

# SENATE BILL 836

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3lr2655  
CF HB 950

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By: **Senator Brooks**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Native Plants Program**

3 FOR the purpose of establishing the Maryland Native Plants Program to encourage and  
4 promote the use and sale of plants native to Maryland at certain businesses and to  
5 educate the public on native plants; requiring the ~~University of Maryland Extension~~  
6 Department of Agriculture to administer the Program in coordination with the  
7 ~~Department of Agriculture~~ University of Maryland Extension; requiring the  
8 University of Maryland Extension to hire an extension agent to serve as a native  
9 plant specialist for certain educational purposes; requiring the Department of  
10 Agriculture to create and maintain a certain voluntary certification program and a  
11 marketing program in a certain manner; requiring the University of Maryland  
12 Extension to create a certain website on native plants and requiring the Department  
13 of Natural Resources to include a link to the website on the Department of Natural  
14 Resources' native plants website; and generally relating to plants native to  
15 Maryland.

16 BY adding to

17 Article – Agriculture

18 Section 10–401 through 10–407 to be under the new subtitle “Subtitle 4. Maryland  
19 Native Plants Program”

20 Annotated Code of Maryland

21 (2016 Replacement Volume and 2022 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



## Article – Agriculture

## SUBTITLE 4. MARYLAND NATIVE PLANTS PROGRAM.

## 10-401.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMERCIAL MARYLAND NATIVE PLANT LIST” MEANS A LIST OF PLANTS THAT ARE NATIVE TO MARYLAND THAT ARE COMMERCIALY AVAILABLE AND APPROPRIATE FOR GROWING IN RESIDENTIAL OR COMMERCIAL LANDSCAPES.

(C) (1) “NATIVE PLANT” MEANS A PLANT THAT OCCURS NATURALLY IN THE STATE AND SURROUNDING REGION, ECOSYSTEM, AND HABITAT, WITHOUT DIRECT OR INDIRECT HUMAN ACTIONS.

(2) “NATIVE PLANT” INCLUDES A PLANT THAT:

(I) WAS PRESENT BEFORE EUROPEAN SETTLEMENT; OR

(II) IS LISTED AS NATIVE TO MARYLAND ON THE MARYLAND PLANT ATLAS WEBSITE.

~~(3) “NATIVE PLANT” DOES NOT INCLUDE A PLANT THAT IS A NAMED OR UNNAMED CULTIVAR OR HYBRID.~~

(D) “NATIVE PLANT SPECIALIST” MEANS THE UNIVERSITY OF MARYLAND EXTENSION AGENT HIRED UNDER § 10-403 OF THIS SUBTITLE.

(E) “PROGRAM” MEANS THE MARYLAND NATIVE PLANTS PROGRAM.

## 10-402.

(A) THERE IS A MARYLAND NATIVE PLANTS PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO:

(1) ~~ENCOURAGE AND PROMOTE THE~~ RESPOND TO THE INCREASING DEMAND FOR, USE OF, AND SALE OF NATIVE PLANTS BY RETAIL GARDEN CENTERS, RETAIL NURSERIES, AND WHOLESALE NURSERIES; AND

(2) EDUCATE THE PUBLIC, LANDSCAPERS, AND OTHER PLANT USERS ON THE IMPORTANCE, BENEFIT, AND AVAILABILITY OF NATIVE PLANTS.

1        (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
2 DEPARTMENT SHALL ADMINISTER THE PROGRAM.

3        (2) THE UNIVERSITY OF MARYLAND EXTENSION SHALL ADMINISTER  
4 THE EDUCATIONAL COMPONENTS OF THE PROGRAM IN COORDINATION WITH THE  
5 DEPARTMENT AND OTHER AGENCIES.

6 10-403.

7        (A) (1) THE UNIVERSITY OF MARYLAND EXTENSION SHALL HIRE AN  
8 EXTENSION AGENT TO SERVE AS A NATIVE PLANT SPECIALIST.

9        (2) THE INDIVIDUAL HIRED TO SERVE AS THE NATIVE PLANT  
10 SPECIALIST MUST HAVE EXPERTISE IN NATIVE PLANTS.

11        (B) THE NATIVE PLANT SPECIALIST SHALL:

12        (1) ASSIST THE UNIVERSITY OF MARYLAND EXTENSION IN  
13 FULFILLING ~~ANY~~ EDUCATIONAL AND PROFESSIONAL TRAINING RESPONSIBILITIES  
14 RELATED TO THE PROGRAM;

15        (2) COORDINATE WITH THE DEPARTMENT ~~IN THE ADMINISTRATION~~  
16 TO DELIVER EDUCATIONAL COMPONENTS OF THE PROGRAM;

17        (3) ~~ESTABLISH AND MAINTAIN~~ PROVIDE INPUT AND EXPERTISE TO  
18 THE DEPARTMENT IN THE DEVELOPMENT OF THE COMMERCIAL MARYLAND  
19 NATIVE PLANT LIST DEVELOPED UNDER § 10-404 OF THIS SUBTITLE;

20        (4) PROVIDE ~~GUIDANCE~~ INPUT AND EXPERTISE TO THE  
21 DEPARTMENT ON THE DEVELOPMENT OF A LIST OF CERTIFIED MARYLAND NATIVE  
22 PLANT GROWERS AND RETAILERS DEVELOPED UNDER § 10-405 OF THIS SUBTITLE;

23        (5) TEACH GROWERS AND OTHER STAKEHOLDERS ABOUT  
24 TECHNIQUES FOR GROWING NATIVE PLANTS; AND

25        (6) COORDINATE EDUCATION, APPLIED RESEARCH, AND OUTREACH  
26 TO TEACH THE PUBLIC, LANDSCAPERS, AND OTHER PLANT USERS ABOUT THE  
27 IMPORTANCE, BENEFIT, AND AVAILABILITY OF NATIVE PLANTS.

28 10-404.

29        (A) THE UNIVERSITY OF MARYLAND EXTENSION, ~~IN COORDINATION WITH~~  
30 SHALL PROVIDE INPUT TO THE DEPARTMENT, WHO SHALL RECEIVE INPUT FROM

1 THE DEPARTMENT OF NATURAL RESOURCES, AND THE MARYLAND NATIVE PLANT  
2 SOCIETY, ~~SHALL TO~~ DEVELOP A COMMERCIAL MARYLAND NATIVE PLANT LIST.

3 (B) THE UNIVERSITY OF MARYLAND EXTENSION, ~~IN COORDINATION WITH~~  
4 SHALL PROVIDE INPUT TO THE DEPARTMENT, WHO SHALL RECEIVE INPUT FROM  
5 THE DEPARTMENT OF NATURAL RESOURCES, AND THE MARYLAND NATIVE PLANT  
6 SOCIETY, ~~SHALL TO~~ REVIEW AND UPDATE THE COMMERCIAL MARYLAND NATIVE  
7 PLANT LIST AT LEAST ONCE EVERY 3 YEARS.

8 (C) WHEN A CULTIVAR OR HYBRID OF A NATIVE PLANT FILLS AN  
9 ECOLOGICAL NICHE THAT A NATIVE PLANT IS NO LONGER ABLE TO FILL DUE TO  
10 WIDESPREAD ATTACK BY DISEASE OR INSECTS, THE NATIVE PLANT SPECIALIST  
11 SHALL FIRST RECEIVE INPUT FROM THE DEPARTMENT OF NATURAL RESOURCES  
12 AND THE MARYLAND NATIVE PLANT SOCIETY AND THEN INFORM AND GUIDE THE  
13 DEPARTMENT IN EVALUATING THE CULTIVAR OR HYBRID OF A NATIVE PLANT FOR  
14 INCLUSION ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST.

15 ~~(C)~~ (D) THE COMMERCIAL MARYLAND NATIVE PLANT LIST SHALL BE  
16 POSTED ONLINE IN ACCORDANCE WITH § 10-407 OF THIS SUBTITLE.

17 10-405.

18 (A) (1) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF  
19 MARYLAND EXTENSION, SHALL CREATE A VOLUNTARY CERTIFICATION PROGRAM  
20 FOR GROWERS AND RETAILERS TO BE IDENTIFIED AS A MARYLAND NATIVE PLANT  
21 GROWER OR A MARYLAND NATIVE PLANT RETAILER, OR BOTH.

22 (2) THIS CERTIFICATION SHALL ONLY BE AVAILABLE TO GROWERS  
23 AND RETAILERS THAT ARE SELLING NATIVE PLANTS ON THE COMMERCIAL  
24 MARYLAND NATIVE PLANT LIST.

25 (B) (1) ~~THE UNIVERSITY OF MARYLAND EXTENSION~~ DEPARTMENT  
26 SHALL DEVELOP AND MAINTAIN A LIST OF CERTIFIED MARYLAND NATIVE PLANT  
27 GROWERS AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS.

28 (2) THE LISTS DEVELOPED UNDER THIS SUBSECTION SHALL BE  
29 POSTED ONLINE IN ACCORDANCE WITH § 10-407 OF THIS SUBTITLE.

30 10-406.

31 (A) THE DEPARTMENT, IN COORDINATION WITH THE UNIVERSITY OF  
32 MARYLAND EXTENSION, SHALL CREATE A "MARYLAND NATIVES" MARKETING  
33 PROGRAM AND SIGNS, TO ENCOURAGE AND PROMOTE THE USE AND SALE OF NATIVE  
34 PLANTS THAT ARE LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST.

1 (B) THE “MARYLAND NATIVES” MARKETING PROGRAM SHALL DEVELOP:

2 (1) A “MARYLAND NATIVES” LOGO TO IDENTIFY PLANTS THAT ARE  
3 LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST; AND

4 (2) A QR CODE CONTAINING PLANT IDENTIFICATION INFORMATION  
5 THAT LINKS TO THE WEBPAGES AND WEBSITES SPECIFIED IN § 10-407 OF THIS  
6 SUBTITLE.

7 (C) THE “MARYLAND NATIVES” LOGO SHALL BE MADE AVAILABLE TO  
8 GROWERS AND RETAILERS WHO MAY:

9 (1) PLACE THE LOGO ON LABELS, STICKERS, OR POTS OF EACH PLANT  
10 LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST; AND

11 (2) USE THE LOGO IN DISPLAYS WITH PLANTS LISTED ON THE  
12 COMMERCIAL MARYLAND NATIVE PLANT LIST.

13 10-407.

14 (A) (1) THE UNIVERSITY OF MARYLAND EXTENSION SHALL CREATE A  
15 “MARYLAND NATIVE PLANTS” WEBPAGE ON THE UNIVERSITY OF MARYLAND  
16 EXTENSION’S WEBSITE.

17 (2) THE “MARYLAND NATIVE PLANTS” WEBPAGE SHALL INCLUDE:

18 (I) THE COMMERCIAL MARYLAND NATIVE PLANT LIST  
19 DEVELOPED UNDER § 10-404 OF THIS SUBTITLE;

20 (II) THE LISTS OF CERTIFIED MARYLAND NATIVE PLANT  
21 GROWERS AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS DEVELOPED  
22 UNDER § 10-405 OF THIS SUBTITLE; AND

23 (III) GENERAL INFORMATION ON NATIVE PLANTS.

24 (B) THE DEPARTMENT SHALL PROMOTE THE PROGRAM AND INCLUDE ON  
25 THE DEPARTMENT OF AGRICULTURE’S “MARYLAND’S BEST” WEBSITE:

26 (1) THE COMMERCIAL MARYLAND NATIVE PLANT LIST DEVELOPED  
27 UNDER § 10-404 OF THIS SUBTITLE;

1                   **(2) THE LISTS OF CERTIFIED MARYLAND NATIVE PLANT GROWERS**  
2 **AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS DEVELOPED UNDER §**  
3 **10-405 OF THIS SUBTITLE; AND**

4                   **(3) GENERAL INFORMATION ABOUT NATIVE PLANTS.**

5           **(C) A LINK TO THE “MARYLAND NATIVE PLANTS” WEBPAGE SHALL BE**  
6 **POSTED ON:**

7                   **(1) THE DEPARTMENT OF NATURAL RESOURCES’ NATIVE PLANTS**  
8 **WEBSITE; AND**

9                   **(2) THE UNIVERSITY OF MARYLAND EXTENSION’S WEBSITE.**

10           **(D) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE**  
11 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF**  
12 **\$150,000 FOR THE UNIVERSITY OF MARYLAND EXTENSION TO HIRE ONE**  
13 **EXTENSION AGENT AS A NATIVE PLANT SPECIALIST AND \$100,000 FOR THE**  
14 **DEPARTMENT TO HIRE STAFF TO ADMINISTER THE PROGRAM.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.