



## The National Agricultural Law Center

*The nation's leading source for agricultural & food law research & information*

NationalAgLawCenter.org | nataglaw@uark.edu

---

---

# States' Noxious Weed Statutes and Regulations: *Mississippi*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

**A National Agricultural Law Center Research Publication**

# **States' Noxious Weed Statutes: Mississippi**

## **Mississippi Statutes**

### **Title 69. Agriculture, Horticulture, and Animals**

#### **Chapter 25. Plants, Plant and Bee Diseases**

#### **Article 1. Division of Plant Industry; Plant Diseases and Pests**

##### **§ 69-25-1. Definitions**

For the purpose of this article, the following terms shall be construed, respectively, to mean:

Division of Plant Industry--means the Bureau of Plant Industry within the Regulatory Office of the Mississippi Department of Agriculture and Commerce.

Insect pests--means insects or other invertebrates injurious to plants and plant products.

Noxious weed--means a plant species or classified group of plants declared by the Bureau of Plant Industry to be a public nuisance or to be especially injurious to the environment, to agricultural and horticultural production or to wildlife and which should be controlled and the dissemination of which prevented.

Plant diseases--means fungi, bacteria, nematodes and viruses injurious to plants and plant products and the pathological condition in plants and plant products caused by fungi, bacteria, nematodes and viruses.

This definition shall also include plants which are parasitic or partially parasitic on other plants such as "witch weed", *Striga asiatica*, a serious parasitic plant of corn and other members of the grass family.

Plants and plant products--Trees, shrubs, seedlings, vines, forage and cereal plants, and all other plants; cuttings, grafts, scions, buds and all other parts of plants and fruits, vegetables, roots, bulbs, seeds, wood, timber and all other plant products.

Places--Vessels, cars and other vehicles, buildings, docks, nurseries, orchards and other premises, where plants and plant products are grown, kept or handled.

Persons--Individuals, associations, partnerships and corporations.

### **§ 69-25-7. Powers and responsibilities of commissioner**

(1) The Commissioner of Agriculture and Commerce may conduct inspections and promulgate and enforce quarantine regulations as may be necessary in carrying out the provisions of this article.

(2)(a) The Commissioner of Agriculture and Commerce shall, from time to time, make rules and regulations for carrying out the provisions and requirements of this article, including rules and regulations under which his inspectors and other employees shall:

(i) Inspect places, plants and plant products, and things, and substances used or connected therewith;

(ii) Investigate, control, eradicate and prevent the dissemination of insect pests, diseases and noxious weeds; and

(iii) Supervise or cause the treatment, cutting and destruction of plants and plant products and other things infested or infected therewith.

(b) No rule or regulation shall be effective unless first submitted to and approved by the advisory board established under the provisions of Section 69-25-3.

(c) The inspectors and employees employed by the commissioner may carry out and execute the regulations and orders of the commissioner and under direction of the commissioner carry out the provisions of this article.

(3) To carry out the provisions of this article, the commissioner or his representative may enter into compacts and memorandums of agreement and/or understanding with governmental agencies or private organizations.

The Bureau of Plant Industry may establish statewide or regional cooperative weed management areas for any or all of the weeds listed as noxious under officially promulgated regulations. Under such authority, the Bureau of Plant Industry may serve as lead agency in establishing control and/or eradication programs for regulated pests and noxious weeds and actively seek grants and external resources to provide matching resources for other avenues of funding.

### **§ 69-25-9. Duties of commissioner and persons having knowledge of infected plants**

The Commissioner of Agriculture and Commerce shall keep himself informed as to known varieties of insect pests, diseases and noxious weeds, their origin, locality, nature and appearance thereof, the manner in which they are disseminated, and approved methods of treatment and eradication.

The Commissioner of Agriculture and Commerce, in his rules and regulations made pursuant to this article, shall list the insect pests, diseases and noxious weeds, of which he shall find that the introduction into, or the dissemination within, this state should be prevented in order to safeguard the environment, agricultural and horticultural production and the plants and plant products of this state, together with the plants and plant products and other things likely to become infested or infected with such insect pests, diseases and

noxious weeds. Every such insect pest, disease and noxious weed listed, and every plant and plant product and other thing infected therewith, is hereby declared to be a public nuisance. Every person who has knowledge of the presence of any insect pest, disease or noxious weed listed, as required by this section, in the rules and regulations made pursuant to this article, in or upon any place, shall immediately report same to the commissioner or an inspector therefor giving such detailed information relative thereto as he may have. Every person who deals in or engages in the sale of plants and plant products or other things infested or infected, or likely to be or become so shall furnish to the commissioner or his inspectors, when requested, a statement of the names and addresses of the persons from whom and the localities where he purchased or obtained such plants and plant products, and other things infested or infected, or likely to be or become so.

#### **§ 69-25-11. Inspections and quarantine; enforcement of**

The inspections and the quarantine enforcement referred to in this article shall be conducted under the direction of the Commissioner of Agriculture and Commerce by the Director of the Bureau of Plant Industry and the State Entomologist at Mississippi State University of Agriculture and Applied Science and such assistants as may become necessary. It shall be the duty of the Director of the Bureau of Plant Industry and the State Entomologist to make recommendations to the commissioner regarding quarantines and regulations.

#### **§ 69-25-13. Inspectors may be employed**

For the purpose of carrying out the provisions of this article, the Commissioner of Agriculture and Commerce may employ, prescribe the duties of, and fix the compensation of, such inspectors and other employees as he may require and incur such expenses as may be necessary, within the limits of appropriations made by law. He shall cooperate with other departments, boards and officers of this state and of the United States as far as practicable.

## Mississippi Administrative Code

### Title 2: Agriculture and Commerce

#### Part 1: Rules of the Mississippi Department of Agriculture and Commerce

#### Subpart 3: Bureau of Plant Industry

#### Chapter 01 – Plant Diseases, Insects and Weeds

#### Regulation of Noxious Weeds

#### 136.01

The sale, distribution or movement of noxious weeds into or within the State of Mississippi is prohibited except under special permit by the Bureau for research purposes. The following weeds shall be considered noxious and subject to regulation as deemed necessary by the Bureau and approved by its Advisory Board:

#### MISSISSIPPI NOXIOUS WEED LIST

Benghal dayflower (*Commelina benghalensis*)\*Brazilian Satintail (*Imperata braziliensis*) \*  
Chinese Tallow Tree/Popcorn Tree (*Sapium sebiferum*)  
Cogongrass (*Imperata cylindrica*) \*  
Giant Salvinia (*Salvinia molesta*) \*  
Hydrilla (*Hydrilla verticillata*) \*  
Itchgrass (*Rottboellia cochinchinensis*) \*Kudzu (*Pueraria montana var. lobata*) \*Torpedograss (*Panicum repens*) Tropical soda apple (*Solanum viarum*) \*

\* Also listed on the Federal Noxious Weed List.

#### 136.02

Procedures for declaring additional weeds as noxious or for deregulation of weeds listed as noxious are as follows:

1. The Bureau shall accept written petitions requesting that weeds not listed above be regulated as noxious or that a currently listed weed be deregulated. Such petition(s) shall provide justification for listing or de-listing to the Bureau.
2. The Advisory Board to the Bureau, shall decide for or against the petition(s) to list a weed as noxious based on factual information as required by the Bureau for each plant proposed to be added to the noxious weed list. The Advisory Board may hear testimonial evidence for or against said listing at Board meetings or hearings.
3. Justification for de-listing a weed may include, but not be limited to: a. recent

- factual data not previously presented to the Bureau proving that said weed has not adversely affected agricultural/horticultural production or the environment as previously declared; b. data proving said weed no longer can be regulated, is endemic and control/regulatory activities have not been successful; or c. the regulatory program has proven to be cost prohibitive. The Bureau Director and/or State Entomologist shall first review and based on data presented determine whether a submitted petition to de-list a weed meets justification for Advisory Board consideration. The Advisory Board may hear testimonial evidence for or against said de-listing at Board meetings or hearings.
4. Other than as described in this subsection, federal noxious weeds may only be listed in subsection 140.01 after being found in Mississippi or after USDA, APHIS, PPQ or another federal regulatory agency having such authority requests the Bureau's assistance in regulating or surveying for such weeds and provides funding through a cooperative agreement to do so. .

### **136.03**

Adoption of regulatory requirements for listed noxious weeds. Should the need prevail, the Bureau and with the approval of its Advisory Board may establish separate rules, guidelines and policies for each weed so listed. Implementation of such rules shall be done in order to prevent the spread of noxious weeds into and within the state of Mississippi and to other states which adopt quarantine measures. Having such authority and with the approval of the Advisory Board, the Bureau may determine applicable pathways of spread, regulated areas, articles to be regulated and the disposition of such articles found to be in violation.

### **136.04**

Quarantine Imposed. It is hereby declared under the provisions of *Miss. Code Ann.* §§ 69-25-1 through 69-25-47 of the Mississippi Plant Act that with the approval of the Bureau's Advisory Board a quarantine may be imposed upon specific noxious weeds so listed in subsection 136.01 when detected in the State of Mississippi. However, should a need arise dictating an emergency quarantine on a non-listed noxious weed the Bureau may implement such effective for 90 days during which time the Advisory Board may officially declare the weed as noxious and approve a specific final quarantine rule. Unless otherwise determined and specified in such rules, regulated articles may only be moved out of a quarantined or regulated area under special permit or certificate, which has been issued by the Bureau. Also, unless otherwise specified by regulation, regulated articles moved into the state must enter under a special written permit issued by the Bureau or must be accompanied by a certificate from the state of origin. Such certificate shall be issued based upon an inspection of the article(s) by an authorized inspector in the state of origin declaring such article to be apparently free from seed, vegetative forms or any other living stage(s) of plant growth of any noxious weed listed in subsection 136.01.