

02 NCAC 48A .1109 TOBACCO PLANT IMPORT PERMIT

- (a) Any tobacco producer may submit application for a tobacco plant import permit so that he may obtain tobacco transplants from an out-of-state transplant grower.
- (b) Applications for such permission will be subject to the following conditions:
- (1) Applications in writing shall be made to the Plant Pest Administrator, Plant Industry Division.
 - (2) Applications shall include the following:
 - (A) name and address of North Carolina tobacco producer,
 - (B) name and address of transplant grower,
 - (C) number of plants to be brought into North Carolina,
 - (D) location of where plants are to be set out in North Carolina,
 - (E) reason for bringing plants into North Carolina as opposed to growing or obtaining plants from within North Carolina.
 - (3) Applications will be reviewed by the Plant Pest Administrator, Plant Industry Division and either approved or disapproved based on:
 - (A) information contained in the application,
 - (B) past performance of the transplant grower as determined by a certifying agency,
 - (C) ability of the transplant grower to meet the certification standards of this Section as determined by a certifying agency.
 - (4) Applications may be initially approved and later disapproved if it becomes apparent that:
 - (A) the transplants to be brought into North Carolina do not meet the certification standards of this Section, or
 - (B) the North Carolina tobacco producer has provided false or misleading information on his application to import tobacco transplants.
- (c) All tobacco plants imported under permit shall be inspected by the certifying agency of the state of origin based on standards contained in this Section.
- (d) All containers of tobacco plants imported under permit shall be subject to the following conditions:
- (1) The certificate of inspection must be firmly attached to each container of tobacco plants so as to be plainly visible from the outside:
 - (A) inspection tape used to tie plants in bundles may have the certificate of inspection printed on it but stuffing a certificate in among the plants inside a container is not permitted;
 - (B) the current valid certificate or a printed copy must be the only certificate on the container, all old certificates must be removed or voided.
 - (2) The certificate of inspection shall show the name of the grower and location at which the plants were grown.
 - (3) The variety name shall be stamped or printed on the certificate of inspection by the grower.
 - (4) Any person, firm or corporation who willfully sells plants that have been mislabeled as to variety purity shall be guilty of a violation of this Section. Each sale or unsubstantiated claim shall be a separate violation.

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