

Kentucky Seed Law Regulations

Effective November 2020

Unofficial Text of
Administrative Regulations

For Information Only



Kentucky Seed Law Regulations

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12 KAR 1:116.

Sampling, analyzing, testing, and tolerances.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION AND CONFORMITY: KRS 250.081(1)(c)2 requires the director to prescribe seed sampling procedures, methods of analysis, testing and examining of seed, and tolerances. This administrative regulation prescribes the methods of sampling, analyzing, and testing seed, and establishes the tolerances to be applied in the administration of the Kentucky Seed Law.

Section 1. Definition. "Kentucky Seed Law" means KRS 250.021 through 250.111 and 12 KAR Chapter 1.

Section 2. The methods of sampling, analyzing, testing, and examining seed to be applied in the administration of the Kentucky Seed Law shall be those established in Rules for Testing Seeds.

Section 3. The tolerances to be applied in the administration of the Kentucky Seed Law shall be those established in Rules for Testing Seeds.

Section 4. Incorporation by Reference.

- (1) "Rules for Testing Seeds", issued by the Association of Official Seed Analysts in October 2019, is incorporated by reference.
- (2) This document may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (32 Ky.R. 1345; 1607; eff. 3-31-2006; 40 Ky.R. 97; eff. 10-9-2013; 43 Ky.R.428; eff. 12-2-2016; 47 Ky.R. 94; eff. 11-18-2020.)

12 KAR 1:120.

Noxious weed seed.

RELATES TO: KRS 250.081(1)(c)3 STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)3 requires the director to designate the kinds of weed seed to be considered noxious in Kentucky and to establish their maximum permitted rate of occurrence in agricultural seed. This administrative regulation establishes the kinds of

weed seed to be considered noxious in Kentucky and their maximum allowed rate of occurrence for the administration of the Kentucky Seed Law.

Section 1. Noxious Weed Seed.

- (1) The following kinds of weed seed shall be designated noxious in Kentucky and the maximum permitted rate of occurrence per pound of agricultural seed shall be as established in the table in this subsection (Table 1).
- (2) Other limitations.
 - (a) Seed that contains in excess of a sum total of 480 noxious weed seed per pound (subject to the limitations established in the table in subsection (1) of this section) shall be prohibited from sale in Kentucky.
 - (b) There shall be no tolerance applied to prohibited noxious weed seed. (20 Ky.R. 3323; eff. 8-24-1994; 47 Ky.R. 95, 700; eff. 11-18-2020.)

12 KAR 1:125. Identification of seed not for sale.

RELATES TO: KRS 250.081(1)(c)4 STATUTORY AUTHORITY: KRS 50.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)4 requires the director to indicate a means for identifying seed in storage or in or consigned to a seed cleaning or processing plant, but not offered for sale in locations where some, but not all, seed is for sale. This administrative regulation establishes the proper procedures for the identification of seed for sale.

Section 1. The procedures established in subsections (1) and (2) of this section shall be used if some, but not all, seed in or consigned to a seed cleaning or processing establishment is planned for distribution.

Table 1. Noxious weed seed allowed.

Weed	Number of Seeds Allowed/lb
Balloonvine (<i>Cardiospermum halicacabum</i>)	0
Purple moonflower (<i>Ipomoea turbinata</i>)	0
Canada thistle (<i>Cirsium arvense</i>)	0
Johnsongrass (<i>Sorghum halepense</i> and <i>sorghum al- mum</i>) and perennial rhizomatous derivatives of these)	0
Quackgrass (<i>Agropyron repens</i>)	0
Annual bluegrass (<i>Poa annua</i>)	256
Buckhorn plantain (<i>Plantago lanceolata</i>)	304
Corncockle (<i>Agrostemma githago</i>)	192
Dodder (<i>Cuscuta</i> spp.)	192
Giant foxtail (<i>Setaria faberii</i>)	192
Oxeye daisy (<i>Chrysanthemum leucanthemum</i>)	256
Sorrel (<i>Rumex acetosella</i>)	256
Wild onion and wild garlic (<i>Allium</i> spp.)	96

- (1) All seed lots shall be maintained separately to prevent the accidental or mechanical mixing of different lots.
- (2) All seed not intended for distribution shall be clearly identified with printed signs that indicate the owner or the specific intended use of the seed.

Section 2.

- (1) All seed intended for distribution shall be plainly identified with a tag on each container or with a lot number stenciled or taped on each container.
- (2) If the seed is in a box, frame, crib, wagon, or other enclosed space, that storage space shall be construed to be a container. (20 Ky.R. 3324; eff. 8-24-1994; 47 Ky.R. 96, 700; eff. 11-18-2020.)

12 KAR 1:130. Labeling of seed mixtures.

RELATES TO: KRS 250.041, 250.081(1)(c)9 STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)9 requires the director to secure the efficient enforcement of the provisions of KRS 250.021 through 250.111. This administrative regulation establishes a uniform manner of avoiding contradictory information on printed seed bags and on tags attached to the printed bags in situations in which analysis after bagging reveals that a mixture of seed kinds is present rather than a single seed kind.

Section 1. Labeling Tall Fescue and Orchardgrass Seed Mixtures in Printed Bags.

- (1) Seed of mixtures sold in a bag printed with the words "Kentucky 31 Tall Fescue" on the front (broad) side shall have a seed tag attached that complies with KRS 250.041, and the words "and Orchardgrass Mixture" printed or applied by stencil on the front (broad) side of the bag in lettering that is at least one (1) inch high and located no more than three (3) inches from the "Kentucky 31 Tall Fescue" letters.
- (2) Seed in a bag on which "Kentucky 31 Tall Fescue" is printed on the back (broad) side shall have the words "and Orchardgrass Mixture" printed on the back (broad) side of the bag and the words "and Orchardgrass Mixture" printed or applied by stencil on the bag in lettering that is at least one (1) inch high and located no more than three (3) inches from the "Kentucky 31 Tall Fescue" letters.

Section 2. The information on the bag of other kinds of mixtures in printed bags shall be the same as the information on the attached tag. If alteration of a printed bag is necessary to show that the seed is a mixture, the alteration shall be accomplished by use of stencil on the bag in lettering that is at least one (1) inch high and that is located no more than three (3) inches from the original lettering. (20 Ky.R. 3324; eff. 8-24-1994; 47 Ky.R. 97, 700; eff. 11-18-2020.)

12 KAR 1:135.

Tags available for purchase from the director.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)

(c)8 requires the director to establish charges for tags purchased from the director. This administrative regulation satisfies that statutory mandate by establishing those charges.

Section 1. Tags may be obtained from the Division of Regulatory Services, College of Agriculture, University of Kentucky. Charges shall be as indicated below (Table 2):

Section 2. If tags are purchased for containers weighing over 100 pounds or for seed in bulk, the number of tags purchased shall be identical to the number which would have been purchased if the seed had been in 100-pound containers.

Section 3. The following information shall be provided to the Division of Regulatory Services in order to purchase tags:

- (1) Lot;
- (2) Seedsman;
- (3) Address;
- (4) Kind;
- (5) Variety;
- (6) Pure Seed;
- (7) Inert Matter;
- (8) Crop Seed;
- (9) Weed Seed;
- (10) Germination;
- (11) Hard Seed;
- (12) Date of Test;
- (13) Weight; and
- (14) Origin. (20 Ky.R. 3325; eff. 8-24-94; 40 Ky.R. 98; 770, eff. 10-9-2013.)

12 KAR 1:140.

Permits, reports, and fees for persons using own tags.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)

(c)7 requires the director of the Agricultural Experiment Station to establish procedures for obtaining a permit to label, responsibilities of permit holders, method to be used

Table 2. Charges for tags.

Bag Weight	Charge (dollars)
1 pound to 25 pounds	0.08
Greater than 25 pounds to 100 pounds	0.12

in determining inspection fees, and the procedure for permit holders to make payment of fees for distributing agricultural seed. This administrative regulation establishes the procedures to obtain a permit to label agricultural seed, the responsibilities of permit holders, the method that shall be used to determine inspection fees, and the procedures for payment of fees for the distribution of agricultural seed.

Section 1. Obtaining Permits.

- (1) Application for permits to label agricultural seed shall be made on Form RS-68-01, Application for Permit for User to Provide Own Labels for Agricultural Seed and Mixtures of Agricultural Seed Sold in Kentucky.
- (2) Application for permits to label vegetable seed, flower seed, or combination mulch, seed and fertilizer products shall be made on Form RS-68-02, Application for Permit for User to Provide Own Labels for Vegetable Seed, Flower Seed, or Combination Mulch, Seed and Fertilizer Products Sold in Kentucky.

Section 2. Reporting Sales.

- (1) A person who has been granted a permit to label agricultural seed under Section 1 of this administrative regulation shall:
 - (a) Submit semi-annual reports on Form RS-63-02, Seed Semi-annual Report; and
 - (b) Pay a labeling and inspection fee determined on the basis of quantity of seed sold and on the fee schedule established in Section 3 of this administrative regulation.
- (2)
 - (a) Semi-annual shall be from January through June and July through December.
 - (b) An added assessment of twenty-five (25) dollars or ten (10) percent of the unpaid fee, whichever is greater, shall be made for each seed semi-annual report received more than forty-five (45) days after the reporting period ends.

Section 3. Labeling and Inspection Fee. The labeling and inspection fee for agricultural seed permit holders shall be:

- (1) For packages weighing one (1) pound and up to and including twenty-five (25) pounds: eight (8) cents per package;
- (2) For packages or units of seed in excess of twenty-five (25) pounds in weight and up to and including 100 pounds: twelve (12) cents per package or unit.
 - (a) A unit of corn shall be 80,000 seeds.
 - (b) A unit of soybeans shall be 140,000 seeds; and
- (3) For packages in excess of 100 pounds and seed distributed in bulk:
 - (a) Twenty-four (24) cents per 100 pounds; or
 - (b) Twelve (12) cents per unit.

Section 4. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Permit for User to Provide Own Labels for Agricultural Seed and Mixtures of Agricultural Seed Sold in Kentucky", RS-68-01, 6/13;
 - (b) "Application for Permit for User to Provide Own Labels for Vegetable Seed, Flower Seed, or Combination Mulch, Seed, and Fertilizer Products Sold in Kentucky", RS-68-02, 6/13;
and
 - (c) "Seed Semi-Annual Report", RS-63-02, 8/16.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (20 Ky.R. 3326; eff. 8-24-1994; 40 Ky.R. 100; 580; 770; eff. 10-9-2013; 43 Ky.R. 429; eff. 12-2-2016; 47 Ky.R. 98, 701; eff. 11-18-2020.)

12 KAR 1:145.

Registration of agricultural seed dealers, noncertified custom seed conditioners, certified seed growers, and certified seed conditioners.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081,

250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.051(2), (3), (4), 250.081(1)(c)9

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.051(2) and (3) and 250.081(1)(c)9 require the director to prescribe the procedures whereby agricultural seed dealers, noncertified custom seed conditioners, certified seed growers, and certified seed conditioners register with the director. This administrative regulation satisfies that statutory mandate by creating a framework for registration.

Section 1. Definition. "Agricultural seed dealer" means a person who distributes agricultural seed in containers of forty (40) pounds or more at retail.

Section 2. Agricultural seed dealers shall register using Form RS-68-03 (6/13), Agricultural Seed Dealer Registration. In accordance with KRS 250.051(4), a twenty-five (25) dollar registration fee shall accompany the submitted application form.

Section 3. Noncertified custom seed conditioners shall register using Form RS-68-04 (6/13), Noncertified Custom Seed Conditioner Registration. In accordance with KRS 250.051(4), a twenty-five (25) dollar registration fee shall accompany the submitted application form.

Section 4. Registration of certified seed growers and certified seed conditioners shall be accomplished by an exchange of records between the Kentucky Seed Improvement Association and the Division of Regulatory Services.

Section 5. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) Form RS-68-03, 6/13, "Agricultural Seed Dealer Registration"; and Form RS-68-04, 6/13, "Noncertified Custom Seed Conditioner Registration." (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (20 Ky.R. 3327; eff. 8-24-94; 40 Ky.R. 101; 771; eff. 10-9-2013.)

12 KAR 1:150.
Stop sale orders.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(2)

(d) authorizes the director to issue and enforce a stop sale order for seed in violation of KRS 250.021 to 250.111 or 12 KAR Chapter 1. This administrative regulation establishes procedures to obtain the release of a stop sale order.

Section 1. A stop sale order shall be released if:

- (1) The deficiencies for which the stop sale order was issued have been corrected; and
- (2) The person who was issued the stop sale order makes a request:
 - (a) In writing; or
 - (b) By phone and follows it with a written request. (20 Ky.R. 3328; eff. 8-24-94; 40 Ky.R. 103; 772; eff. 10-9-2013.)

12 KAR 1:155.
Schedule of charges for samples submitted for testing.

RELATES TO: KRS 250.021 – 250.111 STATUTORY AUTHORITY: KRS 250.081(1)(c)6

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)

(c)6 requires the director of the Agricultural Experiment Station to promulgate administrative regulations establishing charges for tests of samples submitted to the Kentucky Agricultural Experiment Station Seed Laboratory for testing. This administrative regulation establishes a schedule of charges for service tests, analysis, and examination of seed samples in the Kentucky Agricultural Experiment Station Seed Laboratory.

Section 1. Definition. "Free test" means:

- (1) A complete test consisting of a purity analysis, a noxious weed seed examination for Kentucky, and a germination test; or
- (2) A test with a cost equivalent to a complete test.

Section 2. Except as provided by KRS 250.091, which authorizes one (1) free test per year, the service charges established in this section shall be assessed for samples submitted to the Kentucky Agricultural Experiment Station Seed Laboratory.

- (1) Basic charges shall be as established in the table in this subsection (Table 3).
- (2) Nonresidents shall be assessed an additional charge of fifteen (15) dollars per sample.
- (3) A complete test shall include a purity analysis, a noxious weed seed examination (for Kentucky only), and a germination test.
- (4) A purity and noxious weed test shall include a purity analysis and a noxious weed seed examination (for only those seed designated as noxious in Kentucky).
- (5) In ryegrass samples, a complete test shall be assessed a charge of twenty-five (25) dollars and shall include a fluorescence test, which distinguishes perennial ryegrass seed from annual ryegrass seed.
- (6) Mixtures, difficult, or dirty samples shall be charged an additional forty (40) dollars per hour for extra separation time.
- (7) Mixtures submitted for germination testing shall be charged a fifteen (15) dollar separation fee. Each component over five (5) percent of the total in mixtures shall be charged individually for germination testing.
- (8) Rush service may be provided upon request at an additional charge of twenty-five (25) dollars per sample.
- (9) Samples of coated, encrusted, pelleted, film-coated, or treated seed shall be charged an additional fifteen (15)

Table 3. Basic charge list for testing seed.

Type of Seed	Complete Test	Purity and Noxious Weed Seed Test	Germination Only
Group 1 Corn and soybeans	\$18.00	\$9.00	\$11.00
Group 2 Small grains	\$14.00	\$7.00	\$9.00
Group 3 Tobacco	\$21.00	\$16.00	\$11.00
Group 4 Clovers, alfalfas, and lespedezas	\$18.00	\$9.00	\$11.00
Group 5 Lawn and forage grasses	\$20.00	\$14.00	\$12.00
Group 6 Native grasses, flowers, and forbs	\$40.00	\$30.00	\$30.00
Group 7 Vegetables	\$18.00	\$13.00	\$12.00
Group 8 Ornamentals (trees, shrubs, and flowers) and herbs	\$30.00	\$18.00	\$20.00

dollars for hand washing and disposal of toxic substances.

- (10) The schedule of charges for special tests shall be:
- (a) Noxious weed seed examinations:
 - 1. Kentucky only: ten (10) dollars;
 - 2. Other states: fifteen (15) dollars per state; and
 - 3. All states: fifty (50) dollars;
 - (b) Moisture test: eight (8) dollars;
 - (c) Seed count per pound: ten (10) dollars;
 - (d) Varietal identification:
 - 1. Soybean hypocotyl color test: fifteen (15) dollars;
 - 2. Phenol test of wheat: eighteen (18) dollars; and
 - 3. Peroxidase test of soybean: eighteen (18) dollars;
 - (e) Vigor tests:
 - 1. Accelerated aging: eighteen (18) dollars;
 - 2. Cold test: eighteen (18) dollars; and
 - 3. Conductivity: eighteen (18) dollars;
 - (f) Tetrazolium test:
 - 1. Groups 1 and 2: eighteen (18) dollars;
 - 2. Groups 4, 5, and 7: thirty (30) dollars; and
 - 3. Groups 3, 6, and 8: forty (40) dollars;
 - (g) Seed or plant tall fescue endophyte; one (1) to 100 specimens: \$125;
 - (h) Biotechnology trait identification; herbicide bioassay: thirty (30) dollars; and
 - (i) Reexamination of a sample to secure information not requested initially, or any analysis or test to obtain information not specifically required by the Kentucky Seed Law, KRS 250.021 through 250.111 and 12 KAR Chapter 1, shall be assessed forty (40) dollars per hour for analytical time.
- (11) Testing performed in compliance with International Seed Testing Association (ISTA) rules shall be charged fifteen (15) dollars in addition to test fees.
- (12) Testing performed in compliance with Canadian Methods and Procedures (M & P) for Testing Seed shall be charged eighteen (18) dollars in addition to test fees.
- (13) Charges for kinds not listed in this section shall be commensurate with charges made for other kinds of seed of similar size. (20 Ky.R. 3329; eff. 8-24-1994; 40 Ky.R. 104; 772; eff. 10-9-2013; 43 Ky.R. 431; eff. 12-2-2016; 47 Ky.R. 100, 701; eff. 11-18-2020.)

12 KAR 1:160.

Seed not required to be labeled by variety name.

RELATES TO: KRS 250.081(1)(c)9 STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)9 requires the director to secure the efficient enforcement of the provisions of KRS 250.021 through 250.111. This administrative regulation establishes the kinds of seed for which labeling of variety name is not required.

Section 1. The following kinds of seed shall not be required to show the variety name and the statements “Variety Unknown”, “Variety Not Stated, or “VNS”:

- (1) Bermudagrass (*Cynodon dactylon*);
- (2) Bluegrass, Canada (*Poa compressa*);
- (3) Bluegrass, Rough (*Poa trivialis*);
- (4) Bromegrass, Field (*Bromus arvensis*);
- (5) Buckwheat (*Fagopyrum esculentum*);
- (6) Canarygrass (*Phalaris canariensis*);
- (7) Clover, Alsike (*Trifolium hybridum*);
- (8) Fescue, Chewings (*Festuca rubra*, var *commutata*);
- (9) Fescue, Meadow (*Festuca elatior*);
- (10) Lespedeza, Korean (*Lespedeza stipulacea*);
- (11) Lespedeza, Striate (*Lespedeza striata*);
- (12) Lovegrass, Sand (*Eragrostis trichodes*);
- (13) Lovegrass, Weeping (*Eragrostis curvula*);
- (14) Millet, Browntop (*Panicum ramosum*);
- (15) Millet, Foxtail (*Setaria italica*);
- (16) Millet, Japanese (*Echinochloa crusgalli*);
- (17) Millet, Proso (*Panicum miliaceum*);
- (18) Rape (*Brassica* spp.);
 - (a) Annual (*B. napus*, var *annua*);
 - (b) Turnip, Annual or Bird (*B. campestris*);
 - (c) Turnip, Biennial (*B. campestris*, var *autumnalis*);
- (19) Redtop (*Agrostis alba*);
- (20) Sweetclover, White (*Melilotus alba*);
- (21) Sweetclover, Yellow (*Melilotus officinalis*);
- (22) Vetch, Common (*Vicia sativa*); and
- (23) Vetch, Hairy (*Vicia villosa*). (20 Ky.R. 3330; eff. 8-24-1994; 47 Ky.R. 102, 702; eff. 11-18-2020.)

12 KAR 1:165.

Germination standards for vegetable seed.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)

(c)9 requires the director to prescribe administrative regulations governing topics that are necessary to secure the efficient enforcement of KRS 250.021 to 250.111. This administrative regulation establishes germination standards for vegetable seed.

Section 1. Germination standards for vegetable and herb seed listed in this section shall be as follows (Table 4):

Section 2. The germination standard for all other vegetable and herb seed for which standards have not been established in Section 1 of this administrative regulation shall be fifty (50) percent. (20 Ky.R. 3331; eff. 8-24-94; 40 Ky.R. 106; 774; eff. 10-9-2013.)

Table 4. Germination standards, vegetable and herb seed.

Vegetable/Herb	Germination (%)	Vegetable/Herb	Germination (%)
Anise	50	Fennel, Florence	60
Artichoke	60	Fennel, Sweet	50
Asparagus	70	Kale	75
Asparagus Bean	75	Kale, Chinese	75
Basil, Sweet	70	Kale, Siberian	75
Bean, Garden	70	Kohlrabi	75
Bean, Lima	70	Leek	60
Bean, Runner	75	Lettuce	80
Beet	65	Marjoram, Sweet	50
Broadbean	75	Muskmelon	75
Broccoli	75	Mustard	75
Brussel Sprouts	70	Mustard, Spinach	75
Burdock, Great	60	Okra	50
Cabbage	75	Onion	70
Cabbage, Tronchuda	70	Onion, Welsh	70
Cantaloupe (See Muskmelon)		Oregano	60
Caraway	55	Pak-Choi	75
Cardoon	60	Parsley	60
Carrot	55	Parsnip	60
Cauliflower	75	Pea	80
Celeraic	55	Peanut	60
Celery	55	Pepper	55
Chard, Swiss	65	Pumpkin	75
Chervil, Salad	65	Radish	75
Chicory	65	Rhubarb	60
Chinese Cabbage	75	Roquette	60
Chives	50	Rosemary	30
Citron	65	Rutabaga	75
Collards	80	Sage	60
Coriander	70	Salsify	75
Corn, Pop	75	Savory, Summer	55
Corn, Sweet	75	Sorrel	65
Cornsalad	70	Soybean	75
Cowpea	75	Spinach	60
Cress, Garden	75	Spinach, New Zealand	40
Cress, Upland	60	Squash	75
Cress, Water	40	Thyme	50
Cucumber	80	Tomato	75
Dandelion	60	Tomato, Husk	50
Dill	60	Turnip	80
Eggplant	60	Watermelon	70
Endive	70		

12 KAR 1:170.

Germination standards for flower seed.

RELATES TO: KRS 250.081(1)(c)9 STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)9 requires the director to secure the efficient enforcement of the provisions of KRS 250.021 through 250.111. This administrative regulation establishes standards for flower seed and to list those kinds for which standard testing procedures are established.

Section 1. Flower Seed Standards.

- (1) The kinds of flower seed listed in the table established in this subsection shall be those for which standard testing procedures have been established. Common names are listed first, followed by Latin names. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is the total of percentage germination and percentage hard seed. For other kinds, it is the percentage germination (Table 5).
- (2) A mixture of kinds of flower seed shall be considered to be below the standard if the germination of any kind or combination of kinds constituting twenty-five (25) percent or more of the mixture by number is below standard for the kind or kinds involved. (20 Ky.R. 3332; eff. 8-24-1994; 47 Ky.R. 103, 702; eff. 11-18-2020.)

12 KAR 1:175.

Seed certification in Kentucky.

RELATES TO: KRS 250.081(1)(c)1 STATUTORY AUTHORITY: KRS 250.081

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)1 requires the director to establish seed certification standards. This administrative regulation establishes the procedure for certifying seed for varietal purity in Kentucky.

Section 1. Certification Procedure. (1) The procedures and standards established in the Kentucky Certified Seed Handbook shall be applied to all seed certified in Kentucky.

Section 2. Incorporation by reference.

- (1) "Kentucky Certified Handbook 2020," Kentucky Seed Improvement Association, 3250 Iron Works Pike, Unit 13, Lexington, Kentucky 40511, 2020, is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (20 Ky.R. 3334; eff. 8-24-1994; 47 Ky.R. 105, 704; eff. 11-18-2020.)

Table 5. Germination standards, flower seeds.

Kind	Germination (%)
Archillea (The Pearl)— <i>Achillea ptarmica</i>	50
African daisy— <i>Dimorphotheca aurantiaca</i>	55
African violet— <i>Saintpaulia</i> spp.	30
Ageratum— <i>Ageratum mexicanum</i>	60
Agrostemma (rose campion)— <i>Agrostemma coronaria</i>	65
Alyssum— <i>Alyssum compactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , and <i>A. saxatile</i>	60
Amaranthus— <i>Amaranthus</i> spp.	65
Anagalis (Primpernel)— <i>Anagalis arvensis</i> , <i>A. coerulea</i> , and <i>A. grandiflora</i>	60
Anemone— <i>Anemone coronaria</i> , and <i>A. pulsatilla</i>	55
Angel's trumpet— <i>Datura arborea</i>	60
Arabis— <i>Arabis alpina</i>	60
Arctotis (African lilac daisy)— <i>Arctotis grandis</i>	45
Armeria— <i>Armeria formosa</i>	55
Asparagus, Fern— <i>Asparagus plumosus</i>	50
Asparagus, Sprenger— <i>Asparagus sprengeri</i>	55
Aster, China— <i>Callistephus chinensis</i> ; except Pompon, Powderpuff, and Princess types	55
Aster, China— <i>Callistephus chinensis</i> ; Pompon, Powderpuff, and Princess types	50
Aubretia— <i>Aubretia deltoides</i>	45
Baby Smilax— <i>Aparagus asparagoides</i>	25
Balsam— <i>Impatiens balsamina</i>	70
Begonia—(<i>Begonia fibrous</i> rooted)	60
Begonia—(<i>Begonia tuberous</i> rooted)	50
Bells of Ireland— <i>Molucella laevis</i>	60
Brachycome (Swan River daisy)— <i>Brachycome iberidifolia</i>	60
Browallia— <i>Browallia elata</i> and <i>B. speciosa</i>	65
Bupthalam (Sunwheel)— <i>Bupthalam salicifolium</i>	60
Calceolaria— <i>Calceolaria</i> spp.	60
Calendula— <i>Calendula officinalis</i>	65
California poppy— <i>Eschscholtzia californica</i>	60
Calliopsis— <i>Coreopsis bicolor</i> , <i>C. drummondii</i> , and <i>C. elegans</i>	65
Campanula: Canterbury bells— <i>Campanula medium</i>	60
Cup and saucer bellflower— <i>Campanula medium calycanthema</i>	60
Carpathian bellflower— <i>Campanula carpatica</i>	50
Peach bellflower— <i>Campanula persicifolia</i>	50
Candytuft, Annual— <i>Iberis amara</i> , and <i>I. umbellata</i>	65
Candytuft, Perennial— <i>Iberis gibraltarica</i> , and <i>I. sempervirens</i>	55
Castor bean— <i>Ricinus communis</i>	60
Cathedral bells— <i>Cobaea scandens</i>	65
Celosia— <i>Celosia argentea</i>	65

continued

Table 5. (continued)

Kind	Germination (%)
Centaurea: Basket flower— <i>Centaurea americana</i> Cornflower— <i>C. cyanus</i> Dusty miller— <i>C. candidissima</i> Royal centaurea— <i>C. imperialis</i> Sweet sultan— <i>C. moschata</i> Velvet centaurea— <i>C. gymnocarpa</i>	60
Cerastium (Snow-in-summer)— <i>Cerastium biebersteini</i> and <i>C. tomentosum</i>	65
Chinese forget-me-not— <i>Cynoglossum amabile</i>	55
Chrysanthemum, Annual— <i>Chrysanthmum carinatum</i> , <i>C. coronarium</i> , and <i>C. segetum</i>	40
Cineraria— <i>Senecio cruentus</i>	60
Clarkia— <i>Clarkia elegans</i>	65
Cleome— <i>Cleome gigantea</i>	65
Coleus— <i>Coleus blumei</i>	65
Columbine— <i>Aquilegia</i> spp.	50
Coral bells— <i>Heuchera sanguinea</i>	55
Coreopsis, Perennial— <i>Coreopsis lanceolata</i>	40
Corn, Ornamental— <i>Zea mays</i>	75
Cosmos: Sensation, Mammoth, and Crested types— <i>Cosmos bipinnatus</i> Klondyke type— <i>C. sulphureau</i>	65
Crossandra— <i>Crossandra infundibuliformis</i>	50
Dahlia— <i>Dahlia</i> spp.	55
Daylily— <i>Hemerocallis</i> spp.	45
Delphinium, Perennial: Belladonna and Bellamosum types; Cardinal larkspur— <i>Delphinium cardinale</i> Chinensis types; and Pacific giant, Gold medal, and other hybrids of <i>D. elatum</i>	55
Dianthus: Carnation— <i>Dianthus caryophyllus</i> Maiden pinks— <i>Dianthus deltiodes</i> Grass pinks— <i>Dianthus plumarius</i> Sweet Wivelsfield— <i>Dianthus allwoodi</i>	60
Dianthus: China pinks— <i>Dianthus chinensis</i> , <i>D. heddewigi</i> , and <i>D. heddensis</i> Sweet William— <i>Dianthus barbatus</i>	70
Didiscus (Blue lace flower)— <i>Didiscus coerulea</i>	65
Doronicum (Leopard's bane)— <i>Doronicum caucasicum</i>	60
Dracaena— <i>Dracaena indivisa</i>	55
Dragon tree— <i>Dracaena draco</i>	40
English daisy— <i>Bellis perennis</i>	55
Flax: Golden flax— <i>Linum flavum</i> Flowering flax— <i>L. grandiflorum</i> Perennial flax— <i>L. perenne</i>	60
Flowering maple— <i>Abutilon</i> spp.	35
Foxglove— <i>Digitalis</i> spp.	60
Gaillardia, Annual— <i>Gaillardia pulchella</i> and <i>G. picta</i>	45
Gaillardia, Perennial— <i>G. grandiflora</i>	45
Gerbera (transvaal daisy)— <i>Gerbera Jamesoni</i>	60

continued

Table 5. (continued)

Kind	Germination (%)
Geum— <i>Geum</i> spp.	55
Gilia— <i>Gilia</i> spp.	65
Glossia daisy (rudbeckia)— <i>Echinacea purpurea</i> and <i>Rudbeckia hirta</i>	60
Gloxinia— <i>Sinningia speciosa</i>	40
Godetia— <i>Godetia amoena</i> and <i>G. grandiflora</i>	65
Gourds: Yellow flowered— <i>Cucurbita pepo</i> White flowered— <i>Lagenaria siceraria</i> Dishcloth— <i>Luffa cylindrica</i>	70
Gypsophilia: Annual baby's breath— <i>Gypsophila elegans</i> Perennial baby's breath— <i>G. paniculata</i> , <i>G. pacifica</i> , and <i>G. repens</i>	70
Helenium— <i>Helenium autumnale</i>	40
Helichrysum— <i>Helichrysum monstrosum</i>	60
Heliopsis— <i>Heliopsis scabra</i>	55
Heliotrope— <i>Heliotropium</i> spp.	35
Helipterum (Acroclinium)— <i>Helipterum roseum</i>	60
Hesperis (Sweet rocket)— <i>Hesperis matronalis</i>	65
Hollyhock— <i>Althea rosea</i>	65
Hunnemania (Mexican tulip poppy)— <i>Hunnemania fumariaefolia</i>	60
Hyacinth bean— <i>Dolichos lablab</i>	70
Impatiens— <i>Impatiens holstii</i> and <i>I. sultani</i>	55
Ipomoea: Cypress vine— <i>Ipomoea quamoclit</i> Moonflower— <i>I. Noctiflora</i> Morning glories, Cardinal climber, Hearts and Honey vine— <i>Ipomoea</i> spp.	75
Jerusalem-cross (Maltese cross)— <i>Lychnis chalconica</i>	70
Job's tears— <i>Coix lacrymajobi</i>	70
Kochia— <i>Kochia childsii</i>	55
Larkspur, Annual— <i>Delphinium ajacis</i>	60
Lantana— <i>Lantana camara</i> , <i>L. hybrida</i>	35
Lilium (Regal lily)— <i>Lilium regale</i>	50
Linaria— <i>Linaria</i> spp.	65
Lobelia, Annual— <i>Lobellia erinus</i>	65
Lunaria, Annual— <i>Lunaria annua</i>	65
Lupine— <i>Lupinus</i> spp.	65
Marigold— <i>Tagetes</i> spp.	65
Marvel of Peru— <i>Mirabilis jalapa</i>	60
Matricaria (Feverfew)— <i>Matricaria</i> spp.	60
Mignonette— <i>Reseda odorata</i>	55
Myosotis— <i>Myosotis alpestris</i> , <i>M. oblongata</i> , and <i>M. palustris</i>	50
Nasturtium— <i>Tropaeolum</i> spp.	60
Nemesia— <i>Nemesia</i> spp.	65
Nemophila— <i>Nemophila insignis</i>	70
Nemophila, Spotted— <i>Nemophila maculata</i>	60
Nicotiana— <i>Nicotiana affinis</i> , <i>N. sanderae</i> , and <i>N. sylvestris</i>	65
Nierembergia— <i>Nierembergia</i> spp.	55

continued

Table 5. (continued)

Kind	Germination (%)
Nigella— <i>Nigella damascena</i>	55
Pansy— <i>Viola tricolor</i>	60
Penstemon— <i>Penstemon barbatus</i> , <i>P. grandiflorus</i> , <i>P. laevigatus</i> , and <i>P. pubescens</i>	60
Petunia— <i>Petunia</i> spp.	45
Phacelia— <i>Phacelia campanularia</i> , <i>P. minor</i> , and <i>P. tanacetifolia</i>	65
Phlox, Annual— <i>Phlox drummondii</i> (all types and varieties)	55
Physalis— <i>Physalis</i> spp.	60
Platycodon (Balloon flower)— <i>Platycodon grandiflorum</i>	60
Plumbago, Cape— <i>Plumbago capensis</i>	50
Ponytail— <i>Beaucarnea recurvata</i>	40
Poppy: Shirley poppy— <i>Papaver rhoeas</i> Iceland poppy— <i>Papaver nudicaule</i> Oriental poppy— <i>P. orientale</i> Tulip poppy— <i>P. glaucum</i>	60
Portulace— <i>Portulaca grandiflora</i>	55
Primula (primrose)— <i>Primula</i> spp.	50
Pyrethrum (painted daisy)— <i>Pyrethrum coccineum</i>	60
Salpiglossis— <i>Salpiglossis gloxinaeflora</i> and <i>S. sinuata</i>	60
Salvia: Scarlet sage— <i>Salvia splendens</i> Mealycup sage (Blue bedder)— <i>Salvia farinacea</i>	50
Saponaria— <i>Saponaria ocymoides</i> and <i>S. vaccaria</i>	60
Scabiosa, Annual— <i>Scabiosa atropurpurea</i>	50
Scabiosa, Perennial— <i>Scabiosa caucasica</i>	40
Schizanthus— <i>Schizanthus</i> spp.	60
Sensitive plant (mimosa)— <i>Mimosa pudica</i>	65
Shasta daisy— <i>Chrysanthemum maximum</i> and <i>C. leucanthemum</i>	65
Silk oak— <i>Grevillea robusta</i>	25
Snapdragon— <i>Antirrhinum</i> spp.	55
Solanum— <i>Solanum</i> spp.	60
Statice— <i>Statice sinuata</i> and <i>S. suworonii</i> (flower heads)	50
Stocks: Common— <i>Mathiola incana</i> Evening scented— <i>Mathiola bicornis</i>	65
Sunflower— <i>Helianthus</i> spp.	70
Sunrose— <i>Helianthemum</i> spp.	30
Sweet pea, Annual and Perennial other than dwarf bush— <i>Lathyrus odoratus</i> and <i>L. latifolius</i>	75
Sweet pea, Dwarf bush— <i>Lathyrus odoratus</i>	65
Tahoka daisy— <i>Machaeanthera tanacetifolia</i>	60
Thunbergia— <i>Thunbergia alata</i>	60
Torch flower— <i>Tithonia speciosa</i>	70
Torenia (Wishbone flower)— <i>Torenia fournieri</i>	70
Tritoma— <i>Kniphofia</i> spp.	65
Verbena, Annual— <i>Verbena hybrida</i>	35
Vinca— <i>Vinca rosea</i>	60

continued

Table 5. (continued)

Kind	Germination (%)
Viola— <i>Viola cornuta</i>	55
Virginian stocks— <i>Malcolmia maritima</i>	65
Wallflower— <i>Cheiranthus allioni</i>	65
Yucca (Adam's needle)— <i>Yucca filamentosa</i>	50
Zinna (except Linearis and Creeping)— <i>Zinnia angustifolia</i> , <i>Z. elegans</i> , <i>Z. grandiflora</i> , <i>Z. gracillima</i> , <i>Z. haegeana</i> , <i>Z. multiflora</i> , and <i>Z. pumila</i>	65
Zinnia, Linearis and Creeping— <i>Zinnia linearis</i> and <i>Sanvitalia procumbens</i>	50
All other kinds	50

Information and questions concerning the
Kentucky seed law regulations should be addressed to:

Division of Regulatory Services
Director, Seed Regulatory Program
103 Regulatory Services Building
Lexington, KY 40546-0245
859-257-2785

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