§ 9-1709. General powers and duties of the department.

1. The department, in cooperation with the department of agriculture and markets, shall restrict the sale, purchase, possession, propagation, introduction, importation, transport and disposal of invasive species pursuant to this section. The department and the department of agriculture and markets in consultation with the council, shall, after public hearing, promulgate joint regulations to develop:

(a) a permit for prohibited species disposal, control, research and education;

(b) a list of prohibited species, which shall be unlawful to knowingly possess with the intent to sell, import, purchase, transport or introduce;

(c) a list of prohibited species which shall be unlawful to import, sell, purchase, propagate, transport, or introduce except under a permit for disposal, control, research, or education; and

(d) a list of regulated species which shall be legal to possess, sell, buy, propagate and transport but may not be knowingly introduced into a free-living state or introduced by a means that one knew or should have known would lead to the introduction into a free-living state.

As part of the regulatory process, the departments and the council shall consider establishing grace periods for prohibited and regulated species so businesses can plan the management of existing stock.

2. For the purpose of carrying out the provisions of this title, the department in cooperation with the department of agriculture and markets shall have the authority, within funds available, to:

(a) establish, operate and maintain state-wide databases and clearinghouses for all taxa of invasive species that incorporate existing data from agencies and organizations in the state, as well as from nearby states, provinces, Canada, and the federal government. Such databases and clearinghouses may provide the aggregate data on-line in a GIS;

(b) coordinate state agency and public authority actions to do the following:

(i) phasing out uses of invasive species;

(ii) expanding use of native species;

(iii) promoting private and local government use of native species as alternatives to invasive species; and

(iv) wherever practical and where consistent with watershed and/or regional invasive species management plans, prohibiting and actively eliminating invasive species at project sites funded or regulated by the state; and

(c) in collaboration with the council, aid in the review and reform of relevant regulatory processes to remove unnecessary impediments to the restoration of invaded ecosystems.