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March 25, 2024

ENGROSSED HOUSE
BILL NO. 3186

By: Patzkowsky and Caldwell
(Chad) of the House

and

Green 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.

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

1 Scotch thistles, poison hemlock, and Kudzu growing on the
2 landowner's land every year as shall be sufficient to prevent these
3 thistles, poison hemlock, and Kudzu from going to seed.

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

9 4. Failure of the landowner to treat, eradicate, or control all
10 musk thistle, Canada thistle, ~~or~~ Scotch thistle, poison hemlock, or
11 Kudzu may result in a fine not to exceed One Thousand Dollars
12 (\$1,000.00) for each violation per day.

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

20 B. The State Board of Agriculture shall:

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

24

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

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

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

- 22 a. information detailing the process by which an
23 interested landowner may receive assistance pursuant
24

1 to this subsection for the removal of thistles, poison
2 hemlock, and Kudzu from infested property,

3 b. the telephone number of the Department, and

4 c. a statement informing the landowner that failure to
5 remove musk thistles, Scotch thistles, ~~and~~ Canada
6 thistles, poison hemlock, and Kudzu may subject the
7 landowner to legal action requiring the treatment,
8 control, or eradication of these thistles, poison
9 hemlock, and Kudzu.

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS
22 March 25, 2024 - DO PASS
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