

**Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement**

PUBLISHED: 1/24/2025 12:12 PM

ORIGINAL

Bill Number: SB1166S1 **Patron:** Salim
Bill Title: Invasive plant species; retail sales.

Bill Summary: Requires, for the retail sale of certain invasive plant species for outdoor use, a retail establishment to post in a conspicuous manner on the property located in proximity to each invasive plant signage identifying such plant as invasive, educating consumers regarding invasive plant species, and encouraging consumers to ask about alternatives. 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, 2025, 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. The signage is to include a QR code and URL that links to the Department of Conservation and Recreation’s website showing information about certain invasive plant species The bill allows the Commissioner to refuse, suspend, or cancel any license upon satisfactory evidence that a violation has occurred. Any violation of the provisions of this bill is a Class 1 misdemeanor. The bill has a delayed effective date of January 1, 2026.

Budget Amendment Necessary: No. **Items Impacted:** N/A

Explanation: This bill involves in the Virginia Department of Agriculture and Consumer Services (VDACS), the Department of Conservation and Recreation (DCR), and other agencies; however, no budget action is required. See Fiscal Analysis section below.

Fiscal Summary: It is anticipated that this bill will have an indeterminate, absorbable impact on state agencies.

Fiscal Analysis: This impact statement is preliminary. It is anticipated that this bill will have an indeterminate fiscal impact on VDACS. In fiscal year 2024, there were 2,295 licensed nursery dealers in Virginia. The agency is not able to determine the number of complaints that may be received or the number of violations that would require a stop sale and tagging of invasive plants and re-inspection to verify compliance. It is anticipated that VDACS can absorb any costs associated with the implementation of this bill.

This bill also gives additional responsibilities to members of the Virginia Invasive Species Working Group, including the Secretary of Natural and Historic Resources and DCR, among others. It is anticipated that any additional workload for state entities is absorbable within current resources.

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Any violation of the provisions of this bill is a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

Other: None.