

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1587

02/13/2023 Authored by Vang
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

03/27/2023 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

04/20/2023 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to agriculture; modifying restricted species provisions; prohibiting certain

1.3 provisions in carbon storage contracts; prohibiting false labeling of certain

1.4 pesticide-treated plants as pollinator friendly; modifying genetically engineered

1.5 organisms provisions; modifying nursery and plant protection provisions; modifying

1.6 provisions regulating the dairy industry; modifying control and eradication of

1.7 nonnative Phragmites; amending Minnesota Statutes 2022, sections 17.457; 17.710;

1.8 17.983, subdivision 1; 18.78, subdivision 2; 18F.01; 18F.02, by adding subdivisions;

1.9 18F.07; 18F.13; 18G.02, subdivisions 2, 6, 14, 15, 16, 20, 22, 24, 30, by adding

1.10 a subdivision; 18G.03, subdivision 1; 18G.04, subdivision 2; 18G.05; 18G.06,

1.11 subdivisions 2, 5; 18G.10, subdivisions 4, 5, 6; 18G.11, subdivision 1; 18G.12,

1.12 subdivisions 1, 2; 18H.02, subdivisions 2, 3, 8, 9, 12, 12b, 12c, 14, 16, 18, 20, 24,

1.13 24a, 25, 26, 28, 32, 33, by adding a subdivision; 18H.03, subdivision 6; 18H.04;

1.14 18H.05; 18H.06, subdivision 2; 18H.07, subdivision 4, by adding a subdivision;

1.15 18H.08, subdivision 1; 18H.09; 18H.10; 18H.12; 18H.13; 18H.14; 18H.15; 18H.18;

1.16 32D.02, subdivision 2; 32D.09, subdivision 2; 34A.04, subdivision 1; repealing

1.17 Minnesota Statutes 2022, sections 17.984; 18F.02, subdivisions 2, 9; 18F.12;

1.18 18G.02, subdivisions 12, 17, 21, 25, 29; 18H.02, subdivisions 10, 12a, 29, 31, 32a,

1.19 34; 18H.06, subdivision 1; 32D.03, subdivision 5.

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

1.21 Section 1. Minnesota Statutes 2022, section 17.457, is amended to read:

1.22 **17.457 RESTRICTED SPECIES.**

1.23 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

1.24 (b) "Commissioner" means the commissioner of agriculture or the commissioner's

1.25 designee.

1.26 (c) "Restricted species" means Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies

1.27 and *Sus scrofa* hybrids), excluding domestic hogs (*S. scrofa domesticus*).

2.1 (d) "Release" means an intentional introduction or accidental escape of a species from
2.2 the control of the owner or responsible party.

2.3 Subd. 2. **Importation; possession; release of restricted species.** It is unlawful for a
2.4 person to import, possess, propagate, transport, or release restricted species, ~~except as~~
2.5 ~~provided~~ unless the person has a permit as described in subdivision 3.

2.6 Subd. 3. **Permits.** (a) The commissioner may issue permits for the transportation,
2.7 possession, purchase, or importation of restricted species for scientific, research, educational,
2.8 or commercial purposes. A permit issued under this subdivision may be revoked by the
2.9 commissioner if the conditions of the permit are not met by the permittee or for any unlawful
2.10 act or omission, including accidental escapes.

2.11 ~~(b) The commissioner may issue permits for a person to possess and raise a restricted~~
2.12 ~~species for commercial purposes if the person was in possession of the restricted species~~
2.13 ~~on March 1, 1993. Under the permit, the number of breeding stock of the restricted species~~
2.14 ~~in the possession of the person may not increase by more than 25 percent and the person~~
2.15 ~~must comply with the certification requirements in subdivision 7.~~

2.16 ~~(c) A person may possess a restricted species without a permit for a period not to exceed~~
2.17 ~~two days for the purpose of slaughtering the restricted species for human consumption.~~

2.18 Subd. 4. **Notice of escape release of restricted species.** In the event of an ~~escape~~ a
2.19 release of a restricted species, the owner must notify within 24 hours a conservation officer
2.20 and the Board of Animal Health and is responsible for the recovery of the species. The
2.21 commissioner may capture or destroy the ~~escaped~~ released animal at the owner's expense.

2.22 Subd. 5. **Enforcement.** This section may be enforced by an enforcement officer under
2.23 sections 97A.205 and 97A.211 and by the commissioner under sections 17.982 to 17.984.

2.24 Subd. 6. **Penalty.** A person who violates subdivision 2, 4, or 7 is guilty of a misdemeanor.

2.25 Subd. 7. ~~**Certification and Identification requirements.** (a) A person who possesses~~
2.26 ~~restricted species on July 1, 1993, must submit certified numbers of restricted species in~~
2.27 ~~the person's possession to the Board of Animal Health by June 1, 1993.~~

2.28 ~~(b) A~~ A restricted species in the possession of a person must be marked in a permanent
2.29 fashion to identify ownership. The restricted species must be marked as soon as practicable
2.30 after birth or purchase.

2.31 Subd. 8. **Containment.** The commissioner, in consultation with the commissioner of
2.32 natural resources, shall develop criteria for approved containment measures for restricted
2.33 species ~~with the assistance of producers of restricted species.~~

3.1 Subd. 9. **Bond; security.** A person who possesses restricted species must ~~file a bond or~~
3.2 ~~deposit~~ provide proof of insurance or file a security bond with the commissioner ~~security~~
3.3 ~~in the form and in the~~ an amount determined by the commissioner to pay for the potential
3.4 costs and damages that would be caused by ~~an escape~~ the release of a restricted species.

3.5 Subd. 10. **Fee.** The commissioner ~~shall~~ may impose a fee for permits in an amount
3.6 sufficient to cover the costs of issuing the permits and for facility inspections. The fee may
3.7 not exceed \$50. Fee receipts must be deposited in the general fund.

3.8 Sec. 2. Minnesota Statutes 2022, section 17.710, is amended to read:

3.9 **17.710 AGRICULTURAL ~~PRODUCTION~~ CONTRACTS.**

3.10 (a) A production contract entered into, renewed, or amended on or after July 1, 1999,
3.11 between an agricultural producer and a processor of agricultural products must not contain
3.12 provisions that prohibit the producer from disclosing terms, conditions, and prices contained
3.13 in the contract. Any provision prohibiting disclosure by the producer is void.

3.14 (b) A contract entered into, renewed, or amended on or after July 1, 2023, between an
3.15 agricultural producer and an entity buying, selling, certifying, or otherwise participating in
3.16 a market for stored carbon must not contain provisions that prohibit the producer from
3.17 disclosing terms, conditions, and prices contained in the contract. Any provision prohibiting
3.18 disclosure by the producer is void.

3.19 Sec. 3. Minnesota Statutes 2022, section 17.983, subdivision 1, is amended to read:

3.20 Subdivision 1. **Administrative penalties; citation.** If a person has violated a provision
3.21 of chapter 25; or 31B, ~~or 32D,~~ the commissioner may issue a written citation to the person
3.22 by personal service or by certified mail. The citation must describe the nature of the violation
3.23 and the statute or rule alleged to have been violated; state the time for correction, if
3.24 applicable; and the amount of any proposed fine. The citation must advise the person to
3.25 notify the commissioner in writing within 30 days if the person wishes to appeal the citation.
3.26 If the person fails to appeal the citation, the citation is the final order and not subject to
3.27 further review.

3.28 Sec. 4. Minnesota Statutes 2022, section 18.78, subdivision 2, is amended to read:

3.29 Subd. 2. **Control of purple loosestrife and nonnative Phragmites.** An owner of
3.30 nonfederal lands underlying public waters or wetlands designated under section 103G.201
3.31 is not required to control or eradicate purple loosestrife or nonnative Phragmites below the
3.32 ordinary high water level of the public water or wetland. The commissioner of natural

4.1 resources is responsible for control and eradication of purple loosestrife and nonnative
4.2 Phragmites on public waters and wetlands designated under section 103G.201, except those
4.3 located upon lands owned in fee title or managed by the United States. The officers,
4.4 employees, agents, and contractors of the commissioner of natural resources may enter upon
4.5 public waters and wetlands designated under section 103G.201 and, after providing
4.6 notification to the occupant or owner of the land, may cross adjacent lands as necessary for
4.7 the purpose of investigating purple loosestrife or nonnative Phragmites infestations,
4.8 formulating methods of eradication, and implementing control and eradication of purple
4.9 loosestrife or nonnative Phragmites. The commissioner of natural resources shall, by June
4.10 1 of each year, compile a priority list of purple loosestrife and nonnative Phragmites
4.11 infestations to be controlled with herbicides in designated public waters. The commissioner
4.12 of natural resources must distribute the list to county agricultural inspectors, local weed
4.13 inspectors, and their appointed agents. The commissioner of natural resources shall control
4.14 listed purple loosestrife and nonnative Phragmites infestations in priority order within the
4.15 limits of funding allocated for that purpose. This procedure shall supersede the other
4.16 provisions for control of noxious weeds set forth elsewhere in this chapter. The responsibility
4.17 of the commissioner of natural resources to control and eradicate purple loosestrife and
4.18 nonnative Phragmites on public waters and wetlands located on private lands and the
4.19 authority to enter upon private lands ends ten days after receipt by the commissioner of a
4.20 written statement from the landowner that the landowner assumes all responsibility for
4.21 control and eradication of purple loosestrife and nonnative Phragmites under sections 18.78
4.22 to 18.88. State officers, employees, agents, and contractors of the commissioner of natural
4.23 resources are not liable in a civil action for trespass committed in the discharge of their
4.24 duties under this section and are not liable to anyone for damages, except for damages
4.25 arising from gross negligence.

4.26 Sec. 5. Minnesota Statutes 2022, section 18F.01, is amended to read:

4.27 **18F.01 PURPOSE.**

4.28 The purpose of sections 18F.01 to 18F.13 is to establish ~~permits~~ conditions for the release
4.29 of certain genetically engineered agriculturally related organisms to protect humans and the
4.30 environment from the potential for significant adverse effects of those releases.

5.1 Sec. 6. Minnesota Statutes 2022, section 18F.02, is amended by adding a subdivision to
5.2 read:

5.3 Subd. 3a. **Coordinated Framework.** "Coordinated Framework" means the federal
5.4 Coordinated Framework for the Regulation of Biotechnology set forth in Federal Register,
5.5 volume 51, pages 23,302 to 23,350 (June 26, 1986), as amended.

5.6 Sec. 7. Minnesota Statutes 2022, section 18F.02, is amended by adding a subdivision to
5.7 read:

5.8 Subd. 7a. **Regulated organism.** "Regulated organism" means a genetically engineered
5.9 organism that is not exempt from federal regulations or that is not yet authorized for
5.10 commercial use by the appropriate federal agency in the Coordinated Framework.

5.11 Sec. 8. Minnesota Statutes 2022, section 18F.07, is amended to read:

5.12 **18F.07 GENETICALLY ENGINEERED AGRICULTURALLY RELATED**
5.13 **ORGANISM PERMIT.**

5.14 Subdivision 1. **Requirement.** A person may not conduct a release of a genetically
5.15 engineered agriculturally related organism until a permit for the release has been obtained
5.16 from the ~~commissioner~~ United States Department of Agriculture (USDA) or Environmental
5.17 Protection Agency (EPA) or an agency in the Coordinated Framework has determined that
5.18 the organism is exempt from regulation. The commissioner may accept a USDA or EPA
5.19 permit or may review a USDA or EPA permit and add additional requirements to ensure
5.20 that the proposed release of a genetically engineered agriculturally related organism would
5.21 not create a hazard to the agricultural, forest, or horticultural interests of this state or the
5.22 state's general environmental quality. Each release of a genetically engineered agriculturally
5.23 related organism requires a new permit until the ~~commissioner~~ USDA or the EPA determines
5.24 by rule that the proposed use of the genetically engineered agriculturally related organism
5.25 is no longer subject to regulation ~~under this chapter.~~

5.26 Subd. 2. **Permit ~~application and review.~~** (a) ~~After reviewing a completed application,~~
5.27 ~~the commissioner may issue a genetically engineered agriculturally related organism permit~~
5.28 ~~if the commissioner determines that the applicant has adequately demonstrated that the~~
5.29 ~~proposed release does not have the potential for unreasonable adverse effects on the~~
5.30 ~~environment. If the commissioner reviews a USDA or EPA permit, the commissioner may~~
5.31 ~~prescribe~~ recommend terms and conditions, including, but not limited to, the period for the
5.32 genetically engineered agriculturally related organism permit, the amount or number of
5.33 genetically engineered agriculturally related organisms to be used, monitoring activities,

6.1 department inspection schedules, reporting of experiment results, and experiment termination
6.2 procedures. ~~A person may not violate terms or conditions of a permit issued under this~~
6.3 ~~section.~~ After a genetically engineered agriculturally related organism permit is issued, the
6.4 commissioner ~~may revoke or change the permit at any time~~ must inform the permitting
6.5 agency if the ~~commissioner finds that its permit~~ terms or conditions are being violated or
6.6 are inadequate to avoid unreasonable adverse effects on the environment.

6.7 (b) The commissioner may ~~deny issuance of a genetically engineered agriculturally~~
6.8 ~~related organism permit if the commissioner determines that the use to be made of the~~
6.9 ~~agriculturally related organisms under the proposed terms and conditions may cause~~
6.10 ~~unreasonable adverse effects on the environment~~ request that the USDA or EPA not issue
6.11 a permit if the commissioner determines that the release of the genetically engineered
6.12 agriculturally related organism would create a hazard to the agricultural, forest, or
6.13 horticultural interests of this state or the state's general environmental quality.

6.14 (c) The commissioner shall publish a notice of the proposed release at the earliest
6.15 opportunity in the EQB Monitor and shall notify the chair of the county board and, if
6.16 applicable, the Tribal council of any reservation where the organism will be released.

6.17 Subd. 3. **Application.** A person shall file an application for a genetically engineered
6.18 agriculturally related organism permit with the ~~commissioner.~~ The application must include:
6.19 appropriate federal agency in the Coordinated Framework.

6.20 (1) ~~the name and address of the applicant;~~

6.21 (2) ~~any United States Environmental Protection Agency, United States Department of~~
6.22 ~~Agriculture, or other federal agency regulatory application or approval document, if required~~
6.23 ~~under federal law or rule;~~

6.24 (3) ~~the purpose or objectives of the agriculturally related organism;~~

6.25 (4) ~~the name, address, and telephone number of cooperators or participants in this state;~~

6.26 (5) ~~the amount or number of organisms, materials, cultures, or seeds to be shipped or~~
6.27 ~~used in this state; and~~

6.28 (6) ~~other information requested by the commissioner.~~

6.29 Subd. 4. **Application fee.** An application for a permit for a genetically engineered
6.30 agriculturally related organism ~~must be accompanied by a nonrefundable application fee~~
6.31 ~~of \$125.~~

7.1 Sec. 9. Minnesota Statutes 2022, section 18F.13, is amended to read:

7.2 **18F.13 EXEMPTIONS.**

7.3 ~~(a) The commissioner may provide exemptions to the requirements to prepare an~~
7.4 ~~environmental assessment worksheet and obtain a permit for release of genetically engineered~~
7.5 ~~agriculturally related organisms for which substantial evidence, including past releases, has~~
7.6 ~~shown that the organism can be released without adverse effects on humans and the~~
7.7 ~~environment~~ must recognize federal exemptions for the regulation of genetically engineered
7.8 organisms.

7.9 ~~(b) The commissioner may provide exemptions from the requirements to prepare an~~
7.10 ~~environmental assessment worksheet and obtain a permit for release of genetically engineered~~
7.11 ~~agriculturally related organisms for which substantial evidence, including past releases, has~~
7.12 ~~shown that the organism can be released under alternative oversight without adverse effects~~
7.13 ~~to humans and the environment~~ must allow the commercial use of agriculturally related
7.14 genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant
7.15 amendments that have been deregulated by any federal agency.

7.16 Sec. 10. Minnesota Statutes 2022, section 18G.02, subdivision 2, is amended to read:

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

7.20 Sec. 11. Minnesota Statutes 2022, section 18G.02, subdivision 6, is amended to read:

7.21 Subd. 6. **Compliance agreement.** "Compliance agreement" means a written agreement
7.22 between ~~a person~~ an entity and a regulatory agency to achieve compliance with regulatory
7.23 requirements.

7.24 Sec. 12. Minnesota Statutes 2022, section 18G.02, is amended by adding a subdivision to
7.25 read:

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

8.1 Sec. 13. Minnesota Statutes 2022, section 18G.02, subdivision 14, is amended to read:

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

8.5 Sec. 14. Minnesota Statutes 2022, section 18G.02, subdivision 15, is amended to read:

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

8.9 Sec. 15. Minnesota Statutes 2022, section 18G.02, subdivision 16, is amended to read:

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

8.15 Sec. 16. Minnesota Statutes 2022, section 18G.02, subdivision 20, is amended to read:

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

8.20 Sec. 17. Minnesota Statutes 2022, section 18G.02, subdivision 22, is amended to read:

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

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

8.27 Subd. 24. **Plant pest.** "Plant pest" ~~includes, but is not limited to, an invasive species or~~
8.28 ~~any pest of plants, agricultural commodities, horticultural products, nursery stock, or~~
8.29 ~~noncultivated plants by organisms such as~~ means any organism determined by the
8.30 commissioner to be capable of causing harm to terrestrial plants, including but not limited

9.1 to insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma-like
9.2 organisms, weeds, ~~plants~~, and parasitic plants.

9.3 Sec. 19. Minnesota Statutes 2022, section 18G.02, subdivision 30, is amended to read:

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

9.7 Sec. 20. Minnesota Statutes 2022, section 18G.03, subdivision 1, is amended to read:

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

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

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

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

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

9.23 Sec. 21. Minnesota Statutes 2022, section 18G.04, subdivision 2, is amended to read:

9.24 Subd. 2. **Control order.** In order to prevent the introduction or spread of ~~harmful or~~
9.25 ~~dangerous~~ plant pests, the commissioner may issue orders for necessary control measures.
9.26 These orders may indicate the type of specific control to be used, the compound or material,
9.27 the manner or the time of application, and who is responsible for carrying out the control
9.28 order. Control orders may include directions to control or abate the plant pest to an acceptable
9.29 level; eradicate the plant pest; restrict the movement of the plant pest or any material, article,
9.30 appliance, plant, or means of conveyance suspected to be carrying the plant pest; or destroy

10.1 plants or plant products infested or infected with a plant pest. Material suspected of being
10.2 infested or infected with a plant pest may be confiscated by the commissioner.

10.3 Sec. 22. Minnesota Statutes 2022, section 18G.05, is amended to read:

10.4 **18G.05 DISCOVERY OF PLANT PESTS; OFFICIAL MARKING OF INFESTED**
10.5 **OR INFECTED ARTICLES.**

10.6 Upon knowledge of the existence of a ~~dangerous or injurious~~ plant pest ~~or invasive~~
10.7 ~~species~~ within the state, the commissioner may conspicuously mark all plants, infested areas,
10.8 materials, and articles known or suspected to be infected or infested with the plant pest ~~or~~
10.9 ~~invasive species. Persons, owners, or tenants~~ An entity or individual in possession of the
10.10 premises or area in which the existence of the plant pest ~~or invasive species~~ is suspected
10.11 must be notified by the commissioner with prescribed control measures. ~~A person~~ An entity
10.12 or individual must comply with the commissioner's control order within the prescribed time.
10.13 If the commissioner determines that satisfactory control or mitigation of the pest has been
10.14 achieved, the order must be released.

10.15 Sec. 23. Minnesota Statutes 2022, section 18G.06, subdivision 2, is amended to read:

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

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

10.25 (c) The commissioner may enter into cooperative agreements with the United States
10.26 Department of Agriculture and other federal, state, city, or county agencies to assist in the
10.27 enforcement of federal quarantines. The commissioner may adopt a quarantine or regulation
10.28 against a plant pest or an area not covered by a federal quarantine. The commissioner may
10.29 seize, destroy, or require treatment of products moved from a federally regulated area if
10.30 they were not moved in accordance with the federal quarantine regulations or, if certified,
10.31 they were found to be infested with the pest organism.

11.1 (d) The commissioner may impose a quarantine against a plant pest that is not quarantined
11.2 in other states to prevent the spread of the plant pest within this state. The commissioner
11.3 may enact a quarantine against a plant pest of regional or national significance even when
11.4 no federal domestic quarantine has been adopted. These quarantines regulate intrastate
11.5 movement between quarantined and nonquarantined areas of this state. The commissioner
11.6 may enact a parallel state quarantine if there is a federal quarantine applied to a portion of
11.7 the state.

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

11.13 Sec. 24. Minnesota Statutes 2022, section 18G.06, subdivision 5, is amended to read:

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

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

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

11.25 Sec. 25. Minnesota Statutes 2022, section 18G.10, subdivision 4, is amended to read:

11.26 Subd. 4. **Phytosanitary and export certificates.** An exporter of plants or plant products
11.27 desiring to originate shipments from Minnesota to a foreign country requiring a phytosanitary
11.28 certificate or export certificate must submit an application to the commissioner. Application
11.29 for phytosanitary certificates or export certificates must be made on forms provided or
11.30 approved by the commissioner or the USDA. The commissioner may conduct inspections
11.31 of plants, plant products, or facilities for persons that have applied for or intend to apply
11.32 for a phytosanitary certificate or export certificate from the commissioner.

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

12.5 Sec. 26. Minnesota Statutes 2022, section 18G.10, subdivision 5, is amended to read:

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

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

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

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

12.17 Sec. 27. Minnesota Statutes 2022, section 18G.10, subdivision 6, is amended to read:

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

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

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

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

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

12.28 Sec. 28. Minnesota Statutes 2022, section 18G.11, subdivision 1, is amended to read:

12.29 Subdivision 1. **Detection and control agreements.** The commissioner may enter into
12.30 cooperative agreements with organizations, ~~persons~~ entities, civic groups, governmental

13.1 agencies, or other organizations to adopt and execute plans to detect and control areas
13.2 infested or infected with ~~harmful~~ plant pests. The cooperative agreements may include
13.3 provisions of joint funding of any control treatment.

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

13.8 Sec. 29. Minnesota Statutes 2022, section 18G.12, subdivision 1, is amended to read:

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

13.13 Sec. 30. Minnesota Statutes 2022, section 18G.12, subdivision 2, is amended to read:

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

13.18 Sec. 31. Minnesota Statutes 2022, section 18H.02, subdivision 2, is amended to read:

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

13.23 Sec. 32. Minnesota Statutes 2022, section 18H.02, subdivision 3, is amended to read:

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

13.26 Sec. 33. Minnesota Statutes 2022, section 18H.02, subdivision 8, is amended to read:

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

14.1 Sec. 34. Minnesota Statutes 2022, section 18H.02, subdivision 9, is amended to read:

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

14.5 Sec. 35. Minnesota Statutes 2022, section 18H.02, subdivision 12, is amended to read:

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

14.9 Sec. 36. Minnesota Statutes 2022, section 18H.02, subdivision 12b, is amended to read:

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

14.14 Sec. 37. Minnesota Statutes 2022, section 18H.02, subdivision 12c, is amended to read:

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

14.17 Sec. 38. Minnesota Statutes 2022, section 18H.02, subdivision 14, is amended to read:

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

14.21 Sec. 39. Minnesota Statutes 2022, section 18H.02, is amended by adding a subdivision to
14.22 read:

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

14.26 Sec. 40. Minnesota Statutes 2022, section 18H.02, subdivision 16, is amended to read:

14.27 Subd. 16. **Mark.** "Mark" means an official indicator affixed by the commissioner for
14.28 purposes of identification or separation to, on, around, or near plants or plant material known
14.29 or suspected to be infested or infected with a plant pest or to otherwise distinguish the plants

15.1 or plant material from other plants or materials. This includes, but is not limited to, paint,
15.2 markers, tags, seals, stickers, tape, ribbons, signs, or placards.

15.3 Sec. 41. Minnesota Statutes 2022, section 18H.02, subdivision 18, is amended to read:

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

15.7 Sec. 42. Minnesota Statutes 2022, section 18H.02, subdivision 20, is amended to read:

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

15.12 (1) field and forage crops or sod;

15.13 (2) seeds;

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

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

15.17 (5) tropical plants;

15.18 ~~(5)~~ (6) annuals; or

15.19 ~~(6)~~ (7) Christmas trees.

15.20 Sec. 43. Minnesota Statutes 2022, section 18H.02, subdivision 24, is amended to read:

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

15.25 Sec. 44. Minnesota Statutes 2022, section 18H.02, subdivision 24a, is amended to read:

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

16.1 Sec. 45. Minnesota Statutes 2022, section 18H.02, subdivision 25, is amended to read:

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

16.6 Sec. 46. Minnesota Statutes 2022, section 18H.02, subdivision 26, is amended to read:

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

16.9 Sec. 47. Minnesota Statutes 2022, section 18H.02, subdivision 28, is amended to read:

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

16.14 Sec. 48. Minnesota Statutes 2022, section 18H.02, subdivision 32, is amended to read:

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

16.17 Sec. 49. Minnesota Statutes 2022, section 18H.02, subdivision 33, is amended to read:

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

16.20 Sec. 50. Minnesota Statutes 2022, section 18H.03, subdivision 6, is amended to read:

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

16.24 Sec. 51. Minnesota Statutes 2022, section 18H.04, is amended to read:

16.25 **18H.04 ADOPTION OF RULES.**

16.26 The commissioner may adopt rules to carry out the purposes of this chapter. The rules
16.27 may include, but are not limited to, rules in regard to labeling and the maintenance of
16.28 viability and vigor of nursery stock. ~~Rules of the commissioner that are in effect on July 1,~~

17.1 ~~2003, relating to plant protection, nursery inspection, or the Plant Pest Act remain in effect~~
 17.2 ~~until they are superseded by new rules.~~

17.3 Sec. 52. Minnesota Statutes 2022, section 18H.05, is amended to read:

17.4 **18H.05 NURSERY CERTIFICATE REQUIREMENTS.**

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

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

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

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

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

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

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

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

17.21 (3) the address of the sales location;

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

17.24 ~~(4)~~ (5) the source or sources of purchased nursery stock.

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

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

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

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

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

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

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

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

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

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

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

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

18.20 Sec. 53. Minnesota Statutes 2022, section 18H.06, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

19.11 Sec. 54. Minnesota Statutes 2022, section 18H.07, is amended by adding a subdivision to
19.12 read:

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

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

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

19.19 (3) obtains a nursery stock certificate.

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

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

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

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

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

20.1 Sec. 55. Minnesota Statutes 2022, section 18H.07, subdivision 4, is amended to read:

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

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

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

20.10 Sec. 56. Minnesota Statutes 2022, section 18H.08, subdivision 1, is amended to read:

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

20.17 Sec. 57. Minnesota Statutes 2022, section 18H.09, is amended to read:

20.18 **18H.09 NURSERY STOCK CERTIFICATION REQUIREMENTS.**

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

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

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

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

20.28 All nursery stock originating from out of state and offered for sale in Minnesota must
20.29 have been inspected by the appropriate state or federal agency during the previous 12 months
20.30 and found free from ~~quarantine and regulated nonquarantine pests as well as significantly~~

21.1 dangerous or potentially damaging plant pests. A nursery stock certificate is valid from
21.2 January 1 to December 31.

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

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

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

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

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

21.20 Sec. 58. Minnesota Statutes 2022, section 18H.10, is amended to read:

21.21 **18H.10 STORAGE OF NURSERY STOCK.**

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

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

21.26 (c) Balled and burlapped nursery stock being held for sale ~~to the public~~ must be kept in
21.27 a moisture-holding material approved by the commissioner and not toxic to plants. The
21.28 moisture-holding material must adequately cover and protect the ball of earth and must be
21.29 kept moist at all times. The commissioner may approve alternative nursery stock management
21.30 practices to maintain the viability of balled and burlapped stock.

22.1 Sec. 59. Minnesota Statutes 2022, section 18H.12, is amended to read:

22.2 **18H.12 DAMAGED, DISEASED, INFESTED, OR MISREPRESENTED STOCK.**

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

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

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

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

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

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

23.1 Sec. 60. Minnesota Statutes 2022, section 18H.13, is amended to read:

23.2 **18H.13 SHIPMENT OF NURSERY STOCK INTO MINNESOTA.**

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

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

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

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

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

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

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

24.1 Sec. 61. Minnesota Statutes 2022, section 18H.14, is amended to read:

24.2 **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

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

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

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

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

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

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

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

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

24.27 (2) a concentration in its flowers or leaves greater than the ~~no-observed adverse effect~~
 24.28 ~~level of a systemic insecticide~~ reference value.

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

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

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

25.1 (2) ~~"no observed adverse effect level" means the level established by the United States~~
 25.2 ~~Environmental Protection Agency for acute oral toxicity for adult honeybees~~ "reference
 25.3 value" means the most appropriate value determined by the commissioner of agriculture
 25.4 based on the commissioner's review of pollinator protective reference values published or
 25.5 approved by the United States Environmental Protection Agency. If a United States
 25.6 Environmental Protection Agency reference value is not available for a specific systemic
 25.7 insecticide or is not appropriate for use in Minnesota or for a specific type of plant, plant
 25.8 material, or nursery stock, the commissioner may consider reference values from other
 25.9 states, peer-reviewed literature, or other appropriate sources.

25.10 Sec. 62. Minnesota Statutes 2022, section 18H.15, is amended to read:

25.11 **18H.15 VIOLATIONS.**

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

25.18 (1) provides proper phytosanitary preclearance, phytosanitary certification, or nursery
 25.19 stock certification;

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

25.22 (3) provides proper documentation, certification, or compliance to support advertising
 25.23 claims.

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

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

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

- 26.1 (2) fail to obtain a nursery certificate as required by the commissioner;
- 26.2 (3) fail to renew a nursery certificate, but continue business operations;
- 26.3 ~~(4) fail to display a nursery certificate;~~
- 26.4 ~~(5)~~ (4) misrepresent or falsify a nursery certificate;
- 26.5 ~~(6)~~ (5) refuse to submit to a nursery inspection;
- 26.6 ~~(7)~~ (6) fail to provide the cooperation necessary to conduct a successful nursery
- 26.7 inspection;
- 26.8 ~~(8)~~ (7) offer for sale uncertified plants, plant materials, or nursery stock;
- 26.9 ~~(9)~~ (8) possess an illegal regulated commodity;
- 26.10 ~~(10)~~ (9) violate or disobey a commissioner's order;
- 26.11 ~~(11)~~ (10) violate a quarantine issued by the commissioner;
- 26.12 ~~(12)~~ (11) fail to obtain phytosanitary certification for plant material or nursery stock
- 26.13 brought into Minnesota;
- 26.14 ~~(13)~~ (12) deface, mutilate, or destroy a nursery stock certificate, phytosanitary certificate,
- 26.15 or phytosanitary preclearance certificate, or other commissioner mark, permit, or certificate;
- 26.16 ~~(14)~~ (13) fail to notify the commissioner of an uncertified shipment of plants, plant
- 26.17 materials, or nursery stock;
- 26.18 ~~(15)~~ (14) transport uncertified plants, plant materials, or nursery stock in Minnesota; or
- 26.19 ~~(16)~~ (15) sell nursery stock to an uncertified nursery stock dealer who is required to be
- 26.20 certified.

26.21 Sec. 63. Minnesota Statutes 2022, section 18H.18, is amended to read:

26.22 **18H.18 CONSERVATION OF CERTAIN WILDFLOWERS.**

26.23 Subdivision 1. **Restrictions on collecting.** No ~~person~~ entity shall distribute any species

26.24 of orchids (*Orchidaceae*), any gentian (*Gentiana*), arbutus (*Epigaea repens*), lilies (*Lilium*

26.25 species), coneflowers (*Echinacea* species), bloodroot (*Sanguinaria canadensis*), mayapple

26.26 (*Podophyllum peltatum*), any species of trillium (*Trillium* species), or lotus (*Nelumbo*

26.27 *lutea*), ~~which~~ that have been collected in any manner from any public or private property

26.28 without the written permission of the property owner ~~and~~. Plants listed in this subdivision

26.29 that are intended to be offered for sale must have written authorization from the

26.30 commissioner.

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

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

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

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

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

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

27.15 (d) A wildflower listed under this section that is sold commercially must be individually
27.16 labeled with a department permit number.

27.17 Sec. 64. Minnesota Statutes 2022, section 32D.02, subdivision 2, is amended to read:

27.18 Subd. 2. **Power and authority.** For the purpose of enforcing this chapter, the
27.19 commissioner and the commissioner's assistants, agents, and employees have the power
27.20 and authority granted under chapter 34A and sections 31.02 to 31.171.

27.21 Sec. 65. Minnesota Statutes 2022, section 32D.09, subdivision 2, is amended to read:

27.22 Subd. 2. **Permitting.** No person shall operate a dairy plant in this state unless the dairy
27.23 plant, equipment, and water supply and plumbing system have been first approved by the
27.24 commissioner and a permit issued to operate the same. ~~A permit may be revoked by the~~
27.25 ~~commissioner for due cause pursuant to section 34A.06.~~

27.26 Sec. 66. Minnesota Statutes 2022, section 34A.04, subdivision 1, is amended to read:

27.27 Subdivision 1. **Enforcement required.** (a) The commissioner shall enforce this chapter
27.28 and chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34. To carry out the enforcement duties
27.29 under these chapters, the commissioner may, upon presenting appropriate credentials, during
27.30 regular working hours and at other reasonable times, inspect premises subject to the
27.31 commissioner's enforcement and licensing authority; require information from persons with

28.1 information relevant to an inspection; and inspect and copy relevant papers and records,
28.2 including business records.

28.3 (b) The commissioner may administer oaths, take and cause to be taken depositions of
28.4 witnesses, and issue subpoenas, and may petition the district court in the county in which
28.5 the premises is located to compel compliance with subpoenas or to permit an inspection.

28.6 (c) Violations of chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34, or rules adopted under
28.7 chapters 28, 28A, 29, 30, 31, 31A, 32D, and 34, are a violation of this chapter.

28.8 (d) Upon the request of the commissioner, county attorneys, sheriffs, and other officers
28.9 having authority in the enforcement of the general criminal laws shall take action to the
28.10 extent of their authority necessary or proper for the enforcement of this chapter or standards,
28.11 stipulations, and agreements of the commissioner.

28.12 **Sec. 67. REPEALER.**

28.13 **Subdivision 1. Genetically engineered organisms.** Minnesota Statutes 2022, sections
28.14 18F.02, subdivisions 2 and 9; and 18F.12, are repealed.

28.15 **Subd. 2. Plant protection and nurseries.** Minnesota Statutes 2022, sections 18G.02,
28.16 subdivisions 12, 17, 21, 25, and 29; 18H.02, subdivisions 10, 12a, 29, 31, 32a, and 34; and
28.17 18H.06, subdivision 1, are repealed.

28.18 **Subd. 3. Dairy law.** Minnesota Statutes 2022, sections 17.984; and 32D.03, subdivision
28.19 5, are repealed.

17.984 INVESTIGATION.

Subdivision 1. **Authority.** To carry out the commissioner's enforcement duties under chapter 32D, the commissioner may, upon presenting appropriate credentials, during regular working hours and at other reasonable times, inspect premises subject to the commissioner's enforcement and licensing authority for reasons related to the commissioner's enforcement and licensing authority; request information from persons with information relevant to an inspection; and inspect relevant papers and records, including business records. The commissioner may issue notices in lieu of citations for minor violations if a notice is in the public interest.

Subd. 2. **Failure to comply.** The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which the premises is located to compel compliance with subpoenas or to permit an inspection.

18F.02 DEFINITIONS.

Subd. 2. **Agency.** "Agency" means the Department of Agriculture.

Subd. 9. **Unreasonable adverse effects on the environment.** "Unreasonable adverse effects on the environment" means an unreasonable risk to humans or the environment, taking into account the environmental costs and benefits of the use of a genetically engineered organism.

18F.12 RULES.

The commissioner shall adopt rules governing the issuance of permits for proposed releases of genetically engineered agriculturally related organisms, experimental genetically engineered pesticides, and genetically engineered fertilizers, genetically engineered soil amendments, and genetically engineered plant amendments. The rules must include a requirement for environmental review subject to the provisions of chapter 116D and rules adopted under it. The rules must also include provisions requiring concurrent permit review for proposed releases that would require more than one permit under this chapter, chapter 18B or 18C.

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.

APPENDIX
Repealed Minnesota Statutes: H1587-2

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.

32D.03 BULK MILK HAULER AND SAMPLER LICENSE.

Subd. 5. **Suspension or cancellation.** The commissioner is empowered to conduct enforcement action, suspend, or cancel any bulk milk hauler and sampler license pursuant to section 34A.06.