

Chapter 278

(House Bill 808)

AN ACT concerning

Weed Control – Noxious Weeds – Regulations and Penalties

FOR the purpose of repealing a certain list of plants considered to be noxious weeds in the State; requiring the Secretary of Agriculture to adopt regulations to establish a list of plants considered to be noxious weeds in the State; altering a certain condition under which the Secretary may designate a certain plant as a noxious weed; specifying that certain criminal penalties apply to certain violations; establishing certain administrative penalties for certain violations; requiring certain administrative penalties to be distributed to a special fund to be used only for certain purposes; making conforming, stylistic, and clarifying changes; and generally relating to weed control in the State.

BY repealing and reenacting, with amendments,
 Article – Agriculture
 Section 9–401, 9–402, and 9–405
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

BY adding to
 Article – Agriculture
 Section 9–406
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
 Article – Agriculture
 Section 12–101 through 12–103
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Agriculture

9–401.

- (a) The existence of growth of certain species of plants is declared to be noxious.
- (b) The [following] **SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH**

A LIST OF plants **THAT** are considered to be noxious weeds in the State[:

- (1) Thistles belonging to the asteraceae or compositae family, including Canada, musk, nodding, plumeless, and bull thistle;
- (2) Johnsongrass (sorghum halepense) or hybrids that contain Johnsongrass as a parent; and
- (3) Shatter cane and wild cane (sorghum bicolor)].

9–402.

The Secretary may:

(1) [Make investigations, studies, and determinations he deems advisable in order to ascertain the] **INVESTIGATE, STUDY, AND MAKE A DETERMINATION ON:**

(I) THE extent of growth and infestation of a noxious weed[,] **OR** other weed species in the State[, and the]; **AND**

(II) THE effect of the **NOXIOUS WEED OR OTHER WEED** species on agricultural production;

(2) [Following public hearing] **BY REGULATION**, designate as A noxious [weeds other species of plants which] **WEED ANY PLANT THAT** adversely [affect] **AFFECTS** or [threaten] **THREATENS** agricultural production[, and carry out practices necessary to bring about control or abatement of the species, or both];

(3) Institute programs [of] **OR CARRY OUT PRACTICES NECESSARY FOR THE** control and eradication **OF A NOXIOUS WEED;**

(4) Enter into agreements with [any] A county [and] **OR OTHER POLITICAL** subdivision of the State, [with any] **AN** adjoining state, [and with agencies] **OR AN AGENCY** of the federal government to [effect] **IMPLEMENT** a program [of] **FOR THE** control and eradication **OF A NOXIOUS WEED;**

(5) Accept, use, or expend any aid, gift, grant, or loan made available from any private or public source to carry out the provisions of this subtitle; and

(6) Following a public hearing declare a quarantine to control or eradicate any exotic plant, which means a plant species not previously known to occur in the State or known to be of only limited distribution in the State, as determined by the Secretary.

9–405.

(A) (1) [Each] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH failure to comply with the provisions of this subtitle IS A VIOLATION OF THIS SUBTITLE.

(2) EACH VIOLATION shall be reported to the State's Attorney for the county in which the violation occurs.

(3) The State's Attorney shall prosecute all violations and bring an action to enjoin any nuisance.

(B) (1) [However, a] A landowner or other person who possesses and manages [the] land INFESTED WITH A NOXIOUS WEED may enter into a written agreement with the Secretary [which] **THAT** sets forth a program for the eradication or control of a noxious weed[, and if].

(2) IF all **OF** the terms and conditions of [the] **AN** agreement **UNDER PARAGRAPH (1) OF THIS SUBSECTION** are met, there is no violation of this subtitle as to the land covered by the agreement.

9-406.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO THE PENALTIES AND FINES SET FORTH IN TITLE 12 OF THIS ARTICLE.

(B) (1) INSTEAD OF PURSUING THE PENALTIES AND FINES SET FORTH IN TITLE 12 OF THIS ARTICLE, THE SECRETARY MAY IMPOSE ON ANY PERSON WHO VIOLATES THIS SUBTITLE A PENALTY OF:

(I) FOR A FIRST VIOLATION, NOT MORE THAN \$500;

(II) FOR A SECOND VIOLATION, NOT MORE THAN \$1,000; OR

(III) FOR A THIRD OR SUBSEQUENT VIOLATION, NOT MORE THAN \$2,000.

(2) PENALTIES COLLECTED UNDER THIS SUBSECTION SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY FOR THE CONTROL AND ERADICATION OF A NOXIOUS WEED.

12-101.

Any person who violates any provision of this article is guilty of a misdemeanor.

Unless another penalty specifically is provided elsewhere in this article, the person, upon conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding three months, or both, with costs imposed in the discretion of the court.

12–102.

Unless another penalty specifically is provided elsewhere in this article, any person found guilty of a second or subsequent violation of any provision of the same title, is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. For the purposes of this section, a second or subsequent violation is one which has occurred within two years of any prior violation of this title and which arises out of a separate set of circumstances.

12–103.

In addition to any administrative penalty provided in this article, violation of any rule or regulation adopted by the Secretary pursuant to the provisions of this article is a misdemeanor and is punishable as provided in §§ 12–101 and 12–102 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.