



## What Exactly is a “Protected Plant?”

“Aren’t those protected?” “Trilliums are endangered, right?” Questions about laws pertaining to native plants are common among the environmental community and the broader public. The multitude of international, federal, and state laws, often differing in key details, can reinforce the seemingly esoteric nature of what, exactly, constitutes a “protected plant.” The following is a brief overview of pertinent laws including state-by-state lists of protected species in our immediate region (Illinois, Indiana, Michigan, and Ohio).

### CITES:

CITES, or *Convention on International Trade in Endangered Species of Wild Fauna and Flora*, is an intergovernmental agreement to ensure that international trade in wild specimens of animals and plants does not threaten their survival. CITES is administered by the United Nations Environment Programme and, in the United States, the U.S. Fish and Wildlife Service. Listed species are assigned to one of three Appendices based on relative rarity and susceptibility to exploitation. CITES permits must be obtained for all international trade in these species. Learn more about CITES at [cites.org](http://cites.org).

### Federal Endangered Species Act:

The Federal Endangered Species Act provides for the designation of a species as “endangered” if it is considered to be in danger of extinction throughout all or a significant portion of its range, or “threatened” if it is likely to become endangered. The Federal Endangered Species Act prohibits the following:

- Import or export of endangered and threatened plants from the United States
- Receipt, delivery, or sale of endangered and threatened plants in interstate or foreign commerce
- Removal or malicious damage or destruction of endangered plants on federal lands. Removal or malicious damage or destruction of threatened plants is not prohibited.
- Collection, damage, or destruction of endangered plants in violation of state law(s). Collection, damage, or destruction of threatened plants in violation of state law(s) is not prohibited by the federal act, although these activities may be prohibited by individual state law(s).

Under Section 7 of the Act, federal agencies are directed to ensure that no actions that they authorize, fund, or carry out are likely to jeopardize the continued existence of an endangered or threatened species. This provision is broadly applicable to both public and private lands. Read more about the Endangered Species Act at <https://www.fws.gov/endangered/laws-policies/>.

## Illinois

### Species regulated by CITES

(see <https://www.cites.org/eng/app/appendices.php>)

- All orchids
- *Hydrastis canadensis* (goldenseal), Appendix II
- *Opuntia cespitosa* (eastern prickly-pear), Appendix II
- *Opuntia fragilis* (brittle prickly-pear), Appendix II
- *Opuntia macrorhiza* (plains prickly-pear), Appendix II
- *Panax quinquefolius* (ginseng), Appendix II
- *Sarracenia purpurea* (pitcher-plant), Appendix II

### Federally Endangered and Threatened Species

(see <https://www.fws.gov/midwest/endangered/lists/illinois-spp.html>)

- *Apios priceana* (Price's potato bean), Threatened
- *Asclepias meadii* (Mead's milkweed), Threatened
- *Boltonia decurrens* (decurrent false aster), Threatened
- *Cirsium pitcheri* (Pitcher's thistle), Threatened
- *Dalea foliosa* (leafy prairie-clover), Endangered
- *Hymenoxys herbacea* (lakeside daisy), Threatened
- *Isotria medeoloides* (small whorled pogonia), Threatened
- *Lespedeza leptostachya* (prairie bush-clover), Threatened
- *Platanthera leucophaea* (eastern prairie fringed orchid), Threatened

### State Endangered and Threatened Species

The Illinois Endangered Species Protection Act (520 I.L.C.S. 10/1 - 11) provides for the designation of plant species as endangered or threatened at the state level. The Illinois list includes federally endangered and threatened plants and plants that are in danger or likely to become in danger of extinction in the wild in Illinois. The current list includes 251 endangered species and 73 threatened species (see [https://www2.illinois.gov/dnr/ESPB/Documents/2015\\_ChecklistFINAL\\_for\\_webpage\\_051915.pdf](https://www2.illinois.gov/dnr/ESPB/Documents/2015_ChecklistFINAL_for_webpage_051915.pdf)). The Illinois law prohibits the possession, trade, or sale of endangered plants and the take of endangered and threatened plants without written permission from the landowner. Private landowners are not prohibited from take of listed plants on their own properties.

## Indiana

### Species regulated by CITES

(see <https://www.cites.org/eng/app/appendices.php>)

- All orchids
- *Hydrastis canadensis* (goldenseal), Appendix II
- *Opuntia cespitosa* (eastern prickly-pear), Appendix II
- *Panax quinquefolius* (ginseng), Appendix II
- *Sarracenia purpurea* (pitcher-plant), Appendix II

### Federally Endangered and Threatened Species

(see <https://www.fws.gov/midwest/endangered/lists/indiana-spp.html>)

- *Asclepias meadii* (Mead's milkweed), Threatened
- *Cirsium pitcheri* (Pitcher's thistle), Threatened
- *Physaria globosa* (Short's bladderpod), Endangered
- *Platanthera leucophaea* (eastern prairie fringed orchid), Threatened
- *Solidago shortii* (Short's goldenrod), Endangered
- *Trifolium stoloniferum* (running buffalo clover), Endangered

### State Endangered and Threatened Species

The Indiana Nongame and Endangered Species Conservation Act (IC-14-22-34) does not provide protections to plants. Nonetheless, Indiana maintains a list of plant species designated as endangered, threatened, or rare (watch list) within the state (see <https://www.in.gov/dnr/naturepreserve/files/np-etrplants.pdf>.)



*Agalinis auriculata* (eared false foxglove) is considered "Threatened" in Indiana but lacks legal protection. (B. S. Slaughter, August 2019).

## Michigan

### Species regulated by CITES

(see <https://www.cites.org/eng/app/appendices.php>)

- All orchids
- *Hydrastis canadensis* (goldenseal), Appendix II
- *Opuntia cespitosa* (eastern prickly-pear), Appendix II
- *Opuntia fragilis* (fragile prickly-pear), Appendix II
- *Panax quinquefolius* (ginseng), Appendix II
- *Sarracenia purpurea* (pitcher-plant), Appendix II

### Federally Endangered and Threatened Species

(see <https://www.fws.gov/midwest/endangered/lists/michigan-spp.html>)

- *Asplenium scolopendrium* var. *americanum* (American hart's tongue fern), Threatened
- *Cirsium pitcheri* (Pitcher's thistle), Threatened
- *Hymenoxys herbacea* (lakeside daisy), Threatened
- *Iris lacustris* (dwarf lake iris), Threatened
- *Isotria medeoloides* (small whorled pogonia), Threatened
- *Mimulus michiganensis* (Michigan monkey-flower), Endangered
- *Platanthera leucophaea* (eastern prairie fringed orchid), Threatened
- *Solidago houghtonii* (Houghton's goldenrod), Threatened

### State Endangered and Threatened Species

The Endangered and Threatened Species Act of Michigan (M. C. L. A. 324.36501 – 07) provides for the designation of plant species as endangered or threatened at the state level. The Michigan list includes all federally endangered or threatened plants occurring within the state in addition to any plant that is in danger or likely to become in danger of extinction throughout all or a significant part of its [Michigan] range. The current list includes 78 endangered species and 196 threatened species (see <https://mnfi.anr.msu.edu/species/plants>). Michigan law prohibits taking, possessing, transporting, importing, exporting, processing, selling, or destroying endangered or threatened plants (including federally endangered and threatened species) from both public and private lands.

### Species regulated under the “Christmas Tree Law”

Michigan's “Christmas Tree Law” (M. C. L. 324.52901) requires the possession of a bill of sale or other evidence of title to cut, remove, or transport Christmas trees, evergreen boughs, other trees, shrubs, or vines, and the plant families, genera, and species specified below. The law applies to both whole plants and parts of these plants. For more information on the Michigan “Christmas Tree Law,” see [http://www.legislature.mi.gov/\(S\(mv3tx44opdj3cetig15rzwyq\)\)/mileg.aspx?page=getObject&objectName=mcl-324-52901&highlight=christmas%20AND%20trees](http://www.legislature.mi.gov/(S(mv3tx44opdj3cetig15rzwyq))/mileg.aspx?page=getObject&objectName=mcl-324-52901&highlight=christmas%20AND%20trees).

- All clubmosses (Family Lycopodiaceae)
- All gentians (Family Gentianaceae)
- All native orchids (Family Orchidaceae)
- All *Trillium* spp. (trilliums)
- *Celastrus scandens* (American bittersweet)
- *Chimaphila umbellata* (pipsissewa)
- *Cornus florida* (flowering dogwood)
- *Epigaea repens* (trailing arbutus)
- *Ilex mucronata* (mountain holly)
- *Ilex verticillata* (Michigan holly)
- *Nelumbo lutea* (American lotus)
- *Viola pedata* (birdfoot violet)



The Federally Threatened *Iris lacustris* (dwarf lake iris) is protected on non-federal lands by Michigan law. (B. S. Slaughter, June 2013).

## Ohio

### Species regulated by CITES

(see <https://www.cites.org/eng/app/appendices.php>)

- All orchids
- *Hydrastis canadensis* (goldenseal), Appendix II
- *Opuntia cespitosa* (eastern prickly-pear), Appendix II
- *Panax quinquefolius* (ginseng), Appendix II
- *Sarracenia purpurea* (pitcher-plant), Appendix II

### Federally Endangered and Threatened Species

(see <https://www.fws.gov/midwest/endangered/lists/ohio-spp.html>)

- *Aconitum noveboracense* (northern monkshood), Threatened
- *Hymenoxys herbacea* (lakeside daisy), Threatened
- *Isotria medeoloides* (small whorled pogonia), Threatened
- *Platanthera leucophaea* (eastern prairie fringed orchid), Threatened
- *Spiraea virginiana* (Virginia spiraea), Threatened
- *Trifolium stoloniferum* (running buffalo clover), Endangered

### State Endangered and Threatened Species

Ohio statute (R.C. § 1518.01 - 1518.99; 1531.25, 1531.99) provides protections for endangered and threatened plants, defined as federally endangered and threatened plants occurring within the state and native Ohio plant species whose natural population(s) are in immediate danger or likely to become in immediate danger of extirpation from Ohio within the foreseeable future. The current list can be viewed at <http://naturepreserves.ohiodnr.gov/rareplants>. Ohio law restricts the possession and trade of endangered and threatened plant species and prohibits the injury or removal of listed species from public highways, public property, and waters of the state. Listed plants cannot be injured or removed from the private property of another without written permission. Private landowners are not prohibited from these activities on their own properties.

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