

25103898D

HOUSE BILL NO. 1941

Offered January 13, 2025

Prefiled January 6, 2025

A *BILL* to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 10.1 a section numbered 10.1-104.6:3, relating to invasive plant species; retail sales.

Patrons—Seibold, Reid, Bennett-Parker, Convirs-Fowler, Gardner, Henson, Hope, Keys-Gamarra, Krizek, Martinez and Shin; Senators: Bagby, Boysko and Salim

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 10.1 a section numbered 10.1-104.6:3 as follows:

§ 10.1-104.6:3. Invasive plants sold by retail establishments; signage requirements.

A. No retail establishment shall sell or offer for retail sale for outdoor use a plant that is an invasive plant species 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. For purposes of this subsection, "invasive plant species" means the following list of plants:

1. *Acer platanoides*;
2. *Akebia quinata*;
3. *Albizia julibrissin*;
4. *Arum italicum*;
5. *Berberis thunbergii*;
6. *Buddleja davidii*;
7. *Cenchrus purpurascens*;
8. *Citrus trifoliata*;
9. *Clematis terniflora*;
10. *Egeria densa*;
11. *Eichhornia crassipes*;
12. *Elaeagnus pungens*;
13. *Euonymus alatus*;
14. *Euonymus fortunei*;
15. *Glechoma hederacea*;
16. *Hedera helix*;
17. *Iris pseudacorus*;
18. *Ligustrum sinense*;
19. *Lonicera fragrantissima*;
20. *Lysimachia nummularia*;
21. *Mahonia bealei*;
22. *Miscanthus sinensis*;
23. *Morus alba*;
24. *Murdannia keisak*;
25. *Myriophyllum aquaticum*;
26. *Nandina domestica*;
27. *Paulownia tomentosa*;
28. *Perilla frutescens*;
29. *Phyllostachys aurea*;
30. *Pyrus calleryana*;
31. *Rubus phoenicolasius*;
32. *Securigera varia*;
33. *Spiraea japonica*;
34. *Triadica sebifera*;
35. *Tripidium ravennae*;
36. *Vinca major*;
37. *Vinca minor*;
38. *Wisteria floribunda*; and
39. *Wisteria sinensis*.

58 *B. The Commissioner of Agriculture and Consumer Services (the Commissioner) shall designate, in*
59 *conjunction with the Virginia Invasive Species Working Group, as designated by § 2.2-220.2, the format, size,*
60 *and content of the sign required by subsection A no later than October 1, 2025. The Commissioner shall take*
61 *into consideration neighboring states' signage, including format, size, and content. The sign shall also*
62 *include a QR code and a URL, as those terms are defined in § 23.1-802.1, that links to the Department's*
63 *website showing information about the plants on the invasive species list pursuant to subsection A. If the*
64 *Commissioner finds that a plant for sale for outdoor use that is on the list of invasive plant species in*
65 *subsection A does not meet the signage requirements of subsection A, the Commissioner shall (i) issue a stop*
66 *sale order for such plant and (ii) mark or tag such plant in a conspicuous manner. The Commissioner shall*
67 *give written notice of a finding made under this subsection to the owner, tenant, or person in charge of the*
68 *retail establishment. A stop sale order issued under this subsection shall remain in effect until the required*
69 *signage is posted.*

70 *C. Nothing in this section shall be construed to apply to any plant that is deemed a noxious weed pursuant*
71 *to the noxious weeds laws under Chapter 8 (§ 3.2-800 et seq.) of Title 3.2.*