

ASSEMBLY THIRD READING  
AB 2143 (Irwin)  
As Amended May 18, 2026  
Majority vote

## SUMMARY

This bill would prohibit an online marketplace, as defined, from facilitating the sale or shipment of a noxious weed for delivery to an address located in the state.

### Major Provisions

- 1) Defines online marketplace, reasonable control and third-party seller as it applies to selling noxious weeds.
- 2) Allows secretary to levy an administrative penalty against the online marketplace for a violation of this section.
- 3) Requires that if the secretary levies an administrative penalty pursuant to paragraph (1), the administrative penalty shall be as follows:
  - a) Twenty-five thousand dollars (\$25,000) for the first violation after written notice pursuant to subdivision (b).
  - b) Fifty thousand dollars (\$50,000) for a second violation.
  - c) Seventy-five thousand dollars (\$75,000) for a third or subsequent violation.

## COMMENTS

Noxious weeds are plants designated by the California Department of Food and Agriculture (CDFA) as plants that they consider to be threats to the well-being of the state. These plants are listed under Cal. Code Regs. Tit. 3, Section 4500. The effect these weeds have on the environment can be potentially devastating, destroying natural habitats and eliminating biodiversity.

Regulations promulgated by CDFA under Cal. Code Regs. Tit. 3, Section 3060.3 prohibit offering noxious weeds for sale. Despite this prohibition though, it is still remarkably easy to purchase noxious weeds, most notably through online marketplaces, otherwise known as e-commerce websites.

Many consumers who purchase plants from online marketplaces may not even know that the plant they want to buy has been deemed noxious and is illegal to purchase. Consumers have been trained to understand that major retailers and online marketplaces will not sell them illegal products, but noxious weeds remain a massive outlier in this sense.

### According to the Author

The threat invasive plants pose to California's ecosystems and agricultural lands is profound. Once established, invasive plants can kill existing native plants, reduce biodiversity, damage soil health, and sicken livestock. 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 little to no resistance.

### **Arguments in Support**

Supporters state, "this bill is an important step in elevating this issue within the Legislature and 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."

### **Arguments in Opposition**

Those opposed argue, "to better align the bill with its intended goals, we respectfully suggest amendments that would establish reasonable safeguards for online marketplaces rather than a strict liability. We encourage 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."

## **FISCAL COMMENTS**

Costs of an unknown, likely absorbable amount, for CDFA to implement and enforce the provisions of this bill. The bill, as amended, requires an employee of CDFA, acting within the course and scope of their regular duties and using existing resources, to provide written notice to an online marketplace in violation of the bill that it may be subject to an administrative penalty. Some of CDFA's costs may be offset by revenues from administrative penalties (Department of Food and Agriculture Fund).

## **VOTES**

### **ASM AGRICULTURE: 8-0-0**

**YES:** Soria, Hadwick, Aguiar-Curry, Alanis, Connolly, Jeff Gonzalez, Irwin, Ransom

### **ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0**

**YES:** Lowenthal, Macedo, Bryan, DeMaio, Hart, Hoover, Irwin, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**ABS, ABST OR NV:** Hoover, Dixon, Ta, Tangipa

## **UPDATED**

VERSION: May 18, 2026

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