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

Introduced and read first time: January 25, 1996

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 20, 1996

CHAPTER ____

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.

2

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

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

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

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

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

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

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

22 5-314.

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

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

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

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

