
SENATE COMMITTEE ON AGRICULTURE
Senator Anna Caballero, Chair
2025 - 2026 Regular

Bill No: AB 2143 **Hearing Date:** 6/16/26
Author: Irwin
Version: 5/18/26
Urgency: No **Fiscal:** Yes
Consultant: Reichel Everhart

Subject: Invasive species: noxious weeds: online marketplaces

SUMMARY:

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

BACKGROUND AND EXISTING LAW:

Existing law:

- 1) Establishes the Plant Health and Pest Prevention Services Divisions within the California Department of Food and Agriculture (CDFA).
 - a. The Plant Health and Pest Prevention Services Division protects California's:
 - i. food supply from the devastating impact of invasive pests
 - ii. environment and natural resources from direct pest impacts and increased pesticide use
 - iii. public from pests that pose human health threats
 - iv. position in the global economy.
- 2) Establishes CDFA as the lead department in noxious weed management and requires the department, in cooperation with the Secretary of the Natural Resources Agency, to implement provisions relative to noxious weed management .
- 3) Prohibits a person from selling, distributing, or transporting into, or within, a weed-free area any seed of a noxious weed that the CDFA has declared the area to be practically free from.

PROPOSED LAW:

This bill:

- 1) Defines the following:
 - a. “Online marketplace” to mean 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.
 - b. “Reasonable controls” to mean reasonable procedures, acts, or practices that are designed and implemented to do all of the following:
 - i. Prevent the acceptance of payment for a noxious weed listed for delivery to an address in the state, including, but not limited to, a noxious weed listed for sale by its scientific name, common name, or a publicly known variation of either.
 - ii. Maintain a process to identify and address mislabeling or deceptive marketing of a plant for the purpose of avoiding detection of a noxious weed.
 - iii. Identify and restrict a third-party seller whose listings for noxious weeds are repeatedly successfully processed on the online marketplace despite the reasonable controls.
 - c. “Third-party seller” means 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.
- 2) States an online marketplace shall not facilitate the sale or shipment of a noxious weed for delivery to an address located in the state.
- 3) States if an employee of the department acting within the course and scope of their regular duties and using existing resources identifies a shipment of a noxious weed and determines that the shipment originated from, or occurred through a transaction conducted through, an online marketplace in violation of subdivision (a), the secretary may provide written notice to the online marketplace that it may be subject to an administrative penalty for that violation that includes, to the extent feasible, all of the following information:
 - a. The identity of the third-party seller.
 - b. The product listing.
 - c. The noxious weed identified in the shipment.
- 4) States the secretary may levy an administrative penalty against the online marketplace for a violation of subdivision (a), except as provided in subdivision (e), if both of the following occur:
 - a. The online marketplace received written notice pursuant to subdivision (b).

- b. An employee of the department acting within the course and scope of their regular duties and using existing resources identifies a shipment of a noxious weed and determines that the shipment originated from, or occurred through a transaction conducted through, an online marketplace in violation of subdivision (a) following the online marketplace receiving any written notice pursuant to subdivision (b).
- 5) States 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.
 - 6) States the secretary may levy a separate administrative penalty against the online marketplace, in addition to any other administrative penalty levied pursuant to subdivision (c), in an amount equal to the reasonable costs associated with remediating damage caused by a violation of subdivision (a).
 - a. An online marketplace shall not be subject to an administrative penalty pursuant to subdivision (c) or (d) if the online marketplace demonstrates to the satisfaction of the department that it has implemented, and maintains, reasonable controls.
 - 7) States the revenues from an administrative penalty levied pursuant to this section shall be deposited into the Department of Food and Agriculture Fund to, upon appropriation by the Legislature, cover costs related to the enforcement of this division.
 - 8) States, notwithstanding any other law, an online marketplace subject to an administrative penalty pursuant to this section shall only be subject to the administrative penalties described in this section.

ARGUMENTS IN SUPPORT: 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.

AB 2143 addresses this critical gap in the law by prohibiting online marketplaces from facilitating a noxious weed sale that would be delivered to a California address. In doing so, the bill ensures that we hold online marketplaces accountable for their role in facilitating the sale and distribution of illegal noxious weeds that devastate our communities and negatively impact our biodiversity.”

ARGUMENTS IN OPPOSITION:

None received

COMMENTS:

Noxious weeds are plants designated by CDFA as plants that they consider to be threats to the well-being of the state. These plants are listed under the California Code of Regulations, Title 3, section 4500. The effect these weeds have on the environment can be potentially devastating, destroying natural habitats and eliminating biodiversity.

Current regulations 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 trust that they are buying a product that is legal in California and, unfortunately, noxious weeds are still sold.

The California Department of Fish and Wildlife have a list of 9 plants that you should not purchase, including: Big Periwinkle, English Ivy, Giant Reed, Iceplant, Onion Grass, Pampas Grass, Red Sesbania, Russian Olive, and Tree-of-Heaven.

PRIOR ACTIONS:

Assembly Floor:	78 - 0
Assembly Appropriations Committee:	11 - 0
Assembly Agriculture Committee:	8 - 0

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

OPPOSITION:

None received

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