

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 47]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 10.1-104.6:2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 10.1-104.6:2. Invasive plant species; civil penalty.**9 A. The Department shall create a list of invasive plant species no later than January 1, 2024, and
10 shall update such list at least every four years thereafter.11 B. No agency of the Commonwealth shall plant, sell, or propagate any plant on the list of invasive
12 plants established in subsection A except when doing so is necessary for scientific or educational
13 purposes or bona fide agricultural purposes, including the management, tilling, planting, or harvesting of
14 agricultural products.15 C. No retail establishment shall sell or offer for retail sale for outdoor use a plant that is on the list
16 of invasive plants pursuant to subsection A unless such retail establishment posts, in a conspicuous
17 manner on the property located in proximity to each invasive plant display, signage identifying such
18 plant as invasive, educating consumers regarding invasive plant species, and encouraging consumers to
19 ask about alternatives.20 D. The Commissioner of Agriculture and Consumer Services (the Commissioner) shall designate in
21 conjunction with the Virginia Invasive Species Working Group, as designated by § 2.2-220.2, the format,
22 size, and content of the sign required by subsection C no later than October 1, 2024. The Commissioner
23 shall take into consideration neighboring states' signage, including format, size, and content. The sign
24 shall also include a QR code and a URL that links to the Department's invasive species list pursuant to
25 subsection A. If the Commissioner finds that a plant for sale for outdoor use that is on the list of
26 invasive plants pursuant to subsection A does not meet the signage requirements of subsection C, the
27 Commissioner shall (i) issue a stop sale order for such plant and (ii) mark or tag such plant in a
28 conspicuous manner. The Commissioner shall give written notice of a finding made under this
29 subsection to the owner, tenant, or person in charge of the retail establishment. A stop sale order issued
30 under this subsection shall remain in effect until the required signage is posted.31 E. Any retail establishment that violates the provisions of subsection C or any subsequent order by
32 the Commissioner related to such subsection is subject to a civil penalty not to exceed \$500.