

An Act

ENROLLED HOUSE
BILL NO. 3186

By: Patzkowsky and Caldwell
(Chad) of the House

and

Green and Stephens of the
Senate

An Act relating to agriculture; amending 2 O.S. 2021, Section 3-220, which relates to noxious weeds; providing that poison hemlock and Kudzu are noxious weeds; providing for the eradication of poison hemlock and Kudzu; and providing an effective date.

SUBJECT: Agriculture

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 2021, Section 3-220, is amended to read as follows:

Section 3-220. A. 1. The plants musk thistle (*Carduus nutans* L.), Scotch thistle (*Onoprodum acanthium* L.), ~~and~~ Canada thistle (*Cirsium arvense*), poison hemlock (*Conium maculatum*), and Kudzu (*Pueraria montana*) are designated as noxious weeds. The Legislature finds that these thistles and poison hemlock and Kudzu are a public nuisance in all counties across this state.

2. It shall be the duty of every landowner in each county to treat, control, or eradicate all Canada thistles, musk thistles, ~~or~~ Scotch thistles, poison hemlock, and Kudzu growing on the landowner's land every year as shall be sufficient to prevent these thistles, poison hemlock, and Kudzu from going to seed.

3. The Department of Transportation, the boards of county commissioners, and any other public, private, or corporate entity who shall maintain rights-of-way in the State of Oklahoma shall be responsible for removing any thistle, poison hemlock, and Kudzu infestation that occurs within their jurisdiction.

4. Failure of the landowner to treat, eradicate, or control all musk thistle, Canada thistle, ~~or~~ Scotch thistle, poison hemlock, or Kudzu may result in a fine not to exceed One Thousand Dollars (\$1,000.00) for each violation per day.

5. Upon written complaint, the State Department of Agriculture shall inspect the type of thistle, poison hemlock, or Kudzu infestation, assess the nature and extent of the thistle, poison hemlock, or Kudzu infestation on the property of the landowner and determine the most appropriate thistle or weed treatment, control, or eradication method available for the type of thistle, poison hemlock, or Kudzu and location of the property.

B. The State Board of Agriculture shall:

1. Promulgate rules setting categories or degrees of infestation which would require specified treatment, control, or eradication;

2. Include musk thistles, Scotch thistles, ~~and~~ Canada thistles, poison hemlock, and Kudzu as prohibited noxious weed and weed seed pursuant to the Department's authority and responsibility under Article 8 of the Oklahoma Agricultural Code;

3. By November 1, 2000, and annually thereafter prior to the growing season of musk thistles, Scotch thistles, ~~and~~ Canada thistles, poison hemlock, and Kudzu, complete an annual survey detailing the degree of infestation of these thistles, poison hemlock, and Kudzu across the state. The results of these surveys shall be reported to Oklahoma State University; and

4. In all counties of this state, provide information to newspapers of general circulation stating that musk thistles, Scotch thistles, ~~and~~ Canada thistles, poison hemlock, and Kudzu are a public nuisance and that it is the duty of every public, private, or corporate landowner to treat, control, or eradicate these thistles, poison hemlock, and Kudzu growing on any property owned by the landowner. The information shall be provided at the beginning of the cycle of growth of the musk thistles, Scotch thistles, ~~and~~ Canada thistles, poison hemlock, and Kudzu and at other times as necessary to inform landowners of the provisions of this subsection. The information material shall also include:

- a. information detailing the process by which an interested landowner may receive assistance pursuant to this subsection for the removal of thistles, poison hemlock, and Kudzu from infested property,
- b. the telephone number of the Department, and
- c. a statement informing the landowner that failure to remove musk thistles, Scotch thistles, ~~and~~ Canada thistles, poison hemlock, and Kudzu may subject the landowner to legal action requiring the treatment, control, or eradication of these thistles, poison hemlock, and Kudzu.

C. Upon request of the landowner or the Department, the designated Oklahoma State University extension agent for a particular county shall evaluate or, if there is no extension agent for a particular county, the Department shall inspect the type of thistle, poison hemlock, or Kudzu infestation, assess the nature and extent of the thistle, poison hemlock, or Kudzu infestation on the property of the landowner, and determine the most appropriate thistle, poison hemlock, or Kudzu treatment, control, or eradication method available for the type of thistle, poison hemlock, or Kudzu and location of the property.

SECTION 2. This act shall become effective November 1, 2024.

Passed the House of Representatives the 20th day of February, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 17th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____