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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 includes 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 authorizing the department of agriculture  
10 to adopt rules and administrative penalties related to the  
11 program.

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

14           "**§141-2 Rules.** Subject to chapter 91, the department of  
15 agriculture shall adopt, amend, and repeal rules not  
16 inconsistent with law, for and concerning:



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



1 assist in the transmission or dissemination of any  
2 insect or plant disease injurious, harmful, or  
3 detrimental, or likely to become injurious, harmful,  
4 or detrimental to the agricultural or horticultural  
5 industries or the forests of the State, or that is or  
6 may be in itself injurious, harmful, or detrimental to  
7 the same; provided that included therein may be rules  
8 governing the transportation of any of the articles,  
9 substances, or objects enumerated above in this  
10 section between different localities on any one of the  
11 islands within the State;

- 12 (3) The prohibition of importation into the State, from  
13 any or all foreign countries or from other parts of  
14 the United States, or the shipment from one island  
15 within the State to another island therein, or the  
16 transportation from one part or locality of any island  
17 to another part or locality of the same island, of any  
18 specific article, substance, or object or class of  
19 articles, substances, or objects, among those  
20 enumerated above in this section, that is diseased or  
21 infested with insects or likely to assist in the



1 transmission or dissemination of any insect or plant  
2 disease injurious, harmful, or detrimental or likely  
3 to be injurious, harmful, or detrimental to the  
4 agricultural or horticultural industries, or the  
5 forests of the State, or that is or may be in itself  
6 injurious, harmful, or detrimental to the same;

7 (4) The preparation by cargo carriers of manifests of  
8 cargo transported into the State or between islands of  
9 the State and the submission of the manifests to the  
10 department;

11 (5) The establishment, maintenance, and enforcement of  
12 compliance agreements with federal or state  
13 departments of agriculture authorizing agriculture  
14 inspectors from the state of origin in the case of  
15 imports to the State, or state agricultural inspectors  
16 in the case of state exports, to monitor the growing  
17 and packing of plant commodities and any treatment  
18 procedures to ensure compliance with quarantine laws,  
19 and further authorizing the assessment of fees for  
20 conducting inspections required under the compliance  
21 agreement; [and]



1 (6) The manner in which agricultural product promotion and  
2 research activities may be undertaken, after  
3 coordinating with the agribusiness development  
4 corporation[+];

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

9 (8) Any other purpose within this part.

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

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

14 "[+]§141-18[+] **Plant care components; fumigation;**  
15 **treatment; certification; fees; restrictions.** (a) The  
16 department of agriculture:

17 (1) Shall certify plant care component treatments  
18 performed within the State;

19 (2) May certify and permit entities to conduct plant care  
20 component treatments before shipment; and



1           (3) Shall deposit any fees collected for certifications of  
2           plant care component treatment pursuant to section  
3           150A-21 into the pest inspection, quarantine, and  
4           eradication fund established pursuant to section 150A-  
5           4.5.

6           (b) No person shall distribute within the State any plant  
7           care component that originated outside the State, unless the  
8           plant care component has been treated immediately after entering  
9           the State, as certified by the department of agriculture.

10          (c) No person shall transport any plant care component:

11           (1) Between the islands of the State; or

12           (2) From a location within the State to a location outside  
13           the State,

14           without prior certification from the department of agriculture  
15           that the component has been treated pursuant to this section;  
16           provided that the component shall be stored in a manner to  
17           prohibit infestation post-treatment.

18           (d) Any person who violates any provision of this section  
19           or the rules adopted pursuant to this section may be assessed an  
20           administrative penalty of no more than \$10,000 for each offense;  
21           provided that the person receives appropriate notice and the



1 option for a contested case hearing. Unless the person makes a  
2 written request for a hearing within twenty days of receipt of  
3 the notice, the proposed penalty and finding of a violation  
4 pursuant to this section shall be a final order. In determining  
5 the amount of the penalty, the board shall consider:

6 (1) The appropriateness based on the size of the business  
7 of the person charged;

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

10 (3) The gravity of the violation.

11 (e) In the event of failure to pay or collect the full  
12 amount of the administrative penalty in subsection (d), the  
13 board shall refer the matter to the attorney general, who shall  
14 seek to recover the amount by action in the appropriate court.

15 For any judicial proceeding to recover the administrative  
16 penalty imposed, the attorney general shall have the burden of  
17 showing that:

18 (1) Adequate notice was provided;

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

21 (3) The administrative penalty was imposed; and



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

2        (f) When construing and enforcing the provisions of this  
3 section, the act, omission, or failure of any officer, agent, or  
4 other person acting for or employed by any person shall in every  
5 case be also deemed to be the act, omission, or failure of the  
6 person and the person employed.

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

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

10        "Plant care component" or "component" means any quantity of  
11 wood chips, compost, or filter socks.

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

13        SECTION 4. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$                    or so  
15 much thereof as may be necessary for fiscal year 2025-2026 and  
16 the same sum or so much thereof as may be necessary for fiscal  
17 year 2026-2027 for the implementation and performance of the  
18 plant care component program and the establishment of            full-  
19 time equivalent (            FTE) permanent civil service plant  
20 quarantine inspector IV positions and            full-time equivalent  
21 (            FTE) permanent civil service plant quarantine inspector





# H.B. NO. 1449

**Report Title:**

DOA; Biosecurity; Pest Control; Plant Care Components;  
Penalties; Positions; Appropriation

**Description:**

Authorizes the Department of Agriculture to adopt rules and establishes administrative penalties to establish and enforce the plant care component program. Appropriates funds and establishes positions for purposes of the plant care component program.

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

