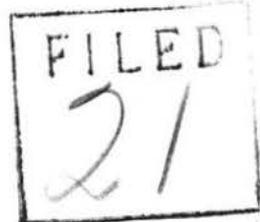


AGRICULTURE: Validity of Regulation "C", Missouri Insect Pest
and Plant Disease Law.

March 18, 1938

3-21



Hon. J. Carl Dawson
State Entomologist
Department of Agriculture
Jefferson City, Missouri

Dear Sir:

We have your request for an opinion which is as follows:

"We will appreciate having your opinion concerning the following two questions, relating to Regulation C, appearing on page eleven:

1--Is said Regulation C properly sustained by the Act? (Sections 12368 to 12382 inclusive R. S. Mo. 1929).

2--If this Regulation C is sustained by the Act is it in proper form?"

Regulation "C" is set out on page eleven of the bulletin of the Missouri Insect Pest and Plant Disease Law as revised 1937.

We find that Section 12369 as amended by the 1937 Session Acts, Laws of Missouri 1937, page 178, authorizes the State Entomologist to formulate and publish regulations, for which fees not exceeding the actual cost of inspection may be charged and collected. Section 12371, 1937 Laws of Missouri, page 179

March 18, 1938

Section 12375 R. S. Missouri 1929, in part provides:

"It shall be unlawful for any person to bring* * *into this state any plant or plant products listed, as required by Section 12372, in the rules and regulations made pursuant to this article, unless there be plainly and legibly marked thereon or affixed thereto* * *a statement or a tag * * *showing the names and addresses of the * * * shippers and the* * * persons to whom shipped, the general nature and quantity of the contents, and the name of the locality where grown, together with a certificate of inspection of the proper official of the state* * * from which it was* * * shipped, showing that such plant or plant product was* * *free from insect pests and diseases, and any other information required by the State Entomologist."

It is therefore the opinion of this office that the above Regulation "C" is fully authorized by the above statutes.

Respectfully submitted,

FRANKLIN E. REAGAN,
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

FER:MM