

- Sec.  
161. Interstate quarantine; shipments or removals from quarantined localities forbidden; regulations by Secretary for shipment, etc., from quarantined localities; promulgation.
- 161a. Omitted.
162. Rules and regulations.
163. Violations; forgery, alterations, etc., of certificates; punishment; civil penalty.
164. Duty of United States attorneys to prosecute.
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- 165, 165a. Repealed or Omitted.
166. State terminal inspection; transmission of mailed packages for State inspection; non-mailable matter; punishment for violations; rules and regulations by United States Postal Service.
167. Rules governing District of Columbia.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 150aa, 150dd, 150ee, 150jj, and 2811 of this title; title 39 sections 3014, 3015.

**§ 151. "Person" defined**

The word "person" as used in this chapter shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations.

(Aug. 20, 1912, ch. 308, § 11, 37 Stat. 319.)

## CODIFICATION

Section is comprised of a part of section 11 of act Aug. 20, 1912. Other provisions of section 11 are classified to section 153 of this title.

## EFFECTIVE DATE

Section 14 of act Aug. 20, 1912, provided: "That this Act [enacting this chapter] shall become and be effective from and after the first day of October, nineteen hundred and twelve, except as herein otherwise provided."

## SHORT TITLE

Act Aug. 20, 1912, as amended, which is classified to this chapter is popularly known as the "Nursery Stock Quarantine Act" and the "Plant Quarantine Act".

## CROSS REFERENCES

Words denoting number, etc., see section 1 of Title 1, General Provisions.

**§ 152. "Nursery stock" defined**

For the purpose of this chapter the term "nursery stock" shall include all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots.

(Aug. 20, 1912, ch. 308, § 6, 37 Stat. 317.)

## CROSS REFERENCES

Regulations restricting importation of plants, etc., other than nursery stock, see section 159 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 159 of this title; title 39 section 3014.

**§ 153. Liability of principal for act of agent**

When construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

(Aug. 20, 1912, ch. 308, § 11, 37 Stat. 319.)

## CODIFICATION

Section is composed of part of section 11 of act Aug. 20, 1912. Other provisions of section 11 are classified to section 151 of this title.

**§ 154. Importation of nursery stock****(a) In general**

No person shall—

- (1) import or enter into the United States any nursery stock; or
- (2) accept delivery of any nursery stock moving from any foreign country into or through the United States;

unless the movement is made in accordance with such regulations as the Secretary of Agriculture may promulgate to prevent dissemination into the United States of plant pests, plant diseases, or insect pests.

**(b) Regulations**

The regulations promulgated by the Secretary of Agriculture to implement subsection (a) of this section may include regulations requiring that nursery stock moving into or through the United States—

- (1) be accompanied by a permit issued by the Secretary of Agriculture prior to the movement of the nursery stock;
- (2) be accompanied by a certificate of inspection issued, in a manner and form required by the Secretary of Agriculture, by appropriate officials of the country or State from which the nursery stock is to be moved;
- (3) be grown under postentry quarantine conditions by or under the supervision of the Secretary of Agriculture for the purposes of determining whether the nursery stock may be infested with plant pests or insect pests, or infected with plant diseases, not discernible by port-of-entry inspection; and
- (4) if the nursery stock is found to be infested with plant pests or insect pests or infected with plant diseases, be subject to remedial measures the Secretary of Agriculture determines to be necessary to prevent the spread of plant pests, insect pests, or plant diseases.

(Aug. 20, 1912, ch. 308, § 1, 37 Stat. 315; July 31, 1947, ch. 405, 61 Stat. 680; Sept. 28, 1988, Pub. L. 100-449, title III, § 301(f)(3)(A), 102 Stat. 1869; Dec. 8, 1994, Pub. L. 103-465, title IV, § 431(d)(1), 108 Stat. 4967.)

## AMENDMENTS

1994—Pub. L. 103-465 amended section generally, substituting present provisions for provisions outlining general restrictions on importation of nursery stock into the United States along with exceptions to such restrictions.

1988—Pub. L. 100-449 struck out “*Provided*” the first place it appeared and inserted in lieu thereof “*Provided*. That the Secretary of Agriculture may waive the permit requirement for nursery stock imported or offered for entry from Canada: *Provided further*”.

1947—Act July 31, 1947, inserted last proviso.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

#### EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100-449 effective on date United States-Canada Free-Trade Agreement enters into force (Jan. 1, 1989), and to cease to have effect on date Agreement ceases to be in force, see section 501(a), (c) of Pub. L. 100-449, set out in a note under section 2112 of Title 19, Customs Duties.

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

#### CROSS REFERENCES

Plants, etc., other than nursery stock as subject to provisions of this section, see section 159 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 159 of this title.

### § 155. Importation for scientific purposes permitted

Any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section 160 of this title may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe.

(Mar. 4, 1913, ch. 145, §1 [part], 37 Stat. 854.)

#### CODIFICATION

Section was enacted as part of the Agricultural Appropriation Act, 1914, and not as part of the “Plant Quarantine Act” which comprises this chapter.

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

### § 156. Notification of arrival at port of entry; forwarding without notification forbidden; inspection before shipment

It shall be the duty of the Secretary of the Treasury promptly to notify the Secretary of Agriculture of the arrival of any nursery stock at port of entry. The person receiving such stock at port of entry shall, immediately upon entry and before such stock is delivered for shipment or removed from the port of entry, advise the

Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or the District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, of the name and address of the consignee, the nature and quantity of the stock it is proposed to ship, and the country and locality where the same was grown. No person shall ship or offer for shipment from one State or Territory or District of the United States into any other State or Territory or District, any nursery stock imported into the United States without notifying the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, immediately upon the delivery of the said stock for shipment, of the name and address of the consignee, of the nature and quantity of stock it is proposed to ship, and the country and locality where the same was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States. This section does not apply to nursery stock that is imported or entered from a country or a region of a country that the Secretary of Agriculture designates, pursuant to procedures set forth in such regulations as the Secretary may promulgate, as exempt from the requirements of this section.

(Aug. 20, 1912, ch. 308, §2, 37 Stat. 316; Sept. 28, 1988, Pub. L. 100-449, title III, §301(f)(3)(B), 102 Stat. 1869; Dec. 8, 1994, Pub. L. 103-465, title IV, §431(d)(2), 108 Stat. 4968.)

#### AMENDMENTS

1994—Pub. L. 103-465 amended last sentence generally. Prior to amendment, last sentence read as follows: “This section shall not apply to nursery stock that arrives from, or is imported from, Canada.”

1988—Pub. L. 100-449 inserted at end “This section shall not apply to nursery stock that arrives from, or is imported from, Canada.”

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

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#### CROSS REFERENCES

Plants, etc., other than nursery stock as subject to provisions of this section, see section 159 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 159 of this title.

### § 157. Marking packages, etc., for entry

No person shall import or offer for entry into the United States any nursery stock unless the