

SENATE BILL 836

M4

(3lr2655)

ENROLLED BILL

— *Education, Energy, and the Environment/Environment and Transportation* —

Introduced by **Senator Brooks**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Native Plants Program**

3 FOR the purpose of establishing the Maryland Native Plants Program to encourage and
4 promote the use and sale of plants native to Maryland at certain businesses and to
5 educate the public on native plants; requiring the ~~University of Maryland Extension~~
6 Department of Agriculture to administer the Program in coordination with the
7 ~~Department of Agriculture~~ University of Maryland Extension; requiring the
8 University of Maryland Extension to hire an extension agent to serve as a native
9 plant specialist for certain educational purposes; requiring the Department of
10 Agriculture to create and maintain a certain voluntary certification program and a
11 marketing program in a certain manner; requiring the University of Maryland
12 Extension to create a certain website on native plants and requiring the Department
13 of Natural Resources to include a link to the website on the Department of Natural
14 Resources' native plants website; and generally relating to plants native to
15 Maryland.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
 2 Article – Agriculture
 3 Section 10–401 through 10–407 to be under the new subtitle “Subtitle 4. Maryland
 4 Native Plants Program”
 5 Annotated Code of Maryland
 6 (2016 Replacement Volume and 2022 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 8 That the Laws of Maryland read as follows:

9 **Article – Agriculture**

10 **SUBTITLE 4. MARYLAND NATIVE PLANTS PROGRAM.**

11 **10–401.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 13 INDICATED.

14 (B) “COMMERCIAL MARYLAND NATIVE PLANT LIST” MEANS A LIST OF
 15 PLANTS THAT ARE NATIVE TO MARYLAND THAT ARE COMMERCIALY AVAILABLE
 16 AND APPROPRIATE FOR GROWING IN RESIDENTIAL OR COMMERCIAL LANDSCAPES.

17 (C) (1) “NATIVE PLANT” MEANS A PLANT THAT OCCURS NATURALLY IN
 18 THE STATE AND SURROUNDING REGION, ECOSYSTEM, AND HABITAT, WITHOUT
 19 DIRECT OR INDIRECT HUMAN ACTIONS.

20 (2) “NATIVE PLANT” INCLUDES A PLANT THAT:

21 (I) WAS PRESENT BEFORE ~~EUROPEAN~~ COLONIAL
 22 SETTLEMENT; OR

23 (II) IS LISTED AS NATIVE TO MARYLAND ON THE MARYLAND
 24 PLANT ATLAS WEBSITE.

25 ~~(3) “NATIVE PLANT” DOES NOT INCLUDE A PLANT THAT IS A NAMED~~
 26 ~~OR UNNAMED CULTIVAR OR HYBRID.~~

27 (D) “NATIVE PLANT SPECIALIST” MEANS THE UNIVERSITY OF MARYLAND
 28 EXTENSION AGENT HIRED UNDER § 10–403 OF THIS SUBTITLE.

29 (E) “PROGRAM” MEANS THE MARYLAND NATIVE PLANTS PROGRAM.

30 **10–402.**

1 (A) THERE IS A MARYLAND NATIVE PLANTS PROGRAM.

2 (B) THE PURPOSE OF THE PROGRAM IS TO:

3 (1) ~~ENCOURAGE AND PROMOTE THE~~ RESPOND TO THE INCREASING
4 DEMAND FOR, USE OF, AND SALE OF NATIVE PLANTS BY RETAIL GARDEN CENTERS,
5 RETAIL NURSERIES, AND WHOLESALE NURSERIES; AND

6 (2) EDUCATE THE PUBLIC, LANDSCAPERS, AND OTHER PLANT USERS
7 ON THE IMPORTANCE, BENEFIT, AND AVAILABILITY OF NATIVE PLANTS.

8 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
9 DEPARTMENT SHALL ADMINISTER THE PROGRAM.

10 (2) THE UNIVERSITY OF MARYLAND EXTENSION SHALL ADMINISTER
11 THE EDUCATIONAL COMPONENTS OF THE PROGRAM IN COORDINATION WITH THE
12 DEPARTMENT AND OTHER AGENCIES.

13 10-403.

14 (A) (1) THE UNIVERSITY OF MARYLAND EXTENSION SHALL HIRE AN
15 EXTENSION AGENT TO SERVE AS A NATIVE PLANT SPECIALIST.

16 (2) THE INDIVIDUAL HIRED TO SERVE AS THE NATIVE PLANT
17 SPECIALIST MUST HAVE EXPERTISE IN NATIVE PLANTS.

18 (B) THE NATIVE PLANT SPECIALIST SHALL:

19 (1) ASSIST THE UNIVERSITY OF MARYLAND EXTENSION IN
20 FULFILLING ~~ANY~~ EDUCATIONAL AND PROFESSIONAL TRAINING RESPONSIBILITIES
21 RELATED TO THE PROGRAM;

22 (2) COORDINATE WITH THE DEPARTMENT ~~IN THE ADMINISTRATION~~
23 TO DELIVER EDUCATIONAL COMPONENTS OF THE PROGRAM;

24 (3) ~~ESTABLISH AND MAINTAIN~~ PROVIDE INPUT AND EXPERTISE TO
25 THE DEPARTMENT IN THE DEVELOPMENT OF THE COMMERCIAL MARYLAND
26 NATIVE PLANT LIST DEVELOPED UNDER § 10-404 OF THIS SUBTITLE;

27 (4) PROVIDE ~~GUIDANCE~~ INPUT AND EXPERTISE TO THE
28 DEPARTMENT ON THE DEVELOPMENT OF A LIST OF CERTIFIED MARYLAND NATIVE
29 PLANT GROWERS AND RETAILERS DEVELOPED UNDER § 10-405 OF THIS SUBTITLE;

1 **(5) TEACH GROWERS AND OTHER STAKEHOLDERS ABOUT**
2 **TECHNIQUES FOR GROWING NATIVE PLANTS; AND**

3 **(6) COORDINATE EDUCATION, APPLIED RESEARCH, AND OUTREACH**
4 **TO TEACH THE PUBLIC, LANDSCAPERS, AND OTHER PLANT USERS ABOUT THE**
5 **IMPORTANCE, BENEFIT, AND AVAILABILITY OF NATIVE PLANTS.**

6 **10-404.**

7 **(A) THE UNIVERSITY OF MARYLAND EXTENSION, ~~IN COORDINATION WITH~~**
8 **SHALL PROVIDE INPUT TO THE DEPARTMENT, WHO SHALL RECEIVE INPUT FROM**
9 **THE DEPARTMENT OF NATURAL RESOURCES, AND THE MARYLAND NATIVE PLANT**
10 **SOCIETY, ~~SHALL~~ TO DEVELOP A COMMERCIAL MARYLAND NATIVE PLANT LIST.**

11 **(B) THE UNIVERSITY OF MARYLAND EXTENSION, ~~IN COORDINATION WITH~~**
12 **SHALL PROVIDE INPUT TO THE DEPARTMENT, WHO SHALL RECEIVE INPUT FROM**
13 **THE DEPARTMENT OF NATURAL RESOURCES, AND THE MARYLAND NATIVE PLANT**
14 **SOCIETY, ~~SHALL~~ TO REVIEW AND UPDATE THE COMMERCIAL MARYLAND NATIVE**
15 **PLANT LIST AT LEAST ONCE EVERY 3 YEARS.**

16 **(C) WHEN A CULTIVAR OR HYBRID OF A NATIVE PLANT FILLS AN**
17 **ECOLOGICAL NICHE THAT A NATIVE PLANT IS NO LONGER ABLE TO FILL DUE TO**
18 **WIDESPREAD ATTACK BY DISEASE OR INSECTS, THE NATIVE PLANT SPECIALIST**
19 **SHALL FIRST RECEIVE INPUT FROM THE DEPARTMENT OF NATURAL RESOURCES**
20 **AND THE MARYLAND NATIVE PLANT SOCIETY AND THEN INFORM AND GUIDE THE**
21 **DEPARTMENT IN EVALUATING THE CULTIVAR OR HYBRID OF A NATIVE PLANT FOR**
22 **INCLUSION ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST.**

23 **~~(D)~~ (D) THE COMMERCIAL MARYLAND NATIVE PLANT LIST SHALL BE**
24 **POSTED ONLINE IN ACCORDANCE WITH § 10-407 OF THIS SUBTITLE.**

25 **10-405.**

26 **(A) (1) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF**
27 **MARYLAND EXTENSION, SHALL CREATE A VOLUNTARY CERTIFICATION PROGRAM**
28 **FOR GROWERS AND RETAILERS TO BE IDENTIFIED AS A MARYLAND NATIVE PLANT**
29 **GROWER OR A MARYLAND NATIVE PLANT RETAILER, OR BOTH.**

30 **(2) THIS CERTIFICATION SHALL ONLY BE AVAILABLE TO GROWERS**
31 **AND RETAILERS THAT ARE SELLING NATIVE PLANTS LISTED ON THE COMMERCIAL**
32 **MARYLAND NATIVE PLANT LIST.**

1 **(B) (1) ~~THE UNIVERSITY OF MARYLAND EXTENSION~~ DEPARTMENT**
2 **SHALL DEVELOP AND MAINTAIN A LIST OF CERTIFIED MARYLAND NATIVE PLANT**
3 **GROWERS AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS.**

4 **(2) THE LISTS DEVELOPED UNDER THIS SUBSECTION SHALL BE**
5 **POSTED ONLINE IN ACCORDANCE WITH § 10-407 OF THIS SUBTITLE.**

6 **10-406.**

7 **(A) THE DEPARTMENT, IN COORDINATION WITH THE UNIVERSITY OF**
8 **MARYLAND EXTENSION, SHALL CREATE A “MARYLAND NATIVES” MARKETING**
9 **PROGRAM ~~AND SIGNS~~, TO ENCOURAGE AND PROMOTE THE USE AND SALE OF NATIVE**
10 **PLANTS THAT ARE LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST.**

11 **(B) THE “MARYLAND NATIVES” MARKETING PROGRAM SHALL DEVELOP:**

12 **(1) A “MARYLAND NATIVES” LOGO TO IDENTIFY PLANTS THAT ARE**
13 **LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST; AND**

14 **(2) A QR CODE CONTAINING PLANT IDENTIFICATION INFORMATION**
15 **THAT LINKS TO THE WEBPAGES AND WEBSITES SPECIFIED IN § 10-407 OF THIS**
16 **SUBTITLE.**

17 **(C) THE “MARYLAND NATIVES” LOGO SHALL BE MADE AVAILABLE TO**
18 **GROWERS AND RETAILERS WHO MAY:**

19 **(1) PLACE THE LOGO ON LABELS, STICKERS, OR POTS OF EACH PLANT**
20 **LISTED ON THE COMMERCIAL MARYLAND NATIVE PLANT LIST; AND**

21 **(2) USE THE LOGO IN DISPLAYS WITH PLANTS LISTED ON THE**
22 **COMMERCIAL MARYLAND NATIVE PLANT LIST.**

23 **10-407.**

24 **(A) (1) THE UNIVERSITY OF MARYLAND EXTENSION SHALL CREATE A**
25 **“MARYLAND NATIVE PLANTS” WEBPAGE ON THE UNIVERSITY OF MARYLAND**
26 **EXTENSION’S WEBSITE.**

27 **(2) THE “MARYLAND NATIVE PLANTS” WEBPAGE SHALL INCLUDE:**

28 **(I) THE COMMERCIAL MARYLAND NATIVE PLANT LIST**
29 **DEVELOPED UNDER § 10-404 OF THIS SUBTITLE;**

1 (II) THE LISTS OF CERTIFIED MARYLAND NATIVE PLANT
 2 GROWERS AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS DEVELOPED
 3 UNDER § 10-405 OF THIS SUBTITLE; AND

4 (III) GENERAL INFORMATION ON NATIVE PLANTS.

5 (B) THE DEPARTMENT SHALL PROMOTE THE PROGRAM AND INCLUDE ON
 6 THE DEPARTMENT OF AGRICULTURE'S "MARYLAND'S BEST" WEBSITE:

7 (1) THE COMMERCIAL MARYLAND NATIVE PLANT LIST DEVELOPED
 8 UNDER § 10-404 OF THIS SUBTITLE;

9 (2) THE LISTS OF CERTIFIED MARYLAND NATIVE PLANT GROWERS
 10 AND CERTIFIED MARYLAND NATIVE PLANT RETAILERS DEVELOPED UNDER §
 11 10-405 OF THIS SUBTITLE; AND

12 (3) GENERAL INFORMATION ABOUT NATIVE PLANTS.

13 (C) A LINK TO THE "MARYLAND NATIVE PLANTS" WEBPAGE SHALL BE
 14 POSTED ON:

15 (1) ~~THE~~ THE DEPARTMENT OF NATURAL RESOURCES' NATIVE
 16 PLANTS WEBSITE; ~~AND~~

17 (2) ~~THE UNIVERSITY OF MARYLAND EXTENSION'S WEBSITE.~~

18 (D) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE
 19 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
 20 \$150,000 FOR THE UNIVERSITY OF MARYLAND EXTENSION TO HIRE ONE
 21 EXTENSION AGENT AS A NATIVE PLANT SPECIALIST AND \$100,000 FOR THE
 22 DEPARTMENT TO HIRE STAFF TO ADMINISTER THE PROGRAM.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 ~~October 1, 2023~~ July 1, 2024.