



General Assembly

**Substitute Bill No. 5808**

February Session, 2006

\* \_\_\_\_\_ HB05808PD \_\_\_\_\_ 041706 \_\_\_\_\_ \*

**AN ACT CONCERNING INSPECTIONS FOR INVASIVE PLANTS,  
MUNICIPAL ORDINANCES REGARDING INVASIVE PLANTS AND  
FUNDING FOR THE INVASIVE PLANTS COUNCIL.**

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

1 Section 1. Section 22-84 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 The director of the Connecticut Agricultural Experiment Station  
4 shall have charge of all matters pertaining to official control,  
5 suppression or extermination of insects or diseases which are, or  
6 threaten to become, serious pests of plants of economic importance. He  
7 shall receive no additional compensation for such work, and may  
8 designate members of the station staff to carry out certain lines thereof  
9 and may employ such other assistance as may be required. Said  
10 director may cooperate with the agents of the United States  
11 Department of Agriculture in the control of plant pests; may make  
12 regulations and orders regarding the destruction or treatment of  
13 infested plants; may seize, treat, disinfect or destroy any plants or  
14 plant material moved in violation of any quarantine or regulation  
15 established under the provisions of this section or suspected of being  
16 infested by any dangerous insect pest or plant disease; may prohibit or  
17 regulate the transportation of plants and plant materials, brick, stone  
18 and quarry products or any other objects or materials liable to carry  
19 dangerous pests and may designate certain areas or districts wherein

20 all such plants may be destroyed. Said director is authorized to  
21 promulgate, and to enforce by appropriate regulations, a quarantine  
22 prohibiting or restricting the transportation of any class of nursery  
23 stock, plant, fruit, seed or other article capable of carrying any  
24 dangerous plant disease or insect infestation, with reference to which  
25 the Secretary of Agriculture of the United States has not determined  
26 that a quarantine is necessary and established such quarantine, into or  
27 through this state or any portion thereof from any other state, the  
28 District of Columbia or any part of such state or said district in which  
29 said director finds such plant disease or insect infestation to exist. Said  
30 director is authorized to make regulations for the seizure, inspection,  
31 disinfection, destruction or other disposition of any nursery stock,  
32 plant, fruit, seed or other article capable of carrying any dangerous  
33 plant disease or insect infestation, a quarantine with respect to which  
34 has been established by the Secretary of Agriculture of the United  
35 States, and which have been transported to, into or through this state  
36 in violation of such quarantine. Said director may inspect nurseries  
37 and nursery stock, as defined in section 22-97, for any violation of the  
38 provisions of section 22a-381d, as amended by this act. Said director  
39 may establish and maintain a quarantine against any premises, district,  
40 town or group of towns in this state, provided, before any quarantine  
41 is established within the state, a public hearing shall be held, of which  
42 five days' notice shall be given to the parties affected, either by mail or  
43 by publishing such notice in two newspapers having a circulation in  
44 the part of the state affected by such quarantine. Said director or any  
45 person authorized by him to enforce the provisions of this section may,  
46 at any reasonable time, enter any public or private premises in the  
47 performance of his duty. Any person aggrieved by any order of  
48 quarantine issued under the provisions of this section may appeal to  
49 the Superior Court, or to any judge thereof if said court is not in  
50 session, and said court or such judge may grant such relief or issue  
51 such order or judgment in the premises as to equity may appertain.  
52 Any person interfering with any person in the performance of his duty  
53 under the provisions of this section or violating any quarantine or any  
54 regulation established under said provisions shall be fined not less

55 than five dollars nor more than one hundred dollars.

56 Sec. 2. Subsection (e) of section 22-344 of the general statutes is  
57 repealed and the following is substituted in lieu thereof (*Effective July*  
58 *1, 2006*):

59 (e) The commissioner may, at any time, inspect or cause to be  
60 inspected by [his] the commissioner's agents any such commercial  
61 kennel, pet shop, grooming facility or training facility, and if, in [his]  
62 the commissioner's judgment such kennel, pet shop, grooming facility  
63 or training facility is not being maintained in a sanitary and humane  
64 manner or in a manner that protects the public safety, or if [he] the  
65 commissioner finds that contagious, infectious or communicable  
66 disease or other unsatisfactory conditions exist, [he] or, in the case of a  
67 pet shop, if the commissioner finds any violation of the provisions of  
68 section 22a-381d, as amended by this act, [he] the commissioner may  
69 issue such orders as the commissioner deems necessary for the  
70 correction of such conditions and may quarantine the premises and  
71 animals. If the owner or keeper of such kennel, pet shop, grooming  
72 facility or training facility fails to comply with the regulations or  
73 orders of the commissioner, or fails to comply with any provision of  
74 the statutes or regulations relating to dogs or other animals, the  
75 commissioner may revoke or suspend such license. Any person  
76 aggrieved by any order issued under the provisions of this section may  
77 appeal therefrom in accordance with the provisions of section 4-183.  
78 Any person maintaining any commercial kennel, pet shop, grooming  
79 facility or training facility without having obtained a license for the  
80 same or after any such license has been revoked or suspended as  
81 provided herein shall be fined not more than two hundred dollars. The  
82 provisions of this section shall not apply to veterinary hospitals, except  
83 those boarding or grooming dogs for nonmedical purposes, and other  
84 establishments where all the dogs or animals were born and raised on  
85 the premises where they are kept for sale.

86 Sec. 3. Section 22a-381d of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective July 1, 2006*):

88 (a) Notwithstanding the provisions of any ordinance adopted by a  
89 municipality, no person shall [import,] move, except for eradication,  
90 research or educational purposes, import, sell, purchase, transplant,  
91 cultivate, except for research purposes, or distribute any of the  
92 following invasive plants: (1) Curly leaved Pondweed (*Potamogeton*  
93 *crispus*); (2) fanwort (*Cabomba caroliniana*); (3) eurasian water milfoil  
94 (*Myriophyllum spicatum*); (4) variable water milfoil (*Myriophyllum*  
95 *heterophyllum*); (5) water chestnut (*Trapa natans*); (6) egeria (*Egeria*  
96 *densa*); (7) hydrilla (*Hydrilla verticillata*); (8) common barberry  
97 (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus umbellata*); (10) Bell's  
98 honeysuckle (*Lonicera xbella*); (11) amur honeysuckle (*Lonicera*  
99 *maackii*); (12) Morrow's honeysuckle (*Lonicera morrowii*); (13)  
100 common buckthorn (*Rhamnus cathartica*); (14) multiflora rose (*Rosa*  
101 *multiflora*); (15) Oriental bittersweet (*Celastrus orbiculatus*); (16) garlic  
102 mustard (*Alliaria petiolata*); (17) narrowleaf bittercress (*Cardamine*  
103 *impatiens*); (18) spotted knapweed (*Centaurea biebersteinii*); (19) black  
104 swallow-wort (*Cynanchum louiseae*); (20) pale swallow-wort  
105 (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia esula*); (22)  
106 Dame's rocket (*Hesperis matronalis*); (23) perennial pepperweed  
107 (*Lepidium latifolium*); (24) Japanese knotweed (*Polygonum*  
108 *cuspidatum*); (25) mile-a-minute vine (*Polygonum perfoliatum*); (26)  
109 fig buttercup (*Ranunculus ficaria*); (27) coltsfoot (*Tussilago farfara*);  
110 (28) Japanese stilt grass (*Microstegium vimineum*); (29) common reed  
111 (*Phragmites australis*); (30) sycamore maple (*Acer pseudoplatanus*);  
112 (31) princess tree (*Paulownia tomentosa*); (32) white poplar (*Populus*  
113 *alba*); (33) false indigo (*Amorpha fruticosa*); (34) Russian olive  
114 (*Eleagnus angustifolia*); (35) wineberry (*Rubus phoenicolasius*); (36)  
115 kudzu (*Pueraria montana*); (37) Canada thistle (*Cirsium arvense*); (38)  
116 jimsonweed (*Datura stramonium*); (39) crested late-summer mint  
117 (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia cyparissias*); (41)  
118 slender snake cotton (*Froelichia gracilis*); (42) ground ivy (*Glechoma*  
119 *hederacea*); (43) giant hogweed (*Heracleum mantegazzianum*); (44)  
120 Japanese hops (*Humulus japonicus*); (45) ornamental jewelweed  
121 (*Impatiens glandulifera*); (46) common kochia (*Kochia scoparia*); (47)  
122 ragged robin (*Lychnis flos-cuculi*); (48) Scotch thistle (*Onopordum*

123 acanthium); (49) bristle knotweed (*Polygonum caespitosum*); (50) giant  
124 knotweed (*Polygonum sachalinense*); (51) sheep sorrel (*Rumex*  
125 *acetosella*); (52) ragwort (*Senecio jacobaea*); (53) cup plant (*Silphium*  
126 *perfoliatum*); (54) bittersweet nightshade (*Solanum dulcamara*); (55)  
127 garden heliotrope (*Valeriana officinalis*); (56) hairy jointgrass  
128 (*Arthraxon hispidus*); (57) drooping brome-grass (*Bromus tectorum*);  
129 (58) Japanese sedge (*Carex kobomugi*); (59) reed managrass (*Glyceria*  
130 *maxima*); (60) Canada bluegrass (*Poa compressa*); and (61) tree of  
131 heaven (*Ailanthus altissima*).

132 (b) Notwithstanding the provisions of any ordinance adopted by a  
133 municipality, no person shall move, except for eradication, research or  
134 educational purposes, or import, sell, purchase, transplant, cultivate,  
135 except for research purposes, or distribute any reproductive portion,  
136 including, but not limited to, seeds, flowers, roots and tubers of any  
137 invasive species listed in subsection (a) or (c) of this section.

138 [(b)] (c) Notwithstanding the provisions of any ordinance adopted  
139 by a municipality, on or after October 1, 2005, no person shall [import,]  
140 move, except for eradication, research or educational purposes, import,  
141 sell, purchase, transplant, cultivate, except for research purposes or  
142 distribute any of the following invasive plants: (1) Purple loosestrife  
143 (*Lythrum salicaria*); (2) forget-me-not (*Myosotis scorpioides*); (3)  
144 Japanese honeysuckle (*Lonicera japonica*); (4) goutweed (*Aegopodium*  
145 *podagraia*); (5) flowering rush (*Butomus umbellatus*); (6) pond water-  
146 starwort (*Callitriche stagnalis*); (7) European waterclover (*Marsilea*  
147 *quadrifolia*); (8) parrotfeather (*Myriophyllum aquaticum*); (9) brittle  
148 water-nymph (*Najas minor*); (10) American water lotus (*Nelumbo*  
149 *lutea*); (11) yellow floating heart (*Nymphoides peltata*); (12) onerow  
150 yellowcress (*Rorippa microphylla*); (13) watercress (*Rorippa*  
151 *nasturtium-aquaticum*), except for watercress sold for human  
152 consumption without its reproductive structure; (14) giant salvinia  
153 (*Salvinia molesta*); (15) yellow iris (*Iris pseudacorus*); [(16) water  
154 lettuce (*Pistia stratiotes*); (17)] (16) border privet (*Ligustrum*  
155 *obtusifolium*); [(18)] (17) tatarian honeysuckle (*Lonicera tatarica*); [(19)]  
156 (18) dwarf honeysuckle (*Lonicera xylosteum*); and [(20)] (19) garden

157 looetrife (*Lysimachia vulgaris*).

158 [(c)] (d) From June 26, 2003, until [October 1, 2005,] October 1, 2011,  
159 no municipality shall adopt any ordinance with an effective date prior  
160 to October 1, 2011, regarding the retail sale or purchase of any invasive  
161 plant.

162 [(d)] (e) Any person who violates the provisions of this section shall  
163 be deemed to have committed an infraction and shall be fined not  
164 more than one hundred dollars per plant.

165 Sec. 4. Subsection (b) of section 51-164n of the 2006 supplement to  
166 the general statutes is repealed and the following is substituted in lieu  
167 thereof (*Effective October 1, 2006*):

168 (b) Notwithstanding any provision of the general statutes, any  
169 person who is alleged to have committed (1) a violation under the  
170 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
171 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-  
172 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, as amended, 12-292,  
173 or 12-326g, as amended, subdivision (4) of section 12-408, subdivision  
174 (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,  
175 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as  
176 amended, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253,  
177 subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-  
178 336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a),  
179 (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section  
180 14-12, as amended, section 14-20a or 14-27a, subsection (e) of section  
181 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, as  
182 amended, 14-50a or 14-58, subsection (b) of section 14-66, as amended,  
183 section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80,  
184 subsection (f) of section 14-80h, as amended, section 14-97a, 14-100b,  
185 14-103a, 14-105a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a  
186 first violation as specified in subsection (f) of section 14-164i, section  
187 14-219 as specified in subsection (e) of said section, subdivision (1) of  
188 section 14-223a, as amended, section 14-240, 14-249, as amended, or 14-

189 250, as amended, subsection (a), (b) or (c) of section 14-261a, section 14-  
190 262, 14-264, 14-267a, 14-269, 14-270, as amended, 14-275a, 14-278 or 14-  
191 279, subsection (e) of section 14-283, as amended, section 14-291, 14-  
192 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,  
193 subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection  
194 (a) of section 15-115, section 16-256, 16-256e, 16a-15, as amended, or  
195 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
196 as amended, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-  
197 137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,  
198 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-  
199 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-  
200 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-  
201 425, 19a-502, 20-7a, as amended, 20-14, 20-158, 20-231, 20-257, 20-265 or  
202 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608,  
203 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, as amended, 21-  
204 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,  
205 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-  
206 79, as amended, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-  
207 13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, as  
208 amended, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-  
209 89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-  
210 320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344,  
211 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-  
212 246, subsection (a) of section 22a-250, as amended, subsection (e) of  
213 section 22a-256h, [subsection (a) of] section 22a-381d, as amended by  
214 this act, section 22a-449, as amended, 22a-461, 23-37, 23-38, 23-46 or 23-  
215 61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19,  
216 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89,  
217 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-  
218 215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-  
219 161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-  
220 48a, 30-86a, as amended, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,  
221 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,  
222 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)  
223 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b

224 or 31-134, subsection (i) of section 31-273, as amended, section 31-288,  
 225 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of  
 226 section 46a-54, as amended, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-  
 227 38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133,  
 228 subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-  
 229 252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-  
 230 344 or 53-450, or (2) a violation under the provisions of chapter 268, or  
 231 (3) a violation of any regulation adopted in accordance with the  
 232 provisions of section 12-484, 12-487 or 13b-410, shall follow the  
 233 procedures set forth in this section.

234       Sec. 5. (*Effective July 1, 2006*) The sum of four hundred seventy-five  
 235 thousand dollars is appropriated to an invasive species protection  
 236 conservation account within the Conservation Fund established  
 237 pursuant to section 22a-27h of the general statutes. Such funds may be  
 238 utilized, at the discretion of the Commissioner of Environmental  
 239 Protection, to administer the invasive species program, including, but  
 240 not limited to, employing an invasive plant coordinator, developing an  
 241 early detection and rapid response policy, educating the public  
 242 regarding invasive species, funding Department of Agriculture and  
 243 Connecticut Agricultural Experiment Station inspectors and making  
 244 grants to control invasive species on publicly accessible land and  
 245 waters.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	22-84
Sec. 2	<i>July 1, 2006</i>	22-344(e)
Sec. 3	<i>July 1, 2006</i>	22a-381d
Sec. 4	<i>October 1, 2006</i>	51-164n(b)
Sec. 5	<i>July 1, 2006</i>	New section

**ENV**       *Joint Favorable Subst.*

**PD**       *Joint Favorable*