

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Senator Daley

ENROLLED SENATE BILL No. 1058

AN ACT to amend 1931 PA 189, entitled “An act to regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction or treatment of certain plants or plant products; to provide for the licensure and inspection of certain persons and activities under certain circumstances; to impose certain powers and duties on the director of agriculture; to create certain restricted funds for certain department activities and to allow allocation of those funds throughout the department; to provide for the promulgation of rules; to prescribe penalties and civil sanctions; and to provide remedies,” (MCL 286.201 to 286.228) by adding section 17a.

The People of the State of Michigan enact:

Sec. 17a. (1) To facilitate continued access to markets for nursery stock, the department may do 1 or both of the following:

(a) At the request of a nursery dealer, nursery grower, or plant grower or based upon records voluntarily supplied by a nursery dealer, nursery grower, or plant grower, inspect, audit, or certify nurseries in this state.

(b) Issue certificates of free sale under subsection (3).

(2) A nursery dealer, nursery grower, or plant grower shall submit an application for a certificate of free sale on a form and in a manner prescribed by the department.

(3) The department shall grant or deny an application for a certificate of free sale within 10 business days after the department receives a completed application under subsection (2) and the application fee under subsection (4). If the department determines that the application meets the requirements of this act and the rules promulgated under this act, the department shall issue a certificate of free sale. If the department determines that the application does not meet the requirements of this act or the rules promulgated under this act, the department shall deny the application and send a written notice to the nursery dealer, nursery grower, or plant grower stating the reasons for the denial.

(4) If a certificate of free sale is issued under subsection (3), the nursery dealer, nursery grower, or plant grower shall pay the department the following fees, as applicable:

(a) An application fee, \$60.00.

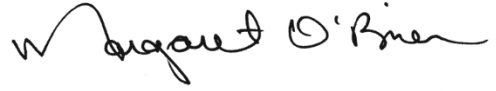
(b) A duplicate copy of a certificate of free sale, \$10.00.

(5) A fee collected under subsection (4) must be deposited in the agriculture licensing and inspection fees fund created in section 9.

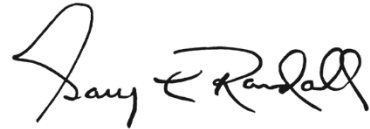
(6) A certificate of free sale issued under this section is valid for 1 year.

(7) As used in this section, "certificate of free sale" means a document that is issued by the department that verifies that the nursery stock listed is propagated, grown, or cultivated within this state for at least 28 days and is legally sold or distributed in this state and on the open market with the approval of the department.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor