

SECTION .1200 - NURSERY CERTIFICATION

02 NCAC 48A .1201 DEFINITIONS

Definitions:

- (1) Agent. Any person who solicits, takes orders or sells nursery stock or collected plants for a nurseryman or dealer off the premises or place of business of said nurseryman or dealer;
- (2) Collected Plant. Any nursery stock, other than currently certified nursery stock, which is dug or gathered from any location;
- (3) Collected Plant Certificate. A document issued by the North Carolina Department of Agriculture which declares that the person named on the certificate has given satisfactory evidence that all nursery stock collected by him will be in accordance with the plant pest regulations of the North Carolina Department of Agriculture;
- (4) Collected Plant Regulated Area. Any counties or parts of counties in the State of North Carolina listed or provided for in these Rules; when it is determined that there are large numbers of plants collected in any area of the state, or that movement of nursery stock presents a hazard because of plant collections in that regulated area;
- (5) Infestation. The presence of any plant pest which is regarded as injurious;
- (6) Inspector. An employee of the North Carolina Department of Agriculture designated by the Commissioner to enforce these Regulations;
- (7) Nursery. Any place where any of the plants defined as nursery stock are grown for distribution or sale;
- (8) Nursery Dealer. Any person not a grower of nursery stock who obtains certified nursery stock and/or collected plants for the purpose of distribution or sale independent of the control of a nursery;
- (9) Nursery Dealer Certificate. A document issued by the North Carolina Department of Agriculture which declares that the person named on the certificate has given satisfactory evidence that all nursery stock sold or otherwise disposed of by him will be such as was secured from regularly certified nurseries or certified plant collectors;
- (10) Nurseryman. Any person who owns, leases, manages or is in charge of a nursery;
- (11) Nursery Registration Certificate. A document issued by the North Carolina Department of Agriculture which declares that the person named on the certificate has listed his name, address, and location with the Plant Industry Division, Plant Protection Section of the North Carolina Department of Agriculture, and is authorized to distribute or sell nursery stock within the state;
- (12) Nursery Stock. All wild or cultivated plants or parts thereof, trees, shrubs, vines, bulbous plants and roots, grafts, scions and buds. Excluded are:
 - (a) annual plants;
 - (b) cut flowers;
 - (c) tree, field, vegetable, flower or other true seeds;
 - (d) decorative plants or plant parts without roots not intended for propagation; and
 - (e) perennial plants intended for indoor use that are produced in North Carolina.

These exclusions may not apply to plants for which an inspection is required to facilitate movement or is required by another rule in this Chapter;

- (13) Person. Individual, corporation, partnership, firm or association;
- (14) Plant Inspection Certificate. A document issued by the North Carolina Department of Agriculture or the appropriate plant pest regulatory agency of any other state which declares that the plants grown by the person named on the certificate have been inspected and found apparently free of injurious plant pests;
- (15) Shipping Tag. A tag issued by an authorized inspector of the North Carolina Department of Agriculture which accompanies individual shipments of plants which states the number and identity of all the plants in the shipment and declares the apparent freedom from injurious pests.

History Note: Authority G.S. 106-65.45; 106-65.46; 106-284.18; 106-420; Eff. January 1, 1985; Amended Eff. June 1, 1990; October 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 24, 2019.

