

# STATE OF NEW YORK

9478

## IN ASSEMBLY

January 7, 2026

Introduced by M. of A. KELLES -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing a New York native plants designation; to repeal certain provisions of such law relating thereto; and to amend a chapter of the laws of 2025 amending the agriculture and markets law relating to establishing a New York native plants designation, as proposed in legislative bills numbers S. 7359-A and A. 7964-A, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2-h of section 16 of the agriculture and  
2 markets law is REPEALED.

3 § 2. Section 166 of the agriculture and markets law is amended by  
4 adding two new subdivisions 5 and 6 to read as follows:

5 5. In cooperation with the department of environmental conservation,  
6 the department shall:

7 a. establish standards for designation of native plants in New York in  
8 consultation with recognized certification organizations, academics,  
9 nursery growers, and nursery dealers;

10 b. develop a list of native plants that shall indicate and differen-  
11 tiate native plants that are: (i) non-invasive herbaceous and woody  
12 plant species that are indigenous to New York state and are likely to  
13 maintain their range or successfully adapt to anticipated climate chang-  
14 es in New York state and the northeastern United States; and (ii)  
15 native, non-invasive plants found elsewhere in the United States that  
16 are likely to shift or expand their range into New York state and the  
17 northeastern United States in response to anticipated climate change;

18 c. offer seals or logos identifying native plants as grown in New York  
19 state and marketed by nursery growers and nursery dealers registered  
20 pursuant to this article; and

21 d. provide educational materials promoting awareness and understanding  
22 of the benefits of native plants under the New York native plant desig-  
23 nation to horticultural producers, garden centers, consumers, educa-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 tional institutions, Cornell cooperative extension, and relevant agri-  
2 cultural organizations.

3 6. For the purposes of this section, "native plants" shall mean:

4 a. non-invasive herbaceous and woody plant species that are indigenous  
5 to New York state and are likely to maintain their range or successfully  
6 adapt to anticipated climate changes in New York state and the north-  
7 eastern United States;

8 b. germinating seeds, or other plant parts, used to propagate desira-  
9 ble native plants representing a wide variety of species and genotypes  
10 of plants; and

11 c. native, non-invasive plants found elsewhere in the United States  
12 that are likely to shift or expand their range into New York state and  
13 the northeastern United States in response to anticipated climate  
14 change.

15 § 3. Section 2 of a chapter of the laws of 2025 amending the agricul-  
16 ture and markets law relating to establishing a New York native plants  
17 designation, as proposed in legislative bills numbers S. 7359-A and A.  
18 7964-A, is amended to read as follows:

19 § 2. This act shall take effect [~~immediately~~] one year after it shall  
20 have become a law.

21 § 4. This act shall take effect immediately; provided, however, that  
22 sections one and two of this act shall take effect on the same date and  
23 in the same manner as a chapter of the laws of 2025 amending the agri-  
24 culture and markets law relating to establishing a New York native  
25 plants designation, as proposed in legislative bills numbers S. 7359-A  
26 and A. 7964-A, takes effect.