

FINAL BILL REPORT

ESB 5378

C 120 L 93

SYNOPSIS AS ENACTED

Brief Description: Modifying the regulation of horticultural plants and facilities.

SPONSORS: Senators M. Rasmussen, Barr, Loveland and Winsley; by request of Department of Agriculture

SENATE COMMITTEE ON AGRICULTURE

HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT

BACKGROUND:

The Department of Agriculture administers the licensing and assessment of nursery dealers and the inspection and possible condemnation of infested or diseased plants. Changes to these statutes are requested to update and clarify licensing, disease inspection and rule-making authorities.

SUMMARY:

It is clarified that the definition of horticultural plant includes cuttings, budsticks, scion wood and similar plant parts used for propagative purposes. The term "turf" is defined.

The director is authorized to adopt rules prescribing minimum informational requirements for advertising the sale of horticultural plants.

A farmers market duly registered with the state is allowed to be covered under one license as an alternative to licensing each individual producer who sells plants at that farmers market.

If the department is refused access to a nursery dealer's premises, the department may apply for a search warrant from a court of competent jurisdiction. Denying the department access to perform inspections may subject the nursery dealer to the revocation of his or her nursery license.

The requirements that horticultural plants offered for retail sale have tags with the common name, botanical name and variety, and a color picture of the plant are deleted. Also deleted is the requirement that a patented plant or a plant produced under a grower agreement be noted on the tag. The director must establish by rule the marking and tagging requirements for the several categories of plants.

The issuance of hold orders on horticultural plants that are infested or infected may be appealed pursuant to the procedures of the Administrative Procedure Act.

VOTES ON FINAL PASSAGE:

Senate	49	0
House	95	0

EFFECTIVE: July 25, 1993