

## 2026 SESSION

## INTRODUCED

26100169D

**SENATE BILL NO. 383**

Offered January 14, 2026

Prefiled January 13, 2026

**A BILL to amend and reenact §§ 3.2-802 and 10.1-104.6:2 of the Code of Virginia, relating to Board of Agriculture and Consumer Services; invasive plant species installation; written notification to property owners; civil penalty.**

## Patrons—French and Hackworth

Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 3.2-802 and 10.1-104.6:2 of the Code of Virginia are amended and reenacted as follows:  
§ 3.2-802. Powers and duties of Board; quarantine.

14       A. The Board shall establish by regulation, after a public hearing, those weeds deemed to be noxious  
15      weeds not otherwise so declared by the terms of this chapter. Prior to designating a living plant or part thereof  
16      as a noxious weed, the Board shall review the recommendations of an advisory committee established by the  
17      Commissioner to conduct a scientific risk assessment of the proposed plant. The assessment shall include the  
18      degree to which the plant is detrimental to crops; surface waters, including lakes; other desirable plants;  
19      livestock; land or other property; public health; the environment; and the economy. The advisory  
20      committee shall also include in its recommendations to the Board an analysis of the current and potential  
21      in-state commercial viability of the specific plant species and the economic impact on industries affected by  
22      the designation of the plant as a noxious weed.

22 the designation of the plant as a noxious weed.  
23 B. The Board may establish a statewide quarantine and adopt regulations pertaining to regulated articles  
24 and conditions governing movement, under which the Commissioner shall proceed to eradicate or suppress  
25 and prevent the dissemination of noxious weeds in the Commonwealth, and shall adopt other regulations as  
26 are necessary to carry out the purpose of this chapter. The Board may adopt regulations governing the  
27 conditions under which a permit is required to move, transport, deliver, ship, offer for shipment, sell, or offer  
28 for sale into or within the Commonwealth any noxious weed or part thereof. The Board may adopt  
29 regulations governing the movement of regulated articles entering the Commonwealth from without.  
30 Following the establishment of a quarantine, no person shall move any noxious weed or any regulated article  
31 described in the quarantine from any regulated area without a valid permit or certificate, if required.

Subsequent to the declaration of a quarantine by the Board, the Commissioner shall limit the application of the regulations pertinent to such quarantine to the infested portion of the Commonwealth and appropriate environs, which would be known as the regulated area, and may, without further hearing, extend the regulated area to include additional portions of the Commonwealth upon publication of a notice to that effect in a newspaper distributed in the extended area or by direct written notice to those concerned.

37 C. The Board shall develop and adopt regulations requiring tradespersons involved with proposing or  
38 installing plants to provide written notification to property owners for all plants proposed for installation that  
39 are included on the list of invasive plants established in § 10.1-104.6.2.

**§ 10.1-104.6:2. Invasive plant species; civil penalty.**

41       A. The Department shall create a list of invasive plant species no later than January 1, 2024, and shall  
42       update such list at least every four years thereafter.

**B. The Board of Agriculture and Consumer Services (i) shall develop and adopt regulations requiring tradespersons involved with proposing or installing plants to provide written notification to property owners of all plants proposed for installation that are included on the list of invasive plants established pursuant to subsection A and (ii) may assess a civil penalty in an amount not to exceed \$250 per violation to any such tradesperson who fails to provide written notification to property owners in accordance with the regulations adopted pursuant to this subsection. The proceeds of such civil penalty shall be deposited into the Plant Pollination Fund established in § 3.2-2806.**

49 Foundation I and established in § 3.2 2003.  
50 C. No agency of the Commonwealth shall plant, sell, or propagate any plant on the list of invasive plants  
51 established in subsection A except when doing so is necessary for scientific or educational purposes or bona  
52 fide agricultural purposes including the management, tilling, planting, or harvesting of agricultural products.

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