

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 92

(Delegate Luedtke)

Health and Government Operations

Education, Health, and Environmental Affairs

Procurement - Invasive Plant Species - Prohibition on Use of State Funds

This bill generally bars State funds from being used to purchase or plant an invasive plant species for an outdoor project, beginning July 1, 2022. The prohibition does not apply if the plant species is commonly used for agricultural or horticultural purposes and is being maintained for the purposes of education or research.

Fiscal Summary

State Effect: The bill is largely procedural in nature and has no material effect on State finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Chapter 142 of 2011 required the Secretary of Agriculture to – with the advice of a newly established Invasive Plants Advisory Committee – adopt regulations that, among other things, establish a science-based risk assessment protocol for invasive plants that (1) serves as a basis for creating a two-tiered regulatory approach for controlling invasive plants in the State and (2) considers the harm that invasive plants cause in the State, including economic, ecological, and environmental harm as well as harm to human health.

Establishment of Lists of Tier 1 and Tier 2 Invasive Plants

Chapter 142 also required the Secretary to – with the advice of the committee – (1) establish a list of tier 1 plants and tier 2 plants in accordance with the adopted risk assessment protocol; (2) establish a procedure for classification or declassification of an invasive plant as a tier 1 invasive plant or a tier 2 invasive plant; and (3) phase in the implementation of the requirements regulating invasive plants with consideration of the economic impact of the requirements on nurseries, landscapers, plant wholesalers, plant retailers, and any other industry.

“Tier 1 invasive plant” includes invasive plant species that cause or are likely to cause severe harm within the State. “Tier 2 invasive plant” includes invasive plant species that cause or are likely to cause substantial negative impact within the State.

Regulation of Tier 1 and Tier 2 Invasive Plants

In general, a person may not propagate, import, transfer, sell, purchase, transport, or introduce any living part of a tier 1 invasive plant in the State. However, a person may conduct these activities, with prior approval from the Secretary, for the purpose of disposing of, controlling, using for research or educational purposes, or exporting a plant out of the State. These restrictions do not apply to the transfer, lease, sale, or purchase of real property on which an invasive plant is located.

In accordance with regulations adopted by the Secretary, a person may not (1) sell or offer for sale at a retail outlet a tier 2 invasive plant unless the retail outlet posts, in a conspicuous manner in proximity to all tier 2 plant displays, a sign identifying the plants as tier 2 plants or (2) provide landscaping services to plant or supply for planting a tier 2 invasive plant unless the person provides to the customer a list of tier 2 invasive plants.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Agriculture; Department of General Services; Department of Natural Resources; Board of Public Works; Department of Legislative Services

Fiscal Note History:
rh/ljm

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