

Legislative Analysis



EXEMPT MILKWEED AS A NOXIOUS WEED

Phone: (517) 373-8080
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House Bill 4857 as reported from committee

Sponsor: Rep. Samantha Steckloff

Committee: Agriculture

Complete to 11-8-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 13 of 2024)

SUMMARY:

House Bill 4857 would amend section 2 of 1941 PA 359, which regulates the control and removal of certain noxious weeds by a city, village, or township, to exempt milkweed (any species of the genus *Asclepias*) from being considered a **noxious weed** under the act.

Presently, a **noxious weed** is defined as including Canada thistle (*Cirsium arvense*), dodders (any species of the genus *Cuscuta*), mustards (charlock, black mustard, and Indian mustard, species of the genus *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), giant hogweed (*Heracleum mantegazzianum*), ragweed (*Ambrosia elatior* L.), poison ivy (*Toxicodendron radicans*), poison sumac (*Toxicodendron vernix*), or other plant which, in the opinion of the governing body of any county, city, township, or village coming under the provisions of the act, is regarded as a common nuisance.

Under the act, cities, villages, and townships are able to regulate growth of noxious weeds through local ordinance, and may appoint a noxious weeds commissioner who oversees control efforts of noxious weeds. Property owners have a responsibility to destroy noxious weeds before they reach the seed-bearing stage and if they do not, the local unit of government may enter the property to do so. If this occurs, the city, village, or township will have a lien against the property on which it destroyed the noxious weeds to cover the costs of destruction and may issue a fine of up to \$100.

MCL 247.62

BRIEF DISCUSSION:

Supporters of the bill argue that exempting milkweed from local ordinances crafted under the act to fight nuisance weeds will have a positive effect on butterflies and other pollinators who rely on milkweed as a food source and that protecting the plants will ensure the continued availability of a food source for a key part of the food chain. Monarch butterflies especially prefer milkweed¹—it is the only plant monarchs lay their eggs on, and monarch caterpillars feed only on milkweed leaves—so the bill also ties into recent efforts to name the monarch butterfly as the state’s official migratory insect.

¹ See <https://www.nps.gov/articles/000/milkweed-and-monarchs.htm> and https://www.canr.msu.edu/uploads/resources/pdfs/Milkweeds_Monarchs.pdf

FISCAL IMPACT:

The noxious weeds act establishes various legal authorities and duties of local units of government and certain state agencies (the Department of Agriculture and Rural Development and the Department of Natural Resources) with respect to the eradication of noxious weeds as defined in the act. House Bill 4857 only amends the act to exclude milkweed from the definition of noxious weeds. The bill does not otherwise change any of the current authorities or duties under the act and therefore has no apparent fiscal impact on the state or local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (10-4-23):

- Rochester Pollinators
- Anishinaabek Caucus

The following entities indicated support for the bill (10-4-23):

- Michigan State University Institute for Biodiversity, Ecology, Evolution, and Macrosystems
- Michigan Environmental Council

The Department of Agriculture and Rural Development indicated a neutral position on the bill. (10-4-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.