



OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES
STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-194

Rule Number: Agr 2500

1. **Agency:** Department of Agriculture, Markets, and Food
Agency Address: Department of Agriculture, Markets, and Food
Office of the Commissioner
One Granite Place, Ste 211
Concord, NH 03301
2. **RSA Authority:** RSA 433:22
3. **Federal Authority:**
4. **Action(s):** Readopt w/Amendment
5. **Short Title:** Nursery and Nursery Stock
6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

The proposed rule readopts and substantively amends the Agr 2500 Nursery and Nursery Stock rules. The revision modernizes and reorganizes the regulatory framework governing the licensing, inspection, certification, quarantine, and enforcement requirements for nurseries, plant dealers, landscapers, and other entities handling nursery stock. Major amendments include expanded and restructured definitions aligned with RSA terminology; a redesigned licensing framework establishing an electronic application and renewal system; new application timelines and late-fee provisions; detailed inspection authorities including references to prohibited invasive species lists; a fully rewritten quarantine section with expanded operational requirements; updated procedures for interstate and international certification via the federal phytosanitary certificate issuance and tracking(PCIT) system; and expanded enforcement provisions addressing violations such as false information, obstruction, and failure to pay fees. Minor amendments include organizational changes, clarifying edits, updated statutory citations, and alignment of terminology.

_ Does this rule implement a state statute for the first time?

The proposed rule does not implement a statute for the first time.

6. (b) Brief description of the groups affected:

The proposed rules affect nurseries, plant dealers, landscapers, and other businesses that grow, store, sell, distribute, or ship nursery stock within or from New Hampshire. Entities engaged in interstate or international shipment of nursery stock will be affected by updated certification requirements. Businesses located within or handling regulated articles from quarantine areas will be subject to expanded quarantine compliance obligations. Independently owned businesses with annual gross sales of rooted plant material will be affected by revised licensing fees and new electronic licensing procedures, including deadlines and late fee requirements. State agencies and universities exchanging nursery stock, as well as not for profit arboreta, remain exempt from licensing fees.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Proposed Rule	Specific State or Federal Statute or Regulations which the Rule is Intended to Implement
Agr 2501.01-Agr 2501.02	RSA 433:21; RSA 433:24; RSA 433:27
Agr 2501.03	RSA 433:22, II, V, VII; RSA 433:27; RSA 433:29-a;
Agr 2501.04	RSA 433:22, II, VII
Agr 2501.05	RSA 433:22, III, VII; RSA 433:25
Agr 2501.06	RSA 433:22, II, IV, VII; RSA 433:25;
Agr 2501.07	RSA 433:21; RSA 433:22, VII; RSA 433:23
Agr 2502.01	RSA 433:23; RSA 433:26; RSA 433:28; RSA 433:29; RSA 433:29-a; RSA 433:30; RSA 433:33, RSA 430:53
Agr 2503.01	RSA 433:22, VI; RSA 433:24; RSA 433:30, RSA 433:34
Agr 2504.01	RSA 433:22, III, IV, VII; RSA 433:23 RSA 433:24; RSA 433:25; RSA 433:30
Agr 2505.01	RSA 433:31; RSA 433:32; RSA 433:33, RSA 433:34; RSA 433:35; RSA 433:36

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Piera Siegert	Title: Director, Division of Plant Industry
Address: Department of Agriculture, Markets, and Food Division of Plant Industry 29 Hazen Drive Concord, NH 03301	Phone Number: (603) 271-2561
	FAX Number:
	Email: piera.y.siegert@agr.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

Thursday, November 12, 2026

☐ **Fax**
☒ **Email** piera.y.siegert@agr.nh.gov
☐ **Other**

9. **Public hearing scheduled for:**

Date: Wednesday, November 4, 2026

Time: 10:00 AM

Place: Dept. Agriculture, Markets, and Food
One Granite Place, Room 202
Concord, NH 03301

Electronic Access, if applicable: N/A

10. **Fiscal Impact Statement (Prepared by Legislative Budget Assistant):**

FIS #: 26: 192, dated: Friday, September 11, 2026

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules will increase State revenues and increase costs for certain independently owned businesses.

2. **Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds

3. **Cost and benefits of the proposed rule(s):**

The proposed rules increase the annual plant dealer licensing fee from \$25 to \$50 for licensees with annual gross sales greater than \$3,000 and establish a \$25 annual licensing fee for licensees with annual gross sales of \$3,000 or less, who are currently exempt from the licensing fee. Based on 792 licensees with annual gross sales greater than \$3,000, the \$25 fee increase may result in an additional \$19,800 in annual revenue

(792 x \$25). Based on 187 licensees with annual gross sales of \$3,000 or less, the new \$25 fee may result in an additional \$4,675 in annual revenue (187 x \$25). Therefore, the proposed fee changes may increase State revenue by approximately \$24,475 annually (\$19,800 + \$4,675). Actual revenue may vary based on the number of licensed plant dealers, particularly among those with annual gross sales of \$3,000 or less, as there is significant volatility among these low-volume sellers.

A. To State general or State special funds:

The proposed rule may increase General Fund revenue by \$25,000 annually.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

The proposed rules will increase costs for certain independently owned businesses who are required to get a plant dealer's license.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the NH Constitution because the rules neither mandate, expand, nor assign any responsibility or cost to any political subdivision.