

Date of Hearing: April 7, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 2143 (Irwin) – As Amended March 16, 2026

SUBJECT: Invasive species: noxious weeds: online marketplaces

SYNOPSIS

Noxious weeds – invasive plants designated by the California Department of Food and Agriculture (CDFA) to be potentially detrimental or damaging to the local environment – can destroy California’s rich biodiversity and disrupt native flora and animal populations. Despite the CDFA banning the sale and distribution of noxious weeds, the pests continue to enter the state with apparent ease through online marketplaces that connect Californian costumers with third-party sellers across the globe.

This bill aims to prevent noxious weeds from entering the state through prohibiting online marketplaces from facilitating the sale of plants classified as noxious weeds by the CDFA. Recent amendments, which went into print the day before the bill will be heard by the Committee, provide for financial penalties against marketplaces that violate the bill.

The bill is supported by a range of agricultural groups including California Citrus Mutual, California Strawberry Commission, California Fresh Fruit Association, and California Association of Pest Control Advisors. TechNet opposes the prior version of this bill due to liability concerns for online marketplaces.

This bill was previously heard by the Agricultural Committee, where it passed on an 8-0 vote.

EXISTING LAW:

- 1) Defines “noxious weed” to mean any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, which the California Department of Food and Agriculture (CDFA)’s director, by regulation, designates to be a noxious weed. The director shall not designate a noxious weed if the designation will be detrimental to agriculture. (Food & Ag. Code § 5004.)
- 2) Designates the CDFA’s director as the lead authority on noxious weed management and responsible for the implementation of the Noxious Weed Management Account in cooperation with the Secretary of the Natural Resources Agency. (Food & Ag. Code § 7271(a).)
- 3) Authorizes the CDFA’s director to thoroughly investigate the existence and probability of any pests spreading, as well as the feasibility of its control or eradication. (Food & Ag. Code § 5321.)
- 4) Authorizes the CDFA’s director to establish, maintain, and enforce quarantine, eradication, and such other regulations as are in his or her opinion necessary to circumscribe and

exterminate or prevent the spread of any pest described in Section 5321. (Food & Ag. Code § 5322.)

- 5) Prohibits any person from selling, distributing, or transporting into, or within, any weed-free area any seed of any noxious weed of which the area has been declared to be practically free. (Food & Ag. Code § 7206.)

THIS BILL:

- 1) Prohibits an online marketplace from accepting payment for the purchase of a noxious weed for delivery to an address located in the state without reasonable controls for detecting the sale of the noxious weed.
- 2) Defines “online marketplace” as an electronically accessed platform that includes features that allow for, facilitate, or enable a third-party seller to engage in any part of a transaction, including the sale, purchase, payment, storage, shopping, or delivery into this state of a product.
- 3) Defines “third-party seller” as a person or entity, independent of an online marketplace, who sells, offers to sell, or contracts with an online marketplace to sell a product in the state using an online marketplace.
- 4) Grants the Secretary of CDFA enforcement authority to levy an administrative penalty against online marketplaces that violate this law of \$25,000 for the first violation, \$50,000 for the second violation, and \$75,000 for the third violation, in addition to reasonable costs associated with remediating damage caused by the violation.
- 5) Allots all penalties collected from violations to be deposited in the Noxious Weed Management Fund.

COMMENTS:

- 1) **Author’s statement.** According to the author:

Invasive plants pose a profound threat to California’s ecosystems and agricultural lands. Once established, invasive plants can kill existing native plants, reduce biodiversity, damage soil health, and sicken livestock, costing our state’s economy millions of dollars. Although existing state law prevents the purchase of these plants, they remain remarkably easy to buy in California through online marketplaces like eBay, which connect buyers to third-party sellers who use the online marketplace purely as a facilitating platform. This practice has gone on for nearly fifteen years, and online marketplaces have done little to appropriately regulate this practice. Without legislation that recognizes the role online marketplaces play in facilitating the sale of invasive plants, California will continue to allow prohibited invasive plants to be purchased with minimal resistance.

- 2) **The spread of noxious weeds through online markets.** Noxious weeds are plants that the CDFA has designated as dangerous or detrimental to the agricultural well-being of California. Common examples include tree of heaven (*Ailanthus altissima*), wild garlic (*Allium vineale*), and

alligatorweed (*Alternanthera philoxeroides*).¹ These plants can have devastating consequences for the biodiversity of California as they can disrupt native plant and wildlife populations. According to a coalition of agricultural groups, including California Citrus Mutual, California Fresh Fruit Association, and California Association of Pest Control Advisors:

Noxious and invasive plant species pose a significant and growing threat to California agriculture, natural resources, and rural economies. These species compete with crops for water, nutrients, and sunlight, reduce yields, increase production costs, and contribute to heightened wildfire risk. Left unmanaged, invasive plants can rapidly spread across working lands, undermining both farm productivity and environmental stewardship efforts.

Along with identifying noxious weeds, the CDFA, by regulation, bans the production, holding, or offering for sale of pest plants such as noxious weeds.² However, despite the regulations, bill proponents claim the sale of these pests remains common because of online marketplaces that enable people to purchase and ship across the globe, allowing nearly unfettered access to a range of products, including virulent plant species.

The complications presented by online marketplaces to local environments have been documented for years. In 2012, the United States Department of the Interior's Invasive Species Advisory Committee released a report detailing how e-commerce can propagate the spread of invasive species.³ The report covers several case studies of prohibited or invasive pests being sold online, such as the highly invasive kudzu vine that has overtaken much of the southeastern United States. Despite its status of highly invasive, "multiple listings (e.g., "20 Seeds Pueraria lobata Kudzu Seeds") on eBay offer seeds for sale, and search engines readily find online businesses selling seed, such as B & T World Seeds."⁴

Despite state and national efforts to rein in the spread of invasive plants, online marketplaces have continued to facilitate the sale of these pests. In 2021, a study published in *Frontiers in Ecology and the Environment* found that of the 1,285 plant species identified as invasive in the United States, some 61 percent were available to purchase, with the greatest number of species – 281 – for sale on eBay.⁵

3) This bill prohibits online marketplaces from selling noxious weeds. AB 2143 prohibits the sale of noxious weeds, which are already banned from being sold or distributed around weed-free areas in California, on online marketplaces such as eBay, Etsy, and Amazon. Recent author's amendments give enforcement authority to the Secretary of the CDFA to levy a financial penalty against online marketplaces ranging from \$25,000 for the first offense to \$75,000 for the third offense.

¹ A full list of the plants considered noxious weeds can be found under Cal. Code Regs. Tit. 3, § 4500.

² Cal. Code Regs. Tit. 3 § 3060.3.

³ Invasive Species Advisory Committee, "Invasive Species and E-Commerce," *U.S. Department of the Interior*, (May 24, 2012), https://www.doi.gov/sites/doi.gov/files/uploads/isac_ecommerce_white_paper.rev_.pdf.

⁴ *Ibid.*, 3.

⁵ Evelyn M. Beaury, M. Patrick, & B. A. Bradley, "Invaders for sale: the ongoing spread of invasive species by the plant trade industry," *Frontiers in Ecology and the Environment*, 19, no. 10 (2021): 550-556, <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/fee.2392>.

By prohibiting online marketplaces from selling or distributing noxious weeds, AB 2143 aims to protect California's biodiversity and agriculture from invasive pests that could otherwise disrupt the state's ecosystems.

4) **Concerns raised by the opposition.** TechNet opposes this bill unless amended. Primarily, TechNet voices concerns that the bill as currently drafted places burdensome liability on online marketplaces without properly defining what counts as a "noxious weed." TechNet, instead, encourage[s] incorporating shared responsibility with third-party sellers, such as by requiring attestation to compliance with California law, as well as including notice-and-cure provisions to allow marketplaces to address inadvertent violations. Additionally, creating a state-maintained list of prohibited species or an official guidance on what would be considered a "noxious weed."

In response, the author argues that the opposition:

[M]ischaracterizes existing law and current practice from industry. California already maintains an official list of noxious weeds through regulations promulgated by CDFA. Online marketplaces can use this existing list, and some already do use it. The claim that platforms will have difficulty complying with the bill is also undermined by the fact that at least one major online marketplace has already implemented controls that block the vast majority of noxious weed sales to California.

Additionally, while the letter suggests "shared responsibility" with third-party sellers, it ignores that existing law already prohibits offering noxious weeds for sale. Despite this, online marketplaces continue to facilitate these transactions, increasing the risk that noxious weeds will spread and harm California's ecosystems.

ARGUMENTS IN SUPPORT: A coalition of agricultural groups write in support:

AB 2143 is an important step in ... recognizing the vulnerability of California's landscape to movement of noxious products through the increase in e-commerce. By adding e-commerce to the state's comprehensive pest prevention framework, the bill recognizes the urgent need for coordinated, science-based strategies to prevent, manage, and mitigate noxious species' impact statewide.

California farmers and ranchers are on the front lines of noxious and invasive species management. Many already invest significant resources in prevention and control measures, yet inconsistent regulatory approaches and limited statewide coordination can hinder effective response. A more cohesive state strategy to review issues in ecommerce—developed in partnership with the agricultural community—will help ensure that policies are practical, regionally appropriate, and grounded in real-world conditions.

ARGUMENTS IN OPPOSITION: TechNet writes in opposition:

While we support the intent, we must respectfully oppose your authored bill unless amended. As currently drafted, the measure places a strict prohibition on online marketplaces by preventing them from accepting payment for the purchase of a noxious weed destined for delivery into California. This approach effectively imposes liability on platforms for third-party seller conduct without establishing clear compliance standards, a reliable source of truth for what constitutes a

prohibited species, or protections for good-faith efforts to comply.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Pest Control Advisers
California Citrus Mutual
California Cotton Ginners and Growers Association
California Fresh Fruit Association
California Invasive Plant Council
California Strawberry Commission
California Walnut Commission
Western Plant Health Association
Western Tree Nut Association

Oppose Unless Amended

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