

### **SEC. 69-25-1. Definitions.**

For the purpose of this article, the following terms shall be construed, respectively, to mean:  
Division of Plant Industry -- means the Bureau of Plant Industry within the Regulatory Office of the Mississippi Department of Agriculture and Commerce.

Insect pests -- means insects or other invertebrates injurious to plants and plant products.  
Noxious weed -- means a plant species or classified group of plants declared by the Bureau of Plant Industry to be a public nuisance or to be especially injurious to the environment, to agricultural and horticultural production or to wildlife and which should be controlled and the dissemination of which prevented.

Plant diseases -- means fungi, bacteria, nematodes and viruses injurious to plants and plant products and the pathological condition in plants and plant products caused by fungi, bacteria, nematodes and viruses. This definition shall also include plants which are parasitic or partially parasitic on other plants such as "witch weed", *Striga asiatica*, a serious parasitic plant of corn and other members of the grass family.

Plants and plant products -- Trees, shrubs, seedlings, vines, forage and cereal plants, and all other plants; cuttings, grafts, scions, buds and all other parts of plants and fruits, vegetables, roots, bulbs, seeds, wood, timber and all other plant products.

Places -- Vessels, cars and other vehicles, buildings, docks, nurseries, orchards and other premises, where plants and plant products are grown, kept or handled.

Persons -- Individuals, associations, partnerships and corporations.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382b; 1930, Sec. 6958; 1942, Sec. 4979; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 2; 1991, ch. 530, Sec. 19; Laws, 2003, ch. 401, § 1, SB 2793, eff from and after July 1, 2003.

### **SEC. 69-25-3. Bureau of plant industry; advisory board.**

The State Plant Board is abolished and its duties are transferred to the Commissioner of Agriculture and Commerce, and it shall henceforth be known as the Bureau of Plant Industry.

There is created an Advisory Board to the Bureau of Plant Industry, composed of the following: the State Chemist; the head of the Entomology and Plant Pathology Department, Mississippi State University of Agriculture and Applied Science; the head of the Plant and Soil Science Department, Mississippi State University of Agriculture and Applied Science; Alcorn State University Director of Agriculture and Applied Sciences; and, for a period of two (2) years, the following: one (1) soil conservation district commissioner appointed by the commissioner; two (2) residents of Mississippi who engage in the production of any crop, appointed by the commissioner; one (1) resident of the State of Mississippi who is a commercial applicator holding a license issued under the rules and regulations of the Bureau of Plant Industry, appointed by the commissioner; one (1) resident of the State of Mississippi who is a restricted use pesticide registrant or an employee of such person, appointed by the commissioner; one (1) resident of the State of Mississippi who is either a wholesale or retail horticulturist, appointed by the commissioner, and one (1) resident of the State of Mississippi who is a licensed landscape contractor, appointed by the commissioner, who shall serve with no compensation and whose duties are to advise the commissioner on all matters regarding the Bureau of Plant Industry. The commissioner shall meet annually with the advisory board and the Director of the Bureau of Plant Industry. It is the intent and purpose of this section to maintain the domicile of this division of the Department of Agriculture and Commerce at Mississippi State University of Agriculture and Applied Science, Mississippi State, Mississippi.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382c; 1930, Sec. 6957; 1942, Sec. 4978; Laws, 1920, ch. 252; 1968, ch. 247, Sec. 1; 1971, ch. 446, Sec. 1 1979, ch. 338, Sec. 2; 1991, ch. 519, Sec. 1, eff from and after July 1, 1991. Laws, 1995, ch. 577, Sec. 1, eff from and after July 1, 1995. Amended by Laws 2000, Ch. 372, Sec. 1, SB2495; Laws, 2003, ch. 401, § 2, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-5. Director of the Bureau of Plant Industry; State Entomologist.**

The Commissioner of Agriculture and Commerce shall appoint a full-time executive secretary and director, hereinafter called the "Director of the Bureau of Plant Industry," whose office shall be at Mississippi State University of Agriculture and Applied Science. The director shall serve at the will and pleasure of the commissioner and shall receive a salary in an amount to be determined by the commissioner. It shall be the duty of the director to enforce the rules and regulations adopted by the commissioner and to perform such other functions that may be assigned to him by the commissioner.

The Commissioner of Agriculture and Commerce and the Director of the Bureau of Plant Industry shall appoint a full-time State Entomologist, who shall be a qualified entomologist and whose office shall be at Mississippi State University of Agriculture and Applied Science.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382c; 1930, Sec. 6957; 1942, Secs. 4978, 4978.5; Laws, 1920, ch. 252; 1968, ch. 247, Sec. 1; 1971, ch. 446, Secs. 1, 24; 1972, ch. 369, Sec. 1, eff from and after passage (approved April 25, 1972). Amended by Laws 2000, Ch. 372, Sec. 2, SB2495; Laws, 2003, ch. 401, § 3, eff from and after July 1, 2003.

**SEC. 69-25-7. Powers and duties of commissioner.**

(1) The Commissioner of Agriculture and Commerce is empowered to conduct such inspections and promulgate and enforce such quarantine regulations as may be necessary in carrying out the provisions of this article.

(2) The Commissioner of Agriculture and Commerce shall from time to time make rules and regulations for carrying out the provisions and requirements of this article, including rules and regulations under which his inspectors and other employees shall (a) inspect places, plants and plant products, and things, and substances used or connected therewith, (b) investigate, control, eradicate and prevent the dissemination of insect pests, diseases and noxious weeds, and (c) supervise or cause the treatment, cutting and destruction of plants and plant products and other things infested or infected therewith, but no such rule or regulation shall be effective unless first submitted to and approved by the advisory board established under the provisions of Section [69-25-3](#). The inspectors and employees employed by the commissioner shall have authority to carry out and execute the regulations and orders of the commissioner and shall have authority under direction of the commissioner to carry out the provisions of this article.

SOURCES: Codes, Hemingway's 1921 Supp. Secs. 6382d, 6382h; 1930, Secs. 6959, 6963; 1942, Secs. 4980, 4984; Laws, 1920, ch. 252; 1971, ch. 446, Secs. 3, 7; Laws, 2003, ch. 401, § 4, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-9. Duties of commissioner and persons having knowledge of infected plants.**

The Commissioner of Agriculture and Commerce shall keep himself informed as to known varieties of insect pests, diseases and noxious weeds, their origin, locality, nature and appearance thereof, the manner in which they are disseminated, and approved methods of treatment and eradication.

The Commissioner of Agriculture and Commerce, in his rules and regulations made pursuant to this article, shall list the insect pests, diseases and noxious weeds, of which he shall find that the

introduction into, or the dissemination within, this state should be prevented in order to safeguard the environment, agricultural and horticultural production and the plants and plant products of this state, together with the plants and plant products and other things likely to become infested or infected with such insect pests, diseases and noxious weeds. Every such insect pest, disease and noxious weed listed, and every plant and plant product and other thing infected therewith, is hereby declared to be a public nuisance. Every person who has knowledge of the presence of any insect pest, disease or noxious weed listed, as required by this section, in the rules and regulations made pursuant to this article, in or upon any place, shall immediately report same to the commissioner or an inspector therefor giving such detailed information relative thereto as he may have. Every person who deals in or engages in the sale of plants and plant products or other things infested or infected, or likely to be or become so shall furnish to the commissioner or his inspectors, when requested, a statement of the names and addresses of the persons from whom and the localities where he purchased or obtained such plants and plant products, and other things infested or infected, or likely to be or become so.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382g; 1930, Sec. 6962; 1942, Sec. 4983; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 6; Laws, 2003, ch. 401, § 5, SB 2793, eff from and after July 1, 2003.

#### **SEC. 69-25-11. Inspections and quarantine; enforcement of.**

The inspections and the quarantine enforcement referred to in this article shall be conducted under the direction of the Commissioner of Agriculture and Commerce by the Director of the Bureau of Plant Industry and the State Entomologist at Mississippi State University of Agriculture and Applied Science and such assistants as may become necessary. It shall be the duty of the Director of the Bureau of Plant Industry and the State Entomologist to make recommendations to the commissioner regarding quarantines and regulations.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382e; 1930, Sec. 6960; 1942, Sec. 4981; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 4; Laws, 2003, ch. 401, § 6, SB 2793, eff from and after July 1, 2003.

#### **SEC. 69-25-13. Inspectors may be employed.**

For the purpose of carrying out the provisions of this article, the commissioner of agriculture and commerce may employ, prescribe the duties of, and fix the compensation of, such inspectors and other employees as he may require and incur such expenses as may be necessary, within the limits of appropriations made by law. He shall cooperate with other departments, boards and officers of this state and of the United States as far as practicable.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382f; 1930, Sec. 6961; 1942, Sec. 4982; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 5, eff from and after July 1, 1971.

#### **SEC. 69-25-15. How infested or defective plants and products dealt with.**

Whenever an inspection made pursuant to this article discloses that any places, or plants, or plant products or things or substances used or connected therewith, are infested or infected with any insect, pest, disease or noxious weed listed as a public nuisance, or are dead or of stock so seriously weakened by drying, excessive heat or cold, or any other condition that makes it unable to grow satisfactorily when given reasonable care, as required above herein, in the rules and regulations made pursuant hereto, written notice thereof shall be given the owner or other person in possession or control of the place where found and such owner or other person shall proceed to control, eradicate or prevent the dissemination of such insect, pest, disease or noxious weed, and to remove, cut or destroy infested and infected plants and plant products, or dead or dying plants, or things or substances used or connected therewith, within the time and in the manner prescribed by said notice or the said rules and regulations. Whenever such owner or other

person cannot be found, or shall fail, neglect or refuse to obey the requirements of said notice and the rules and regulations so made, such requirements shall be carried out by inspectors or other employees of the Commissioner of Agriculture and Commerce as the law allows.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382i; 1930, Sec. 6964; 1942, Sec. 4985; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 8; 1974, ch. 380; Laws, 2003, ch. 401, § 7, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-17. How proscribed plants and products may be shipped.**

It shall be unlawful for any person to bring or cause to be brought into this state any plant or plant product or other thing listed as required above herein, in the rules and regulations made pursuant hereto, unless thereby plainly and legibly marked thereon or affixed thereto, or on or to the car or other vehicle carrying, or the bundle, package or other container of the same, in a conspicuous place, a statement or a tag or other device showing the names and addresses of the consignors or shippers and the consignee or person to whom shipped, the general nature and quantity of the contents, and the name of the locality where grown or shipped, together with a certificate of inspection of the proper official of the state, territory, district or county from which it was brought or shipped, showing that such plant or plant product or other thing or substance was found or believed to be free from insect pests, diseases and noxious weeds, and any other information required by the Commissioner of Agriculture and Commerce such as certificates of fumigation.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382j; 1930, Sec. 6965; 1942, Sec. 4986; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 9; Laws, 2003, ch. 401, § 8, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-19. Unlawful to ship and deal in proscribed plants before inspection.**

It shall be unlawful for any person to sell, give away, carry, ship, or deliver for carriage or shipment within this state, any plants or plant products or other thing or substitute listed, as required in such rules and regulations made by the Commissioner of Agriculture and Commerce unless such plant or plant products or other thing or substance have been officially inspected and a certificate issued by an inspector of the commissioner stating that the plants or plant products or other thing or substance have been inspected and found to be apparently free from insect pests, diseases and noxious weeds, and any other facts provided for in the rules and regulations made pursuant to this statute. For the issuance of such certificate, the commissioner may require the payment of a reasonable fee to cover the expense of such an inspection and certification provided, however, that if such plants or plant products or other thing or substance were brought into the state in compliance with the requirements of law such certificate required may be accepted in lieu of the inspection and certificate required by this section in such cases as shall be provided for in the rules and regulations made hereunder. If it shall be found at any time that a certificate of inspection issued or accepted pursuant to the provisions of this section is being used in connection with plants and plant products or other things or substances which are infested or infected with insect pests, diseases or noxious weeds listed in the rules and regulations, its further use may be prohibited, subject to such inspection and other dispositions of the plants and plant product involved as may be provided for by the commissioner. All monies collected by the commissioner where not otherwise provided shall be deposited in the State Treasury to the credit of the General Fund revenue receipts.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382k; 1930, Sec. 6966; 1942, Sec. 4987; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 10; Laws, 2003, ch. 401, § 9, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-21. Suspected plants or products; information to be furnished commissioner.**

Any person in this state who receives from without the state any plant or plant product, or other thing or substance as to which the requirements of section next before the last above have not been complied with, or who receives any plant or plant product, or other thing or substance, sold, given away, carried, shipped, or delivered for carriage or shipment within this state as to which the requirements of next foregoing section have not been complied with, shall immediately inform the Commissioner of Agriculture and Commerce or an inspector thereof and isolate and hold the plant or plant product or other thing or substance unopened or unused subject to such inspection and other disposition as may be provided for by the commissioner.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382l; 1930, Sec. 6967; 1942, Sec. 4988; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 11; Laws, 2003, ch. 401, § 10, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-23. Infected localities outside of state; shipments from prohibited.**

Whenever the Commissioner of Agriculture and Commerce finds that there exists outside of this state any destructive or nuisance insect pest, disease or noxious weed, the commissioner may give public notice thereof, specifying the locations, the plants and the plant products infested, infected or declared noxious and which are likely to become infested or infected therewith. In order to safeguard the environment, agricultural and horticultural production, plants and plant products, the movement of such plants or plant products or other things or substances into this state from the infected or infested locality shall thereafter be prohibited until the commissioner determines that the danger of the introduction into this state of such insect pests, diseases or noxious weeds from such locality has ceased to exist.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382m; 1930, Sec. 6968; 1942, Sec. 4989; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 12; Laws, 2003, ch. 401, § 11, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-25. Infected localities within this state; how dealt with.**

Whenever the Commissioner of Agriculture and Commerce shall find that there exists in this state, or any part thereof, any insect pest, disease or noxious weed, and that its dissemination should be controlled or prevented, the commissioner shall give public notice thereof, specifying the plants or plant products or other thing or substance infested, infected or declared noxious or likely to become infested or infected therewith, and the movement, planting or other use of any such plant or plant product, or other thing or substance specified in such notice as likely to carry and disseminate such insect pest, disease or noxious weed, except under such conditions as shall be prescribed by the commissioner as to inspection, treatment and disposition, shall be prohibited within such area as may be designated in the public notice until the commissioner shall find that the danger of the dissemination of such insect pest, disease or noxious weed has ceased to exist, of which the commissioner shall give public notice.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382n; 1930, Sec. 6969; 1942, Sec. 4990; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 13; Laws, 2003, ch. 401, § 12, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-27. Shipment through the state may be prohibited.**

By virtue of the powers conferred herein and for the purpose of protecting the environment, agricultural and horticultural production, the plant life and plant products of this state, the Commissioner of Agriculture and Commerce may prevent and prohibit the introduction into the state for the purpose of transportation through the state of any such plants and plant products or other things or substance hereinbefore mentioned to the same extent and for the same purpose and with the same authority that is provided above with reference to the introduction of the same into the state.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382u; 1930, Sec. 6976; 1942, Sec. 4997; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 20; Laws, 2003, ch. 401, § 13, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-29. How shipments through the state may be made.**

The commissioner of agriculture and commerce for the same purposes and in the same manner and with the same authority, as provided in section [69-25-27](#), may prohibit and prevent the introduction into or the transportation through the state of any such plants and plant products or other thing or substance except when contained in such container, car, boat, or vehicle and shall prevent the escape or waste of any part of the same while being introduced into or transported through the state, and may likewise prohibit and prevent the opening of such container, car, boat, or vehicle containing such plant or plant product or other thing or substance within the state.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382v; 1930, Sec. 6977; 1942, Sec. 4998; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 21, eff from and after July 1, 1971.

**SEC. 69-25-31. Reciprocal agreements.**

The commissioner of agriculture and commerce shall have power to make reciprocal agreements with the responsible officials of other states under which nursery stock or plants from any other state may be sold or delivered in Mississippi under the same conditions required for the sale or delivery of Mississippi nursery stock or plants in the state concerned.

SOURCES: Codes, 1942, Sec. 4999; Laws, 1936, ch. 203; 1971, ch. 446, Sec. 22, eff from and after July 1, 1971.

**SEC. 69-25-33. Boards of supervisors and municipal governing bodies may appropriate money to cooperate with the commissioner.**

The boards of supervisors in the various counties of the state and the governing bodies in the various municipalities of the state are hereby authorized and empowered, in their discretion, to appropriate money out of the general funds of the counties and municipalities to be used for the purpose of cooperating with the Commissioner of the Department of Agriculture and Commerce in eradicating serious insect pests, rodents, plant parasites, plant diseases and noxious weeds and in protecting the counties and municipalities from serious insect pests, rodents, plant parasites, plant diseases and noxious weeds.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382x; 1930, Sec. 6978; 1942, Sec. 5000; Laws, 1920, ch. 219; 1958, ch. 149; 1971, ch. 446, Sec. 23; 1972, ch. 369, Sec. 2; Laws, 2003, ch. 401, § 14, SB 2793, eff from and after July 1, 2003.

**SEC. 69-25-35. Suspected premises and article may be examined.**

For the purpose of carrying out the provisions and requirements of this article, and of the rules and regulations made, and notices given, pursuant thereto, the commissioner of agriculture and commerce and his inspectors and employees shall have power to enter in or upon any place, and to open any bundle, package or other container containing or thought to contain plants or plant products.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382o; 1930, Sec. 6970; 1942, Sec. 4991; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 14, eff from and after July 1, 1971.

**SEC. 69-25-37. Remedy of person affected.**

Any person affected by any rule or regulations made, or notice given, pursuant to this article, may have a review thereof by the commissioner of agriculture and commerce for the purpose of having such rule, regulation or notice modified, suspended or withdrawn. Such review shall be allowed and considered and the cost thereof fixed, assessed, collected and paid in such manner and in accordance with such rules and regulations as may be prescribed by the commissioner.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382p; 1930, Sec. 6971; 1942, Sec. 4992; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 15, eff from and after July 1, 1971.

**SEC. 69-25-39. Act of agent or officer deemed the act of principal or company.**

In construing and enforcing the provisions of this article, omission or failure of any official, agent or other person acting for or employed by any association, partnership, or corporation within the scope of his employment of office shall, in every case, also be deemed the act, omission or failure of such association, partnership or corporation as well as that of the person.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382r; 1930, Sec. 6973; 1942, Sec. 4994; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 17, eff from and after July 1, 1971.

**SEC. 69-25-41. Commissioner or any of his employees may sue out injunctions.**

The commissioner of agriculture and commerce or any of his inspectors or employees shall be a proper party in any court of equity to effectively carry out any of the provisions of this article when an injunction would be a proper remedy.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382s; 1930, Sec. 6974; 1942, Sec. 4995; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 18, eff from and after July 1, 1971.

**SEC. 69-25-43. This article not to conflict with any act of Congress.**

The provisions of this article shall not be so construed or enforced as to conflict in any way with any act of Congress regulating the movement of plants or plant products in interstate or foreign commerce.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382t; 1930, Sec. 6975; 1942, Sec. 4996; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 19, eff from and after July 1, 1971.

**SEC. 69-25-45. Enforcement of rules and regulations.**

The commissioner of agriculture and commerce shall have power and authority to enforce his rules, ordinances and regulations in any court of competent jurisdiction by civil, as well as criminal proceedings, and if the remedy to be pursued be by writ of injunction, no court of this state shall have right previous to a trial upon the merits to set aside such writ on bond. It shall be the duty of the attorney general, district attorneys and county attorneys to represent said commissioner whenever called upon to do so. Said commissioner in the discharge of his duties and the enforcement of the powers herein delegated, may send for books and papers, administer oaths, hear witness, etc., and to that end it is made the duty of the various sheriffs throughout the state to serve all summons and other papers upon the request of said commissioner.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382q; 1930, Sec. 6972; 1942, Sec. 4993; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 16, eff from and after July 1, 1971.

**SEC. 69-25-47. Penalty for violations.**

Any person who shall violate any provisions or requirements of this article, or of the rules and regulations made or of any notice given pursuant thereto or shall forge, counterfeit, deface,

destroy or wrongfully use any certificate provided for herein or in the rules and regulations made pursuant thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment at the discretion of the court having jurisdiction.

SOURCES: Codes, Hemingway's 1921 Supp. Sec. 6382q; 1930, Sec. 6972; 1942, Sec. 4993; Laws, 1920, ch. 252; 1971, ch. 446, Sec. 16; Laws, 2003, ch. 401, § 15, SB 2793, eff from and after July 1, 2003.