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SENATE BILL NO. 1166

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 21, 2025)

(Patron Prior to Substitute—Senator Salim)

A *BILL to amend and reenact § 3.2-3810 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-3801.1, relating to invasive plant species; retail sales.*

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-3810 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-3801.1 as follows:

§ 3.2-3801.1. 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. *Elaeagnus pungens;*
12. *Euonymus alatus;*
13. *Euonymus fortunei;*
14. *Glechoma hederacea;*
15. *Hedera helix;*
16. *Iris pseudacorus;*
17. *Ligustrum sinense;*
18. *Lonicera fragrantissima;*
19. *Lysimachia nummularia;*
20. *Mahonia bealei;*
21. *Miscanthus sinensis;*
22. *Morus alba;*
23. *Murdannia keisak;*
24. *Myriophyllum aquaticum;*
25. *Nandina domestica;*
26. *Oshuna crassipes;*
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.*

B. If the Commissioner finds that a plant for sale for outdoor use that is on the list of invasive plant species in subsection A does not meet the signage requirements of subsection A, 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

60 *person in charge of the retail establishment. A stop sale order issued under this subsection shall remain in*
61 *effect until the required signage is posted.*

62 **§ 3.2-3810. Penalty for violation.**

63 A. The Commissioner may refuse, suspend, or cancel any license upon satisfactory evidence that the
64 applicant or licensee has violated any of the provisions of this chapter or regulations adopted hereunder.

65 B. ~~Any~~ *Except as provided in § 3.2-3801.1, any person violating any of the provisions of this chapter or*
66 *regulations adopted hereunder or interfering in any way with the Commissioner in the discharge of his duties*
67 *herein is guilty of a Class 1 misdemeanor.*

68 **2. That the Commissioner of Agriculture and Consumer Services shall designate, in conjunction with**
69 **the Virginia Invasive Species Working Group, as designated by § 2.2-220.2 of the Code of Virginia, the**
70 **format, size, and content of the sign required by subsection A of § 3.2-3801.1 of the Code of Virginia, as**
71 **created by this act, no later than October 1, 2025. The Commissioner shall take into consideration**
72 **neighboring states' signage, including format, size, and content. The sign shall also include a QR code**
73 **and a URL, as those terms are defined in § 23.1-802.1 of the Code of Virginia, that links to the**
74 **Department of Conservation and Recreation's website showing information about the plants listed in**
75 **subsection A of § 3.2-3801.1 of the Code of Virginia, as created by this act, that are on the invasive**
76 **plant species list pursuant to § 10.1-104.6:2 of the Code of Virginia.**

77 **3. That the provisions of the first enactment of this act shall become effective on January 1, 2026.**