

**THE INSECT PEST AND PLANT DISEASE ACT (EXCERPT)**  
**Act 189 of 1931**

**286.218 Nuisances; public places kept free from injurious insect pests and plant diseases; insects, fungi, bacteria, nematodes, viruses or living plant parasitic organisms; permits.**

Sec. 18. (a) All injurious insect pests and plant diseases which are liable to spread to other plants, plant products or places to the injury thereof, or to the injury of man and animals, and all trees, shrubs, vines, fruit plants, cuttings, scions, grafts, plants and plant parts, plant products and places within this state, infested with such injurious insect pests and plant diseases, and all species and varieties of trees, shrubs, vines, and other plants not essential to the welfare of the people of the state which may serve as favorable host plants, and promote the prevalence and abundance of insect pests and plant diseases, or any stage thereof, destructively injurious to other plants essential to the welfare of the people of the state, are hereby declared to be a nuisance; and all persons owning or controlling lands or places in this state, and all public authorities having jurisdiction over streets, highways, parks, and other public places shall keep the same free from all injurious insect pests and plant diseases and all species and varieties of plants declared by the provisions of this section to be a nuisance.

(b) No person shall sell, barter, offer for sale, or move, transport, deliver, ship, or offer for shipment, into or within this state any living insects in any stage of their development, or living fungi, bacteria, nematodes, viruses or other living plant parasitic organisms without first obtaining a permit from the commissioner of agriculture. Such permit shall be issued only after the commissioner of agriculture has determined that the insects or living bacteria, fungi, nematodes, viruses or other plant parasitic organisms in question are not injurious to plants or plant products, if not already present in the state, or have not been found to be seriously injurious to warrant their being refused entrance or movement, if known to be already established within the border of the state: Provided, That the commissioner of agriculture may at his discretion exempt the sale and transportation of specific insects, fungi, bacteria, and other plant parasitic organisms from the provisions of this section if such sale and transportation is not considered harmful to the health and welfare of the people of the state.

**History:** 1931, Act 189, Eff. Sept. 18, 1931;—CL 1948, 286.218;—Am. 1955, Act 255, Eff. Oct. 14, 1955.