

SENATE BILL NO. 1281

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

4606S.01I

KRISTINA MARTIN, Secretary

AN ACT

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

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.

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

- 23 (1) Disposal;
- 24 (2) Control;
- 25 (3) Research;
- 26 (4) Education; or
- 27 (5) Export for the purpose of disposal, control,
28 research, or education.

29 4. (1) A person found to be in violation of this
30 section shall be issued a notice of violation. The notice
31 shall state the date issued, the name and address of the
32 person to whom the notice is issued, the nature of the
33 violation, the statute or regulation violated, and the name
34 and position of the person issuing the notice. The notice
35 shall also contain a warning that the violation may result
36 in an informal or formal administrative hearing or both.

37 (2) A person issued a notice of violation may be
38 afforded an opportunity by the director to explain such
39 facts at an informal hearing to be conducted within fourteen
40 days of such notification. If such person fails to timely
41 respond to such notification or upon unsuccessful resolution
42 of any issues relating to an alleged violation, such person
43 may be summoned to a formal administrative hearing before
44 the director or a designated hearing officer conducted in
45 accordance with chapter 536 and, if found to have committed
46 two or more violations within twelve months, may be ordered
47 to cease and desist from such violations. Such order may be
48 enforced in the circuit court and such person may be
49 required to pay a penalty of at least fifty dollars but not
50 more than five hundred dollars per violation. Any party to

51 such hearing aggrieved by a determination of a hearing
52 officer may appeal to the circuit court of the county in
53 which the party resides or in Cole County if the party is
54 the state in accordance with chapter 536.

55 (3) A person who violates this section may enter into
56 a written agreement with the director specifying terms and
57 conditions for compliance with this section. A person who
58 is in compliance with all of the terms and conditions of a
59 written agreement under this subdivision is not in violation
60 of this section.

61 5. (1) The director shall, by rule, maintain a list
62 of invasive plants known as the "Invasive Plant List".

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

- 65 (a) Burning bush (*Euonymus alatus*);
- 66 (b) Callery pear (*Pyrus calleryana*);
- 67 (c) Climbing euonymus (*Euonymus fortunei*);
- 68 (d) Japanese honeysuckle (*Lonicera japonica*); and
- 69 (e) *Sericea lespedeza* (*Lespedeza cuneata*).

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

73 6. (1) The director shall, by rule, create and
74 maintain a watchlist known as the "Potentially Invasive
75 Plant Watchlist".

76 (2) Any person, business, or entity that offers for
77 sale any plant on the watchlist shall label the plants as
78 potentially invasive in a manner prescribed by the
79 department of agriculture. Any person, business, or entity
80 that fails to label potentially invasive plants listed on
81 the watchlist in a manner prescribed by the department of

82 agriculture shall be issued a notice of violation under
83 subsection 4 of this section.

84 (3) The potentially invasive plant watchlist shall
85 include, but not be limited to, the following:

- 86 (a) Air potato (*Dioscorea polystachya*);
- 87 (b) Amur corktree (*Phellodendron amurense*);
- 88 (c) Amur honeysuckle (*Lonicera maackii*);
- 89 (d) Amur maple (*Acer tataricum*);
- 90 (e) Amur privet (*Ligustrum amurense*);
- 91 (f) Autumn olive (*Elaeagnus umbellata*);
- 92 (g) Beefsteak plant (*Perilla frutescens*);
- 93 (h) Bell's honeysuckle (*Lonicera x bella*);
- 94 (i) Border privet (*Ligustrum obtusifolium*);
- 95 (j) Bull thistle (*Cirsium vulgare*);
- 96 (k) Burdock (*Arctium minus*);
- 97 (l) California privet (*Ligustrum ovalifolium*);
- 98 (m) Cheat grass (*Bromus tectorum*);
- 99 (n) Chinese privet (*Ligustrum sinense*);
- 100 (o) Cogongrass (*Imperata cylindrica*);
- 101 (p) Common buckthorn (*Rhamnus cathartica*);
- 102 (q) Common reed (*Phragmites australis*);
- 103 (r) Common viper's bugloss (*Echium vulgare*);
- 104 (s) Crown vetch (*Securigera varia*);
- 105 (t) Curly-leaf pondweed (*Potamogeton crispus*);
- 106 (u) Dahurian buckthorn (*Rhamnus davurica*);
- 107 (v) Dame's rocket (*Hesperis matronalis*);
- 108 (w) Dwarf honeysuckle (*Lonicera xylosteum*);
- 109 (x) English ivy (*Hedera helix*);
- 110 (y) Eurasian watermilfoil (*Myriophyllum spicatum*);
- 111 (z) European privet (*Ligustrum vulgare*);
- 112 (aa) European wand loosestrife (*Lythrum virgatum*);
- 113 (bb) Field sowthistle (*Sonchus arvensis*);

- 114 (cc) Garlic mustard (*Alliaria petiolata*);
115 (dd) Giant hogweed (*Heracleum mantegazzianum*);
116 (ee) Giant miscanthus (*Miscanthus x*);
117 (ff) Glossy buckthorn (*Frangula alnus*);
118 (gg) Glossy privet (*Ligustrum lucidum*);
119 (hh) Goatsrue (*Galega officinalis*);
120 (ii) Golden bamboo (*Phyllostachys aurea*);
121 (jj) Golden rain tree (*Koelreuteria paniculata*);
122 (kk) Ground ivy (*Glechoma hederacea*);
123 (ll) Hardheads (*Rhaponticum repens*);
124 (mm) Heavenly bamboo (*Nandina domestica*);
125 (nn) Hemp sesbania (*Sesbania herbacea*);
126 (oo) Himalayan blackberry (*Rubus armeniacus*);
127 (pp) Hydrilla (*Hydrilla verticillata*);
128 (qq) Itchgrass (*Rottboellia cochinchinensis*);
129 (rr) Japanese barberry (*Berberis thunbergii*);
130 (ss) Japanese chaff flower (*Achyranthes japonica*);
131 (tt) Japanese honeysuckle (*Lonicera japonica*);
132 (uu) Japanese hop (*Humulus japonicus*);
133 (vv) Japanese knotweed (*Fallopia japonica*);
134 (ww) Japanese privet (*Ligustrum japonicum*);
135 (xx) Japanese stiltgrass (*Microstegium vimineum*);
136 (yy) John's wort (*Hypericum perforatum*);
137 (zz) Leafy spurge (*Euphorbia esula*);
138 (aaa) Mahaleb cherry (*Prunus mahaleb*);
139 (bbb) Mile-a-minute weed (*Persicaria perfoliata*);
140 (ccc) Morrow's honeysuckle (*Lonicera morrowii*);
141 (ddd) Oriental bittersweet (*Celastrus orbiculatus*);
142 (eee) Paper mulberry (*Broussonetia papyrifera*);
143 (fff) Poison hemlock (*Conium maculatum*);
144 (ggg) Porcelain berry (*Ampelopsis brevipedunculata*);
145 (hhh) Princesstree (*Paulownia tomentosa*);

- 146 (iii) Reed canary grass (*Phalaris arundinacea*);
147 (jjj) Russian olive (*Elaeagnus angustifolia*);
148 (kkk) Saltcedar (*Tamarix chinensis*);
149 (lll) Sericea lespedeza (*Lespedeza cuneata*);
150 (mmm) Sessile joyweed (*Alternanthera sessilis*);
151 (nnn) Siberian elm (*Ulmus pumila*);
152 (ooo) Silktree (*Albizia julibrissin*);
153 (ppp) Silver poplar (*Populus alba*);
154 (qqq) Simplestem bur-reed (*Sparganium erectum*);
155 (rrr) Star of Bethlehem (*Ornithogalum umbellatum*);
156 (sss) Sweet autumn virginsbower (*Clematis terniflora*);
157 (ttt) Sweet breath of spring (*Lonicera fragrantissima*);
158 (uuu) Tartarian bush honeysuckle (*Lonicera tatarica*);
159 (vvv) Tree-of-heaven (*Ailanthus altissima*);
160 (www) Tropical soda apple (*Solanum viarum*);
161 (xxx) Waxyleaf privet (*Ligustrum quihoui*);
162 (yyy) White mulberry (*Morus alba*);
163 (zzz) Wild parsnip (*Pastinaca sativa*); and
164 (aaaa) Yellow star thistle (*Centaurea solstitialis*).

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

168 7. The director shall promulgate all necessary rules
169 and regulations for the administration of this section. Any
170 rule or portion of a rule, as that term is defined in
171 section 536.010, that is created under the authority
172 delegated in this section shall become effective only if it
173 complies with and is subject to all of the provisions of
174 chapter 536 and, if applicable, section 536.028. This
175 section and chapter 536 are nonseverable and if any of the
176 powers vested with the general assembly pursuant to chapter
177 536 to review, to delay the effective date, or to disapprove

178 and annul a rule are subsequently held unconstitutional,
179 then the grant of rulemaking authority and any rule proposed
180 or adopted after August 28, 2024, shall be invalid and void.

181 8. This section shall become effective on January 1,
182 2025; except that, burning bush and callery pear plants
183 acquired by a licensed Missouri wholesale or retail plant
184 nursery before January 1, 2025, shall be exempt from
185 enforcement of this section until January 1, 2028.

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