

## **249.005 Definitions for chapters within chapter.**

The purpose of this chapter is to prevent the introduction and dissemination within this Commonwealth of insect pests, plant diseases, and weeds and to provide for their repression and control.

(1) "Commissioner" means the Commissioner of Agriculture.

(2) "Department" means the Department of Agriculture.

(3) "Director" means the director of the agricultural experiment station.

(4) "Pest" means any insect, snail, slug, rodent, nematode, fungus, weed; and any other form of plant or animal life, or virus, bacterium, or other microorganism; except viruses, bacteria, or other microorganisms on or in living man or other living animals, which is normally considered to be a pest, or which the department declares to be a pest.

(5) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six (6) legged, usually winged forms, as for example, beetles, bugs, bees, wasps, flies, and other allied classes of arthropods whose members are wingless and usually have more than six (6) legs, as for example, spiders, mites, ticks, centipedes, and wood lice, and any other invertebrates which are destructive, constitute a liability, and may be classed as pests.

(6) "Plant disease" means any fungi, bacteria, nematodes, protozoans, and viruses injurious to plants and plant products, and the pathological condition in plants and plant products, caused by fungi, bacteria, nematodes, protozoans, and viruses.

(7) "Nursery stock" means all field or container-grown and native trees, sod, shrubs, herbaceous perennials, vines, cuttings, grafts, scions, buds, fruit-pits, and other seeds of fruit and ornamental trees and shrubs; also other plants and plant products for, or capable of, propagation, excepting field, vegetable, and flower seeds, bedding plants, bulbs, and roots.

(8) "Nursery" means any grounds or premises on or in which nursery stock is propagated and grown, or from which nursery stock is collected for sale, or any grounds or premises on or in which nursery stock is being fumigated, treated, packed, or stored.

(9) "Nursery person" means any person who owns, leases, manages, or is in charge of a nursery, and who propagates nursery stock.

(10) "Nursery dealer" means any person or landscaper not a grower of nursery stock in this Commonwealth who:

- (a) Buys, sells, ships, or distributes nursery stock for commercial or monetary gain in the Commonwealth of Kentucky;
- (b) Makes landscape plans or plants nursery stock and negotiates in the purchase of nursery stock for his clients; or
- (c) Transplants or moves nursery stock from place to place within this state for other persons for a consideration in payment for the nursery stock, for the planting of the nursery stock, or for both nursery stock and planting.





**249.220** ~~Repealed, effective June 17, 1978. Catchline at repeal: Department may~~ **Duties of Commissioner.**

- ~~(1) The Division of Plant Industry shall, at the request of the Department, receive and examine all applications for permits to import and export plants and plant products, and shall impose quarantines on European corn borer.~~
- ~~(2) The Commissioner shall, at the request of the Department, receive and examine all applications for permits to import and export plants and plant products, and shall impose quarantines on European corn borer.~~
- (3) (b) Division of Plant Industry, Department of Agriculture. ~~Effective: July 15, 2004~~ **History:** Amended 2004 Ky. Acts ch. 88, sec. 4, effective July 15, 2004. -- Amended 1960 Ky. Acts ch. 62, sec. 3.
- (c) "Director" means that as defined in subsection (3) of Section 249.010 of the Kentucky Revised Statutes 2002 Ky. Acts ch. 49, sec. 4, effective July 15, 2002. -- Created 1960 Ky. Acts ch. 62, sec. 1, effective June 16, 1960.
- (2) When it appears to the Commissioner that mosquitoes are present in any area of the state in sufficient numbers to warrant action, he shall conduct an immediate investigation of the causes thereof, and corrective measures necessary. The Commissioner shall undertake the control and elimination of mosquitoes in such area, utilizing whatever measures appear necessary so long as such methods in no wise damage the property of any person, and do not constitute a menace to the health of persons or livestock.

**Effective:** May 18, 1856 **History:** Created 1956 Ky. Acts ch. 213, secs. 1 and 2, effective May 18, 1956.

**Division of Pest and Noxious Weed Control**

**249.390** Repealed, effective July 15, 1986. **Catchline at repeal:** Most to control  
In order to perform the duties listed in KRS 249.400, the director may employ such persons  
and noxious weeds. **History:** Repealed 1986 Ky. Acts ch. 4, sec. 3, effective July 15, 1986. Created 1968 Ky. Acts ch. 21, sec. 4.  
department of persons interested in Johnson grass control appointed by the commissioner,  
Acts ch. 61, sec. 4.

- Effective:** July 13, 2004 **History:** Amended 2004 Ky. Acts ch. 88, sec. 6, effective July 13, 2004. Created 1960 Ky. Acts ch. 62, sec. 4, effective June 16, 1960.
- (2) Issue and enforce regulations for the eradication and control of noxious weeds, including Johnson grass, and pests;
  - (3) Cooperate with county agricultural agents, vocational agricultural teachers, University of Kentucky extension specialists, civic groups, or any federal, state or county agency in promoting county programs and organizations to control and eradicate noxious weeds and pests;
  - (4) Conduct or assist any governmental agency in conducting local or county-wide surveys to determine the degree of Johnson grass infestation;
  - (5) Cooperate with federal or state agencies in research and educational work in the field of pest and noxious weed control;
  - (6) Assist counties in qualifying for cost-sharing programs to control Johnson grass or other noxious weeds;
  - (7) Publicize the threat of noxious weeds and pests and methods of combating them;
  - (8) Cooperate with the Department of Highways, county fiscal courts, transportation and industrial organizations in controlling Johnson grass and other noxious weeds on their premises and rights-of-way;
  - (9) Accept funds or contributions to carry out the purposes of KRS 249.400 to 249.430.
- Effective:** June 16, 1960 **History:** Created 1960 Ky. Acts ch. 62, sec. 5, effective June 16, 1960.

**History:** Repealed 1968 Ky. Acts ch. 21, sec. 4. -- Created 1962 Ky. Acts ch. 61, sec. 13.

**History:** Repealed 1984 Ky. Acts ch. 4, sec. 3, effective July 15, 1986. -- Created 1968 Ky. Acts ch. 21, sec. 3.

**249.990 Penalties.**

- (1) Any person who violates any of the provisions of KRS 249.020 to 249.100 or hinders the carrying out of any of the provisions of these sections shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). Any person who violates KRS 249.183 to 249.195 shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six (6) months.
- (2) Any person who violates any regulation prescribed by which the commissioner under KRS 249.183 to 249.195 shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). Each day of violation after the notice provided in KRS 249.183 or 249.195 shall be a separate offense. **Effective:** July 15, 1996. **History:** Amended 1996 Ky. Acts ch. 142, sec. 16, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 433, sec. 4, effective April 10, 1990. -- Amended 1980 Ky. Acts ch. 188, sec. 231, effective July 15, 1980. -- Amended 1960 Ky. Acts ch. 225, sec. 14, effective June 16, 1960. -- Amended 1954 Ky. Acts ch. 180, sec. 11. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 42f-4, 200, 1923, 1925a-4, 1925a-9.
- (3) Any person who knowingly neglects or refuses to comply with the provisions of KRS 249.183 or 249.195 shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). Each day of violation after the notice provided in KRS 249.190 shall be a separate offense.

**Penalties**

**Effective:** July 15, 1996 **History:** Amended 1996 Ky. Acts ch. 142, sec. 16, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 433, sec. 4, effective April 10, 1990. -- Amended 1980 Ky. Acts ch. 188, sec. 231, effective July 15, 1980. -- Amended 1960 Ky. Acts ch. 225, sec. 14, effective June 16, 1960. -- Amended 1954 Ky. Acts ch. 180, sec. 11. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 42f-4, 200, 1923, 1925a-4, 1925a-9.