

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

**286.219a Chokecherry harmful to peach or cherry trees prohibited; destruction; rules.**

Sec. 19a. (1) A person, firm, association, corporation, or partnership shall not keep upon premises owned or under the control of the person, firm, association, corporation, or partnership a chokecherry, *prunus virginiana*, which, in the judgment of the director, would be harmful to peach or cherry trees in the area.

(2) For the purposes of this act, a chokecherry within a distance that the director shall establish shall be considered primary host for "X" disease, yellow red virosis, whether or not the chokecherry shows visible symptoms of the disease. The director or the director's assistant may destroy the chokecherry without indemnity to the property owner. The director shall promulgate rules concerning the sale, distribution, transportation, or planting of chokecherry seeds and plants or the parts of the plants. The movement, planting, or growing of chokecherry which is in violation of the rules constitutes a violation of this act.

(3) The director shall promulgate rules that will allow the owner of peach or cherry trees to enter on the property of another, upon the permission of that property owner, to destroy a chokecherry that the director or the director's assistant believes should be destroyed. The owner of the property upon which the chokecherry is located shall be held harmless for an accident that may occur while a person is working on the property in accordance with this act.

**History:** Add. 1978, Act 123, Imd. Eff. Apr. 25, 1978.