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H.409

Introduced by Representative Partridge of Windham

Referred to Committee on

Date:

Subject: Agriculture; invasive plants; dissemination

Statement of purpose: This bill proposes to control the dissemination of
certain invasive plant species in the state.

An act relating to the control of invasive plant species

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 6 V.S.A. § 1030 is amended to read:

§ 1030. DEFINITIONS

* * *

(12) "Plant pest" means any living stage of: insects, mites, nematodes,
slugs, snails, protozoa or any other invertebrate animals; bacteria, fungi,
mycoplasma or other parasitic plants, weeds, invasive plants, or reproductive
parts thereof; viruses or any organisms similar to or allied with any of the
foregoing; and any genetically modified organisms or biological control agents
that may directly or indirectly injure or cause disease or damage to any
beneficial organisms, plants, parts of plants, or plant products.

* * *

1 (15) “Invasive plant” means an alien species whose introduction causes
2 or is likely to cause economic or environmental harm or harm to human health.

3 Sec. 2. 6 V.S.A. § 1033 is amended to read:

4 § 1033. DETECTION AND ABUNDANCE SURVEYS; ERADICATION
5 AND SUPPRESSION

6 (a) The secretary may conduct detection and abundance surveys for plant
7 pests of an injurious nature that may be present in the state to determine the
8 necessity for establishing control practices. When the secretary determines
9 that a new injurious plant pest exists within the state or that an established pest
10 requires control and the nature of the pest dictates immediate action, he or she
11 may proceed with a plan of eradication or suppression.

12 (b) The secretary shall annually prepare and publish a list of invasive plant
13 species deemed to present an immediate danger to the health of native species,
14 to the environment, to commercial or forest crop production, or to human
15 health. The list shall be published on the agency’s website.

16 Sec. 3. 6 V.S.A. § 1034 is amended to read:

17 § 1034. QUARANTINES

18 (a)(1) Subject to limitations imposed in section 1035 of this title, no person
19 shall propagate, transplant, import, barter, sell, or offer for sale one or more of
20 the following invasive plant species, including their cultivars, and varieties in
21 the state of Vermont:

- 1 (A) Autumn olive (*Elaeagnus umbellata*);
2 (B) Japanese stilt grass (*Microstegium vimineum*);
3 (C) Mile-a-minute weed (*Persicaria perfoliata*);
4 (D) Japanese arrowroot (*Pueraria montana*); and
5 (E) Multiflora rose (*Rosa multiflora*).

6 (2) Except that plant species listed in subdivision (1) of this subsection
7 which were acquired prior to July 1, 2011 may be sold until the end of the
8 calendar year.

9 (b)(1) Subject to limitations imposed in section 1035 of this title, no person
10 shall propagate, transplant, import, barter, sell, or offer for sale one or more of
11 the following invasive plant species, including their cultivars, and varieties in
12 the state of Vermont:

- 13 (A) Japanese barberry (*Berberis thunbergii*);
14 (B) Common barberry (*Berberis vulgaris*);
15 (C) Norway maple (*Acer platanoides*); and
16 (D) Winged euonymus (*Euonymus alatus*).

17 (2) Except that plant species listed in subdivision (1) of this subsection
18 which were acquired prior to July 1, 2011 may be sold for three years after that
19 date.

20 (c) The secretary may establish and maintain quarantines and adopt other
21 orders and rules pursuant to 3 V.S.A. chapter 25 concerning the planting,

1 exposing, sale, importation, cultivation, and transportation of all plants and
2 plant products, including invasive species, and regulated articles capable of
3 carrying plant pests of an injurious nature in any living stage within the state.

4 Sec. 4. 6 V.S.A. § 1035 is amended to read:

5 § 1035. PERMITS

6 (a) No person may sell, offer for sale, barter, expose, move, transport,
7 deliver, ship, or offer for shipment into or within this state any plant pest or
8 biological control agent in any living stage without first obtaining either a
9 federal permit, where applicable, and a state permit from the secretary. A state
10 permit may only be issued after it has been determined by the secretary that the
11 plant pests or biological control agents are not injurious, are generally present
12 already, or are for scientific purposes subject to specified safeguards.

13 (b) Except that the secretary may only issue a state permit for plant species
14 listed under subdivisions 1034(a)(1) and (b)(1) of this title if the plants are to
15 be used for scientific purposes subject to specified safeguards.

16 Sec. 5. EFFECTIVE DATE

17 This act shall take effect on July 1, 2011.