WEST VIRGINIA CODE: §19-16-5A

§19-16-5a. Label, signage, and other requirements for noncommercial seed sharing.

(a) Each container of agricultural, vegetable, and flower seeds distributed for sowing purposes in a noncommercial setting shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, conveying the following information:

(1) The name of the species or commonly accepted name of kind, or kind and variety of each agricultural seed component present. Hybrids shall be labeled as hybrids;

(2) A word or statement indicating if the seed has been treated and, if treated, must be labeled in accordance with applicable state and federal laws;

(3) Some form of reference identification that provides traceability. Retention of posterity file samples are not required;

(4) Name and city or address of the noncommercial seed sharing entity; and

(5) The calendar month and year the seed was donated.

(b) The seed shall be free of foreign material, other than coatings or treatments, including germination medium, mulch, fertilizer, preplanted containers, mats, tapes, or other planting devices.

(c) No distributed container shall hold more than eight ounces of agricultural seed or four ounces of vegetable or flower seed.

(d) Germination and purity analysis is not required, however if a germination or purity percentage is noted on the label, it must be noted whether or not the analysis was performed according to the AOSA rules for testing seed.

(e) At each location involved with noncommercial seed sharing a legible and visible sign shall state that the seeds being distributed may not meet germination or varietal purity standards prescribed by the state seed law. The sign must also state that patented seed or varieties protected by the Plant Variety Protection Act will not be accepted or distributed without permission of the certificate holder.

WV Legislature