

# SENATE BILL 266

L6, M4

(6lr0816)

## ENROLLED BILL

— *Education, Energy, and the Environment/Environment and Transportation* —

Introduced by **Senator Brooks**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Local Government – Regulatory Powers – Regulation of ~~Tree of Heaven~~ Invasive**  
3 **Trees**

4 FOR the purpose of authorizing the governing body of a county or municipality to adopt  
5 certain ordinances to regulate ~~trees~~ tree of heaven and certain invasive trees;  
6 authorizing the governing body of a county or municipality to establish ~~a bounty~~  
7 ~~program~~ certain programs to incentivize the removal of ~~trees~~ tree of heaven and  
8 certain invasive trees; and generally relating to local management of ~~trees~~ tree of  
9 heaven and certain invasive trees.

10 BY repealing and reenacting, with amendments,  
11 Article – Local Government  
12 Section 1–1318  
13 Annotated Code of Maryland  
14 (2013 Volume and 2025 Supplement)

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



## Preamble

WHEREAS, Invasive species are nonnative plants, pathogens, and animals whose introduction causes harm to human health, environmental harm, or economic harm – typically through unchecked ~~growth~~ spread; and

WHEREAS, The tree of heaven is a nonnative, deciduous hardwood tree that is considered an invasive species throughout North America because the species spreads quickly and aggressively, crowding out native plants with dense greenery while secreting a chemical into the soil that is toxic to surrounding plants; and

WHEREAS, The tree of heaven is the preferred habitat for the spotted lanternfly, another invasive species that is causing economic damage to the agricultural community, stressing native plant populations, and generally acting as a nuisance statewide; and

WHEREAS, The trees on the ~~Maryland~~ Department of Agriculture’s Maryland Prohibited Invasive Plant List have been determined to be invasive, nonnative trees that cause harm to human health, environmental harm, or economic harm; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Local Government**

1–1318.

(a) **(1)** In this section[, “invasive”] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2)** “**INVASIVE bamboo**” means NONNATIVE bamboo that is characterized by aggressive spreading behavior, including bamboo species in the genus *Phyllostachys*.

**(3)** “**LISTED INVASIVE TREE**” MEANS ANY TREE ON THE “**MARYLAND PROHIBITED INVASIVE ~~PLANTS~~ PLANT LIST**” POSTED BY THE DEPARTMENT OF AGRICULTURE.

**(4)** “**NATIVE TREE REPLACEMENT PROGRAM**” MEANS A PROGRAM WHEREBY A PERSON RECEIVES A NATIVE TREE IN EXCHANGE FOR REMOVING AND ERADICATING AN INVASIVE TREE.

~~(3)~~ **(5)** “**TREE OF HEAVEN**” MEANS THE *AILANTHUS ALTISSIMA* TREE SPECIES.

(b) This section applies to all counties and municipalities.

1 (c) The governing body of a county or municipality, by ordinance, may regulate  
 2 invasive bamboo, LISTED INVASIVE TREES, OR TREES OF HEAVEN, including by  
 3 prohibiting a person from:

4 (1) selling invasive bamboo, LISTED INVASIVE TREES, OR TREES OF  
 5 HEAVEN;

6 (2) planting invasive bamboo, LISTED INVASIVE TREES, OR TREES OF  
 7 HEAVEN; [and]

8 (3) allowing invasive bamboo, ~~LISTED INVASIVE TREES~~, to grow on the  
 9 property of the person without proper upkeep and appropriate containment measures,  
 10 including barriers or trenches; AND

11 (4) ALLOWING TREES OF HEAVEN OR OTHER LISTED INVASIVE TREES  
 12 TO GROW ON THE PERSON'S PROPERTY.

13 (d) The governing body of a county or municipality may provide for the  
 14 enforcement of an ordinance adopted under this section by:

15 (1) requiring any damages caused by invasive bamboo, LISTED INVASIVE  
 16 TREES, OR TREES OF HEAVEN ~~OR OTHER LISTED INVASIVE TREES~~ to be mitigated; and

17 (2) establishing a civil fine.

18 (E) THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY MAY ESTABLISH  
 19 A BOUNTY OR NATIVE TREE REPLACEMENT PROGRAM TO INCENTIVIZE THE  
 20 REMOVAL AND ERADICATION OF TREES OF HEAVEN AND OTHER LISTED INVASIVE  
 21 TREES.

22 (F) A BOUNTY OR NATIVE TREE REPLACEMENT PROGRAM ESTABLISHED BY  
 23 A COUNTY OR MUNICIPALITY SHALL REQUIRE:

24 (1) AN INVASIVE TREE TO BE PROPERLY IDENTIFIED CONSISTENT  
 25 WITH THE SPECIES PAGE PUBLISHED BY THE UNIVERSITY OF MARYLAND  
 26 AGRICULTURE EXTENSION; AND

27 (2) THE INVASIVE SPECIES, AFTER BEING PROPERLY IDENTIFIED, TO  
 28 BE REMOVED OR ERADICATED ACCORDING TO PROFESSIONALLY ACCEPTED  
 29 METHODS OR CONSISTENT WITH METHODOLOGY ON THE SPECIES PAGE PUBLISHED  
 30 BY THE UNIVERSITY OF MARYLAND AGRICULTURE EXTENSION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 32 October 1, 2026.