

R68. Agriculture and Food, Plant Industry.

R68-6. Utah Nursery Rule.

R68-6-1. Authority.

Promulgated under authority of Section 4-15-104.

R68-6-2. Terms Defined.

Each term used in these rules shall have the meaning set forth for each item in the Act.

R68-6-3. Labeling.

A. In order to identify nursery stock properly, whenever it is shipped, delivered, or transported to any purchaser, at least one label bearing the name, origin state grown or propagated, size, variety, and grade where applicable shall be attached to each separate species or variety.

B. Whenever a grade or size designation is used or implied in labeling or in an advertisement referring to a kind of nursery stock for which grades or sizes have been established in these rules, the nursery stock so labeled or so advertised shall conform to the specifications of the particular grade or size. Advertisements of stock offered for sale in containers shall state plant grade or size, irrespective of the size of the container.

C. Non-established container stock shall be identified by a water-resistant tag on which the words "non-established container stock" are printed. The tags shall be not less than 2 x 4 inches in size with lettering of 24-point Gothic type. The minimum length of time the stock has been planted in the container or the date the stock was planted in the container shall also be stated on the tag. The tag shall bear only the required labeling. It shall be the responsibility of the supplier of non-established container stock to adequately label stock as provided herein.

D. Each rose shall be labeled by grade for individual plants, bundles, or single lots.

R68-6-4. Condition of Nursery Stock.

A. Any nursery stock which, in the judgment of the Commissioner or an authorized agent, does not meet the following minimum indices of vitality shall be removed from sale.

1. Woody-stemmed deciduous stock, such as fruit and shade trees, rose bushes, and shrubs shall have moist tissue in the stem or stems and branches and shall have viable buds or unwilted growth sufficient to permit the nursery stock to live and grow in a form characteristic of the species when planted and given reasonable care, except that in the case of rose bushes each stem must show moist, green undamaged cambium in at least the first eight inches above the graft. Any single stem on a rose bush not meeting this specification may not disqualify the entire plant provided that a bush may be pruned to comply with the specification if at least two stems meeting the specification remain and the grade designation is changed accordingly.

2. Hardy herbaceous biennials or perennials when in a wilted, rotted, or any other condition indicative of poor vitality may not be sold or offered for sale in Utah.

3. Any bare-rooted or prepackaged woody-stemmed nursery stock having in excess of two inches of etiolated or otherwise abnormal growth from individual buds may not be sold or offered for sale.

4. Balled and burlapped stock in a weakened condition as evidenced by dieback or dryness of earthball or foliage, or stock having broken or loose earthballs may not be sold or offered for sale.

5. Stock offered for sale in containers. The container shall be sufficiently rigid to hold the ball shape, protecting the root mass during shipment.

a. Container stock offered for sale shall be healthy, vigorous, well rooted, and established in the container in which it is sold. The tops of the plants shall be of good quality and in a healthy growing condition. Sufficient new fibrous roots shall have developed so that the root mass will retain its shape and hold together when removed from the container. This shall be evidenced in each case by the earthball of such stock remaining reasonably intact upon removing it from the container.

b. Non-established container stock offered for sale shall be deciduous stick which shows good top quality and a vigorous healthy growing condition. The potting media shall be capable of sustaining satisfactory plant growth. Evergreen stock may not be offered for sale in containers unless it is well established in the container.

R68-6-5. Standards for Nursery Stock.

Nursery stock offered for sale in Utah shall meet the grade and size standards as published by the American Association of Nurseryman (AAN), in the publication entitled: American Standards for Nursery Stock, ANSI Z60.1-1996 approved November 6, 1996 which is herein incorporated by reference. Buyers and sellers of nursery stock shall refer to and use common terminology that is contained in and defined by this incorporated document, in order to facilitate transactions involving nursery stock in this state.

R68-6-6. Organizational Provisional Permit.

A. Special projects held by nonprofit educational, charitable, or service organizations may be exempt from payment of fees for nursery license provided the applicant provides an application.

B. Funds received from sales of such plants shall be used for the benefit of the organization or for improvement or beautification projects within the local community.

C. Plant materials distributed at these special projects shall meet the standards as described in Section R68-6-4 and R68-6-5.

D. No special project will be in direct competition with any licensed nursery.

E. A permit will be issued for annual activity only. No fee is required, but the application must be completed and approved by the department before the project begins.

KEY: nurseries (agricultural)

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