
THIRD READING

Bill No: AB 2143
Author: Irwin (D), et al.
Amended: 8/13/26 in Senate
Vote: 21

SENATE AGRICULTURE COMMITTEE: 4-0, 6/16/26

AYES: Caballero, Alvarado-Gil, McNerney, Padilla

NO VOTE RECORDED: Ashby

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 9-0, 6/22/26

AYES: Cabaldon, Jones, Gonzalez, McNerney, Ochoa Bogh, Padilla, Reyes,
Umberg, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 78-0, 5/26/26 - See last page for vote

SUBJECT: Invasive species: noxious weeds: online marketplaces

SOURCE: Author

DIGEST: This bill prohibits online marketplaces from facilitating the sale or shipment of noxious weeds to an address within the state.

ANALYSIS:

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. (California Food and Agricultural Code § 7290)

This bill:

- 1) Defines the following:
- a) “Online marketplace” to mean 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” to mean reasonable procedures, acts, or practices that are designed and implemented to do all 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” to mean a person or entity, independent of an online marketplace, who sells, offers to sell, or contracts with an online

marketplace to sell or ship a product for delivery into this 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 the secretary or agricultural commissioner identifies a shipment of a noxious weed and the secretary 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) The secretary or commissioner 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Committee on Appropriations:

“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.”

SUPPORT: (Verified 8/14/26)

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: (Verified 8/14/26)

None received

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

ASSEMBLY FLOOR: 78-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz,

Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward,
Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Muratsuchi, Celeste Rodriguez

Prepared by: Reichel Everhart / AGRI. / (916) 651-1508
8/17/26 10:47:45

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