

# 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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## A BILL ENTITLED

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 to administer the Program in coordination with the Department of Agriculture;  
7 requiring the University of Maryland Extension to hire an extension agent to serve  
8 as a native plant specialist for certain purposes; requiring the Department of  
9 Agriculture to create a certain voluntary certification program and marketing  
10 program in a certain manner; requiring the University of Maryland Extension to  
11 create a certain website on native plants and requiring the Department of Natural  
12 Resources to include a link to the website on the Department of Natural Resources'  
13 native plants website; and generally relating to plants native to Maryland.

14 BY adding to

15 Article – Agriculture

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

18 Annotated Code of Maryland

19 (2016 Replacement Volume and 2022 Supplement)

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

22 **Article – Agriculture**

23 **SUBTITLE 4. MARYLAND NATIVE PLANTS PROGRAM.**

24 **10–401.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

10                           **(I) WAS PRESENT BEFORE EUROPEAN SETTLEMENT; OR**

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

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

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

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

18 **10-402.**

19           **(A) THERE IS A MARYLAND NATIVE PLANTS PROGRAM.**

20           **(B) THE PURPOSE OF THE PROGRAM IS TO:**

21                           **(1) ENCOURAGE AND PROMOTE THE USE AND SALE OF NATIVE**  
22 **PLANTS BY RETAIL GARDEN CENTERS, RETAIL NURSERIES, AND WHOLESALE**  
23 **NURSERIES; AND**

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

26           **(C) THE UNIVERSITY OF MARYLAND EXTENSION SHALL ADMINISTER THE**  
27 **PROGRAM IN COORDINATION WITH THE DEPARTMENT.**

28 **10-403.**

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

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

5           (B) THE NATIVE PLANT SPECIALIST SHALL:

6           (1) ASSIST THE UNIVERSITY OF MARYLAND EXTENSION IN  
7 FULFILLING ANY RESPONSIBILITIES RELATED TO THE PROGRAM;

8           (2) COORDINATE WITH THE DEPARTMENT IN THE ADMINISTRATION  
9 OF THE PROGRAM;

10          (3) ESTABLISH AND MAINTAIN THE COMMERCIAL MARYLAND  
11 NATIVE PLANT LIST DEVELOPED UNDER § 10-404 OF THIS SUBTITLE;

12          (4) PROVIDE GUIDANCE TO THE DEPARTMENT ON THE  
13 DEVELOPMENT OF A LIST OF CERTIFIED MARYLAND NATIVE PLANT GROWERS AND  
14 RETAILERS DEVELOPED UNDER § 10-405 OF THIS SUBTITLE;

15          (5) TEACH GROWERS ABOUT TECHNIQUES FOR GROWING NATIVE  
16 PLANTS; AND

17          (6) COORDINATE EDUCATION AND OUTREACH TO TEACH THE PUBLIC,  
18 LANDSCAPERS, AND OTHER PLANT USERS ABOUT THE IMPORTANCE, BENEFIT, AND  
19 AVAILABILITY OF NATIVE PLANTS.

20 10-404.

21          (A) THE UNIVERSITY OF MARYLAND EXTENSION, IN COORDINATION WITH  
22 THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE  
23 MARYLAND NATIVE PLANT SOCIETY, SHALL DEVELOP A COMMERCIAL MARYLAND  
24 NATIVE PLANT LIST.

25          (B) THE UNIVERSITY OF MARYLAND EXTENSION, IN COORDINATION WITH  
26 THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE  
27 MARYLAND NATIVE PLANT SOCIETY, SHALL REVIEW AND UPDATE THE  
28 COMMERCIAL MARYLAND NATIVE PLANT LIST AT LEAST ONCE EVERY 3 YEARS.

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

1 **10-405.**

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

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

9 (B) (1) THE UNIVERSITY OF MARYLAND EXTENSION SHALL DEVELOP  
10 AND MAINTAIN A LIST OF CERTIFIED MARYLAND NATIVE PLANT GROWERS AND  
11 CERTIFIED MARYLAND NATIVE PLANT RETAILERS.

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

14 **10-406.**

15 (A) THE DEPARTMENT, IN COORDINATION WITH THE UNIVERSITY OF  
16 MARYLAND EXTENSION, SHALL CREATE A “MARYLAND NATIVES” MARKETING  
17 PROGRAM AND SIGNS, TO ENCOURAGE AND PROMOTE THE USE AND SALE OF NATIVE  
18 PLANTS THAT ARE LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST.

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

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

22 (2) A QR CODE THAT LINKS TO THE WEBPAGES AND WEBSITES  
23 SPECIFIED IN § 10-407 OF THIS SUBTITLE.

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

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

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

1 **10-407.**

2 (A) (1) THE UNIVERSITY OF MARYLAND EXTENSION SHALL CREATE A  
3 “MARYLAND NATIVE PLANTS” WEBPAGE ON THE UNIVERSITY OF MARYLAND  
4 EXTENSION’S WEBSITE.

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

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

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

11 (III) GENERAL INFORMATION ON NATIVE PLANTS.

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

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

16 (2) THE LISTS OF CERTIFIED MARYLAND NATIVE PLANT GROWERS  
17 AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS DEVELOPED UNDER §  
18 10-405 OF THIS SUBTITLE; AND

19 (3) GENERAL INFORMATION ABOUT NATIVE PLANTS.

20 (C) A LINK TO THE “MARYLAND NATIVE PLANTS” WEBPAGE SHALL BE  
21 POSTED ON:

22 (1) THE DEPARTMENT OF NATURAL RESOURCES’ NATIVE PLANTS  
23 WEBSITE; AND

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

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