

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1729

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

Sponsors: Representatives Justice; and Harrison.

Referred to: Ways and Means.

April 19, 2007

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.

26 (5) To buy ginseng outside of a buying season as provided by the Board
27 without obtaining the required documents from the person selling the
28 ~~ginseng~~ginseng.

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

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

25 **"§ 106-202.21A. Venus flytrap dealer permits.**

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

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

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

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

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

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

42 **"§ 14-79. Larceny of ~~ginseng-ginseng;~~ venus flytrap.**

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

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

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

8 "**§ 14-129. Taking, etc., of certain wild plants from land of another.**

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

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