

SECOND REGULAR SESSION

HOUSE BILL NO. 1624

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

4756H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 263.070 and 266.031, RSMo, and to enact in lieu thereof two new sections relating to nonnative invasive plants.

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

Section A. Sections 263.070 and 266.031, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 263.070 and 266.031, to read as follows:

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

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

12 3. All nurseries in this state shall be inspected at least once each year to ascertain
13 whether they are infested or infected with plant pests and shall comply with the affidavit
14 requirements under paragraph (d) of subdivision (1) of subsection 5 of this section. Upon full
15 payment of the fee and submission of the affidavit each nurseryman shall receive a written
16 notice of the findings of such inspection along with a nursery inspection certificate; except
17 that, the state entomologist may withhold certification of a nursery pending eradication of

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

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

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

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

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

45 (c) An up-to-date listing of all sources from which the nursery dealer secures nursery
46 stock; and

47 (d) An affidavit that the nursery dealer shall not knowingly and intentionally import,
48 export, buy, sell, transport, distribute, or propagate any viable plant portion or seeds of:

49 a. Climbing euonymus (*Euonymus* ~~[fortune]~~ **fortunei** variety *Coloratus*), all varieties
50 and cultivars of Japanese honeysuckle (*Lonicera japonica*), or all varieties and cultivars of
51 *Sericea lespedeza* (*Lespedeza cuneata*), or ~~[perilla]~~ **Perilla** mint (~~[perilla]~~ **Perilla** *frutescens*)
52 on or after January 1, 2027; or

53 b. Burning bush (*Euonymus alatus* 'Compactus') or all varieties and cultivars of
54 Callery pear (*Pyrus calleryana*) on or after January 1, 2029.

55 (2) 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) All nursery dealer registration-inspection certificates shall expire on September
59 thirtieth of each year.

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

266.031. 1. Any person who sells, distributes, offers or exposes for sale any
2 agricultural or vegetable seed in the state of Missouri shall obtain a seed permit from the
3 director of agriculture unless exempted as in section 266.080. Seed dealers must purchase
4 permits for each seed sales classification performed, selling or taking orders for seed from
5 other than an established place of business, selling seed from a retail place of business, selling
6 seed from a wholesale place of business, or negotiating sales as a broker. A separate permit
7 shall be required for each place of business from which seed regulated by this law is sold. A
8 separate permit shall also be required of each person selling or taking orders for seed from
9 other than an established place of business. Seed permit fees will be assessed as follows:

10	(1) Place of business selling vegetable seed packets of one pound or less or lawn seed packages to the end user	\$20.00
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(2) Person that sells only labeled seed grown on their own property	\$20.00
(3) Retail place of business or person not otherwise identified that sells or offers for sale agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user and which does not provide storage facilities	\$20.00
(4) Retail place of business or person not otherwise identified that sells or offers for sale agricultural seed or offers for sale agricultural seed or bulk vegetable seed to the end user and which provides storage facilities. A permit to sell agricultural or bulk vegetable seed will suffice for selling seed as listed in (1) and (2)	\$60.00
(5) Wholesale place of business selling labeled seed for resale, or negotiating sales as a seed broker	\$400.00

2. An application for a seed permit or an application for renewal of any seed permit shall include an affidavit that the person who sells, distributes, offers, or exposes for sale any agricultural or vegetable seed in the state of Missouri shall not knowingly and intentionally import, export, buy, sell, transport, distribute, or propagate any viable plant portion or seeds of:

(1) Climbing euonymus (*Euonymus fortunei* variety *Coloratus*), all varieties and cultivars of Japanese honeysuckle (*Lonicera japonica*), or all varieties and cultivars of *Sericea lespedeza* (*Lespedeza cuneata*), or Perilla mint (*Perilla frutescens*) on or after January 1, 2027; or

(2) Burning bush (*Euonymus alatus* 'Compactus') or all varieties and cultivars of Callery pear (*Pyrus calleryana*) on or after January 1, 2029.

3. Farmers and seed producers shall be classed as seedsmen and must comply with all the provisions of sections 266.011 to 266.111 when the farmers or seed producers:

- (1) Offer, sell or expose for sale seed not of their own production;
- (2) Sell and deliver seed to a purchaser by way of common carrier;
- (3) Sell seed by any public sales service;
- (4) Advertise or label seed referring to the purity or germination.

[3-] 4. No permit is transferable. All persons holding a Missouri seed permit shall post the permit in a conspicuous place in the place of business to which it applies. The licensing year shall be twelve months, or any fraction thereof, beginning on January first and

49 ending December thirty-first. All permit fees shall be paid to the Missouri department of
50 agriculture and shall be deposited in the state treasury to the credit of the agriculture
51 protection fund created in section 261.200.

52 [4.] 5. If the application for renewal of any seed permit is not filed prior to expiration
53 date in any year, a penalty of fifty percent shall be assessed and added to the original fee and
54 shall be paid by the applicant before that renewal license shall be issued; provided, that such
55 penalty shall not apply if the applicant furnishes an affidavit certifying that he or she has not
56 engaged in selling, distributing, offering or exposing seed for sale, subsequent to the
57 expiration date of his or her license.

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