

Title 80, Chapter 5, Part 4, MCA Seed Potato Disease Control Act

80-5-401. Short title. This part may be cited as the "Seed Potato Disease Control Act".

80-5-402. Definitions. As used in this part, the following definitions apply:

(1) "Certified seed potatoes" means potato seed stock that has passed limited field and storage inspections and that has been grown in accordance with the certification rules and regulations of an official seed potato certifying agency of the state or country of origin and certified as such.

(2) "Commercial purpose" means planting or propagating potatoes for the purpose of selling, trading, or otherwise exchanging for profit.

(3) "Department" means the department of agriculture provided for in 2-15-3001.

(4) "Person" means an individual, firm, partnership, corporation, company, association, or separate business or legal entity.

(5) "Seed potatoes" or "potato seed" means all varieties of potato tubers, stems, and other plant parts of the herb plant known as *Solanum tuberosum* that are intended or used for seed purposes, planting, propagation, or reproduction.

80-5-403. Imported seed potatoes -- restrictions -- exceptions. (1) To control and prevent the spread of contagious diseases among seed potato stock, seed potatoes may not be imported into this state for any commercial purpose unless the seed potatoes are:

(a) from seed stock produced as a part of a certified seed potato crop in the state or country of origin and certified as being from that stock;

(b) subject to inspection at the Montana receiving point by a federal or state-federal standard grade inspector;

(c) shipped in a clean, disinfected container or transportation carrier; and

(d) accompanied by a United States department of agriculture or state of origin certification of inspection describing the seed variety, seed class, standard grade, quality or condition, and seed source and have affixed to each inspection certificate an official state of origin seed potato certification tag or label.

(2) The provisions of subsection (1) do not apply to any unit of the Montana university system when it is importing into this state potato seed for research or educational purposes.

(3) Seed or commercial potatoes, equipment, machinery, bags, or containers known to be diseased or contaminated with bacterial ring rot, golden nematode, or other diseases designated by department rule may not be brought into this state.

80-5-404. Planting noncertified seed potatoes prohibited -- exceptions. (1) To control and prevent the spread of contagious diseases and viruses among seed potato stock, it is unlawful for any person to plant or produce potatoes, either seed or commercial, from any seed potato stock unless the seed potatoes are:

(a) from seed stock produced as a part of a certified seed potato crop in the state or country of origin and certified as being from that stock;

(b) subject to inspection at the receiving point by a federal or state-federal standard grade inspector if from a source outside the county;

(c) shipped in a clean, disinfected container or transportation carrier; and

(d) for each individual lot of seed potatoes, accompanied by a United States department of agriculture or state of origin certificate of inspection describing the seed variety, seed class, standard grade, quality or condition, and seed source and have affixed to each inspection certificate an official state of origin seed potato certification tag or label.

(2) The provisions of this section do not apply to:

(a) potatoes grown in home gardens;

(b) potatoes grown by any unit of the Montana university system for research or educational purposes.

80-5-405. Enforcement -- penalty. (1) The department shall administer and enforce the provisions of this part.

(2) When potatoes are found to be in violation of this part, the department may issue orders:

(a) restricting transportation of the potatoes;

(b) requiring treatment or destruction of the potatoes; or

(c) requiring other disease prevention or suppression measures.

(3) The department may adopt rules governing quarantines to prevent the intrastate or interstate movement of diseases of potatoes from infested areas and adjacent areas. Quarantines may restrict or prohibit the transportation of plants, seed potatoes, machinery, equipment, soil, or other material capable of transporting the disease in any stage of development.

(4) A person violating any provision of this part is guilty of a misdemeanor and upon conviction shall be punished as provided in 46-18-212.