



Arkansas State Plant Board  
Seed Division

## Information on Buying & Selling Wheat Seed

"It's Complicated" is the name of a recently released movie and could also be the title of this notice on buying or selling wheat seed or using your own saved seed for planting. During times when the supply of wheat seed is short, some may be looking for supplies of planting seed in all the wrong places. Please read this carefully – because it does get complicated.

The following information will help you sort out what is required for selling seed:

1. Have an **Arkansas Seed Dealer's / Labelers License** and be responsible for **tonnage fees** on all seed sold with-in or into Arkansas. Also, sellers are responsible for **wheat promotion fees** (collected by DF & A).
2. Have a **complete analysis** (germination and purity) and provide a label with all required labeling information to each buyer. Call the Plant Board Seed Div. or see [http://www.plantboard.org/seed\\_laws.html](http://www.plantboard.org/seed_laws.html)
3. Many wheat varieties are protected by the PVPA (Plant Variety Protection Act). In order to sell these, you must **comply with Plant Variety Protection Act** (PVPA 1994) requirements:
  - a) **Seed must be sold by variety name.** Seed cannot be sold as variety not stated "pasture wheat", "wheat (mixed)", "Wheat for Cover Crop", etc.
  - b) A farmer must have **permission** from the variety owner to sell the seed. **(PVP Title V varieties are required to be in the AR Certification program and have received a certified class on the laboratory complete analysis.** You must be in the Bulk wheat certification program and obtain bulk certificates to accompany all wheat sold in bulk).
  - c) **A farmer can still save and plant seed on his own farm.** (Limited to the amount of seed needed to plant a farmer's own holdings (land owned, leased or rented).
  - d) A buyer of a protected variety for use in non-reproductive purposes (grain or feed for livestock), **may not convert that grain to productive purposes.** (note – since a good portion of the wheat acres planted last season was sown with PVPA protected varieties, grain held in grain storage facilities is a mixture of many protected, patented and non-protected varieties that can't be separated out, and thus would make any grain from these facilities illegal to be converted to planting seed.)

**Farmers please note:** buying any seed without a label and/or from un-licensed dealers leaves little or no recourse if the seed fails to perform. Also, if the seed contains protected or patented varieties, it could be illegal to plant. If you plan to use saved seed from your own production, we recommend having the seed tested, at least for germination and noxious weeds.

For more information call the Plant Board Seed Division at (501) 225-1598.

## SEED PROTECTION: RIGHTS AND RESPONSIBILITIES

### DEFINITIONS:

**1970 Plant Variety Protection Act (PVPA)** - Legislation enacted to promote the development of new varieties by allowing the variety owner to determine who may sell seed of the variety. Farmers may save seed for their own planting needs and sell that amount to a neighbor, if plans for that variety change. All seed sales must comply with state seed laws. Applies to all varieties protected prior to April 4, 1995.

**1994 Amended PVPA** - Amendment to the Plant Variety Protection Act that prohibits the sale of any farmer saved seed without the permission of the variety owner. It also extends protection to tuber reproduced plants, varieties essentially derived from the variety, and harvested material of the variety. Seed protected under the 1994 PVPA must be sold by variety name (except for turf, forage, alfalfa & clover). Length of protection was increased to 20 years for most kinds, 25 years for trees, shrubs and vines. Applies to all varieties protected after April 4, 1995.

**Title V** - an option for protected varieties that allows for the sale of the seed by variety name only as a class of certified seed. Non-certified sales are prohibited. Seed may be called "Certified" only after meeting all requirements and standards of an Official Seed Certifying Agency.

**Utility Patents** - A means of protection for certain varieties, especially those developed through genetic engineering or biotechnology. Farmers may not save, clean/condition, or sell any seed protected under a utility patent.

	'70 PVPA	'94 PVPA	TITLE V	PATENT
<b>FARMER:</b>				
ALLOWED TO SAVE SEED	*YES	*YES	*YES	NO
ALLOWED TO SELL SEED (No Advertizing) TO NEIGHBOR if in compliance with state laws.	*YES	NO	'70 PVPA ONLY	NO
<b>CONDITIONER:</b>				
Condition varieties for Farmers	*YES	*YES	*YES	NO
Store Seed for Farmers	*YES	*YES	*YES	NO
Clean or Stock as step in Marketing Variety	NO	NO	NO	NO
Deliver or Load Seed to a Third Party	NO	NO	NO	NO
Advertise Farmer Saved Seed	NO	NO	NO	NO
Sell or act as Broker for Farmer Saved Seed	NO	NO	NO	NO

\*Limited to the amount of seed needed to plant a farmers own holdings (land owned, leased or rented).

For further information, check out, <http://www.ams.usda.gov/AMSV1.0/PlantVarietyProtectionOffice>, <http://www.uspto.gov/> or call the Plant Board Seed Division at (501) 225-1598.