

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader - Revised

House Bill 35 (Delegate Foley)  
Environment and Transportation

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Local Government - Regulatory Powers - Regulation of Tree of Heaven

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This bill authorizes the governing body of a county or municipality to regulate (through an ordinance) trees of heaven, including by prohibiting a person from: (1) selling trees of heaven; (2) planting trees of heaven; and (3) allowing trees of heaven to grow on the person’s property. The bill authorizes the governing body of a county or municipality to establish a bounty program to incentivize the removal of trees of heaven. The bill also authorizes the governing body of a county or municipality to provide for the enforcement of an ordinance adopted under the bill by requiring any damages caused by trees of heaven to be mitigated and establishing a civil fine. The bill defines “tree of heaven” as the *Ailanthus altissima* tree species.

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Fiscal Summary

**State Effect:** The bill does not materially affect State operations or finances.

**Local Effect:** The bill is authorizing in nature. The impact on local government finances depends on the extent to which bounty programs and fines are established, as discussed below.

**Small Business Effect:** Potential meaningful.

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Analysis

**Current Law:** Chapter 589 and 590 of 2024 significantly altered the regulatory approach for controlling invasive plant species in the State by repealing the existing two-tiered regulatory approach and establishing a regulatory approach that generally involves: (1) assessments of nonnative plant species by expert assessors to determine the

invasiveness rank of each such species; (2) the review of such assessments and related data; and (3) the determination by the Secretary of the Maryland Department of Agriculture (MDA) whether such species should be classified as prohibited invasive plants and included on a *Consolidated List of Maryland Invasive Plant Species* or placed on a watch list.

MDA and the Department of Natural Resources must each post the *Consolidated List of Maryland Invasive Plant Species* and the watch list on their respective websites. The University of Maryland Extension must post a link to those lists on its website. MDA must also annually distribute the lists to nurseries, plant dealers, and plant brokers.

### *Regulation of Invasive Bamboo*

The governing body of a county or municipality may regulate (through an ordinance) invasive bamboo, including prohibiting a person from: (1) selling invasive bamboo; (2) planting invasive bamboo; and (3) allowing invasive bamboo to grow on the property of the person without proper upkeep and appropriate containment measures, including barriers or trenches. The governing body of a county or municipality is also authorized to provide for the enforcement of an ordinance adopted to regulate invasive bamboo by requiring any damages caused by invasive bamboo to be mitigated and establishing a civil fine.

**Local Fiscal Effect:** To the extent local governments adopt the bounty program authorized by the bill, expenditures may increase to account for administering the program and paying out bounties. To the extent a local government implements a fine authorized by the bill, local revenues may increase.

**Small Business Effect:** The bill may have a meaningful impact on small businesses depending upon whether a county or municipal government decides to regulate trees of heaven. Additional local regulations may (1) negatively affect small businesses that incur costs to comply with potential restrictions pertaining to trees of heaven and (2) positively benefit landscaping businesses that are hired to remove or contain trees of heaven.

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## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 266 (Senator Brooks) - Education, Energy, and the Environment.

**Information Source(s):** Department of Natural Resources; Baltimore, Frederick, and Montgomery counties; Maryland Municipal League; Department of Legislative Services

**Fiscal Note History:** First Reader - February 3, 2026  
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