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# A BILL FOR AN ACT

RELATING TO PLANT CARE COMPONENTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that treating plant care  
2 components, which include any quantity of wood chips, compost,  
3 or filter socks, reduces potential pests and increases the  
4 State's overall biosecurity. The legislature further finds that  
5 Act 197, Session Laws of Hawaii 2024, requires the department of  
6 agriculture to certify plant care component treatments performed  
7 within the State.

8       The purpose of this Act is to strengthen the plant care  
9 component program by:

10       (1) Authorizing the department of agriculture to adopt  
11           rules and administrative penalties related to the  
12           program; and

13       (2) Appropriating funds for the plant care component  
14           program and certain positions.

15       SECTION 2. Section 141-2, Hawaii Revised Statutes, is  
16 amended to read as follows:



1       "**§141-2 Rules.** Subject to chapter 91, the department of  
2 agriculture shall adopt, amend, and repeal rules not  
3 inconsistent with law, for and concerning:

4       (1) The introduction, transportation, and propagation of  
5 trees, shrubs, herbs, and other plants;

6       (2) The quarantine, inspection, fumigation, disinfection,  
7 destruction, or exclusion, either upon introduction  
8 into the State, or at any time or place within the  
9 State, of any nursery-stock, tree, shrub, herb, vine,  
10 cut-flower, cutting, graft, scion, bud, seed, leaf,  
11 root, or rhizome; any nut, fruit, or vegetable; any  
12 grain, cereal, or legume in the natural or raw state;  
13 any moss, hay, straw, dry-grass, or other forage; any  
14 unmanufactured log, limb, or timber; or any other  
15 plant growth or plant product unprocessed or in the  
16 raw state; any sand, soil, or earth; any live bird,  
17 reptile, insect, or other animal, in any stage of  
18 development, that is in addition to the so-called  
19 domestic animals, which are provided for in section  
20 142-2; and any box, barrel, crate, or other containers  
21 in which the articles, substances, or objects have



1           been transported or contained, and any packing  
2           material used in connection therewith, that is or may  
3           be diseased or infested with insects or likely to  
4           assist in the transmission or dissemination of any  
5           insect or plant disease injurious, harmful, or  
6           detrimental, or likely to become injurious, harmful,  
7           or detrimental to the agricultural or horticultural  
8           industries or the forests of the State, or that is or  
9           may be in itself injurious, harmful, or detrimental to  
10          the same; provided that included therein may be rules  
11          governing the transportation of any of the articles,  
12          substances, or objects enumerated above in this  
13          section between different localities on any one of the  
14          islands within the State;

15        (3) The prohibition of importation into the State, from  
16          any or all foreign countries or from other parts of  
17          the United States, or the shipment from one island  
18          within the State to another island therein, or the  
19          transportation from one part or locality of any island  
20          to another part or locality of the same island, of any  
21          specific article, substance, or object or class of



1 articles, substances, or objects, among those  
2 enumerated above in this section, that is diseased or  
3 infested with insects or likely to assist in the  
4 transmission or dissemination of any insect or plant  
5 disease injurious, harmful, or detrimental or likely  
6 to be injurious, harmful, or detrimental to the  
7 agricultural or horticultural industries, or the  
8 forests of the State, or that is or may be in itself  
9 injurious, harmful, or detrimental to the same;

10 (4) The preparation by cargo carriers of manifests of  
11 cargo transported into the State or between islands of  
12 the State and the submission of the manifests to the  
13 department;

14 (5) The establishment, maintenance, and enforcement of  
15 compliance agreements with federal or state  
16 departments of agriculture authorizing agriculture  
17 inspectors from the state of origin in the case of  
18 imports to the State, or state agricultural inspectors  
19 in the case of state exports, to monitor the growing  
20 and packing of plant commodities and any treatment  
21 procedures to ensure compliance with quarantine laws,



1 and further authorizing the assessment of fees for  
2 conducting inspections required under the compliance  
3 agreement; [~~and~~]

4 (6) The manner in which agricultural product promotion and  
5 research activities may be undertaken, after  
6 coordinating with the agribusiness development  
7 corporation[~~-~~];

8 (7) The establishment, fee schedule, appropriate  
9 treatments, certification requirements, restrictions,  
10 and enforcement of or for a plant care component  
11 program; and

12 (8) Any other purpose within this part related to plant  
13 care components.

14 All rules adopted under this section shall have the force  
15 and effect of law."

16 SECTION 3. Section 141-18, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "[~~§~~141-18~~§~~] **Plant care components; fumigation;**  
19 **treatment; certification; fees; restrictions.** (a) The  
20 department of agriculture:



- 1 (1) Shall certify plant care component treatments  
2 performed within the State;
- 3 (2) May certify and permit entities to conduct plant care  
4 component treatments before shipment; and
- 5 (3) Shall deposit any fees collected for certifications of  
6 plant care component treatment pursuant to section  
7 150A-21 into the pest inspection, quarantine, and  
8 eradication fund established pursuant to section 150A-  
9 4.5.
- 10 (b) No person shall distribute within the State any plant  
11 care component that originated outside the State, unless ~~[the]~~:
- 12 (1) The plant care component was subjected to a treatment  
13 before entering the State; or
- 14 (2) The plant care component has been treated immediately  
15 after ~~[entering]~~ arrival in the State, as certified by  
16 the department of agriculture.
- 17 (c) No person shall transport any plant care component:
- 18 (1) Between the islands of the State; or
- 19 (2) From a location within the State to a location outside  
20 the State,



1 without prior certification from the department of agriculture  
2 that the component has been treated pursuant to this section;  
3 provided that the component shall be stored in a manner to  
4 prohibit infestation post-treatment.

5 (d) Any person who violates any provision of this section  
6 or the rules adopted pursuant to section 141-2 may be assessed  
7 an administrative penalty of no more than \$10,000 for each  
8 offense; provided that the person receives appropriate notice  
9 and the opportunity for a contested case hearing. Unless the  
10 person makes a written request for a hearing within twenty days  
11 of receipt of the notice, the proposed penalty and finding of a  
12 violation pursuant to this section shall be a final order. In  
13 determining the amount of the penalty, the board shall consider:

14 (1) The appropriateness based on the size of the business  
15 of the person charged;

16 (2) The effect on the person's ability to continue the  
17 person's business; and

18 (3) The gravity of the violation.

19 (e) In the event of failure to pay or collect the full  
20 amount of the administrative penalty in subsection (d), the  
21 board shall refer the matter to the attorney general, who shall



1 seek to recover the amount by action in the appropriate court.

2 For any judicial proceeding to recover the administrative  
3 penalty imposed, the attorney general shall have the burden of  
4 showing that:

5 (1) Adequate notice was provided;

6 (2) A contested case hearing was held or the time to  
7 request a hearing had expired;

8 (3) The administrative penalty was imposed; and

9 (4) The administrative penalty remains unpaid in full.

10 (f) When construing and enforcing the provisions of this  
11 section, the act, omission, or failure of any officer, agent, or  
12 other person acting for or employed by any person shall in every  
13 case be also deemed to be the act, omission, or failure of the  
14 person and the officer, agent, or other person employed.

15 ~~[(d)]~~ (g) For the purposes of this section:

16 "Board" means the board of agriculture.

17 "Filter sock" means a mesh tube that contains organic plant  
18 material, which is used for erosion control.

19 "Person" means any individual, firm, corporation,  
20 association, or partnership or any organized group of persons  
21 whether incorporated or not.





1 "Plant care component" or "component" means any quantity of  
2 wood chips[7] or compost[7] that is used in the care or  
3 propagation of plants, or filter socks.

4 "Treat" or "treatment" means fumigation or heat treatment."

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2025-2026 and  
8 the same sum or so much thereof as may be necessary for fiscal  
9 year 2026-2027 for the implementation and performance of the  
10 plant care component program and the establishment  
11 of full-time equivalent ( FTE) permanent civil service  
12 plant quarantine inspector IV positions and full-time  
13 equivalent ( FTE) permanent civil service plant quarantine  
14 inspector III positions within the department of agriculture's  
15 plant industry division, plant quarantine branch to effectuate  
16 this Act.

17 The sums appropriated shall be expended by the department  
18 of agriculture for the purposes of this Act.

19 SECTION 5. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1       SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

DOA; Biosecurity; Pest Control; Plant Care Components; Rules; Penalties; Positions; Appropriations

**Description:**

Authorizes the Department of Agriculture to adopt rules related to the Plant Care Component Program. Prohibits distributing plant care components that originated outside the State unless it was subjected to treatment before arrival. Establishes administrative penalties to enforce the Plant Care Component Program. Appropriates funds and establishes positions for purposes of the Plant Care Component Program. Effective 7/1/2050. (SD1)

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