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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1638

02/13/2023 Authored by Sencer-Mura; Hansen, R., and Cha
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

1.1 A bill for an act
1.2 relating to agriculture; modifying nursery and plant protection provisions; amending
1.3 Minnesota Statutes 2022, sections 18G.02, subdivisions 2, 6, 14, 15, 16, 20, 22,
1.4 24, 30, by adding a subdivision; 18G.03, subdivision 1; 18G.04, subdivision 2;
1.5 18G.05; 18G.06, subdivisions 2, 5; 18G.10, subdivisions 4, 5, 6; 18G.11,
1.6 subdivision 1; 18G.12, subdivisions 1, 2; 18H.02, subdivisions 2, 3, 8, 9, 12, 12b,
1.7 12c, 14, 16, 18, 20, 24, 24a, 25, 26, 28, 32, 33, by adding a subdivision; 18H.03,
1.8 subdivision 6; 18H.04; 18H.05; 18H.06, subdivision 2; 18H.07, subdivision 4, by
1.9 adding a subdivision; 18H.08, subdivision 1; 18H.09; 18H.10; 18H.12; 18H.13;
1.10 18H.14; 18H.15; 18H.18; repealing Minnesota Statutes 2022, sections 18G.02,
1.11 subdivisions 12, 17, 21, 25, 29; 18H.02, subdivisions 10, 12a, 29, 31, 32a, 34;
1.12 18H.06, subdivision 1.

1.13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.14 Section 1. Minnesota Statutes 2022, section 18G.02, subdivision 2, is amended to read:

1.15 Subd. 2. Biological control agent. "Biological control agent" means a parasite parasitoid,
1.16 predator, pathogen, or competitive organism intentionally released by humans for the purpose
1.17 of biological control with the intent of causing a reduction of a host or prey population.

1.18 Sec. 2. Minnesota Statutes 2022, section 18G.02, subdivision 6, is amended to read:

1.19 Subd. 6. Compliance agreement. "Compliance agreement" means a written agreement
1.20 between a person an entity and a regulatory agency to achieve compliance with regulatory
1.21 requirements.

2.1 Sec. 3. Minnesota Statutes 2022, section 18G.02, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 12a. **Individual.** "Individual" means a single human being who is not the sole
2.4 proprietor of a registered business related to plant protection or export certification.

2.5 Sec. 4. Minnesota Statutes 2022, section 18G.02, subdivision 14, is amended to read:

2.6 Subd. 14. **Infested.** "Infested" means a plant ~~has been overrun by~~ that contains an
2.7 unacceptable level of plant pests, including weeds, or contains or harbors plant pests in a
2.8 quantity that may threaten other plants.

2.9 Sec. 5. Minnesota Statutes 2022, section 18G.02, subdivision 15, is amended to read:

2.10 Subd. 15. **Invasive species.** "Invasive species" means an exotic ~~or nonnative~~ species
2.11 whose introduction and establishment causes, or may cause, economic or environmental
2.12 harm or harm to human health.

2.13 Sec. 6. Minnesota Statutes 2022, section 18G.02, subdivision 16, is amended to read:

2.14 Subd. 16. **Mark.** "Mark" means an official indicator affixed by the commissioner for
2.15 purposes of identification or separation, to, on, around, or near, plants or plant material
2.16 known or suspected to be infested or infected with a plant pest or that otherwise needs to
2.17 be distinguished from other plants or materials. This includes, but is not limited to, paint,
2.18 markers, tags, seals, stickers, tape, ribbons, signs, or placards.

2.19 Sec. 7. Minnesota Statutes 2022, section 18G.02, subdivision 20, is amended to read:

2.20 Subd. 20. **Person Entity.** "Person Entity" means ~~an individual,~~ a registered business
2.21 such as a firm, corporation, partnership, association, trust, joint stock company, or
2.22 unincorporated organization, or sole proprietorship; the state; a state agency; or a political
2.23 subdivision.

2.24 Sec. 8. Minnesota Statutes 2022, section 18G.02, subdivision 22, is amended to read:

2.25 Subd. 22. **Phytosanitary certificate or export certificate.** "Phytosanitary certificate"
2.26 or "export certificate" means a document authorized or prepared by a duly authorized federal
2.27 or state official that affirms, declares, or verifies that an article, ~~nursery stock,~~ plant, plant
2.28 product, shipment, or any other officially regulated article meets applicable, legally
2.29 established, plant pest regulations, including this chapter.

3.1 Sec. 9. Minnesota Statutes 2022, section 18G.02, subdivision 24, is amended to read:

3.2 Subd. 24. **Plant pest.** "Plant pest" ~~includes, but is not limited to, an invasive species or~~
 3.3 ~~any pest of plants, agricultural commodities, horticultural products, nursery stock, or~~
 3.4 ~~noncultivated plants by organisms such as~~ means any organism determined by the
 3.5 commissioner to be capable of causing harm to terrestrial plants, including but not limited
 3.6 to insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma-like
 3.7 organisms, weeds, plants, and parasitic plants.

3.8 Sec. 10. Minnesota Statutes 2022, section 18G.02, subdivision 30, is amended to read:

3.9 Subd. 30. **Significant damage or harm.** "Significant damage" or "harm" means a level
 3.10 of adverse impact that results in unacceptable economic damage, injury, or loss ~~that exceeds~~
 3.11 ~~the cost of control~~ for a particular crop plant.

3.12 Sec. 11. Minnesota Statutes 2022, section 18G.03, subdivision 1, is amended to read:

3.13 Subdivision 1. **Entry and inspection.** (a) The commissioner may enter and inspect a
 3.14 public or private place that might harbor plant pests and may require that the owner destroy
 3.15 or treat plant pests, plants, or other material.

3.16 (b) If the owner fails to properly comply with a directive of the commissioner, the
 3.17 commissioner may have any necessary work done at the owner's expense. The commissioner
 3.18 shall notify the owner of the deadline for paying those expenses. If the owner does not
 3.19 reimburse the commissioner for an expense within a time specified by the commissioner,
 3.20 the expense is a charge upon the county as provided in subdivision 4.

3.21 (c) If a ~~harmful~~ plant pest infestation or infection threatens plants of an area in the state,
 3.22 the commissioner may take any measures necessary to eliminate or alleviate the potential
 3.23 significant damage or harm.

3.24 (d) The commissioner may collect fees required by this chapter.

3.25 (e) The commissioner may issue and enforce written or printed "stop-sale" orders,
 3.26 compliance agreements, and other directives and requests to the owner or custodian of any
 3.27 plants or articles infested or infected with a ~~harmful~~ plant pest.

3.28 Sec. 12. Minnesota Statutes 2022, section 18G.04, subdivision 2, is amended to read:

3.29 Subd. 2. **Control order.** In order to prevent the introduction or spread of ~~harmful or~~
 3.30 ~~dangerous~~ plant pests, the commissioner may issue orders for necessary control measures.
 3.31 These orders may indicate the type of specific control to be used, the compound or material,

4.1 the manner or the time of application, and who is responsible for carrying out the control
 4.2 order. Control orders may include directions to control or abate the plant pest to an acceptable
 4.3 level; eradicate the plant pest; restrict the movement of the plant pest or any material, article,
 4.4 appliance, plant, or means of conveyance suspected to be carrying the plant pest; or destroy
 4.5 plants or plant products infested or infected with a plant pest. Material suspected of being
 4.6 infested or infected with a plant pest may be confiscated by the commissioner.

4.7 Sec. 13. Minnesota Statutes 2022, section 18G.05, is amended to read:

4.8 **18G.05 DISCOVERY OF PLANT PESTS; OFFICIAL MARKING OF INFESTED**
 4.9 **OR INFECTED ARTICLES.**

4.10 Upon knowledge of the existence of a ~~dangerous or injurious~~ plant pest ~~or invasive~~
 4.11 ~~species~~ within the state, the commissioner may conspicuously mark all plants, infested areas,
 4.12 materials, and articles known or suspected to be infected or infested with the plant pest ~~or~~
 4.13 ~~invasive species. Persons, owners, or tenants~~ An entity or individual in possession of the
 4.14 premises or area in which the existence of the plant pest ~~or invasive species~~ is suspected
 4.15 must be notified by the commissioner with prescribed control measures. ~~A person~~ An entity
 4.16 or individual must comply with the commissioner's control order within the prescribed time.
 4.17 If the commissioner determines that satisfactory control or mitigation of the pest has been
 4.18 achieved, the order must be released.

4.19 Sec. 14. Minnesota Statutes 2022, section 18G.06, subdivision 2, is amended to read:

4.20 Subd. 2. **Quarantine notice.** (a) The commissioner may issue orders to take prompt
 4.21 regulatory action in plant pest emergencies on regulated articles. If continuing quarantine
 4.22 action is required, a formal quarantine may be imposed. Orders may be issued to retain
 4.23 necessary quarantine action on a few properties if eradication treatments have been applied
 4.24 and continuing quarantine action is no longer necessary for the majority of the regulated
 4.25 area.

4.26 (b) The commissioner may place an emergency regulation or quarantine in effect without
 4.27 prior public notice in order to take immediate regulatory action to prevent the introduction
 4.28 or establishment of a plant pest.

4.29 (c) The commissioner may enter into cooperative agreements with the United States
 4.30 Department of Agriculture and other federal, state, city, or county agencies to assist in the
 4.31 enforcement of federal quarantines. The commissioner may adopt a quarantine or regulation
 4.32 against a plant pest or an area not covered by a federal quarantine. The commissioner may
 4.33 seize, destroy, or require treatment of products moved from a federally regulated area if

5.1 they were not moved in accordance with the federal quarantine regulations or, if certified,
5.2 they were found to be infested with the pest organism.

5.3 (d) The commissioner may impose a quarantine against a plant pest that is not quarantined
5.4 in other states to prevent the spread of the plant pest within this state. The commissioner
5.5 may enact a quarantine against a plant pest of regional or national significance even when
5.6 no federal domestic quarantine has been adopted. These quarantines regulate intrastate
5.7 movement between quarantined and nonquarantined areas of this state. The commissioner
5.8 may enact a parallel state quarantine if there is a federal quarantine applied to a portion of
5.9 the state.

5.10 (e) The commissioner may impose a state exterior quarantine if the plant pest is not
5.11 established in this state but is established in other states. State exterior quarantines may be
5.12 enacted even if no federal domestic quarantine has been adopted. The commissioner may
5.13 issue control orders at destinations necessary to prevent the introduction or spread of plant
5.14 pests.

5.15 Sec. 15. Minnesota Statutes 2022, section 18G.06, subdivision 5, is amended to read:

5.16 Subd. 5. **Public notification of a state quarantine or emergency regulation.** (a) For
5.17 plant pest threats of imminent concern, the commissioner may declare an emergency
5.18 quarantine or enact emergency orders.

5.19 (b) If circumstances permit, public notice and a public hearing must be held to solicit
5.20 comments regarding the proposed state quarantine. If a plant pest threat is of imminent
5.21 concern and there is insufficient time to allow full public comment on the proposed
5.22 quarantine, the commissioner may impose an emergency quarantine until a state quarantine
5.23 can be implemented.

5.24 (c) Upon establishment of a state quarantine, and upon institution of modifications or
5.25 repeal, notices must be sent to the principal parties of interest, including federal and state
5.26 authorities, and to organizations representing the public involved in the restrictive measures.

5.27 Sec. 16. Minnesota Statutes 2022, section 18G.10, subdivision 4, is amended to read:

5.28 Subd. 4. **Phytosanitary and export certificates.** An exporter of plants or plant products
5.29 desiring to originate shipments from Minnesota to a foreign country requiring a phytosanitary
5.30 certificate or export certificate must submit an application to the commissioner. Application
5.31 for phytosanitary certificates or export certificates must be made on forms provided or
5.32 approved by the commissioner or the USDA. The commissioner may conduct inspections

6.1 of plants, plant products, or facilities for persons that have applied for or intend to apply
6.2 for a phytosanitary certificate or export certificate from the commissioner.

6.3 The commissioner may issue a phytosanitary certificate or export certificate if the plants
6.4 or plant products satisfactorily meet the requirements of the importing state or foreign
6.5 country and the United States Department of Agriculture requirements. The requirements
6.6 of the destination states or countries must be met by the applicant.

6.7 Sec. 17. Minnesota Statutes 2022, section 18G.10, subdivision 5, is amended to read:

6.8 Subd. 5. **Certificate fees.** (a) The commissioner shall assess fees sufficient to recover
6.9 all costs for the inspection, service, and work performed in carrying out the issuance of a
6.10 phytosanitary certificate or export certificate.

6.11 (b) If laboratory analysis or other technical analysis is required to issue a certificate, the
6.12 commissioner must set and collect the fee to recover this additional cost.

6.13 (c) The certificate fee is \$75 or a fee amount, not to exceed \$300, that is sufficient to
6.14 recover all processing costs for each phytosanitary or export certificate issued. The certificate
6.15 fee is in addition to any mileage or inspection time charges that are assessed.

6.16 (d) For services provided for in subdivision 7 that are goods and services provided for
6.17 the direct and primary use of a private individual, business, or other entity, the commissioner
6.18 must set and collect the fees to cover the cost of the services provided.

6.19 Sec. 18. Minnesota Statutes 2022, section 18G.10, subdivision 6, is amended to read:

6.20 Subd. 6. **Certificate denial or cancellation.** The commissioner may deny or cancel the
6.21 issuance of a phytosanitary or export certificate for any of the following reasons:

6.22 (1) failure of the plants or plant products to meet quarantine, regulations, and requirements
6.23 imposed by the country, state, or other jurisdiction for which the phytosanitary or export
6.24 certificate is being requested;

6.25 (2) failure to completely or accurately provide the information requested on the
6.26 application form;

6.27 (3) failure to ship the exact plants or plant products which were inspected and approved;
6.28 or

6.29 (4) failure to pay any fees or costs due the commissioner.

7.1 Sec. 19. Minnesota Statutes 2022, section 18G.11, subdivision 1, is amended to read:

7.2 Subdivision 1. **Detection and control agreements.** The commissioner may enter into
7.3 cooperative agreements with organizations, ~~persons~~ entities, civic groups, governmental
7.4 agencies, or other organizations to adopt and execute plans to detect and control areas
7.5 infested or infected with ~~harmful~~ plant pests. The cooperative agreements may include
7.6 provisions of joint funding of any control treatment.

7.7 If a ~~harmful~~ plant pest infestation or infection occurs and cannot be adequately controlled
7.8 by ~~individual persons~~ individuals, entities, owners, tenants, or local units of government,
7.9 the commissioner may conduct the necessary control measures independently or on a
7.10 cooperative basis with federal or other units of government.

7.11 Sec. 20. Minnesota Statutes 2022, section 18G.12, subdivision 1, is amended to read:

7.12 Subdivision 1. **Plant pest and invasive species research.** The commissioner shall
7.13 conduct research to prevent the introduction or spread of ~~invasive species and~~ plant pests
7.14 that are also terrestrial invasive species into the state and to investigate the feasibility of
7.15 their control or eradication.

7.16 Sec. 21. Minnesota Statutes 2022, section 18G.12, subdivision 2, is amended to read:

7.17 Subd. 2. **Statewide program.** The commissioner shall establish a statewide program to
7.18 prevent the introduction and the spread of ~~harmful plant pest and~~ pests that are also terrestrial
7.19 invasive species. To the extent possible, the program must provide coordination of efforts
7.20 among governmental entities and private organizations.

7.21 Sec. 22. Minnesota Statutes 2022, section 18H.02, subdivision 2, is amended to read:

7.22 Subd. 2. **Agent.** "Agent" means ~~a person~~ an entity who, on behalf of another ~~person~~
7.23 entity, receives on consignment, contracts for, or solicits for sale on commission, a plant
7.24 product from a producer or supplier of the product or negotiates the consignment or purchase
7.25 of a plant product on behalf of another ~~person~~ entity.

7.26 Sec. 23. Minnesota Statutes 2022, section 18H.02, subdivision 3, is amended to read:

7.27 Subd. 3. **Annual.** "Annual" means a plant ~~growing in Minnesota~~ with a life cycle of less
7.28 than one year when grown in Minnesota.

8.1 Sec. 24. Minnesota Statutes 2022, section 18H.02, subdivision 8, is amended to read:

8.2 Subd. 8. **Consignee.** "Consignee" means ~~a person~~ an entity to whom a plant, nursery
8.3 stock, horticultural product, or plant product is shipped for handling, planting, sale, resale,
8.4 or any other purpose.

8.5 Sec. 25. Minnesota Statutes 2022, section 18H.02, subdivision 9, is amended to read:

8.6 Subd. 9. **Consignor.** "Consignor" means ~~a person~~ an entity who ships or delivers to a
8.7 consignee a plant, nursery stock, horticultural product, or plant product for handling, planting,
8.8 sale, resale, or any other purpose.

8.9 Sec. 26. Minnesota Statutes 2022, section 18H.02, subdivision 12, is amended to read:

8.10 Subd. 12. **Distribute.** "Distribute" means offer for sale, sell, barter, give away, ship,
8.11 deliver for shipment, receive and deliver, offer to deliver, receive on consignment, contract
8.12 for, solicit for sale on commission, or negotiate the consignment or purchase in this state.

8.13 Sec. 27. Minnesota Statutes 2022, section 18H.02, subdivision 12b, is amended to read:

8.14 Subd. 12b. **Etiolated growth.** "Etiolated growth" means ~~bleached and unnatural growth~~
8.15 resulting from the exclusion of sunlight plant growth with reduced or no chlorophyll
8.16 production due to a lack of sunlight. Etiolated growth is evidenced by pale, yellowish or
8.17 white plants and weak, spindly stems.

8.18 Sec. 28. Minnesota Statutes 2022, section 18H.02, subdivision 12c, is amended to read:

8.19 Subd. 12c. **Individual.** "Individual" means a human being who is not the sole proprietor
8.20 of a registered business selling plants for planting.

8.21 Sec. 29. Minnesota Statutes 2022, section 18H.02, subdivision 14, is amended to read:

8.22 Subd. 14. **Infested.** "Infested" means a plant ~~has been overrun by~~ that contains an
8.23 unacceptable level of plant pests, including weeds, or contains or harbors plant pests in a
8.24 quantity that may threaten other plants.

8.25 Sec. 30. Minnesota Statutes 2022, section 18H.02, is amended by adding a subdivision to
8.26 read:

8.27 Subd. 15a. **Label.** "Label" means a legible tag or other signage attached to a specific
8.28 plant or plant container that provides the identity of the plant and any other required or
8.29 relevant information regarding the plant.

9.1 Sec. 31. Minnesota Statutes 2022, section 18H.02, subdivision 16, is amended to read:

9.2 Subd. 16. **Mark.** "Mark" means an official indicator affixed by the commissioner for
 9.3 purposes of identification or separation to, on, around, or near plants or plant material known
 9.4 or suspected to be infested or infected with a plant pest or to otherwise distinguish the plants
 9.5 or plant material from other plants or materials. This includes, but is not limited to, paint,
 9.6 markers, tags, seals, stickers, tape, ribbons, signs, or placards.

9.7 Sec. 32. Minnesota Statutes 2022, section 18H.02, subdivision 18, is amended to read:

9.8 Subd. 18. **Nursery certificate.** "Nursery certificate" means a document issued by the
 9.9 commissioner recognizing that ~~a person~~ an entity is eligible to sell, offer for sale, or distribute
 9.10 certified nursery stock at a particular location under a specified business name.

9.11 Sec. 33. Minnesota Statutes 2022, section 18H.02, subdivision 20, is amended to read:

9.12 Subd. 20. **Nursery stock.** "Nursery stock" means a plant intended for planting or
 9.13 propagation, including, but not limited to, trees, shrubs, vines, perennials, biennials, grafts,
 9.14 cuttings, and buds that may be sold for propagation, whether cultivated or wild, and all
 9.15 viable parts of these plants. Nursery stock does not include:

9.16 (1) field and forage crops or sod;

9.17 (2) seeds;

9.18 (3) vegetable plants, bulbs, or tubers;

9.19 (4) cut material such as flowers or other herbaceous or woody plants, unless stems or
 9.20 other portions are intended for propagation;

9.21 (5) tropical plants;

9.22 ~~(5)~~ (6) annuals; or

9.23 ~~(6)~~ (7) Christmas trees.

9.24 Sec. 34. Minnesota Statutes 2022, section 18H.02, subdivision 24, is amended to read:

9.25 Subd. 24. **Owner.** "Owner" includes, but is not limited to, the ~~person~~ entity with the
 9.26 legal right of possession, proprietorship of, or responsibility for the property or place where
 9.27 any of the articles regulated in this chapter are found, or the ~~person~~ entity who is in possession
 9.28 of, proprietorship of, or has responsibility for the regulated articles.

10.1 Sec. 35. Minnesota Statutes 2022, section 18H.02, subdivision 24a, is amended to read:

10.2 Subd. 24a. **Packaged nursery stock.** "Packaged nursery stock" means bare root nursery
 10.3 stock packed with the roots in moisture-retaining material encased in plastic film or other
 10.4 material designed to hold the moisture-retaining material in place.

10.5 Sec. 36. Minnesota Statutes 2022, section 18H.02, subdivision 25, is amended to read:

10.6 Subd. 25. **Person Entity.** "~~Person~~" "Entity" means ~~an individual,~~ a registered business
 10.7 such as a firm, a corporation, a partnership, an association, a trust, a joint stock company,
 10.8 an unincorporated organization, or a sole proprietorship; the state; a state agency; or a
 10.9 political subdivision.

10.10 Sec. 37. Minnesota Statutes 2022, section 18H.02, subdivision 26, is amended to read:

10.11 Subd. 26. **Place of origin.** "Place of origin" means the county and state where nursery
 10.12 stock was most recently certified or grown for at least one ~~full~~ growing season.

10.13 Sec. 38. Minnesota Statutes 2022, section 18H.02, subdivision 28, is amended to read:

10.14 Subd. 28. **Plant pest.** "Plant pest" means ~~a biotic agent that causes or may cause harm~~
 10.15 ~~to any organism that the commissioner determines is capable of causing harm to terrestrial~~
 10.16 plants, including but not limited to insects, snails, nematodes, fungi, viruses, bacteria,
 10.17 microorganisms, mycoplasma-like organisms, weeds, and parasitic plants.

10.18 Sec. 39. Minnesota Statutes 2022, section 18H.02, subdivision 32, is amended to read:

10.19 Subd. 32. **Sales location.** "Sales location" means a fixed location from which certified
 10.20 nursery stock is ~~displayed or distributed~~ displayed with the intent to sell.

10.21 Sec. 40. Minnesota Statutes 2022, section 18H.02, subdivision 33, is amended to read:

10.22 Subd. 33. **Tree spade.** "Tree spade" means a mechanical device or machinery capable
 10.23 of removing nursery stock, root system, and soil from ~~the~~ a planting in one operation.

10.24 Sec. 41. Minnesota Statutes 2022, section 18H.03, subdivision 6, is amended to read:

10.25 Subd. 6. **Dissemination of information.** The commissioner may disseminate information
 10.26 among growers ~~relative to~~ regarding the treatment of nursery stock ~~in both prevention and~~
 10.27 ~~elimination of~~ to prevent or eliminate the attack by of plant pests and diseases.

11.1 Sec. 42. Minnesota Statutes 2022, section 18H.04, is amended to read:

11.2 **18H.04 ADOPTION OF RULES.**

11.3 The commissioner may adopt rules to carry out the purposes of this chapter. The rules
 11.4 may include, but are not limited to, rules in regard to labeling and the maintenance of
 11.5 viability and vigor of nursery stock. ~~Rules of the commissioner that are in effect on July 1,~~
 11.6 ~~2003, relating to plant protection, nursery inspection, or the Plant Pest Act remain in effect~~
 11.7 ~~until they are superseded by new rules.~~

11.8 Sec. 43. Minnesota Statutes 2022, section 18H.05, is amended to read:

11.9 **18H.05 NURSERY CERTIFICATE REQUIREMENTS.**

11.10 (a) No person may offer for sale or distribute certified nursery stock as a nursery stock
 11.11 grower or dealer without first obtaining the appropriate ~~nursery stock~~ certificate from the
 11.12 commissioner. The commissioner may not issue a certificate to ~~a person~~ an entity who does
 11.13 not sell certified nursery stock. Certificates are issued solely for these purposes and may
 11.14 not be used for other purposes.

11.15 (b) A certificate issued by the commissioner expires on December 31 of the year it is
 11.16 issued.

11.17 (c) ~~A person~~ An entity required to be certified by this section must apply for a certificate
 11.18 or for renewal on a form ~~furnished~~ established by the commissioner ~~which~~ that must contain:

11.19 (1) ~~the name and~~ address, and contact information of the applicant;_;

11.20 ~~the number of locations to be operated by the applicant and their addresses, and~~

11.21 (2) the assumed business name of the applicant;

11.22 ~~(2) if other than an individual, a statement whether a person is a partnership, corporation,~~
 11.23 ~~or other organization;~~

11.24 ~~(3) the type of business to be operated and, if the applicant is an agent, the principals~~
 11.25 ~~the applicant represents; and~~

11.26 (3) the address of the sales location;

11.27 (4) the address or geographical description of any additional location where nursery
 11.28 stock will be handled, if applicable; and

11.29 ~~(4)~~ (5) the source or sources of purchased nursery stock.

11.30 (d) No ~~person~~ entity may:

12.1 (1) falsely claim to be a certified dealer, grower, broker, or agent;

12.2 (2) make willful false statements when applying for a certificate; or

12.3 (3) sell or distribute certified nursery stock to an uncertified nursery stock dealer who
12.4 is required to be certified or nursery stock grower.

12.5 (e) Each application for a certificate must be accompanied by the appropriate certificate
12.6 fee under section 18H.07.

12.7 (f) Certificates issued by the commissioner ~~must~~ should be prominently displayed to the
12.8 public in the place of business where certified nursery stock is sold or distributed.

12.9 (g) The commissioner may refuse to issue a certificate for cause.

12.10 (h) Each grower or dealer is entitled to one sales location under the certificate of the
12.11 grower or dealer. Each additional sales location maintained by the ~~person~~ entity requires
12.12 the payment of the full certificate fee ~~for each additional sales outlet~~.

12.13 (i) A grower who is also a dealer is certified only as a grower for that specific site.

12.14 (j) A certificate is personal to the applicant and may not be transferred. A new certificate
12.15 is necessary if the business entity is changed or if the membership of a partnership is changed,
12.16 whether or not the business name is changed.

12.17 (k) The certificate issued to a dealer or grower applies to the particular premises named
12.18 in the certificate. However, if prior approval is obtained from the commissioner, the place
12.19 of business may be moved to the other premises or location without an additional certificate
12.20 fee.

12.21 (l) A collector of nursery stock from the wild is required to obtain a dealer's certificate
12.22 from the commissioner and is subject to all the requirements that apply to the inspection of
12.23 nursery stock. All collected nursery stock must be labeled as "collected from the wild."

12.24 Sec. 44. Minnesota Statutes 2022, section 18H.06, subdivision 2, is amended to read:

12.25 Subd. 2. **Occasional sales.** (a) An individual may offer nursery stock for sale and be
12.26 exempt from the requirement to obtain a nursery stock certificate if:

12.27 (1) the gross sales of all nursery stock in a calendar year do not exceed ~~\$2,000~~ \$1,000;

12.28 (2) all nursery stock sold or distributed by the individual is intended for planting in
12.29 Minnesota;

13.1 ~~(3) all nursery stock purchased or procured for resale or distribution was grown in~~
 13.2 ~~Minnesota and has been certified by the commissioner~~ sold or distributed was grown by
 13.3 the individual in Minnesota; and

13.4 (4) the individual conducts sales or distributions of nursery stock on ten or fewer days
 13.5 in a calendar year.

13.6 ~~(b) A municipality may offer certified nursery stock for sale and be exempt from the~~
 13.7 ~~requirement to obtain a nursery stock certificate if:~~

13.8 ~~(1) all nursery stock offered for sale or distributed is intended for planting by residents~~
 13.9 ~~of the municipality on public property or public easements within the municipal boundary;~~

13.10 ~~(2) all nursery stock purchased or procured for resale or distribution is grown in~~
 13.11 ~~Minnesota and has been certified by the commissioner; and~~

13.12 ~~(3) the municipality submits to the commissioner before any sale or distribution of~~
 13.13 ~~nursery stock a list of all suppliers who provide the municipality with nursery stock.~~

13.14 ~~(e)~~ (b) The commissioner may prescribe the conditions of the exempt nursery sales under
 13.15 this subdivision and may conduct routine inspections of the nursery stock offered for sale.

13.16 Sec. 45. Minnesota Statutes 2022, section 18H.07, is amended by adding a subdivision to
 13.17 read:

13.18 Subd. 3a. **Waiver of fees.** (a) A nonprofit organization or an individual may offer for
 13.19 sale certified nursery stock and be exempt from the requirement to pay certificate fees if
 13.20 the nonprofit organization or individual:

13.21 (1) sells or distributes certified nursery stock on ten or fewer days in a calendar year;

13.22 (2) uses the proceeds from certified nursery stock sales or distributions for nonprofit
 13.23 purposes; and

13.24 (3) obtains a nursery stock certificate.

13.25 (b) A municipality may offer for sale certified nursery stock and be exempt from the
 13.26 requirement to pay certificate fees if:

13.27 (1) all nursery stock offered for sale or distributed is intended for planting by residents
 13.28 of the municipality on public property or public easements in the municipality;

13.29 (2) all nursery stock purchased or procured for resale or distribution is grown in
 13.30 Minnesota and has been certified by the commissioner; and

13.31 (3) the municipality obtains a live plant dealer certificate.

14.1 (c) The commissioner may prescribe the conditions of nursery fee waivers and may
 14.2 conduct routine inspections of nursery stock offered for sale.

14.3 Sec. 46. Minnesota Statutes 2022, section 18H.07, subdivision 4, is amended to read:

14.4 Subd. 4. **Reinspection; additional or optional inspection fees.** ~~If a reinspection an~~
 14.5 irregular inspection is required or an additional inspection is needed or requested, a fee ~~must~~
 14.6 may be assessed based on mileage and inspection time as follows:

14.7 (1) mileage must be charged at the current United States Internal Revenue Service
 14.8 reimbursement rate; and

14.9 (2) inspection time must be charged at a rate sufficient to recover all inspection costs,
 14.10 including the driving time to and from the location in addition to the time spent conducting
 14.11 the inspection.

14.12 Sec. 47. Minnesota Statutes 2022, section 18H.08, subdivision 1, is amended to read:

14.13 Subdivision 1. **Services and fees.** The commissioner may make small lot inspections
 14.14 or perform other necessary services for which another charge is not specified. For these
 14.15 services, the commissioner ~~shall~~ may set a fee plus expenses that will recover the cost of
 14.16 performing this service. The commissioner may set an additional acreage fee for inspection
 14.17 of seed production fields for exporters in order to meet domestic and foreign plant quarantine
 14.18 requirements.

14.19 Sec. 48. Minnesota Statutes 2022, section 18H.09, is amended to read:

14.20 **18H.09 NURSERY STOCK CERTIFICATION REQUIREMENTS.**

14.21 (a) All nursery stock growing at sites identified by nursery stock dealers or nursery stock
 14.22 growers and submitted for inspection must be inspected by the commissioner within the
 14.23 previous 12 months prior to sale and found apparently free from ~~quarantine and regulated~~
 14.24 ~~nonquarantine pests as well as significantly dangerous or potentially damaging~~ plant pests.
 14.25 The commissioner may waive a site inspection under the following conditions:

14.26 (1) the nursery stock is not going to be sold within 12 months;

14.27 (2) the nursery stock will not be moved out of Minnesota; and

14.28 (3) the nursery site or stock is not subject to certification requirements associated with
 14.29 a state or federally regulated or quarantined plant pest.

15.1 All nursery stock originating from out of state and offered for sale in Minnesota must
 15.2 have been inspected by the appropriate state or federal agency during the previous 12 months
 15.3 and found free from ~~quarantine and regulated nonquarantine pests as well as~~ significantly
 15.4 dangerous or potentially damaging plant pests. A nursery stock certificate is valid from
 15.5 January 1 to December 31.

15.6 (b) Nursery stock must be accessible to the commissioner for inspection during regular
 15.7 business hours. Weeds or other growth that hinder a proper inspection are grounds to suspend
 15.8 or withhold a certificate or require a reinspection for which a fee may be charged.

15.9 (c) Inspection reports issued to growers must contain a list of the plant pests found at
 15.10 the time of inspection. ~~Withdrawal-from-distribution~~ or other orders are considered part of
 15.11 the inspection reports. A ~~withdrawal-from-distribution~~ or other order must contain a list of
 15.12 plants withdrawn from distribution and the location of the plants.

15.13 (d) The commissioner may ~~post signs to delineate~~ mark sections withdrawn from
 15.14 distribution or subject to other special circumstances. These ~~signs~~ marks must remain in
 15.15 place until the commissioner removes ~~them~~ the marks or grants written permission to the
 15.16 grower to remove the ~~signs~~ marks.

15.17 (e) Inspection reports issued to dealers must outline the violations involved and corrective
 15.18 actions to be taken including withdrawal-from-distribution orders which would specify
 15.19 nursery stock that could not be distributed from a certain area.

15.20 (f) Optional inspections of plants may be conducted by the commissioner upon request
 15.21 by any ~~persons~~ entity desiring an inspection. A fee as provided in section 18H.07 must be
 15.22 charged for such an inspection.

15.23 Sec. 49. Minnesota Statutes 2022, section 18H.10, is amended to read:

15.24 **18H.10 STORAGE OF NURSERY STOCK.**

15.25 (a) All nursery stock must be kept and displayed under conditions of temperature, light,
 15.26 and moisture sufficient to maintain the viability and vigor of the nursery stock.

15.27 (b) Packaged ~~dormant~~ nursery stock must be stored under conditions that retard growth,
 15.28 prevent etiolated growth, and protect its viability.

15.29 (c) Balled and burlapped nursery stock being held for sale ~~to the public~~ must be kept in
 15.30 a moisture-holding material approved by the commissioner and not toxic to plants. The
 15.31 moisture-holding material must adequately cover and protect the ball of earth and must be

16.1 kept moist at all times. The commissioner may approve alternative nursery stock management
 16.2 practices to maintain the viability of balled and burlapped stock.

16.3 Sec. 50. Minnesota Statutes 2022, section 18H.12, is amended to read:

16.4 **18H.12 DAMAGED, DISEASED, INFESTED, OR MISREPRESENTED STOCK.**

16.5 (a) No ~~person~~ entity may knowingly offer to distribute, advertise, or display nursery
 16.6 stock that is infested or infected with ~~quarantine or regulated nonquarantine pests or~~
 16.7 ~~significant dangerous or potentially damaging~~ plant pests, ~~including noxious weeds or~~
 16.8 nursery stock that is in a dying condition, desiccated, frozen or damaged by freezing, or
 16.9 materially damaged in any way.

16.10 (b) No ~~person~~ entity may knowingly offer to distribute, advertise, or display nursery
 16.11 stock that may result in the capacity and tendency or effect of deceiving any purchaser or
 16.12 prospective purchaser as to the quantity, size, grade, kind, species name, age, variety,
 16.13 maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth
 16.14 characteristics, rate of growth, time required before flowering or fruiting, price, origin, place
 16.15 where grown, or any other material respect.

16.16 (c) Upon discovery or notification of damaged, diseased, infested, or misrepresented
 16.17 stock, the commissioner may place a ~~stop sale~~ stop sale and a withdrawal from distribution
 16.18 order on the material. The order makes it an illegal action to distribute, give away, destroy,
 16.19 alter, or tamper with the plants.

16.20 (d) The commissioner may conspicuously mark all plants, materials, and articles known
 16.21 or suspected to be infected or infested with ~~quarantine or regulated nonquarantine pests or~~
 16.22 ~~significant dangerous or potentially damaging~~ plant pests. The commissioner shall notify
 16.23 the persons, owners, or the tenants in possession of the premises or area in question of the
 16.24 existence of the plant pests.

16.25 (e) If the commissioner determines that this chapter has been violated, the commissioner
 16.26 may order that the nuisance, infestation, infection, or plant pest be abated by whatever means
 16.27 necessary, including, but not limited to, destruction, confiscation, treatment, return shipment,
 16.28 or quarantine.

16.29 (f) The plant owner is liable for all costs associated with a stop order or a quarantine,
 16.30 treatment, or destruction of plants. The commissioner is not liable for any actual or incidental
 16.31 costs incurred by a ~~person~~ an entity due to authorized actions of the commissioner. The
 16.32 commissioner must be reimbursed by the owner of plants for actual expenses incurred by
 16.33 the commissioner in carrying out a stop order.

17.1 Sec. 51. Minnesota Statutes 2022, section 18H.13, is amended to read:

17.2 **18H.13 SHIPMENT OF NURSERY STOCK INTO MINNESOTA.**

17.3 Subdivision 1. **Identification of origin.** Proof of valid nursery certification and origin
17.4 of all nursery stock must accompany ~~the~~ any shipment. It is the shared responsibility of
17.5 both the consignee and consignor to examine all shipments for the presence of current and
17.6 applicable nursery stock certifications for all plant material from all sources of stock in each
17.7 shipment.

17.8 Subd. 2. **Reciprocity.** ~~A person~~ An entity residing outside the state may distribute nursery
17.9 stock in Minnesota if:

17.10 (1) the ~~person~~ entity is duly certified under the nursery laws of the state where the nursery
17.11 stock originates and the laws of that state are essentially equivalent to the laws of Minnesota
17.12 as determined by the commissioner; and

17.13 (2) the ~~person~~ entity complies with this chapter and the rules governing nursery stock
17.14 distributed in Minnesota.

17.15 Subd. 3. **Reciprocal agreements.** The commissioner may cooperate with and enter into
17.16 reciprocal agreements with other states regarding licensing and movement of nursery stock.
17.17 Reciprocal agreements with other states do not prevent the commissioner from prohibiting
17.18 the distribution in Minnesota of any nursery stock that fails to meet minimum criteria for
17.19 nursery stock of Minnesota certified growers, dealers, or both. An official directory of
17.20 certified nurseries and related nursery industry businesses from other states is acceptable
17.21 in lieu of individual nursery certificates.

17.22 Subd. 4. **Foreign nursery stock.** ~~A person~~ An entity receiving a shipment of nursery
17.23 stock from a foreign country that has not been inspected and released by the United States
17.24 Department of Agriculture at the port of entry must notify the commissioner of the arrival
17.25 of the shipment, its contents, and the name of the consignor. The ~~person~~ entity must hold
17.26 the shipment unopened until inspected or released by the commissioner.

17.27 Subd. 5. **Transportation companies.** ~~A person~~ An entity who acts as the representative
17.28 of a transportation company, private carrier, commercial shipper, common carrier, express
17.29 parcel carrier, or other transportation entity, and receives, ships, or otherwise distributes a
17.30 carload, box, container, or any package of plants, plant materials, or nursery stock, that does
17.31 not have all required certificates attached as required or fails to immediately notify the
17.32 commissioner is in violation of this chapter.

18.1 Sec. 52. Minnesota Statutes 2022, section 18H.14, is amended to read:

18.2 **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

18.3 (a) Plants, plant materials, or nursery stock must not be labeled or advertised with false
 18.4 or misleading information including, but not limited to, the scientific name, variety, place
 18.5 of origin, and hardiness zone as defined by the United States Department of Agriculture,
 18.6 ~~and growth habit.~~

18.7 (b) All nonhardy nursery stock as designated by the commissioner must be labeled
 18.8 correctly for hardiness or be labeled "nonhardy" in Minnesota.

18.9 (c) ~~A person~~ An entity may not offer for distribution plants, plant materials, or nursery
 18.10 stock, represented by some specific or special form of notation, including, but not limited
 18.11 to, "free from" or "grown free of," unless the plants are produced under a specific program
 18.12 approved by the commissioner to address the specific plant properties addressed in the
 18.13 special notation claim.

18.14 (d) Nursery stock collected from the wild state must be inspected and certified prior to
 18.15 sale and at the time of sale must be labeled "Collected from the Wild." The label must remain
 18.16 on each plant or clump of plants while it is offered for sale and during the distribution
 18.17 process. The collected stock may be grown in nursery rows at least two years, after which
 18.18 the plants may be sold without the labeling required by this paragraph.

18.19 (e) ~~A person~~ An entity selling at retail or providing to an end user may not label or
 18.20 advertise an annual plant, bedding plant, or other plant, plant material, or nursery stock as
 18.21 beneficial to pollinators if the annual plant, bedding plant, plant material, or nursery stock
 18.22 has:

18.23 (1) been treated with a systemic insecticide that:

18.24 (i) has a pollinator protection box on the label; or

18.25 (ii) has a pollinator, bee, or honey bee precautionary statement in the environmental
 18.26 hazards section of the insecticide product label; and

18.27 (2) a concentration in its flowers greater than the no observed adverse effect level of a
 18.28 systemic insecticide.

18.29 The commissioner shall enforce this paragraph as provided in chapter 18J.

18.30 (f) For the purposes of paragraph (e):

18.31 (1) "systemic insecticide" means an insecticide that is both absorbed by the plant and
 18.32 translocated through the plant's vascular system; and

19.1 (2) "no observed adverse effect level" means the level established by the United States
 19.2 Environmental Protection Agency for acute oral toxicity for adult honeybees.

19.3 Sec. 53. Minnesota Statutes 2022, section 18H.15, is amended to read:

19.4 **18H.15 VIOLATIONS.**

19.5 (a) ~~A person~~ An entity who offers to distribute nursery stock that is uncertified,
 19.6 uninspected, or falsely labeled or advertised possesses an illegal regulated commodity that
 19.7 is considered infested or infected with ~~harmful~~ plant pests and subject to regulatory action
 19.8 and control. If the commissioner determines that the provisions of this section have been
 19.9 violated, the commissioner may order the destruction of all of the plants unless the ~~person~~
 19.10 entity:

19.11 (1) provides proper phytosanitary preclearance, phytosanitary certification, or nursery
 19.12 stock certification;

19.13 (2) agrees to have the plants, plant materials, or nursery stock returned to the consignor;
 19.14 and

19.15 (3) provides proper documentation, certification, or compliance to support advertising
 19.16 claims.

19.17 (b) The plant owner is liable for all costs associated with a withdrawal-from-distribution
 19.18 order or the quarantine, treatment, or destruction of plants. The commissioner is not liable
 19.19 for actual or incidental costs incurred by ~~a person~~ an entity due to the commissioner's actions.
 19.20 The commissioner must be reimbursed by the owner of the plants for the actual expenses
 19.21 incurred in carrying out a withdrawal-from-distribution order or the quarantine, treatment,
 19.22 or destruction of any plants.

19.23 (c) It is unlawful for ~~a person~~ an entity to:

19.24 (1) misrepresent, falsify, or knowingly distribute, sell, advertise, or display damaged,
 19.25 mislabeled, misrepresented, infested, or infected nursery stock;

19.26 (2) fail to obtain a nursery certificate as required by the commissioner;

19.27 (3) fail to renew a nursery certificate, but continue business operations;

19.28 ~~(4) fail to display a nursery certificate;~~

19.29 ~~(5)~~ (4) misrepresent or falsify a nursery certificate;

19.30 ~~(6)~~ (5) refuse to submit to a nursery inspection;

20.1 ~~(7)~~ (6) fail to provide the cooperation necessary to conduct a successful nursery
20.2 inspection;

20.3 ~~(8)~~ (7) offer for sale uncertified ~~plants, plant materials, or~~ nursery stock;

20.4 ~~(9)~~ (8) possess an illegal regulated commodity;

20.5 ~~(10)~~ (9) violate or disobey a commissioner's order;

20.6 ~~(11)~~ (10) violate a quarantine issued by the commissioner;

20.7 ~~(12)~~ (11) fail to obtain phytosanitary certification for plant material or nursery stock
20.8 brought into Minnesota;

20.9 ~~(13)~~ (12) deface, mutilate, or destroy a nursery stock certificate, phytosanitary certificate,
20.10 or phytosanitary preclearance certificate, or other commissioner mark, permit, or certificate;

20.11 ~~(14)~~ (13) fail to notify the commissioner of an uncertified shipment of ~~plants, plant~~
20.12 ~~materials, or~~ nursery stock;

20.13 ~~(15)~~ (14) transport uncertified ~~plants, plant materials, or~~ nursery stock in Minnesota; or

20.14 ~~(16)~~ (15) sell nursery stock to an uncertified nursery stock dealer who is required to be
20.15 certified.

20.16 Sec. 54. Minnesota Statutes 2022, section 18H.18, is amended to read:

20.17 **18H.18 CONSERVATION OF CERTAIN WILDFLOWERS.**

20.18 Subdivision 1. **Restrictions on collecting.** No ~~person~~ entity shall distribute any species
20.19 of orchids (*Orchidaceae*), any gentian (*Gentiana*), arbutus (*Epigaea repens*), lilies (*Lilium*
20.20 species), coneflowers (*Echinacea* species), bloodroot (*Sanguinaria canadensis*), mayapple
20.21 (*Podophyllum peltatum*), any species of trillium (*Trillium* species), or lotus (*Nelumbo*
20.22 *lutea*), ~~which~~ that have been collected in any manner from any public or private property
20.23 without the written permission of the property owner ~~and~~. Plants intended to be offered for
20.24 sale must have the written authorization from the commissioner.

20.25 Subd. 2. **Collection without sale.** Wildflower collection from public or private land for
20.26 the purpose of transplanting the plants to a ~~person's~~ an entity's private property and not
20.27 offering for immediate sale, requires the written permission from the property owner of the
20.28 land on which the wildflowers are growing.

20.29 Subd. 3. **Collection with intent to sell or distribute wildflowers.** (a) The wildflowers
20.30 listed in this section may be offered for immediate sale only if the plants are to be used for
20.31 scientific or herbarium purposes.

21.1 (b) The wildflowers listed in this section must not be collected and sold commercially
21.2 unless the plants are:

21.3 (1) growing naturally, collected, and cultivated on the collector's property; or

21.4 (2) collected through the process described in subdivision 2 and transplanted and
21.5 cultivated on the collector's property for at least one growing season before the sale.

21.6 (c) The collector must obtain a written permit from the commissioner before the plants
21.7 may be offered for commercial sale.

21.8 (d) A plant sold commercially must be individually labeled with a department permit
21.9 number.

21.10 Sec. 55. **REPEALER.**

21.11 Minnesota Statutes 2022, sections 18G.02, subdivisions 12, 17, 21, 25, and 29; 18H.02,
21.12 subdivisions 10, 12a, 29, 31, 32a, and 34; and 18H.06, subdivision 1, are repealed.

18G.02 DEFINITIONS.

Subd. 12. **Harmful plant pest.** "Harmful plant pest" means a plant pest that constitutes a significant threat to the agricultural, forest, or horticultural interests of Minnesota or the general environmental quality of the state.

Subd. 17. **Nursery stock.** "Nursery stock" means a plant intended for planting or propagation, including, but not limited to, trees, shrubs, vines, perennials, biennials, grafts, cuttings, and buds that may be sold for propagation, whether cultivated or wild, and all viable parts of these plants. Nursery stock does not include:

- (1) field and forage crops;
- (2) the seeds of grasses, cereal grains, vegetable crops, and flowers;
- (3) vegetable plants, bulbs, or tubers;
- (4) cut flowers, unless stems or other portions are intended for propagation;
- (5) annuals; or
- (6) Christmas trees.

Subd. 21. **Pest.** "Pest" means any living agent capable of reproducing itself that causes or may potentially cause harm to plants or other biotic organisms.

Subd. 25. **Preclearance.** "Preclearance" means an agreement between quarantine officials of exporting and importing states to pass plants, plant material, or other items through quarantine by allowing the exporting state to inspect the plants preshipment, rather than the importing state inspecting the shipment upon arrival.

Subd. 29. **Regulated nonquarantine pest.** "Regulated nonquarantine pest" means a plant pest that has not been quarantined by state or federal agencies and whose presence in plants or articles may pose an unacceptable risk to nursery stock, other plants, the environment, or human activities.

18H.02 DEFINITIONS.

Subd. 10. **Container-grown.** "Container-grown" means a plant that was produced from a liner or cutting in a container.

Subd. 12a. **Dormant.** "Dormant" means nursery stock without etiolated growth.

Subd. 29. **Public nuisance.** "Public nuisance" means:

- (1) a plant, appliance, conveyance, or article that is infested with plant pests that may cause significant damage or harm; or
- (2) premises where a plant pest is found.

Subd. 31. **Regulated nonquarantine pest.** "Regulated nonquarantine pest" means a plant pest that has not been quarantined by state or federal agencies and whose presence in plants or articles may pose an unacceptable risk to nursery stock, other plants, the environment, or human activities.

Subd. 32a. **Sod.** "Sod" means the upper portion of soil that contains the roots of grasses and the living grass plants.

Subd. 34. **Tree spade operator.** "Tree spade operator" means a person who uses a tree spade to dig, sell, offer for sale, distribute, or transport certified nursery stock.

18H.06 EXEMPT NURSERY SALES.

Subdivision 1. **Not-for-profit sales.** An organization or individual may offer for sale certified nursery stock and be exempt from the requirement to obtain a nursery stock dealer certificate if sales are conducted by a nonprofit charitable, educational, or religious organization that:

- (1) conducts sales or distributions of certified nursery stock on ten or fewer days in a calendar year; and
- (2) uses the proceeds from its certified nursery stock sales or distribution for charitable, educational, or religious purposes.