

AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 453

Introduced by Assembly Member Woods

February 16, 1995

An act to amend Section ~~6421~~ 6501 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as amended, Woods. Plant ~~Quarantine and Pest Control~~ *quarantine and pest control*.

(1) Existing law provides for plant quarantine and pest control and ~~specifies, among other things, that each shipment of plants that is brought into this state shall have specified information legibly marked upon it in a conspicuous manner~~ *prohibits a person from receiving or transporting plants, appliances, or things liable to be infected or infested with a pest unless the person notifies the county agricultural inspector and holds the item for inspection*. A violation of this provision is a misdemeanor.

This bill also would require each shipment of plants ~~that is shipped within the state~~ to have specified information legibly marked upon it in a conspicuous manner *and place*. Thus, because the bill would expand the scope of an existing crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 6421 of the Food and~~
2 ~~Agricultural Code is amended to read:~~

3 ~~6421. Each shipment of plants that is brought into, or~~
4 ~~shipped within, this state shall have legibly marked upon~~
5 ~~it in a conspicuous manner and place all of the following:~~

- 6 ~~(a) The name and address of the shipper or owner.~~
- 7 ~~(b) The name of the person to whom the shipment is~~
8 ~~forwarded or shipped or the name of his or her agent.~~
- 9 ~~(c) The name of the country, state, or territory where~~
10 ~~the contents were grown.~~
- 11 ~~(d) A statement of its contents.~~

12 *SECTION 1. Section 6501 of the Food and*
13 *Agricultural Code is amended to read:*

14 6501. Except as otherwise provided in Section 6502,
15 6504, 6506, or 6924, it is unlawful for any person to receive
16 or bring into any county or locality of the state from
17 another county or locality within the state any nursery
18 stock, or any other plant, appliance, or thing *subject to a*
19 *federal or state quarantine* or which the commissioner or
20 the director considers and designates to be liable to be
21 infected or infested with any pest, unless ~~he~~ *the person*
22 does ~~both~~ *all* of the following:

- 23 (a) Notifies the commissioner of the arrival of the
24 article immediately after its arrival.
- 25 (b) Holds it for immediate inspection by the
26 commissioner, without unnecessarily moving or placing
27 the article where it may be harmful.
- 28 (c) *Legibly marks the shipment in a conspicuous*
29 *manner and place with all of the following:*
30 (1) *The name and address of the shipper or owner.*



1 (2) *The name of the person to whom the shipment is*
2 *forwarded or shipped or the name of his or her agent.*

3 (3) *The name of the county where the contents of the*
4 *shipment were grown.*

5 (4) *A statement of its contents.*

6 SEC. 2. No reimbursement is required by this act
7 pursuant to Section 6 of Article XIII B of the California
8 Constitution because the only costs that may be incurred
9 by a local agency or school district will be incurred
10 because this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition
14 of a crime within the meaning of Section 6 of Article
15 XIII B of the California Constitution.

16 Notwithstanding Section 17580 of the Government
17 Code, unless otherwise specified, the provisions of this act
18 shall become operative on the same date that the act
19 takes effect pursuant to the California Constitution.

