

**FOOD AND AGRICULTURAL CODE - FAC**

**DIVISION 4. PLANT QUARANTINE AND PEST CONTROL [5001 - 8808]**

*( Division 4 enacted by Stats. 1967, Ch. 15. )*

**PART 2. SHIPMENTS [6301 - 6524]**

*( Part 2 enacted by Stats. 1967, Ch. 15. )*

**CHAPTER 1. Generally [6301 - 6344]**

*( Chapter 1 enacted by Stats. 1967, Ch. 15. )*

**ARTICLE 1. General Provisions [6301 - 6306]**

*( Article 1 enacted by Stats. 1967, Ch. 15. )*

**6301.**

If any article is found to have been transported into this state from any other country or state, or territory or district of the United States, in violation of any provision of a quarantine that is established by the Secretary of Agriculture of the United States, the article is subject to seizure, destruction, or other disposition to the same extent and in the same manner as if the article had originated in this state and was in violation of a provision of this division.

*(Amended by Stats. 1995, Ch. 157, Sec. 3. Effective January 1, 1996.)*

**6301.1.**

(a) The secretary shall adopt, by reference, by regulation, those federal quarantine regulations and any subsequent amendments in Parts 301 to 369, inclusive, of Title 7 of the Code of Federal Regulations. Civil and criminal penalties applicable to a violation of those federal quarantine regulations may be imposed by the secretary and other duly authorized plant quarantine officers in conformity with that other law.

(b) Any funds recovered by the commissioner pursuant to this section shall be deposited in the county general fund in the county in which the action is brought and shall be allocated to the commissioner to cover costs related to the enforcement of this division. Any funds recovered by the secretary pursuant to this section shall be deposited in the Department of Food and Agriculture Fund to cover costs related to the enforcement of this division.

*(Added by Stats. 1995, Ch. 157, Sec. 4. Effective January 1, 1996.)*

**6302.**

If any shipment of plants or things which is passing through any portion of the state is, or is liable to be, infested or infected with any pest, and there exists danger of dissemination of the pest while the shipment is in transit in this state, the shipment shall be placed within sealed containers which are composed of metal or other material so constructed that they are not liable to be broken or opened while in transit so as to permit the pest to escape. The containers shall not be opened while within the state.

*(Enacted by Stats. 1967, Ch. 15.)*

### 6303.

(a) It is unlawful for any person, except under written permission from a plant quarantine officer or under his specific direction, to move any lot or shipment of plants or other things to which a warning tag or notice has been affixed pursuant to this division, or to remove, alter, destroy, deface, or mutilate any such warning tag or notice.

(b) If any shipment of plants or things is allowed to transit the state or transit to a given destination county under a quarantine warning-hold notice, the shipment of plants or things shall not be diverted to another destination without the written permission of the director or the commissioner of the destination county.

(c) Diversion of a shipment as described in subdivision (b) is unlawful.

(d) If a shipment of plants or things requires a state or county plant quarantine officer to be present at the destination to supervise the unloading, inspection, or treatment of a quarantine shipment, the director or commissioner, as the case may be, may charge the shipper or receiver a service fee for the cost of the services. Service fees shall be determined based on the director or commissioner's costs for the services rendered.

*(Amended by Stats. 1988, Ch. 1056, Sec. 1.)*

### 6304.

It is unlawful for any person to import into the state any English or Australian wild rabbit, flying fox, mongoose, or any other form of animal life which is detrimental to agriculture. Any such animal shall be refused entry and shall be immediately destroyed or shipped out of the state within 48 hours at the option and expense of the owner or bailee of the animal.

*(Enacted by Stats. 1967, Ch. 15.)*

### 6305.

It is unlawful for any person to willfully import into, or ship or transport within, the state any live insect or any pest as such, unless the shipment or transportation and subsequent use and handling is authorized prior to shipment under written permit and the regulations of the director or the United States Department of Agriculture, except the following:

(a) Honey bees of the species of *Apis mellifera*.

(b) Weeds for the purpose of identification.

(c) Beneficial or useful insects of common occurrence in the state.

(d) Insects or other organisms of public health or animal health interest, which are not plant pests, when imported, shipped, or transported by any governmental public health agency.

Any shipment which is not authorized by this section shall be immediately destroyed unless it is determined by the inspecting officer that the nature of the contents of the shipment is such that no damage can be caused to agriculture in this state through its shipment out of the state or return of the shipment to the point of origin. In such case, the shipment out of the state or the return of the

shipment to point of origin shall be allowed at the expense of the owner or bailee of the shipment within the time which is specified by the inspecting officer.

*(Amended by Stats. 1973, Ch. 446.)*

### **6306.**

Unless otherwise permitted by law, any person who willfully and knowingly imports into, or who willfully and knowingly transports or ships within, this state, a Mediterranean fruit fly is guilty of a felony.

*(Added by Stats. 1990, Ch. 167, Sec. 1. Effective June 22, 1990.)*

## **ARTICLE 2. Tephritidae Fruit Flies [6321 - 6323]**

*( Article 2 enacted by Stats. 1967, Ch. 15. )*

### **6321.**

It is unlawful for any person to import into, or transport thereafter within, the state any plant, fruit, or vegetable which is known to be, or may become, a host of any species of the fruit fly family Tephritidae from any territory, state, or district where such species of Tephritidae is known to exist except under permit and regulation of the director if the director finds that the species is harmless to agriculture or that an effective treatment of the hosts eliminates fruit fly risk.

*(Enacted by Stats. 1967, Ch. 15.)*

### **6322.**

Any plant, fruit, or vegetable which is known to be, or which may become, a host of any species of the fruit fly family Tephritidae, together with its containers and packing, shall be refused entry or transportation within the state.

*(Enacted by Stats. 1967, Ch. 15.)*

### **6323.**

Any plant, fruit, or vegetable which is known to be, or which may become, a host of any species of the fruit fly Tephritidae, which is imported into, or transported thereafter within, this state shall be immediately destroyed at the expense of the owner or bailee unless it is imported or transported under permit and in accordance with regulations of the director.

*(Enacted by Stats. 1967, Ch. 15.)*

### **ARTICLE 3. Seed Pests in Shipments [6341 - 6344]**

*( Article 3 enacted by Stats. 1967, Ch. 15. )*

#### **6341.**

If anything brought into any county or locality of the state from another county or locality within the state, or from any other state or foreign country, is found to be infested with the seed or propagule of any pest that is not of common occurrence in the county or locality into which the shipment is brought, the director or the commissioner shall notify the owner or bailee of such shipment to return it to the point from which the shipment was made.

*(Amended by Stats. 1977, Ch. 328.)*

#### **6342.**

The owner or bailee shall return the shipment to the point from which it was made within 48 hours.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **6343.**

If the director or the commissioner determines that the pest seeds can be destroyed by treatment, the shipment may, at the option and expense of the owner or bailee, be given such treatment under the supervision of the director or the commissioner. After the treatment the shipment may be released.

*(Enacted by Stats. 1967, Ch. 15.)*

#### **6344.**

If the director or the commissioner determines that no adverse effect to agriculture would result from allowing the shipment to be stored in quarantine pending treatment or shipment out of the state, or from procedures incidental thereto, the shipment may be so stored for such a period of time in an approved place under such conditions as the director or commissioner may require.

*(Enacted by Stats. 1967, Ch. 15.)*