



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201

Gary W. Black
Commissioner

DATE: August 6, 2014

ACTION: Notice of Intent to Consider the Adoption of Amendments to Georgia's Live Plant Regulations

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. § 50-13-4 and O.C.G.A. § 2-7-23, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding the adoption of amendments to Georgia's Live Plant Regulations. The Department will be accepting written comments from August 6, 2014, to close of business (4:30 p.m. EDT) on September 8, 2014.

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

The Department is proposing to amend Rule 40-4-9-.01 entitled "Definitions" by clarifying that persons having a production space greater than 1,000 square feet, receiving plants from another state, sending plants interstate, sending plants internationally, or digging or collecting plants from the wild or residential areas for sale or distribution qualify as "Live Plant Growers" – defined in 40-4-9-.01(1) – and must be properly licensed by the Department.

The Department is also proposing to amend Rule 40-4-9-.03 entitled "Categories and Fees" by removing the category "Hobby Grower" and the fees associated therewith from 40-4-9-.03(2). The Rule would be renumbered to accommodate said removal. The proposed amendments would also remove "Re-wholesalers, Agent or Broker" from current Rule 40-4-9-.03(3), amend current Rule 40-4-9-.03(3)(a) to read "Live Plant Dealers, Re-wholesalers, Agents or Brokers," and move the information currently in 40-4-9-.03(3)(a) to new provision 40-4-9-.03(3)(a)(1). The proposed amendments would also eliminate current provision 40-4-9-.03(3)(b) which requires a license for individuals selling live plants at craft shows, fairs, flea markets or similar venues. Under the proposed amendments, the category for Florist or Landscaper would be renumbered as 40-4-9-.03(2)(b) with the registration fee provision being renumbered to 40-4-9-.03(2)(b)(1). Furthermore, a new category of "Seasonal Vegetable Plant Dealer" would be added as 40-4-9-.03(2)(c). Said category will require a licensing of fee of \$50 as set out in proposed Rule 40-4-9-.03(2)(c)(1).

Finally, the Department is proposing to amend Rule 40-4-9-.05 entitled "Inspection and Maintenance of Live Plants" by removing 40-4-9-.05(5) which states that leafed-out deciduous Live Plants may not be sold bare-root. The Rule would be renumbered to accommodate said removal.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from August 6, 2014, to close of business (4:30 p.m. EDT) on September 8, 2014. Comments will be considered on September 9, 2014. Please submit written comments to:

Mike Evans, Program Director - Plant Protection Section
Georgia Department of Agriculture
1109 Experiment Street, Redding Building, Room 213
Griffin, Georgia 30223
Telephone Number: 404-651-9486
Facsimile: 770-228-7219

Interested persons may call or submit a written request to obtain a copy of the proposed rule amendments. A copy of the synopsis and the proposed rule amendments may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.