

2024 SESSION

INTRODUCED

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SENATE BILL NO. 306

Offered January 10, 2024

Prefiled January 9, 2024

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.

Patrons—Salim and Boysko; Delegate: Seibold

Referred to Committee on Agriculture, Conservation and Natural Resources

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 person shall sell or offer for sale for outdoor use at a retail outlet a plant that is on the list of invasive plants pursuant to subsection A unless such person posts, in a conspicuous manner and in proximity to each invasive plant label, a sign identifying such plant as invasive.

D. The Commissioner of Agriculture and Consumer Services shall designate the format, size, and content of the sign required by subsection C no later than October 1, 2024. 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 outlet. A stop sale order issued under this subsection shall remain in effect until the required signage is posted.

E. Any person who 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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