

# HOUSE BILL 950

M4

3lr2651  
CF SB 836

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By: ~~Delegate Stein~~ Delegates Stein, Allen, Boyce, Foley, Guyton, Healey, Lehman,  
J. Long, Love, T. Morgan, Ruth, Stewart, Terrasa, and Ziegler

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Native Plants Program**

3 FOR the purpose of establishing the Maryland Native Plants Program to encourage and  
4 promote the use and sale of plants native to Maryland at certain businesses and to  
5 educate the public on native plants; requiring the ~~University of Maryland Extension~~  
6 Department of Agriculture to administer the Program in coordination with the  
7 ~~Department of Agriculture~~ University of Maryland Extension; requiring the  
8 University of Maryland Extension to hire an extension agent to serve as a native  
9 plant specialist for certain educational purposes; requiring the Department of  
10 Agriculture to create and maintain a certain voluntary certification program and a  
11 marketing program in a certain manner; requiring the University of Maryland  
12 Extension to create a certain website on native plants and requiring the Department  
13 of Natural Resources to include a link to the website on the Department of Natural  
14 Resources' native plants website; and generally relating to plants native to  
15 Maryland.

16 BY adding to

17 Article – Agriculture

18 Section 10–401 through 10–407 to be under the new subtitle “Subtitle 4. Maryland  
19 Native Plants Program”

20 Annotated Code of Maryland

21 (2016 Replacement Volume and 2022 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Agriculture**

4 **SUBTITLE 4. MARYLAND NATIVE PLANTS PROGRAM.**

5 **10-401.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (B) “COMMERCIAL MARYLAND NATIVE PLANT LIST” MEANS A LIST OF  
9 PLANTS THAT ARE NATIVE TO MARYLAND THAT ARE COMMERCIALY AVAILABLE  
10 AND APPROPRIATE FOR GROWING IN RESIDENTIAL OR COMMERCIAL LANDSCAPES.

11 (C) (1) “NATIVE PLANT” MEANS A PLANT THAT OCCURS NATURALLY IN  
12 THE STATE AND SURROUNDING REGION, ECOSYSTEM, AND HABITAT, WITHOUT  
13 DIRECT OR INDIRECT HUMAN ACTIONS.

14 (2) “NATIVE PLANT” INCLUDES A PLANT THAT:

15 (I) WAS PRESENT BEFORE COLONIAL SETTLEMENT; OR

16 (II) IS LISTED AS NATIVE TO MARYLAND ON THE MARYLAND  
17 PLANT ATLAS WEBSITE.

18 ~~(3) “NATIVE PLANT” DOES NOT INCLUDE A PLANT THAT IS A NAMED~~  
19 ~~OR UNNAMED CULTIVAR OR HYBRID.~~

20 (D) “NATIVE PLANT SPECIALIST” MEANS THE UNIVERSITY OF MARYLAND  
21 EXTENSION AGENT HIRED UNDER § 10-403 OF THIS SUBTITLE.

22 (E) “PROGRAM” MEANS THE MARYLAND NATIVE PLANTS PROGRAM.

23 **10-402.**

24 (A) THERE IS A MARYLAND NATIVE PLANTS PROGRAM.

25 (B) THE PURPOSE OF THE PROGRAM IS TO:

26 (1) ~~ENCOURAGE AND PROMOTE THE~~ RESPOND TO THE INCREASING  
27 DEMAND FOR, USE OF, AND SALE OF NATIVE PLANTS BY RETAIL GARDEN CENTERS,  
28 RETAIL NURSERIES, AND WHOLESALE NURSERIES; AND

1           (2) EDUCATE THE PUBLIC, LANDSCAPERS, AND OTHER PLANT USERS  
2 ON THE IMPORTANCE, BENEFIT, AND AVAILABILITY OF NATIVE PLANTS.

3           (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
4 DEPARTMENT SHALL ADMINISTER THE PROGRAM.

5           (2) THE UNIVERSITY OF MARYLAND EXTENSION SHALL ADMINISTER  
6 THE EDUCATIONAL COMPONENTS OF THE PROGRAM IN COORDINATION WITH THE  
7 DEPARTMENT AND OTHER AGENCIES.

8 10-403.

9           (A) (1) THE UNIVERSITY OF MARYLAND EXTENSION SHALL HIRE AN  
10 EXTENSION AGENT TO SERVE AS A NATIVE PLANT SPECIALIST.

11           (2) THE INDIVIDUAL HIRED TO SERVE AS THE NATIVE PLANT  
12 SPECIALIST MUST HAVE EXPERTISE IN NATIVE PLANTS.

13           (B) THE NATIVE PLANT SPECIALIST SHALL:

14           (1) ASSIST THE UNIVERSITY OF MARYLAND EXTENSION IN  
15 FULFILLING ~~ANY~~ EDUCATIONAL AND PROFESSIONAL TRAINING RESPONSIBILITIES  
16 RELATED TO THE PROGRAM;

17           (2) COORDINATE WITH THE DEPARTMENT ~~IN THE ADMINISTRATION~~  
18 TO DELIVER EDUCATIONAL COMPONENTS OF THE PROGRAM;

19           (3) ~~ESTABLISH AND MAINTAIN~~ PROVIDE INPUT AND EXPERTISE TO  
20 THE DEPARTMENT IN THE DEVELOPMENT OF THE COMMERCIAL MARYLAND  
21 NATIVE PLANT LIST DEVELOPED UNDER § 10-404 OF THIS SUBTITLE;

22           (4) PROVIDE ~~GUIDANCE~~ INPUT AND EXPERTISE TO THE  
23 DEPARTMENT ON THE DEVELOPMENT OF A LIST OF CERTIFIED MARYLAND NATIVE  
24 PLANT GROWERS AND RETAILERS DEVELOPED UNDER § 10-405 OF THIS SUBTITLE;

25           (5) TEACH GROWERS AND OTHER STAKEHOLDERS ABOUT  
26 TECHNIQUES FOR GROWING NATIVE PLANTS; AND

27           (6) COORDINATE EDUCATION, APPLIED RESEARCH, AND OUTREACH  
28 TO TEACH THE PUBLIC, LANDSCAPERS, AND OTHER PLANT USERS ABOUT THE  
29 IMPORTANCE, BENEFIT, AND AVAILABILITY OF NATIVE PLANTS.

30 10-404.

1 (A) ~~THE UNIVERSITY OF MARYLAND EXTENSION, IN COORDINATION WITH~~  
2 SHALL PROVIDE INPUT TO THE DEPARTMENT, WHO SHALL RECEIVE INPUT FROM  
3 THE DEPARTMENT OF NATURAL RESOURCES, AND THE MARYLAND NATIVE PLANT  
4 SOCIETY, SHALL TO DEVELOP A COMMERCIAL MARYLAND NATIVE PLANT LIST.

5 (B) ~~THE UNIVERSITY OF MARYLAND EXTENSION, IN COORDINATION WITH~~  
6 SHALL PROVIDE INPUT TO THE DEPARTMENT, WHO SHALL RECEIVE INPUT FROM  
7 THE DEPARTMENT OF NATURAL RESOURCES, AND THE MARYLAND NATIVE PLANT  
8 SOCIETY, SHALL TO REVIEW AND UPDATE THE COMMERCIAL MARYLAND NATIVE  
9 PLANT LIST AT LEAST ONCE EVERY 3 YEARS.

10 (C) WHEN A CULTIVAR OR HYBRID OF A NATIVE PLANT FILLS AN  
11 ECOLOGICAL NICHE THAT A NATIVE PLANT IS NO LONGER ABLE TO FILL DUE TO  
12 WIDESPREAD ATTACK BY DISEASE OR INSECTS, THE NATIVE PLANT SPECIALIST  
13 SHALL FIRST RECEIVE INPUT FROM THE DEPARTMENT OF NATURAL RESOURCES  
14 AND THE MARYLAND NATIVE PLANT SOCIETY AND THEN INFORM AND GUIDE THE  
15 DEPARTMENT IN EVALUATING THE CULTIVAR OR HYBRID OF A NATIVE PLANT FOR  
16 INCLUSION ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST.

17 ~~(D)~~ (D) THE COMMERCIAL MARYLAND NATIVE PLANT LIST SHALL BE  
18 POSTED ONLINE IN ACCORDANCE WITH § 10-407 OF THIS SUBTITLE.

19 10-405.

20 (A) (1) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF  
21 MARYLAND EXTENSION, SHALL CREATE A VOLUNTARY CERTIFICATION PROGRAM  
22 FOR GROWERS AND RETAILERS TO BE IDENTIFIED AS A MARYLAND NATIVE PLANT  
23 GROWER OR A MARYLAND NATIVE PLANT RETAILER, OR BOTH.

24 (2) THIS CERTIFICATION SHALL ONLY BE AVAILABLE TO GROWERS  
25 AND RETAILERS THAT ARE SELLING NATIVE PLANTS LISTED ON THE COMMERCIAL  
26 MARYLAND NATIVE PLANT LIST.

27 (B) (1) ~~THE UNIVERSITY OF MARYLAND EXTENSION~~ DEPARTMENT  
28 SHALL DEVELOP AND MAINTAIN A LIST OF CERTIFIED MARYLAND NATIVE PLANT  
29 GROWERS AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS.

30 (2) THE LISTS DEVELOPED UNDER THIS SUBSECTION SHALL BE  
31 POSTED ONLINE IN ACCORDANCE WITH § 10-407 OF THIS SUBTITLE.

32 10-406.

33 (A) THE DEPARTMENT, IN COORDINATION WITH THE UNIVERSITY OF  
34 MARYLAND EXTENSION, SHALL CREATE A "MARYLAND NATIVES" MARKETING

1 PROGRAM TO ENCOURAGE AND PROMOTE THE USE AND SALE OF NATIVE PLANTS  
2 THAT ARE LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST.

3 (B) THE “MARYLAND NATIVES” MARKETING PROGRAM SHALL DEVELOP:

4 (1) A “MARYLAND NATIVES” LOGO TO IDENTIFY PLANTS THAT ARE  
5 LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST; AND

6 (2) A QR CODE CONTAINING PLANT IDENTIFICATION INFORMATION  
7 THAT LINKS TO THE WEBPAGES AND WEBSITES SPECIFIED IN § 10-407 OF THIS  
8 SUBTITLE.

9 (C) THE “MARYLAND NATIVES” LOGO SHALL BE MADE AVAILABLE TO  
10 GROWERS AND RETAILERS WHO MAY:

11 (1) PLACE THE LOGO ON LABELS, STICKERS, OR POTS OF EACH PLANT  
12 LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST; AND

13 (2) USE THE LOGO IN DISPLAYS WITH PLANTS LISTED ON THE  
14 COMMERCIAL MARYLAND NATIVE PLANT LIST.

15 10-407.

16 (A) (1) THE UNIVERSITY OF MARYLAND EXTENSION SHALL CREATE A  
17 “MARYLAND NATIVE PLANTS” WEBPAGE ON THE UNIVERSITY OF MARYLAND  
18 EXTENSION’S WEBSITE.

19 (2) THE “MARYLAND NATIVE PLANTS” WEBPAGE SHALL INCLUDE:

20 (I) THE COMMERCIAL MARYLAND NATIVE PLANT LIST  
21 DEVELOPED UNDER § 10-404 OF THIS SUBTITLE;

22 (II) THE LISTS OF CERTIFIED MARYLAND NATIVE PLANT  
23 GROWERS AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS DEVELOPED  
24 UNDER § 10-405 OF THIS SUBTITLE; AND

25 (III) GENERAL INFORMATION ON NATIVE PLANTS.

26 (B) THE DEPARTMENT SHALL PROMOTE THE PROGRAM AND INCLUDE ON  
27 THE DEPARTMENT OF AGRICULTURE’S “MARYLAND’S BEST” WEBSITE:

28 (1) THE COMMERCIAL MARYLAND NATIVE PLANT LIST DEVELOPED  
29 UNDER § 10-404 OF THIS SUBTITLE;

1           **(2) THE LISTS OF CERTIFIED MARYLAND NATIVE PLANT GROWERS**  
2 **AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS DEVELOPED UNDER §**  
3 **10-405 OF THIS SUBTITLE; AND**

4           **(3) GENERAL INFORMATION ABOUT NATIVE PLANTS.**

5           **(C) A LINK TO THE “MARYLAND NATIVE PLANTS” WEBPAGE SHALL BE**  
6 **POSTED ON THE DEPARTMENT OF NATURAL RESOURCES’ NATIVE PLANTS WEBSITE.**

7           **(D) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE**  
8 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF**  
9 **\$150,000 FOR THE UNIVERSITY OF MARYLAND EXTENSION TO HIRE ONE**  
10 **EXTENSION AGENT AS A NATIVE PLANT SPECIALIST AND \$100,000 FOR THE**  
11 **DEPARTMENT TO HIRE STAFF TO ADMINISTER THE PROGRAM.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2023.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.