

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3405

By: Patzkowsky

AS INTRODUCED

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 a noxious weed; providing for the eradication of poison hemlock and kudzu; removing fine; requiring counties and state agencies to treat and prevent noxious weeds on certain lands; 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~~ Scotch thistles, poison hemlock, and kudzu growing on the

1 landowner's land every year as shall be sufficient to prevent these
2 thistles, poison hemlock, and kudzu from going to seed.

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

8 ~~4. Failure of the landowner to treat, eradicate, or control all~~
9 ~~musk, Canada, or Scotch thistle may result in a fine not to exceed~~
10 ~~One Thousand Dollars (\$1,000.00) for each violation per day All~~
11 counties and state agencies shall treat, control, or eradicate all
12 Canada thistles, musk thistles, or Scotch thistles, poison hemlock
13 and kudzu growing on lands owned by or leased by a county or state
14 agency every year as shall be sufficient to prevent these thistles,
15 poison hemlock, and kudzu from going to seed.

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

23 B. The State Board of Agriculture shall:
24

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

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

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

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

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

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

22 SECTION 2. This act shall become effective November 1, 2026.
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24 60-2-15425 JL 12/31/25