

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 35

(Delegate Foley, *et al.*)

Environment and Transportation

Education, Energy, and the Environment

Local Government - Regulatory Powers - Regulation of Invasive Trees

This bill authorizes the governing body of a county or municipality to regulate (through an ordinance) listed invasive trees and trees of heaven, including by prohibiting a person from: (1) selling listed invasive trees or trees of heaven; (2) planting listed invasive trees or trees of heaven; and (3) allowing trees of heaven or other listed invasive trees to grow on the person's property. The bill authorizes the governing body of a county or municipality to establish a bounty or native tree replacement program to incentivize the removal and eradication of trees of heaven and other listed invasive trees. The bill also authorizes the governing body of a county or municipality to provide for the enforcement of an ordinance adopted under the bill by requiring any damages caused by listed invasive trees or trees of heaven to be mitigated and establishing a civil fine. The bill defines "tree of heaven" as the *Ailanthus altissima* tree species, and "listed invasive trees" as any tree on the Maryland Prohibited Invasive Plant List posted by the Maryland Department of Agriculture (MDA). The bill clarifies that "invasive bamboo" refers to *nonnative* bamboo.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill is authorizing in nature. The impact on local government finances depends on the extent to which bounty or native tree replacement programs and fines are established, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: A “native tree replacement program” means a program whereby a person receives a native tree in exchange for removing and eradicating an invasive tree.

A bounty or native tree replacement program established by a local government must require (1) an invasive tree to be properly identified consistent with the species page published by the University of Maryland Extension, and (2) the invasive species, after being properly identified, to be removed or eradicated according to professionally accepted methods or consistent with methodology on the species page published by the University of Maryland Agriculture Extension.

Current Law: Chapter 589 and 590 of 2024 significantly altered the regulatory approach for controlling invasive plant species in the State by repealing the existing two-tiered regulatory approach and establishing a regulatory approach that generally involves: (1) assessments of nonnative plant species by expert assessors to determine the invasiveness rank of each such species; (2) the review of such assessments and related data; and (3) the determination by the Secretary of MDA whether such species should be classified as prohibited invasive plants and included on a *Consolidated List of Maryland Invasive Plant Species* or placed on a watch list.

MDA and the Department of Natural Resources must each post the *Consolidated List of Maryland Invasive Plant Species* and the watch list on their respective websites. The University of Maryland Agriculture Extension must post a link to those lists on its website. MDA must also annually distribute the lists to nurseries, plant dealers, and plant brokers. The list can be found on MDA’s website at the following [link](#).

Regulation of Invasive Bamboo

The governing body of a county or municipality may regulate (through an ordinance) invasive bamboo, including prohibiting a person from: (1) selling invasive bamboo; (2) planting invasive bamboo; and (3) allowing invasive bamboo to grow on the property of the person without proper upkeep and appropriate containment measures, including barriers or trenches. The governing body of a county or municipality is also authorized to provide for the enforcement of an ordinance adopted to regulate invasive bamboo by requiring any damages caused by invasive bamboo to be mitigated and establishing a civil fine.

Local Fiscal Effect: To the extent local governments adopt bounty or native tree replacement programs authorized by the bill, expenditures may increase to account for administering the programs, paying out bounties, or providing replacement trees. To the

extent a local government implements a fine authorized by the bill, local revenues may increase.

Small Business Effect: The bill may have a meaningful impact on small businesses depending upon whether a county or municipal government decides to regulate trees of heaven and other listed invasive trees. Additional local regulations may (1) negatively affect small businesses that incur costs to comply with potential restrictions pertaining to trees of heaven and other listed invasive trees and (2) positively benefit landscaping businesses that are hired to remove or contain trees of heaven and other listed invasive trees.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 266 (Senator Brooks) - Education, Energy, and the Environment.

Information Source(s): Department of Natural Resources; Baltimore, Frederick, and Montgomery counties; Maryland Municipal League; Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2026
jg/tso Revised - Correction - February 6, 2026
Third Reader - March 25, 2026
Revised - Amendment(s) - March 25, 2026

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