
A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

1 PART I

2 SECTION 1. Section 26-16, Hawaii Revised Statutes, is
3 amended as follows:

4 1. By amending subsection (a) to read:

5 "(a) The department of agriculture and biosecurity shall
6 be headed by an executive board to be known as the board of
7 agriculture[~~-~~] and biosecurity. The board shall consist of ten
8 members:

- 9 (1) One who shall be a resident of the county of Hawaii;
10 (2) One who shall be a resident of the county of Maui;
11 (3) One who shall be a resident of the county of Kauai;
12 (4) Four at large; and
13 (5) The chairperson of the board of land and natural
14 resources; the director of business, economic
15 development, and tourism; and the dean of the
16 University of Hawaii college of tropical agriculture
17 and human resources, or their designated



1 representatives, who shall serve as ex officio[,]
2 voting members.

3 The majority of the members of the board shall be from the
4 agricultural community or the agricultural support sector. The
5 appointment, tenure, and removal of the members and the filling
6 of vacancies on the board shall be as provided in section 26-34.
7 The governor shall appoint a chairperson of the board from the
8 members."

9 2. By amending subsection (d) to read:

10 "(d) The functions and authority heretofore exercised by
11 the board of commissioners of agriculture and forestry (except
12 the management of state parks and the conservation, development,
13 and utilization of forest resources, including regulatory powers
14 over the forest reserve provided in Act 234, section 2, Session
15 Laws of Hawaii 1957, and of fish and game resources transferred
16 to the department of land and natural resources), by the farm
17 loan board as heretofore constituted, and by the University of
18 Hawaii with respect to the crop and livestock reporting service
19 and market news service, are transferred to the department of
20 agriculture and biosecurity established by this chapter."



1 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
2 amended by amending its title to read:

3 "CHAPTER 141

4 **DEPARTMENT OF AGRICULTURE AND BIOSECURITY**"

5 SECTION 3. Section 194-2, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established the invasive species council for
8 the special purpose of providing policy level direction,
9 coordination, and planning among state departments, federal
10 agencies, and international and local initiatives for the
11 control and eradication of harmful invasive species infestations
12 throughout the State and for preventing the introduction of
13 other invasive species that may be potentially harmful. The
14 council shall:

- 15 (1) Maintain a broad overview of the invasive species
16 problem in the State;
- 17 (2) Advise, consult, and coordinate invasive species-
18 related efforts with and between the departments of
19 agriculture, land and natural resources, health, and
20 transportation, as well as state, federal,



- 1 international, and privately organized programs and
2 policies;
- 3 (3) Identify and prioritize each lead agency's
4 organizational and resource shortfalls with respect to
5 invasive species;
- 6 (4) After consulting with appropriate state agencies,
7 create and implement a plan that includes the
8 prevention, early detection, rapid response, control,
9 enforcement, and education of the public with respect
10 to invasive species, as well as fashion a mission
11 statement articulating the State's position against
12 invasive species; provided that the appropriate state
13 agencies shall collaborate with the counties and
14 communities to develop and implement a systematic
15 approach to reduce and control coqui frog infestations
16 on public lands that are near or adjacent to
17 communities, and shall provide annual reports on the
18 progress made in achieving this objective;
- 19 (5) Coordinate and promote the State's position with
20 respect to federal issues, including:
- 21 (A) Quarantine preemption;



- 1 (B) International trade agreements that ignore the
2 problem of invasive species in Hawaii;
- 3 (C) First class mail inspection prohibition;
- 4 (D) Whether quarantine of domestic pests arriving
5 from the mainland should be provided by the
6 federal government;
- 7 (E) Coordinating efforts with federal agencies to
8 maximize resources and reduce or eliminate system
9 gaps and leaks, including deputizing the United
10 States Department of Agriculture's plant
11 protection and quarantine inspectors to enforce
12 Hawaii's laws;
- 13 (F) Promoting the amendment of federal laws as
14 necessary, including the Lacey Act Amendments of
15 1981, Title 16 United States Code sections 3371-
16 3378; Public Law 97-79, and laws related to
17 inspection of domestic airline passengers,
18 baggage, and cargo; and
- 19 (G) Coordinating efforts and issues with the federal
20 Invasive Species Council and its National
21 Invasive Species Management Plan;



- 1 (6) Identify and record all invasive species present in
2 the State;
- 3 (7) Designate the department of agriculture[7] and
4 biosecurity, health, or land and natural resources as
5 the lead agency for each function of invasive species
6 control, including prevention, rapid response,
7 eradication, enforcement, and education;
- 8 (8) Identify all state, federal, and other moneys expended
9 for the purposes of the invasive species problem in
10 the State;
- 11 (9) Identify all federal and private funds available to
12 the State to fight invasive species and advise and
13 assist state departments to acquire these funds;
- 14 (10) Advise the governor and legislature on budgetary and
15 other issues regarding invasive species;
- 16 (11) Provide annual reports on budgetary and other related
17 issues to the legislature twenty days prior to each
18 regular session;
- 19 (12) Include and coordinate with the counties in the fight
20 against invasive species to increase resources and



- 1 funding and to address county-sponsored activities
2 that involve invasive species;
- 3 (13) Review state agency mandates and commercial interests
4 that sometimes call for the maintenance of potentially
5 destructive alien species as resources for sport
6 hunting, aesthetic resources, or other values;
- 7 (14) Review the structure of fines and penalties to ensure
8 maximum deterrence for invasive species-related
9 crimes;
- 10 (15) Suggest appropriate legislation to improve the State's
11 administration of invasive species programs and
12 policies;
- 13 (16) Incorporate and expand upon the department of
14 [~~agriculture's~~] agriculture and biosecurity's weed
15 risk assessment protocol to the extent appropriate for
16 the council's invasive species control and eradication
17 efforts; and
- 18 (17) Perform any other function necessary to effectuate the
19 purposes of this chapter."

20 SECTION 4. Section 205-47, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) Each county shall develop maps of potential lands to
2 be considered for designation as important agricultural lands in
3 consultation and cooperation with landowners[~~7~~]; the department
4 of agriculture[~~7~~] and biosecurity; agricultural interest groups,
5 including representatives from the Hawaii Farm Bureau Federation
6 and other agricultural organizations[~~7~~]; the United States
7 Department of Agriculture - Natural Resources Conservation
8 Service[~~7~~]; the office of planning and sustainable
9 development[~~7~~]; and other groups as necessary."

10 SECTION 5. Section 219-8, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§219-8 Participation in loans by the department.**

13 (1) The department of agriculture and biosecurity may
14 provide funds for a share, not to exceed ninety per
15 cent, of the principal amount of a loan made to a
16 qualified aquaculturist by a private lender who is
17 unable otherwise to lend the applicant sufficient
18 funds at reasonable rates where the qualified farmer
19 is unable to obtain sufficient funds for the same
20 purpose from the United States Department of
21 Agriculture;



- 1 (2) Participation loans under this section shall be
2 limited by the provisions of section 219-6 and the
3 department of [~~agriculture's~~] agriculture and
4 biosecurity's share shall not exceed the maximum
5 amounts specified therefor;
- 6 (3) Interest charged on the private lender's share of the
7 loan shall not be more than the sum of two per cent
8 above the lowest rate of interest charged by all state
9 or national banks authorized to accept or hold
10 deposits in the State on secured short term loans made
11 to borrowers who have the highest credit rating with
12 those banks;
- 13 (4) The private lender's share of the loan may be insured
14 by the department up to ninety per cent of the
15 principal balance of the loan, under section 219-7;
- 16 (5) When a participation loan has been approved by the
17 department, its share shall be paid to the
18 participating private lender for disbursement to the
19 borrower. The private lender shall collect all
20 payments from the borrower and otherwise service the
21 loan;



1 (6) Out of interest collected, the private lender may be
2 paid a service fee to be determined by the department
3 which fee shall not exceed one per cent of the unpaid
4 principal balance of the loan; provided that this fee
5 shall not be added to any amount which the borrower is
6 obligated to pay;

7 (7) The participating private lender may take over a
8 larger percentage or the full principal balance of the
9 loan at any time that it has determined, to the
10 satisfaction of the department, that the borrower is
11 able to pay any increased interest charges resulting;
12 and

13 (8) Security for participation loans shall be limited by
14 section 219-5(a)(6). All collateral documents shall
15 be held by the private lender. Division of interest
16 in collateral received shall be in proportion to
17 participation by the department and the private
18 lender."

19 SECTION 6. (a) Sections 6E-61, 23-12, 26-4, 46-67, 141-1,
20 141-2, 141-3, 141-3.5, 141-3.6, 141-4, 141-5, 141-6, 141-7, 141-
21 9, 141-12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17,



1 141-18, 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2,
2 142-3, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12, 142-13,
3 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1, 142-29, 142-
4 31, 142-41, 142-43, 142-49, 142-92, 142-93, 142-98, 142-100,
5 142-101, 142-111, 143-2.2, 144-1, 145-1, 145-3, 145-7, 145-8,
6 145-9, 145-27, 145D-5, 146-22, 147-1, 147-21, 147-31, 147-32,
7 147-51, 147-54, 147-55, 147-56, 147-58, 147-59, 147-60, 147-73,
8 147-75, 147-76, 147-78, 147-80, 147-91, 147-92, 147-94, 147-95,
9 147-96, 147-97, 147-101, 147-102, 147-111, 147-116, 147-122,
10 148-1, 148-2, 148-61, 148-62, 148-63, 148-64, 148-66, 149A-2,
11 150-21, 150A-2, 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4,
12 155-5, 155-5.5, 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11,
13 155-12, 155-13, 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3,
14 159-15, 161-3, 161-6, 163D-4, 166-2, 166-3, 166-11, 166E-1,
15 166E-2, 166E-3, 167-22, 167-23, 169-1, 171-2, 171-3, 171-37.5,
16 171-55.5, 171-59, 171-64.7, 171-112, 171-117, 173A-4, 173A-5,
17 174C-31, 187A-6.5, 194-2, 205-6, 205-44.5, 205-45, 205-45.5,
18 205-48, 205-49, 205-50, 205A-62, 206E-34, 219-2, 219-4, 219-7,
19 219-9, 235-110.93, 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6,
20 421-21.6, 460J-21, 460J-24.5, and 486-1, Hawaii Revised
21 Statutes, are amended by substituting the phrase "department of



1 agriculture and biosecurity", or similar term, wherever the
2 phrase "department of agriculture", or similar term, appears, as
3 the context requires.

4 (b) Sections 141-42(b), 142-18, 142-21, 147-52, 147-53,
5 147-57, 147-74, 147-93, 159-2, 161-2, and 460J-26, Hawaii
6 Revised Statutes, are amended by substituting the phrase
7 "department of agriculture and biosecurity", or similar term,
8 wherever the phrase "department of agriculture" appears, except
9 within the term "United States Department of Agriculture", as
10 the context requires.

11 (c) Sections 141D-1, 142-3.5, 142-23.5, and 235-110.93,
12 Hawaii Revised Statutes, are amended by substituting the phrase
13 "department of agriculture and biosecurity's", or similar term,
14 wherever the phrase "department of agriculture's", or similar
15 term, appears, as the context requires.

16 (d) Sections 10-41, 26-34, 84-17, 84-18, 128E-2, 141-6,
17 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6, 142-23.1, 142-
18 28.5, 142-29, 142-31, 144-10, 145-22, 145-27, 147-9, 147-24,
19 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2, 149A-32.5, 150A-
20 2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13, 155-14, 155-33, 157-
21 1, 157-14, 157-15, 157-18, 157-22, 157-23, 157-24, 157-25, 157-



1 26, 157-27, 157-29, 157-41, 157-42, 159-3, 161-3, 163D-3, 166-2,
2 166-3, 166-4, 166-5, 166-6, 166-11, 166E-1, 166E-2, 166E-3, 167-
3 1, 167-2, 167-3, 167-4, 167-5, 167-6, 167-7, 167-9, 167-11, 167-
4 12, 167-13, 167-14, 167-15, 167-16, 167-17, 167-18, 167-19, 167-
5 20, 167-21, 167-22, 168-1, 168-2, 168-3, 168-4, 168-5, 168-6,
6 168-7, 168-8, 169-3, 195-6, 205-44, 210D-5, 219-2, 219-3, 219-4,
7 220-1, 225P-3, 225P-4, 279A-4, 330C-3, 371-19, 460J-2, and 486-
8 1, Hawaii Revised Statutes, are amended by substituting the
9 phrase "board of agriculture and biosecurity", or similar term,
10 wherever the phrase "board of agriculture", or similar term,
11 appears, as the context requires.

12 SECTION 7. All rights, powers, functions, and duties of
13 the department of agriculture are transferred to the department
14 of agriculture and biosecurity.

15 All employees who occupy civil service positions and whose
16 functions are transferred to the department of agriculture and
17 biosecurity by this Act shall retain their civil service status,
18 whether permanent or temporary. Employees shall be transferred
19 without loss of salary, seniority (except as prescribed by
20 applicable collective bargaining agreements), retention points,
21 prior service credit, any vacation and sick leave credits



1 previously earned, and other rights, benefits, and privileges,
2 in accordance with state personnel laws and this Act; provided
3 that the employees possess the minimum qualifications and public
4 employment requirements for the class or position to which
5 transferred or appointed, as applicable; provided further that
6 subsequent changes in status may be made pursuant to applicable
7 civil service and compensation laws.

8 Any employee who, prior to this Act, is exempt from civil
9 service and is transferred as a consequence of this Act may
10 retain the employee's exempt status, but shall not be appointed
11 to a civil service position as a consequence of this Act. An
12 exempt employee who is transferred by this Act shall not suffer
13 any loss of prior service credit, vacation or sick leave credits
14 previously earned, or other employee benefits or privileges as a
15 consequence of this Act; provided that the employees possess
16 legal and public employment requirements for the position to
17 which transferred or appointed, as applicable; provided further
18 that subsequent changes in status may be made pursuant to
19 applicable employment and compensation laws. The chairperson of
20 the board of agriculture and biosecurity may prescribe the



1 duties and qualifications of these employees and fix their
2 salaries without regard to chapter 76, Hawaii Revised Statutes.

3 PART II

4 SECTION 8. Chapter 150A, Hawaii Revised Statutes, is
5 amended by adding a new section to part VI to be appropriately
6 designated and to read as follows:

7 "§150A- Deputy director of biosecurity. (a) The
8 chairperson shall appoint, without regard to chapter 76, a
9 deputy director of biosecurity. The deputy director shall
10 oversee the biosecurity program established pursuant to this
11 part.

12 (b) The salary of the deputy director of biosecurity shall
13 be as provided in section 26-53 for first deputies or first
14 assistants to the head of any department."

15 SECTION 9. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2025-2026 and
18 the same sum or so much thereof as may be necessary for fiscal
19 year 2026-2027 to establish one full-time equivalent (1.0 FTE)
20 permanent deputy director of biosecurity in the department of
21 agriculture and biosecurity.



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 the articles at the pier, airport, or any
15 other place where they are first received or
16 discharged, in a manner that they will not spread or
17 be likely to spread any infestation or infection of
18 insects or diseases that may be present until
19 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, prior to
 20 the debarkation of passengers and baggage, the
 21 State of Hawaii [~~plant and animal declaration~~]



1 biosecurity form in paper or electronic 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,~~] form, except that one adult
14 member of a family may complete the [~~declaration]~~
15 form for other family members. Any person who
16 defaces the [~~declaration]~~ biosecurity form
17 required under this section, gives false
18 information, fails to declare restricted articles
19 in the person's possession or baggage, or fails
20 to declare in cargo manifests is in violation of
21 this section;



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

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



1 with this requirement is a violation of this
2 section;

3 (3) [~~Plant and animal declaration~~] Biosecurity form. The
4 form shall include directions for declaring domestic
5 and other animals cited in chapter 142, in addition to
6 the articles enumerated in this chapter;

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

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



- 1 (A) Enter and inspect any aircraft, vessel, or other
2 carrier at any time after its arrival within the
3 boundaries of the State, whether offshore, at the
4 pier, or at the airport, for the purpose of
5 determining whether any of the articles or pests
6 enumerated in this chapter or rules adopted
7 thereto, is present;
- 8 (B) Enter into or upon any pier, warehouse, airport,
9 or any other place in the State where any of the
10 above-mentioned articles are moved or stored, for
11 the purpose of ascertaining, by inspection and
12 examination, whether or not any of the articles
13 is infested or infected with any pest or disease
14 or contaminated with soil or contains prohibited
15 plants or animals; and
- 16 (C) Inspect any baggage or personal effects of
17 disembarking passengers, officers, and crew
18 members on aircraft or vessels arriving in the
19 State to ascertain if they contain any of the
20 articles or pests enumerated in this chapter. No
21 baggage or other personal effects of the



1 passengers or crew members shall be released
2 until the baggage or effects have been passed.

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

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

19 (6) Request for importation and inspection. In addition
20 to requirements of the United States customs
21 authorities concerning invoices or other formalities



1 incident to importations into the State, the importer
2 shall be required to file a written statement with the
3 department, signed by the importer or the importer's
4 agent, setting forth the importer's desire to import
5 certain of the above-mentioned articles into the State
6 and:

7 (A) Giving the following additional information:

8 (i) The kind (scientific name), quantity, and
9 description;

10 (ii) The locality where same were grown or
11 produced;

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

18 (iv) The port from which the same were last
19 shipped;

20 (v) The name of the shipper; and

21 (vi) The name of the consignee; and



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

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

- 19 (7) Place of inspection. If, in the judgment of the
- 20 inspector, it is deemed necessary or advisable to move
- 21 any of the above-mentioned articles, or any portion



1 thereof, to a place more suitable for inspection than
2 the pier, airport, or any other place where they are
3 first received or discharged, the inspector is
4 authorized to do so. All costs and expenses incident
5 to the movement and transportation of the articles to
6 any other place shall be borne by the importer or the
7 importer's agent. If the importer, importer's agent,
8 or transportation company requests inspection of
9 sealed containers of the above-mentioned articles at
10 locations other than where the articles are first
11 received or discharged and the department determines
12 that inspection at the other place is appropriate, the
13 department may require payment of costs necessitated
14 by these inspections, including overtime 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 article. The treatment shall be at the expense
2 of the owner or the owner's agent, and the treatment
3 shall be as prescribed by the department. The article
4 shall be held in quarantine at the expense of the
5 owner or the owner's agent at a satisfactory place
6 approved by the department for a sufficient length of
7 time to determine that eradication has been
8 accomplished. If the infestation or infection is of
9 the nature or extent that it cannot be effectively and
10 completely eradicated, or if it is a potentially
11 destructive pest or it is not widespread in the State,
12 or after treatment it is determined that the
13 infestation or infection is not completely eradicated,
14 or if the owner or the owner's agent refuses to allow
15 the article to be treated or to be responsible for the
16 cost of treatment and quarantine, the article, or any
17 portion thereof, together with all packing and
18 containers, may, at the discretion of the inspector,
19 be destroyed or sent out of the State at the expense
20 of the owner or the owner's agent. The destruction or
21 exclusion shall not be made the basis of a claim



1 "§150A- Biosecurity emergency. (a) The department,
2 with the approval of the governor, may declare a biosecurity
3 emergency if:

4 (1) There has been in the State an outbreak or occurrence
5 of a pest or prohibited or restricted organism that
6 has the potential to cause significant economic or
7 environmental loss if the pest or organism becomes
8 established in the State;

9 (2) There is established in one area of the State a pest
10 or prohibited or restricted organism that has the
11 potential to cause significant economic or
12 environmental loss if the pest or organism expands to
13 other areas within a county or becomes established in
14 another area of the State; or

15 (3) A pest or prohibited or restricted organism is, or
16 threatens to be, beyond the State's ability to
17 control.

18 (b) A biosecurity emergency shall automatically terminate
19 one hundred calendar days after its declaration, unless the
20 declaration is extended by the department with the approval of
21 the governor.



- 1 (c) For the duration of a declared biosecurity emergency:
- 2 (1) The department shall be exempt from chapter 103D;
- 3 (2) Notwithstanding chapter 194 to the contrary, the
- 4 Hawaii invasive species council shall report directly
- 5 to the chairperson; and
- 6 (3) The governor may transfer moneys to the department
- 7 from any account within the governor's control.
- 8 (d) The governor may requisition and take control of any
- 9 goods, real property, or watercraft required for the purposes of
- 10 this section, or requisition and take control of the temporary
- 11 use thereof; provided that:
- 12 (1) This subsection shall not apply to any vessel that:
- 13 (A) Has anti-fouling hull coating; and
- 14 (B) Does not discharge ballast water, uses freshwater
- 15 for ballasting, or is equipped with ultraviolet
- 16 filtration systems for ballast water;
- 17 (2) The requisition shall be made by serving notice upon
- 18 any person found in occupation of the premises or
- 19 having the property in the person's custody,
- 20 possession, or control, and a like notice shall also
- 21 be served upon any person who has filed with the



1 governor, or with a person the governor designates for
2 the purpose, a request for notice with respect to the
3 property; provided further that if any person entitled
4 to compensation for the property is unable to be
5 served, the governor shall publish a notice of the
6 requisition at the earliest practicable date; and

7 (3) A requisition shall terminate automatically one
8 hundred calendar days after the declaration of a
9 biosecurity emergency, or by a separate proclamation
10 of the governor, whichever occurs first.

11 (e) If the governor requisitions and takes control of any
12 property or the temporary use thereof, the owner, or other
13 person entitled thereto, shall be paid a sum, determined by the
14 governor to be fair and just compensation for the property or
15 use, within twenty days after the property has been
16 requisitioned and taken, or in monthly or lesser installments if
17 the property is taken for temporary use.

18 If any person is unwilling to accept the sum determined by
19 the governor as full and complete compensation for the property
20 or use, the person shall be paid seventy-five per cent of that
21 sum and may sue the State for an additional sum that, when added



1 to the sum already received by the person, the person may
2 consider fair and just compensation for the property or use, in
3 the manner provided by chapter 661 for actions against the
4 State; provided that:

5 (1) Any suit under this section shall be instituted within
6 two years after the requisition in the case of the
7 taking of real property in fee simple, or within one
8 year after the requisition in all other cases, subject
9 to sections 657-13 to 657-15, which are hereby made
10 applicable to the suit;

11 (2) No more than six months shall be allowed for the
12 bringing of a suit after the appointment of a
13 conservator of a person under disability, or the
14 removal of the disability, or after the appointment of
15 personal representatives; and

16 (3) Recovery shall be confined to the fair market value of
17 the property or its fair rental value, as the case may
18 be, without any allowance for prospective profits, or
19 punitive or other damages.

20 If the owner of property, or other person entitled to
21 compensation for the requisitioning of property or use thereof,



1 is under a disability, or has died, and no conservator or
2 personal representative has been appointed, the State, acting
3 through the attorney general, may apply for the appointment of a
4 conservator or for the appointment of a personal representative.

5 (f) The governor shall appoint a board of three
6 disinterested certified appraisers with whom may be filed any
7 claim for damages arising out of any failure to return private
8 property, the temporary use of which was requisitioned, or which
9 was leased, or any claim for damages arising out of the
10 condition in which the private property is returned. No claim
11 may be filed for deterioration of property resulting from
12 ordinary wear and tear and not for any deterioration or damage,
13 except any that is shown to have resulted from the taking or use
14 of the property; provided that any claim shall be filed within
15 thirty days after the return of the property or after the
16 governor proclaims that all private property has been returned
17 to the owners, whichever is earlier. The decision of the
18 appraisers shall be final and binding upon the governor and the
19 claimant. Either party may file a petition in the circuit court
20 within sixty days after the rendering of a decision of the board
21 of appraisers, praying for the decision of the court upon the



1 claim. The petition, if filed by the State, shall be entitled
2 in the name of the State by the attorney general and shall be
3 heard and decided by the circuit court without the intervention
4 of a jury. If filed by any other party, the petition shall be
5 filed, heard, and decided in the manner provided for suits
6 against the State. Appellate review may be had, subject to
7 chapter 602, in the manner provided for civil appeals from the
8 circuit courts. The court may order the joinder of other
9 parties or may allow other parties to intervene. Any award that
10 has become final shall be paid out of any funds available under
11 this chapter and, if not sufficient, out of the general revenues
12 of the State as appropriated."

13 SECTION 12. Section 150A-52, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§150A-52 Objectives of biosecurity program.** The
16 objectives of the biosecurity program shall be to:

17 (1) Establish a multi-dimensional system to survey for and
18 prevent the entry into the State and interisland
19 movement of pests and prohibited or restricted
20 organisms without a permit;



- 1 (2) Respond effectively to eradicate, control, reduce, and
2 suppress incipient pest populations and established
3 pests and seize and dispose of prohibited or
4 restricted organisms without a permit; and
5 (3) Coordinate with partner agencies and organizations to
6 direct the control and eradication of invasive
7 species."

8 SECTION 13. Section 150A-53, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§150A-53 General actions to achieve objectives.** (a) To
11 achieve the objectives of the biosecurity program, the
12 department shall plan for and, within available legislative
13 appropriations or through funding from other sources, implement
14 the following:

- 15 (1) Work with government agencies and agricultural
16 commodity exporters of other states and countries to
17 establish pre-entry inspection programs under which
18 inbound cargo into the State is inspected at the ports
19 of departure or other points outside the State;
20 (2) Establish, operate, or participate in operating port-
21 of-entry facilities where multiple government agencies



1 may inspect, quarantine, fumigate, disinfect, destroy,
2 or exclude as appropriate, articles that may harbor
3 pests or prohibited or restricted organisms or exclude
4 articles that are prohibited or restricted without a
5 permit, with the goals of:

6 (A) Performing inspections in an efficient,
7 effective, and expeditious manner for the
8 government agencies involved and for cargo
9 owners, carriers, and importers; and

10 (B) Providing for the proper and safe storage and
11 handling of cargo, especially agricultural and
12 food commodities, awaiting inspection;

13 (3) Develop, implement, and coordinate post-entry measures
14 to eradicate, control, reduce, and suppress pests and,
15 as appropriate, eradicate or seize and dispose of
16 prohibited or restricted organisms without a permit
17 that have entered the State;

18 (4) Collaborate with relevant government agencies,
19 agricultural commodity importers, and other persons to
20 examine and develop joint integrated systems to better
21 implement the biosecurity program;



- 1 (5) Improve cargo inspection capabilities and methods,
2 including enhancement of the content and submission
3 requirements for cargo manifests and agricultural
4 commodity ownership and movement certificates;
- 5 (6) Promote the production of agricultural commodities in
6 the State to reduce cargo shipments of imported
7 commodities into the State; and
- 8 (7) Provide public education on ~~the~~;
9 (A) The negative effects of pests and prohibited or
10 restricted organisms without a permit, to the
11 environment and economy of the State[-];
12 (B) Reporting pests and prohibited or restricted
13 organisms that are known or suspected to be
14 present in imported products; and
15 (C) Protecting imported products to prevent pest
16 infestation.
- 17 (b) For purposes of the biosecurity program, the
18 department may:
19 (1) Subpoena any necessary documentation from agricultural
20 commodity importers relating to a known or suspected



1 positions within the department of agriculture and biosecurity;
2 provided that the funds shall be allocated as follows:

- 3 (1) \$11,930,523 for thirty-two full-time equivalent (32.0
4 FTE) positions under plant pest and disease control
5 (AGR122); and
6 (2) \$804,492 for twelve full-time equivalent (12.0 FTE)
7 positions under pesticides (AGR846).

8 The sums appropriated shall be expended by the department
9 of agriculture and biosecurity for the purposes of this Act.

10 PART VI

11 SECTION 15. If any provision of this Act, or the
12 application thereof to any person or circumstance, is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act that can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

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

19 SECTION 17. This Act shall take effect on July 1, 2025.



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INTRODUCED BY: Nadine K. Huberman

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H.B. NO. 427

Report Title:

Department of Agriculture and Biosecurity; Deputy Director of Biosecurity; Biosecurity Form; Pests; Biosecurity Emergency; Appropriation

Description:

Part I: Renames the Department of Agriculture to the "Department of Agriculture and Biosecurity". Renames the Board of Agriculture to the "Board of Agriculture and Biosecurity". Part II: Establishes and appropriates funds for a Deputy Director of Biosecurity. Part III: Changes references to the plant and animal declaration form to the "biosecurity form". Part IV: Authorizes and specifies conditions under which the Department of Agriculture and Biosecurity may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms. Broadens the objectives and general actions of the Biosecurity Program. Part V: Appropriates funds for positions for the Department of Agriculture and Biosecurity.

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

