

# 2024 SESSION

## SENATE SUBSTITUTE

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### HOUSE BILL NO. 47

#### FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Marsden  
on February 21, 2024)

(Patron Prior to Substitute—Delegate Seibold)

*A BILL to amend and reenact § 10.1-104.6:2 of the Code of Virginia, relating to invasive plant species; retail sales; civil penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 10.1-104.6:2 of the Code of Virginia is amended and reenacted as follows:**

**§ 10.1-104.6:2. Invasive plant species; civil penalty.**

A. The Department shall create a list of invasive plant species no later than January 1, 2024, and shall update such list at least every four years thereafter.

B. No agency of the Commonwealth shall plant, sell, or propagate any plant on the list of invasive plants established in subsection A except when doing so is necessary for scientific or educational purposes or bona fide agricultural purposes, including the management, tilling, planting, or harvesting of agricultural products.

C. No retail establishment shall sell or offer for retail sale for outdoor use a plant that is on the list of invasive plants pursuant to subsection A unless such retail establishment posts, in a conspicuous manner on the property located in proximity to each invasive plant display, signage identifying such plant as invasive, educating consumers regarding invasive plant species, and encouraging consumers to ask about alternatives.

D. The Commissioner of Agriculture and Consumer Services (the Commissioner) shall designate in conjunction with the Virginia Invasive Species Working Group, as designated by § 2.2-220.2, the format, size, and content of the sign required by subsection C no later than October 1, 2024. The Commissioner shall take into consideration neighboring states' signage, including format, size, and content. The sign shall also include a QR code and a URL that links to the Department's invasive species list pursuant to subsection A. If the Commissioner finds that a plant for sale for outdoor use that is on the list of invasive plants pursuant to subsection A does not meet the signage requirements of subsection C, the Commissioner shall (i) issue a stop sale order for such plant and (ii) mark or tag such plant in a conspicuous manner. The Commissioner shall give written notice of a finding made under this subsection to the owner, tenant, or person in charge of the retail establishment. A stop sale order issued under this subsection shall remain in effect until the required signage is posted.

E. Any retail establishment that violates the provisions of subsection C or any subsequent order by the Commissioner related to such subsection is subject to a civil penalty not to exceed \$500.

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