

Chapter 209

(Senate Bill 266)

AN ACT concerning

Local Government – Regulatory Powers – Regulation of ~~Tree of Heaven~~ Invasive Trees

FOR the purpose of authorizing the governing body of a county or municipality to adopt certain ordinances to regulate ~~trees tree~~ tree of heaven and certain invasive trees; authorizing the governing body of a county or municipality to establish ~~a bounty program~~ certain programs to incentivize the removal of ~~trees tree~~ tree of heaven and certain invasive trees; and generally relating to local management of ~~trees tree~~ tree of heaven and certain invasive trees.

BY repealing and reenacting, with amendments,
 Article – Local Government
 Section 1–1318
 Annotated Code of Maryland
 (2013 Volume and 2025 Supplement)

Preamble

WHEREAS, Invasive species are nonnative plants, pathogens, and animals whose introduction causes harm to human health, environmental harm, or economic harm – typically through unchecked ~~growth~~ spread; and

WHEREAS, The tree of heaven is a nonnative, deciduous hardwood tree that is considered an invasive species throughout North America because the species spreads quickly and aggressively, crowding out native plants with dense greenery while secreting a chemical into the soil that is toxic to surrounding plants; and

WHEREAS, The tree of heaven is the preferred habitat for the spotted lanternfly, another invasive species that is causing economic damage to the agricultural community, stressing native plant populations, and generally acting as a nuisance statewide; and

WHEREAS, The trees on the ~~Maryland~~ Department of Agriculture’s Maryland Prohibited Invasive Plant List have been determined to be invasive, nonnative trees that cause harm to human health, environmental harm, or economic harm; now, therefore,

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

Article – Local Government

1–1318.

(a) (1) In this section[, “invasive”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“INVASIVE bamboo”** means NONNATIVE bamboo that is characterized by aggressive spreading behavior, including bamboo species in the genus *Phyllostachys*.

(3) **“LISTED INVASIVE TREE”** MEANS ANY TREE ON THE **“MARYLAND PROHIBITED INVASIVE ~~PLANTS~~ PLANT LIST”** POSTED BY THE DEPARTMENT OF AGRICULTURE.

(4) **“NATIVE TREE REPLACEMENT PROGRAM”** MEANS A PROGRAM WHEREBY A PERSON RECEIVES A NATIVE TREE IN EXCHANGE FOR REMOVING AND ERADICATING AN INVASIVE TREE.

~~(3)~~ (5) **“TREE OF HEAVEN”** MEANS THE *AILANTHUS ALTISSIMA* TREE SPECIES.

(b) This section applies to all counties and municipalities.

(c) The governing body of a county or municipality, by ordinance, may regulate invasive bamboo, LISTED INVASIVE TREES, OR TREES OF HEAVEN, including by prohibiting a person from:

(1) selling invasive bamboo, LISTED INVASIVE TREES, OR TREES OF HEAVEN;

(2) planting invasive bamboo, LISTED INVASIVE TREES, OR TREES OF HEAVEN; [and]

(3) allowing invasive bamboo, ~~LISTED INVASIVE TREES~~, to grow on the property of the person without proper upkeep and appropriate containment measures, including barriers or trenches; AND

(4) ALLOWING TREES OF HEAVEN OR OTHER LISTED INVASIVE TREES TO GROW ON THE PERSON’S PROPERTY.

(d) The governing body of a county or municipality may provide for the enforcement of an ordinance adopted under this section by:

(1) requiring any damages caused by invasive bamboo, LISTED INVASIVE TREES, OR TREES OF HEAVEN ~~OR OTHER LISTED INVASIVE TREES~~ to be mitigated; and

(2) establishing a civil fine.

(E) THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY ESTABLISH A BOUNTY OR NATIVE TREE REPLACEMENT PROGRAM TO INCENTIVIZE THE REMOVAL AND ERADICATION OF TREES OF HEAVEN AND OTHER LISTED INVASIVE TREES.

(F) A BOUNTY OR NATIVE TREE REPLACEMENT PROGRAM ESTABLISHED BY A COUNTY OR MUNICIPALITY SHALL REQUIRE:

(1) AN INVASIVE TREE TO BE PROPERLY IDENTIFIED CONSISTENT WITH THE SPECIES PAGE PUBLISHED BY THE UNIVERSITY OF MARYLAND AGRICULTURE 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 28, 2026.