

**250.031 Application of KRS 250.021 to 250.111.**

- (1) The requirements and prohibitions of KRS 250.021 to 250.111 shall not apply:
  - (a) To seed or grain not distributed for planting purposes.
  - (b) To seed in storage in, or being transported or consigned to a conditioning establishment, if the invoice or labeling accompanying any shipment of the seed bears the statement "seed for conditioning"; and if any labeling or other representation which may be made with respect to the unconditioned seed of the same lot shall be subject to KRS 250.021 to 250.111.
  - (c) To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier if the carrier is not engaged in producing, conditioning, or distributing seed subject to the provisions of KRS 250.021 to 250.111.
  - (d) To seed grown, sold and delivered by a producer on his own premises to the purchaser himself. If, however, the seed is advertised by the public press, circular, or catalog, or if the seed is delivered by a common carrier, the seed and the distributor shall be subject to the certification and labeling requirements of KRS 250.021 to 250.111.
- (2) No person shall be subject to the penalties of KRS 250.111 for having distributed seed which were incorrectly labeled or represented as to kind, species, and subspecies, if appropriate, variety, type, or origin, which seed cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's declaration, or other labeling information and to take other reasonable precautions to ensure the identity to be that stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and label.
- (3) The director may by administrative regulation omit the requirement for variety designation on labels of seed kinds not commonly sold by variety name.

**Effective:** April 8, 1994

**History:** Created 1994 Ky. Acts ch. 370, sec. 2, effective April 8, 1994.