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Colorado Seed Act

As Fall approaches, it will soon be time for Colorado farmers to begin planting the winter wheat crop. With that in mind it might be a good time to remind farmers of some aspects of the Colorado Seed Act concerning the sale, or simply offering to sell, of any kind of seed in Colorado. Seed in this context means seeds that are intended for planting- not for grain or processing purposes. Anyone selling, offering to sell or distributing seed in Colorado must obtain a Colorado seed registration from the Colorado Department of Agriculture. The only people exempted from the registration requirement are farmers who raise all the seed that they are selling. Furthermore, they cannot advertise in any way, they cannot distribute their seed using common carriers, and they cannot be selling varieties protected by the Plant Variety Protection Act (PVPA-). This federal law is discussed in more detail below.

On the other hand, farmers raising their own seed for sale who do advertise or do use common carriers must obtain a farmer-seed labeler registration for \$75. If they purchase seed from other producers and label it themselves then they are a true seed labeler and the registration costs \$300. If they are simply selling seed labeled by other companies then they need to obtain a seed dealer registration for \$25. All registrations expire at the end of February of the following year.

Often times specific varieties of seed are protected under the federal law called "Plant Variety and Protection Act" (PVPA). Any violations of the PVPA are also violations of the Colorado Seed Act. Each violation of the Colorado Seed Act can carry a fine of up to \$2500. Multiple shipments of multiple lots of even one variety can carry large fines when multiplied by \$2500. Usually, if a variety of seed is protected by the PVPA, it can only be sold as a class of certified seed. In Colorado, the Colorado Seed Growers (CSGA) is the official seed certification agency. If anyone wants to grow seed in Colorado of a protected variety they should contact the CSGA. Their telephone number is 970-491-6202. Their personnel inspect the growing, cleaning and bagging of the seed.

To find out any further information, or if you have any questions please call Jerry Cochran at 303-239-4153.