

SECOND REGULAR SESSION

HOUSE BILL NO. 2412

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

5165H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 263.070, RSMo, and to enact in lieu thereof one new section relating to nonnative invasive plant species.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 263.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 263.070, to read as follows:

263.070. 1. A schedule of fees to defray the cost of inspecting greenhouses, nurseries, nursery dealers, nursery stock, plants, plant products and other materials is hereby established and shall be listed in the rules made pursuant to sections 263.010 to 263.180. This fee schedule may be revised from time to time to more accurately reflect the actual cost of these inspections.

2. Greenhouse inspection shall be optional and any grower of greenhouse plants who may desire or find need for a certificate of greenhouse inspection may obtain semiannual inspection of his greenhouse, premises and plants, by making application to the state entomologist. This semiannual inspection and certification of greenhouses shall be performed under the same general provisions as apply to the annual inspection of nurseries. Greenhouse inspection certificates shall expire on November thirtieth of each year.

3. All nurseries in this state shall be inspected at least once each year to ascertain whether they are infested or infected with plant pests. Upon full payment of the fee each nurseryman shall receive a written notice of the findings of such inspection along with a nursery inspection certificate; except that, the state entomologist may withhold certification of a nursery pending eradication of extremely serious or abundant plant pests or weeds of such nature which would prevent the adequate inspection of such nursery. This certificate

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 shall be used in connection with the shipment or movement of any nursery stock shown to be
19 apparently free of harmful and destructive plant pests or other nursery stock from which
20 harmful and destructive plant pests have been eliminated. All nursery inspection certificates
21 shall expire on September thirtieth of each year. Each nursery shall be allowed one retail
22 sales outlet per certificate. Additional outlets shall require separate nursery dealer
23 registration-inspection certificates. When the findings of the annual inspection of a
24 nursery shall in the opinion of the state entomologist warrant such action, additional
25 inspections of the nursery may be made and the nursery may be charged a fee sufficient to
26 cover the cost of such reinspection.

27 4. By notice in writing the state entomologist may require a nurseryman to hold any
28 variety or any amount of nursery stock for inspection or reinspection by quarantining such
29 nursery stock whenever such action is necessary to determine that it is free from pests or to
30 allow time to eradicate any such pests. The state entomologist may further order the removal
31 from sale and the treatment or destruction of any nursery stock infested or infected with
32 especially injurious pests or nursery stock which is not viable or is in such damaged or
33 desiccated condition as to be incapable of reasonable growth. No compensation shall be paid
34 for any stock ordered destroyed.

35 5. (1) Each nursery dealer, before selling or offering for sale or otherwise distributing
36 nursery stock within this state, shall annually obtain a nursery dealers' registration-inspection
37 certificate for each individual location from which the dealer sells or offers for sale nursery
38 stock. Each nursery dealer shall make application on forms to be provided by the state
39 entomologist for each individual location, which shall include:

40 (a) The name and complete address of the nursery dealer's place of business for which
41 such certificate is requested;

42 (b) A declaration that applicant will obtain and distribute only inspected and certified
43 nursery stock; and

44 (c) An up-to-date listing of all sources from which he secures nursery stock.

45 **(2) Beginning January 1, 2025, no registration-inspection certificate shall be**
46 **granted, and any registration-inspection certificate may be suspended, when a nursery**
47 **or nursery dealer knowingly and intentionally imports, exports, buys, sells, transports,**
48 **distributes, or propagates any viable plant portion or seeds of Burning bush (*Euonymus***
49 ***alatus*), Callery pear (*Pyrus calleryana*), Climbing euonymus (*Euonymus fortunei*),**
50 **Japanese honeysuckle (*Lonicera japonica*), or Sericea lespedeza (*Lespedeza cuneata*).**

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52 **Burning bush and callery pear plants acquired by a licensed Missouri wholesale or**
53 **retail plant nursery before January 1, 2025, shall be exempt from enforcement of this**
54 **section until January 1, 2028.**

55 ~~[(2)]~~ (3) Each nursery dealer shall pay, at the time of making application, the annual
56 registration-inspection fee as set forth in the rules made pursuant to sections 263.010 to
57 263.180.

58 ~~[(3)]~~ (4) All nursery dealer registration-inspection certificates shall expire on
59 September thirtieth of each year.

60 ~~[(4)]~~ (5) The state entomologist may inspect or cause to be inspected the premises of
61 any nursery dealer including any sales yard, packing shed, nursery stock on hand or
62 equipment, for the presence of dangerous and destructive plant pests which may be
63 disseminated on nursery stock.

64 6. By notice in writing the state entomologist may require a nursery dealer to hold any
65 variety or any amount of nursery stock by quarantining such nursery stock whenever such
66 action is necessary to determine that it is free from pests or to allow time to eradicate any such
67 pests. The state entomologist may further order the removal from sale and the treatment or
68 destruction of any nursery stock infested or infected with especially injurious pests, or nursery
69 stock which is not viable or is in such damaged or desiccated condition as to be incapable of
70 reasonable growth. No compensation shall be paid for any stock ordered destroyed.

71 7. Any person in need of a special inspection and certification of nursery stock, other
72 plants or plant products may upon request to the state entomologist have same inspected for
73 plant pests. A fee sufficient to cover the cost of such inspection or certificate, or both, may be
74 charged. Upon completion of the inspection and payment of the fee, a certificate of
75 inspection shall be issued provided the plants or plant products are free of harmful plant pests.
76 The state entomologist may enter into agreements with various persons or companies, to carry
77 out the requirements of this state and importing states or countries.

78 8. All moneys received for any inspection fee or other receipts under this law shall be
79 deposited in the state treasury and shall be subject to appropriation by the general assembly.

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