



# HOUSE BILL No. 5157

September 27, 1995, Introduced by Reps. Randall, Gnodtke, McNutt and Gernaat and referred to the Committee on Agriculture and Forestry.

A bill to amend sections 2, 4, 9, 10, and 11 of Act No. 329 of the Public Acts of 1965, entitled as amended "Michigan seed law," as amended by Act No. 455 of the Public Acts of 1988, being sections 286.702, 286.704, 286.709, 286.710, and 286.711 of the Michigan Compiled Laws; and to add sections 7a and 11a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 4, 9, 10, and 11 of Act No. 329 of  
2 the Public Acts of 1965, as amended by Act No. 455 of the Public  
3 Acts of 1988, being sections 286.702, 286.704, 286.709, 286.710,  
4 and 286.711 of the Michigan Compiled Laws, are amended and  
5 sections 7a and 11a are added to read as follows:

6 Sec. 2. As used in this act:

7 (1) "Person" means any individual, partnership, company,  
8 corporation, society, cooperative, union, or association.

1           (2) "Sale or sell" means the act of transferring property  
2 for any consideration and includes the acts of offering, adver-  
3 tising, exposing, holding, or transporting for sale.

4           (3) "Label" includes all labels, and other written, printed,  
5 or graphic representation in any form, accompanying or pertaining  
6 to any seed in bulk or in containers and includes representation  
7 on invoices, bills, and letterheads.

8           (4) "Agricultural seed" means the seed of grass, forage,  
9 cereal, fiber, oil plants, and any other seed commonly recognized  
10 within this state as agricultural or field seed, lawn seed, or  
11 mixtures of those seeds.

12          (5) "Director" means director of the state department of  
13 agriculture or his or her authorized representative.

14          (6) "Screenings" means chaff, florets, immature seed, weed  
15 seed, or inert and other foreign matter removed in any way in  
16 cleaning or conditioning of seed, or obtained from weedy fields  
17 or any source, and contains less than 50% agricultural seed.

18          (7) "Vegetable seed" means the seed of those crops which are  
19 grown in gardens or on truck farms and that generally are known  
20 and sold under the name of vegetable or herb seed in this state.

21          (8) "Flower seed" means the seed of those plants usually  
22 grown for their blooms, ornamental foliage, or other ornamental  
23 parts and commonly are known and sold under the name of flower  
24 seed in this state.

25          (9) "Forest tree seed" means the seeds of those forest trees  
26 that are usually grown in nurseries and forests in this state,  
27 and that are listed in the rules under this act.

1           (10) "Pure seed" means seed exclusive of inert matter and  
2 all other seeds not of the seed being considered, as determined  
3 by methods defined by rule.

4           (11) "Inert matter" means broken seed 1/2 or less the origi-  
5 nal size, seeds of legumes or crucifers with seed coats removed,  
6 undeveloped or badly injured weed seed, the empty glumes or  
7 attached sterile glumes of grasses, stems, leaves, stones, chaff,  
8 soil, insects, fungal bodies, material added in coating or pel-  
9 leting, and all other matter other than pure seed, weed, or crop  
10 seed, as determined by methods defined by rule.

11          (12) "Weed seed" means the seeds of all plants generally  
12 recognized as weeds within the state, as determined by methods  
13 defined by rule, and includes prohibited and restricted noxious  
14 weed seeds.

15          (13) "Crop seed" means the seed of plants grown as crops,  
16 other than the kind or variety included in the pure seed, as  
17 determined by methods defined by rule.

18          (14) "Germination percent" means the percent of seeds  
19 capable of producing normal seedlings under favorable growing  
20 conditions. Broken, weak, diseased, malformed, or abnormal seed-  
21 lings, as determined by methods defined by rule, shall not be  
22 considered as having germinated.

23          (15) "Hard seed percent" means the seed which, due to hard-  
24 ness or impermeability, does not absorb moisture and start growth  
25 under favorable conditions during a prescribed germination period  
26 but remains hard.

1 (16) "Prohibited noxious weed seed" means the seed of plants  
2 that are highly destructive and difficult to control in this  
3 state by ordinary good cultural practices, and that are listed in  
4 the rules promulgated under this act.

5 (17) "Restricted noxious weed seed" means the seeds of the  
6 plants that are objectionable in the fields, lawns, and gardens  
7 of this state but can be controlled by ordinary good cultural  
8 practices, and that are listed in the rules under this act.

9 (18) "Lot" means a definite quantity of seed identified by a  
10 number or other mark, every portion of which is uniform within  
11 recognized tolerances for the factors which appear in the  
12 labeling.

13 (19) "Kind" means 1 or more related species or subspecies  
14 which singly or collectively is known by 1 common name, includ-  
15 ing, but not limited to, oats, wheat, soybeans, and corn.

16 (20) "Variety" means a subdivision of a kind which is dis-  
17 tinct, uniform, and stable; distinct in the sense that the vari-  
18 ety can be differentiated by 1 or more identifiable morphologi-  
19 cal, physiological, or other characteristics from all other vari-  
20 eties of public knowledge; uniform in the sense that variations  
21 in essential and distinctive characteristics are describable, and  
22 stable in the sense that the variety will remain unchanged in its  
23 essential and distinctive characteristics and its uniformity when  
24 reproduced or reconstituted as required by the different catego-  
25 ries of varieties; for example, heritage oats, augusta wheat,  
26 corsoy soybeans.

1           (21) "Hybrid" means, as applied to kinds or varieties of  
2 seed, the first generation seed of a cross, produced by  
3 controlling the pollination and by combining 2 or more inbred  
4 lines, or 1 inbred line or a single cross with an open pollinated  
5 variety, or 2 selected clones, seed lines, varieties, or species,  
6 except open pollinated varieties of corn such as zea mays. A  
7 hybrid designation shall be treated as a variety name.

8           (22) "Records" means all label information and the source of  
9 this information required by this act for the seed being consid-  
10 ered, and all information relating to the shipment or shipments  
11 involved with seed, such as invoices, vouchers, freight bills,  
12 and other records.

13           (23) "Advertising" means all representations other than  
14 those on the label, disseminated in any manner or by any means,  
15 and relating to seed within the scope of this act.

16           (24) "Treated" means that the seed has received an effective  
17 application of substance or method designed to reduce, control,  
18 or repel certain disease organisms, fungi, insects, or other  
19 pests attacking the seed or seedlings or has received some other  
20 treatment to improve its planting value.

21           (25) "Tolerance" means the allowable deviation from any per-  
22 centage claim used on a label and is based on the law of normal  
23 variation from a mean. Tolerance tables used in the enforcement  
24 of this act are those prescribed in the rules promulgated under  
25 this act.

26           (26) "Official sample" means the sample taken from a lot of  
27 seed by a representative of the director.

1 (27) "REPRESENTATIVE SAMPLE" MEANS A SAMPLE TAKEN FROM A  
2 SEED LOT THAT IS OF SUFFICIENT SIZE TO SUPPLY AN ADEQUATE AMOUNT  
3 OF SEED FOR LABORATORY TESTING AND THAT IS SECURED AND SUBMITTED  
4 ACCORDING TO THE GUIDELINES APPROVED BY THE DIRECTOR.

5 (28) ~~(27)~~ "Vendor" means a person engaged in the selling  
6 of seed.

7 (29) ~~(28)~~ "Grower's declaration" means a statement signed  
8 by the grower or shipper giving, for any lot of seed, the lot  
9 number, the kind, variety, weight, and origin.

10 (30) ~~(29)~~ "Hermetically sealed seed" means seed packed in  
11 a moisture proof container when the container and the seed in the  
12 container meet the requirements specified in the rules promul-  
13 gated under this act.

14 (31) ~~(30)~~ "Type" means a group of varieties so nearly sim-  
15 ilar that individual varieties cannot be clearly differentiated  
16 except under special conditions.

17 (32) ~~(31)~~ "Blend" means seed consisting of more than 1  
18 variety of a kind, each in excess of 5% of the whole.

19 (33) ~~(32)~~ "Mixture" means seed consisting of more than 1  
20 kind, each in excess of 5% of the whole.

21 (34) ~~(33)~~ "Dormant seed" means viable seed, excluding hard  
22 seed that fail to germinate when provided with the specified ger-  
23 mination conditions for the kind of seed in question.

24 (35) ~~(34)~~ "Controlling the pollination" means a method of  
25 hybridization that will produce pure seed that is at least 75%  
26 hybrid seed. The second generation or subsequent generations  
27 from these crosses are not hybrids.

1       (36) ~~(35)~~ "Seizure" means a legal process carried out by a  
2 court order against a definite amount of seed.

3       (37) ~~(36)~~ "Stop sale" means an administrative order  
4 restraining the sale, disposition, and movement of a definite  
5 amount of seed.

6       (38) ~~(37)~~ "Conditioning" means drying, cleaning, scarify-  
7 ing, and other operations which change the purity or germination  
8 of the seed and require the seed lot to be retested to determine  
9 the label information. Conditioning does not include packaging,  
10 labeling, combining seed lots to form blends or mixtures, or  
11 other operations which would not make necessary the retesting of  
12 the seed lot to determine the label information.

13       (39) ~~(38)~~ "Brand" means a word, name, symbol, number, or  
14 design used to identify seed of 1 person to distinguish it from  
15 the seed of another person.

16       Sec. 4. For agricultural seed and mixtures of agricultural  
17 seed, and for vegetable seed in containers of more than 1 pound,  
18 the following information is required:

19       (a) The commonly accepted name of the kind, or kind and  
20 variety, of each agricultural or vegetable seed component in  
21 excess of 5% by weight of the whole and the percentage by weight  
22 of each in the order of its predominance. If the director has  
23 determined in rules that a component is generally labeled as to  
24 variety, the label shall bear, in addition to the name of the  
25 kind, the name of the variety or the statement "variety not  
26 stated", except for vegetable seed which shall be labeled as to  
27 kind and variety. If any component is a hybrid, the label shall

1 also bear the name of the hybrid and the word "hybrid" in  
2 connection with the kind of agricultural or vegetable seed  
3 component. If the seed is a blend, the word "blend" shall appear  
4 on the label in connection with the name of the kind of agricul-  
5 tural or vegetable seed component. If more than 1 component is  
6 required to be named, the word "mixture" or "mix" shall be stated  
7 conspicuously on the label.

8 (b) The lot number or identifying mark.

9 (c) The percentage by weight of all weed seed present.

10 (d) The percentage of germination exclusive of dormant or  
11 hard seed, and the percentage of dormant or hard seed, if  
12 present, and the calendar month and year that these percentages  
13 were determined by test for each agricultural seed named.

14 (e) For alfalfa, red clover, and white clover, the state or  
15 foreign country where originally grown. If the origin is  
16 unknown, that fact shall be stated.

17 (f) The name and the number per pound, if present, of each  
18 kind of the restricted noxious weed seed, except buckhorn and  
19 yellow rocket which must be shown on the label only when in  
20 excess of 90 seeds per pound.

21 (g) The name and complete address of the person who labels  
22 the seed or sells the seed within this state.

23 (h) Percentage by weight of crop seed other than those  
24 required to be named on the label and this figure shall be shown  
25 under the heading "crop" or "other crop".

26 (i) Percentage by weight of inert matter. Any coating  
27 material shall be included as inert matter and a statement of



1 percentage of the coating material may be shown immediately  
2 following inert matter.

3 (J) IN THE CASE OF FIELD BEAN SEEDS, A STATEMENT INDICATING  
4 THAT THE LOT HAS BEEN FIELD INSPECTED AND LABORATORY TESTED AND  
5 MEETS THE DISEASE TOLERANCES ESTABLISHED BY THE DIRECTOR IN THE  
6 MANNER PROVIDED FOR IN SECTION 7A.

7 (K) IN THE CASE OF FIELD BEAN SEEDS, A STATEMENT ON THE  
8 LABEL INDICATING THE STATE OR FOREIGN COUNTRY OF ORIGIN.

9 SEC. 7A. (1) FIELD BEAN SEED PRODUCED EAST OF A LINE DIVID-  
10 ING THE CENTRAL AND MOUNTAIN TIME ZONES AND SOLD OR OFFERED FOR  
11 SALE IN MICHIGAN, INCLUDING SEED OFFERED FOR SALE BY ITS PRODUC-  
12 ER, SHALL BE FIELD INSPECTED AND LABORATORY TESTED FOR SEED BORNE  
13 DISEASES INCLUDING, BUT NOT LIMITED TO, COMMON BLIGHT  
14 (XANTHOMONAS PHASEOLI), FUSCOUS BLIGHT (XANTHOMONAS PHASEOLI VAR.  
15 FUSCANS), HALO BLIGHT (PSEUDOMONAS PHASEOLICOLA), AND ANTHRACNOSE  
16 (COLLETOTRICHUM LINDEMUTHIANUM), WHICH ARE DETERMINED BY THE  
17 DIRECTOR TO BE A THREAT TO THE BEAN INDUSTRY. THE DIRECTOR MAY  
18 INSPECT AND TEST SEED, FROM OTHER SOURCES AS NECESSARY, TO DETER-  
19 MINE THE PRESENCE OF OR FREEDOM FROM SEED BORNE DISEASES.

20 (2) THE DIRECTOR SHALL APPROVE STANDARDS, TOLERANCES,  
21 ~~21~~ METHODS, PROCEDURES, AND PROTOCOLS EMPLOYED IN FIELD INSPECTIONS  
22 AND LABORATORY TESTS OF FIELD BEANS. THE FIELD INSPECTIONS AND  
23 LABORATORY TESTS FOR DISEASE APPROVED BY THE DIRECTOR SHALL BE AT  
24 LEAST EQUAL TO THOSE FIELD INSPECTIONS AND LABORATORY TESTS UTI-  
25 LIZED FOR CERTIFIED SEED UNDER ACT NO. 221 OF THE PUBLIC ACTS OF  
26 1959, BEING SECTIONS 286.71 TO 286.75 OF THE MICHIGAN COMPILED  
27 LAWS, AND RULES PROMULGATED UNDER THAT ACT. THE DIRECTOR MAY

1 MODIFY THOSE STANDARDS, TOLERANCES, METHODS, PROCEDURES, AND  
2 PROTOCOLS DESCRIBED IN THIS SUBSECTION IF THEIR APPLICATION WOULD  
3 THREATEN THE NORMAL PROPAGATION OF A TYPE OR VARIETY OF FIELD  
4 BEAN SEED.

5 (3) IN THE CASE OF FIELD BEANS SOLD BY VARIETY NAME, THE  
6 DIRECTOR MAY WAIVE THE REQUIREMENT OF INSPECTION AND ANALYSIS  
7 RELATIVE TO A SPECIFIC FIELD BEAN DISEASE IF IT IS DETERMINED BY  
8 THE DIRECTOR THAT, THROUGH CONSULTATION WITH MICHIGAN STATE UNI-  
9 VERSITY OR OTHER AUTHORITIES RECOGNIZED BY THE DIRECTOR, THE  
10 VARIETY IS RESISTANT TO 1 OR MORE SPECIFIC FIELD BEAN DISEASES.

11 (4) THE DIRECTOR SHALL TAKE ENFORCEMENT ACTION AGAINST ANY  
12 SEED LOTS WHICH HE OR SHE DETERMINES TO BE INFECTED.

13 Sec. 9. (1) A person shall not sell, offer for sale, adver-  
14 tise, expose, or transport for sale in this state any of the seed  
15 subject to this act if any 1 or more of the following circum-  
16 stances exist:

17 (a) The seed is not labeled in accordance with this act, or  
18 has a false or misleading label.

19 (b) The test to determine the percentage of germination  
20 required by section 3 was not completed within an 11-month  
21 period, exclusive of the month in which the test was completed  
22 immediately prior to sale, exposure, offering, or transporting  
23 for sale, except that a longer period of time shall be permitted  
24 for any kind of agricultural or vegetable seed which is packaged  
25 in container materials and under conditions prescribed under the  
26 rules that will maintain the viability of the seed under ordinary  
27 conditions of handling.

1 (c) The seed consists of, or contains, prohibited noxious  
2 weed seed.

3 (d) The seed consists of, or contains, restricted noxious  
4 weed seed in excess of the limits prescribed by rule.

5 (e) The seed has a percentage of germination, including hard  
6 seeds, that is below 60%, or, in the case of vegetable seed and  
7 flower seed, below the germination standard established in the  
8 rules authorized by this act, unless labeled according to  
9 section 5.

10 (f) The seed has tags or labels on, or attached to, the con-  
11 tainer of seed including a liability or nonwarranty clause dis-  
12 claiming responsibility for the information on the label required  
13 by this act.

14 (g) The seed has been the subject of false or misleading  
15 advertisement in any manner or by any means.

16 (h) The seed contains in excess of 1% by weight of all weed  
17 seeds.

18 (i) The seed was not produced and labeled in accordance with  
19 the procedures and in compliance with rules of the department as  
20 prescribed in section 2 of Act No. 221 of the Public Acts of  
21 1959, being section 286.72 of the Michigan Compiled Laws.

22 (j) When seed, under tag or label, has been substituted or  
23 altered.

24 (k) When stop sale orders have been instituted by the  
25 director.

26 (l) The seed is represented to be a hybrid and is not one as  
27 defined in this act.

1 (m) A person whose name appears on the label as distributing  
2 agricultural, vegetable, or flower seed subject to this act fails  
3 to retain, for a period of 2 years, complete records of each lot  
4 of agricultural, vegetable, or flower seed distributed, fails to  
5 retain, for 1 year, a file sample of each lot of seed that is  
6 distributed after final disposition of the lot, and fails to make  
7 accessible for inspection by the director during customary busi-  
8 ness hours, records and samples pertaining to the shipment or  
9 shipments involved.

10 (n) When the name of the department is used in connection  
11 with the labeling or advertising or sale of any seed in any  
12 manner.

13 (o) When the word "trace" is used as a substitute for any  
14 statement that is required by this act.

15 (p) When the word "type" is used on any labeling in connec-  
16 tion with the name of any agricultural or vegetable seed  
17 variety.

18 (q) There is less than the stated number of seed in the  
19 container.

20 (r) The seed is labeled with a brand or a trademark, or a  
21 ~~term~~ taken from a brand or trademark, unless the brand name or  
22 trademark is clearly identified with the word "brand" and is  
23 other than a part of the variety.

24 (s) The seed is labeled with a variety name but is not cer-  
25 tified by an official seed certifying agency when it is a variety  
26 for which a U.S. certificate of plant variety protection, under  
27 the plant variety protection act, 7 U.S.C. 2321 to 2582,

1 specifies sale only as a class of certified seed. However, seed  
2 from a certified lot may be labeled as to variety name when used  
3 in a mixture by, or with the approval of, the owner of the  
4 variety.

5 (T) IN THE CASE OF FIELD BEAN SEEDS, THE LABEL DOES NOT  
6 INCLUDE A STATEMENT INDICATING THAT THE LOT HAS BEEN FIELD  
7 INSPECTED AND LABORATORY TESTED AND MEETS THE DISEASE TOLERANCES  
8 ESTABLISHED BY THE DIRECTOR.

9 (U) IN THE CASE OF FIELD BEAN SEEDS, THE LOT IS FOUND TO  
10 CONTAIN DISEASES IN EXCESS OF THE TOLERANCES PRESCRIBED IN  
11 SECTION 7A.

12 (2) A person shall not do any of the following:

13 (a) Hinder, obstruct, or resist the director in the dis-  
14 charge of his or her duties under this act.

15 (b) Store, ship, or handle seed under conditions which make  
16 it impossible to properly inspect or obtain a sample representa-  
17 tive of the seed being sold, offered, exposed, or transported for  
18 sale.

19 (c) Sell seed which has been treated, as defined in this  
20 act, to any person for any purpose unless the seed is colored and  
21 clearly labeled as required in section 7.

22 Sec. 10. Section 3 does not apply to the following:

23 (a) Seed or grain not intended for sowing purposes.

24 (b) Seed stored in, transported to, or consigned to, a con-  
25 ditioning establishment for conditioning if the invoice or label  
26 accompanying the shipment of the seed bears the statement "seed  
27 for conditioning". However, any labeling or other representation

1 which may be made with respect to the unconditioned seed is  
2 subject to this act.

3 (c) ~~Seed~~ EXCEPT FOR FIELD BEAN SEED, SEED grown, sold, and  
4 delivered by the producer on his or her own premises directly to  
5 the purchaser if the seed does not contain prohibited noxious or  
6 restricted noxious weed seed, prohibited noxious or restricted  
7 noxious weed seed in excess of limits provided by rule, or not  
8 more than 2% of all weed seed. If, however, the seed is adver-  
9 tised for sale through the medium of the public press, by circu-  
10 lar, catalog, or by exposing a sample of the seed, or a printed  
11 or written statement pertaining to the seed, in a public place or  
12 in any place of business, or if the seed is delivered by a common  
13 carrier, except when transported for the purpose of being condi-  
14 tioned as provided in this section, the producer shall be consid-  
15 ered a vendor and the seed shall meet all requirements of the act  
16 including complete labeling of the seed. For cereal, field  
17 ~~beans~~ BEAN SEED, and soybean seed where the purpose for which  
18 the seed is intended may be in question, all seeds advertised for  
19 sale by variety name or as conditioned or tested, or treated or  
20 offered at a price substantially higher than current market  
21 prices, shall be presumed to be offered for seeding purposes and  
22 subject to the labeling provisions of this act.

23 (d) A common carrier with respect to seed transported or  
24 delivered for transportation in the ordinary course of its busi-  
25 ness, if the carrier is not engaged in producing, conditioning,  
26 or marketing seed subject to this act.

1       Sec. 11. (1) The director shall administer and enforce this  
2 act and maintain a seed testing laboratory and facilities with  
3 all necessary equipment and such analysts, inspectors, assist-  
4 ants, and other personnel necessary for proper enforcement and  
5 incur expenses as may be necessary to carry out the provisions of  
6 this act. The director shall do all of the following:

7       (a) Sample, inspect, make analysis of, and test any of the  
8 seed defined in this act which is sold or held for sale within  
9 the state, for seeding purposes, at the time and place and to the  
10 extent as he or she considers necessary to determine whether the  
11 seeds are in compliance with this act and notify promptly the  
12 person who sold, offered, or exposed the seed for sale of any  
13 violation found relating to the seed.

14       (b) Enter upon any public or private premises during regular  
15 business hours in order to have access to seeds and the records  
16 related to seeds subject to this act and the rules promulgated  
17 under this act, and upon any conveyance on land, water, or air at  
18 any time that the conveyance is accessible, for the same  
19 purpose.

20       (c) ~~Make and promulgate~~ PROMULGATE any rules, in accord-  
21 ance with the administrative procedures act of 1969, Act No. 306  
22 of the Public Acts of 1969, being sections 24.201 to 24.328 of  
23 the Michigan Compiled Laws, as may be incidental to, or necessary  
24 for, the accomplishment of the purpose and the enforcement of  
25 this act.

26       (d) Prescribe and, after public notice, establish  
27 germination standards for vegetable, flower, and forest tree

1 seed, if necessary, to aid in the efficient enforcement of this  
2 act.

3 (e) Make or provide for the making of purity, germination,  
4 and other tests of seed for any person on request, prescribe  
5 rules governing such testing, prescribe by rule fees for testing  
6 seed that shall not exceed the actual cost of conducting the test  
7 and that are comparable with fees for similar testing in other  
8 states, and establish inspection fees to enforce the provisions  
9 of this act. Fees for germination and purity tests of 1 kind of  
10 agricultural seed shall not exceed \$15.00 per sample. All fees  
11 collected for the testing of seeds shall be deposited with the  
12 state treasurer and credited to the general fund.

13 (f) Cooperate with the United States department of agricul-  
14 ture and other agencies or associations in seed law enforcement.

15 (2) IN THE CASE OF FIELD BEAN SEEDS, THE FIELD INSPECTION,  
16 LABORATORY ANALYSIS, AND THE SECURING AND SUBMISSION OF A REPRESENTATIVE SAMPLE SHALL BE PERFORMED BY A PERSON OR AGENCY  
17 APPROVED BY THE DIRECTOR. THE DIRECTOR SHALL AUTHORIZE THE  
18 PERSON OR AGENCY TO CHARGE FEES COMMENSURATE WITH THE ACTIVITY.  
19 PRODUCERS AND PERSONS OR AGENCIES CONDUCTING ANALYSES OR INSPECTIONS SHALL GENERATE INSPECTION AND ANALYSIS INFORMATION AND  
20 MAINTAIN THAT INFORMATION FOR A PERIOD OF AT LEAST 2 YEARS FOLLOWING FINAL DISPOSITION OF THE SEED LOT. THE APPROVED PERSONS  
21 AND AGENCIES AND SEED PRODUCERS SHALL PROVIDE RECORDS AND INFORMATION REGARDING FIELD INSPECTIONS AND LABORATORY TESTS TO THE  
22 DIRECTOR UPON REQUEST.



1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A  
2 PERSON SHALL NOT HAVE A CAUSE OF ACTION AGAINST AN INSPECTION OR  
3 TESTING AGENCY OR ITS EMPLOYEE IF THE INSPECTION OR TESTING  
4 AGENCY OR ITS EMPLOYEE IS ENGAGED IN DUTIES PERMITTED BY THIS ACT  
5 AND UTILIZES WRITTEN AND APPROVED PROCEDURES AND PROTOCOLS ESTAB-  
6 LISHED BY THE DIRECTOR. AN INSPECTION OR TESTING AGENCY OR ITS  
7 EMPLOYEE IS LIABLE FOR INJURIES TO PERSONS AND DAMAGE TO PROPERTY  
8 UNDER 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

9 (A) THE INSPECTION OR TESTING AGENCY OR ITS AGENT OR  
10 EMPLOYEE FAILED TO FOLLOW WRITTEN PROCEDURES AND PROTOCOLS.

11 (B) THE INSPECTION OR TESTING AGENCY OR ITS AGENT OR  
12 EMPLOYEE IMPROPERLY INTERPRETED LABORATORY TEST RESULTS EVEN  
13 THOUGH THE WRITTEN PROCEDURES AND PROTOCOLS WERE FOLLOWED.

14 (C) THE ACTIONS TAKEN BY THE INSPECTION OR TESTING AGENCY OR  
15 ITS AGENT OR EMPLOYEE WERE NOT WITHIN THE SCOPE OF ITS OFFICIAL  
16 DUTIES.

17 SEC. 11A. (1) THERE IS CREATED A FIELD BEAN ADVISORY COM-  
18 MITTEE WITHIN THE DEPARTMENT OF AGRICULTURE. THE COMMITTEE SHALL  
19 REVIEW THE STANDARDS, TOLERANCES, METHODS, PROCEDURES, AND PROTO-  
20 COLS TO BE USED BY THE DEPARTMENT AS WELL AS STANDARDS UTILIZED  
21 IN OTHER STATES AND PROVINCES AND ADVISE THE DIRECTOR OF ITS  
22 FINDINGS.

23 (2) MEMBERS OF THE COMMITTEE SHALL BE APPOINTED BY THE  
24 DIRECTOR AND SHALL CONSIST OF 1 INDIVIDUAL FROM THE FOLLOWING  
25 GROUPS:

26 (A) THE MICHIGAN BEAN COMMISSION.

1           (B) THE MICHIGAN STATE UNIVERSITY DEPARTMENT OF BOTANY AND  
2 PLANT PATHOLOGY.

3           (C) THE MICHIGAN STATE UNIVERSITY DEPARTMENT OF CROP AND  
4 SOIL SCIENCES.

5           (D) THE MICHIGAN DEPARTMENT OF AGRICULTURE.

6           (E) FIELD BEAN PRODUCERS.

7           (F) FIELD BEAN PROCESSORS.