

AN ACT

relating to the sale, distribution, or importation of noxious plants; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 71, Agriculture Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. NOXIOUS PLANTS

Sec. 71.151. LIST REQUIRED. (a) The department by rule shall publish a list of noxious plant species that have serious potential to cause economic or ecological harm to the state. The department may publish lists of noxious plant species organized by region.

(b) In preparing or amending a list under this section, the department shall:

(1) consult with representatives from the agriculture industry, the horticulture industry, the Texas Cooperative Extension, the Texas Department of Transportation, the State Soil and Water Conservation Board, and the Parks and Wildlife Department;

(2) consider any available scientific data and economic impact information for each plant species; and

(3) use any standard criteria established by the department.

Sec. 71.152. NOXIOUS PLANT SALE, DISTRIBUTION, OR

1 IMPORTATION PROHIBITED. (a) A person commits an offense if the
2 person sells, distributes, or imports into the state a noxious
3 plant species included on the department's list described under
4 Section 71.151.

5 (b) An offense under this section is a Class C misdemeanor.

6 (c) A person commits a separate offense for each noxious
7 plant item or unit sold, distributed, or imported.

8 SECTION 2. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 854 passed the Senate on April 25, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 854 passed the House on May 24, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor