



House Bill No. 5277

Public Act No. 09-52

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
INVASIVE PLANT COUNCIL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) The director of the Connecticut Agricultural Experiment Station shall have charge of all matters pertaining to official control, suppression or extermination of insects or diseases which are, or threaten to become, serious pests of plants of economic importance. He shall receive no additional compensation for such work, and may designate members of the station staff to carry out certain lines thereof and may employ such other assistance as may be required. Said director may: [cooperate] (1) Cooperate with the agents of the United States Department of Agriculture in the control of plant pests; [may] (2) make regulations and orders regarding the destruction or treatment of infested plants; [may] (3) seize, treat, disinfect or destroy any plants or plant material moved in violation of any quarantine or regulation established under the provisions of this section or suspected of being infested by any dangerous insect pest or plant disease; [may] (4) prohibit or regulate the transportation of plants and plant materials, brick, stone and quarry products or any other objects or materials

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liable to carry dangerous pests and may designate certain areas or districts wherein all such plants may be destroyed; [. Said director is authorized to promulgate, and to] (5) adopt, and enforce by appropriate regulations, a quarantine prohibiting or restricting the transportation of any class of nursery stock, plant, fruit, seed or other article capable of carrying any dangerous plant disease or insect infestation, with reference to which the Secretary of Agriculture of the United States has not determined that a quarantine is necessary and established such quarantine, into or through this state or any portion thereof from any other state, the District of Columbia or any part of such state or said district in which said director finds such plant disease or insect infestation to exist; [. Said director is authorized to make] (6) adopt regulations for the seizure, inspection, disinfection, destruction or other disposition of any nursery stock, plant, fruit, seed or other article capable of carrying any dangerous plant disease or insect infestation, a quarantine with respect to which has been established by the Secretary of Agriculture of the United States, and which have been transported to, into or through this state in violation of such quarantine; [. Said director may] (7) inspect nurseries and nursery stock, as defined in section 22-97, for any violation of the provisions of section 22a-381d, as amended by this act; and (8) establish and maintain a quarantine against any premises, district, town or group of towns in this state, provided, before any quarantine is established within the state, a public hearing shall be held, of which five days' notice shall be given to the parties affected, either by mail or by publishing such notice in two newspapers having a circulation in the part of the state affected by such quarantine. [Said]

(b) The director or [any person authorized by him to enforce the provisions of this section] a designee may, at any reasonable time, enter any public or private premises [in the performance of his duty] to enforce the provisions of this section. Any person aggrieved by any order of quarantine issued under the provisions of this section may

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appeal to the Superior Court, or to any judge thereof if said court is not in session, and said court or such judge may grant such relief or issue such order or judgment in the premises as to equity may appertain.

(c) Any person interfering with [any person] the director or the director's designee in the performance of [his] said director's duty under the provisions of this section or violating any quarantine or any regulation established under [said] the provisions of this section shall be fined not less than five dollars [nor] or more than one hundred dollars.

Sec. 2. Subsection (e) of section 22-344 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(e) The commissioner may, at any time, inspect or cause to be inspected by [his] the commissioner's agents any such commercial kennel, pet shop, grooming facility or training facility, and if, (1) in [his] the commissioner's judgment such kennel, pet shop, grooming facility or training facility is not being maintained in a sanitary and humane manner or in a manner that protects the public safety, [or if he] (2) the commissioner finds that contagious, infectious or communicable disease or other unsatisfactory conditions exist, [he] or (3) in the case of a pet shop, the commissioner finds any violation of the provisions of section 22a-381d, as amended by this act, the commissioner may issue such orders as [he] the commissioner deems necessary for the correction of such conditions and may quarantine the premises and animals. If the owner or keeper of such kennel, pet shop, grooming facility or training facility fails to comply with the regulations or orders of the commissioner, or fails to comply with any provision of the statutes or regulations relating to dogs or other animals, the commissioner may revoke or suspend such license. Any person aggrieved by any order issued under the provisions of this section may appeal therefrom in accordance with the provisions of

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section 4-183. Any person maintaining any commercial kennel, pet shop, grooming facility or training facility without having obtained a license for the same or after any such license has been revoked or suspended as provided herein shall be fined not more than two hundred dollars. The provisions of this section shall not apply to veterinary hospitals, except those boarding or grooming dogs for nonmedical purposes, and other establishments where all the dogs or animals were born and raised on the premises where they are kept for sale.

Sec. 3. Section 22a-381d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) [Notwithstanding] Except as provided in subsection (d) of this section and notwithstanding the provisions of any ordinance adopted by a municipality, no person shall import, move, sell, purchase, transplant, cultivate or distribute any of the following invasive plants: (1) Curly leaved Pondweed (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*); (3) eurasian water milfoil (*Myriophyllum spicatum*); (4) variable water milfoil (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa natans*); (6) egeria (*Egeria densa*); (7) hydrilla (*Hydrilla verticillata*); (8) common barberry (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus umbellata*); (10) Bell's honeysuckle (*Lonicera xbella*); (11) amur honeysuckle (*Lonicera maackii*); (12) Morrow's honeysuckle (*Lonicera morrowii*); (13) common buckthorn (*Rhamnus cathartica*); (14) multiflora rose (*Rosa multiflora*); (15) Oriental bittersweet (*Celastrus orbiculatus*); (16) garlic mustard (*Alliaria petiolata*); (17) narrowleaf bittercress (*Cardamine impatiens*); (18) spotted knapweed (*Centaurea biebersteinii*); (19) black swallow-wort (*Cynanchum louiseae*); (20) pale swallow-wort (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia esula*); (22) Dame's rocket (*Hesperis matronalis*); (23) perennial pepperweed (*Lepidium latifolium*); (24) Japanese knotweed (*Polygonum cuspidatum*); (25)

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mile-a-minute vine (*Polygonum perfoliatum*); (26) fig buttercup (*Ranunculus ficaria*); (27) coltsfoot (*Tussilago farfara*); (28) Japanese stilt grass (*Microstegium vimineum*); (29) common reed (*Phragmites australis*); (30) sycamore maple (*Acer pseudoplatanus*); (31) princess tree (*Paulownia tomentosa*); (32) white poplar (*Populus alba*); (33) false indigo (*Amorpha fruticosa*); (34) Russian olive (*Eleagnus angustifolia*); (35) wineberry (*Rubus phoenicolasius*); (36) kudzu (*Pueraria montana*); (37) Canada thistle (*Cirsium arvense*); (38) jimsonweed (*Datura stramonium*); (39) crested late-summer mint (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia cyparissias*); (41) slender snake cotton (*Froelichia gracilis*); (42) ground ivy (*Glechoma hederacea*); (43) giant hogweed (*Heracleum mantegazzianum*); (44) Japanese hops (*Humulus japonicus*); (45) ornamental jewelweed (*Impatiens glanulifera*); (46) common kochia (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-cuculi*); (48) Scotch thistle (*Onopordum acanthium*); (49) bristle knotweed (*Polygonum caespitosum*); (50) giant knotweed (*Polygonum sachalinense*); (51) sheep sorrel (*Rumex acetosella*); (52) ragwort (*Senecio jacobaea*); (53) cup plant (*Silphium perfoliatum*); (54) bitterweet nightshade (*Solanum dulcamara*); (55) garden heliotrope (*Valeriana officinalis*); (56) hairy jointgrass (*Arthraxon hispidus*); (57) drooping brome-grass (*Bromus tectorum*); (58) Japanese sedge (*Carex kobomugi*); (59) reed managrass (*Glyceria maxima*); (60) Canada bluegrass (*Poa compressa*); and (61) tree of heaven (*Ailanthus altissima*).

(b) [Notwithstanding] Except as provided in subsection (d) of this section and notwithstanding the provisions of any ordinance adopted by a municipality, on or after October 1, 2005, no person shall import, move, sell, purchase, transplant, cultivate or distribute any of the following invasive plants: (1) Purple loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis scorpioides*); (3) Japanese honeysuckle (*Lonicera japonica*); (4) goutweed (*Aegopodium podagraia*); (5) flowering rush (*Butomus umbellatus*); (6) pond water-starwort

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(Callitriche stagnalis); (7) European waterclover (Marsilea quadrifolia); (8) parrotfeather (Myriophyllum aquaticum); (9) brittle water-nymph (Najas minor); (10) American water lotus (Nelumbo lutea); (11) yellow floating heart (Nymphoides peltata); (12) onerow yellowcress (Rorippa microphylla); (13) watercress (Rorippa nasturtium-aquaticum), except for watercress sold for human consumption without its reproductive structure; (14) giant salvinia (Salvinia molesta); (15) yellow iris (Iris pseudacorus); (16) [water lettuce (Pistia stratiotes); (17)] border privet (Ligustrum obtusifolium); [(18)] (17) tatarian honeysuckle (Lonicera tatarica); [(19)] (18) dwarf honeysuckle (Lonicera xylosteum); and [(20)] (19) garden loosetrife (Lysimachia vulgaris).

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

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

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

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

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

No state agency, department or institution shall purchase any plant listed as invasive or potentially invasive pursuant to section 22a-381b, provided nothing in this section shall be construed to prohibit such purchase if such purchase is necessary to honor a state contract in effect as of the date any such plant is listed as invasive or potentially invasive pursuant to section 22a-381b. Nothing in this section shall be construed to prohibit any state agency, department or institution, or the agents of such agency, department or institution, from transporting any invasive or potentially invasive plant for educational, [or] research or eradication purposes.

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

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,

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14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344, as amended by this act, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, [subsection (a) of] section 22a-381d, as amended by this act, [section] 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316,

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29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Approved May 21, 2009