

Department of Legislative Services
 Maryland General Assembly
 2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 949 (Talbot County Delegation)
 Environment and Transportation

Agriculture – Noxious Weeds – Palmer Amaranth

This bill requires the Maryland Department of Agriculture (MDA), if, based on an inspection, it finds “Palmer amaranth” on land, to issue an order to the landowner to eradicate the Palmer amaranth within two weeks after the order is issued. If MDA issues such an order, MDA must inspect the land subject to the order every two weeks until it determines that the Palmer amaranth has been eradicated. A person who is in violation of an order issued under the bill is subject to an administrative penalty of (1) \$500 for a first violation; (2) \$1,000 for a second violation; or (3) \$2,000 for a third or subsequent violation. Penalties collected under the bill must be distributed to a special fund to be used only for the control and eradication of a noxious weed.

Fiscal Summary

State Effect: General fund expenditures for MDA increase by \$721,600 in FY 2027; future years reflect annualization, inflation, and the elimination of one-time costs. State expenditures (multiple funds) may increase beginning in FY 2027 to eradicate Palmer amaranth found on State-owned land in the time frame required by the bill, as discussed below. Special fund revenues may increase due to the bill’s penalty provisions, although any such increase cannot be predicted in advance.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
SF Revenue	-	-	-	-	-
GF Expenditure	\$721,600	\$469,500	\$490,100	\$511,000	\$532,000
Exp. (Mult.)	-	-	-	-	-
Net Effect	(-)	(-)	(-)	(-)	(-)

Note: (-) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government expenditures may increase to eradicate Palmer amaranth found on locally owned land in the time frame required by the bill. The effect on county

weed control programs is unclear, as discussed below. Local revenues are not anticipated to be affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Palmer amaranth” means the plant species Palmer amaranth (*Amaranthus palmeri*) that is listed as a noxious weed in regulations adopted by MDA.

Current Law: Title 9, Subtitle 4 of the Agriculture Article (Weed Control) authorizes the Secretary of Agriculture to, among other things, (1) by regulation, designate as a noxious weed any plant that adversely affects or threatens agricultural production and (2) institute programs or carry out practices necessary for the control and eradication of a noxious weed. Current regulations designate eight weeds and plants, including Palmer amaranth, as noxious weeds in the State.

The Secretary may also, among other things, enter into an agreement with a county or other political subdivision of the State, an adjoining state, or a federal government agency to implement a program for the control and eradication of a noxious weed.

A person may not (1) import or transport a noxious weed in the State in any form capable of growth or (2) contaminate any uninfested land with a noxious weed through the movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or any other artificial medium. Each landowner, including a landowner of public land, or person who possesses and manages land infested with a noxious weed must eradicate or control the noxious weed on that land by using practices the Secretary prescribes, including mowing, cultivating, or treating with an approved herbicide.

Generally, a person who violates the weed control provisions is subject to the penalties and fines set forth in Title 12 of the Agriculture Article. Under Title 12, a person who violates any provision of the Agriculture Article is guilty of a misdemeanor. Unless another penalty is provided elsewhere, for a first offense, the person is subject to a fine of up to \$500, and/or imprisonment for up to three months. For a second or subsequent offense, the person is subject to a fine of up to \$1,000 and/or imprisonment for up to one year. However, instead of pursuing the penalties and fines set forth in Title 12, the Secretary may impose on any person who violates the weed control provisions a penalty of (1) for a first violation, up to \$500; (2) for a second violation, up to \$1,000; or (3) for a third or subsequent violation, up to \$2,000. Penalties collected under these provisions must be distributed to a special fund, to be used only for the control and eradication of a noxious weed.

State Expenditures:

Maryland Department of Agriculture

General fund expenditures increase by \$721,558 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. This estimate reflects the cost of hiring (1) six agricultural inspectors (four permanent and two contractual) to issue orders to landowners, handle additional inspections, and potentially produce case files for possible enforcement actions and (2) one office secretary to handle related administrative tasks. It includes salaries, fringe benefits, one-time start-up costs (including the purchase of vehicles), and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- MDA anticipates a significant increase in inspections;
- MDA currently has four existing staff assigned to the Noxious Weed Program, and existing staff do not have the capacity to conduct additional inspections, particularly given the bill's requirement that, after an order is issued, MDA must reinspect the land every two weeks until the weed has been eradicated;
- Palmer amaranth is an aggressive noxious weed that is resistant to many herbicides and is, therefore, difficult to control, meaning that it is likely that MDA issues a significant number of orders to landowners under the bill;
- currently, if MDA finds a noxious weed (including Palmer amaranth) on land when it conducts an inspection, it issues a notice to the landowner and generally gives landowners 30 days to eradicate the weed, at which point, MDA sends follow-up notices (as many as two or three, as needed) and works with landowners to come into compliance;
- inspectors will be strategically deployed in various regions of the State;
- inspectors spend approximately 90% of their time in the field during peak season (April through November); and
- each inspection takes two hours to a full day to complete.

Permanent Positions	5.0
Contractual Positions	2.0
Salaries and Fringe Benefits	\$248,319
Vehicle Purchases	308,814
Operating Expenses	<u>164,425</u>
Total FY 2027 MDA Expenditures	\$721,558

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

MDA advises that to the extent landowners fail to eradicate Palmer amaranth as directed by an order issued under the bill, MDA may incur costs to hire contractual pest control services in order to ensure that Palmer amaranth is eradicated on those lands. However, the bill does not require MDA to do so; current law specifically requires landowners and land managers to control or eradicate noxious weeds on their lands. Accordingly, costs for such contractual services have not been included in this estimate.

State Agencies as Landowners

State expenditures (multiple funds) may increase to the extent any State agencies, as landowners, must take additional steps to eradicate Palmer amaranth than they otherwise would, particularly given the bill's requirement that any orders issued by MDA must require the Palmer amaranth to be eradicated within two weeks after the order was issued. While State agencies are already required to control noxious weeds, including Palmer amaranth, on State-owned land, they may incur additional costs to eradicate Palmer amaranth within two weeks of receiving an order from MDA. For example, the Department of Natural Resources (DNR) notes that, because Palmer amaranth is resistant to many herbicides, the bill may require DNR land managers to mow or hand pull Palmer amaranth plants to eradicate the weed within two weeks of receiving an order from MDA. DNR notes that manual removal is labor intensive and, therefore, increases costs.

While the Maryland Department of Transportation (MDOT) reports that the State Highway Administration (SHA) does not anticipate a significant fiscal or operational effect resulting from the bill, MDOT notes that if SHA is issued an order from MDA under the bill, additional contractual resources may be required to eradicate Palmer amaranth within two weeks of the issuance of the order, as required by the bill.

Although it is generally assumed that State agencies comply with the bill, to the extent a reinspection by MDA finds Palmer amaranth on land subject to an order, an affected State agency may be subject to the penalties established in the bill.

Local Expenditures: Similar to the effect on State agencies, while local governments are already required to control noxious weeds, including Palmer amaranth, on locally owned land, they may incur additional costs to eradicate the weed within two weeks of receiving an order from MDA or face potential penalties for noncompliance.

Each year, MDA enters into cooperative agreements with participating counties to provide technical assistance to landowners for initiating noxious weed control programs. The extent

to which county weed control programs might be affected by the bill is unclear, as county programs are already involved with the control of Palmer amaranth. While there may be an operational effect on county weed control programs, because it is assumed that MDA conducts the additional inspections and issues orders to landowners, this analysis assumes that the bill does not significantly affect county weed control program expenditures.

Small Business Effect: Small businesses, such as farms, that have been found to have Palmer amaranth on their land may incur additional costs to eradicate the weed within two weeks of receiving an order from MDA or face potential penalties for noncompliance. Any small businesses involved in treating Palmer amaranth may benefit to the extent the two-week time frame for eradication results in an increase in the demand for their services.

Additional Comments: A fact sheet on Palmer amaranth can be found on MDA's [website](#).

Additional Information

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

Designated Cross File: SB 613 (Talbot County Senators) - Education, Energy, and the Environment.

Information Source(s): Maryland Department of Agriculture; Department of General Services; Department of Natural Resources; Maryland Department of Transportation; Judiciary (Administrative Office of the Courts); Baltimore City Community College; University System of Maryland; Morgan State University; Baltimore City; Harford, Montgomery, and Wicomico counties; City of Frostburg; Department of Legislative Services

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