

Date of Hearing: March 25, 2026

ASSEMBLY COMMITTEE ON AGRICULTURE

Esmeralda Soria, Chair

AB 2143 (Irwin) – As Amended March 16, 2026

SUBJECT: Invasive species: noxious weeds: online marketplaces

SUMMARY: This bill would prohibit an online marketplace from accepting payment for a noxious weed for delivery to an address located in the state. Specifically, *this bill*:

- 1) Defines the following:
 - a) “Online marketplace” means 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) “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) Requires that an online marketplace not accept payment for the purchase of a noxious weed for delivery to an address located in the state.

EXISTING LAW:

- 1) Designates the Department of Food and Agriculture (CDFA) as the lead department in noxious weed management and requires the department, in cooperation with the Secretary of the Natural Resources Agency (NRA), to implement provisions relating to noxious weed management. (Food and Agriculture code (FAC) 7201)
- 2) 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. (FAC 7202)

FISCAL EFFECT: Unknown

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 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.

This issue of e-commerce sites facilitating the sale of invasive species was identified as long as fourteen years ago in *Invasive Species and E-Commerce*, published by the Invasive Species Advisory Committee in the US Department of the Interior. In that report, the Committee wrote, “*The scale and diversity of e-commerce present regulatory difficulties. ... Sellers that are out of state or out of the country may undermine local efforts with cooperative retailers to limit the sale of invasive species.*” The report identified commercial sites like eBay and Amazon as marketplaces that sold illegal plant materials.

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 ecommerce platforms. They wrote that “*e-commerce is a viable, easily accessible pathway for the spread of invasive plants, despite regulation.*” They additionally noted that “*the presence of regulation did not ultimately influence the number of samples that could be received for a species.*” As part of this research project, they successfully purchased noxious weeds which are prohibited in Minnesota. Although they did not name specific online marketplaces, they did show that some packages were shipped through the United States Postal Service.

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.

This bill addresses this critical gap in the law by prohibiting online marketplaces from accepting payment for 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.

Without legislation to bridge the gap in existing law, online marketplaces will continue to facilitate the sale of noxious weeds without liability, potentially devastating our ecosystem and impacting our agricultural lands. These marketplaces hold a responsibility to ensure their third-party sellers and customers do not spread noxious weeds and invasive plants, and that begins with engineering their platforms to prohibit these sales.

Supporters state California farmers and ranchers are on the front lines of noxious and invasive species management. Many already invest significant resources in prevention and control measures, yet inconsistent regulatory approaches and limited statewide coordination can hinder effective response. A more cohesive state strategy to review issues in ecommerce, developed in

partnership with the agricultural community, will help ensure that policies are practical, regionally appropriate, and grounded in real-world conditions. This bill lays the groundwork for these important discussions and demonstrates a commitment to protecting California's agricultural economy and natural ecosystems.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Association of Pest Control Advisers
California Citrus Mutual
California Cotton Ginners and Growers Association
California Fresh Fruit Association
California Strawberry Commission
California Walnut Commission
Western Plant Health Association
Western Tree Nut Association

Opposition

None on file

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