

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 135**

**Senator Amstutz**

**Cosponsors: Senators Carey, Gardner, Schaffer, Schuler, Schuring, Spada**

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**A B I L L**

To amend sections 927.55 and 927.61 of the Revised 1  
Code to exempt from license fees a person who is 2  
not a nurseryman, dealer, or collector and who 3  
makes no more than \$1,000 in sales of nursery 4  
stock during a calendar year and to exempt from 5  
nursery stock inspection and certification a 6  
person who is not a nurseryman, dealer, or 7  
collector and who makes no more than \$500 in sales 8  
of nursery stock during a calendar year. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 927.55 and 927.61 of the Revised 10  
Code be amended to read as follows: 11

**Sec. 927.55.** The fees required by section 927.53 of the 12  
Revised Code do not apply to: 13

(A) A person who produces for sale either within this state 14  
or within any state in which such plants and parts do not require 15  
a certificate of inspection as a condition of entry, only nonhardy 16  
plants and plant parts, vegetable plants, herbs, or forced floral 17  
plants, of whatever nature, while in bloom; 18

(B) A person who is not a nurseryman, dealer, or collector, 19

and who makes no more than ~~two hundred~~ one thousand dollars in 20  
sales of nursery stock during a calendar year; 21

(C) Any public or private arboretum operated not for profit, 22  
which exchanges inspected nursery stock in limited quantities for 23  
experimental or permanent arboretum plantings. 24

**Sec. 927.61.** (A) The director of agriculture shall issue to 25  
each nurseryman, after the stock in ~~his~~ that person's nursery has 26  
been officially inspected and found to be apparently free from 27  
injurious or harmful pests and after payment of the fees required 28  
by section 927.53 of the Revised Code, a certificate setting forth 29  
the fact of such inspection. The certificate is valid not to 30  
exceed one year from the first day of January following the filing 31  
of the application provided for in section 927.60 of the Revised 32  
Code. 33

(B) ~~No~~ Except as provided in division (C) of this section, no 34  
person shall sell, offer for sale, or remove or ship from a 35  
nursery or other premises, any nursery stock unless such stock has 36  
been officially inspected and a valid certificate has been issued 37  
by the director. 38

(C) Division (B) of this section does not apply to a person 39  
who is not a nurseryman, dealer, or collector, and who makes no 40  
more than five hundred dollars in sales of nursery stock during a 41  
calendar year. 42

**Section 2.** That existing sections 927.55 and 927.61 of the 43  
Revised Code are hereby repealed. 44