# THE INSECT PEST AND PLANT DISEASE ACT

## Act 189 of 1931

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.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 1978, Act 123, Imd. Eff. Apr. 25, 1978 ;-- Am. 1984, Act 88, Imd. Eff. Apr. 19, 1984 ;-- Am. 2005, Act 53, Imd. Eff. June 27, 2005 ;-- Am. 2007, Act 84, Imd. Eff. Sept. 30, 2007

The People of the State of Michigan enact:

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### 286.201 Insect pest and plant disease act; short title.

Sec. 1.

This act shall be known by the short title of "The insect pest and plant disease act."

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.201
**Former Law:** See Act 91 of 1905, being CL 1915, §§ 7411 to 7432; Act 187 of 1917; Act 60 of 1919; Act 241 of 1921; Act 279 of 1913; and Act 142 of 1927, being CL 1929, §§ 5083 to 5111.

### 286.202 Definitions.

Sec. 2.

As used in this act:

(a) "Agent" means a person that solicits, takes orders, or sells nursery stock in this state for a grower or dealer of nursery stock, but not on the premises or place of business of the grower or dealer of nursery stock.

(b) "Department" means the department of agriculture and rural development.

(c) "Director" means the director of the department or an employee of the department authorized by the director.

(d) "Insect pests" means insects or other invertebrates injurious to plants or plant products.

(e) "Nursery" means any grounds or premises on or in which nursery stock is propagated, grown, or cultivated for the purpose of distributing or selling nursery stock as a business.

(f) "Nursery dealer" means a person that is not a grower or an original producer of nursery stock in this state, that buys nursery stock for the purpose of reselling or reshipping independently of the control of any nursery grower or nursery dealer, or that is engaged with a nursery grower or nursery dealer in handling nursery stock on a consignment basis.

(g) "Nursery grower" or "nurseryman" means a person owning, leasing, managing, or in charge of a nursery.

(h) "Nursery stock" means all domesticated or wild botanically classified hardy perennial or biennial trees, shrubs, vines, and other plants; cuttings, grafts, scions, buds, bulbs, rhizomes, or roots of any of these; and fruit pits. Nursery stock includes plants and plant parts for, or capable of, propagation, excepting field, vegetable, and flower seeds, corms, and tubers.

(i) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(j) "Places" means vessels, cars and other vehicles, buildings, docks, nurseries, orchards, and other premises where plants or plant products are grown, kept, or handled.

(k) "Plant diseases" means fungi, bacteria, nematodes, and viruses, injurious to plants or plant products, and the pathological condition in plants or plant products caused by fungi, bacteria, nematodes, and viruses.

(l) "Plant grower" or "plant dealer" means a person growing or offering for sale herbaceous perennials, or biennial nursery stock, small-fruited plants, or asparagus or rhubarb roots.

(m) "Plants or plant products" means trees, shrubs, vines, fruit, forage and cereal plants, and all other plants, cuttings, grafts, scions, buds, and all other parts of plants; including fruit, vegetables, roots, bulbs, pips, seeds, wood, lumber, and all other plant products.

(n) "Property" means real estate, personal property, and any thing or substance connected with real estate or personal property whether or not it has value.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- Am. 1939, Act 332, Eff. Sept. 29, 1939 ;-- CL 1948, 286.202 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 1956, Act 172, Imd. Eff. Apr. 16, 1956 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 1962, Act 114, Eff. Mar. 28, 1963 ;-- Am. 1976, Act 235, Imd. Eff. Aug. 4, 1976 ;-- Am. 2012, Act 106, Imd. Eff. Apr. 24, 2012

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### 286.203 Inspection of nursery and other premises; right of access.

Sec. 3.

The director or his deputies shall have authority to inspect any nursery, orchard, fruit or garden plantation, field, park, cemetery, private premises or public place, and any place which might become infested or infected with insect pests or diseases. He shall also have authority to inspect or to reinspect at any time or place any nursery stock shipped in or into the state, and to treat it as hereinafter provided. For the purpose of inspection and carrying out the provisions of this act or any rule, regulation, order or quarantine made or promulgated in pursuance of this act, the officers and employees of the department of agriculture shall have authority to stop any vehicle or other means of conveyance found carrying nursery stock on the public highways and shall have free access in the daytime to any nursery, orchard, garden, field, packing ground, building, cellar, freight or express office, warehouse, car or other vehicle, vessel or other place where it may be necessary or desirable for them to go, or which it may be necessary for them to inspect or treat in the performance of their duties, except cellar and rooms of private residences. It shall be unlawful to deny such access to the officers and employees of the department of agriculture, or to offer any resistance to such officers and employees, or to thwart or hinder such inspection by misrepresenting or concealing facts or conditions, or otherwise.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.203 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961

### 286.204 Inspection of stock before sale; application; assumed name.

Sec. 4.

A person desiring to sell or give away nursery stock in this state shall apply in writing before April 1 of each year to the director for the inspection of the nursery stock growing in this state. A person that fails to apply for the inspection of nursery stock as required under this section is liable for the additional expense of the department for the inspection of the nursery stock. The application shall be submitted under the true name of the person. If an assumed name is used, the proprietor's name and address shall also appear on the application and in all advertising or printed matter used or distributed.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.204 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 2012, Act 106, Imd. Eff. Apr. 24, 2012

**286.205 Nursery stock from foreign country; inspection.**

Sec. 5.

Every person, firm, partnership, association or corporation receiving directly or indirectly any nursery stock or other living plants or living plant parts for or capable of propagation from a foreign country shall notify the director of the arrival of such shipment, of the contents thereof, and of the name of the consignor, and shall hold such shipment in the original container not over 10 days, within which time such shipment shall be duly inspected or released by the director.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.205 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961

**286.206 Inspections of nurseries; fee; certificate of inspection; validity; prohibitions; basis for charging inspection fee; review and adjustment of fees schedule.**

Sec. 6.

(1) The director shall cause to be inspected not less than every other year each nursery located in this state, and each nursery dealer located in this state that receives nursery stock from other states or countries, including any nursery stock found at that nursery or nursery dealer that will be sold, offered for sale, or removed or shipped from the nursery to ascertain whether they are infested with insect pests or infected with plant diseases. Inspections of nurseries that distribute nursery stock interstate shall be conducted annually, provided those nurseries are in compliance with this act. If the director conducts an inspection under this subsection, the director shall assess an inspection fee as provided for in this section.

(2) If upon the inspection of any nursery stock the department determines that the nursery stock or nursery and its premises are apparently free from insect pests and plant diseases, and if the necessary inspection fees have been paid, the director shall give or send to the owner of the nursery or of the nursery stock or to the person in charge of the nursery or nursery stock a certificate executed by the director setting forth the fact of the inspection.

(3) Certificates of inspection are valid from November 1 in 1 year to October 31 of the following year. A nursery owner or nursery dealer may request a second inspection be performed, prior to offering for sale or removing or shipping of nursery stock from a nursery or other premises. The department shall perform the inspection if the nursery owner, nursery dealer, or applicant pays an inspection fee based upon the actual cost to the department in conducting the inspection.

(4) A person shall not sell, offer for sale, or remove or ship from a nursery or other premises any nursery stock until the nursery stock has been officially inspected and a certificate or

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permit covering it has been granted by the director, except that nursery stock may be shipped to the director without an inspection and certification.

(5) The director shall not grant a certificate of inspection to persons that intend to sell or remove nursery stock originally supplied from the state, federal, or state and federal nurseries or by any political subdivision or its agencies.

(6) The director shall charge an inspection fee based upon the cost to the department of making the inspection. However, the director shall adjust the schedule of fees for the costs of making the various inspections of nursery stock, plants, and plant materials as required by this act. The director shall review and adjust its schedule of fees for the inspections at the end of each fiscal year. In any given fiscal year, the director may raise inspection fees by not more than an amount determined by the state treasurer to reflect the cumulative annual percentage change in the Detroit-Ann Arbor-Flint consumer price index over the 1-year period. An adjustment under this subsection shall not exceed 5% even if the amount determined by the state treasurer to reflect the cumulative annual percentage change over the 1-year period is more than 5%. If the cumulative annual percentage change over the 1-year period is less than zero, a cumulative annual percentage change of zero shall be used for the adjustment. The adjustment shall be rounded to the nearest dollar to set each year's fee under this subsection, but the absolute value shall be carried over and used to calculate the next annual adjustment. The commission of agriculture and rural development shall approve all adjustments to the fees before they are adopted.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- Am. 1935, Act 232, Eff. Sept. 21, 1935 ;-- Am. 1937, Act 71, Imd. Eff. June 11, 1937 ;-- CL 1948, 286.206 ;-- Am. 1955, Act 255, Eff. Feb. 3, 1956 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 1995, Act 137, Imd. Eff. July 10, 1995 ;-- Am. 2007, Act 84, Imd. Eff. Sept. 30, 2007 ;-- Am. 2012, Act 106, Imd. Eff. Apr. 24, 2012

**Admin Rule:** R 285.610.1 et seq. and R 285.619.1 et seq. of the Michigan Administrative Code.

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### 286.207 Withholding certificate; precautions; fraud, investigation, revocation of license.

Sec. 7.

If the director finds that part of a nursery is infested or infected with insect pests or plant diseases and that the remainder of it is not so infested or infected, or if he has reason to believe that a nursery is liable, by reason of its proximity to infested or infected premises, to become so infested or infected before the next inspection, he may prescribe in writing such measures of precaution, or may make in writing such conditions as to the use of his certificate as may in his judgment be necessary, and he may withhold a certificate until such conditions have been accepted in writing by the owner of the nursery; and the use of such certificate without taking such measures of precaution or observing such conditions shall subject the owner of said nursery to the penalties prescribed for violation of this act. In any case coming to the attention of the director in which a nurseryman, dealer, plant grower or agent furnishing or selling nursery stock appears to be guilty of fraudulent practice, the director shall have authority to make such investigation as he may deem proper and proceed with such prosecution as may be necessary for the protection of the interests of the buying public, and, in addition, the director may revoke his license.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- CL 1948, 286.207 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961

**286.208 Sale of dead or weakened nursery stock; penalty.**

Sec. 8.

Only sound, healthy nursery stock stored or displayed under conditions which will maintain its vigor shall be offered for sale. Offering for sale of dead nursery stock or of stock so seriously weakened by drying, excessive heat or cold, or any other condition that makes it unable to grow satisfactorily when given reasonable care, or the verbal or printed misrepresentation of any material fact, including but not limited to the size, grade, quality, condition or hardiness of nursery stock offered for sale or sold, shall be unlawful.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.208 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961

**286.209 License required for sale of nursery stock; exception; application; fees; agriculture licensing and inspection fees fund; horticulture fund; creation and administration; horticulture advisory committee; section inapplicable to certain persons; issuance of initial or renewal license; failure to issue or deny license within time period; "completed application" defined.**

Sec. 9.

(1) A person growing or desiring to sell nursery stock in this state shall, on or before October 31 of each year, apply to the director for a license. A person that is a nursery dealer that only purchases nursery stock grown in this state by a nursery grower in this state that holds a valid nursery license and certificate of inspection is not required to apply for a license, but instead shall, on or before October 31 of each year, register with the director as a nursery dealer. The fee to register as a nursery dealer is $35.00. The annual nursery license fee is $100.00. The annual license fee for plant growers or plant dealers is $100.00. The annual license fee for nursery dealers is $100.00. For persons growing less than 1/4 acre of nursery stock or utilizing less than 200 square feet of greenhouse space, the fee for a license is $40.00. License fees provided for in this act are due and payable at the office of the director on or before October 31 of each year. The fees imposed in this subsection are subject to subsection (8).

(2) The agriculture licensing and inspection fees fund is created within the state treasury. The state treasurer may receive license and inspection fees and administrative and civil fines received pursuant to this act and other acts, as provided for by law, that are administered by the department for deposit into the agriculture licensing and inspection fees fund. The state treasurer may also receive money or other assets from any other source for deposit into the agriculture licensing and inspection fees fund. The state treasurer shall direct the investment of the agriculture licensing and inspection fees fund and shall credit to the agriculture licensing and inspection fees fund interest earnings from fund investments. Money in the agriculture licensing and inspection fees fund at the close of the fiscal year must remain in the fund and not lapse to the general fund. The department shall expend money from the agriculture licensing and inspection fees fund, upon appropriation, for the purpose of administering and carrying out those duties required by law under this act and other acts, as provided by law, that are administered by the department. The department shall be the administrator of the agriculture licensing and inspection fees fund for auditing purposes.

(3) Subject to subsection (4), license fees, inspection fees, and other noncriminal fees collected under this section and section 6 and administrative fines imposed under this act must be deposited into the agriculture licensing and inspection fees fund, to be used, upon appropriation, by the director in administering and carrying out those duties required by law

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under this act and to develop and improve training and outreach programs for the purpose of safeguarding plants or plant products from unwanted plant pests.

(4) The horticulture fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the horticulture fund. Up to $70,000.00 of the funds generated through licensing may be deposited into the horticulture fund each year. The state treasurer shall direct the investments of the horticulture fund. The state treasurer shall credit interest and earnings from horticulture fund investments to the horticulture fund. Assets in the horticulture fund at the close of the fiscal year must remain in the horticulture fund and not lapse to the general fund. The director shall administer the horticulture fund and shall expend money from the horticulture fund, upon appropriation, to provide for research projects, to develop and improve training programs, and to develop outreach materials for the purposes of safeguarding plants or plant products from unwanted plant pests. The director shall administer the horticulture fund with advice and consultation from the horticultural advisory committee created in subsection (5).

(5) There is created a horticulture advisory committee. Members of this committee, to be named by the director, must include representatives from the horticulture industry.

(6) This section does not apply to persons engaged in fruit growing that are not nursery growers but desire to sell or exchange surplus small fruit plants of their own growing, or to farmers or other persons that may sell or give away wild shade trees, wild shrubs, wild vines, wild hardy perennials, or wild evergreens from their own premises.

(7) The director shall issue an initial or renewal license under this section not later than 90 days after a completed application for the license is received by the department. If the application is considered incomplete by the director, the director shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The 90-day period is tolled upon notification by the director of a deficiency until the date the requested information is received by the director. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility of an applicant determined otherwise ineligible for issuance of a license. The director shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under subsection (8).

(8) If the director fails to issue or deny a license within the time required by this section, the director shall return the license fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license within the time required under this section does not allow the department to otherwise delay the processing of the application, and that application, upon completion, must be placed in sequence with other completed applications received at that same time.

(9) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing and inspection fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of this state.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- Am. 1935, Act 232, Eff. Sept. 21, 1935 ;-- CL 1948, 286.209 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 1962, Act 114, Eff. Mar. 28, 1963 ;-- Am. 1976, Act 235, Imd. Eff. Aug. 4, 1976 ;-- Am. 1982, Act 157, Imd. Eff. May 20, 1982 ;-- Am. 2003, Act 104, Imd. Eff. July 24,

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2003 ;-- Am. 2004, Act 273, Imd. Eff. July 23, 2004 ;-- Am. 2007, Act 84, Imd. Eff. Sept. 30, 2007 ;-- Am. 2012, Act 106, Imd. Eff. Apr. 24, 2012 ;-- Am. 2018, Act 299, Imd. Eff. June 29, 2018

### 286.210 Licenses to sell nursery stock; buyers and dealers; certificate to deal in inspected stock, number of licenses.

Sec. 10.

Every dealer within the meaning of this act, engaged in the buying and selling of nursery stock in this state, shall secure a license and certificate, first certifying to the director in writing that he will buy and sell only stock which has been duly inspected and certified by the director, or by an inspector approved by the director, and that he will maintain with the director a list of all sources from which he secures his stock. Dealers or nurserymen distributing nursery stock directly or on a consignment basis from more than 1 store or place of business, sales ground or heeling-in ground, or selling nursery stock from motor vehicles or other vehicles traveling about the state, shall secure a license for each place or each traveling vehicle from which nursery stock is sold or distributed, and the licensees described in this section shall pay the inspection fees as provided in this act for each such place.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- Am. 1935, Act 232, Eff. Sept. 21, 1935 ;-- Am. 1937, Act 71, Imd. Eff. June 11, 1937 ;-- CL 1948, 286.210 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961

### 286.211 Nonresident nurseryman, dealer, or grower; license required; fee; waiver; reciprocal agreements; violation as grounds for denial of right to ship nursery stock.

Sec. 11.

(1) Each nonresident nurseryman, dealer, or grower, who solicits or takes orders for or sells nursery stock in this state through resident or nonresident agents, shall each year obtain a license from the director, for which the fee shall be as prescribed in section 9. The director may waive the license fee requirement if there is a reciprocal agreement with the appropriate authority of the state in which the applicant's principal place of business is located waiving the requirements for Michigan nurserymen, plant growers, or dealers in that state. The director may enter into reciprocal agreements with responsible officers of other states under which nursery stock owned or handled by nurserymen, plant growers, or dealers of those states may be sold in this state without the payment of the license fee provided for in this section.

(2) The director may deny an out-of-state nurseryman or nursery stock dealer the right to ship nursery stock into this state if the department of agriculture determines that the nurseryman or nursery stock dealer has violated this act or a rule promulgated under this act.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- Am. 1937, Act 71, Imd. Eff. June 11, 1937 ;-- CL 1948, 286.211 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 1956, Act 172, Imd. Eff. Apr. 16, 1956 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 1976, Act 235, Imd. Eff. Aug. 4, 1976 ;-- Am. 1984, Act 88, Imd. Eff. Apr. 19, 1984 ;-- Am. 2007, Act 84, Imd. Eff. Sept. 30, 2007

### 286.212 Repealed. 2016, Act 254, Eff. Sept. 26, 2016.

**Compiler's Notes:** The repealed section pertained to license to sell nursery stocks.

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**286.213 Revocation, suspension or withholding of license or certificate; hearing; appeal.**

Sec. 13.

The commissioner of agriculture shall at any time have the power to withhold, suspend or revoke any license or certificate for sufficient cause, including any violation of this act or non-conformity with any rule or regulation promulgated under this act. Before withholding, suspending or revoking any license or certificate, the commissioner of agriculture shall give written notice to the applicant for or holder of such license or certificate, stating that he contemplates the withholding, suspending or revocation of same and giving his reasons therefor. Said notice shall appoint a time of hearing before said commissioner and shall be mailed by registered mail to the party holding the license or certificate. On the day of hearing, the respondent may present such evidence to the commissioner as he deems fit, and after hearing all the testimony, the commissioner shall decide the question in such manner as to him appears just and right. The respondent, if he feels aggrieved at the decision of the commissioner, may appeal from said decision within 10 days to the circuit court of the county where respondent resides, and issue shall be framed in said court and a trial had and its decision shall be final, unless appeal is had to the supreme court, in which event the said appeal shall conform to the court practice of appeals in civil cases.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 332, Eff. Sept. 29, 1939 ;-- CL 1948, 286.213

**286.214 Revocation, suspension or withholding of license or certificate; hearing, order of revocation; penalty for wrongful use of license on certificate, withholding.**

Sec. 14.

If it is found that any license or certificate issued or approved by the commissioner of agriculture is being used in connection with nursery stock or other plants which have not been inspected, or which are infested with insect pests or infected with plant diseases, or which are being sold and delivered without treatment being given or other precautionary measures prescribed by the commissioner of agriculture being observed by the owner, or is being used by persons other than the one to whom it was issued with the knowledge of the owner without permission of the commissioner of agriculture, the commissioner of agriculture may require the owner of such license or certificate to appear before him, on a date specified, for a hearing to show cause why his license or certificate should not be revoked. If after such hearing, the commissioner of agriculture finds that such license or certificate has been wrongfully used in 1 or more of the ways specified in this section, or if the owner of such license or certificate fails to appear at such hearing he may issue an order revoking such license or certificate and the owner's license and the use of such certificate or license after it has been revoked, shall be unlawful and shall subject the owner thereof to the penalty prescribed in section 26 of this act. The commissioner of agriculture may withhold a license or certificate of inspection from any person applying for the same if such person fails to comply with the requirements of the commissioner of agriculture with reference to freeing his nursery and premises of injurious insect pests and plant diseases and may refuse to certify a nursery if the same is in such condition that it can not be adequately inspected.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.214

**286.215 Tags on stock; inspection of imported stock on request; expense.**

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Sec. 15.

It shall be unlawful for any person, firm, partnership, association or corporation to bring or cause to be brought into this state, or to transport or ship within this state, any nursery stock unless there is plainly and legibly marked thereon or affixed thereto, or on, or to the car or other vehicle carrying, or on the bundle, package, or other container of the same, in a conspicuous place, a statement or a tag or other device showing the names and addresses of the consignor or shipper, and the consignee or person to whom shipped, the general nature of the contents, as well as labels upon each variety as to name and grade as approved by the American Association of Nurserymen and such stock shall be in a live and vigorous condition and of the grade specified, together with a certificate of inspection of the proper official of the state, territory, district, or country from which it was brought or shipped: Provided, however, That if persons to whom stock has been shipped believe said stock to be infected with a contagious disease or infested with a dangerous insect or that said stock does not meet the approved grades, he may call upon the commissioner of agriculture to inspect said stock, and the expenses incurred in making such inspection are paid by such person. Such stock may be shipped to the commissioner of agriculture with all transportation charges prepaid, for inspection without any additional expense to the owner other than transportation, drayage and other storage charges when such charges are necessarily incurred.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1935, Act 232, Eff. Sept. 21, 1935 ;-- Am. 1937, Act 71, Imd. Eff. June 11, 1937 ;-- CL 1948, 286.215 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955

**286.216 Tags on stock; certificate of inspection; unlawful transportation; report to commissioner.**

Sec. 16.

Every person, firm, partnership, association or corporation who sells or gives away nursery stock in this state is hereby required to attach to the outside of each package, box, bale or carload shipped or otherwise delivered, a tag or poster on which shall appear an exact copy of his valid certificate. It shall be unlawful for any carrier, or driver, or owner of a truck or other vehicle to accept for shipment, or transportation, or to transport any nursery stock from place to place within this state unless such nursery stock has attached thereto a valid official certificate of inspection showing that such stock has been inspected and found apparently free from injurious pests and plant diseases, or that the shipment has been authorized by the commissioner of agriculture: Provided, That nursery stock consigned to the commissioner of agriculture may be offered and accepted for shipment, and shipped without such certificate. In case any nursery stock is shipped or transported by any carrier in this state or into this state from another state, country or province without a valid certificate plainly affixed as aforesaid, the fact shall be promptly reported to the commissioner of agriculture by the person, firm, partnership, association or corporation carrying the same, together with the names of the consignor and the consignee and the nature of the shipment, and such carrier shall return it to the consignor, hold it for instructions from the commissioner of agriculture, or send it to the commissioner of agriculture, with the transportation charges prepaid, for inspection. Any person, firm, partnership, association or corporation receiving nursery stock transported from any point within the state, or any other state, country or province, without a valid certificate affixed as aforesaid, shall at once notify the commissioner of agriculture of the fact, and shall not allow such nursery stock to leave his possession until it has been inspected or released by the commissioner of agriculture, and the expenses incurred in making such inspection are paid

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by such person, firm, partnership, association or corporation. Such stock may be shipped to the commissioner of agriculture, with all transportation charges prepaid, for inspection without any additional expense to the owner other than transportation, drayage and storage charges when such charges are necessarily incurred.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.216 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955

### 286.216a Definitions; sale, distribution, or use of purple loosestrife.

Sec. 16a.

(1) As used in this section:

(a) "Person" means an individual, partnership, corporation, association, governmental entity, or any other legal entity.

(b) "Purple loosestrife" means a nonnative member of the genus Lythrum, or hybrid of that genus.

(2) Except as otherwise provided in this section, in this state, a person shall not sell, offer to sell, or distribute seed from purple loosestrife.

(3) In this state, a person shall not sell at retail or offer to sell at retail any nonnative cultivars of the genus Lythrum, or hybrids of that genus, except for the cultivars of Lythrum virgatum commercially known as rose queen, the rocket, morden pink, morden gleam, morden rose, dropmore purple, or columbia pink.

(4) As of January 1, 1997, retail sales of purple loosestrife are not allowed in this state except for cultivars developed and recognized to be sterile and approved by the director of the department of agriculture.

(5) Notwithstanding subsection (2), (3), or (4), the department of agriculture may issue a permit authorizing a person to conduct research using purple loosestrife.

**History:** Add. 1995, Act 182, Eff. Mar. 28, 1996

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### 286.217 Sale of nursery stock; inspection; transportation of nursery stock, wild trees, herbaceous perennials, and shrubs; uninspected stock; shipping documents.

Sec. 17.

(1) A person shall not sell within this state any nursery stock unless the nursery stock has been inspected and a certificate issued by the director stating that the nursery stock has been inspected and found apparently free from insect pests and plant diseases. However, a nursery grower or plant grower holding a valid certificate covering nursery stock grown by him or her may ship under the certificate nursery stock grown for him or her elsewhere or purchased by him or her from other states or countries, if all of the nursery stock is received under a certificate acceptable to the director that states that it has been inspected where grown and found to be apparently free from insect pests and diseases. The director may also inspect or reinspect at any time or place any nursery stock shipped within this state or shipped into this state as provided in this section. Except as provided in this subsection, a person shall not ship into or transport within this state any nursery stock unless it has first been inspected by the director. In the case of plants moving from a nursery or other premises, a tag bearing a valid certificate issued to the nursery grower or person owning or in charge of other premises from where the plants have been moved shall be in plain sight and attached to some of the plants on the vehicle used to transport the plants. All wild trees, herbaceous perennials, and shrubs taken

up from a person's woodlots, forests, or other premises other than a nursery, when being shipped into or transported on the highways of this state, shall have attached to each plant a special tag furnished at cost by the director, which tag shall not be removed from the plant or plants after they are replanted, and shall have plainly printed on the tag the fact that this plant is of wild stock and is not nursery grown and this information shall be clearly and legibly stated in all advertising media offering the plant for sale. Carrying uninspected nursery stock in vehicles is prohibited, and the director may post signs on the highways warning tourists and other carriers against the transportation of wild trees, herbaceous perennials, and shrubs and he or she may cooperate with the department of natural resources and seek the cooperation of the Michigan state police or local law enforcing officials in the enforcement of this act.

(2) A person receiving or selling nursery stock on a wholesale basis shall maintain shipping documents including certificates of inspection of the nursery stock for a period of 36 months after the date of receipt or sale, whichever is later. A person that receives nursery stock on a retail basis is not subject to this subsection.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- CL 1948, 286.217 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 2012, Act 106, Imd. Eff. Apr. 24, 2012

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**286.217a Access to markets for nursery stock; certificate of free sale; application; fees; "certificate of free sale" defined.**

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.

**History:** Add. 2022, Act 130, Imd. Eff. June 29, 2022

### 286.218 Nuisances; public places kept free from injurious insect pests and plant diseases; insects, fungi, bacteria, nematodes, viruses or living plant parasitic organisms; permits.

Sec. 18.

(a) All injurious insect pests and plant diseases which are liable to spread to other plants, plant products or places to the injury thereof, or to the injury of man and animals, and all trees, shrubs, vines, fruit plants, cuttings, scions, grafts, plants and plant parts, plant products and places within this state, infested with such injurious insect pests and plant diseases, and all species and varieties of trees, shrubs, vines, and other plants not essential to the welfare of the people of the state which may serve as favorable host plants, and promote the prevalence and abundance of insect pests and plant diseases, or any stage thereof, destructively injurious to other plants essential to the welfare of the people of the state, are hereby declared to be a nuisance; and all persons owning or controlling lands or places in this state, and all public authorities having jurisdiction over streets, highways, parks, and other public places shall keep the same free from all injurious insect pests and plant diseases and all species and varieties of plants declared by the provisions of this section to be a nuisance.

(b) No person shall sell, barter, offer for sale, or move, transport, deliver, ship, or offer for shipment, into or within this state any living insects in any stage of their development, or living fungi, bacteria, nematodes, viruses or other living plant parasitic organisms without first obtaining a permit from the commissioner of agriculture. Such permit shall be issued only after the commissioner of agriculture has determined that the insects or living bacteria, fungi, nematodes, viruses or other plant parasitic organisms in question are not injurious to plants or plant products, if not already present in the state, or have not been found to be seriously injurious to warrant their being refused entrance or movement, if known to be already established within the border of the state: Provided, That the commissioner of agriculture may at his discretion exempt the sale and transportation of specific insects, fungi, bacteria, and other plant parasitic organisms from the provisions of this section if such sale and transportation is not considered harmful to the health and welfare of the people of the state.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.218 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955

### 286.219 Barberry, mahonia or mahoberberis bushes subject to black stem rust of small grains; destruction; rules.

Sec. 19.

It shall be unlawful for any person or persons, firm or corporation to keep upon their premises or upon any premises under their control or charge any barberry, mahonia or mahoberberis bushes, which are subject to the attack of black stem rust of small grains. If the commissioner of agriculture or his assistants, shall find upon any premises any mahonia, mahoberberis or barberry varieties of species subject to the black stem rust of small grains, they are hereby authorized to destroy the same without indemnity to the property owner. The commissioner of agriculture is hereby authorized to promulgate rules and regulations relative

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to the sale, distribution, transportation or planting of barberry, mahonia and mahoberberis plants or parts thereof and seeds and the movement, planting or growing of black stem rust susceptible species and varieties of barberry, mahonia or mahoberberis shall be deemed a violation of this act.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- CL 1948, 286.219 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955
**Admin Rule:** R 285.617.1 of the Michigan Administrative Code.

### 286.219a Chokecherry harmful to peach or cherry trees prohibited; destruction; rules.

Sec. 19a.

(1) A person, firm, association, corporation, or partnership shall not keep upon premises owned or under the control of the person, firm, association, corporation, or partnership a chokecherry, prunus virginiana, which, in the judgment of the director, would be harmful to peach or cherry trees in the area.

(2) For the purposes of this act, a chokecherry within a distance that the director shall establish shall be considered primary host for "X" disease, yellow red virosis, whether or not the chokecherry shows visible symptoms of the disease. The director or the director's assistant may destroy the chokecherry without indemnity to the property owner. The director shall promulgate rules concerning the sale, distribution, transportation, or planting of chokecherry seeds and plants or the parts of the plants. The movement, planting, or growing of chokecherry which is in violation of the rules constitutes a violation of this act.

(3) The director shall promulgate rules that will allow the owner of peach or cherry trees to enter on the property of another, upon the permission of that property owner, to destroy a chokecherry that the director or the director's assistant believes should be destroyed. The owner of the property upon which the chokecherry is located shall be held harmless for an accident that may occur while a person is working on the property in accordance with this act.

**History:** Add. 1978, Act 123, Imd. Eff. Apr. 25, 1978

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### 286.220 Insect pests and plant diseases; eradication of nuisances; notice; abatement; inspection; payment of expenses.

Sec. 20.

(1) If the director shall determine that any species or variety of tree, shrub, vine or other plant growing within this state is a host plant nuisance as defined in section 18, and if in the judgment of the director such species or variety of plant should be eradicated from this state or from any section thereof, in order to safeguard the other plants and plant products of the state or any section thereof, he shall give public notice thereof, designating the species or variety of plant, the eradication of which is proposed, the section of the state involved, and the reasons why the eradication of such plant is necessary. The notice shall also designate a place and a time, which time shall not be less than 30 days after the date of such notice, for a public hearing, at which all persons in the state interested in the proposed action of the director may be heard. If after such hearing the director shall determine that such species or variety of plant should be eradicated, he shall give public notice of the fact, naming the species or variety of plant to be eradicated, describing the boundaries of the section of the state from which such species or variety of plant shall be eradicated, and the date when such notice shall become effective. The director shall also give written notice of the facts to any owner, or other person

in charge of the property or place where such nuisance is found; which notice shall specify the condition constituting such nuisance and the method by which and the time within which such nuisance shall be abated. The owner or person in charge shall proceed to remove, cut, destroy or otherwise completely eradicate the host plant constituting the nuisance within the time and in the manner described in such notice. Whenever such owner or other person cannot be found, or shall fail, neglect or refuse to obey the requirements of the notice, the director may proceed to abate such nuisance; and in so doing, the director is authorized to treat, remove, cut or destroy the host plant nuisance. Certain plants and plant products included in the classification of host plant nuisances and not actually infested or infected may be permitted by the director to remain without eradication until such time as they become infested or infected.

(2) If the director has reason to believe that any article, except one which could serve as a favorable host plant, is a nuisance as defined by section 18 or that such a nuisance, either alone or in combination with a host plant, exists on any premise or area or is in transit in this state, he may inspect or cause to be inspected by a person or device any such article, premise or area. If he finds by inspection that such nuisance exists, he may give notice to the owner, possessor or person in charge of such article or premise, and after expiration of the time stated in the notice, may seize, quarantine, treat or otherwise dispose of such nuisance in a manner deemed necessary to suppress, control, eradicate or to prevent or retard the spread of an insect pest or plant disease, or he may order the owner, possessor or person in charge to so treat or otherwise dispose of the pest or article. The notice shall be given at least 10 days prior to such action and may be given by personal service, mail or newspaper publication as the director deems expedient.

(3) The director may employ the necessary aid in abating any nuisance under this section and he may render a bill against the owner for the expense incurred. If the owner refuses to pay the bill, it shall be certified to the local assessing officer and assessed against the property.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.220 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 1967, Act 11, Imd. Eff. June 2, 1967

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### 286.221 Inspection of public grounds; application, payment of expense.

Sec. 21.

Any municipality, park board, or other board or person in control of public grounds may apply to the commissioner of agriculture for an inspection of the same with reference to the presence of insect pests or plant diseases; and upon receipt of such application, or as soon thereafter as may be conveniently practicable, the commissioner of agriculture shall comply with such request, and send to such applicant a statement as to the facts disclosed, with any recommendations which the commissioner of agriculture may deem pertinent. The expense of the special inspection shall be paid by the applicant.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.221

### 286.222 Inspection of plants and plant products before interstate shipment; request; expenses; certificate.

Sec. 22.

A person that wishes to ship plants or plant products into another state or country may request that the director inspect the plants or plant products for insect pests or diseases or other factors likely to prevent the acceptance of the plants or plant products in that state or country.

The request shall include an agreement to pay in full the expenses of the inspection. Upon receipt of a request and agreement under this section, or as soon thereafter as may be conveniently practicable, the director shall comply with the request and, upon the receipt of the expenses of the inspection, shall issue to the applicant a certificate to the facts disclosed.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.222 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955 ;-- Am. 2012, Act 106, Imd. Eff. Apr. 24, 2012

### 286.223 Quarantine; enforcement, hearing, notice.

Sec. 23.

The commissioner of agriculture when he shall find that there exists in any other state, territory, or district, or part thereof any dangerous plant disease or insect infestation with reference to which the secretary of agriculture of the United States has not determined that a quarantine is necessary and duly established such quarantine, he is hereby authorized to promulgate, and to enforce by appropriate rules and regulations, a quarantine prohibiting or restricting the transportation into or through the state, or any portion thereof, from such other state, territory, or district, of any class of nursery stock, plant, fruit, seed, or other article of any character whatsoever, capable of carrying such plant disease or insect infestation. The commissioner of agriculture is hereby authorized to make rules and regulations for the seizure, inspection, disinfection, destruction, or other disposition of any nursery stock, plant, fruit, seed, or other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, a quarantine with respect to which shall have been established by the secretary of agriculture of the United States, and which have been transported to, into or through this state in violation of such quarantine. The notice of any hearing and the promulgation of any quarantine provided for in this section shall be by publication in 1 or more newspapers in circulation in the area affected: Provided, That any person within the state holding a license under the provisions of this act shall be mailed notice of such hearing or promulgation by the commissioner of agriculture. The commissioner of agriculture is hereby authorized and empowered to seize and hold for use as evidence any article or thing found in the possession of or used, held for shipment, shipped, offered for sale or sold by any person in violation of any of the provisions of this act.

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**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1939, Act 332, Eff. Sept. 29, 1939 ;-- CL 1948, 286.223
**Admin Rule:** R 285.606.1 and R 285.620.1 of the Michigan Administrative Code.

### 286.223a Rules.

Sec. 23a.

The director may promulgate rules to implement this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

**History:** Add. 1984, Act 88, Imd. Eff. Apr. 19, 1984

### 286.223b Rescission of R 285.607, R 285.611, R 285.613, and R 285.618.

Sec. 23b.

R 285.607, R 285.611, R 285.613, and R 285.618 of the Michigan administrative code are rescinded.

**History:** Add. 2012, Act 97, Imd. Eff. Apr. 12, 2012

### 286.224 Violation of act; penalty, quarantine, misdemeanor.

Sec. 24.

Any person, firm, partnership, association or corporation violating any of the provisions of this act or of any quarantine, or rules or regulations supplemental thereto, issued by the commissioner of agriculture in pursuance of this section shall be deemed guilty of a misdemeanor and subject to the penalties prescribed in section 26 of this act.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.224 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955

### 286.225 Review of rule or order; appeal to circuit court.

Sec. 25.

Any person, firm, partnership, association or corporation affected by any rule, regulation or order made or served pursuant to this act may have a review of the same by the commissioner of agriculture and from his decision may appeal to the circuit court for the purpose of having such rule, regulation or order modified or suspended. Application for such review may be made to the commissioner of agriculture in writing within 10 days after the receipt of notice of such rule, regulation or order; and such review shall be allowed and considered by the commissioner of agriculture at such time and place and under rules and regulations as the commissioner of agriculture may prescribe.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.225 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955

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### 286.226 Violation of act; penalty.

Sec. 26.

Any person, firm, partnership, association or corporation who shall violate any of the provisions of this act with reference to the sale, shipment, transportation, receipt or delivery of nursery stock without inspection or certificate, or with reference to treatment of nursery stock, plants, plant products, or other property, or who shall forge, counterfeit, deface, alter, destroy or wrongfully use a certificate provided for in this act, or who shall use a certificate belonging to another person without the consent of the commissioner of agriculture; or who shall use a certificate after it has been revoked or has expired; or who fails to secure a license as provided for in section 9 of this act; or who shall violate any quarantine, or rule, regulation or order of the commissioner of agriculture provided for in this act; or who shall maintain a nuisance after receiving notice from the commissioner of agriculture to abate the same, or shall fail or neglect to use such measures of arrest and control of injurious insect pests and plant diseases as are required of him by the commissioner of agriculture; or who shall offer any hindrance or resistance to the carrying out of this act, or shall violate any other provision thereof, shall be adjudged guilty of a misdemeanor, and upon conviction be fined not less than $25.00 nor more

than $100.00 for each and every offense, or if the fine is not paid, a prison sentence in the county jail may be authorized at the discretion of the court.

**History:** 1931, Act 189, Eff. Sept. 18, 1931 ;-- Am. 1933, Act 246, Imd. Eff. July 10, 1933 ;-- Am. 1935, Act 232, Eff. Sept. 21, 1935 ;-- CL 1948, 286.226 ;-- Am. 1955, Act 255, Eff. Oct. 14, 1955

**286.228 Violation of certain laws, rules, or orders; civil infraction; fines; limitation; misdemeanor; felony; liability; "person" defined; applicability.**

Sec. 28.

(1) A person, other than a person who is required to be licensed under this act, who violates section 20 or an order issued under section 20 is responsible for a state civil infraction and shall be fined not more than $1,000.00 plus expenses incurred by the department in abating the nuisance.

(2) If a person who is required to be licensed under this act violates section 20 or an order issued under this section 20, the director shall impose on the person an administrative fine of not more than $1,000.00 plus expenses incurred by the department in abating the nuisance.

(3) A person, other than a person who is required to be licensed under this act, who violates section 23 or a rule promulgated or regulation issued under section 23, or who violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, is responsible for a state civil infraction and shall be fined not less than $1,000.00 or more than $10,000.00. However, if the person voluntarily reported the violation to the department before it was otherwise known to the department or the person had reason to believe the violation was about to become known to the department, the person shall be fined not more than $500.00.

(4) If a person who is required to be licensed under this act violates section 23 or a rule promulgated or regulation issued under section 23, or violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, the director shall impose on the person an administrative fine of not less than $1,000.00 or more than $10,000.00. However, if the person voluntarily reported the violation to the department before it was otherwise known to the department or the person had reason to believe the violation was about to become known to the department, the director shall impose on the person an administrative fine of not more than $500.00.

(5) Beginning September 1, 2005, a person who knowingly violates section 23 or an order issued or rule promulgated under section 23, or who knowingly violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, is guilty of a misdemeanor and may be imprisoned for not more than 1 year and shall be fined not less than $1,000.00 or more than $10,000.00.

(6) Beginning September 1, 2005, a person who intentionally violates section 23 or an order issued or rule promulgated under section 23, or who intentionally violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, for the purpose of causing damage to plants, plant products, natural resources, or agricultural, silvicultural, or horticultural products or resources, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $250,000.00, or both.

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(7) A person who violates section 23 or a rule promulgated or order issued under section 23, or who violates section 18(b) or a permit issued under section 18(b) with respect to an insect pest or plant disease that is the basis of a quarantine imposed by the director or the United States department of agriculture, is liable for any damages to plants, plant products, natural resources, or agricultural, silvicultural, or horticultural products or resources resulting from the violation, including, but not limited to, costs incurred to investigate, monitor, prevent, or minimize such damages.

(8) As used in this section, "person" means that term as defined in section 16a.

(9) Beginning September 1, 2005, violations described in this section are not subject to section 24 or 26.

**History:** Add. 2005, Act 53, Imd. Eff. June 27, 2005

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