

# HOUSE BILL NO. 5746

February 15, 2022, Introduced by Reps. Bezotte, Posthumus, Alexander, Hertel, Steenland, Borton, Cambensy, Liberati, Roth and Filler and referred to the Committee on Agriculture.

A bill to amend 1931 PA 189, entitled  
"The insect pest and plant disease act,"  
(MCL 286.201 to 286.228) by adding section 17a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3           **(a) At the request of a nursery dealer, nursery grower, or**  
4 **plant grower or based upon records voluntarily supplied by a**  
5 **nursery dealer, nursery grower, or plant grower, inspect, audit, or**

1 certify nurseries in this state.

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

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

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

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

20 (a) An application fee, \$60.00.

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

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

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

27 (7) As used in this section, "certificate of free sale" means  
28 a document that is issued by the department that verifies that the  
29 nursery stock listed is propagated, grown, or cultivated within

1 this state for at least 28 days and is legally sold or distributed  
2 in this state and on the open market with the approval of the  
3 department.