

Chapter 526

(House Bill 92)

AN ACT concerning

Procurement – Invasive ~~and Nonnative~~ Plant Species – Prohibition on Use of State Funds

FOR the purpose of prohibiting, subject to ~~certain exceptions~~ a certain exception, the use of State funds to purchase or plant an invasive ~~or nonnative~~ plant species for an outdoor project on or after a certain date; ~~authorizing the Board of Public Works to grant a certain waiver under certain circumstances; requiring the Board, in consultation with the Department of Agriculture, to maintain a certain list of native plant species and to make the list available to State agencies and contractors under certain circumstances;~~ and generally relating to the use of State funds to purchase or plant invasive ~~and nonnative~~ plant species for an outdoor project.

BY adding to

Article – State Finance and Procurement
Section 14-417
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – State Finance and Procurement

14-417.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ON OR AFTER JULY 1, 2022, STATE FUNDS MAY NOT BE USED TO PURCHASE OR PLANT AN INVASIVE ~~OR NONNATIVE~~ PLANT SPECIES FOR AN OUTDOOR PROJECT.

~~**(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE BOARD MAY GRANT A WAIVER TO ALLOW THE USE OF STATE FUNDS TO PURCHASE OR PLANT AN INVASIVE OR NONNATIVE PLANT SPECIES IF THE BOARD DETERMINES THAT:**~~

~~**(i) WITH RESPECT TO A SITE THAT IS USED FOR A PUBLIC INFRASTRUCTURE PROJECT, THERE IS SCIENTIFIC EVIDENCE THAT SHOWS CONDITIONS AT THE SITE ON WHICH THE PLANT SPECIES WILL BE PLANTED ARE TOO HARSH FOR A SIMILAR NATIVE PLANT SPECIES TO SURVIVE;**~~

~~(H) THE PLANT SPECIES IS A PART OF A HISTORICALLY ACCURATE LANDSCAPING AROUND A STATE RECOGNIZED HISTORIC SITE;~~

~~(H) (B) THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IF THE PLANT SPECIES IS COMMONLY USED FOR AGRICULTURAL OR HORTICULTURAL PURPOSES AND IS BEING MAINTAINED FOR THE PURPOSES OF EDUCATION OR RESEARCH; OR~~

~~(IV) THERE IS ANY OTHER GOOD CAUSE FOR WAIVING THE PROHIBITION.~~

~~(2) THE BOARD MAY GRANT A WAIVER UNDER THIS SUBSECTION FOR A GENERAL CATEGORY OF PROJECTS THAT ARE THE SAME OR SUBSTANTIALLY SIMILAR IN NATURE.~~

~~(3) THE BOARD MAY NOT GRANT A WAIVER UNDER THIS SUBSECTION TO PURCHASE OR PLANT A “TIER 1 INVASIVE PLANT” OR “TIER 2 INVASIVE PLANT”, AS CLASSIFIED IN REGULATIONS ADOPTED BY THE SECRETARY OF AGRICULTURE IN ACCORDANCE WITH TITLE 9.5, SUBTITLE 3 OF THE AGRICULTURE ARTICLE.~~

~~(C) THE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL:~~

~~(1) MAINTAIN A LIST OF NATIVE PLANT SPECIES THAT IS THE SAME OR SUBSTANTIALLY SIMILAR TO THE MOST RECENT PUBLICATION OF THE U.S. FISH AND WILDLIFE SERVICE’S NATIVE PLANTS FOR WILDLIFE HABITAT AND CONSERVATION LANDSCAPING FOR THE CHESAPEAKE BAY WATERSHED; AND~~

~~(2) ON REQUEST, MAKE THE LIST OF NATIVE PLANT SPECIES AVAILABLE TO STATE AGENCIES AND CONTRACTORS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.