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States' Noxious Weed Statutes and Regulations:

*Maryland*



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# A National Agricultural Law Center Research Publication

## States' Noxious Weed Statutes: Maryland

### Maryland Annotated Code

#### Agriculture

#### Title 9. Regulation and Supervision of Seeds, Turf Grass, Sod, Potatoes, Ginseng and Noxious Weeds

#### § 9-401. Noxious plants

- (a) The existence of growth of certain species of plants is declared to be noxious.
- (b) The Secretary shall adopt regulations to establish a list of plants that are considered to be noxious weeds in the State.

#### §9-402. Powers of Secretary

The Secretary may:

- (1) Investigate, study, and make a determination on:
  - (i) The extent of growth and infestation of a noxious weed or other weed species in the State; and
  - (ii) The effect of the noxious weed or other weed species on agricultural production;
- (2) By regulation, designate as a noxious weed any plant that adversely affects or threatens agricultural production;
- (3) Institute programs or carry out practices necessary for the control and eradication of a noxious weed;
- (4) Enter into agreements with a county or other political subdivision of the State, an adjoining state, or an agency of the federal government to implement a program for the control and eradication of a noxious weed;
- (5) Accept, use, or expend any aid, gift, grant, or loan made available from any private or public source to carry out the provisions of this subtitle; and
- (6) Following a public hearing declare a quarantine to control or eradicate any exotic plant, which means a plant species not previously known to occur in the State or known to be of only limited distribution in the State, as determined by the Secretary.



### **§ 9-403. Agreement between Secretary and county for control or eradication**

- (a) In this section, “subdivision of the State” includes a Soil Conservation District.
- (b) After an agreement between the Secretary and a county or other subdivision of the State is executed, the Secretary and the county or subdivision of the State may conduct surveys to determine the location and amount of infestation of a noxious weed or other plant species within the county or subdivision of the State.
- (c) All parties may provide technical assistance to landowners in a cooperative control or eradication program, and may effect a program of mowing, spraying, or other control or eradication practices on any road right-of-way, drainage ditch bank, park, playground, and any other public or private land.
- (d) The agreement between the Secretary and county or subdivision of the State may be terminated by either party on 30 days' written notice.

### **§ 9-404. Importing, transporting, or permitting infestation**

- (a) No person may:
  - (1) Import or transport a noxious weed in the State in any form capable of growth; or
  - (2) Contaminate any uninfested land with a noxious weed through the movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or any other artificial medium.
- (b) Each landowner, including a landowner of public land, or person who possesses and manages land infested with a noxious weed shall eradicate or control the noxious weed on that land by using practices that the Secretary prescribes, including mowing, cultivating, or treating with an approved herbicide.

### **§ 9-405. Report of violations; prosecution; agreement between Secretary and landowner for eradication and control**

- (a) Report of violations; prosecution.
  - (1) Except as provided in subsection (b) of this section, each failure to comply with the provisions of this subtitle is a violation of this subtitle.
  - (2) Each violation shall be reported to the State’s Attorney for the county in which the violation occurs.
  - (3) The State’s Attorney shall prosecute all violations and bring an action to enjoin any nuisance.
- (b) (1) A landowner or other person who possesses and manages land infested with a noxious weed may enter into a written agreement with the Secretary that sets forth a program for the eradication or control of a noxious weed.



(2) If all of the terms and conditions of an agreement under paragraph (1) of this subsection are met, there is no violation of this subtitle as to the land covered by the agreement.

**§ 9-406. Penalties for violations of this subtitle.**

(a) In general -- Except as provided in subsection (b) of this section, a person who violates this subtitle is subject to the penalties and fines set forth in Title 12 of this article.

(b) Other penalties

(1) Instead of pursuing the penalties and fines set forth in Title 12 of this article, the Secretary may impose on any person who violates this subtitle a penalty of:

(i) For a first violation, not more than \$500;

(ii) For a second violation, not more than \$1,000; or

(iii) For a third or subsequent violation, not more than \$2,000.

(2) Penalties collected under this subsection shall be distributed to a special fund, to be used only for the control and eradication of a noxious weed.



**Code of Maryland Regulations**  
**Title 15 – Maryland Department of Agriculture**  
**Subtitle 06 -- Plant Pest Control**  
**Chapter 05 – Regulation of Noxious Weeds**

**15.06.05.0**

.01 Scope.

These regulations establish a list of plants and weeds that are considered to be noxious weeds in this State. They also describe programs or practices that the Department may carry out that are necessary for the control and eradication of noxious weeds.

**15.06.05.02**

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Department” means the Maryland Department of Agriculture.

(2) “Noxious weed” means an annual, biennial, or perennial weed or plant that adversely affects or threatens agricultural production.

(3) “Secretary” means the Secretary of Agriculture or the Secretary’s designee.

**15.06.05.03**

.03 Noxious Weed List.

The Secretary has determined that the following weeds and plants are noxious weeds in this State:

- A. Johnsongrass (*Sorgham halepense*);
- B. Shattercane (*Sorgham bicolor*);
- C. Canada Thistle (*Circium arvense*);
- D. Musk/Nodding Thistle (*Carduus nutans*);
- E. Plumeless Thistle (*Carduus acanthoides*);
- F. Bull Thistle (*Circium vulgare*);



G. Palmer Amaranth (*Amaranthus palmeri*); and

H. Tall Waterhemp (*Amaranthus tuberculatus*, *A. rudis*).

#### **15.06.05.04**

.04 Programs and Practices to Control and Eradicate Noxious Weeds.

A. The Secretary may institute programs or carry out practices necessary for the control and eradication of a noxious weed on public or private lands, including, but not limited to, mowing and spraying.

B. The Secretary may enter into agreements with a county or other political subdivision of the State, including a soil conservation district, to implement a program for the control and eradication of noxious weeds. These agreements may allow the Department to provide technical assistance and oversight by a noxious weed program administered by the county or other political subdivision of the State. The Secretary also may enter into agreements with an adjoining state or an agency of the federal government to implement a program for the control and eradication of noxious weeds.

