



Ohio Legislative Service Commission

Final Analysis

Amanda George

Am. Sub. S.B. 192 130th General Assembly (As Passed by the General Assembly)

Sens. Manning, Patton, Seitz, Skindell, Hite, Peterson, Balderson, Burke, Coley, Eklund, Gardner, Lehner

Reps. Hall, Boose, Thompson, Cera, Barborak, Burkley, Curtin, Damschroder, Hill, Landis, Lynch, Patterson, Retherford, Scherer, Anielski, Baker, Beck, Blessing, Brown, Buchy, Celebrezze, Hackett, Hayes, Johnson, McClain, McGregor, Milkovich, O'Brien, Phillips, Pillich, Ramos, Rogers, Ruhl, Slaby, Sprague, Winburn, Batchelder

Effective date: September 4, 2014

ACT SUMMARY

- Generally grants the Director of Agriculture exclusive authority to regulate invasive plant species, including identification of species and establishment of prohibited activities, and authorizes the Director to adopt rules for that purpose.
- With regard to specified activities for the regulation of wetlands by the Director of Environmental Protection:

--States that nothing in the act precludes the Director of Environmental Protection from continuing to consider the existence of invasive plant species when performing the specified activities, including using a list of invasive plant species compiled by that Director; but

--Requires the Director of Environmental Protection, when any rules adopted by the Director of Agriculture under the act take effect, to use the list of invasive plant species established in those rules when conducting the specified wetlands activities.

CONTENT AND OPERATION

The act grants the Director of Agriculture sole and exclusive authority to regulate invasive plant species in Ohio, including the identification of invasive plant species and

establishment of prohibited activities regarding them, with one exception discussed below. The Director may adopt rules in accordance with the Administrative Procedure Act to administer the regulation of invasive plant species.¹

The act then states that nothing in it precludes the Director of Environmental Protection from continuing to consider the existence of invasive plant species when evaluating applications and permits for impacts to or mitigation and monitoring of wetlands that are subject to regulation under the Water Pollution Control Law and rules adopted under it, including using a list of invasive plant species compiled by that Director. However, upon the taking effect of any rules adopted by the Director of Agriculture under the act, the Director of Environmental Protection must use the list of invasive plant species established in those rules when conducting those activities.²

Under the act, invasive plant species are plant species that are not native to Ohio whose introduction causes or is likely to cause economic or environmental harm or harm to human health as determined by scientific studies. They do not include cultivated plants grown as food or livestock feed in accordance with generally accepted agricultural practices, including all plants authorized by the Animal and Plant Health Inspection Service in the U.S. Department of Agriculture.³

HISTORY

ACTION	DATE
Introduced	09-17-13
Reported, S. Agriculture	01-30-14
Passed Senate (29-1)	02-04-14
Reported, H. Agriculture & Natural Resources	03-19-14
Passed House (94-0)	05-21-14
Senate concurred in House amendments (30-1)	05-28-14

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¹ R.C. 901.50(B).

² R.C. 901.50(C).

³ R.C. 901.50(A).

