

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 3.1-296.12 and 3.1-296.13 of the Code of Virginia, relating to the*
3 *regulation of noxious weeds.*

4 [H 804]

5 Approved

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

7 **1. That §§ 3.1-296.12 and 3.1-296.13 of the Code of Virginia are amended and reenacted as**
8 **follows:**

9 § 3.1-296.12. Definitions.

10 The following definitions shall apply in the interpretation and enforcement of this chapter.

11 (1) "Board" means the Board of Agriculture and Consumer Services.

12 (2) "Commissioner" means the Commissioner of the Department of Agriculture and Consumer
13 Services, or his authorized representatives.

14 (3) "Person" means any individual, partnership, firm, corporation, company, society, association, the
15 Commonwealth or any department, agency, or subdivision thereof, or any other entity.

16 (4) "Noxious weed" means any living plant, not widely disseminated, or part thereof, declared by the
17 Board through rules and regulations under this chapter, to be detrimental to crops, ~~waterways surface~~
18 *waters, including lakes*, or other desirable plants, livestock, land, or other property, or to be injurious to
19 public health or the economy.

20 (5) "Quarantine" means a legal declaration by the Board that specifies:

21 (a) The noxious weed.

22 (b) The articles to be regulated.

23 (c) Conditions governing movement.

24 (d) Exemptions.

25 (6) "Infested" means the establishment of a noxious weed or exposure to such weed, which would be
26 reasonable cause to believe that establishment could occur.

27 (7) "Move" means to ship, offer for shipment, receive for transportation, carry, or otherwise
28 transport, move or allow to be moved.

29 (8) "Regulated article" means any article of any character as described in this chapter or in the
30 quarantine carrying or capable of carrying a noxious weed against which this chapter or the quarantine
31 is directed.

32 (9) "Certificate" means a document issued or authorized by the Commissioner indicating that a
33 regulated article is not contaminated with a noxious weed.

34 (10) "Permit" means a document issued or authorized by the Commissioner to provide for movement
35 of regulated articles to restricted destinations for limited handling, utilization, processing, or for scientific
36 purposes.

37 § 3.1-296.13. Powers and duties of Commissioner.

38 It shall be the duty of the Commissioner to exercise or perform the powers and duties imposed upon
39 him by this chapter.

40 The Commissioner shall make surveys for noxious weeds and when the Commissioner determines
41 that an infestation exists within the Commonwealth, he may request the Board to declare the weed to be
42 noxious under this chapter and the Board shall proceed as specified in § 3.1-296.14.

43 *The Commissioner in coordination with the Department of Game and Inland Fisheries shall develop*
44 *a plan for the identification and control of noxious weeds in the surface waters and lakes of the*
45 *Commonwealth.*

46 The Commissioner may cooperate with any person or any agency of the federal government in
47 carrying out the provisions of this chapter.

48 Expenses incurred on property owned or controlled by the federal government shall be reimbursed
49 and refunded to the appropriation from which they were expended.

50 The Commissioner may, upon request, cooperate with federal, other State agencies or political
51 subdivisions in the enforcement of the narcotics laws to the extent of preventing the spread of and
52 destroying marijuana or hemp, Cannabis sps., or other plants that produce drugs which have been
53 condemned for destruction under the narcotics laws, and the expenses incurred shall be reimbursed and
54 shall be refunded to the appropriation from which they were expended. Such drug producing plants are
55 hereby declared noxious and subject to all provisions of this chapter pertaining to eradication and spread
56 subject to the above conditions.