

By: Representative Hudson

To: Agriculture

HOUSE BILL NO. 1623

1 AN ACT TO REQUIRE PERSONS SPRIGGING BERMUDA GRASS TO BECOME
2 CERTIFIED BY THE COMMISSIONER OF AGRICULTURE AND COMMERCE; TO
3 PROVIDE THAT NAMES OF GRASSES SHALL NOT INFRINGE ON A NAME ALREADY
4 ON THE MARKET; TO PROVIDE THAT THE COMMISSIONER OF AGRICULTURE
5 SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS
6 OF THIS ACT; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND
7 FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) Every person, firm, association or
10 corporation that is in the business of sprigging Bermuda grass or
11 that shall issue, use or circulate any certificate, advertisement,
12 tag, seal, poster, letterhead, marking circular, written or
13 printed representation or description of or pertaining to Bermuda
14 grass intended for sprigging shall conform to the certification
15 standards or requirements as made by the Commissioner of
16 Agriculture and Commerce. Such persons, firms, associations and
17 corporations, before sprigging Bermuda grass, on or before the
18 first day of July of each year, shall secure an annual certificate
19 from the Commissioner of Agriculture to engage in such business.
20 The certificate fee shall not exceed Twenty-five Dollars (\$25.00)
21 for each such place of business every year.

22 (2) If a person, firm, association or corporation discovers
23 a new type or variety of grass, such entity shall not name the
24 grass in such a manner as to infringe on a name already on the
25 market.

26 (3) The Commissioner of Agriculture and Commerce shall
27 promulgate rules and regulations to implement the provisions of
28 this act.



29 (4) Upon compliance by the applicant with the requirements
30 of the Commissioner of Agriculture and Commerce, the commissioner
31 shall issue a certificate of grass registration to the applicant.
32 Any certificate of grass registration issued by the commissioner
33 under the provisions hereof, or a copy duly certified by the
34 commissioner, shall be admissible in evidence as competent and
35 sufficient proof of the registration of such grass in any actions
36 or judicial proceedings in any court of this state.

37 (5) Any owner of a certificate of grass registration under
38 this act may proceed by suit to enjoin the manufacture, use,
39 display or sale of any counterfeits or imitations thereof, and any
40 court of competent jurisdiction may grant injunctions to restrain
41 such manufacture, use, display or sale and may require the
42 defendants to pay to such owner all profits derived from or all
43 damages suffered by reason of such wrongful manufacture, use,
44 display or sale.

45 (6) Any person who knowingly, or as a result either of gross
46 negligence or of a failure to make a reasonable effort to inform
47 himself of the pertinent facts, violates any provision of this act
48 or the rules and regulations made and promulgated thereunder shall
49 be guilty of a misdemeanor and, upon conviction, is subject to pay
50 a fine of not less than One Hundred Dollars (\$100.00) and not more
51 than Five Hundred Dollars (\$500.00).

52 **SECTION 2.** This act shall take effect and be in force
53 from and after July 1, 2002.

