



Regulations for Specific Products

Selling Nursery Products

Washington State has an over \$300 million nursery industry that continues to grow. To limit the introduction of invasive species and agriculturally significant pest and disease that can be brought in from nursery stock coming from out-of-state, the state requires any person who handles or sells horticulture plants to have a license. This includes grocery stores, farm stands, retail nurseries, growers and garden centers among others. This fact sheet includes information on:

- Selling nursery products;
- Products that require a nursery license;
- Businesses required to get a nursery license;
- Which nursery license do you need?; and
- How to get the nursery license.

Selling Nursery Products

Nursery products can be popular products at farmers markets, grocery stores and nurseries, especially in early spring. Many store buyers will have limited shelf space or size constraints for nursery products. If you are selling to a nursery or grocery store, be sure to clarify what your buyer expects before you pot the product for delivery.

Growers selling to nurseries or grocery stores may want to consider making your product stand out with voluntary certifications for food safety or environmental concerns. For more information, see the fact sheets on “Organic Certification,” “Eco-labels, Animal Welfare and Fair Trade,” and “Good Agricultural Practices.”

If you are planning on shipping product outside of Washington State, first contact WSDA Plant Services Nursery Program to ensure your product meets the regulations for the state of destination: (360) 902-1874, nursery@agr.wa.gov, or go to www.agr.wa.gov/PlantsInsects/NurseryInspection/NurseryInspection.aspx

Inspections help protect the nursery industry, as well as the consumer, by ensuring horticultural plants offered for sale are free from infestation by pests and diseases, are properly labeled and are not otherwise damaged or dying.

Products that Require a Nursery License

You will need a nursery license to sell “horticulture plants,” including all “rooted plants” such as vegetable starts (e.g., tomato or pepper plants, lettuce, broccoli, or cabbage starts), berry plants/starts (e.g., strawberry, lingonberry, cranberry), and herb plant starts (e.g., basil, lavender,

rosemary), fruit trees (e.g., apple, plum, cherry), fruit vines (e.g., grapes, kiwis), cane berries (e.g., raspberries, blackberries), fruit bushes or shrub fruits (e.g., blueberries, currants, gooseberries), flower bulbs (e.g., tulips, daffodils), flowering annuals and perennials (e.g., black eyed-susans, bleeding heart, hostas), and all other ornamental plants.

Prohibited Plants

No plant or any part of the plant may be sold that is listed in the “**Prohibited Plant List**” found at www.agr.wa.gov/FP/Pubs/docs/PlantServices/BrochureProhibitedPlants.pdf

Exceptions to the Nursery License

A nursery license is not required if you are:

1. Producing only marijuana (Cannabis) and are licensed as a marijuana producer. (See Selling Herbs fact sheet for marijuana licensing information.)
2. Selling less than \$100 per year.
3. Selling only cut flowers or cut plant material (e.g., bouquets, wreaths).

Businesses Required to Get a Nursery License

Any person who handles or sells horticultural plants is considered a “nursery dealer” and is required by law to have a nursery license. This includes wholesalers, retailers, growers, shippers and landscapers who sell or install plants as a part of their business.

Examples of businesses that are required to be licensed include:

- Wholesale and retail nurseries, growers and garden centers;
- Landscapers who buy plants to install;
- Landscapers who hold or grow plants for later sale or installation;
- Maintenance companies who install plants for customers;
- Brokers located in Washington who buy and sell, but do not hold plants;
- Grocery and warehouse stores that offer plants for sale; and
- Pet and aquarium stores that sell aquatic plants.

Exemptions to the Nursery License

Exemptions exist for garden clubs, charitable non-profit associations, educational organizations and conservation districts, under certain conditions, are exempted from the licensing requirements (RCW 15.13.270). However, even if exempted from the nursery license, they are still required to have a plant sale permit. Plant Sale permit applications are available by logging into the PISCES online system at: www.agr.wa.gov/PlantsInsects/PlantSalePermits/PlantSalePermits.aspx

WSDA offers assistance to new nursery businesses in meeting regulatory requirements. If you are still unsure if your business needs a nursery license, or to confirm you are eligible for an exemption, please contact WSDA Nursery Inspection Program at (360) 902-1874, nursery@agr.wa.gov, or go to www.agr.wa.gov/PlantsInsects/NurseryInspection/NurseryInspection.aspx.

Which Nursery License Do You Need?

Two nursery licenses are available based on whether you have a retail or wholesale business. If you sell retail, then a retail nursery license is required. If you sell wholesale, then a wholesale nursery license is required. If you **sell both retail and wholesale**, then you are required to obtain only the license for which you do more than 50% of your sales. A separate license is required for each location where you sell. The retailer licenses start at \$50.40 per location for gross annual sales of \$100 to \$2,500. Wholesaler licenses start at \$109.20 per location for \$2,501 to \$15,000 in gross annual sales. For any updated fee information, contact (360) 902-1874, nursery@agr.wa.gov, or go to: www.agr.wa.gov/FP/Pubs/docs/PlantServices/BrochureLicensePlantMaterials.pdf

Wholesale Nursery Dealer License for Farmers Markets

Farmers markets can hold one Nursery Dealer License to cover all vendors selling nursery products at that market location. However, many farmers markets choose to require farms selling nursery products to have their own individual nursery dealer license. The license holder is responsible for ensuring that the plants are healthy, disease-free, and pest-free. To find out if your farmers market has a blanket license that covers you while selling at the market, check with your farmers market manager or search the Retail License Nursery Dealers list at www.agr.wa.gov/plantsinsects/NurseryInspection/docs/RetailLicensedNurseryDealers.pdf or type the market name into Business Licensing Services at <http://bls.dor.wa.gov/LicenseSearch>.

How to Get a Nursery License

To obtain a nursery license, you must add an agriculture addendum to your business license. Business registration and/or adding the nursery license to your business license can be done online at www.bls.dor.wa.gov/nursery.aspx. You may also call the Business Licensing Service at the Department of Revenue at (800) 451-7985 for assistance.

Recommended Fact Sheets

- 4. Licensing
- 16. Organic Certification
- 17. Eco-labels, Animal Welfare and Fair Trade Certifications
- 18. Good Agricultural Practices (GAPs)
- 29. Selling Herbs

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.