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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

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### AB 2143 (Irwin) - Invasive species: noxious weeds: online marketplaces

**Version:** May 18, 2026

**Policy Vote:** AGRI. 4 - 0, P., D.T., & C.P.  
9 - 0

**Urgency:** No

**Mandate:** No

**Hearing Date:** August 3, 2026

**Consultant:** Robert Ingenito

**Bill Summary:** AB 2143 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.

**Fiscal Impact:** CDFA indicates that this bill would result in ongoing annual costs of \$550,000 to establish and administer a state-level enforcement program, including (1) investigative staff to pursue violations by online marketplaces, and (2) outreach staff to assist with compliance. CDFA notes it currently lacks the resources to investigate online sales of noxious weeds and that existing enforcement is generally conducted by county agricultural commissioners. While the bill authorizes administrative penalties, CDFA indicates that fine revenue is unlikely to offset program costs, likely requiring General Fund support. Actual costs could increase depending on the number and complexity of enforcement actions required.

**Background:** Existing law requires CDFA to prevent the introduction and spread of injurious insect and animal pests, plant diseases, and noxious weeds. CDFA regulations (1) designate specified plant species as noxious weeds because they pose a significant threat to California's agriculture, natural resources, and environment, and (2) prohibit those species from being offered for sale. According to CDFA, invasive weeds can intensify drought conditions, increase wildfire risk, reduce rangeland productivity and water resources, increase costs for the nursery industry, and diminish biodiversity by displacing native vegetation. Despite the existing prohibition, noxious weeds remain readily available for purchase through online marketplaces, where consumers may mistakenly assume the plants being sold are lawful in California.

**Proposed Law:** This bill, among other things, would do the following:

- State an online marketplace shall not facilitate the sale or shipment of a noxious weed for delivery to an address located in the state.
- State if a CDFA employee 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 the above, 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: (1) the identity of the third-party seller, (2) the product listing, and (3) the noxious weed identified in the shipment.

- State the secretary may levy an administrative penalty, as specified, against the online marketplace for aforementioned violations.
- Provide that revenues from an administrative penalty would be deposited into the Department of Food and Agriculture Fund to, upon appropriation by the Legislature, cover enforcement costs.

**Staff Comments:** According to CDFA, the department does not currently have the resources necessary to investigate whether an online marketplace facilitated the sale or shipment of a noxious weed to a California address. Under existing law, most pest-related investigations are conducted by county agricultural commissioners, with technical support from CDFA, and any resulting penalties are generally imposed by the counties. However, CDFA indicates that enforcement involving online marketplaces would be more appropriately conducted at the state level by the department.

CDFA also notes that successful implementation would require significant education and outreach to help online marketplaces comply with the bill's requirements. This would include developing tools and guidance to ensure that third-party sellers and consumers are aware of California's restrictions on noxious weeds and the environmental and economic impacts associated with their sale. Additional activities would include maintaining current noxious weed lists and educational resources, conducting social media and other public awareness campaigns, and providing information to consumers purchasing plants online.

To implement the bill, CDFA anticipates the need to establish and train dedicated investigative staff within its Pest Exclusion Branch to investigate violations and pursue administrative enforcement actions, as well as public affairs staff to conduct outreach and compliance assistance. At a minimum, CDFA estimates that implementation would require two special investigators and one public affairs officer, resulting in ongoing costs of approximately \$550,000 annually. As noted previously, although the bill authorizes administrative penalties, CDFA indicates that fine revenue is unlikely to be sufficient to support the program, and General Fund support would therefore be necessary.

CDFA further notes that the extent of future enforcement activity is uncertain. As a result, it is unclear how frequently the department would need to pursue administrative penalty actions or whether the number and complexity of those actions could increase costs beyond the estimated staffing needs.

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