

A BILL ENTITLED

AN ACT concerning

Local Government – Regulatory Powers – Regulation of Tree of Heaven AND TREES ON THE MARYLAND DEPARTMENT OF AGRICULTURE’S PROHIBITED INVASIVE PLANT LIST

FOR the purpose of authorizing the governing body of a county or municipality to adopt Certain ordinances to regulate tree[s] of heaven **AND TREES ON MDA’S PROHIBITED INVASIVE PLANT LIST**; authorizing the governing body of a county or municipality to establish a bounty program to incentivize the removal of tree[s] of heaven **AND TREES ON MDA’S PROHIBITED INVASIVE PLANT LIST**; and generally relating to the local management of tree[s] of heaven **AND TREES ON MDA’S PROHIBITED INVASIVE PLANT LIST**.

BY repealing and reenacting, with amendments,
Article – Local Government
Section 1–1318
Annotated Code of Maryland

Preamble

WHEREAS, Invasive species are nonnative plants, [and] animals, **AND PATHOGENS** 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 [now, therefore,]**

WHEREAS, THE TREES ON MDA'S PROHIBITED INVASIVE PLANT LIST HAVE BEEN DETERMINED TO BE INVASIVE NONNATIVE TREE SPECIES 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 TREES MEANS THE TREES ON THE MARYLAND DEPARTMENT OF AGRICULTURE’S PROHIBITED INVASIVE PLANT LIST, ALSO KNOWN AS THE CONSOLIDATED LIST OF MARYLAND INVASIVE PLANT SPECIES.**

(4) **“NATIVE TREE REPLACEMENT PROGRAM” MEANS A PROGRAM WHEREBY A PERSON RECEIVES A NATIVE TREE ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST IN EXCHANGE FOR REMOVING AND ERADICATING A TREE OF HEAVEN OR LISTED INVASIVE TREE.**

(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, **[OR] TREE[S] OF HEAVEN, OR LISTED INVASIVE TREES**, including prohibiting a person from:

(1) selling invasive bamboo, **[OR] TREE[S] OF HEAVEN, OR LISTED INVASIVE TREES;**

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

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

(4) **ALLOWING TREE[S] OF HEAVEN OR 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, **[OR] TREE[S] OF HEAVEN, OR 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 TREE[S] OF HEAVEN AND LISTED INVASIVE TREES, SUCH THAT: [.]

(1) AN INVASIVE TREE IN A BOUNTY OR NATIVE TREE REPLACEMENT PROGRAM SHALL BE PROPERLY IDENTIFIED USING THE UNIVERSITY OF MARYLAND EXTENSION'S WEBPAGE FOR THAT SPECIES; AND

(2) THE PROPERLY IDENTIFIED INVASIVE TREE SHALL BE REMOVED AND ERADICATED ACCORDING TO PROFESSIONALLY ACCEPTED METHODS AS DESCRIBED OR REFERRED TO ON THE UNIVERSITY OF MARYLAND EXTENSION'S WEBPAGE FOR THAT SPECIES.

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