
A BILL FOR AN ACT

RELATING TO REGULATION OF IMPORTATION.

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

1 SECTION 1. Section 150A-5, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§150A-5 Conditions of importation.** The importation into
4 the State of any of the following articles, viz., nursery-stock,
5 tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud,
6 seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain,
7 cereal, or legume in the natural or raw state; moss, hay, straw,
8 dry-grass, or other forage; unmanufactured log, limb, or timber,
9 or any other plant-growth or plant-product, unprocessed or in
10 the raw state; soil; microorganisms; live bird, reptile,
11 nematode, insect, or any other animal in any stage of
12 development (that is in addition to the so-called domestic
13 animal, the quarantine of which is provided for in chapter 142);
14 box, vehicle, baggage, or any other container in which ~~such~~
15 articles have been transported or any packing material used in
16 connection therewith shall be made in the manner hereinafter set
17 forth:



1 (1) Notification of arrival. Any person who receives for
2 transport or brings or causes to be brought to the
3 State as freight, air freight, baggage, or otherwise,
4 for the purpose of debarkation or entry therein, or as
5 ship's stores, any of the foregoing articles, shall,
6 immediately upon the arrival thereof, notify the
7 department, in writing, of the arrival, giving the
8 waybill number, container number, name and address of
9 the consignor, name and address of the consignee or
10 the consignee's agent in the State, marks, number of
11 packages, description of contents of each package,
12 port at which laden, and any other information that
13 may be necessary to locate or identify the same, and
14 shall hold [~~such~~] the articles at the pier, airport,
15 or any other place where they are first received or
16 discharged, in [~~such~~] a manner that they will not
17 spread or be likely to spread any infestation or
18 infection of insects or diseases that may be present
19 until inspection and examination can be made by the
20 inspector to determine whether or not any article, or
21 any portion thereof, is infested or infected with or



1 contains any pest. The department may adopt rules to
2 require identification of specific articles on
3 negotiable and non-negotiable warehouse receipts,
4 bills of lading, or other documents of title for
5 inspection of pests. In addition, the department
6 shall adopt rules to designate restricted articles
7 that shall require:

8 (A) A permit from the department in advance of
9 importation; or

10 (B) A department letter of authorization or
11 registration in advance of importation.

12 The restricted articles shall include but not be
13 limited to certain microorganisms or living insects.
14 Failure to obtain the permit, letter of authorization,
15 or registration in advance is a violation of this
16 section;

17 (2) Individual passengers, officers, and crew.

18 (A) It shall be the responsibility of the
19 transportation company to ~~distribute,~~
20 distribute electronically, prior to the
21 debarkation of passengers and baggage, the State



1 of Hawaii plant and animal declaration form to
2 each passenger, officer, and crew member of any
3 aircraft or vessel originating in the continental
4 United States or its possessions or from any
5 other area not under the jurisdiction of the
6 appropriate federal agency in order that the
7 passenger, officer, or crew member can comply
8 with the directions and requirements appearing
9 thereon. All passengers, officers, and crew
10 members, whether or not they are bringing or
11 causing to be brought for entry into the State
12 the articles listed on the form, shall complete
13 the declaration, except that one adult member of
14 a family may complete the declaration for other
15 family members. Any person who [~~defaces the~~
16 ~~declaration form required under this section,~~]
17 gives false information, fails to declare
18 restricted articles in the person's possession or
19 baggage, or fails to declare in cargo manifests
20 is in violation of this section;



1 (B) [~~Completed~~] Prior to the debarkation of
2 passengers or baggage, completed forms shall be
3 [collected by the transportation company and be
4 delivered, immediately upon arrival,] transmitted
5 to the inspector at the first airport or seaport
6 of arrival. Failure to distribute or [collect]
7 transmit declaration forms [or to immediately
8 deliver completed forms] prior to the debarkation
9 of passengers or baggage is a violation of this
10 section; and

11 (C) It shall be the responsibility of the officers
12 and crew of an aircraft or vessel originating in
13 the continental United States or its possessions
14 or from any other area not under the jurisdiction
15 of the appropriate federal agency to immediately
16 report all sightings of any plants and animals to
17 the plant quarantine branch. Failure to comply
18 with this requirement is a violation of this
19 section;

20 (3) Plant and animal declaration form. The form shall
21 include directions for declaring domestic and other



1 animals cited in chapter 142, in addition to the
2 articles enumerated in this chapter;

3 (4) Labels. Each container in which any of the above-
4 mentioned articles are imported into the State shall
5 be plainly and legibly marked, in a conspicuous manner
6 and place, with the name and address of the shipper or
7 owner forwarding or shipping the same, the name or
8 mark of the person to whom the same is forwarded or
9 shipped or the person's agent, the name of the
10 country, state, or territory and locality therein
11 where the product was grown or produced, and a
12 statement of the contents of the container. Upon
13 failure to comply with this paragraph, the importer or
14 carrier is in violation of this section;

15 (5) Authority to inspect. Whenever the inspector has good
16 cause to believe that the provisions of this chapter
17 are being violated, the inspector may:

18 (A) Enter and inspect any aircraft, vessel, or other
19 carrier at any time after its arrival within the
20 boundaries of the State, whether offshore, at the
21 pier, or at the airport, for the purpose of



1 determining whether any of the articles or pests
2 enumerated in this chapter or rules adopted
3 thereto, is present;

4 (B) Enter into or upon any pier, warehouse, airport,
5 or any other place in the State where any of the
6 above-mentioned articles are moved or stored, for
7 the purpose of ascertaining, by inspection and
8 examination, whether or not any of the articles
9 is infested or infected with any pest or disease
10 or contaminated with soil or contains prohibited
11 plants or animals; and

12 (C) Inspect any baggage or personal effects of
13 disembarking passengers, officers, and crew
14 members on aircraft or vessels arriving in the
15 State to ascertain if they contain any of the
16 articles or pests enumerated in this chapter. No
17 baggage or other personal effects of the
18 passengers or crew members shall be released
19 until the baggage or effects have been passed.



1 Baggage or cargo inspection shall be made at the
2 discretion of the inspector, on the pier, vessel, or
3 aircraft or in any quarantine or inspection area.

4 Whenever the inspector has good cause to believe
5 that the provisions of this chapter are being
6 violated, the inspector may require that any box,
7 package, suitcase, or any other container carried as
8 ship's stores, cargo, or otherwise by any vessel or
9 aircraft moving between the continental United States
10 and Hawaii or between the Hawaiian Islands, be opened
11 for inspection to determine whether any article or
12 pest prohibited by this chapter or by rules adopted
13 pursuant thereto is present. It is a violation of
14 this section if any prohibited article or any pest or
15 any plant, fruit, or vegetable infested with plant
16 pests is found;

17 (6) Request for importation and inspection. In addition
18 to requirements of the United States customs
19 authorities concerning invoices or other formalities
20 incident to importations into the State, the importer
21 shall be required to file a written statement with the



1 department, signed by the importer or the importer's
2 agent, setting forth the importer's desire to import
3 certain of the above-mentioned articles into the State
4 and:

5 (A) Giving the following additional information:

6 (i) The kind (scientific name), quantity, and
7 description;

8 (ii) The locality where same were grown or
9 produced;

10 (iii) Certification that all animals to be
11 imported are the progeny of captive
12 populations or have been held in captivity
13 for a period of one year immediately prior
14 to importation or have been specifically
15 approved for importation by the board;

16 (iv) The port from which the same were last
17 shipped;

18 (v) The name of the shipper; and

19 (vi) The name of the consignee; and

20 (B) Containing:



- 1 (i) A request that the department, by its duly
2 authorized agent, examine the articles
3 described;
- 4 (ii) An agreement by the importer to be
5 responsible for all costs, charges, or
6 expenses; and
- 7 (iii) A waiver of all claims for damages incident
8 to the inspection or the fumigation,
9 disinfection, quarantine, or destruction of
10 the articles, or any of them, as hereinafter
11 provided, if any treatment is deemed
12 necessary.

13 Failure or refusal to file a statement, including
14 the agreement and waiver, is a violation of this
15 section and may, in the discretion of the department,
16 be sufficient cause for refusing to permit the entry
17 of the articles into the State;

- 18 (7) Place of inspection. If, in the judgment of the
19 inspector, it is deemed necessary or advisable to move
20 any of the above-mentioned articles, or any portion
21 thereof, to a place more suitable for inspection than



1 the pier, airport, or any other place where they are
2 first received or discharged, the inspector is
3 authorized to do so. All costs and expenses incident
4 to the movement and transportation of the articles to
5 [~~such~~] another place shall be borne by the importer or
6 the importer's agent. If the importer, importer's
7 agent, or transportation company requests inspection
8 of sealed containers of the above-mentioned articles
9 at locations other than where the articles are first
10 received or discharged and the department determines
11 that inspection at [~~such~~] the place is appropriate,
12 the department may require payment of costs
13 necessitated by these inspections, including overtime
14 costs;

15 (8) Disinfection or quarantine. If, upon inspection, any
16 article received or brought into the State for the
17 purpose of debarkation or entry therein is found to be
18 infested or infected or there is reasonable cause to
19 presume that it is infested or infected and the
20 infestation or infection can, in the judgment of the
21 inspector, be eradicated, a treatment shall be given



1 ~~[such]~~ the article. The treatment shall be at the
2 expense of the owner or the owner's agent, and the
3 treatment shall be as prescribed by the department.
4 The article shall be held in quarantine at the expense
5 of the owner or the owner's agent at a satisfactory
6 place approved by the department for a sufficient
7 length of time to determine that eradication has been
8 accomplished. If the infestation or infection is of
9 ~~[such]~~ the nature or extent that it cannot be
10 effectively and completely eradicated, or if it is a
11 potentially destructive pest or it is not widespread
12 in the State, or after treatment it is determined that
13 the infestation or infection is not completely
14 eradicated, or if the owner or the owner's agent
15 refuses to allow the article to be treated or to be
16 responsible for the cost of treatment and quarantine,
17 the article, or any portion thereof, together with all
18 packing and containers, may, at the discretion of the
19 inspector, be destroyed or sent out of the State at
20 the expense of the owner or the owner's agent. [~~Such~~]
21 The destruction or exclusion shall not be made the



1 basis of a claim against the department or the
2 inspector for damage or loss incurred;

3 (9) Disposition. Upon completion of inspection, either at
4 the time of arrival or at any time thereafter should
5 any article be held for inspection, treatment, or
6 quarantine, the inspector shall affix to the article
7 or the container or to the delivery order in a
8 conspicuous place thereon, a tag, label, or stamp to
9 indicate that the article has been inspected and
10 passed. This action shall constitute a permit to
11 bring the article into the State; and

12 (10) Ports of entry. None of the articles mentioned in
13 this section shall be allowed entry into the State
14 except through the airports and seaports in the State
15 designated and approved by the board."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on June 30, 3000.



H.B. NO. 544 H.D. 1

Report Title:

Plant and Animal Declaration Form; Electronic; Department of Agriculture; Hawaii Tourism Authority

Description:

Requires the State of Hawaii Plant and Animal Declaration Form to be distributed, completed, and transmitted electronically prior to the debarkation of passengers or baggage. Effective 6/30/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

