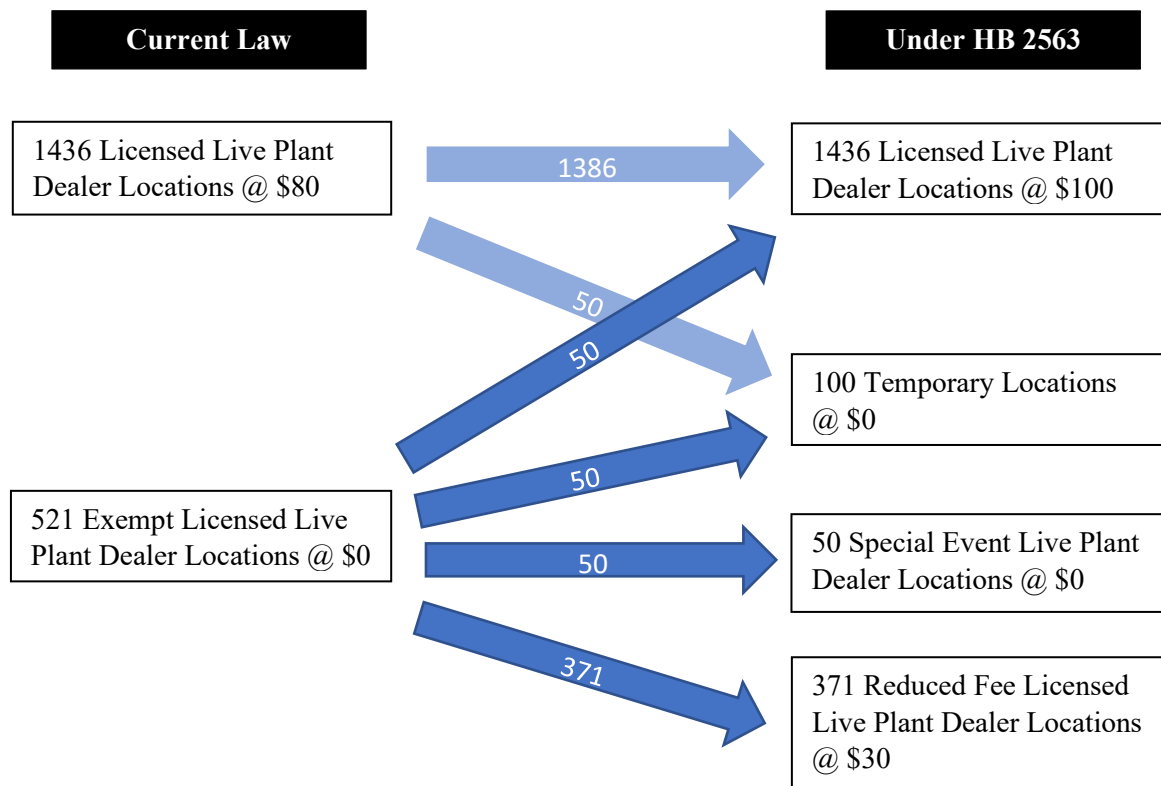


Flow Chart to Explain Live Plant Dealer (LPD) License Structure Changes



Current law separates LPDs into two groups: regular licensees and exempt licensees. Exempt licensees qualify as such by having less than \$10,000 in annual gross receipts from sales of live plants and not importing or exporting plants. They are considered low risk for introduction and spread of invasive plant pests. Examples of typical LPDs that qualify for the exemption include nonprofit groups, farmers’ market vendors who primarily sell produce, small town grocery stores that sell plants seasonally, and lawn/landscape contractors who primarily provide maintenance services rather than installation.

Exempt dealers pay no fee but must register with the department annually. Exempt dealers are otherwise subject to the same requirements as licensed LPDs and incur the same costs to the agency with license issuance and inspections.

The proposed revision replaces exempt licenses with **reduced fee licenses** and **special event registrations**.

Reduced fee LPD licenses are meant for dealers who are low risk, similar to previous exemption criteria. The limit of annual gross sales is lowered to \$5,000, meaning that some previously exempt dealers such as landscapers may be required to have a regular license. An additional change between the current exempt license criteria and the proposed reduced fee license criteria is to allow LPDs who otherwise meet the requirements to import plants into the state. This helps small town grocery stores and smaller contracting companies who previously fell below the minimum for sales but had a regular license due to bringing in plants from neighboring states. This sometimes happens in border counties where resources are limited and in the Kansas City metro area where dealers source plants from both sides of the state line.

Special event live plant dealer registrations are meant for nonprofits and similar groups having short-term fundraising sales. These groups are currently required to have a regular or exempt license for the entire year. The risk of introduction or spread of invasive pests via these events is low because plants sold in these situations are often produced in entirety by the hosting group or purchased from licensed and inspected Kansas dealers. There are some costs to the department to register these sales and inspect plants if needed, but they are less than the costs of maintaining a regular license and providing regular inspection services. We also do not wish to hinder the fundraising efforts of these groups.

The change in verbiage away from “exempt” licenses also alleviates confusion among dealers.

Temporary locations are another issue that affect all types of dealers. Currently, all dealers must obtain licenses for each location from which plants are sold. Examples include chain stores, dealers with multiple retail sites, and dealers such as farmers’ market vendors who sell at multiple markets. Under the proposed revision, chain stores and long-term retail sites would still be required to license each location. Dealers such as farmers’ market vendors could qualify to register multiple sales locations as temporary locations. This reduces costs for low-risk dealers and outlets while still providing information to the agency about locations where plants are being sold.