

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB306

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Salim

3. Committee: Passed both Houses.

4. Title: Invasive plant species; retail sales; civil penalty.

5. Summary: Requires, for the retail sale of any invasive plant species for outdoor use on a list established by the Department of Conservation and Recreation, such plant be accompanied by conspicuous signage on the property located in proximity to each invasive plant display that identifies the plant as invasive. The bill requires the Commissioner of Agriculture and Consumer Services, in conjunction with the Virginia Invasive Species Working Group, to designate the format, size, and content of such signage no later than October 1, 2024, and requires the Commissioner to issue a stop sale order and mark or tag a plant in a conspicuous manner when an invasive plant is for sale at a retail establishment without appropriate signage. In such case, the bill requires the Commissioner to give written notice of a finding made to the owner, tenant, or person in charge of such retail establishment and requires the stop sale order issued to remain in effect until the required signage is posted. Any person who violates the provisions of the bill is subject to a civil penalty not to exceed \$500.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final. Indeterminate.

8. Fiscal Implications: It is anticipated that this bill will have an indeterminate fiscal impact on the Virginia Department of Agriculture and Consumer Services (VDACS). There are 2,315 licensed nursery dealers in Virginia, and the agency is not able to determine the number of complaints that may be received or the number of violations that would require an inspection. The associated costs to the agency for tagging or marking invasive plants that are placed under a stop sale order at the retail establishment are also indeterminate. This bill could have a fiscal impact if the agency is required to provide signs to all retail establishments. In addition, the bill establishes a new violation for which a civil penalty may be issued. Any revenue that the new penalty may generate is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services; Department of Conservation and Recreation.

10. Technical Amendment Necessary: No.

11. Other Comments: HB47 is the companion to this bill.