

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH30425-LD-161A (03/22)

Short Title: Protect Venus Flytrap Same as Ginseng. (Public)

Sponsors: Representative Justice.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE SIMILAR PROTECTIONS FOR THE VENUS FLYTRAP
3 THAT ARE CURRENTLY PROVIDED FOR GINSENG.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 106-202.19(a) reads as rewritten:

6 "(a) Unless the conduct is covered under some other provision of law providing
7 greater punishment, ~~it any of the following~~ is unlawful:

- 8 (1) To uproot, dig, take or otherwise disturb or remove for any purpose
9 from the lands of another, any plant on a protected plant list without a
10 written permit from the owner which is dated and valid for no more
11 than 180 days and which indicates the species or higher taxon of plants
12 for which permission is granted; except that the incidental disturbance
13 of protected plants during agricultural, forestry or development
14 operations is not illegal so long as the plants are not collected for sale
15 or commercial ~~use~~; use.
- 16 (2) To sell, barter, trade, exchange, export, offer for sale, barter, trade,
17 exchange or export or give away for any purpose including advertising
18 or other promotional purpose any plant on a protected plant list, except
19 as authorized according to the rules and regulations of the
20 ~~Board~~; Board.
- 21 (3) To violate any rule of the Board promulgated under this
22 ~~Article~~; Article.
- 23 (4) To dig ginseng on another person's land, except for the purpose of
24 replanting, between the first day of April and the first day of
25 ~~September~~; September.

- 1 (5) To buy ginseng outside of a buying season as provided by the Board
2 without obtaining the required documents from the person selling the
3 ~~ginseng;ginseng.~~
- 4 (6) To buy ginseng for the purpose of resale or trade without holding a
5 currently valid permit as a ginseng ~~dealer;dealer.~~
- 6 (7) To fail to keep records as required under this Article, to refuse to make
7 records available for inspection by the Board or its agent, or to use
8 forms other than those provided for the current year or harvest season
9 by the Department of Agriculture and Consumer ~~Services;Services.~~
- 10 (8) To provide false information on any record or form required under this
11 ~~Article;Article.~~
- 12 (9) To make false statements or provide false information in connection
13 with any investigation conducted under this ~~Article;Article.~~
- 14 (10) To possess any protected plant, or part thereof, which was obtained in
15 violation of this Article or any rule adopted ~~hereunder; or~~ under this
16 Article.
- 17 (11) To violate a stop sale order issued by the Board or its agent.
- 18 (12) To dig venus flytrap (Dionaea muscipula) on another person's land,
19 except for the purpose of replanting.
- 20 (13) To buy venus flytrap (Dionaea muscipula) without obtaining the
21 required documents as provided by the Board from the person selling
22 the venus flytrap.
- 23 (14) To buy venus flytrap (Dionaea muscipula) for the purpose of resale or
24 trade without holding a currently valid permit as a venus flytrap
25 dealer."

26 **SECTION 2.** Article 19B of Chapter 106 of the General Statutes is amended
27 by adding a new section to read:

28 "**§ 106-202.21A. Venus flytrap dealer permits.**

29 (a) No person shall act in the capacity of a dealer of venus flytrap (Dionaea
30 muscipula), or shall engage, or offer to engage in the business of, advertise as, or
31 assume to act as a venus flytrap dealer, unless that person holds a currently valid permit
32 as provided in this Article.

33 (b) Applications for a venus flytrap dealer permit shall be on a form and shall
34 contain information as prescribed by the Board. All permits issued under this section
35 shall expire on 30 June of the fiscal year for which they are issued.

36 (c) A venus flytrap dealer permit may be renewed annually upon application to
37 the Board.

38 (d) A venus flytrap dealer shall notify the Board of any change of address or
39 business location within 30 days of such change.

40 (e) The Board shall issue to each applicant who satisfies the requirements of this
41 Article a permit which entitles the applicant to conduct the business described in the
42 application during the harvest season for which the permit is issued, unless the permit is
43 suspended or revoked."

44 **SECTION 3.** G.S. 14-79 reads as rewritten:

1 **"§ 14-79. Larceny of ~~ginseng-ginseng~~; venus flytrap.**

2 (a) If any person shall take and carry away, or shall aid in taking or carrying
3 away, any ginseng growing upon the lands of another person, with intent to steal the
4 same, he shall be punished as a Class H felon.

5 (b) If any person shall take and carry away, or shall aid in taking or carrying
6 away, any venus flytrap (*Dionaea muscipula*) growing upon the lands of another person,
7 with intent to steal the same, he shall be punished as a Class H felon."

8 **SECTION 4.** G.S. 14-129 reads as rewritten:

9 **"§ 14-129. Taking, etc., of certain wild plants from land of another.**

10 No person, firm or corporation shall dig up, pull up or take from the land of another
11 or from any public domain, the whole or any part of any ~~Venus flytrap (*Dionaea*~~
12 ~~*muscipula*)~~, trailing arbutus, Aaron's Rod (*Thermopsis caroliniana*), Bird-foot Violet
13 (*Viola pedata*), Bloodroot (*Sanguinaria canadensis*), Blue Dogbane (*Amsonia*
14 *tabernaemontana*), Cardinal-flower (*Lobelia cardinalis*), Columbine (*Aquilegia*
15 *canadensis*), Dutchman's Breeches (*Dicentra cucullaria*), Maidenhair Fern (*Adiantum*
16 *pedatum*), Walking Fern (*Camptosorus rhizophyllus*), Gentians (*Gentiana*), Ground
17 Cedar, Running Cedar, Hepatica (*Hepatica americana* and *acutiloba*), Jack-in-the-Pulpit
18 (*Arisaema triphyllum*), Lily (*Lilium*), Lupine (*Lupinus*), Monkshood (*Aconitum*
19 *uncinatum* and *reclinatum*), May Apple (*Podophyllum peltatum*), Orchids (all species),
20 Pitcher Plant (*Sarracenia*), Shooting Star (*Dodecatheon meadia*), Oconee Bells (*Shortia*
21 *galacifolia*), Solomon's Seal (*Polygonatum*), Trailing Christmas (*Greens-Lycopodium*),
22 Trillium (*Trillium*), Virginia Bluebells (*Mertensia virginica*), and Fringe Tree
23 (*Chionanthus virginicus*), American holly, white pine, red cedar, hemlock or other
24 coniferous trees, or any flowering dogwood, any mountain laurel, any rhododendron, or
25 any ground pine, or any Christmas greens, or any Judas tree, or any leucothea, or any
26 azalea, without having in his possession a permit to dig up, pull up or take such plants,
27 signed by the owner of such land, or by his duly authorized agent. Any person convicted
28 of violating the provisions of this section shall be guilty of a Class 3 misdemeanor only
29 punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars
30 (\$50.00) for each offense. The provisions of this section shall not apply to the Counties
31 of Cabarrus, Carteret, Catawba, Cherokee, Chowan, Cumberland, Currituck, Dare,
32 Duplin, Edgecombe, Franklin, Gaston, Granville, Hertford, McDowell, Pamlico,
33 Pender, Person, Richmond, Rockingham, Rowan and Swain."

34 **SECTION 5.** This act becomes effective December 1, 2007, and applies to
35 offenses committed on or after that date.