

# HOUSE BILL NO. 2417

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EVANS.

5104H.02I

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 any of the following:

(1) Disposal of an invasive plant;

(2) Control of an invasive plant;

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 of an invasive plant;**  
19           **(4) Education of an invasive plant; or**  
20           **(5) Export of an invasive plant for the purpose of disposal, control, research, or**  
21 **education.**

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

28           **(2) A person issued a notice of violation shall be afforded an opportunity by the**  
29 **director to explain such facts at an informal hearing to be conducted within fourteen**  
30 **days of such notification. If such person fails to timely respond to such notification or**  
31 **upon unsuccessful resolution of any issues relating to an alleged violation, such person**  
32 **may be summoned to a formal administrative hearing before the director or a**  
33 **designated hearing officer conducted in accordance with chapter 536 and, if found to**  
34 **have committed two or more violations within twelve months, may be ordered to cease**  
35 **and desist from such violations. Such order shall be enforced in the circuit court and**  
36 **such person may be required to pay a penalty of at least fifty dollars but not more than**  
37 **five hundred dollars per violation. Any party to such hearing aggrieved by a**  
38 **determination of a hearing officer may appeal to the circuit court of the county in which**  
39 **the party resides or in Cole County if the party is the state in accordance with chapter**  
40 **536.**

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

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

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

- 48           **(a) Burning bush (*Euonymus alatus*);**  
49           **(b) Callery pear (*Pyrus calleryana*);**  
50           **(c) Climbing euonymus (*Euonymus fortunei*);**  
51           **(d) Japanese honeysuckle (*Lonicera japonica*); and**  
52           **(e) Sericea lespedeza (*Lespedeza cuneata*).**

53           **6. (1) The director shall, by rule, create and maintain a watchlist known as the**  
54 **"Potentially Invasive Plant Watchlist".**

55           **(2) No plant included on the invasive plant list created and maintained under**  
56 **subsection 5 of this section shall be simultaneously listed on the potentially invasive**  
57 **plant watchlist.**

58           **7. The director shall promulgate all necessary rules and regulations for the**  
59 **administration of this section. Any rule or portion of a rule, as that term is defined in**  
60 **section 536.010, that is created under the authority delegated in this section shall**  
61 **become effective only if it complies with and is subject to all of the provisions of chapter**  
62 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
63 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**  
64 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
65 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
66 **adopted after August 28, 2024, shall be invalid and void.**

67           **8. This section shall become effective January 1, 2025.**

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