



House of Representatives

General Assembly

File No. 22

February Session, 2008

Substitute House Bill No. 5147

House of Representatives, March 12, 2008

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING INVASIVE PLANTS.

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 Section 22-84 of the general statutes is repealed and the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, 2008*):

3 (a) 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] (1) Cooperate with the agents of the United
11 States Department of Agriculture in the control of plant pests; [may]
12 (2) make regulations and orders regarding the destruction or treatment
13 of infested plants; [may] (3) seize, treat, disinfect or destroy any plants
14 or 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] (4)
17 prohibit or regulate the transportation of plants and plant materials,
18 brick, stone and quarry products or any other objects or materials
19 liable to carry dangerous pests and may designate certain areas or
20 districts wherein all such plants may be destroyed; [. Said director is
21 authorized to promulgate] (5) adopt, and [to] enforce by appropriate
22 regulations, a quarantine prohibiting or restricting the transportation
23 of any class of nursery stock, plant, fruit, seed or other article capable
24 of carrying any dangerous plant disease or insect infestation, with
25 reference to which the Secretary of Agriculture of the United States has
26 not determined that a quarantine is necessary and established such
27 quarantine, into or through this state or any portion thereof from any
28 other state, the District of Columbia or any part of such state or said
29 district in which said director finds such plant disease or insect
30 infestation to exist; [. Said director is authorized to make] (6) adopt
31 regulations for the seizure, inspection, disinfection, destruction or
32 other disposition of any nursery stock, plant, fruit, seed or other article
33 capable of carrying any dangerous plant disease or insect infestation, a
34 quarantine with respect to which has been established by the Secretary
35 of Agriculture of the United States, and which have been transported
36 to, into or through this state in violation of such quarantine; [. Said
37 director may] (7) inspect nurseries and nursery stock, as defined in
38 section 22-97, for any violation of the provisions of section 22a-381d, as
39 amended by this act; and (8) establish and maintain a quarantine
40 against any premises, district, town or group of towns in this state,
41 provided, before any quarantine is established within the state, a
42 public hearing shall be held, of which five days' notice shall be given to
43 the parties affected, either by mail or by publishing such notice in two
44 newspapers having a circulation in the part of the state affected by
45 such quarantine. [Said]

46 (b) The director or [any person authorized by him to enforce the
47 provisions of this section] a designee may, at any reasonable time,
48 enter any public or private premises [in the performance of his duty] to
49 enforce the provisions of this section. Any person aggrieved by any
50 order of quarantine issued under the provisions of this section may

51 appeal to the Superior Court, or to any judge thereof if said court is not
52 in session, and said court or such judge may grant such relief or issue
53 such order or judgment in the premises as to equity may appertain.

54 (c) Any person interfering with [any person] the director or the
55 director's designee in the performance of [his] said director's duty
56 under the provisions of this section or violating any quarantine or any
57 regulation established under [said] the provisions of this section shall
58 be fined not less than five dollars [nor] or more than one hundred
59 dollars.

60 Sec. 2. Subsection (e) of section 22-344 of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective July*
62 *1, 2008*):

63 (e) The commissioner may, at any time, inspect or cause to be
64 inspected by [his] the commissioner's agents any such commercial
65 kennel, pet shop, grooming facility or training facility, and if, (1) in
66 [his] the commissioner's judgment such kennel, pet shop, grooming
67 facility or training facility is not being maintained in a sanitary and
68 humane manner or in a manner that protects the public safety, [or if
69 he] (2) the commissioner finds that contagious, infectious or
70 communicable disease or other unsatisfactory conditions exist, [he] or
71 (3) in the case of a pet shop, the commissioner finds any violation of
72 the provisions of section 22a-381d, as amended by this act, the
73 commissioner may issue such orders as [he] the commissioner deems
74 necessary for the correction of such conditions and may quarantine the
75 premises and animals. If the owner or keeper of such kennel, pet shop,
76 grooming facility or training facility fails to comply with the
77 regulations or orders of the commissioner, or fails to comply with any
78 provision of the statutes or regulations relating to dogs or other
79 animals, the commissioner may revoke or suspend such license. Any
80 person aggrieved by any order issued under the provisions of this
81 section may appeal therefrom in accordance with the provisions of
82 section 4-183. Any person maintaining any commercial kennel, pet
83 shop, grooming facility or training facility without having obtained a

84 license for the same or after any such license has been revoked or
85 suspended as provided herein shall be fined not more than two
86 hundred dollars. The provisions of this section shall not apply to
87 veterinary hospitals, except those boarding or grooming dogs for
88 nonmedical purposes, and other establishments where all the dogs or
89 animals were born and raised on the premises where they are kept for
90 sale.

91 Sec. 3. Section 22a-381d of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective July 1, 2008*):

93 (a) Notwithstanding the provisions of any ordinance adopted by a
94 municipality, no person shall [import,] move, except for eradication,
95 research or educational purposes, shall import, sell, purchase,
96 transplant [,] or cultivate, except for research purposes, or shall
97 distribute any of the following invasive plants: (1) Curly leaved
98 Pondweed (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*);
99 (3) eurasian water milfoil (*Myriophyllum spicatum*); (4) variable water
100 milfoil (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa*
101 *natans*); (6) egeria (*Egeria densa*); (7) hydrilla (*Hydrilla verticillata*); (8)
102 common barberry (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus*
103 *umbellata*); (10) Bell's honeysuckle (*Lonicera xbella*); (11) amur
104 honeysuckle (*Lonicera maackii*); (12) Morrow's honeysuckle (*Lonicera*
105 *morrowii*); (13) common buckthorn (*Rhamnus cathartica*); (14)
106 multiflora rose (*Rosa multiflora*); (15) Oriental bittersweet (*Celastrus*
107 *orbiculatus*); (16) garlic mustard (*Alliaria petiolata*); (17) narrowleaf
108 bittercress (*Cardamine impatiens*); (18) spotted knapweed (*Centaurea*
109 *biebersteinii*); (19) black swallow-wort (*Cynanchum louiseae*); (20) pale
110 swallow-wort (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia*
111 *esula*); (22) Dame's rocket (*Hesperis matronalis*); (23) perennial
112 pepperweed (*Lepidium latifolium*); (24) Japanese knotweed
113 (*Polygonum cuspidatum*); (25) mile-a-minute vine (*Polygonum*
114 *perfoliatum*); (26) fig buttercup (*Ranunculus ficaria*); (27) coltsfoot
115 (*Tussilago farfara*); (28) Japanese stilt grass (*Microstegium vimineum*);
116 (29) common reed (*Phragmites australis*); (30) sycamore maple (*Acer*
117 *pseudoplatanus*); (31) princess tree (*Paulownia tomentosa*); (32) white

118 poplar (*Populus alba*); (33) false indigo (*Amorpha fruticosa*); (34)
119 Russian olive (*Eleagnus angustifolia*); (35) wineberry (*Rubus*
120 *phoenicolasius*); (36) kudzu (*Pueraria montana*); (37) Canada thistle
121 (*Cirsium arvense*); (38) jimsonweed (*Datura stramonium*); (39) crested
122 late-summer mint (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia*
123 *cyparissias*); (41) slender snake cotton (*Froelichia gracilis*); (42) ground
124 ivy (*Glechoma hederacea*); (43) giant hogweed (*Heracleum*
125 *mantegazzianum*); (44) Japanese hops (*Humulus japonicus*); (45)
126 ornamental jewelweed (*Impatiens glanulifera*); (46) common kochia
127 (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-cuculi*); (48) Scotch
128 thistle (*Onopordum acanthium*); (49) bristle knotweed (*Polygonum*
129 *caespitosum*); (50) giant knotweed (*Polygonum sachalinense*); (51)
130 sheep sorrel (*Rumex acetosella*); (52) ragwort (*Senecio jacobaea*); (53)
131 cup plant (*Silphium perfoliatum*); (54) bittersweet nightshade
132 (*Solanum dulcamara*); (55) garden heliotrope (*Valeriana officinalis*);
133 (56) hairy jointgrass (*Arthraxon hispidus*); (57) drooping brome-grass
134 (*Bromus tectorum*); (58) Japanese sedge (*Carex kobomugi*); (59) reed
135 managrass (*Glyceria maxima*); (60) Canada bluegrass (*Poa compressa*);
136 and (61) tree of heaven (*Ailanthus altissima*).

137 (b) Notwithstanding the provisions of any ordinance adopted by a
138 municipality, no person shall move, except for eradication, research or
139 educational purposes, shall import, sell, purchase, transplant or
140 cultivate, except for research purposes, or shall distribute any
141 reproductive portion of any invasive plant listed in subsection (a) or (c)
142 of this section. For the purposes of this subsection, "reproductive
143 portion" includes, but is not limited to, seeds, flowers, roots and
144 tubers.

145 [(b)] (c) Notwithstanding the provisions of any ordinance adopted
146 by a municipality, on or after October 1, 2005, no person shall [import,]
147 move, except for eradication, research or educational purposes, shall
148 import, sell, purchase, transplant [,] or cultivate, except for research
149 purposes, or shall distribute any of the following invasive plants: (1)
150 Purple loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis*
151 *scorpioides*); (3) Japanese honeysuckle (*Lonicera japonica*); (4)

152 goutweed (*Aegopodium podagraia*); (5) flowering rush (*Butomus*
153 *umbellatus*); (6) pond water-starwort (*Callitriche stagnalis*); (7)
154 European waterclover (*Marsilea quadrifolia*); (8) parrotfeather
155 (*Myriophyllum aquaticum*); (9) brittle water-nymph (*Najas minor*);
156 (10) American water lotus (*Nelumbo lutea*); (11) yellow floating heart
157 (*Nymphoides peltata*); (12) onerow yellowcress (*Rorippa microphylla*);
158 (13) watercress (*Rorippa nasturtium-aquaticum*), except for watercress
159 sold for human consumption without its reproductive structure; (14)
160 giant salvinia (*Salvinia molesta*); (15) yellow iris (*Iris pseudacorus*);
161 (16) [water lettuce (*Pistia stratiotes*); (17)] border privet (*Ligustrum*
162 *obtusifolium*); [(18)] (17) tatarian honeysuckle (*Lonicera tatarica*); [(19)]
163 (18) dwarf honeysuckle (*Lonicera xylosteum*); and [(20)] (19) garden
164 loosetrife (*Lysimachia vulgaris*).

165 [(c)] (d) From [June 26, 2003] July 1, 2008, until October 1, [2005]
166 2013, no municipality shall adopt any ordinance regarding the retail
167 sale or purchase of any invasive plant.

168 [(d)] (e) Any person who violates the provisions of this section shall
169 be fined not more than one hundred dollars per plant.

170 Sec. 4. Section 22a-381c of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective October 1, 2008*):

172 No state agency, department or institution shall purchase any plant
173 listed as invasive or potentially invasive pursuant to section 22a-381b,
174 provided nothing in this section shall be construed to prohibit such
175 purchase if such purchase is necessary to honor a state contract in
176 effect as of the date any such plant is listed as invasive or potentially
177 invasive pursuant to section 22a-381b. Nothing in this section shall be
178 construed to prohibit any state agency, department or institution, or
179 the agents of such agency, department or institution, from transporting
180 any invasive or potentially invasive plant for educational, [or] research
181 or eradication purposes.

182 Sec. 5. Subsection (b) of section 51-164n of the 2008 supplement to
183 the general statutes is repealed and the following is substituted in lieu

184 thereof (Effective July 1, 2008):

185 (b) Notwithstanding any provision of the general statutes, any
186 person who is alleged to have committed (1) a violation under the
187 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
188 283, 7-325, 7-393, 8-25 of the 2008 supplement to the general statutes, 8-
189 27, 9-63, 9-296 of the 2008 supplement to the general statutes, 9-305, 9-
190 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-
191 170aa, 12-292, or 12-326g of the 2008 supplement to the general
192 statutes, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
193 section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
194 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
195 140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42,
196 section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a,
197 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412,
198 section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-
199 27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,
200 section 14-43, 14-49 of the 2008 supplement to the general statutes, 14-
201 50a or 14-58, subsection (b) of section 14-66 of the 2008 supplement to
202 the general statutes, section 14-66a, 14-66b or 14-67a, subsection (g) of
203 section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b,
204 14-103a of the 2008 supplement to the general statutes, 14-106a, 14-
205 106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in
206 subsection (f) of section 14-164i, section 14-219 as specified in
207 subsection (e) of said section, subdivision (1) of section 14-223a, section
208 14-240, 14-249, 14-250 or 14-253a of the 2008 supplement to the general
209 statutes, subsection (a) of section 14-261a of the 2008 supplement to the
210 general statutes, section 14-262, 14-264, 14-267a of the 2008 supplement
211 to the general statutes, 14-269, 14-270, 14-275a, 14-278 or 14-279,
212 subsection (e) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-
213 319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),
214 (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-
215 115, section 16-256, 16-256e, 16a-15 of the 2008 supplement to the
216 general statutes or 16a-22, subsection (a) or (b) of section 16a-22h,
217 section 17a-24, 17a-145 of the 2008 supplement to the general statutes,
218 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 of the

219 2008 supplement to the general statutes or 17b-734, subsection (b) of
220 section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b)
221 of section 19a-87a, section 19a-91 of the 2008 supplement to the general
222 statutes, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286,
223 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339,
224 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or
225 20-324e, subsection (a) of section 20-341 of the 2008 supplement to the
226 general statutes, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-
227 39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25 of the 2008
228 supplement to the general statutes, 21a-26 or 21a-30, subsection (a) of
229 section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77 of the 2008
230 supplement to the general statutes, subsection (b) of section 21a-79,
231 section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34,
232 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49,
233 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a,
234 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of
235 section 22-344, section 22-359, 22-366, 22-391 of the 2008 supplement to
236 the general statutes, 22-413 of the 2008 supplement to the general
237 statutes, 22-414 of the 2008 supplement to the general statutes, 22-415
238 of the 2008 supplement to the general statutes, 22a-66a of the 2008
239 supplement to the general statutes or 22a-246, subsection (a) of section
240 22a-250, subsection (e) of section 22a-256h, [subsection (a) of] section
241 22a-381d, section 22a-449 of the 2008 supplement to the general
242 statutes, 22a-461, 23-37, 23-38, 23-46 of the 2008 supplement to the
243 general statutes or 23-61b, subsection (a) or (b) of section 23-65, section
244 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61,
245 26-64, 26-79, 26-89, 26-97 of the 2008 supplement to the general
246 statutes, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207,
247 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13 of the 2008 supplement to
248 the general statutes, 29-6a, 29-109, 29-143o, 29-143z, 29-161y, 29-161z,
249 29-198, 29-210 of the 2008 supplement to the general statutes, 29-243,
250 29-277, 29-316, 29-318, 29-341 of the 2008 supplement to the general
251 statutes, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12 of the 2008
252 supplement to the general statutes, 31-13 of the 2008 supplement to the
253 general statutes, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-

254 32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52,
 255 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
 256 74, 31-75, 31-76, 31-76a of the 2008 supplement to the general statutes,
 257 31-89b or 31-134, subsection (i) of section 31-273, section 31-288 of the
 258 2008 supplement to the general statutes, 36a-787, 42-230, 45a-450, 45a-
 259 634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59,
 260 46b-22 of the 2008 supplement to the general statutes, 46b-24 of the
 261 2008 supplement to the general statutes, 46b-34, 46b-38dd of the 2008
 262 supplement to the general statutes, 46b-38gg of the 2008 supplement to
 263 the general statutes, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133,
 264 subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-
 265 252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-
 266 344 or 53-450, or (2) a violation under the provisions of chapter 268, or
 267 (3) a violation of any regulation adopted in accordance with the
 268 provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any
 269 ordinance, regulation or bylaw of any town, city or borough, except
 270 violations of building codes and the health code, for which the penalty
 271 exceeds ninety dollars but does not exceed two hundred fifty dollars,
 272 unless such town, city or borough has established a payment and
 273 hearing procedure for such violation pursuant to section 7-152c, shall
 274 follow the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	22-84
Sec. 2	July 1, 2008	22-344(e)
Sec. 3	July 1, 2008	22a-381d
Sec. 4	October 1, 2008	22a-381c
Sec. 5	July 1, 2008	51-164n(b)

Statement of Legislative Commissioners:

Subsection (c) of section 1 was redrafted to replace a reference to "authority" with "duty" for proper grammar and clarity and subsection (b) of section 3 was redrafted for consistency with similar phraseology in other subsections of section 3 of the bill.

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill allows invasive plants to be transported for purposes of eradication, research, or education. Since the Department of Agriculture has not been trained to identify invasive plants, there would be no revenue collected from penalties, as a result of any violations. The bill makes other various changes, none of which have a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5147*****AN ACT CONCERNING INVASIVE PLANTS.*****SUMMARY:**

This bill prohibits, from July 1, 2008 to October 1, 2013, municipalities from adopting ordinances regulating the retail sale or purchase of invasive plants. It allows such plants to be moved for specific purposes and makes other changes to invasive plant laws.

EFFECTIVE DATE: July 1, 2008, except for a provision affecting state agencies and their agents, which takes effect October 1, 2008.

BAN ON MUNICIPAL ORDINANCES

A ban on the adoption of municipal ordinances regulating the retail sale or purchase of invasive plants expired October 1, 2005. The bill reinstates this ban, starting July 1, 2008. The ban expires on October 1, 2013. Municipalities can continue to enforce ordinances adopted before July 1, 2008.

MOVING INVASIVE PLANTS

Current law bars people from importing, moving, selling, buying, transplanting, cultivating, or distributing any of 81 invasive plants. The bill removes water lettuce (*Pistia stratiotes*) from the list. It allows people to (1) move any of the remaining 80 plants for research, eradication, or educational purposes and (2) cultivate them for research. It also bars anyone from moving (except for eradication, research, or educational purposes) importing, selling, transplanting, buying, cultivating (except for research purposes) or distributing any of the reproductive portions of a listed invasive species, including seeds, flowers, roots, and tubers, regardless of any municipal ordinance to the contrary.

By law, violators are subject to a fine of up to \$100 per plant. Current law treats as an infraction violations of the invasive plant law with regard to plants listed as invasive before October 1, 2005. Under the bill, violations of the invasive plant law for plants listed as invasive on or after that date, as well as violations concerning the reproductive portions of any listed invasive plant, also are treated as infractions.

BAN ON STATE AGENCY PURCHASE OF INVASIVE PLANTS

The law prohibits state agencies, departments, and institutions from buying an invasive or potentially invasive plant, except to honor a state contract in effect when a plant is listed as invasive or potentially invasive. But state agencies may transport these plants for educational or research purposes. The bill allows these agencies to also transport the plants to eradicate them. It applies this provision, as well as those in existing law, to agents of the agencies, departments, and institutions.

INSPECTION FOR VIOLATIONS OF INVASIVE PLANT LAWS

The bill authorizes the Connecticut Agricultural Experiment Station director to inspect nurseries and nursery stock for violations of the invasive plant laws. By law, the director may prohibit or regulate the transportation of plants and plant material liable to carry dangerous pests, and enforce other provisions of the law concerning plant and insect disease and infestation. The bill also authorizes the agriculture commissioner to inspect pet shops for violations of the invasive plant laws. By law, the commissioner may issue orders to correct unsatisfactory conditions.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 30 Nay 0 (02/27/2008)