



Are You Digging It?

*Landscapers, Arborists, Tree Spaders
and Others May Need a Nursery License*



Wisconsin Nursery Dealer Licensing and Regulations

Wisconsin's nursery law (Wis. Stat. § 94.10) requires you to hold a current Nursery Dealer License if you purchase, for re-sale, more than \$250 per year of nursery stock. If you operate as a nursery without the proper licenses, you could face civil or criminal charges with financial penalties of \$200-\$5,000 per offense.

General

1. Do I need a license even if I don't have a store that sells nursery stock to the public?

Yes. Any landscaper, arborist, tree spader, contractor, or installer is considered a nursery dealer that needs a license if they bill clients for more than \$250 worth of nursery stock per year.

2. What is nursery stock?

Nursery stock refers to plants and plant parts that can be propagated or grown, including bulbs, shrubs, trees, and perennials. In simple terms, any plant that can overwinter in Wisconsin is considered nursery stock.

3. Who is a nursery dealer?

Anybody who buys nursery stock from a wholesaler or distributor and resells the nursery stock is considered a nursery dealer. This includes someone who purchases, resells, and installs nursery stock. An arborist or landscaper that plants trees, shrubs, or perennials that **clients** purchase directly from a nursery is **not** a nursery dealer.

4. Why require a license?

Licensing allows us to keep track of where plants are being propagated and sold, and efficiently manage and monitor harmful plant pests and diseases.

5. What's in it for me?

Our goal is to be grower-friendly. Licensees benefit from:

Consulting services – Our nursery inspectors can provide recommendations to help you prevent and manage pests and diseases and keep your business healthy.

Information updates – Licensees are kept up-to-date with vital information related to plant health, such as changes in pest quarantine boundaries, additions to the Wisconsin invasive plant list, or signs and symptoms of new plant pests and diseases.

Lab diagnostics – Our nursery inspectors can submit samples to our Plant Industry Laboratory, where entomologists and plant pathologists use state-of-the-art diagnostics to identify pests and pathogens.

Licensing

6. When is a nursery dealer license required?

A nursery dealer license is required if you sell or resell more than \$250 annually of the following: perennial aquatic plants, bulbs, fruit trees, native grasses, perennials, shrubs, and trees. A nursery dealer license is **not** required if you only buy and sell any amount of: annuals, cut flowers, fruits, most herbs, vegetables, sod, or evergreens grown for eventual harvest and sale as Christmas trees. Christmas tree growers are licensed separately by the department, and Christmas tree dealers do **not** need a nursery license.

7. Do I have to be a Wisconsin resident to get a license?

No, but if you sell more than \$250 of nursery stock in Wisconsin per year, then you need a Wisconsin license.

8. How do I apply for a license?

You can apply and pay online at mydatcp.wi.gov/ or an application and payment can be mailed in to DATCP.

9. When can I apply for a license?

New licensees can apply any time. Licenses expire on February 20. Renewal notices are mailed out annually and licenses can be renewed online or through the mail.

10. How much does a license cost?

Your license fees are based on how much you pay for nursery stock each year (*even though the license eligibility threshold is based on nursery stock sales*). The table below has detailed fee information.

Nursery Dealer license fees are based on gross annual purchases of nursery stock	
<i>If gross annual sales of Nursery Stock do not exceed \$250, no license is issued.</i>	
Purchases	Fee
\$5,000 or less	\$30
\$5,001 to \$20,000	\$50
\$20,001 to \$100,000	\$100
\$100,001 to \$200,000	\$150
\$200,001 to \$500,000	\$200
\$500,001 to \$2,000,000	\$300
\$2,000,001 to \$3,000,000	\$400
>=\$3,000,001	.0005 X Annual Purchases

11. I am a nursery dealer who holds a few of my nursery stock plants over winter. Do I also need a Nursery Grower License?

No. It is acceptable for Nursery Dealers to hold some stock over winter, or even to “heel-in” the stock for the winter. Heeling-in means to place a small amount of dirt over a plant keeping the nursery stock shallow and not fully rooting the plants. This keeps the plants from drying out during storage time. It is not considered growing or propagation, but merely keeping the nursery stock alive.

12. Can I have a list of businesses that have Wisconsin nursery licenses?

Anyone who holds a current nursery license (nursery growers, nursery dealers or Christmas tree growers) is publicly listed on the DATCP’s Nursery and Christmas Tree Licensing page:

https://datcp.wi.gov/pages/programs_services/nurseryandchristmastreelicensing.aspx

13. How do I report another business operating without a nursery license?

If you have a question about whether a business has a license or you want to report a nursery operating without a license, please contact the nursery program at (608) 224-4574 or datcpnursery@wisconsin.gov

Nursery Record Keeping

14. Is there any kind of nursery stock record keeping requirement?

It is required for nursery licensees to retain records of the source, quantity, and type of nursery stock shipments received for at least three years. In the event there is a pest or disease outbreak, these records shall be made available to DATCP upon request.

Additional Resources

You can learn more about Nursery and Christmas tree programs through these resources:

- **Visit the Nursery Program and Apply Online:**
 - https://datcp.wi.gov/Pages/Programs_Services/NurseryAndChristmasTreeLicensing.aspx
- **Call or Email the Nursery Program:**
 - (608) 224-4572
 - datcpnursery@wisconsin.gov