

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1370  
HOUSE BILL 1969

AN ACT TO AMEND ARTICLE 31B OF CHAPTER 106 OF THE GENERAL STATUTES,  
THE VEGETABLE PLANT LAW.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 106-284.15, as the same appears in Volume 3A of the General Statutes, is amended by striking the word "practices" appearing in line two thereof and substituting in lieu thereof the word "production".

**Sec. 2.** G.S. 106-284.16, as the same appears in Volume 3A of the General Statutes, is rewritten in its entirety to read as follows:

"§ **106-284.16.** For the purpose of this Article, the following terms shall be construed respectively to mean:

- (1) 'Certified vegetable plants for transplanting' shall mean plants which have been tagged or labelled so as to indicate that such plants have been inspected by an authorized agent of an officially recognized State inspecting or certifying agency of some state, and found to conform to the appropriate standards set by the North Carolina Board of Agriculture.
- (2) 'Vegetable plants' shall mean such plants as asparagus, pepper, eggplant, sweet potato, onion, cabbage and other cole crops, tomato plants, white seed potatoes and onion sets intended for transplanting purposes and such other vegetable plants intended for transplanting purposes as the North Carolina Board of Agriculture may designate by regulation in order to protect the vegetable industry.
- (3) As applied to vegetable plants 'standards' include the qualities of color, freshness, firmness, strength, straightness, unbroken and undamaged condition, uniformity of size, and freedom from injurious insects, diseases, nematodes, snails, and other pests and means the standards with respect thereto as established and fixed in regulations adopted by the North Carolina Board of Agriculture."

**Sec. 3.** G.S. 106-284.17, as the same appears in Volume 3A of the General Statutes, is amended by inserting the words "as set by the North Carolina Board of Agriculture" in line four thereof between the words "standards" and "and".

**Sec. 4.** G.S. 106-284.18, as the same appears in Volume 3A of the General Statutes, is amended by inserting the words "intent, purposes and" at the beginning of line three thereof.

**Sec. 5.** G.S. 106-284.19, as the same appears in Volume 3A of the General Statutes, is amended by striking the second sentence thereof and substituting in lieu thereof the following:

"When the Commissioner or his authorized inspectors find vegetable plants being held, offered or exposed for sale in violation of any of the provisions of this Article or any rule or regulation adopted pursuant thereto, he may issue a 'Stop Sale Notice' to the owner or custodian of any such vegetable plants and shall tag such plants as are in violation. It shall be unlawful for anyone after notice or receipt of such 'Stop Sale Notice' to remove such notice from plants or from any location to which attached; or to plant, sell, give away, move or exchange for

transplanting purposes any plants in respect to which such notice has been issued unless and until so authorized by the Commissioner or his agent or a court of competent jurisdiction."

**Sec. 6.** G.S. 106-284.20, as the same appears in Volume 3A of the General Statutes, is rewritten in its entirety as follows:

"If anyone shall interfere with or attempt to interfere with the Commissioner or any of his agents, while engaged in the performance of his duties under this law or shall violate any provision of this law or any rule or regulation of the Board of Agriculture adopted pursuant to this law, he shall be guilty of a misdemeanor and shall be fined and imprisoned in the discretion of the court. Each day's violation shall constitute a separate offense."

**Sec. 7.** G.S. 106-284.22, as the same appears in Volume 3A of the General Statutes, is rewritten in its entirety to read as follows:

"§ 106-284.22. **When Article not applicable.** — The provisions of this Article shall not apply:

- (1) To the sale by a grower or retail merchant of vegetable plants grown within this State when such sale is made for home or garden or any non-commercial use; provided, however, the provisions shall apply to such sale when such plants are found to be infested with pests so that the exposure for sale or planting is deemed by the Commissioner or his agent to be a hazard to the commercial vegetable industry of North Carolina.
- (2) To the sale of vegetable plants for commercial transplanting purposes in this State when grown within this State and sold by a plant producer to a planter having personal knowledge of the conditions under which such vegetable plants were grown or produced provided that such plants are transplanted within a 30- mile radius of the location at which they were grown; but also provided, however, the provisions shall apply to such sale when such plants are found to be infested with pests so that the exposure for sale or planting is deemed by the Commissioner or his agent to be a hazard to the commercial vegetable industry of North Carolina."

**Sec. 8.** Article 31B of Chapter 106 is further amended by adding at the end thereof the following:

"§ 106-284.23. If any provision of this law or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this law which can be enforced independently without any invalid provision or application and to this end the provisions of this law are declared to be severable."

**Sec. 9.** This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1974.