

REGULATIONS

No person may intentionally misrepresent the grade, character, hardiness or quality of nursery stock, decorative, plant products offered for sale or distribution.

Before any person accepts shipment of any nursery stock, decorative plant, annual plant or sod which is intended for resale or redistribution, the shipment must have a valid certificate showing that the contents have been inspected by an official state or federal inspector.

If a shipment does not have a valid certificate of inspection, the Secretary of Agriculture may quarantine the shipment and hold it for inspection.

The Department of Agriculture may annually inspect all nurseries in the state. The department may inspect any field, orchard, garden, plantation, park, cemetery, packing ground, building, cellar and all places public or private that may be infested or infected with a pest. No person may hinder this inspection or cause any nursery stock to be concealed from inspection.

If pests are discovered in a nursery, the license/certificate of inspection will be withheld until the pest has been abated. If nursery stock is found to be infested by pests or to be damaged or desiccated so as to be incapable of normal growth, the department may order it removed from sale, treated or destroyed. If the owner or operator does not treat or destroy the infested stock, the Agriculture Department may treat or destroy the stock and assess the expenses against the owner.

Any person receiving any shipment of nursery stock from any foreign country shall notify the Agriculture Department of the arrival of that shipment, the contents and the name of the consignor. The shipment cannot be opened until it is inspected and released by the department.

Violations of these regulations shall cause the license and/or certificate of inspection to be canceled or revoked. In addition, the nurseryman is liable in civil action for all damage caused by violation of these regulations.

EXPORT REQUIREMENTS

Phytosanitary certificates are issued by the Department of Agriculture on plants or plant products for shipment to other states or countries, in compliance with the plant inspection and plant quarantine regulations of the state or country of destination.

Application for a phytosanitary inspection is made through the Phytosanitary Certificate Issuance and Tracking System (PCIT).
<https://pcit.aphis.usda.gov/pcit/>

The fees for inspection, obtaining samples or issuing certificates are as follows:

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| (1) On-site Inspection | \$200 |
| (2) Field Inspection | \$250 |
| For first acre and \$2 for each additional acre | |
| (3) State Certificate | \$50 |
| (4) Federal Certificate | \$125 |
| (5) Reissue State or Federal Certificate | |



South Dakota Department of Agriculture and Natural Resources

Plant Industry Program



FOR MORE INFORMATION OR TO OBTAIN A COPY OF SOUTH DAKOTA LAWS PERTAINING TO NURSERY STOCK, CONTACT:

South Dakota Department of Agriculture
and Natural Resources
Division of Agricultural Services
Office of Plant Industry
523 E Capitol Avenue – Foss Building
Pierre, SD 57501-3182

Phone: 605-773-3796

Fax: 605-773-3481

Email: DANRmail@state.sd.us

Web: [http://danr.sd.gov/Conservation/
PlantIndustry/Nursery](http://danr.sd.gov/Conservation/PlantIndustry/Nursery)

Regulations:
Nursery Stock & Plant Pest Control
SDCL 38-24B
Plant Quarantine & Treatment
SDCL 38-24A
ARSD 12:51
South Dakota Weed & Pest Control
SDCL 38-22
ARSD 12:62

Nursery Inspection Program

Nursery Inspection Program

GOAL

To ensure nursery stock and other ornamental plants offered for sale to South Dakotans are healthy and of good quality.

BACKGROUND

The state's nursery program is an outgrowth of the State Horticulture Department which existed from the early 1900s until the mid-1970s. Today the program exists as a part of the Office of Agronomy Services in the Division of Agricultural Services.

Department inspectors visit green houses, tree nurseries and nursery stock retail outlets to inspect plants that will be or are being offered for sale; to help insure that the consumer will receive healthy, viable stock for the dollars spent. In addition, South Dakota grown nursery stock that will be shipped out of state is inspected and certified as meeting standards of plant health for interstate commerce.

CERTIFICATE OF INSPECTION—FEE

The department shall issue a certificate of inspection to any nurseryman or dealer whose nursery stock has been officially inspected and found to be viable and free from pests. The inspection fee shall be \$215 per inspection



DEFINITIONS

Nursery stock includes trees, shrubs or other plants having a persistent wood stem; all herbaceous perennials; and parts of either of those which are capable of propagations, except for seeds, true bulbs, rhizomes, corms and tubers while in dormant condition.

State law prohibits any person from selling, offering for sale or distributing any nursery stock, decorative plant, annual plant sod or related plant products infested with a pest. And, no nursery operator may knowingly permit pests to exist in or on his premises. A "pest" is any of the following that is or may be dangerous or detrimental to the state's plant industry:

- Any infectious, transmittable or contagious disease of any plant;
- Any disorder of any plant with apparent symptoms or behavior which the Secretary of Agriculture determines is infectious, transmissible or contagious;
- Any form of animal life;
- Any form of plant life



PERMIT/LICENSE COSTS

A separate license is required for each location selling or offering for sale any nursery stock, and must be prominently displayed wherever nursery stock is offered for sale. Licenses must be renewed by January 1st every year. The Department of Agriculture may annually inspect all nurseries in the state.

- **Resident Nursery –**
 - \$200
 - \$42.50
- **Nursery Stock Dealer –**
 - \$70 – Nursery Stock Dealer with less than \$5,000 annual gross sales of nursery stock; **OR**
 - \$115 – Nursery Stock Dealer with more than \$5,000 but less than \$20,000 annual gross sales of nursery stock; **OR**
 - \$200 – Nursery Stock Dealer with more than \$20,000 annual gross sales of nursery stock
- **Other –**
 - \$140 plus \$5 for each acre of growing field and \$5 for each 10,000 sq ft of growing greenhouse; if a grower or dealer of decorative plants, annual plants, sod or related plant products.

DESCRIPTION OF CLASSIFICATION

- **Resident Nurseryman:** Grows all or a portion of the nursery stock he sells
- **Nursery Stock Dealer:** Who is not a Nurseryman:
 1. Who buys nursery stock for the purpose of reselling or shipping;
 2. Who makes landscape plans using nursery stock and negotiates in the purchase stock for his clients;
 - Or
 3. Who contracts to furnish and plant nursery stock
- **Other:** Any grower of sod, decorative, annuals, or related plant products who want a certificate of inspection

An out-of-state nursery may obtain a license to sell nursery stock in South Dakota by filing a certified copy of the official inspection certified with the South Dakota Department of Agriculture and Natural Resources.

Non-profit organizations (such as garden clubs) may sell or trade nursery stock only after giving 10 days advance notice to the Department of Agriculture and Natural Resources of the time and place of the sale. The Secretary of Agriculture and Natural Resources may revoke a license/certificate of inspection for cause, following a hearing. The Secretary of Agriculture and Natural Resources may issue a temporary cease and desist order pending the hearing. At least 10-day notice shall be given prior to conducting the hearing.