



House of Representatives

File No. 813

General Assembly

January Session, 2009

(Reprint of File No. 149)

House Bill No. 5277
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 24, 2009

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
INVASIVE PLANT 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 Section 22-84 of the general statutes is repealed and the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, 2009*):

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, and to] (5) adopt, and enforce by
22 appropriate regulations, a quarantine prohibiting or restricting the
23 transportation of any class of nursery stock, plant, fruit, seed or other
24 article capable of carrying any dangerous plant disease or insect
25 infestation, with reference to which the Secretary of Agriculture of the
26 United States has not determined that a quarantine is necessary and
27 established such quarantine, into or through this state or any portion
28 thereof from any other state, the District of Columbia or any part of
29 such state or said district in which said director finds such plant
30 disease or insect infestation to exist; [. Said director is authorized to
31 make] (6) adopt regulations for the seizure, inspection, disinfection,
32 destruction or other disposition of any nursery stock, plant, fruit, seed
33 or other article capable of carrying any dangerous plant disease or
34 insect infestation, a quarantine with respect to which has been
35 established by the Secretary of Agriculture of the United States, and
36 which have been transported to, into or through this state in violation
37 of such quarantine; [. Said director may] (7) inspect nurseries and
38 nursery stock, as defined in section 22-97, for any violation of the
39 provisions of section 22a-381d, as amended by this act; and (8)
40 establish and maintain a quarantine against any premises, district,
41 town or group of towns in this state, provided, before any quarantine
42 is established within the state, a public hearing shall be held, of which
43 five days' notice shall be given to the parties affected, either by mail or
44 by publishing such notice in two newspapers having a circulation in
45 the part of the state affected by 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, 2009*):

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, 2009*):

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

117 tree (*Paulownia tomentosa*); (32) white poplar (*Populus alba*); (33) false
118 indigo (*Amorpha fruticosa*); (34) Russian olive (*Eleagnus angustifolia*);
119 (35) wineberry (*Rubus phoenicolasius*); (36) kudzu (*Pueraria montana*);
120 (37) Canada thistle (*Cirsium arvense*); (38) jimsonweed (*Datura*
121 *stramonium*); (39) crested late-summer mint (*Elsholtzia ciliata*); (40)
122 Cypress spurge (*Euphorbia cyparissias*); (41) slender snake cotton
123 (*Froelichia gracilis*); (42) ground ivy (*Glechoma hederacea*); (43) giant
124 hogweed (*Heracleum mantegazzianum*); (44) Japanese hops (*Humulus*
125 *japonicus*); (45) ornamental jewelweed (*Impatiens glanulifera*); (46)
126 common kochia (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-*
127 *cuculi*); (48) Scotch thistle (*Onopordum acanthium*); (49) bristle
128 knotweed (*Polygonum caespitosum*); (50) giant knotweed (*Polygonum*
129 *sachalinense*); (51) sheep sorrel (*Rumex acetosella*); (52) ragwort
130 (*Senecio jacobaea*); (53) cup plant (*Silphium perfoliatum*); (54)
131 bittersweet nightshade (*Solanum dulcamara*); (55) garden heliotrope
132 (*Valeriana officinalis*); (56) hairy jointgrass (*Arthraxon hispidus*); (57)
133 drooping brome-grass (*Bromus tectorum*); (58) Japanese sedge (*Carex*
134 *kobomugi*); (59) reed managrass (*Glyceria maxima*); (60) Canada
135 bluegrass (*Poa compressa*); and (61) tree of heaven (*Ailanthus*
136 *altissima*).

137 (b) [Notwithstanding] Except as provided in subsection (d) of this
138 section and notwithstanding the provisions of any ordinance adopted
139 by a municipality, on or after October 1, 2005, no person shall import,
140 move, sell, purchase, transplant, cultivate or distribute any of the
141 following invasive plants: (1) Purple loosestrife (*Lythrum salicaria*); (2)
142 forget-me-not (*Myosotis scorpioides*); (3) Japanese honeysuckle
143 (*Lonicera japonica*); (4) goutweed (*Aegopodium podagraia*); (5)
144 flowering rush (*Butomus umbellatus*); (6) pond water-starwort
145 (*Callitriche stagnalis*); (7) European waterclover (*Marsilea quadrifolia*);
146 (8) parrotfeather (*Myriophyllum aquaticum*); (9) brittle water-nymph
147 (*Najas minor*); (10) American water lotus (*Nelumbo lutea*); (11) yellow
148 floating heart (*Nymphoides peltata*); (12) onerow yellowcress (*Rorippa*
149 *microphylla*); (13) watercress (*Rorippa nasturtium-aquaticum*), except
150 for watercress sold for human consumption without its reproductive

151 structure; (14) giant salvinia (*Salvinia molesta*); (15) yellow iris (*Iris*
152 *pseudacorus*); (16) [water lettuce (*Pistia stratiotes*); (17)] border privet
153 (*Ligustrum obtusifolium*); [(18)] (17) tatarian honeysuckle (*Lonicera*
154 *tatarica*); [(19)] (18) dwarf honeysuckle (*Lonicera xylosteum*); and [(20)]
155 (19) garden loosetrife (*Lysimachia vulgaris*).

156 (c) Except as provided in subsection (d) of this section, and
157 notwithstanding the provisions of any ordinance adopted by a
158 municipality, no person shall move, import, sell, purchase, transplant,
159 cultivate or distribute any reproductive portion of any invasive plant
160 listed in subsection (a) or (b) of this section. For the purposes of this
161 section, "reproductive portion" includes, but is not limited to, seeds,
162 flowers, roots and tubers.

163 (d) The provisions of subsections (a) to (c), inclusive, of this section
164 shall not apply to the moving for eradication, research or educational
165 purposes of any invasive plant listed in subsection (a) or (b) of this
166 section or of any reproductive portion of such an invasive plant or to
167 the cultivating for research purposes of any such plant or reproductive
168 portion.

169 [(c) From June 26, 2003] (e) From July 1, 2009, until October 1, [2005]
170 2014, no municipality shall adopt any ordinance regarding the retail
171 sale or purchase of any invasive plant.

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

174 Sec. 4. Section 22a-381c of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective July 1, 2009*):

176 No state agency, department or institution shall purchase any plant
177 listed as invasive or potentially invasive pursuant to section 22a-381b,
178 provided nothing in this section shall be construed to prohibit such
179 purchase if such purchase is necessary to honor a state contract in
180 effect as of the date any such plant is listed as invasive or potentially
181 invasive pursuant to section 22a-381b. Nothing in this section shall be

182 construed to prohibit any state agency, department or institution, or
183 the agents of such agency, department or institution, from transporting
184 any invasive or potentially invasive plant for educational, [or] research
185 or eradication purposes.

186 Sec. 5. Subsection (b) of section 51-164n of the general statutes is
187 repealed and the following is substituted in lieu thereof (*Effective July*
188 *1, 2009*):

189 (b) Notwithstanding any provision of the general statutes, any
190 person who is alleged to have committed (1) a violation under the
191 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
192 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
193 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
194 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
195 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
196 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
197 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
198 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
199 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
200 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
201 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
202 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
203 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
204 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
205 14-153 or 14-163b, a first violation as specified in subsection (f) of
206 section 14-164i, section 14-219 as specified in subsection (e) of said
207 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
208 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
209 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
210 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
211 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
212 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
213 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
214 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
215 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section

216 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
217 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
218 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
219 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
220 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-
221 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
222 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
223 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
224 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
225 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-
226 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-
227 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)
228 of section 22-344, as amended by this act, section 22-359, 22-366, 22-391,
229 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
230 250, subsection (e) of section 22a-256h, [subsection (a) of] section 22a-
231 381d, as amended by this act, [section] 22a-449, 22a-461, 23-37, 23-38,
232 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-
233 40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64,
234 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-
235 141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109,
236 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or (g) of section 29-
237 161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316,
238 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13,
239 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38,
240 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54,
241 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
242 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
243 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of
244 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-
245 38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a,
246 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-
247 323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of
248 chapter 268, or (3) a violation of any regulation adopted in accordance
249 with the provisions of section 12-484, 12-487 or 13b-410, or (4) a
250 violation of any ordinance, regulation or bylaw of any town, city or

251 borough, except violations of building codes and the health code, for
252 which the penalty exceeds ninety dollars but does not exceed two
253 hundred fifty dollars, unless such town, city or borough has
254 established a payment and hearing procedure for such violation
255 pursuant to section 7-152c, shall follow the procedures set forth in this
256 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	22-84
Sec. 2	<i>July 1, 2009</i>	22-344(e)
Sec. 3	<i>July 1, 2009</i>	22a-381d
Sec. 4	<i>July 1, 2009</i>	22a-381c
Sec. 5	<i>July 1, 2009</i>	51-164n(b)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The underlying bill prohibits municipalities from adopting certain ordinances regarding invasive plants, makes stipulations regarding movement of invasive plants, bans state agencies and other entities from purchasing invasive plants, and allows various state agencies to inspect nurseries and pet shops for invasive plants. There is no fiscal impact associated with these provisions.

House "A" alters the original bill by creating certain stipulations regarding invasive plants and states when municipalities can adopt invasive plant ordinances. This also has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5277 (as amended by House "A")******AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
INVASIVE PLANT COUNCIL.*****SUMMARY:**

This bill prohibits, from July 1, 2009 to October 1, 2014, 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 in invasive plant laws.

*House Amendment "A" makes technical changes.

EFFECTIVE DATE: July 1, 2009

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, 2009. The ban expires on October 1, 2014.

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 only 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.

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 also to transport the plants to eradicate them and allows agents of the agencies, departments, and institutions to transport the plants for education, research, and eradication.

INSPECTION FOR VIOLATIONS OF INVASIVE PLANT LAWS

By law, the director of the Connecticut Agricultural Experiment Station 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 authorizes the director or his designee to inspect nurseries and nursery stock for violations of the invasive plant laws. 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

Yea 27 Nay 0 (03/06/2009)

Planning and Development

Joint Favorable

Yea 18 Nay 0 (04/06/2009)