

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1780, increasing penalties for persons violating laws relative to the sale of seeds, plants, and nursery stock.

Hearing Date: April 2, 2026

Time Opened: 9:37 a.m.

Time Closed: 9:53 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill prohibits the sale of seed more than 36 months from the production date.

Sponsors:

Rep. Comtois

Rep. J. Aron

Rep. Bixby

Rep. N. Germana

Rep. Kenny

Sen. Pearl

Who supports the bill: 9 Individuals signed in Support of the bill. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 2 Individuals signed in Opposition of the bill. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Representative Barbara Comtois, Belknap 7

- She introduced the legislation and explained that it was initiated by the department, but they condensed the original bill into a single paragraph. Under current law, seed companies are technically in violation due to the labeling requirements. This legislation aligns the law with other states, ensuring compliance.
- She noted that the bill includes a provision stating, "Seeds shall not be sold more than 36 months after the production date," due to concerns about declining germination rates over time. This timeframe was determined as appropriate based on those concerns.
- She emphasized that the bill passed the House unanimously.

Allen Wyamn, Director at NH department of Agriculture.

- Director Wyman stated that the department opposed the bill as written and that amendments are necessary for it to be legally implementable and clear. The original request did not originate from the department; however, based on discussions with industry leaders and stakeholders, the topic was already under consideration, and the House filed the legislation.
- He explained that, to implement the law effectively, additional changes are required. As written, the bill cannot be enforced without requiring an actual production date on the seed label. He noted that he suggested some proposed amendments in his written testimony.
- Director Wyman also mentioned that Scotts Seed Company indicated they could include a production date on their packaging, and other seed companies reported similar capabilities. Whether the production date is specified in the RSA or in administrative rules is not the primary concern; the key issue is that the production date itself must be required.

Senator Avard asked how he would incorporate that into the legislation.

Director Wyman said he outlined his language suggestions on his written testimony provided. He said he needs to be able to implement the legislation.

Tom Prasol, representing NH Retail association and Scotts Miracle-Gro Company

- Mr. Prasol said the legislation initially arose from concerns about potentially expired seed being sold at retail.
- Upon reviewing New Hampshire's seed laws, they found the state was out of step with the rest of the country in labeling requirements. Under the current law, RSA 433:2 3:g-4, a seed bag label is valid for 15 months, and it may be relabeled once for an additional 15 months, for a total of 30 months.
- In practice, he explained, seeds are produced, bagged, labeled, and sent to stores. Scotts uses a third party to test the seeds regularly, and after each test, they update the labels—approximately every five months. Under current New Hampshire law, however, these relabels are only valid for 10 months instead of the 30 months allowed under the law.
- To address this, they worked with the department to clarify the language. He noted that 42 other states allow unlimited relabeling, which helps keep consumers informed and products updated. They agreed to remove the limit on relabeling and instead set a cap on how long seeds could be sold—36 months. He agreed with Director Wyman that a simple three-year limit makes sense.
- They initially considered defining “production date” in administrative rules to give all parties time to implement it. While he saw Director Wyman's new proposed definition and had no objection, he noted potential issues with

germination tests, which can occur after the seeds are bagged, potentially complicating the language.

- He suggested it would make more sense to include the month and year the seed is bagged directly on the production line label. He said he was happy to work with the department and the committee to achieve a good outcome.

Senator Watters suggested that the issue should be addressed through administrative rules. However, upon reviewing seed packages, he observed that they do not currently include a production date. He asked whether companies would be expected to change their national packaging labels to comply.

Mr. Prasol said that Director Wyman suggested including a production date, and they decided to create the “Wyman” label. Scotts Seed Company will update all their production dates on their labels going forward. In the meantime, the plan was to include a production date label on existing products.

Senator Watters noted that, under the proposed legislation, every seed company wishing to sell in New Hampshire would need to change their labels specifically for the state.

Mr. Prasol pointed out that different states already use different timeframes on seed labels—for example, New Hampshire currently allows 15 months, while other states have different limits—so the change would essentially add another line to the label.

Senator Watters asked whether the “production date” would simply indicate the year, such as “2026,” or include more detail.

Mr. Prasol clarified that the intent is for the production date to include both the month and year.

Senator Watters noted that this change would affect the sale date, and that any company selling seed in New Hampshire would be expected to include a production date and a proper label.

Senator Pearl added that companies are already required to follow existing seed laws.

Mr. Prasol clarified that, while federal regulations exist, each state has the authority to establish its own seed laws regarding labeling.

Senator Watters asked about the reference to dates, specifically whether it applied only to the relabeling sticker.

Mr. Prasol replied that it is intended only for the original label.

Senator Watters noted that the language mentions relabeling, but says nothing about the original label.

Mr. Prasol said he would review the language, emphasizing that the intent is for the production date to appear on the original label, while relabeling can occur as many times as needed, up to the 36-month cap.

JS

Date Hearing Report completed: April 3, 2026