

HOUSE BILL NO. 1555

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SASSMANN.

3087H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 263, RSMo, by adding thereto one new section relating to nonnative invasive plants, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 263, RSMo, is amended by adding thereto one new section, to be known as section 263.411, to read as follows:

263.411. 1. As used in this section, the following terms mean:

- (1) "Director", the director of the department of agriculture;**
- (2) "Invasive plant", any living part, cultivar, variety, species, or subspecies of a plant not native to Missouri identified by the director as having the potential to do some or all of the following:**
 - (a) Result in widespread dispersal and establishment;**
 - (b) Outcompete other species in the same area;**
 - (c) Exhibit rapid growth or high seed or propagule productions; or**
 - (d) Become established in natural areas in the state.**

2. No person shall knowingly import, export, buy, sell, transport, distribute, or propagate any viable portion or seeds of an invasive plant in this state unless the director provides prior written approval under subsection 3 of this section.

3. The director may provide written approval for a person to conduct an activity prohibited under subsection 2 of this section if the purpose of the activity is for any of the following:

- (1) Disposal;**
- (2) Control;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(3) Research;**

19 **(4) Education; or**

20 **(5) Export for the purpose of disposal, control, research, or education.**

21 **4. (1) A person found to be in violation of this section shall be issued a notice of**
22 **violation. The notice shall state the date issued, the name and address of the person to**
23 **whom the notice is issued, the nature of the violation, the statute or regulation violated,**
24 **and the name and position of the person issuing the notice. The notice shall also contain**
25 **a warning that the violation may result in an informal or formal administrative hearing**
26 **or both.**

27 **(2) A person issued a notice of violation may be afforded an opportunity by the**
28 **director to explain such facts at an informal hearing to be conducted within fourteen**
29 **days of such notification. If such person fails to timely respond to such notification or**
30 **upon unsuccessful resolution of any issues relating to an alleged violation, such person**
31 **may be summoned to a formal administrative hearing before the director or a**
32 **designated hearing officer conducted in accordance with chapter 536 and, if found to**
33 **have committed two or more violations within twelve months, may be ordered to cease**
34 **and desist from such violations. Such order may be enforced in the circuit court and**
35 **such person may be required to pay a penalty of at least fifty dollars but not more than**
36 **five hundred dollars per violation. Any party to such hearing aggrieved by a**
37 **determination of a hearing officer may appeal to the circuit court of the county in which**
38 **the party resides or in Cole County if the party is the state in accordance with chapter**
39 **536.**

40 **(3) A person who violates this section may enter into a written agreement with**
41 **the director specifying terms and conditions for compliance with this section. A person**
42 **who is in compliance with all of the terms and conditions of a written agreement under**
43 **this subdivision is not in violation of this section.**

44 **5. (1) The director shall, by rule, maintain a list of invasive plants known as the**
45 **"Invasive Plant List".**

46 **(2) The invasive plant list shall include, but not be limited to, the following:**

47 **(a) Burning bush (*Euonymus alatus*);**

48 **(b) Callery pear (*Pyrus calleryana*);**

49 **(c) Climbing euonymus (*Euonymus fortunei*);**

50 **(d) Japanese honeysuckle (*Lonicera japonica*); and**

51 **(e) Sericea lespedeza (*Lespedeza cuneata*).**

52 **(3) No plant included on the invasive plant list shall be listed on the potentially**
53 **invasive plant watchlist created and maintained under subsection 6 of this section.**

54 **6. (1) The director shall, by rule, create and maintain a watchlist known as the**
55 **"Potentially Invasive Plant Watchlist".**

56 **(2) Any person, business, or entity that offers for sale any plant on the watchlist**
57 **shall label the plants as potentially invasive in a manner prescribed by the department**
58 **of agriculture. Any person, business, or entity that fails to label potentially invasive**
59 **plants listed on the watchlist in a manner prescribed by the department of agriculture**
60 **shall be issued a notice of violation under subsection 4 of this section.**

61 **(3) The potentially invasive plant watchlist shall include, but not be limited to,**
62 **the following:**

- 63 **(a) Air potato (*Dioscorea polystachya*);**
- 64 **(b) Amur corktree (*Phellodendron amurense*);**
- 65 **(c) Amur honeysuckle (*Lonicera maackii*);**
- 66 **(d) Amur maple (*Acer tataricum*);**
- 67 **(e) Amur privet (*Ligustrum amurense*);**
- 68 **(f) Autumn olive (*Elaeagnus umbellata*);**
- 69 **(g) Beefsteak plant (*Perilla frutescens*);**
- 70 **(h) Bell's honeysuckle (*Lonicera x bella*);**
- 71 **(i) Border privet (*Ligustrum obtusifolium*);**
- 72 **(j) Bull thistle (*Cirsium vulgare*);**
- 73 **(k) Burdock (*Arctium minus*);**
- 74 **(l) California privet (*Ligustrum ovalifolium*);**
- 75 **(m) Cheat grass (*Bromus tectorum*);**
- 76 **(n) Chinese privet (*Ligustrum sinense*);**
- 77 **(o) Cogongrass (*Imperata cylindrica*);**
- 78 **(p) Common buckthorn (*Rhamnus cathartica*);**
- 79 **(q) Common reed (*Phragmites australis*);**
- 80 **(r) Common viper's bugloss (*Echium vulgare*);**
- 81 **(s) Crown vetch (*Securigera varia*);**
- 82 **(t) Curly-leaf pondweed (*Potamogeton crispus*);**
- 83 **(u) Dahurian buckthorn (*Rhamnus davurica*);**
- 84 **(v) Dame's rocket (*Hesperis matronalis*);**
- 85 **(w) Dwarf honeysuckle (*Lonicera xylosteum*);**
- 86 **(x) English ivy (*Hedera helix*);**
- 87 **(y) Eurasian watermilfoil (*Myriophyllum spicatum*);**
- 88 **(z) European privet (*Ligustrum vulgare*);**
- 89 **(aa) European wand loosestrife (*Lythrum virgatum*);**
- 90 **(bb) Field sowthistle (*Sonchus arvensis*);**

- 91 (cc) Garlic mustard (*Alliaria petiolata*);
92 (dd) Giant hogweed (*Heracleum mantegazzianum*);
93 (ee) Giant miscanthus (*Miscanthus x*);
94 (ff) Glossy buckthorn (*Frangula alnus*);
95 (gg) Glossy privet (*Ligustrum lucidum*);
96 (hh) Goatsrue (*Galega officinalis*);
97 (ii) Golden bamboo (*Phyllostachys aurea*);
98 (jj) Golden rain tree (*Koelreuteria paniculata*);
99 (kk) Ground ivy (*Glechoma hederacea*);
100 (ll) Hardheads (*Rhaponticum repens*);
101 (mm) Heavenly bamboo (*Nandina domestica*);
102 (nn) Hemp sesbania (*Sesbania herbacea*);
103 (oo) Himalayan blackberry (*Rubus armeniacus*);
104 (pp) Hydrilla (*Hydrilla verticillata*);
105 (qq) Itchgrass (*Rottboellia cochinchinensis*);
106 (rr) Japanese barberry (*Berberis thunbergii*);
107 (ss) Japanese chaff flower (*Achyranthes japonica*);
108 (tt) Japanese honeysuckle (*Lonicera japonica*);
109 (uu) Japanese hop (*Humulus japonicus*);
110 (vv) Japanese knotweed (*Fallopia japonica*);
111 (ww) Japanese privet (*Ligustrum japonicum*);
112 (xx) Japanese stiltgrass (*Microstegium vimineum*);
113 (yy) John's wort (*Hypericum perforatum*);
114 (zz) Leafy spurge (*Euphorbia esula*);
115 (aaa) Mahaleb cherry (*Prunus mahaleb*);
116 (bbb) Mile-a-minute weed (*Persicaria perfoliata*);
117 (ccc) Morrow's honeysuckle (*Lonicera morrowii*);
118 (ddd) Oriental bittersweet (*Celastrus orbiculatus*);
119 (eee) Paper mulberry (*Broussonetia papyrifera*);
120 (fff) Poison hemlock (*Conium maculatum*);
121 (ggg) Porcelain berry (*Ampelopsis brevipedunculata*);
122 (hhh) Princesstree (*Paulownia tomentosa*);
123 (iii) Reed canary grass (*Phalaris arundinacea*);
124 (jjj) Russian olive (*Elaeagnus angustifolia*);
125 (kkk) Saltcedar (*Tamarix chinensis*);
126 (III) Sericea lespedeza (*Lespedeza cuneata*);
127 (mmm) Sessile joyweed (*Alternanthera sessilis*);

128 (nnn) Siberian elm (*Ulmus pumila*);
129 (ooo) Silktree (*Albizia julibrissin*);
130 (ppp) Silver poplar (*Populus alba*);
131 (qqq) Simplestem bur-reed (*Sparganium erectum*);
132 (rrr) Star of Bethlehem (*Ornithogalum umbellatum*);
133 (sss) Sweet autumn virginsbower (*Clematis terniflora*);
134 (ttt) Sweet breath of spring (*Lonicera fragrantissima*);
135 (uuu) Tartarian bush honeysuckle (*Lonicera tatarica*);
136 (vvv) Tree-of-heaven (*Ailanthus altissima*);
137 (www) Tropical soda apple (*Solanum viarum*);
138 (xxx) Waxyleaf privet (*Ligustrum quihoui*);
139 (yyy) White mulberry (*Morus alba*);
140 (zzz) Wild parsnip (*Pastinaca sativa*); and
141 (aaaa) Yellow star thistle (*Centaurea solstitialis*).

142 (4) No plant included on the invasive plant list created and maintained under
143 subsection 5 of this section shall be listed on the potentially invasive plant watchlist.

144 7. The director shall promulgate all necessary rules and regulations for the
145 administration of this section. Any rule or portion of a rule, as that term is defined in
146 section 536.010, that is created under the authority delegated in this section shall
147 become effective only if it complies with and is subject to all of the provisions of chapter
148 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
149 and if any of the powers vested with the general assembly pursuant to chapter 536 to
150 review, to delay the effective date, or to disapprove and annul a rule are subsequently
151 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
152 adopted after August 28, 2024, shall be invalid and void.

153 8. This section shall become effective January 1, 2025; except that, burning bush
154 and callery pear plants acquired by a licensed Missouri wholesale or retail plant nursery
155 before January 1, 2025, shall be exempt from enforcement of this section until January
156 1, 2028.

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