



# Senate

General Assembly

**File No. 154**

January Session, 2005

Substitute Senate Bill No. 590

*Senate, April 5, 2005*

The Committee on Environment reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING REVISIONS TO THE INVASIVE PLANT PROVISIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-381d of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) Notwithstanding the provisions of any ordinance adopted by a  
4 municipality, no person shall [import,] move, except for eradication  
5 purposes, import, sell, purchase, transplant, cultivate or distribute any  
6 of the following invasive plants: (1) Curly leaved Pondweed  
7 (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*); (3) eurasian  
8 water milfoil (*Myriophyllum spicatum*); (4) variable water milfoil  
9 (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa natans*); (6)  
10 egeria (*Egeria densa*); (7) hydrilla (*Hydrilla verticillata*); (8) common  
11 barberry (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus umbellata*);  
12 (10) Bell's honeysuckle (*Lonicera xbella*); (11) amur honeysuckle  
13 (*Lonicera maackii*); (12) Morrow's honeysuckle (*Lonicera morrowii*);

14 (13) common buckthorn (*Rhamnus cathartica*); (14) multiflora rose  
15 (*Rosa multiflora*); (15) Oriental bittersweet (*Celastrus orbiculatus*); (16)  
16 garlic mustard (*Alliaria petiolata*); (17) narrowleaf bittercress  
17 (*Cardamine impatiens*); (18) spotted knapweed (*Centaurea*  
18 *biebersteinii*); (19) black swallow-wort (*Cynanchum louiseae*); (20) pale  
19 swallow-wort (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia*  
20 *esula*); (22) Dame's rocket (*Hesperis matronalis*); (23) perennial  
21 pepperweed (*Lepidium latifolium*); (24) Japanese knotweed  
22 (*Polygonum cuspidatum*); (25) mile-a-minute vine (*Polygonum*  
23 *perfoliatum*); (26) fig buttercup (*Ranunculus ficaria*); (27) coltsfoot  
24 (*Tussilago farfara*); (28) Japanese stilt grass (*Microstegium vimineum*);  
25 (29) common reed (*Phragmites australis*); (30) sycamore maple (*Acer*  
26 *pseudoplatanus*); (31) princess tree (*Paulownia tomentosa*); (32) white  
27 poplar (*Populus alba*); (33) false indigo (*Amorpha fruticosa*); (34)  
28 Russian olive (*Eleagnus angustifolia*); (35) wineberry (*Rubus*  
29 *phoenicolasius*); (36) kudzu (*Pueraria montana*); (37) Canada thistle  
30 (*Cirsium arvense*); (38) jimsonweed (*Datura stramonium*); (39) crested  
31 late-summer mint (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia*  
32 *cyparissias*); (41) slender snake cotton (*Froelichia gracilis*); (42) ground  
33 ivy (*Glechoma hederacea*); (43) giant hogweed (*Heracleum*  
34 *mantegazzianum*); (44) Japanese hops (*Humulus japonicus*); (45)  
35 ornamental jewelweed (*Impatiens glanulifera*); (46) common kochia  
36 (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-cuculi*); (48) Scotch  
37 thistle (*Onopordum acanthium*); (49) bristle knotweed (*Polygonum*  
38 *caespitosum*); (50) giant knotweed (*Polygonum sachalinense*); (51)  
39 sheep sorrel (*Rumex acetosella*); (52) ragwort (*Senecio jacobaea*); (53)  
40 cup plant (*Silphium perfoliatum*); (54) bittersweet nightshade  
41 (*Solanum dulcamara*); (55) garden heliotrope (*Valeriana officinalis*);  
42 (56) hairy jointgrass (*Arthraxon hispidus*); (57) drooping brome-grass  
43 (*Bromus tectorum*); (58) Japanese sedge (*Carex kobomugi*); (59) reed  
44 managrass (*Glyceria maxima*); (60) Canada bluegrass (*Poa compressa*);  
45 and (61) tree of heaven (*Ailanthus altissima*).

46 (b) Notwithstanding the provisions of any ordinance adopted by a  
47 municipality, on or after October 1, 2005, no person shall [import,]  
48 move, except for eradication purposes, import, sell, purchase,

49 transplant, cultivate or distribute any of the following invasive plants:  
50 (1) Purple loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis*  
51 *scorpioides*); (3) Japanese honeysuckle (*Lonicera japonica*); (4)  
52 goutweed (*Aegopodium podagraia*); (5) flowering rush (*Butomus*  
53 *umbellatus*); (6) pond water-starwort (*Callitriche stagnalis*); (7)  
54 European waterclover (*Marsilea quadrifolia*); (8) parrotfeather  
55 (*Myriophyllum aquaticum*); (9) brittle water-nymph (*Najas minor*);  
56 (10) American water lotus (*Nelumbo lutea*); (11) yellow floating heart  
57 (*Nymphoides peltata*); (12) onerow yellowcress (*Rorippa microphylla*);  
58 (13) watercress (*Rorippa nasturtium-aquaticum*), except for watercress  
59 sold for human consumption without its reproductive structure; (14)  
60 giant salvinia (*Salvinia molesta*); (15) yellow iris (*Iris pseudacorus*);  
61 [(16) water lettuce (*Pistia stratiotes*); (17)] (16) border privet (*Ligustrum*  
62 *obtusifolium*); [(18)] (17) tatarian honeysuckle (*Lonicera tatarica*); [(19)]  
63 (18) dwarf honeysuckle (*Lonicera xylosteum*); and [(20)] (19) garden  
64 loosestrife (*Lysimachia vulgaris*).

65 (c) From June 26, 2003, until [October 1, 2005] February 1, 2006, no  
66 municipality shall adopt any ordinance that would go into effect prior  
67 to May 15, 2006, regarding the retail sale or purchase of any invasive  
68 plant.

69 (d) Any person who violates the provisions of this section shall be  
70 fined not more than one hundred dollars per plant.

71 Sec. 2. Subsection (e) of section 22-344 of the general statutes is  
72 repealed and the following is substituted in lieu thereof (*Effective July*  
73 *1, 2005*):

74 (e) The commissioner may, at any time, inspect or cause to be  
75 inspected by his agents any such commercial kennel, pet shop,  
76 grooming facility or training facility, and if, in his judgment such  
77 kennel, pet shop, grooming facility or training facility is not being  
78 maintained in a sanitary and humane manner or in a manner that  
79 protects the public safety, [or] if he finds that contagious, infectious or  
80 communicable disease or other unsatisfactory conditions exist, or, in  
81 the case of a pet shop, if the commissioner finds any violation of the

82 provisions of section 22a-381d, as amended by this act, he may issue  
83 such orders as he deems necessary for the correction of such conditions  
84 and may quarantine the premises and animals. If the owner or keeper  
85 of such kennel, pet shop, grooming facility or training facility fails to  
86 comply with the regulations or orders of the commissioner, or fails to  
87 comply with any provision of the statutes or regulations relating to  
88 dogs or other animals, the commissioner may revoke or suspend such  
89 license. Any person aggrieved by any order issued under the  
90 provisions of this section may appeal therefrom in accordance with the  
91 provisions of section 4-183. Any person maintaining any commercial  
92 kennel, pet shop, grooming facility or training facility without having  
93 obtained a license for the same or after any such license has been  
94 revoked or suspended as provided herein shall be fined not more than  
95 two hundred dollars. The provisions of this section shall not apply to  
96 veterinary hospitals, except those boarding or grooming dogs for  
97 nonmedical purposes, and other establishments where all the dogs or  
98 animals were born and raised on the premises where they are kept for  
99 sale.

100 Sec. 3. Section 22-84 of the general statutes is repealed and the  
101 following is substituted in lieu thereof (*Effective July 1, 2005*):

102 The director of the Connecticut Agricultural Experiment Station  
103 shall have charge of all matters pertaining to official control,  
104 suppression or extermination of insects or diseases which are, or  
105 threaten to become, serious pests of plants of economic importance. He  
106 shall receive no additional compensation for such work, and may  
107 designate members of the station staff to carry out certain lines thereof  
108 and may employ such other assistance as may be required. Said  
109 director may cooperate with the agents of the United States  
110 Department of Agriculture in the control of plant pests; may make  
111 regulations and orders regarding the destruction or treatment of  
112 infested plants; may seize, treat, disinfect or destroy any plants or  
113 plant material moved in violation of any quarantine or regulation  
114 established under the provisions of this section or suspected of being  
115 infested by any dangerous insect pest or plant disease; may prohibit or

116 regulate the transportation of plants and plant materials, brick, stone  
117 and quarry products or any other objects or materials liable to carry  
118 dangerous pests and may designate certain areas or districts wherein  
119 all such plants may be destroyed. Said director is authorized to  
120 promulgate, and to enforce by appropriate regulations, a quarantine  
121 prohibiting or restricting the transportation of any class of nursery  
122 stock, plant, fruit, seed or other article capable of carrying any  
123 dangerous plant disease or insect infestation, with reference to which  
124 the Secretary of Agriculture of the United States has not determined  
125 that a quarantine is necessary and established such quarantine, into or  
126 through this state or any portion thereof from any other state, the  
127 District of Columbia or any part of such state or said district in which  
128 said director finds such plant disease or insect infestation to exist. Said  
129 director is authorized to make regulations for the seizure, inspection,  
130 disinfection, destruction or other disposition of any nursery stock,  
131 plant, fruit, seed or other article capable of carrying any dangerous  
132 plant disease or insect infestation, a quarantine with respect to which  
133 has been established by the Secretary of Agriculture of the United  
134 States, and which have been transported to, into or through this state  
135 in violation of such quarantine. Said director may inspect nursery and  
136 nursery stock, as defined in section 22-97, for any violation of the  
137 provisions of section 22a-381d, as amended by this act. Said director  
138 may establish and maintain a quarantine against any premises, district,  
139 town or group of towns in this state, provided, before any quarantine  
140 is established within the state, a public hearing shall be held, of which  
141 five days' notice shall be given to the parties affected, either by mail or  
142 by publishing such notice in two newspapers having a circulation in  
143 the part of the state affected by such quarantine. Said director or any  
144 person authorized by him to enforce the provisions of this section may,  
145 at any reasonable time, enter any public or private premises in the  
146 performance of his duty. Any person aggrieved by any order of  
147 quarantine issued under the provisions of this section may appeal to  
148 the Superior Court, or to any judge thereof if said court is not in  
149 session, and said court or such judge may grant such relief or issue  
150 such order or judgment in the premises as to equity may appertain.

151 Any person interfering with any person in the performance of his duty  
152 under the provisions of this section or violating any quarantine or any  
153 regulation established under said provisions shall be fined not less  
154 than five dollars nor more than one hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	22a-381d
Sec. 2	<i>July 1, 2005</i>	22-344(e)
Sec. 3	<i>July 1, 2005</i>	22-84

**ENV**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Ag. Experiment Station	GF - None	None	None
Department of Agriculture	GF - None	None	None
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Department of Environmental Protection	GF - Cost	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The Department of Agriculture (DOAG) currently inspects pet shops. It is anticipated that the animal control officers can inspect the pet shops for invasive plants within their routine duties and current budgetary resources. The animal control officers will need to be trained to recognize the plants. It is anticipated that the Department of Environmental Protection (DEP) can train the personnel to identify the plants. This training will minimally increase the workload and costs of the DEP by diverting resources for 1/2 to 1 day and supplies for training materials.

The Agricultural Experiment Station currently inspects nurseries. Therefore, Station employees can inspect nurseries for invasive plants during the performance of their current duties.

Few additional violations are anticipated as a result of the bill. Consequently, any revenue gain would be minimal.

**OLR Bill Analysis**

sSB 590

**AN ACT CONCERNING REVISIONS TO THE INVASIVE PLANT PROVISIONS****SUMMARY:**

Currently, no municipality can adopt an ordinance regarding the retail sale or purchase of any invasive plant until October 1, 2005. The bill extends this moratorium until February 1, 2006, but limits it to ordinances that would take effect before May 15, 2006. This provision therefore allows a municipality to adopt such an ordinance (1) before February 1, 2006 if it would not take effect until after May 15, 2006; or (2) after February 1, 2006.

Current law bars people from selling or distributing certain invasive plants. Violators face a fine of up to \$100 per plant. The bill authorizes the agriculture commissioner to inspect pet stores for violations of the law. He may order the violation corrected, or quarantine the premises, and may revoke or suspend the license of someone who fails to comply with his order. The bill also authorizes the Connecticut Agricultural Experiment Station director to inspect nurseries and nursery stock for violations of the invasive plant law. The agriculture commissioner and experiment station director apparently may refer violations of the invasive plant law to the DEP for enforcement.

Current law prohibits people from moving an invasive plant. The bill allows people to move an invasive plant solely to eradicate it.

By law, 20 plants are to be added to the list of invasive plants starting October 1, 2005. The bill removes water lettuce (*Pistia stratiotes*) from that list.

EFFECTIVE DATE: July 1, 2005

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute  
Yea 26 Nay 0