

HOUSE BILL 808

M4

9lr1994

By: **Delegates Ghrist, Adams, Anderton, Arentz, Beitzel, Clark, Jacobs, Lafferty, Mautz, McKay, Otto, Sample–Hughes, and Stein**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Weed Control – Noxious Weeds – Regulations and Penalties**

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

12 BY repealing and reenacting, with amendments,
13 Article – Agriculture
14 Section 9–401, 9–402, and 9–405
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2018 Supplement)

17 BY adding to
18 Article – Agriculture
19 Section 9–406
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2018 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Agriculture
24 Section 12–101 through 12–103
25 Annotated Code of Maryland
26 (2016 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Agriculture**

4 9–401.

5 (a) The existence of growth of certain species of plants is declared to be noxious.

6 (b) The [following] **SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH**
7 **A LIST OF** plants **THAT** are considered to be noxious weeds in the State[:

8 (1) Thistles belonging to the asteraceae or compositae family, including
9 Canada, musk, nodding, plumeless, and bull thistle;

10 (2) Johnsongrass (sorghum halepense) or hybrids that contain
11 Johnsongrass as a parent; and

12 (3) Shatter cane and wild cane (sorghum bicolor)].

13 9–402.

14 The Secretary may:

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

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

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

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

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

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

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

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

6 9-405.

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

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

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

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

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

21 **9-406.**

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

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

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

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

30 (III) **FOR A THIRD OR SUBSEQUENT VIOLATION, NOT MORE THAN**
31 **\$2,000.**

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

4 12-101.

5 Any person who violates any provision of this article is guilty of a misdemeanor.
6 Unless another penalty specifically is provided elsewhere in this article, the person, upon
7 conviction, is subject to a fine not exceeding \$500, or imprisonment not exceeding three
8 months, or both, with costs imposed in the discretion of the court.

9 12-102.

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

16 12-103.

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

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