SENATE BILL 7

M4, M1, P2 2lr0897 (PRE–FILED) CF HB 15

By: Senator Elfreth

Requested: October 21, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

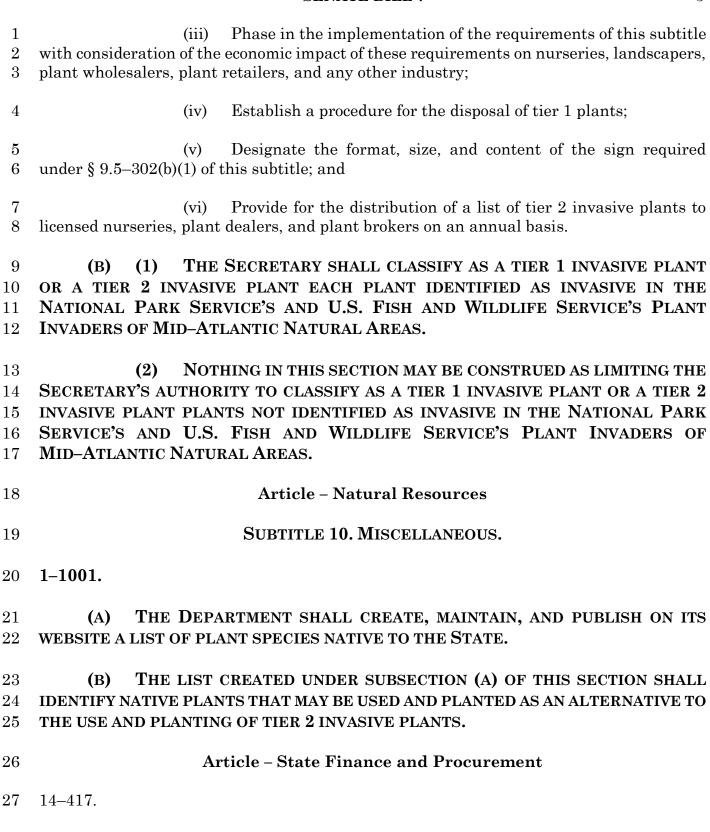
A BILL ENTITLED

1 AN ACT concerning

2 Invasive and Native Plants - Classification, Listing, Use, and Sales and Use Tax

- 3 FOR the purpose of requiring the Secretary of Agriculture to classify certain plants as a 4 tier 1 or tier 2 invasive plant; requiring the Department of Natural Resources to 5 create, maintain, and publish on its website a list of plant species native to the State; 6 requiring that each entity that receives State funding and each State agency 7 prioritize the use of plants native to the State for every planting project; exempting 8 the sale of plants native to the State from the sales and use tax; requiring the 9 Department to notify certain persons of the provisions of this Act; and generally 10 relating to invasive and native plants.
- 11 BY repealing and reenacting, with amendments,
- 12 Article Agriculture
- 13 Section 9.5–301
- 14 Annotated Code of Maryland
- 15 (2016 Replacement Volume and 2021 Supplement)
- 16 BY adding to
- 17 Article Natural Resources
- 18 Section 1–1001 to be under the new subtitle "Subtitle 10. Miscellaneous"
- 19 Annotated Code of Maryland
- 20 (2018 Replacement Volume and 2021 Supplement)
- 21 BY repealing and reenacting, with amendments,
- 22 Article State Finance and Procurement
- 23 Section 14–417
- 24 Annotated Code of Maryland
- 25 (2021 Replacement Volume)
- 26 BY adding to

1 2 3 4	Article – Tax – General Section 11–244 Annotated Code of Maryland (2016 Replacement Volume and 2021 Supplement)
5 6	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
7	Article – Agriculture
8	9.5–301.
9	(A) The Secretary, with the advice of the Committee, shall:
10	(1) On or before October 1, 2012, adopt regulations that:
11 12	(i) Establish a science-based risk assessment protocol for invasive plants that:
13 14	1. Will serve as a basis for creating a two-tiered regulatory approach for controlling invasive plants in the State; and
15 16	2. Considers the harm, as determined by the Secretary, that invasive plants cause in the State, including:
17	A. Economic harm;
18	B. Ecological harm;
19	C. Environmental harm; and
20	D. Harm to human health;
21 22	(ii) Govern administrative orders that the Secretary may issue to enforce this subtitle; and
23 24	(iii) Establish a procedure for the approval required under $\S 9.5-302$ of this subtitle for activities involving tier 1 invasive plants.
25	(2) On or before October 1, 2013, adopt regulations that:
26 27	(i) Establish a list of tier 1 plants and tier 2 plants in accordance with the risk assessment protocol adopted under paragraph (1) of this subsection;
28 29	(ii) Establish a procedure for classification or declassification of an invasive plant as a tier 1 invasive plant or a tier 2 invasive plant;



31 [(b)] (2) The prohibition under [subsection (a)] PARAGRAPH (1) of this

SUBSECTION, on or after July 1, 2022, State funds may not be used to purchase or plant

Except as provided in [subsection (b)] PARAGRAPH (2) of this [section]

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29 30 **(1)**

an invasive plant species for an outdoor project.

- 1 [section] **SUBSECTION** 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.
- 3 (B) EACH ENTITY THAT RECEIVES STATE FUNDING AND EACH STATE 4 AGENCY SHALL PRIORITIZE, WHENEVER POSSIBLE, THE USE OF PLANTS NATIVE TO 5 THE STATE FOR EVERY PLANTING PROJECT.
- 6 Article Tax General
- 7 **11–244.**
- THE SALES AND USE TAX DOES NOT APPLY TO THE SALE OF PLANTS NATIVE TO THE STATE.
- SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall notify nurseries, landscapers, plant wholesalers, and plant retailers of the provisions of this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.