



**OKLAHOMA**  
Agriculture, Food  
and Forestry

**OKLAHOMA  
SEED LAW  
AND RULES**

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## **SEED LAW**

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**SEED RULES**  
**SUBCHAPTER 25**

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## SUBCHAPTER 25. SEED

### 35:30-25-1. Definitions

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Grower's declaration"** or **"Shipper's declaration"** means a written statement of a grower, shipper, processor, dealer, or importer giving for any lot of seed the kind, variety, type, origin, or the use for which the seed is intended.

**"Hybrid"** means, when applied to kinds of varieties of seed, the first generation seed of a cross produced by controlling the pollination and by combining: two or more inbred lines; one inbred or a single cross with an open pollinated variety; or two selected clones, seed lines, varieties, or species.

**"Mixture"** means seed consisting of more than one kind or variety each present in excess of five percent (5%) of the whole. When so mixed, the label should be marked with the word "mixed" or "mixture".

**"Retail Seed Dealer"** means any person who sells or offers for sale, agricultural seed to consumers for planting.

**"Wholesale Seed Dealer"** means any person who sells or offers for sale, agricultural seed to retailers, distributors, brokers, or other wholesalers for resale.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 Amended at 35 Ok Reg 772, eff 9-14-18 ]

### 35:30-25-2. Labeling requirements

(a) **Agricultural Seed.** Labeling requirements for agricultural seed are as follows:

- (1) The word "trace" or other nonspecific word is prohibited from the label in expressing any required labeling point.
- (2) Noxious weeds shall be expressed on the label in "Name and Number Per Pound", subject to the limitations in Section 35:30-24-4. The name and number per gram or per ounce cannot be used in expressing noxious weeds. The words "None in Excess" or similar phrases are prohibited in the labeling of noxious weeds.
- (3) Unacceptable abbreviations in labeling seed are not permissible.
- (4) The percent of germination, hard or firm seed, shall be expressed in whole figures.
- (5) Noncertified seed labeled a variety which has been restricted for sale to certified class only by the Federal Seed Act and U.S. Plant Variety Protection Act shall be considered falsely labeled.

**(6)** The name of the laboratory testing the seed is not required on the label. Phrases such as "State Tested" or "Tested by Oklahoma Seed Laboratory" are not permitted on the label.

**(7)** Variety labeling requirements are as follows:

**(A)** The following kinds of agricultural seeds are generally labeled as to variety and shall be labeled to show the variety name or the words "variety not stated":

- (i) Alfalfa
- (ii) Bahiagrass
- (iii) Barley
- (iv) Bean, field
- (v) Beet, field
- (vi) Brome, smooth
- (vii) Broomcorn
- (viii) Clover, crimson
- (ix) Clover, red
- (x) Clover, white
- (xi) Corn, field
- (xii) Corn, pop
- (xiii) Cotton
- (xiv) Cowpea
- (xv) Fescue, tall
- (xvi) Flax
- (xvii) Lespedeza, striate
- (xviii) Millet, foxtail
- (xix) Millet, pearl
- (xx) Oat
- (xxi) Pea, field
- (xxii) Peanut
- (xxiii) Rice
- (xxiv) Rye
- (xxv) Safflower
- (xxvi) Sorghum
- (xxvii) Sorghum-sudangrass, hybrid
- (xxviii) Soybean
- (xxix) Sudangrass
- (xxx) Sunflower
- (xxxi) Tobacco
- (xxxii) Trefoil, birdsfoot
- (xxxiii) Wheat, common
- (xxxiv) Wheat, durum

**(B)** If the name of the variety is given, the name may be associated with the name of the kind with or without the words "kind and variety". The percentages in this case, which may be shown as "pure seed", shall

apply only to seed of the variety named. If separate percentages for the kind and variety are shown, the name of the kind and the name of the variety shall be clearly associated with the respective percentages.

When two or more varieties are present in excess of 5 percent and are named on the label, the name of each variety shall be accompanied by the percentage of each.

**(8)** When type is designated, the designation may be associated with the name of the kind but shall in all cases be clearly associated with the word "type". The percentage, which may be shown as "pure seed", shall apply only to the type designated. If separate percentages for the kind and the type are shown, the percentages shall be clearly associated with the name of the kind and the name of the type.

**(A)** If the type designation does not include a variety name, it shall include a name descriptive of a group of varieties of similar character; and the pure seed shall be at least 90 percent of one or more varieties all of which conform to the type designation.

**(B)** If the name of a variety is used as a part of the type designation, the seed shall be of that variety and may contain an admixture of seed of other indistinguishable varieties of the same kind and of similar character; or an admixture of indistinguishable seeds having genetic characteristics dissimilar to the variety name by reason of cross-fertilization with other varieties. In either case, at least 90 percent of the pure seed shall be of the variety named or upon growth shall produce plants having characteristics similar to the variety named. No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 90 percent hybrid seed.

**(9)** No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than (90) percent hybrid seed.

**(10)** Agricultural seeds other than those included in the percentage or percentages of kind, hybrid, variety, or type may be expressed as "other crop seeds" or "other crop", but the percentage shall include collectively all kinds, hybrids, varieties, or types not named upon the label.

**(b) Vegetable Seed.** For vegetable seeds which contain other crop, weed seed, or noxious weed seed, labeling shall be attached showing:

- (1) Percent of pure seed
- (2) Percent of inert matter
- (3) Percent of other crop
- (4) Percent of weed seed

**(c) Standard of germination.** The standard of germination for vegetable seed, including hard seed, is as follows:

- (1) Artichoke - 60%
- (2) Asparagus - 70%
- (3) Asparagus bean - 75%

- (4) Bean, garden - 70%
- (5) Bean, lima - 70%
- (6) Bean, runner - 75%
- (7) Beet - 65%
- (8) Broadbean - 75%
- (9) Broccoli - 75%
- (10) Brussels sprouts - 70%
- (11) Burdock, great - 60%
- (12) Cabbage - 75%
- (13) Cabbage, tronchuda - 75%
- (14) Cantaloupe (see Muskmelon)
- (15) Cardoon - 60%
- (16) Carrot - 55%
- (17) Cauliflower - 75%
- (18) Celeriac - 55%
- (19) Celery - 55%
- (20) Chard, Swiss - 65%
- (21) Chicory - 65%
- (22) Chinese cabbage - 75%
- (23) Chives - 50%
- (24) Citron - 65%
- (25) Collards - 80%
- (26) Corn, sweet - 75%
- (27) Cornsalad - 70%
- (28) Cowpea - 75%
- (29) Cress, garden - 75%
- (30) Cress, upland - 60%
- (31) Cress, water - 40%
- (32) Cucumber - 80%
- (33) Dandelion - 60%
- (34) Eggplant - 60%
- (35) Endive - 70%
- (36) Kale - 75%
- (37) Kale, Chinese - 75%
- (38) Kohlrabi - 75%
- (39) Leek - 60%
- (40) Lettuce - 80%
- (41) Muskmelon - 75%
- (42) Mustard, India - 75%
- (43) Mustard, Spinach - 75%
- (44) Okra - 50%
- (45) Onion - 70%
- (46) Onion, Welsh - 70%
- (47) Pak-Choi - 75%
- (48) Parsley - 60%
- (49) Parsnip - 60%

- (50) Pea - 80%
- (51) Pepper - 55%
- (52) Pumpkin - 75%
- (53) Radish - 75%
- (54) Rhubarb - 60%
- (55) Rutabaga - 75%
- (56) Salsify - 75%
- (57) Sorrel - 65%
- (58) Soybean - 75%
- (59) Spinach - 60%
- (60) Spinach, New Zealand - 40%
- (61) Squash - 75%
- (62) Tomato - 75%
- (63) Tomato, husk - 50%
- (64) Turnip - 80%
- (65) Watermelon - 70%

**(d) Marijuana seed.** Labeling requirements for marijuana seed are as follows:

- (1) Company/grower's name
- (2) Company/grower's OMMA license number, if licensed
- (3) Company/grower's seed license number
- (4) Seed name (marijuana)
- (5) Strain name (if unknown, labeled as unknown)
- (6) Origin
- (7) Lot number (number or name identifier)
- (8) Harvest date (date of seed's actual harvest)
- (9) Net weight (g/oz.) or number of seeds

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 Amended at 37 Ok Reg 971, eff 9-14-20 ]

### **35:30-25-3. Noxious weed list**

The following is the noxious weed list:

- (1) Balloonvine (*Cardiospermum halicacabum*)
- (2) Bindweed, Field (*Convolvulus arvensis*)(*Solanum elaeagni folium*)
- (3) Bindweed, Hedge (*Convolvulus sepium*)
- (4) Blueweed, Texas (*Helianthus ciliaris*)
- (5) Buckwheat, Wild (*Polygonum convolvulus*)
- (6) Cheat or Chess (*Bromus secalinus*)
- (7) Cocklebur (*Xanthium* spp.)
- (8) Corncockle (*Agrostemma githago*)
- (9) Darnel (*Lolium temulentum*)
- (10) Dock (*Rumex* spp.)
- (11) Dodder (*Cuscuta* spp.)



- (12) Foxtail, Giant (*Setaria faberi*)
- (13) Goatgrass, Jointed (*Aegilops cylindrica*)
- (14) Horsenettle (*Solanum carolinense*)
- (15) Johnsongrass (*Sorghum halepense*) Includes *Sorghum aluum* and other indistinguishable seeds.
- (16) Knapweed, Russian (*Centaurea picris*)
- (17) Moonflower or Giant Morningglory (*Calonyction muricatum*)
- (18) Morningglory, Wild (*Ipomoea* spp.)
- (19) Musk Thistle (*Carduus nutans* L.)
- (20) Mustard, Wild (*Brassica* spp.)
- (21) Nightshade, Purple
- (22) Nutgrass (*Cyperus rotundus*)
- (23) Oat, Wild (*Avena fatua*, *Avenasterilis* and other wild, non-cultivated *Avena* spp.)
- (24) Onion, Wild or Garlic (*Allium* spp.)
- (25) Plantain, Bracted (*Plantago aristata*)
- (26) Plantain, Buckhorn (*Plantago lanceolata*)
- (27) Quackgrass (*Agropyron repens*)
- (28) Red Horned Poppy (*Glaucium corniculatum*)
- (29) Sericea Lespedeza (*Lespedeza Cuneata*)
- (30) Scotch Thistle (*Onoprodum acanthium* )
- (31) Serrated Tussock (*Nassella trichotoma*)
- (32) Sicklepod (*Cassia obtusifolia*)
- (33) Sorrel, Sheep or Red (*Rumex acetosella*)
- (34) Thistle, Canada (*Cirsium arvense*)
- (35) Whitetop or Hoary Cress (*Cardaria draba*)
- (36) Yerba De Tajo (*Eclipta alba*)

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-4. Limitations on noxious weed seeds**

It is unlawful to sell, offer for sale, or expose for sale any agricultural or vegetable seed in Oklahoma if the noxious weed seed per pound is in excess of the following limitations:

- (1) Bindweed, Field (*Convolvulus arvensis*) - Prohibited
- (2) Yerba De Tajo (*Eclipta alba*) - Prohibited
- (3) Red Horned Poppy (*Glaucium corniculatum*) - Prohibited
- (4) Knapweed, Russian (*Centaurea picris*) - Prohibited
- (5) Musk Thistle (*Carduus nutans* L.) - Prohibited
- (6) Nutgrass (*Cyperus rotundus*) - Prohibited
- (7) Scotch Thistle (*Onoprodum acanthium*) - Prohibited
- (8) Serrated Tussock (*Nassella trichotoma*) - Prohibited
- (9) Sicklepod (*cassia obtusifolia*) - Prohibited
- (10) Thistle, Canada (*Cirsium arvense*) - Prohibited
- (11) Whitetop or Hoary Cress (*Cardaria draba*) - Prohibited

- (12) Wild Oat (*Avena fatua*, *Avena sterilis*, and other wild noncultivated *Avena* spp., (In Wheat Only) - Prohibited
- (13) Cocklebur (*Xanthium* spp.) - 3 per lb.
- (14) Jointed Goatgrass (*Aegilops cylindrica*) - 5 per lb.
- (15) Moonflower or Giant Morningglory (*Calonyction muricatum*) - 5 per lb.
- (16) Balloonvine (*Cardiospermum halicacabum*) - 9 per lb.
- (17) Sericea Lespedeza (*Lespedeza Cuneata*) - 9 per lb.
- (18) Wild Oat (*Avena fatua*, *Avena sterilis*, and other wild noncultivated *Avena* spp., Except in Wheat) - 9 per lb.
- (19) Wild Buckwheat (*Polygonum convolvulus*) - 18 per lb.
- (20) Onion, Wild or Garlic (*Allium* spp.) - 18 per lb.
- (21) Wild Morningglory (*Ipomoea* spp.) - 27 per lb.
- (22) Bindweed, Hedge (*Convolvulus sepium*) - 27 per lb.
- (23) Johnsongrass (*Sorghum halepense*) - 45 per lb.
- (24) Quackgrass (*Agropyron repens*) - 45 per lb.
- (25) Blueweed, Texas (*Helianthus ciliaris*) - 45 per lb.
- (26) Wild Mustard (*Brassica* spp.) - 45 per lb.
- (27) Corncockle (*Agrostemma githago*) - 45 per lb.
- (28) Plantain, Bracted (*Plantago aristata*) - 45 per lb.
- (29) Giant Foxtail (*Setaria faberi*) - 54 per lb.
- (30) Dodder (*Cuscuta* spp.) - 90 per lb.
- (31) Darnel (*Lolium temulentum*) - 90 per lb.
- (32) Dock (*Rumex* spp.) - 90 per lb.
- (33) Horsenettle (*Solanum carolinense*) - 90 per lb.
- (34) Nightshade, Purple (*Solanum elaeagnifolium*) - 90 per lb.
- (35) Plantain, Buckhorn (*Plantago lanceolata*) - 90 per lb.
- (36) Sorrel, Sheep or Red (*Rumex acetosella*) - 90 per lb.
- (37) Cheat or Chess (*Bromus secalinus*) - 200 per lb.
- (38) Sum total noxious weeds (Subject to above limitations) - 200 per lb. (Except in Yellow bluestem, Caucasian bluestem, and chaffy grasses, the sum total noxious weeds shall not exceed 500 per lb.)

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-5. Standard of germination and purity**

**(a)** Agricultural seed is prohibited from being sold, offered, or exposed for sale in Oklahoma if:

- (1) The percentage germination, including hard seed, is below 70.
- (2) The percentage mechanical purity is below 90, except hybrid, or when seed is sold and labeled as a mixture.
- (3) The percentage of inert matter is more than 10.
- (4) The percentage of weed seed is more than 2

**(b)** This section does not apply to Buffalograss, Johnsongrass, or chaffy grasses of the following kinds: Bluegrass spp., Bluestem spp., Bromus spp., Dallisgrass, Fescue spp. (except Tall Fescue), Grama spp., Orchardgrass, Wheatgrass, and Yellowgrass



Indiangrass, also any other chaffy grasses or other special seed that are commonly marketed below the above standards.

### **35:30-25-6. Date of test**

The date of test on the tag or label for agricultural and vegetable seeds shall not be more than nine (9) months prior to sale, except hermetically sealed containers may be thirty-six (36) months. This means all carry-over seed, for which the date of test is more than nine (9) or thirty-six (36) months old, whichever applies, shall be retested. The person upon whose premises the seed is located shall be held responsible for obtaining a new test and subsequently relabeling the seed.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-7. Variety labeling**

**(a)** correct varietal labeling is the responsibility of the person labeling the seed unless that person holds a valid "Grower's or Shipper's Declaration" showing signature and address of grower or shipper, date and quantity of purchase, state and county where grown, grower's or shipper's lot number, purchaser's receiving lot number, date and place of delivery, and other information necessary to ensure the identity of the variety declared. Any shipper's declaration as to variety shall be substantiated by a valid grower's declaration or shipper's declaration. A valid grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed like invoice and labels.

**(b)** If incorrect varietal labeling is determined by field or laboratory test and the retail or wholesale seed dealer holds a valid grower's or shipper's declaration, the responsibility for misrepresentation as to variety rests with the grower or shipper signing the declaration.

**(c)** Retail or wholesale seed dealers who blend several lots of the same variety purchased from different growers shall be responsible for correct varietal labeling unless bulking records, grower's or shipper's declarations, and file samples are kept on each lot going into the blend.

**(d)** Grower's or shipper's declarations shall be obtained prior to labeling.

**(e)** The grower who signs a "Grower Declaration" as to variety is required under the State and Federal Seed Act to keep a sample of seed, a copy of the grower's declaration on the seed sold as to variety; also tags, labels, and/or invoice of parent seed which was the basis for his declaring the variety.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 Amended at 35 Ok Reg 772, eff 9-14-18 ]

### **35:30-25-8. Sampling and analyzing seed**

The methods of sampling, analyzing and testing of seed, tolerances, and methods of determination applied under the Oklahoma Seed Law shall be those adopted in the "Rules for Seed Testing of Association of Official Seed Analysts" or under the Federal Seed Act Rules and Regulations by the United States Department of Agriculture and as each may be subsequently amended, except that no tolerance is permitted for Prohibited Noxious Weed Seed.

### **35:30-25-9. Laboratory sample requirements**

(a) Official seed samples drawn by inspectors in the enforcement of the State Seed Law shall have first priority for testing in the Seed Laboratory.

(b) Service samples incident to tagging and labeling for compliance with the Seed Law shall have priority in the order received. All other service samples shall be analyzed as time and facilities permit.

(c) The State Seed Laboratory shall not be obligated to analyze uncleaned, unprocessed, and other time-consuming samples, or samples which obviously do not meet State Seed Law requirements, except as time and facilities shall permit.

(d) All service samples submitted for analysis shall be charged according to the set Laboratory fee schedule.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-10. Identification and size of samples**

Identification and size of seed samples submitted for analysis shall comply with the following:

#### **(1) Identification of Samples:**

(A) Samples sent common carrier should be addressed to the: Oklahoma Department of Agriculture Agricultural Laboratory, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 or samples sent U.S. Mail should be addressed to the: Oklahoma Dept of Agriculture Agricultural Laboratory, P O Box 528804, Oklahoma City, Oklahoma 73152-8804.

(B) Information accompanying the samples should state the test desired, such as "Complete Analysis (purity and germination)", "Germination Only", "Purity Analysis Only", "Noxious Weed", or "Phenol". Samples which do not indicate the test desired shall be given a complete analysis and charged accordingly.

(C) Treated seed shall show the name of the treatment. No purity analysis on treated seed shall be made.

(D) Samples should show the kind and variety of seed.

(E) Samples should be identified with a lot number.

Samples should show the name, phone number, and complete mailing address of the sender.

**(2) Size of samples:** When sending samples to the State Seed Laboratory, the following are the minimum weights to be submitted for a complete analysis.

- (i) White, Small hop, or Alsike clover and small grass seeds - 2 oz.
- (ii) Alfalfa, Korean lespedeza, Foxtail millet, Annual - ryegrass, 5 oz.
- (iii) Sudangrass, Sorghum, and Proso millet - 1 lb.
- (iv) Wheat, Barley, Oat, and - Rye 2 lbs. Corn, Bean, Pea, Cowpea, Soybean, Hairy vetch, and Cotton - 2 lbs.

[Source: Amended at 17 Ok Reg 1843, eff 6-12-00 ]

### **35:30-25-14. Seed advertisements**

Any person that places or causes to be placed a seed advertisement in any statewide or local publication or bulletin shall include the retail or wholesale seed dealer's license number in the advertisement.

[Source: Added at 22 Ok Reg 2309, eff 7-11-05 Amended at 35 Ok Reg 772, eff 9-14-18 ]

### **35:30-25-15. Schedule of seed program fees**

**(a)** The annual license fee shall be **Twenty Five Dollars (\$25.00) for each retail seed dealer, One Hundred Dollars (\$100.00) for each wholesale seed dealer, and One Hundred Dollars (\$100.00) for each medical marijuana seed dealer.** Each license shall expire on June 30 of each year.

**(b)** Wholesale seed dealers need only secure a single wholesale dealer's license to engage in both retail and wholesale sales.

**(c)** Failure to remit a retail, wholesale, or medical marijuana seed dealer license renewal application within thirty (30) days after the renewal date shall result in a penalty equal to the cost of an additional license.

**(d)** A semi-annual inspection fee of eight cents (\$0.08) per hundred pounds shall be paid by every person responsible for labeling and distributing seed to a retail seed licensee in Oklahoma, or each retail seed licensee who processes and sells seed to the consumer on which the inspection fee has not been paid.

- (1) The minimum semi-annual inspection fee shall be Ten Dollars (\$10.00).
- (2) A semi-annual affidavit, stating the number of pounds of seed sold for the preceding six (6) months, shall be filed no later than the last day of January and July and the semi-annual inspection fee shall be paid upon filing of the affidavit.
- (3) Failure to submit the semi-annual affidavit and inspection fee on time shall result in an inspection fee penalty of ten percent (10%) of the amount due or Ten Dollars (\$10.00), whichever is greater.

**(e)** If the State Board of Agriculture finds any deficient semi-annual inspection fees due as a result of an audit of the records of any person subject to the provisions of Sections 8-21 through 8-28 of Title 2 of the Oklahoma Statutes, the Board shall assess a penalty fee of ten percent (10%), not to exceed Two Thousand Dollars (\$2,000.00) of the amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient semi-annual inspection fees due and payment of the entire amount shall be made within thirty (30) calendar days of notice of the deficiency.

[Source: Added at 27 Ok Reg 903, eff 7-1-10 Amended at 35 Ok Reg 772, eff 9-14-18 Amended at 39 Ok Reg 795, eff 9-12-22 ]

### **35:30-25-16. Marijuana seed**

**(a)** Marijuana seed shall be sold to medical marijuana adult patient licensees at dispensaries licensed by the Oklahoma Medical Marijuana Authority (OMMA).

**(b)** Marijuana seed shall be sold by wholesale seed dealer licensees to:

- (1) Wholesale seed dealer licensees;
- (2) Dispensaries licensed by the OMMA; and
- (3) Growers licensed by the OMMA.

**(c)** All sales of marijuana seed shall comply with OMMA administrative rules relating to product sales.

[Source: Added at 39 Ok Reg 795, eff 9-12-22 ]