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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.**

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

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

~~C. The Board shall develop and adopt regulations requiring tradespersons involved with proposing or installing plants to provide written notification to property owners for all plants proposed for installation that 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.

A. The Department shall create a list of invasive plant species no later than January 1, 2024, and shall 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.*

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

INTRODUCED

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