



# Senate Agriculture and Rural Affairs Committee

Senator Elder Vogel Jr.

Chairman

*Michael Rader, Executive Director*

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Senate Bill: 1110

Printers Number: 1511

Prime Sponsor: ARGALL

## SYNOPSIS

An Act regulating controlled plants and noxious weeds; establishing the Controlled Plant and Noxious Weed Committee; providing for powers and duties of the Controlled Plant and Noxious Weed Committee; imposing powers and duties on the Secretary of Agriculture and municipalities; prescribing penalties; establishing a category of controlled plants and providing for the permitting of controlled plants intended to be grown for biomass and biofuel production or for other beneficial purposes; and repealing the Noxious Weed Control Law.

## BILL SUMMARY

- Changes the definition of noxious weed to remove the public health provision. This would remove *Cannabis sativa* (marijuana) and *Datura stramonium* (jimsonweed) from the noxious weed list, because they are plants that present a public health issue, unless they are identified as meeting the new definition as injurious to crops, livestock, agricultural land or other property.
- Expands noxious weed into three categories: Class A, B, and C
  - Class A: established in the Commonwealth, is geographically limited and are intended to be eradicated (ex. Giant hogweed)
  - Class B: widely established in the Commonwealth and it is not feasible to eradicate them (ex. Canada thistle)
  - Class C: not known to exist in the Commonwealth but pose a threat if introduced (anything not on our list but on the federal noxious weed list).
- Creates a category of controlled plants. Controlled plants require a permit to distribute, cultivate or propagate. They are typically fast growing and may include those grown for biomass and biofuel production or for other beneficial characteristics (ex. Miscanthus, Bamboo, Giant Reed Grass). Controlled plants need to be regulated to prevent uncontained growth and to negate undesirable characteristics. If left uncontrolled, they could become noxious and incur a large cost upon landowners to eradicate.



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- Establishes criteria for individual permits for noxious weeds and individual and general permits for controlled plants, and provides for revocation or suspension of permits. Permitting is necessary for the following reasons: 1) to know where noxious and controlled plants are in PA; 2) to have data records in case of an invasive plant outbreak; 3) to protect landowners from possible complaints; 4) to protect nearby landowners properties from invasive plants; 5) overall land protection and prevention of uncontained growth.
- Updates the members of the Controlled Plant and Noxious Weed Committee to include three appointed members and 3 alternates of the general public, representing: 1) a statewide general farm organization; 2) the ornamental, turf, and horticulture industry; 3) an Institution of Higher Education within the Commonwealth.
- Establishes that a study and risk assessment may be done for any plant the Committee is considering adding or deleting. It also requires the Department to establish fees for permitting and other regulatory duties such as testing and inspection.
- Establishes powers and duties of the Secretary and the Department, including: stop sale orders, seizure and condemnation, unlawful conduct and interference with inspector, and enforcement and penalties.

*Effective Date: 60 days*

## **CURRENT LAW**

Noxious Weed Control Law, Act 74 of 1982 would be repealed.