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**By: Chairman, Environmental Matters Committee (Departmental - Agriculture)**

Introduced and read first time: January 25, 1996

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Plant Disease Control - Civil Penalties**

3 FOR the purpose of altering the definition of "dealer" in certain provisions of law  
4 relating to plant disease control; authorizing the Secretary of Agriculture to impose  
5 a civil penalty on any person who violates the Plant Disease Control Law; and  
6 generally relating to the Plant Disease Control Law.

7 BY repealing and reenacting, with amendments,  
8 Article - Agriculture  
9 Section 5-301  
10 Annotated Code of Maryland  
11 (1985 Replacement Volume and 1995 Supplement)

12 BY adding to  
13 Article - Agriculture  
14 Section 5-314  
15 Annotated Code of Maryland  
16 (1985 Replacement Volume and 1995 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Agriculture**

20 5-301.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) "Broker" means any person who solicits, takes orders, sells or distributes  
23 nursery stock in the State other than a nurseryman or dealer.

24 (c) (1) "Dealer" means any person, except a nurseryman or broker, who [buys,  
25 collects,] ADVERTISES NURSERY STOCK FOR SALE OR INSTALLATION OR WHO BUYS,  
26 COLLECTS, or otherwise acquires wild plants or nursery stock for the purpose of selling,  
27 planting or distributing them.

28 (2) "Dealer" does not include a person who acquires plants for personal use.

1 (d) "Nursery stock" means (1) any hardy plant or plant that survives Maryland  
2 winters, including a deciduous or evergreen tree, shrub, or woody vine whether cultivated,  
3 native, or wild, and all viable parts of the plant; (2) any nonhardy plant or plant part to be  
4 distributed in another state that requires plant inspection and certification before  
5 entering that state; and (3) any other plant included by the Secretary, if regulating its  
6 movement is necessary to control any dangerously injurious plant pest.

7 (e) "Nursery" means any place where nursery stock is produced for sale or  
8 distribution.

9 (f) "Nurseryman" means any person engaged in the production of nursery stock  
10 for sale or distribution.

11 (g) "Plant pest" means any insect, snail, nematode, fungus, virus, bacteria, weed,  
12 or any other form of terrestrial or aquatic plant or microorganisms (except viruses,  
13 bacteria, or other microorganisms on or in living man or another living animal) which is  
14 normally considered to be a plant pest or which the Secretary declares to be a pest.

15 5-314.

16 (A) INSTEAD OF ANY OTHER PENALTY AUTHORIZED UNDER THIS ARTICLE,  
17 THE SECRETARY MAY IMPOSE, ON ANY PERSON WHO VIOLATES ANY PROVISION OF  
18 THIS SUBTITLE OR ANY ORDER WHICH THE SECRETARY HAS ISSUED UNDER THIS  
19 SUBTITLE, A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

20 (B) PENALTIES COLLECTED BY THE SECRETARY UNDER THIS SECTION SHALL  
21 BE PAID INTO THE GENERAL FUND OF THE STATE.

22 (C) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
23 PROVISIONS OF THIS SECTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1996.