

JAN 22 2007

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# A BILL FOR AN ACT

RELATING TO ANIMAL DISEASES.

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

1           SECTION 1. The legislature finds that livestock and poultry  
2 operations raise concerns over the risk of introduction of  
3 naturally occurring highly contagious animal diseases. The  
4 rapid pace of disease emergence around the world over the last  
5 decade has created challenges for public health, livestock  
6 health, wildlife management, and national and regional  
7 economies. In addition, recent events indicate livestock and  
8 poultry continue to be at risk from diseases, such as avian  
9 influenza, that pose significant health risks to the people of  
10 the world. Any naturally occurring outbreak or agro-terrorist  
11 attack in Hawaii's agriculture industry could decimate the  
12 industry and the State's economy, and put the entire population  
13 at risk. The purpose of this Act is to strengthen the laws of  
14 the State to enable authorities to quickly respond to, control,  
15 contain, and eliminate any threat to the livestock and poultry  
16 industries and public health or safety as a result of any  
17 contagious, infectious, or communicable animal disease.

1 SECTION 2. Section 142-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§142-6 Quarantine[-] and animal disease control. (a) As  
4 used in this section:

5 "Quarantine" means confinement of, and movement controls on,  
6 infected, susceptible, or exposed animals and potentially  
7 contaminated feed, products, conveyances, and animate or  
8 inanimate fomites, believed to have been exposed to or known to  
9 have been infected with a contagious disease, to prevent the  
10 spread of a disease.

11 (b) In implementing any quarantine, the department of  
12 agriculture shall take all reasonable means to prevent the  
13 transmission of infection between or among susceptible animals.  
14 The quarantine of any premises shall be terminated when the  
15 chairperson of the board of agriculture determines that the  
16 quarantine is no longer necessary to protect animal or public  
17 health.

18 (c) The department of agriculture may specify any infected  
19 premises, area, or disease control zone and institute  
20 quarantines on affected or suspected premises, areas, zones, or  
21 islands; control movement of animals, animal products, and  
22 contaminated materials, equipment, and vehicles; and undertake

1 other disease control operations including but not limited to  
2 compulsory vaccination and the placement of controls,  
3 limitations, or requirements on operations or activities that  
4 process animals, animal products, or animal byproducts.

5 (d) Before quarantining affected or suspected premises,  
6 areas, zones, or islands, the department shall issue a written  
7 hold or quarantine order authorizing such action.

8 (e) Notwithstanding subsection (d), the department may  
9 quarantine an affected or suspected premises, area, zone, or  
10 island if any delay in the issuance of a written hold or  
11 quarantine order would pose an immediate threat of disease  
12 spread or to the public health. Following such quarantine, the  
13 department shall promptly issue a written quarantine order.

14 (f) The department of agriculture may quarantine any  
15 premises housing an animal known to be affected with, to have  
16 been exposed to, or to be susceptible to, any contagious,  
17 infectious, or communicable disease, and destroy the same, when  
18 in the opinion of the department, such measure is necessary to  
19 prevent the spread of the disease. The department of  
20 agriculture may also enter any land, building, vessel, or  
21 aircraft carrying or housing livestock or poultry, or livestock  
22 or poultry products, to collect samples or inspect, vaccinate,

1 remove, or destroy animals or animal products and require  
2 disinfection of [~~premises and materials~~] any affected land,  
3 building, material, equipment, vessel, or aircraft contaminated  
4 by or exposed to disease, including the proper disposition of  
5 hides and carcasses if, in the opinion of the department, such  
6 measures are necessary to prevent the spread of disease. If  
7 refused entry, the department may apply to a district or circuit  
8 judge in the circuit in which the animal disease threat is  
9 located, and the judge may thereupon issue a warrant, directed  
10 to any law enforcement officer of the circuit, commanding the  
11 officer to give sufficient aid, and, being accompanied by an  
12 agent of the department, to return to the place described in the  
13 complaint, and to allow the performance of animal sample  
14 collection, inspection, vaccination, removal, or destruction by  
15 the agent of the department.

16 (g) If the department of agriculture determines that the  
17 movement of any animal, material, vehicle, or other article or  
18 item from an infected premises, area, or zone would cause a risk  
19 of the spread of any contagious, infectious, or communicable  
20 disease, the department may require the animal, material,  
21 vehicle, or other article or item to be decontaminated and made  
22 clean of any contagious, infectious, or communicable disease

1 before leaving an infected premises, zone, or area to minimize  
2 the likelihood of disease transmission.

3 (h) The department, in enforcing any provision of this  
4 section, may require any sheriff, deputy sheriff, chief of  
5 police, police officer, or other law enforcement officer to aid  
6 and assist it, and to use such force as reasonably necessary in  
7 order for the department to examine, test, vaccinate, remove, or  
8 destroy animals from premises during an animal disease outbreak  
9 identified by the department. Every sheriff, deputy sheriff,  
10 chief of police, police officer, or other law enforcement  
11 officer who is so required to aid and assist the department  
12 shall immediately aid and assist it.

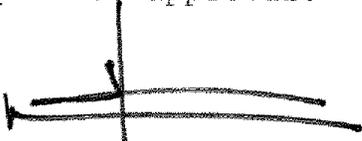
13 (i) A property owner, lessee, manager, resident, or  
14 employee of premises subject to quarantine shall obey the  
15 department's rules and orders."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
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BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO ANIMAL DISEASES.

PURPOSE: Create a more efficient and rapid response to highly contagious animal diseases such as: Avian influenza, Foot and Mouth Disease, Exotic Newcastle's Disease, Classical Swine Fever, Rift Valley Fever, Nipah Virus, and other animal diseases that are not established in Hawaii and that would be very detrimental to agriculture, the environment, or public health.

MEANS: Amend section 142-6, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Rapid and decisive action is needed to control the spread of animal diseases and maintain public order and confidence.

To achieve an effective disease response, government authorities must have clear and comprehensive legal authority that allows or facilitates a broad spectrum of disease control and eradication activities.

Direct economic loss, reduction in consumer confidence in the agricultural industry, and secondary economic losses resulting from reduced tourism and worker productivity for diseases that are potential human threats must be minimized.

Tourism and consumer confidence will be significantly impacted if Hawai'i and its agricultural products are perceived as unsafe or unhealthy.

Impact on the public: In the event of an animal health emergency, comprehensive legal

authority will facilitate the Department's ability to: define infected areas and disease control zones; institute quarantines; undertake disease control activities such as mandatory vaccination; enter any farm, livestock enterprise, or premise housing livestock or poultry to inspect animals and collect samples; destroy any livestock or poultry, products, or contaminated materials infected with any infectious agent or disease dangerous to public health and safety, agriculture, or the environment; place controls on the operation of enterprises that handle animals, animal products, or animal byproducts; and seek the aid of law enforcement agencies to assist in disease control activities.

Although amendments to section 142-6 may be opposed by some livestock producers based on what they consider to be unwarranted government intervention, the changes will facilitate timely and efficient detection, control, and eradication of animal diseases that may have potentially serious economic consequences for Hawaii's agriculture and adversely impact public health, food safety, and consumer confidence in the locally produced food supply.

Impact on the department and other agencies:

The Department will be able to more efficiently manage an animal disease outbreak with a goal of disease eradication as quickly as possible. Law enforcement agencies such as county police departments, deputy sheriffs of the Department of Public Safety, and enforcement officers of the Departments of Land and Natural Resources, of Transportation, and of the Attorney General would be impacted by amendments to

section 142-6. Other agencies are not directly impacted by amendments to section 142-6.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: County Police Departments, Department of Public Safety, Department of Land and Natural Resources, Department of Transportation, Department of the Attorney General.

EFFECTIVE DATE: Upon approval.