

THE INSECT PEST AND PLANT DISEASE ACT (EXCERPT)
Act 189 of 1931

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

Sec. 17a.

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

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

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

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

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

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

(a) An application fee, \$60.00.

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

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

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

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

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