

**02 NCAC 48A .1103 UNLAWFUL USE OR DISTRIBUTION OF PLANTS**

(a) No person, firm, company, partnership or corporation (hereinafter "person") shall pack, transport, sell or offer for sale, ship or bring into or plant in this state any tobacco plants produced out of state unless such plants are certified tobacco plants and are imported under the tobacco plant import permit.

(b) Only certified tobacco plants shall be sold or offered for sale in North Carolina, except that a person may sell or donate uncertified tobacco plants produced in North Carolina to residents of this state provided the planting location is within 75 miles from where the plants were produced.

(c) A North Carolina resident, including any firm, company, partnership or corporation having its principal place of business in this state, engaged in the production of tobacco on land located both in North Carolina and a contiguous state, may apply to the Plant Pest Administrator for an exemption from the certification and importation requirements of this Section. Exemptions may be granted if each of the following conditions exist:

- (1) the land is used for tobacco production;
- (2) the land lies both in this state and a contiguous state; and
- (3) the land does not extend more than 30 miles from the North Carolina border.

*History Note: Authority G.S. 106-65.45; 106-65.46; 106-284.18; 106-420;  
Eff. April 1, 1985;  
Amended Eff. April 1, 1997; October 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 24,  
2019.*