

These sections of the Kentucky Statutes, 1925a-1 through 1925a-11, were enacted in 1926.

the treasurer of said county, or other proper officer, to be designated by said county judge, to be held by him subject to the order of said court. (1894, c. 101, p. 314, § 6.)



#### Quarantining Diseased Plants and Inspection and Regulation of Nurseries

**§ 1925a-1. Quarantine against diseased trees and plants; rules and regulations; state entomologist.**—That the Kentucky agricultural experiment station through its entomologist and botanist, in addition to other duties be empowered to establish and maintain quarantines against the importation into Kentucky and against the transportation within the state, of any trees, plants and parts of plants, whether nursery-grown or not, from any state or territory, or from any county within the state, where such plants or parts of plants are known to be infected or infested with dangerous insect pests or plant diseases and that said entomologist, with the advice, counsel, and consent of the state commissioner of agriculture and the director of the Kentucky agricultural experiment station, is hereby authorized to announce and enforce such quarantines whenever in his judgment it becomes necessary, designating in such announcements the area quarantined against, whether constituting a part of this state or of some other state or territory. The state entomologist with the advice, counsel, and consent of the state commissioner of agriculture and the director of the Kentucky agricultural experiment station shall have the power to prescribe, modify and enforce such rules, regulations and orders as may

be needed to carry out the provisions of this act and may publish such other information as may seem desirable concerning the inspections and concerning such insects and diseases as are covered by this act, such rules regulations, and other information to be printed from time to time and furnished to interested parties. Said entomologist and botanist shall, for the purposes of this act, be and he is hereby declared to be the State entomologist and shall serve without pay other than that he may receive as an officer of the Kentucky agricultural experiment station, but his expenses shall be paid and that of his assistants as hereinafter provided. (March 27, 1926, c. 8, p. 17, § 1.)

Editor's note.—The act of March 27, 1926, c. 8, p. 17, § 11, now K.S. § 1925a-11 provided that the act of May 20, 1897, c. 19, p. 25, originally compiled as K.S. §§ 1925a-1 to 1925a-7 be and are repealed.

**§ 1925a-2. Inspection of suspected premises; destruction of diseased plants.**—Whenever the state entomologist, or his deputy, has reason to believe, or is credibly informed that at any place within the state there has been introduced, or offered for sale, trees, plants or parts of plants infected or infested with diseases or destructive pests that are liable to spread to the injury of farmers, fruit growers, or others, it shall be his duty to make an investigation of the suspected articles and premises and if they are found so infested or infected, shall notify, in writing, the owner or possessor, of the nature of the infestation, specifying the insects or diseases that have been found and demanding that within a reasonable specified time the infected or infested articles or premises shall be disinfected, or destroyed by fire, under the direction of the state entomologist, or his deputy, or assistant, and at the expense of the owner or possessor. (March 27, 1926, c. 8, p. 17, § 2.)

**§ 1925a-3. Inspection of nurseries; destruction of insects or fungus.**—All nurseries in Kentucky, where trees, vines, plants or other nursery stock are grown and offered for sale, shall be inspected by the entomologist and botanist of the Kentucky agricultural experiment station, or by his assistant, once each year at such time as he may elect, and he shall notify in writing, the owners of such nurseries of the presence of any San Jose scale or other dangerous pests on the stock of such nurseries, and shall also notify, in writing, the owner of any affected stock that he is required, on, or before, a certain day to take such measures for the destruction of such insect or fungus enemies of nursery stock as have been shown to be effectual for this purpose. (March 27, 1926, c. 8, p. 17, § 3.)

**§ 1925a-4. Destruction of insects or fungus; penalty for shipping infected plants.**—

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ts or fun- plants.—

The owner of this affected nursery shall, within the time specified, take such steps for the destruction of San Jose scale, or other injurious insect or fungus enemies present, as will exterminate the same and it shall be a misdemeanor to ship or deliver any of such stock before treatment, punishable by a fine hereinafter provided for every offense, the fine recoverable before any court of competent jurisdiction of the county in which the nursery is situated, or of that to which such stock may have been shipped. (March 27, 1926, c. 8, p. 17, § 4.)

**§ 1925a-5. Certificate of inspection and healthy stock.**—When the state entomologist examines any trees, vines, plants or other nursery stock in this state under the provisions of this act, and finds such nursery stock free from San Jose scale and other dangerously injurious insect and fungus enemies, he is hereby authorized and directed to make out and deliver, in writing, to the owner of such stock a certificate stating that he has inspected such stock and that the same is believed by him to be free from San Jose scale and other dangerously injurious insect and fungus enemies, and he shall keep in his office for the information of any one interested in the matter a copy of all valid certificates issued by him. (March 27, 1926, c. 8, p. 17, § 5.)

**§ 1925a-6. Copy of certificate of inspection to accompany shipments.**—Whenever a nurseryman or seller of trees, vines, plants or other nursery stock, who is a resident of this Commonwealth, shall ship or deliver any such goods, he shall send on each package so shipped or delivered a printed copy of the certificate issued to him by the state entomologist stating that the stock has been inspected as required by the law and is believed to be free from San Jose scale or other dangerously injurious insect or fungus enemies. (March 27, 1926, c. 8, p. 17, § 6.)

**§ 1925a-7. Shipments from other states to bear certificate; destruction or return of plants not so marked.**—Every non-resident nurseryman or other person intending to ship into Kentucky, trees, plants, or parts of plants, whether nursery-grown or not, is required to file with the state entomologist a copy of a valid certificate from a state or government inspector showing that said trees, plants, or their parts have been inspected and that he is authorized to sell and ship or transport such trees or plants. All packages of trees, plants, or parts of plants must bear a copy of a certificate of inspection from an official inspector. Transportation companies within the state are required to notify the state entomologist at once when any such trees, or plants are received by them without a valid certificate. Nursery

stock or other trees, plants, or parts of plants found to have been shipped into Kentucky in violation of state or federal quarantine laws may be seized and destroyed or returned to the shipper at the expense of the owner or possessor. (March 27, 1926, c. 8, p. 17, § 7.)

**§ 1925a-8. License to nurserymen, dealers and agents.**—Each resident nursery or agency selling nursery stock in Kentucky shall annually file credentials with the office of the Kentucky state entomologist and if these credentials are satisfactory shall, on payment of a fee of five dollars (\$5.00), be issued a permit authorizing said nursery or agency to do business in the state. Each non-resident nurseryman or nursery firm and each agent, dealer, or seller of trees, representing non-resident nurseries, or dealers, shall be required to file annually with the state entomologist satisfactory credentials, including the names of nurseries, nurserymen, or persons, represented, and on payment of a fee of five dollars (\$5.00) shall be issued a permit. If, however, the credentials in any case are not satisfactory it shall be the duty of the state entomologist, the director of the experiment station and the state commissioner of agriculture concurring, to refuse to issue said permit. Any person soliciting orders for or delivering trees or plants in Kentucky shall be required to carry with him a copy of his Kentucky permit, to be shown prospective buyers, purchasers, county officials, or agents of the state entomologist, on demand. All fees paid under this provision shall be applied on necessary expenses incurred in carrying out the provisions of this act. (March 27, 1926, c. 8, p. 17, § 8.)

**§ 1925a-9. Penalty for violations of this law.**—Any one violating any of the provisions of this act or offering any hindrance to the carrying out of its provisions shall be guilty of a misdemeanor and upon conviction in any court of competent jurisdiction in the Commonwealth shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. (March 27, 1926, c. 8, p. 17, § 9.)

**§ 1925a-10. Annual appropriation to enforce law; purposes.**—The sum of twenty-five hundred dollars (\$2,500.00) annually, or as much thereof as may be needed, is hereby appropriated to pay the expenses of carrying out the provisions of this act, including the establishing and maintaining of quarantines, traveling expenses, inspections of all sorts required by the state entomologist in the performance of his duties, the printing of bulletins, circulars, reports, and the payment of the salary of a deputy entomologist and assistants, hereby provided for, and

who shall be appointed by the state entomologist. The salary and other necessary expenses for the enforcement of the act shall be paid from the sum appropriated, by warrant upon the auditor of public accounts drawn by the state entomologist, and countersigned by the business agent of the university of Kentucky, and said business agent shall keep proper records and vouchers on file in his office for all receipts of fees and all expenditures. (March 27, 1926, c. 8, p. 17, § 10.)

§ 1925a-11. **Effective date; repealed laws.**—Be it enacted that this act shall be in force ninety (90) days after its passage, and that the nursery inspection law entitled “An act to provide for the inspection of nursery stock and to prevent the dissemination of noxious insects and fungi,” enacted at the special session of the general assembly in 1897 and all acts and parts of acts in conflict with this act are hereby repealed. (March 27, 1926, c. 8, p. 17, § 11.)

Editor's note.—See the Editor's note to K.S. § 1925a-1.