty shall be assessed in the amount of ten percent (10%) in addition to the amount due.

(d) The report of quantity sold required under subsection (b)(4) is due, and the inspection fees required under this chapter are payable, semiannually on the last day of the month following the end of the semiannual period. The first half reporting period ends June 30 and the second half reporting period ends December 31.

SECTION 24. IC 15-15-1-34.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 34.5. (a) The state seed commissioner shall charge the amount set forth in this section.**

(b) A person who distributes agricultural seed or vegetable seed in Indiana may apply to the state seed commissioner for a permit to use the person's own labeling, report the quantity of seed sold, and pay the inspection fee on the basis of the report. Subject to subsection (i), the inspection fee is the following:

- (1) Thirty cents (\$0.30) per one hundred (100) pounds of alfalfa, clover, vegetable, and grass seed, and mixtures of the seeds, with a minimum payment of seven and one-half cents (\$0.075) for each package or container weighing more than one (1) pound.**
- (2) Fifteen cents (\$0.15) per one hundred (100) pounds of all agricultural seed other than seeds described in subdivision (1), with a minimum payment of three and three-fourths cents (\$0.0375) for each package or container weighing more than one (1) pound.**

(c) A person who distributes vegetable seeds in:

- (1) packets as prepared for use in home gardens or household plantings; or**
- (2) preplanted containers, mats, tapes, or other planting devices;**



in containers of not more than one (1) pound shall pay three dollars (\$3) for each retail location offering the assortments or display units of seed for sale in Indiana.

(d) When applying for a permit under subsection (c), the distributor must agree to the following:

- (1) Label the seed with the information required by law.
- (2) Keep the records the state seed commissioner considers necessary to indicate accurately the number and size of containers of each kind of agricultural seed and vegetable seed distributed and the quantity of the seed distributed in bulk.
- (3) Grant the state seed commissioner or the state seed commissioner's authorized representative permission to examine the records described in subdivision (2) and verify the statement of quantity of seed distributed.
- (4) Report under oath to the state seed commissioner on forms furnished by the state seed commissioner the quantity of agricultural seed and vegetable seed sold during the period covered.

(e) The state seed commissioner may grant a permit under subsection (b) if the state seed commissioner determines that the applicant's proposed report of the quality of agricultural seed and vegetable seed sold will lead to efficient enforcement of this chapter. The state seed commissioner may revoke the permit at any time if it appears to the state seed commissioner that the distributor is not complying with the agreement described in subsection (d).

(f) Subject to subsection (j), the report required under subsection (d)(4) must be filed and inspection fees must be paid semiannually as follows:

- (1) For the first half semiannual reporting period beginning January 1 and ending June 30, not later than July 31.
- (2) For the second half semiannual reporting period beginning July 1 and ending December 31, not later than January 31.

(g) If the:

- (1) report is not filed and the inspection fee not paid not more than fifteen (15) days following the due date;
- (2) report of quantity sold is false; or
- (3) labeling requirements of this chapter have not been complied with;

the state seed commissioner may revoke the distributor's permit.

(h) If the report is not filed and the inspection fee not paid on



the sixteenth day following the due date described in subsection (f), a penalty must be assessed in the amount of:

- (1) fifty dollars (\$50); or
- (2) ten percent (10%) of the amount due;

whichever is greater, in addition to the amount due.

(i) If a report is required under this section, the minimum inspection fee is ten dollars (\$10) per reporting period.

(j) An inspection fee is not required to be paid on seed supplied to a wholesaler whose predominant business is to supply other distributors rather than consumers of seed. Seeds distributed under all other conditions (except those specifically exempted in section 31 of this chapter) must be completely labeled and the inspection fee must be paid for the seeds when distributed. The inspection fee is not required to be paid more than once on any shipment of seed.

(k) Two (2) times each year the state seed commissioner shall issue a credit to any distributor of seed for the inspection fee paid to the distributor's supplier on seed subsequently sold to a wholesaler.

SECTION 25. IC 15-15-1-35, AS AMENDED BY P.L.29-2024, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 35. (a) The state seed commissioner shall pay all fees collected under this chapter to the treasurer of Purdue University.

(b) The board of trustees of Purdue University shall expend the fees on proper vouchers filed with the treasurer of Purdue University. The treasurer shall pay vouchers for the following expenses:

- (1) The employment of inspectors and seed analysts.
- (2) Procuring samples.
- (3) Printing bulletins giving the results of inspection.
- (4) Any other expenses of the Purdue University agricultural programs authorized by law and for implementing this chapter.

(c) **Before November 1, 2026, and before November 1 of each year thereafter**, the dean of agriculture of Purdue University shall make and submit an annual financial report to the:

- (1) governor;
- (2) legislative council; and
- (3) budget committee;

in such form as the state board of accounts requires, showing the total receipts and expenditures of all fees received under this chapter **for the most recently preceding state fiscal year**. The budget committee shall review this report annually.

(d) **If the report under subsection (c) is not provided before**



November 1, 2026, or before November 1 of any year thereafter, as required, the fees allowed under this chapter shall expire December 31 in the year in which the November 1 deadline is not met.

(~~d~~) (e) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36.

SECTION 26. IC 15-15-1-36, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 36. (a) Each person whose name appears on the label as distributing agricultural **seed** or vegetable seed subject to this chapter shall do the following:

(1) Keep for two (2) years complete records of each lot of agricultural **seed** or vegetable seed distributed.

(2) Keep for one (1) year a file sample of each lot of seed that is distributed after final disposition of the lot.

(b) All records and samples relating to the shipments involved must be accessible for inspection by the state seed commissioner or the state seed commissioner's agent during customary business hours.

(c) The permit holder shall report the quantities of agricultural seed and vegetable seed on forms furnished to the permit holder by the state seed commissioner semiannually. The quantities must be reported according to kind of seed as designated on the report form.

SECTION 27. IC 15-15-1-38, AS ADDED BY P.L.2-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 38. (a) The state seed commissioner may file an action for the seizure of any lot of agricultural **seed** or vegetable seed that violates this chapter.

(b) An action filed under this section must be filed in a court with jurisdiction in the locality in which the seed is located.

(c) If the court finds the seed to be in violation of this chapter and orders the condemnation of the seed, the seed shall be denatured, processed, destroyed, relabeled, or disposed of in compliance with Indiana law. The court may not order the disposition of the seed unless the claimant is given an opportunity to apply to the court for release of the seed or permission to process or relabel the seed to bring it into compliance with this chapter.

SECTION 28. IC 15-15-1-40, AS AMENDED BY P.L.17-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 40. A person may not distribute agricultural **seed** or vegetable seed within Indiana if any of the following apply:

(1) If the test to determine the percentage of germination (as



defined by rule adopted under section 28 of this chapter) required by sections 32 and 33 of this chapter has not been completed within a twelve (12) month period, not including the calendar month in which the test was completed immediately before distribution. However, the state seed commissioner may by rule designate:

- (A) a shorter period for a kind of agricultural **seed** or vegetable seed that the state seed commissioner finds under ordinary conditions of handling will not maintain, during a twelve (12) month period, a germination within the established tolerance limits; or
 - (B) a longer period for a kind of agricultural **seed** or vegetable seed that is packaged in such container materials and under such conditions prescribed by the state seed commissioner that the state seed commissioner finds will, during the longer period, maintain the viability of the seed under ordinary conditions of handling.
- (2) If the seed is not labeled in accordance with this chapter.
 - (3) If the seed carries labeling that is false or misleading in any particular.
 - (4) If the seed contains or consists of prohibited noxious weed seed.
 - (5) If the seed consists of or contains restricted noxious weed seed in excess of one-fourth of one percent (0.25%). If less than one-fourth of one percent (0.25%) of weed seed by weight is present, the number per pound must be declared on the labeling.
 - (6) If the seed contains more than two and one-half percent (2.5%) of all weed seed.
 - (7) If the seed is represented to be "certified seed", "registered seed", or "foundation seed", the seed has not been produced and labeled in accordance with the procedures and in compliance with rules of an official or officially recognized seed certification or registration agency.
 - (8) If the inoculant applied to pre-inoculated seed is ineffective as determined by standards established by rule.

SECTION 29. IC 15-15-1-41, AS AMENDED BY P.L.75-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 41. A person may not do any of the following:

- (1) Detach, alter, deface, or destroy any label provided for in this chapter or the rules adopted under this chapter.
- (2) Alter or substitute seed in a manner that may defeat the purpose of this chapter.

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- (3) Disseminate false or misleading advertisements concerning agricultural **seed** or vegetable seed.
- (4) Hinder or obstruct in any way an authorized person in the performance of the person's duties under this chapter.
- (5) Fail to comply with a stop sale order issued under section 27 of this chapter.
- (6) Use the word:
 - (A) "trace" as a substitute for any statement required by this chapter; or
 - (B) "type" in any labeling in connection with the name of any seed variety.
- (7) Use a state seed commissioner tag or label more than once.
- (8) Sell grain or other seed that has been treated to any person for any purpose unless the grain or seed is clearly labeled as required in sections 32 and 33 of this chapter.
- (9) Distribute seed colored so that it does not contrast with the natural color of the seed.
- (10) Distribute noxious weed seed without a special use permit issued by the seed commissioner under section 27(b)(17) of this chapter.
- (11) Assign the same brand designation to more than one (1) variety or blend of the same kind of seed, if not sold by variety name.
- (12) Use relabeling stickers unless the relabeling stickers state:
 - (A) both the calendar month and year the germination test was completed and the sell-by date, as required under sections **31.5**, 32, and 33 of this chapter; and
 - (B) the lot number that matches the existing original lot number.
- (13) Relabel a seed lot using stickers more than once.

SECTION 30. IC 15-15-1-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 44. (a) In order to secure a representative sample, equal portions must be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access must be available to all parts of the quantity of seed. When more than one (1) trierful of seed is drawn from a bag, different paths through the bag must be followed. When more than one (1) handful is taken from a bag, the handfuls must be taken from well-separated points.**

(b) Free flowing seeds must be sampled as follows:

- (1) For free flowing seed in bags or bulk, a probe or trier must**



be used.

(2) For small free flowing seed in bags, a probe or trier long enough to sample all portions of the bag must be used.

(c) Non-free flowing seed, including certain grass seed or uncleaned seed or screenings, that is difficult to sample with a probe or trier must be sampled by inserting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn.

(d) As the seed or screenings are sampled, the person taking the sample shall examine each portion of the sample. If the sample appears to lack uniformity, the portions may not be combined into a composite sample but must be retained as separate samples or combined to form individual container samples to determine if a lack of uniformity may exist.

(e) If the portions appear to be uniform, the portions must be combined to form a composite sample.

SECTION 31. IC 15-15-1-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 45. Bulk seed or screenings must be sampled by inserting a long probe or inserting the hand into the bulk as circumstances require in at least seven (7) uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls must be taken as the minimum which would be required for the same quantity of seed or screenings in bags of a size customarily used for the seed or screenings.**

SECTION 32. IC 15-15-1-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 46. (a) For lots of six (6) bags or less, each bag must be sampled. A total of at least five (5) trierfuls must be taken.**

(b) For lots of more than six (6) bags, five (5) bags plus at least ten percent (10%) of the number of bags in the lots must be sampled (rounding off numbers with decimals to the nearest whole number, raising five-tenths (0.5) to the next whole number). Regardless of the lot size, it is not necessary that more than thirty (30) bags be sampled.

(c) Samples must be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.

SECTION 33. IC 15-15-1-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 47. In sampling seed in a small**



container where it is not practical to sample as required by section 46 of this chapter, a portion of one (1) unopened container or one (1) or more entire unopened containers may be taken to supply a minimum size sample.

SECTION 34. [EFFECTIVE JULY 1, 2026] (a) The following rules are void:

- (1) 360 IAC 1-1-1.
- (2) 360 IAC 1-1-2.
- (3) 360 IAC 1-1-3.
- (4) 360 IAC 1-1-4.
- (5) 360 IAC 1-1-7.
- (6) 360 IAC 1-1-8.
- (7) 360 IAC 1-1-9.
- (8) 360 IAC 1-1-10.
- (9) 360 IAC 1-1-11.
- (10) 360 IAC 1-1-12.
- (11) 360 IAC 1-1-13.
- (12) 360 IAC 1-1-14.
- (13) 360 IAC 1-1-15.
- (14) 360 IAC 1-2-1.
- (15) 360 IAC 1-3-1.
- (16) 360 IAC 1-3-2.
- (17) 360 IAC 1-3-3.
- (18) 360 IAC 1-3-4.
- (19) 360 IAC 1-3-5.
- (20) 360 IAC 1-3-6.
- (21) 360 IAC 1-3-7.
- (22) 360 IAC 1-3-8.
- (23) 360 IAC 1-4-1.
- (24) 360 IAC 1-4-2.
- (25) 360 IAC 1-5-1.
- (26) 360 IAC 1-6-1.
- (27) 360 IAC 1-6-2.
- (28) 360 IAC 1-6-3.
- (29) 360 IAC 1-6-4.
- (30) 360 IAC 1-7-3.
- (31) 360 IAC 1-7-4.
- (32) 360 IAC 1-7-5.
- (33) 360 IAC 1-7-6.

(b) The publisher of the Indiana Administrative Code and the Indiana Register shall remove the rules in subsection (a) from the Indiana Administrative Code.



(c) This SECTION expires July 1, 2027.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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