

SENATE BILL 264

M4

(PRE-FILED)

5lr0411
CF HB 244

By: **Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Agriculture)**

Requested: October 17, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 14, 2025

CHAPTER _____

1 AN ACT concerning

2 **Plant Disease Control – Nurseries – Inspection, Certification, and Licensing**
3 **Fees**

4 FOR the purpose of altering certain fees relating to the certification and inspection of
5 nurseries and the licensing of certain brokers and dealers; and generally relating to
6 plant disease control and nurseries in the State.

7 BY repealing and reenacting, with amendments,
8 Article – Agriculture
9 Section 5–309
10 Annotated Code of Maryland
11 (2016 Replacement Volume and 2024 Supplement)

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

14 **Article – Agriculture**

15 5–309.

16 (a) **(1)** At least once each year the Secretary shall inspect each nursery in the
17 State to determine if the nursery stock is infested or infected with dangerously injurious
18 plant pests.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(2)** Each nursery shall pay the Secretary an inspection fee based [upon]
2 **ON** the number of acres in production **AS FOLLOWS**:

3 **(I)** 1 acre or less, [\$10] **\$20**; [more]

4 **(II)** **MORE** than 1 acre to 5 acres, [\$20] **\$30**; [more]

5 **(III)** **MORE** than 5 acres to 10 acres, [\$30] **\$40**; [more] **AND**

6 **(IV)** **MORE** than 10 acres, [\$3] **\$5** for each acre, or part of any acre,
7 up to a maximum of [\$1,000] **\$1,500**.

8 **(3)** All fees collected **UNDER PARAGRAPH (2) OF THIS SUBSECTION** shall
9 be [placed in] **DEPOSITED INTO** the Plant Protection Fund and used to defray partially
10 the cost of inspecting the nurseries.

11 (b) **(1)** Each nursery shall be certified annually by the Secretary if it meets
12 standards established by the Department regarding freedom from plant pests and [upon]
13 **ON** payment of a fee of [\$100] **\$150**.

14 **(2)** All fees collected **UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall
15 be [placed in] **DEPOSITED INTO** the Plant Protection Fund and used to defray partially
16 the cost of inspecting and certifying the nurseries.

17 (c) **(1)** Each broker or dealer shall comply with the regulations established by
18 the Department and shall pay an annual license fee of [\$100] **\$150**.

19 **(2)** The Secretary may inspect annually the nursery stock in a sales or
20 holding yard of a broker or dealer.

21 **(3)** Each broker or dealer shall pay the Secretary an inspection fee as
22 provided in subsection (a) of this section.

23 **(4)** All fees collected **UNDER PARAGRAPH (1) OF THIS SUBSECTION** shall
24 be [placed in] **DEPOSITED INTO** the Plant Protection Fund and used to defray partially
25 the cost of inspecting and licensing the brokers and dealers.

26 (d) **(1)** The Secretary may certify plants [to]:

27 **(I)** **TO** be apparently free of injurious viruses[, and/or] **OR** other
28 diseases[, or plants that]; **OR**

29 **(II)** **THAT** conform to established standards of strain purity.

1 **(2)** Each plant producer shall pay the Secretary [the following] A
2 certification fee for each acre, or part of an acre, in plant production **AS FOLLOWS:**
3 [strawberry]

4 **(I)** **STRAWBERRY** plants, “Cape” American beachgrass, “Avalon”
5 Saltmeadow cordgrass, \$50; [grape] **AND**

6 **(II)** **GRAPE** vines, fruit trees, and bramble plants, \$70.

7 **(3)** All fees collected **UNDER PARAGRAPH (2) OF THIS SUBSECTION** shall
8 be [placed in] **DEPOSITED INTO** the Plant Protection Fund and used to defray partially
9 the cost of virus indexing, inspection, and analysis of plants certified or tagged.

10 (e) **(1)** If dangerously injurious plant pests are found in any nursery, orchard,
11 or any premises where nursery stock is grown or held for sale, the Secretary shall order it
12 treated or destroyed by the [nurseryman] **NURSERY** or dealer. [He]

13 **(2)** **THE SECRETARY** shall release all other nursery stock grown on the
14 premises, and issue a certificate of inspection to the owner.

15 **(3)** If the [nurseryman] **NURSERY** or dealer fails to comply with the order,
16 the Secretary shall seize, destroy, [and/or] **OR** treat the infested or infected nursery stock
17 and the owner shall pay the costs.

18 **(4)** If [the] **AN** owner refuses to pay the [cost] **COSTS REQUIRED UNDER**
19 **PARAGRAPH (3) OF THIS SUBSECTION**, [it] **THE COSTS** shall be collected [as prescribed]
20 in **ACCORDANCE WITH** § 5–307 of this subtitle.

21 (f) A federal, State, or local public agency is exempt from the license and
22 inspection fees required by this section.

23 **(G)** **ON OR BEFORE JANUARY 31, 2026, AND EACH JANUARY 31**
24 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE SENATE COMMITTEE ON**
25 **EDUCATION, ENERGY, AND THE ENVIRONMENT AND THE HOUSE ENVIRONMENT**
26 **AND TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2–1257 OF THE STATE**
27 **GOVERNMENT ARTICLE, ON:**

28 **(1)** **THE NUMBER OF CURRENT LICENSEES;**

29 **(2)** **THE NUMBER OF INSPECTIONS CONDUCTED DURING THE**
30 **PRECEDING CALENDAR YEAR, DIVIDED BY COUNTY;**

31 **(3)** **INFORMATION ON THE DISEASES AND PESTS IDENTIFIED; AND**

1 **(4) THE NUMBER OF COMPLIANCE AGREEMENTS THE DEPARTMENT**
2 **HAS ENTERED INTO.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.