

SENATE PRIVACY, DIGITAL TECHNOLOGIES, AND CONSUMER PROTECTION COMMITTEE  
Senator Christopher Cabaldon, Chair  
2025-2026 Regular Session

AB 2143 (Irwin)  
Version: May 18, 2026  
Hearing Date: June 22, 2026  
Fiscal: Yes  
Urgency: No  
CK

**SUBJECT**

Invasive species: noxious weeds: online marketplaces

**DIGEST**

This bill prohibits an online marketplace from facilitating the sale or shipment of a noxious weed for delivery to an address located in the state.

**EXECUTIVE SUMMARY**

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 weeds can have a devastating impact on the environment, destroying natural habitats and eliminating biodiversity. Current law prohibits offering noxious weeds for sale. Despite this prohibition, evidence shows that purchase of noxious weeds is relatively easy on many online marketplaces.

This bill addresses the root of the problem by prohibiting online marketplaces from facilitating the sale or shipment of a noxious weed for delivery to an address in this state. CDFA is authorized to issue written notices to those in violation and may thereafter levy administrative penalties, as provided. The goal is to weed out such prohibited sales in order to protect California's biodiversity.

This bill is author-sponsored. It is supported by several groups, including California Association of Local Conservation Corps. No timely opposition was received by the Committee. The bill passed out of the Senate Agriculture Committee on a vote of 4 to 0.

## PROPOSED CHANGES TO THE LAW

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 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 facilitating the sale or shipment of a noxious weed for delivery to an address located in the state.
- 2) Provides that if an employee of CDFA 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 hereof, the secretary of CDFA (“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.

- 3) Authorizes the secretary to levy an administrative penalty against the online marketplace for a violation if the online marketplace received the above written notice and a CDFA employee 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 hereof following receipt of the written notice. The penalty shall be \$25,000 for the first violation, \$50,000 for the second, and \$75,000 for the third and any subsequent violations. Additional penalties can be assessed to cover the reasonable costs of remediating the attendant damage.
- 4) Provides that an online marketplace is not subject to an administrative penalty if it demonstrates to the satisfaction of CDFA that it has implemented, and maintains, reasonable controls. Notwithstanding any other law, an online marketplace subject to such an administrative penalty shall only be subject to the administrative penalties described herein.
- 5) Defines the relevant terms, including:
  - a) "Online marketplace" means an electronically accessed platform that includes features that facilitate a third-party seller to engage in any part of a transaction, including the sale, purchase, payment, storage, shipping, or delivery of a product for delivery into this state.
  - b) "Reasonable controls" means 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 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

## COMMENTS

### 1. Bad weed

Noxious weeds are plants designated by the 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, § 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, § 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.

Investigations over the years have repeatedly confirmed that online marketplaces are easy avenues for purchasing such noxious weeds. In 2024, researchers from the University of Minnesota, in collaboration with the Minnesota Department of Agriculture, published a research project in which they investigated the sale of invasive plants on e-commerce platforms:

The team found that e-commerce is a viable, easily accessible pathway for the spread of invasive plants, despite regulation. Online sellers ranged from individuals to large businesses and resellers on a global scale.

Morey successfully purchased plant material from 82% of the taxa sought, including examples from all state regulatory categories. Samples included seeds, cuttings, rhizomes, dormant bare roots, dried flowers, and potted plants. They arrived from about 20 countries and 30 US states. In addition to the purchased plant material, hitchhiker organisms were also received (e.g., other plant species, insects, worms, pathogens).

Though fewer ads were found for some regulated species than for unregulated species, the presence of regulation did not ultimately influence the number of samples that could be received for a species. Throughout purchasing, about 8% of all attempted purchases were denied due to regulation, but then were able to be purchased from a different seller. Overall, findings suggest a lack of awareness by sellers of invasiveness and/or regulation.<sup>1</sup>

CDFA conducted its own analysis of the relevant issues, finding:

We examined 62 websites that represented either large businesses or e-commerce platforms and sold plant material. Only 16 out of 62 surveyed websites clearly displayed restrictions for shipping plant material to

---

<sup>1</sup> Amy Morey et al., *Spread of invasive plants into Minnesota through e-commerce* (2024) University of Minnesota, <https://mitppc.umn.edu/research/research-projects/spread-invasive-plants-minnesota-through-e-commerce>. All internet citations are current as of June 13, 2026.

California. Major marketplaces like eBay, Amazon, and Etsy have made efforts to ensure these restrictions are clear to consumers, but further outreach is required to ensure most businesses comply with state regulations. Most websites outside of the largest platforms (Amazon, Etsy, and eBay) fail to properly communicate shipping restrictions, putting agricultural sectors at risk.<sup>2</sup>

## 2. Prohibiting online marketplace sales

This bill tackles the problem head-on by prohibiting an online marketplace from facilitating the sale or shipment of a noxious weed for delivery to an address located in the state. The bill provides for enforcement through the Secretary of CDFA after written notice to the online marketplace and authorizes assessment of civil penalties. An online marketplace cannot be assessed such penalties if the online marketplace demonstrates to the satisfaction of CDFA that it has implemented, and maintains, “reasonable controls,” defined as reasonable procedures, acts, or practices that are designed and implemented to do all of the following:

- Prevent the acceptance of payment for a noxious weed listed for delivery to an address in the state, including a noxious weed listed for sale by its scientific name, common name, or a publicly known variation of either.
- Maintain a process to identify and address mislabeling or deceptive marketing of a plant for the purpose of avoiding detection of a noxious weed.
- Identify and restrict a third-party seller whose listings for noxious weeds are repeatedly successfully processed on the online marketplace despite the reasonable controls.

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, 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

---

<sup>2</sup> *California Pest Prevention Program Analysis* (April 1, 2026) CDFA, [https://www.cdca.ca.gov/plant/docs/C3PA\\_4\\_1\\_2026.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://www.cdca.ca.gov/plant/docs/C3PA_4_1_2026.pdf?utm_medium=email&utm_source=govdelivery).

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.

Writing in support, the California Invasive Plant Council asserts:

Internet sale of invasive plants is a growing pathway for the introduction of damaging plants into California, and it is important that the state take steps to address this pathway.

...

Prevention is the first and best step to stopping invasive plants. Horticulture is a top vector for the introduction of plants that later become invasive in California. Internet sales are an especially weak point in the state's defenses against introductions of problem plants.

AB 2143 seeks to address this weak point.

### **SUPPORT**

California Association of Local Conservation Corps  
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

### **RELATED LEGISLATION**

AB 2076 (Lowenthal, 2026) bolsters the Parent’s Accountability and Child Protection Act by adding nitrous oxide to the list of prohibited items, prohibiting online sellers from accepting gift cards or store credit for purchases of specified products or services, and increasing the potential civil penalties to be assessed against violators. AB 2076 is set to be heard in this Committee the same day as this bill.

SB 378 (Wiener, Ch. 411, Stats. 2025) placed obligations on online marketplaces where advertising or sales of illicit cannabis or hemp products occur, including required disclosures, reporting mechanisms, and warnings. SB 378 prohibited “unlawful paid online advertising,” as defined, related to unlicensed sellers of cannabis or cannabis products, intoxicating hemp products, or unregistered hemp products.

**PRIOR VOTES:**

Assembly Floor (Ayes 78, Noes 0)

Assembly Appropriations Committee (Ayes 11, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 15, Noes 0)

Assembly Agriculture Committee (Ayes 8, Noes 0)

\*\*\*\*\*