

2018 Regular Session

HOUSE BILL NO. 561

BY REPRESENTATIVE EMERSON

HORTICULTURE: Repeals relative to retail florists and wholesale florists

1 AN ACT

2 To amend and reenact R.S. 3:3801(A)(introductory paragraph) and to repeal R.S.
3 3:3801(A)(5) and (6) and (C)(2) and (3), 3804(A)(2) and (3), 3807(B)(2) and (3), and
4 3808(B) and (C), relative to retail and wholesale florists; to remove from the
5 Horticultural Commission the members representing retail florists and wholesale
6 florists; to remove the regulation, examination, and licensing of retail and wholesale
7 florists; to provide for rules and regulations of the Department of Agriculture and
8 Forestry; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 3:3801(A)(introductory paragraph) is hereby amended and reenacted
11 to read as follows:

12 §3801. Horticulture Commission

13 A. The Horticulture Commission of Louisiana is hereby created within the
14 Department of Agriculture and Forestry to be comprised of the following ~~thirteen~~
15 members:

16 * * *

17 Section 2. R.S. 3:3801(A)(5) and (6) and (C)(2) and (3), 3804(A)(2) and (3),
18 3807(B)(2) and (3), and 3808(B) and (C) are hereby repealed in their entirety.

19 Section 3. Any rule or regulation promulgated by the Department of Agriculture and
20 Forestry providing for the regulation, examination and licensing of retail florists and

1 wholesale florists shall be null, void, and without effect upon the effective date of this Act.
 2 The Department of Agriculture and Forestry shall issue a notice of intent to amend their
 3 rules and regulations in conformity with this Act on or before September 1, 2018 and adopt
 4 the amended rules and regulations on or before December 1, 2018.

5 Section 4. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 561 Original

2018 Regular Session

Emerson

Abstract: Repeals the regulation, examination, and licensing of retail and wholesale florists.

Present law authorizes a retail florist to arrange or supervise the arrangement of floral designs which include living or freshly cut plant materials and to sell at retail floral designs, cut flowers, and ornamental plants in pots normally and customarily sold by florists.

Present law authorizes a wholesale florist to prepare and sell cut flowers, plant materials, and ornamental plants in pots normally and customarily used by retail florists to persons who hold a retail florist's license and to prepare and sell cut flowers to persons who hold a cut flower dealer's permit. However, prohibits a wholesale florist from arranging or selling floral designs.

Present law provides that the membership of the Horticulture Commission includes a retail florist and a wholesale florist. Proposed law repeals present law.

Present law provides for the regulation, examination, and licensing of retail and wholesale florists. Proposed law repeals present law.

Proposed law declares that any rule or regulation providing for the regulation, examination, and licensing of retail and wholesale florists are null, void, and without effect upon the effective date of proposed law.

Proposed law requires the department to issue a notice of intent to amend their rules and regulations in conformity with proposed law on or before Sept. 1, 2018 and adopt same on or before Dec. 1, 2018.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 3:3801(A)(intro. para.); Repeals R.S. 3:3801(A)(5) and (6) and (C)(2) and (3), 3804(A)(2) and (3), 3807(B)(2) and (3), and 3808(B) and (C))