

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule  
LSA Document #16-\_\_\_(F)

Adds 312 IAC 18-3-25 to designate as pests or pathogens, certain invasive terrestrial plants and to prohibit and restrict the sale, distribution, and transport of these invasive terrestrial plants. Effective 30 days after filing with the Publisher.

312 IAC 18-3-25

SECTION 1. 312 IAC 18-3-25 IS ADDED TO READ AS FOLLOWS:

312 IAC 18-3-25 Prohibited and restricted invasive terrestrial plants

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 25. (a) The following are prohibited invasive terrestrial plants and are declared pests or pathogens regulated under this section:

- (1) *Carduus acanthoides* ( spiny plumeless thistle).
- (2) *Phellodendron amurense* (Amur cork tree).
- (3) *Polygonum perfoliatum* (mile-a-minute vine).
- (4) *Vincetoxicum nigrum* (black swallow-wort).
- (5) *Vincetoxicum rossicum* (pale swallow-wort).

(b) The following are restricted invasive terrestrial plants and are declared pests or pathogens regulated under this section:

- (1) *Achyranthes japonica* (Japanese chaff flower).
- (2) *Ailanthus altissima* (tree of heaven).
- (3) *Alliaria petiolata* (garlic mustard).
- (4) *Alnus glutinosa* (black alder).
- (5) *Artemisia vulgaris* (mugwort).
- (6) *Arthraxon hispidus* (small carpgrass).
- (7) *Berberis thunbergii* (Japanese barberry).
- (8) *Carduus nutans* (musk thistle).
- (9) *Celastrus orbiculatus* (Asian bittersweet).
- (10) *Centaurea stoebe* (spotted knapweed).
- (11) *Cirsium vulgare* (bull thistle).
- (12) *Conium maculatum* (poison hemlock).
- (13) *Convolvulus arvensis* (field bindweed).
- (14) *Coronilla varia* (crown vetch).
- (15) *Dioscorea polystachya* (*oppositifolia*) (Chinese yam).
- (16) *Dipsacus fullonum* (common teasel).
- (17) *Dipsacus laciniatus* (cut-leaved teasel).
- (18) *Elaeagnus umbellata* (autumn olive).
- (19) *Euonymus fortunei* (wintercreeper).
- (20) *Euphorbia esula* (leafy spurge).
- (21) *Frangula alnus* (glossy buckthorn).
- (22) *Humulus japonicus* (Japanese hops).
- (23) *Hesperis matronalis* (dame's rocket).
- (24) *Lespedeza cuneata* (*sericea* lespedeza).
- (25) *Lepidium latifolium* (pepperweed).

- (26) *Ligustrum obtusifolium* (blunt leaved privet).
- (27) *Lonicera japonica* (Japanese honeysuckle).
- (28) *Lonicera maackii* (Amur honeysuckle).
- (29) *Lonicera morrowii* (Morrow's honeysuckle).
- (30) *Lonicera tatarica* (Tatarian honeysuckle).
- (31) *Lonicera x bella* (Bell's honeysuckle).
- (32) *Microstegium vimineum* (Japanese stiltgrass).
- (33) *Morus alba* (white mulberry).
- (34) *Phalaris arundinacea* (reed canarygrass).
- (35) *Phragmites australis* subspecies *australis* (common reed).
- (36) *Reynoutria japonica* (Japanese knotweed).
- (37) *Reynoutria sachalinensis* (giant knotweed).
- (38) *Reynoutria x bohemica* (Bohemian knotweed).
- (39) *Rhamnus cathartica* (common buckthorn).

(b). (c) This section applies to any part or life stage of the species identified in subsections (a) and

(d) Except as provided in subsection (g):

- (1) A person must not possess any species identified in subsection (a).
- (2) A property owner who is known to have a species identified in subsection (a) on the owner's property must take efforts to eliminate this species in such a manner consistent with federal and state law.
- (3) A person who grows a plant identified in subsection (b) at a nursery shall make a good faith effort to destroy it upon closure of the nursery.
- (4) A person must not do the following with respect to any species identified in subsection (a) and (b):
  - (A) Sell, offer or grow for sale, gift, barter, exchange, or distribute a species;
  - (B) Transport or transfer a species; or
  - (C) Introduce a species.

(e) As to the species identified in subsection (a), the division may:

- (1) Enter a property in which a species is thought to exist, has been detected or has been reported, for the purpose of verifying its presence and the extent to which it has become established.
- (2) Gather and record data regarding the location, area infested, habitat, and related data about the site in a division database.
- (3) Monitor the site in which a species is found to be established.

(f) The division may regulate an area infested by a species identified in:

- (1) Subsection (a) until it is cleared of the identified species to prevent further infestations.
- (2) Subsection (a) and (b) to prevent its movement.

(g) Exempted from this section are the following:

- (1) A person who possesses a species identified in subsection (a) or (b) under a permit issued by the state entomologist.
- (2) A person engaged in a project approved by the state entomologist for the destruction of a species.

(h) A person who discovers a species identified in subsection (a) or (b) may do the following:

- (1) Report the discovery to the state entomologist or to the following address:

Department of Natural Resources  
Division of Entomology and Plant Pathology  
402 West Washington Street, Room W290  
Indianapolis, IN 46204

(2) Include in the report provided under subdivision (1):

(A) The location of the discovery, including the name of the county.

(B) The date of the discovery.

(C) Contact information for the person making the report, including telephone number and address.

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