

Effective 5/1/2024

4-15-103 Definitions.

As used in this part:

- (1) "Balled and burlapped stock" means nursery stock that is removed from the growing site with a ball of soil containing its root system intact and encased in burlap or other material to hold the soil in place.
- (2) "Bare-root stock" means nursery stock that is removed from the growing site with the root system free of soil.
- (3) "Compliance agreement" means any written agreement between a person and a regulatory agency to achieve compliance with any set of requirements being enforced by the department.
- (4) "Container stock" means nursery stock that is transplanted in soil or in a potting mixture contained within a metal, clay, plastic, or other rigid container for a period sufficient to allow newly developed fibrous roots to form, so that if the plant is removed from the container the plant's root-media ball will remain intact.
- (5) "Etiolated growth" means bleached and unnatural growth resulting from the exclusion of sunlight.
- (6) "Minimum indices of vitality" mean standards adopted by the department to determine the health and vigor of nursery stock offered for sale in this state.
- (7) "National nursery stock cleanliness standards" means nursery stock that:
 - (a) is free from quarantine pests and pests of concern;
 - (b) has all nonquarantine plant pests under effective control;
 - (c) meets the national nursery stock cleanliness standards; and
 - (d) is eligible for nursery stock certification and shipping permits.
- (8) "Nonestablished container stock" means deciduous nursery stock that is transplanted in soil or in a potting mixture contained within a metal, clay, plastic, or other rigid container for a period insufficient to allow the formation of fibrous roots sufficient to form a root-media ball.
- (9) "Nursery" means any place where nursery stock is propagated and grown for sale or distribution.
- (10)
 - (a) "Nursery agent" means a person who solicits or takes an order for the sale of nursery stock, other than on the premises of a nursery or nursery outlet.
 - (b) "Nursery agent" includes a nursery landscaper.
- (11) "Nursery outlet" means any place or location where nursery stock is offered for wholesale or retail sale.
- (12)
 - (a) "Nursery stock" means:
 - (i) all plants, whether field grown, container grown, or collected native plants;
 - (ii) trees, shrubs, vines, grass sod;
 - (iii) seedlings, perennials, biennials, annuals; and
 - (iv) buds, cuttings, grafts, or scions grown or collected or kept for propagation, sale, or distribution.
 - (b) "Nursery stock" does not include:
 - (i) dormant bulbs, tubers, roots, corms, rhizomes, or pips;
 - (ii) field, vegetable, or flower seeds; or
 - (iii) cut flowers, unless stems or other portions of the cut flowers are intended for propagation.
- (13) "Packaged stock" means bare-root stock that is packed either in bundles or in single plants with the roots in some type of moisture-retaining material designed to retard evaporation and hold the moisture-retaining material in place.

- (14) "Pests of concern" means a nonquarantine pest that:
- (a) is not known to occur in the state, or that has a limited distribution within the state; and
 - (b) has the potential to negatively impact nursery stock health or pose an unacceptable economic or environmental risk.
- (15) "Place of business" means each separate nursery, or nursery outlet, where nursery stock is offered for sale, sold, or distributed.
- (16) "Plant pests" means:
- (a) the egg, pupal, and larval stage, as well as any other living stage of any insect, mite, nematode, slug, snail, protozoa, or other invertebrate animal;
 - (b) bacteria;
 - (c) fungi;
 - (d) parasitic plant or a reproductive part of a parasitic plant;
 - (e) virus or viroid;
 - (f) phytoplasma; or
 - (g) any infectious substance that can injure or cause disease or damage in any plant.
- (17) "Quarantine pest" means a pest that poses potential negative economic or environmental impact to an area in which the pest currently:
- (a) does not exist; or
 - (b) exists, but its presence is not widely distributed or is being officially controlled.
- (18) "Shipping permit or certificate of inspection" means a sticker, stamp, imprint, or other document that accompanies nursery stock shipped intrastate and documents that the originating nursery:
- (a) is licensed; and
 - (b)
 - (i) has stock that has passed annual inspection; or
 - (ii) produces stock that meets the National Nursery Stock Compliance Standard.

Amended by Chapter 59, 2024 General Session