

**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 3. Intrastate Shipments [6501 - 6524]**

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

**ARTICLE 1. Notice of Arrival and Hold for Inspection [6501 - 6506]**

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

**6501.**

Except as otherwise provided in Section 6502, 6504, 6506, or 6924, it is unlawful for any person to receive or bring into any county or locality of the state from another county or locality within the state any nursery stock, or any other plant, appliance, or thing subject to a federal or state quarantine or which the commissioner or the director considers and designates to be liable to be infected or infested with any pest, unless the person does all of the following:

- (a) Notifies the commissioner of the arrival of the article immediately after its arrival.
- (b) Holds it for immediate inspection by the commissioner, without unnecessarily moving or placing the article where it may be harmful.
- (c) Legibly marks the shipment in a conspicuous manner and place with all of the following:
  - (1) The name and address of the shipper or owner.
  - (2) The name of the person to whom the shipment is forwarded or shipped or the name of his or her agent.
  - (3) The name of the county where the contents of the shipment were grown.
  - (4) A statement of its contents.

*(Amended by Stats. 1995, Ch. 111, Sec. 1. Effective January 1, 1996.)*

**6502.**

Any shipment of less than five pounds of agricultural, vegetable, or flower seed, or comprised of packages of less than three pounds of each kind of such seed, is exempt from the requirements of this article. The shipping permit which would be required by Article 2 (commencing with Section 6921), Chapter 2, Part 3, of this division for such a shipment may be waived by the commissioner.

*(Amended by Stats. 1968, Ch. 288.)*

**6504.**

Except as provided in Sections 6505, 6506, and 6923 any shipment of nursery stock which is moved from one county or locality to another county or locality which is accompanied by a valid nursery stock certificate or is sold at retail and delivered

to the purchaser at a licensed sales location as provided in Section 6924 is exempt from the requirements of this article

*(Amended by Stats. 1968, Ch. 288.)*

#### 6505.

The commissioner may waive the exemption in Section 6504 by written notice to the director designating the kind of nursery stock, and the pest that may be transmitted thereby, which shall be held for inspection as provided in Section 6501, upon arrival in the county or locality described in the notice.

*(Added by Stats. 1968, Ch. 288.)*

#### 6506.

Any shipment of seed from an origin inspected warehouse is exempt from the requirements of this article.

*(Added by Stats. 1968, Ch. 288.)*

### **ARTICLE 2. Abatement, Return, or Treatment [6521 - 6524]**

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

#### 6521.

Except as otherwise provided in Sections 6523 and 6524, if any shipment of any nursery stock, plant, or container of any nursery stock or plant, or appliance, or any host or other carrier of any pest which is brought into any county or locality in the state from another county or locality within the state, is found to be infected or infested with a pest, or there is reasonable cause to believe that the shipment may be so infested or infected, the entire shipment shall be refused delivery and may be immediately destroyed by, or under the supervision of the commissioner, unless the nature of the pest is such that no damage or detriment can be caused to agriculture by the return of the shipment to the point of shipment.

*(Amended by Stats. 1967, Ch. 262.)*

#### 6522.

The officer who makes the inspection of a shipment which is described in Section 6521 may affix a warning tag or notice to the shipment and shall notify in writing the owner or bailee of the shipment to return the shipment to the point of shipment within the time limit which the officer shall specify in the notice which shall be 48 hours, unless a longer or shorter period is determined to be necessary to accomplish the purposes of this article. The owner or bailee shall, at his own expense, return the shipment under the direction and control of the commissioner. If the owner or bailee fails to return the shipment within the time which is specified, the commissioner shall destroy it.

*(Amended by Stats. 1968, Ch. 288.)*

**6523.**

If the pest may be exterminated or controlled by treatment or processing which is prescribed by the commissioner, and if the commissioner determines that the nature of the pest is such that no damage can be caused to agriculture through such treatment, processing, or procedure incidental thereto, the shipment may be treated or processed, under the supervision of, and in a manner and within a time satisfactory to, the commissioner. The treatment or processing shall be at the expense of the owner or bailee of the shipment. If the shipment is so treated or processed, it may be released to the consignee.

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

**6524.**

If the commissioner determines that only a portion of the shipment is infested or infected with a pest, or that there is reasonable cause to believe that only a portion of the shipment may be so infested or infected, only such portion of the shipment may be destroyed, returned to the point of origin, or treated or processed.

*(Amended by Stats. 1967, Ch. 262.)*