

**Chapter 901:5-31**  
**Secondary Noxious Weeds**

**CASE NOTES AND OAG**

1. (1986) Revised Code § 971.33 is a legitimate expression of the state's police power because the state has provided a due process mechanism whereby noxious weeds are classified. Revised Code § 907.10(B)(2) delegates to the director of agriculture the authority to establish primary and secondary noxious-weed lists. These lists are established by following the due process requirements of notice and hearings as set forth in RC Chapter 119. Ohio Adm. Code Chapter 901:5-31 contains the list of prohibited and secondary noxious weeds as defined by the director: Newark v. Garfield Dev. Corp., 25 OMisc2d 4, 25 OBR 120, 495 NE2d 480 (MC).

**901:5-31-01 Prohibited and restricted noxious weed seeds list.**

(A) The following plants are hereby designated "prohibited noxious-weed seed":

- (1) Field bindweed, (*Convolvulus arvensis* (L.).
- (2) Quackgrass, *Elytrigia repens* (L.) nevski=*Agropyron repens* (L.) Beauv.
- (3) Canada thistle, *Cirsium arvense* (L.) Scop.
- (4) Johnsongrass, *Sorghum halpense* (L.) Pers.
- (5) Heart-podded hoary cress, *Cardaria draba* L. Desv.
- (6) Hairy whitetop or ballcress, *Cardaria Pubescens* (C. Meyer) Jarmol.
- (7) Perennial sowthistle, *Sonchus arvensis* (L.).
- (8) Russian knapweed, *Acroptilon repens* (L.) DC.=*Centaurea picris* Pallas ex Willd.
- (9) Leafy spurge, *Euphorbia esula* (L.).
- (10) Hedge bindweed, *Calystegia sepium* (L.) R. Br.=*Convolvulus sepium* (L.).
- (11) Serrated tussock, *Nassella trichotoma* (NEES) Hackel ex Arechav.
- (12) Columbus grass, *SORGHUM* x *ALMUM* parodi
- (13) Purple loosestrife, *LYTHRUM SALICARIA* (L.).
- (14) Musk thistle, *CARDUUS NUTANS* (L.).

(B) The following plants are hereby designated restricted noxious weed seeds":

- (1) Dodder, *Cuscuta* (L.) spp.
- (2) Horsenettle, *Solanum carolinense* (L.).
- (3) Corncockle, *Agrostemma githago* (L.).
- (4) Wild garlic, *Allium vineale* (L.).
- (5) Wild onion, *Allium canadense* (L.).
- (6) Curly dock, *Rumex crispus* (L.).
- (7) French weed, *Thlaspi arvense* (L.).
- (8) Buckhorn, *Plantago lanceolate* (L.).
- (9) Oxeye daisy, *LEUCANTHEMUM VULGARE* lam
- (10) Wild mustard, *BRASSICA ARVENSIS* (L.) rabenh. & *BRASSICA kaber* (D.C.) L.C. wheeler
- (11) Poison-hemlock, *CONIUM MACULATUM* (L.).

**HISTORY: Eff 10-26-65; 5-22-81; 10-15-87; 7-1-89; 5-31-99**

Rule promulgated under: RC Chapter 119.

Rule authorized by: RC 907.10

Rule amplifies: RC 907.10

R.C. 119.032 review date: 3-25-99; 5-31-2004