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# 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. The purpose of this part is to:

3 (1) Rename the department of agriculture as the department  
4 of agriculture and biosecurity, and the board of  
5 agriculture as the board of agriculture and  
6 biosecurity; and

7 (2) Clarify the composition of the board of agriculture.

8 SECTION 2. Section 26-16, Hawaii Revised Statutes, is  
9 amended by amending its title and subsection (a) to read as  
10 follows:

11 "**§26-16 Department of agriculture[~~-~~] and biosecurity.** (a)

12 The department of agriculture and biosecurity shall be headed by  
13 an executive board to be known as the board of agriculture[~~-~~]  
14 and biosecurity. The board shall consist of ten members:

15 (1) One who shall be a resident of the county of Hawaii;

16 (2) One who shall be a resident of the county of Maui;

17 (3) One who shall be a resident of the county of Kauai;



- 1 (4) Four at large; and
- 2 (5) The chairperson of the board of land and natural
- 3 resources; the director of business, economic
- 4 development, and tourism; and the dean of the
- 5 University of Hawaii college of tropical agriculture
- 6 and human [~~resources,~~] resilience, or their designated
- 7 representatives, who shall serve as ex officio[+], [+]
- 8 voting members.

9 The majority of the members of the board described in  
 10 paragraphs (1) through (4) shall be from the agricultural  
 11 community [~~or~~], the agricultural support sector[-], the invasive  
 12 species response community, or the environmental conservation  
 13 community with demonstrated biosecurity expertise, with at least  
 14 one member from each of these categories. The appointment,  
 15 tenure, and removal of the members and the filling of vacancies  
 16 on the board shall be as provided in section 26-34. The  
 17 governor shall appoint a chairperson of the board from the  
 18 members."

19 SECTION 3. Section 141-42, Hawaii Revised Statutes, is  
 20 amended by amending subsection (b) to read as follows:



1           "(b) An individual or entity licensed to produce hemp  
2 pursuant to subsection (a) may transport hemp within the State  
3 to a facility authorized by law to process hemp or to another  
4 licensed producer's grow area; provided that the transportation  
5 has been reported to the department of agriculture[+] and  
6 biosecurity. The department of agriculture and biosecurity may  
7 require movement reports that include copies of the United  
8 States Department of Agriculture test results for the hemp to be  
9 transported and may deny authorization if the hemp is found to  
10 not comply with any law or regulation."

11           SECTION 4. Section 142-18, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§142-18 Disposal of tuberculous animals.** The owner of  
14 all cattle reacting to the tuberculin test shall, subject to  
15 section 142-16, cause them to be segregated immediately and,  
16 within a reasonable time thereafter, to be delivered for  
17 slaughter at such time and place as may be designated by the  
18 department of agriculture[+] and biosecurity. The slaughter  
19 shall be under the direct supervision of the department and in  
20 accordance with the meat inspection regulations of the United  
21 States Department of Agriculture."



1 SECTION 5. Section 142-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§142-21 Cooperation with federal authorities.** The  
4 department of agriculture and biosecurity may cooperate with the  
5 United States Department of Agriculture in its efforts to  
6 eradicate bovine tuberculosis or any other transmissible disease  
7 of animals, and may make appraisals of condemned animals and  
8 report on the salvage derived from the sale of the animals in  
9 conformity with the regulations of the United States Department  
10 of Agriculture."

11 SECTION 6. Section 147-52, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§147-52 Grades, standards and classifications; changes.**  
14 The standards for grading and classifying food products that  
15 have been or may be hereafter adopted, prescribed, or announced  
16 by the United States Department of Agriculture or by or under  
17 authority of the Congress of the United States are hereby  
18 declared to be the official standards for grading and  
19 classifying such food products for the State; provided that the  
20 department of agriculture and biosecurity may establish and  
21 prescribe other and different, or additional, standards for



1 grading and classifying any such products, to the extent  
2 permitted by the laws of the United States, which standards, so  
3 established and prescribed by the department, shall be the  
4 official standards for grading and classifying any such food  
5 products for the State. The department may also establish and  
6 prescribe official standards for grading and classifying any or  
7 all food products for which no standards have been adopted,  
8 prescribed, or announced by the United States Department of  
9 Agriculture or by or under authority of the Congress. The  
10 department may change any standards established and prescribed  
11 by it hereunder from time to time."

12 SECTION 7. Section 147-53, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**§147-53 Department; grades, standards and**  
15 **classifications; factors.** In establishing any grades,  
16 standards, or classifications for any food product, the  
17 department of agriculture[~~7~~] and biosecurity, in addition to  
18 such factors as may be specified in any other law, shall take  
19 into account and base the grades, standards, or classifications  
20 upon such of the following factors as shall be applicable to the  
21 product involved: degree of maturity; size, measured by



1 dimensions or weight; degree of freshness, as determined by  
2 physical examination or chemical test or analysis; moisture  
3 content; uniformity; color; firmness; tenderness; defects;  
4 injury; damage; diseases; appearance; mixture of varieties;  
5 decay; conformation; soundness; varietal characteristics or  
6 type; number of specimens per pound; nature of pack; presence of  
7 dirt or other foreign material; condition as to temperature and  
8 extent to which the product is hot or heating or is in a sour  
9 condition; extent to which product is satisfactory for human or  
10 other consumption or use; extent to which the product has been  
11 affected by handling or treatment; extent to which the product  
12 has a commercially objectionable flavor or odor; and other  
13 factors indicative of class, quality, or condition, and of the  
14 value or suitability of the product involved for the commercial  
15 or other use to be made thereof. In addition, the department  
16 shall take into account any grades, standards, or  
17 classifications for such product established by the United  
18 States Department of Agriculture and also applicable federal  
19 grades and standard laws."

20 SECTION 8. Section 147-57, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§147-57 Department, rules and regulations, contracts,**  
2 **cooperation, fees.** The department of agriculture[7] and  
3 biosecurity, in addition to powers granted by this part or any  
4 other law, shall have all powers necessary or convenient to  
5 carry out and effectuate this part, including the following:

6           (1) To prescribe rules and regulations, not inconsistent  
7           with this part, respecting: the standards for grading  
8           and classifying, and the grades, standards, and  
9           classification for, food products; the inspection,  
10          grading, and classification of food products; the  
11          determination and certification of the grade,  
12          classification, quality, and condition of food  
13          products and such other pertinent facts as the  
14          department may deem advisable; the licensing of  
15          inspectors, graders, and samplers and the duties of  
16          such inspectors, graders, and samplers; methods of  
17          test, analysis, and examination in determining the  
18          grade, classification, quality, and condition of food  
19          products; the official word or words, figure, or  
20          letter to indicate official grade or standards of  
21          quality or condition of food products; the design,



1 form, and use of official labels and statements for  
2 use on packages or containers of products inspected,  
3 graded, classified, and certified under this part; and  
4 continuous factory inspection, grading,  
5 classification, and certification of food products;

6 (2) To contract with the United States Department of  
7 Agriculture for the services of an inspector or  
8 inspectors employed by the department and the  
9 establishment of a cooperative inspection service with  
10 the United States government;

11 (3) To cooperate with the United States or any department  
12 thereof, in accomplishing the matters or things  
13 provided for herein; and

14 (4) To fix, assess, and collect, or cause to be collected,  
15 fees for inspecting or classifying food products, such  
16 fees to be on a uniform basis in an amount reasonably  
17 necessary to cover, as nearly as may be, the cost of  
18 the inspection and the administration of this part;  
19 provided that the department may adjust the fees to be  
20 collected hereunder to meet the expenses necessary to  
21 carry out the provisions hereof and may prescribe a



1 different scale of fees for different localities; and  
2 provided further that the department may prescribe a  
3 reasonable charge for traveling expenses and services.  
4 Charges for continuous factory inspection and grading  
5 may be fixed, assessed, and collected on such contract  
6 basis as will reimburse the State for the salary and  
7 all expenses of the factory inspector or grader, to  
8 which shall be added an appropriate percentage of  
9 charges assessed to cover, as nearly as practicable,  
10 administrative overhead expense."

11 SECTION 9. Section 147-74, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§147-74 Grading standards and regulations.** Subject to  
14 chapter 91, the department of agriculture and biosecurity may  
15 make rules with respect to:

- 16 (1) Sale and transportation for sale of eggs for human  
17 consumption;
- 18 (2) Specific grades or standards of quality, condition,  
19 and size or weight classes which shall conform when  
20 practical to those established by the United States



- 1 Department of Agriculture as local conditions will  
2 permit;
- 3 (3) Inspection and classification;
- 4 (4) Assessment and collection of fees for requested  
5 certification as to grade, standard of quality,  
6 condition, and size or weight classes;
- 7 (5) Labeling of containers of imported and locally  
8 produced eggs and marking of individual imported eggs  
9 as to origin;
- 10 (6) Seller's invoice for sale of eggs;
- 11 (7) Records of imported shell eggs of foreign origin;
- 12 (8) Methods of determining egg quality, which shall not  
13 include recandling or any other method applied to eggs  
14 in interstate commerce which is discriminatory or  
15 impairs that commerce in any way or requires a cost  
16 increase of eggs in interstate commerce; and
- 17 (9) Enforcement of this part and of the rules adopted  
18 under this part."

19 SECTION 10. Section 147-93, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "~~§~~147-93 **Cooperating with federal authority.** The  
2 department of agriculture and biosecurity may enter into  
3 cooperative agreements with the United States Department of  
4 Agriculture for the purpose of grading beef, pork, mutton, and  
5 lamb carcasses."

6           SECTION 11. Section 159-2, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "~~{~~§159-2~~}~~ **Findings and declaration of necessity.** It  
9 is hereby declared that the meat industry is a paramount  
10 agricultural industry of this State and the production and  
11 marketing of meat is an enterprise that is of significant  
12 importance to the economy of this State and to the health of the  
13 consuming public. It is essential to the public health and  
14 welfare of consumers that they be protected by assuring that  
15 meat and meat products distributed to them are wholesome, not  
16 adulterated, and properly marked, labeled, and packaged.  
17 Unwholesome, adulterated, or misbranded meat or meat products  
18 are injurious to the public health and welfare, destroy markets  
19 for wholesome, unadulterated, and properly labeled and packaged  
20 meat and meat products and result in sundry losses to livestock  
21 producers and processors of meat and meat products, as well as



1 injury to consumers. The unwholesome, adulterated, mislabeled,  
2 or deceptively packaged articles can be sold at lower prices and  
3 compete unfairly with the wholesome, unadulterated, and properly  
4 labeled and packaged articles, to the detriment of consumers and  
5 the public generally. It is hereby found that regulation by the  
6 department of agriculture and biosecurity and cooperation by  
7 this State with the United States Department of Agriculture as  
8 contemplated by this Hawaii Meat Inspection Act is appropriate  
9 to protect the health and welfare of consumers and otherwise to  
10 effectuate the purposes of this chapter.

11 Congress enacted the Meat Inspection Act in 1907 (Public  
12 Law 59-242), as amended by the Wholesome Meat Act in 1967  
13 (Public Law 90-201) which is now redesignated as the Federal  
14 Meat Inspection Act. The Federal Meat Inspection Act is  
15 intended to protect the consuming public from adulterated or  
16 misbranded meat and meat products and to assist the states in  
17 their efforts to accomplish this objective. The Federal Meat  
18 Inspection Act authorizes the Secretary of Agriculture to  
19 furnish financial and related assistance to states for the  
20 administration of meat inspection programs which conform to  
21 established federal standards up to fifty per cent of the



1 estimated total cost of the cooperative program. Presently, the  
2 meat processing industry in this State is not subject to any  
3 meat inspection law or rules and regulations that meet the  
4 minimum federal requirement in this area. This State, in order  
5 to qualify for the cooperative program, must demonstrate  
6 "progressive action" by November 15, 1969; and, further, all  
7 physical facilities must be upgraded in accordance with the  
8 established federal standards by November 15, 1970. Failure to  
9 comply with the federal standards prescribed by the Federal Meat  
10 Inspection Act will result in federal control of the meat and  
11 meat processing industries of the State. Accordingly, the State  
12 deems it to be in the best interest of the public health and  
13 welfare to take those steps as are necessary to qualify for  
14 federal financial and related assistance for the administration  
15 of a meat inspection program which conforms to federal standards  
16 prescribed in the Federal Meat Inspection Act."

17 SECTION 12. Section 161-2, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§161-2 Findings and declaration of necessity.** It is  
20 hereby declared that the poultry industry is a paramount  
21 agricultural industry of this State and the production and



1 marketing of poultry is an enterprise that is of significant  
2 importance to the economy of the State and to the health of the  
3 consuming public. It is essential to the public health and  
4 welfare of consumers that they be protected by assuring that  
5 poultry or poultry products distributed to them are wholesome,  
6 not adulterated, and properly marked, labeled, and packaged.  
7 Unwholesome, adulterated, or misbranded poultry or poultry  
8 products are injurious to the public health and welfare, destroy  
9 markets for wholesome, not adulterated, and properly labeled and  
10 packaged poultry or poultry products, and result in sundry  
11 losses to poultry producers and processors of poultry as well as  
12 injury to consumers. The unwholesome, adulterated, mislabeled,  
13 or deceptively packaged articles can be sold at lower prices and  
14 compete unfairly with the wholesome, not adulterated, and  
15 properly labeled and packaged articles, to the detriment of  
16 consumers and the public generally. It is hereby found that  
17 regulation by the department of agriculture and biosecurity and  
18 cooperation by this State with the United States Department of  
19 Agriculture as contemplated by this chapter is appropriate to  
20 protect the health and welfare of consumers and otherwise to  
21 effectuate the purposes of this chapter.



1           The 90th Congress enacted Public Law 90-492, entitled "The  
2 Wholesome Poultry Products Act", which is now redesignated as  
3 the "Poultry Products Inspection Act". The Poultry Products  
4 Inspection Act is intended to protect the consuming public from  
5 adulterated or misbranded poultry or poultry products and to  
6 assist the states in their efforts to accomplish this objective.  
7 The Poultry Products Inspection Act authorizes the United States  
8 Secretary of Agriculture to furnish financial and related  
9 assistance to states for the administration of poultry  
10 inspection programs which conform to established federal  
11 standards up to fifty per cent of the estimated total cost of  
12 the cooperative program. Hawaii's poultry industry is not  
13 subject to poultry inspection law or rules and regulations that  
14 meet the minimum federal requirement in this area. In order to  
15 qualify for the cooperative program, the State must demonstrate  
16 "progressive action" by July 18, 1970; and, further, all  
17 physical facilities must be upgraded in accordance with the  
18 established federal standards by July 18, 1971. Failure to  
19 comply with the standards prescribed by the Poultry Products  
20 Inspection Act will result in federal control of the poultry or  
21 poultry processing industries of the State. Accordingly, the



1 State of Hawaii deems it to be in the interest of the State's  
2 public health and welfare to take [~~such~~] steps as are necessary  
3 to qualify for federal financial and related assistance for the  
4 administration of a poultry inspection program which conforms to  
5 federal standards prescribed in the Poultry Products Inspection  
6 Act."

7 SECTION 13. Section 205-47, Hawaii Revised Statutes, is  
8 amended by amending subsection (b) to read as follows:

9 "(b) Each county shall develop maps of potential lands to  
10 be considered for designation as important agricultural lands in  
11 consultation and cooperation with landowners[~~]~~; the department  
12 of agriculture[~~]~~ and biosecurity; agricultural interest groups,  
13 including representatives from the Hawaii Farm Bureau Federation  
14 and other agricultural organizations[~~]~~; the United States  
15 Department of Agriculture - Natural Resources Conservation  
16 Service[~~]~~; the office of planning and sustainable  
17 development[~~]~~; and other groups as necessary."

18 SECTION 14. Section 219-8, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§219-8 Participation in loans by the department.**



- 1 (1) The department of agriculture and biosecurity may  
2 provide funds for a share, not to exceed ninety per  
3 cent, of the principal amount of a loan made to a  
4 qualified aquaculturist by a private lender who is  
5 otherwise unable [~~otherwise~~] to lend the applicant  
6 sufficient funds at reasonable rates where the  
7 qualified farmer is unable to obtain sufficient funds  
8 for the same purpose from the United States Department  
9 of Agriculture;
- 10 (2) Participation loans under this section shall be  
11 limited by the provisions of section 219-6 and the  
12 department of [~~agriculture's~~] agriculture and  
13 biosecurity's share shall not exceed the maximum  
14 amounts specified therefor;
- 15 (3) Interest charged on the private lender's share of the  
16 loan shall not be more than the sum of two per cent  
17 above the lowest rate of interest charged by all state  
18 or national banks authorized to accept or hold  
19 deposits in the State on secured short term loans made  
20 to borrowers who have the highest credit rating with  
21 those banks;



- 1 (4) The private lender's share of the loan may be insured  
2 by the department up to ninety per cent of the  
3 principal balance of the loan, under section 219-7;
- 4 (5) When a participation loan has been approved by the  
5 department, its share shall be paid to the  
6 participating private lender for disbursement to the  
7 borrower. The private lender shall collect all  
8 payments from the borrower and otherwise service the  
9 loan;
- 10 (6) Out of interest collected, the private lender may be  
11 paid a service fee to be determined by the department  
12 [~~which fee~~] that shall not exceed one per cent of the  
13 unpaid principal balance of the loan; provided that  
14 this fee shall not be added to any amount which the  
15 borrower is obligated to pay;
- 16 (7) The participating private lender may take over a  
17 larger percentage or the full principal balance of the  
18 loan at any time that it has determined, to the  
19 satisfaction of the department, that the borrower is  
20 able to pay any increased interest charges resulting;  
21 and



1           (8) Security for participation loans shall be limited by  
 2           section 219-5(a)(6). All collateral documents shall  
 3           be held by the private lender. Division of interest  
 4           in collateral received shall be in proportion to  
 5           participation by the department and the private  
 6           lender."

7           SECTION 15. Section 460J-26, Hawaii Revised Statutes, is  
 8 amended to read as follows:

9           "**§460J-26 Exemptions.** This chapter shall not apply to:

- 10           (1) Officials of the federal government on military  
 11           reservations;
- 12           (2) Personnel of the United States Department of  
 13           Agriculture, the state department of agriculture[~~7~~]  
 14           and biosecurity, or state department of land and  
 15           natural resources, or the United States Public Health  
 16           Service in the performance of their official duties;
- 17           (3) Other government employees who conduct research on  
 18           pesticides or pest control or who use pesticides in  
 19           the performance of their duties;
- 20           (4) Qualified scientific personnel specially exempted by  
 21           the board;



- 1 (5) Persons engaged in pest control for agricultural  
2 purposes; or
- 3 (6) Engineers or architects licensed under chapter 464  
4 who:
- 5 (A) Draft or prepare design documents that prescribe  
6 anti-termite or anti-pest measures, including the  
7 specification of termiticides, that are required  
8 by the building code and other governmental  
9 agencies;
- 10 (B) Conduct building condition or assessment surveys  
11 to observe and evaluate the condition of the  
12 building or structure, if the primary purpose of  
13 these surveys is not to report on the  
14 identification of infestations; or
- 15 (C) Prepare reports based on the results of the  
16 surveys specified in subparagraph (B) that  
17 identify the location, extent, and probable cause  
18 of the pest damage (e.g., "termite damage");  
19 provided that where a report concerns termite  
20 damage, the particular type or species of termite  
21 shall not be specified unless the report is



1 written in consultation with a licensed pest  
2 control operator licensed in termite control or  
3 other duly recognized expert in urban entomology,  
4 such as an insect taxonomist or urban  
5 entomologist with expertise in the identification  
6 or control of termites; and provided further that  
7 if a licensed pest control operator is not  
8 consulted, the report shall include a  
9 recommendation that a licensed pest control  
10 operator be contracted for further assessment or  
11 treatment."

12 SECTION 16. Sections 6E-61, 23-12, 26-4, 26-16, 46-67,  
13 141-1, 141-3, 141-3.5, 141-3.6, 141-4, 141-5, 141-6, 141-7,  
14 141-9, 141-12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17,  
15 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2, 142-3,  
16 142-3.5, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12,  
17 142-13, 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1,  
18 142-23.5, 142-29, 142-31, 142-41, 142-43, 142-49, 142-92,  
19 142-93, 142-98, 142-100, 142-101, 142-111, 143-2.2, 144-1,  
20 145-1, 145-3, 145-7, 145-8, 145-9, 145-27, 145D-5, 146-22,  
21 147-1, 147-21, 147-31, 147-32, 147-51, 147-54, 147-55, 147-56,



1 147-58, 147-59, 147-60, 147-73, 147-75, 147-76, 147-78, 147-80,  
2 147-91, 147-92, 147-94, 147-95, 147-96, 147-97, 147-101,  
3 147-102, 147-111, 147-116, 147-122, 148-1, 148-2, 148-61,  
4 148-62, 148-63, 148-64, 148-66, 149A-2, 150-21, 150A-2,  
5 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4, 155-5, 155-5.5,  
6 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11, 155-12, 155-13,  
7 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3, 159-15, 161-3,  
8 161-6, 163D-4, 166-2, 166-3, 166-11, 166E-1, 166E-2, 166E-3,  
9 167-22, 167-23, 169-1, 171-2, 171-3, 171-37.5, 171-55.5, 171-59,  
10 171-64.7, 171-112, 171-117, 173A-4, 173A-5, 174C-31, 187A-6.5,  
11 194-2, 205-6, 205-44.5, 205-45, 205-45.5, 205-48, 205-49,  
12 205-50, 205A-62, 206E-34, 219-2, 219-4, 219-7, 219-9,  
13 235-110.93, 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6,  
14 421-21.6, 460J-21, 460J-24.5, and 486-1, Hawaii Revised  
15 Statutes, are amended by substituting the term "department of  
16 agriculture and biosecurity", or similar term, wherever the term  
17 "department of agriculture", or similar term, appears, except  
18 within the term "United States Department of Agriculture", as  
19 context requires.

20 SECTION 17. Sections 10-41, 26-16, 26-34, 84-17, 84-18,  
21 128E-2, 141-6, 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6,



1 142-23.1, 142-28.5, 142-29, 142-31, 144-10, 145-22, 145-27,  
2 147-9, 147-24, 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2,  
3 149A-32.5, 150A-2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13,  
4 155-14, 155-33, 157-1, 157-14, 157-15, 157-18, 157-22, 157-23,  
5 157-24, 157-25, 157-26, 157-27, 157-29, 157-41, 157-42, 159-3,  
6 161-3, 163D-3, 166-2, 166-3, 166-4, 166-5, 166-6, 166-11,  
7 166E-1, 166E-2, 166E-3, 167-1, 167-2, 167-3, 167-4, 167-5,  
8 167-6, 167-7, 167-9, 167-11, 167-12, 167-13, 167-14, 167-15,  
9 167-16, 167-17, 167-18, 167-19, 167-20, 167-21, 167-22, 168-1,  
10 168-2, 168-3, 168-4, 168-5, 168-6, 168-7, 168-8, 169-3, 195-6,  
11 205-44, 210D-5, 219-2, 219-3, 219-4, 220-1, 225P-3, 225P-4,  
12 279A-4, 330C-3, 371-19, 460J-2, and 486-1, Hawaii Revised  
13 Statutes, are amended by substituting the term "board of  
14 agriculture and biosecurity", or similar term, wherever the term  
15 "board of agriculture", or similar term, appears, as context  
16 requires.

17 PART II

18 SECTION 18. The purpose of this part is to establish a new  
19 deputy chairperson position within the department of  
20 agriculture, to be known as the deputy chairperson for  
21 biosecurity.



1 SECTION 19. Chapter 141, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 **"§141- Deputy chairperson of biosecurity; established.**

5 (a) There is established within the department a deputy  
6 chairperson for biosecurity. The deputy chairperson for  
7 biosecurity shall oversee all of the department's biosecurity  
8 initiatives, including programs under chapters 142 and 150A and  
9 sections 141-5, 261-4.5, and 266-21.5.

10 (b) The deputy chairperson for biosecurity shall be a  
11 deputy to the chairperson of the board of agriculture and  
12 biosecurity and be appointed, without regard to chapter 76, by  
13 the governor. The salary of the deputy chairperson of  
14 biosecurity shall be as provided in section 26-53 for first  
15 deputies or first assistants to the head of any department."

16 PART III

17 SECTION 20. The purpose of this part is to authorize the  
18 department of agriculture and biosecurity to exercise certain  
19 emergency powers if a biosecurity emergency occurs.



1 SECTION 21. Chapter 150A, Hawaii Revised Statutes, is  
2 amended by adding three new sections to part VI to be  
3 appropriately designated and to read as follows:

4 "§150A- Biosecurity emergency response program  
5 established. (a) The chairperson shall establish within the  
6 department a biosecurity emergency response program to:

- 7 (1) Provide for the delivery of prompt services in the  
8 event of an emergency due to a breach of the State's  
9 biosecurity measures;
- 10 (2) Provide for critical incident stress debriefing for  
11 biosecurity personnel;
- 12 (3) Provide for immediate delivery of services to respond  
13 to a new organism introduced to the State;
- 14 (4) Coordinate the use of other public and private  
15 resources or services for the immediate and long-term;  
16 biosecurity needs of the State; and
- 17 (5) Advise state government and other personnel in the  
18 planning of and responses to biosecurity events and  
19 emergencies.
- 20 (b) The chairperson shall organize an emergency response  
21 team, giving priority to state and county employees having



1 experience dealing with the containment and eradication of  
2 organisms. The chairperson shall make a reasonable effort to  
3 appoint at least one member from each island except Niihau. If  
4 a qualified representative cannot be appointed from each island,  
5 the chairperson, at a minimum, shall appoint one member from  
6 each county. Each team appointed shall serve for a period of  
7 four years; provided that the chairperson shall have the  
8 flexibility of appointing additional special teams for shorter  
9 or longer periods of time as the need arises. Members of a  
10 biosecurity response team shall receive continuing professional  
11 education and training on the provision of assistance to be  
12 ready to provide services whenever a biosecurity event or  
13 emergency occurs. The team members shall receive reimbursement  
14 for actual expenses incurred for each day of service provided  
15 under this section, including participation in training required  
16 by the chairperson.

17 (c) The team shall be activated by the chairperson  
18 whenever the chairperson finds that assistance is appropriate  
19 following a biosecurity event or an emergency.

20 (d) The chairperson shall adopt rules under chapter 91 to  
21 implement the emergency response program, including the



1 qualifications of and appointment process for biosecurity  
2 emergency response team members.

3 (e) For the duration of a declared biosecurity emergency:

4 (1) Procurements executed by the department shall be  
5 exempt from chapter 103D; and

6 (2) Notwithstanding chapter 194 to the contrary, the  
7 Hawaii invasive species council shall work with the  
8 chairperson.

9 **§150A- Volunteer emergency disaster response personnel.**

10 (a) All volunteer emergency biosecurity disaster response  
11 personnel, while engaged in the emergency response to a  
12 biosecurity event or condition, including participation during  
13 periods of biosecurity training, shall be deemed state employees  
14 or county employees, as the case may be, and shall have those  
15 same powers, duties, rights, and privileges in the performance  
16 of their duties as prescribed by or under the authority of the  
17 governor or a county.

18 (b) In the case of injury or death arising out of and in  
19 the performance of duty under this section, including duty  
20 performed during periods of training, all volunteer emergency  
21 biosecurity disaster response personnel and their dependents



1 shall be entitled to all of the benefits provided in chapter  
2 386, including medical services and supplies. In the case of  
3 injury or death, no public official shall be excluded from  
4 coverage of chapter 386. Benefits shall be based on average  
5 weekly wages under section 386-51, or based on earnings from the  
6 usual employment of the person, or based on earnings at the rate  
7 of \$20 a week, whichever is most favorable to the claimant.  
8 Nothing in this section shall adversely affect the right of any  
9 person to receive any benefits or compensation under any act of  
10 Congress.

11 (c) Except in cases of wilful misconduct, the State, any  
12 county, or any volunteer emergency biosecurity disaster response  
13 personnel engaged in the emergency response to a mass  
14 biosecurity event or condition under this section (including  
15 volunteers whose services are accepted by any authorized  
16 person), shall not be liable for the death of or injury to any  
17 person, or for damage to property, as a result of any act or  
18 omission in the course of rendering professional biosecurity  
19 care under a mass biosecurity event or condition. No act or  
20 omission shall be imputed to the owner of any vehicle by reason  
21 of ownership thereof; provided that nothing in this section



1 shall preclude recovery by any person for injury or damage  
2 sustained from the operation of any vehicle that may be insured  
3 under section 41D-8 to the extent of the insurance. Unless  
4 specifically provided, insurance under section 41D-8 shall not  
5 include coverage of risk during an emergency period.

6 §150A- Rapid response quarantine authority. The  
7 chairperson is authorized to quarantine any area that is known  
8 or reasonably suspected to be infested with a newly detected  
9 invasive species or pest, a new population of an invasive  
10 species or pest, an invasive species or pest that is being  
11 actively controlled in the State, or a prohibited or restricted  
12 organism, to prevent the movement of materials to or from the  
13 location."

14 PART IV

15 SECTION 22. The legislature finds that New Zealand's use  
16 of transitional facilities has increased the country's  
17 biosecurity while improving the efficiency of importing goods.  
18 In New Zealand, most imported goods subject to inspection are  
19 transported away from the airport or seaport to one of six  
20 thousand five hundred privately-run secure transitional  
21 facilities. At the transitional facility, a private individual



1 licensed by the government inspects the goods for disease,  
2 infection, infestation, and other matters of concern.

3 The legislature further finds that New Zealand's process  
4 allows for a more efficient flow of goods entering the country  
5 by reducing delays or stoppages at the ports of entry while also  
6 ensuring that all relevant goods are properly inspected before  
7 delivery to their destination.

8 The purpose of this part is to enhance Hawaii's biosecurity  
9 measures by authorizing the establishment of similar  
10 transitional facilities in the State along with licenses for  
11 private individuals to inspect the imported goods.

12 SECTION 23. Chapter 150A, Hawaii Revised Statutes, is  
13 amended by adding five new sections to part II to be  
14 appropriately designated and to read as follows:

15 "§150A-A Transitional facilities; uses. (a) Upon order  
16 by the department, items at a pier, airport, or other place  
17 where the items are first received shall be transported to a  
18 transitional facility suitable for the items. Absent an order  
19 from the department, any person who receives for transport or  
20 brings or causes to be brought to the State under section  
21 150A-5(1) may transport their own items at a pier, airport, or



1 other place where they are first received to a transitional  
2 facility after notifying the department in the same manner  
3 prescribed by section 150A-5(1).

4 (b) Items transported pursuant to subsection (a) shall be  
5 transported in a manner that they will not spread or be likely  
6 to spread any infestation or infection of insects or diseases  
7 that may be present.

8 (c) All costs and expenses incident to the use of a  
9 transitional facility shall be borne by the importer or the  
10 importer's agent.

11 (d) No items shall be transported out of a transitional  
12 facility unless:

13 (1) Authorized by the department; or

14 (2) Certified by a biosecurity inspector that the items  
15 are free of diseases, infections, infestations, and  
16 other items that the department deems relevant.

17 **§150A-B Transitional facilities; established.** The  
18 department shall establish standards for transitional  
19 facilities, including standards for the construction,  
20 maintenance, and operation of transitional facilities. The  
21 department may establish standards for transitional facilities



1 pursuant to the types of items stored by those facilities, and  
2 corresponding classes of licensure.

3 §150A-C Transitional facility license. (a) No person  
4 shall operate a transitional facility without a transitional  
5 facility license.

6 (b) A person may apply to the department for a  
7 transitional facility license. The application shall be made  
8 under oath on forms provided by the department and shall contain  
9 information as prescribed by the department, including the  
10 following:

11 (1) The name, business address, telephone number, social  
12 security number and, where applicable, the federal tax  
13 identification number of the applicant;

14 (2) The proposed location of the transitional facility;  
15 and

16 (3) The type of items the transitional facility will hold.

17 (c) The department shall adopt rules under chapter 91 that  
18 establish standards for transitional facilities, including:

19 (1) Standards for construction, maintenance, security, and  
20 operation; and

21 (2) Periodic and random inspections.



1        (d) The department may suspend or revoke a transitional  
2 facility license if the transitional facility does not satisfy  
3 the standards established by the department under  
4 subsection (c).

5        **§150A-D Biosecurity inspector; license.** (a) The  
6 department of commerce and consumer affairs shall license  
7 biosecurity inspectors and offer training to individuals seeking  
8 a biosecurity inspector license.

9        (b) The training shall include:

10       (1) The identification of diseases, infections,  
11 infestations, and other subjects that the department  
12 of commerce and consumer affairs in collaboration with  
13 the department of agriculture and biosecurity deems  
14 relevant; and

15       (2) Procedures following the identification of a disease,  
16 infection, infestation, or other subject that the  
17 department of commerce and consumer affairs deems  
18 relevant.

19       (c) Upon completion of the training, passage of an  
20 examination established by the department of commerce and  
21 consumer affairs, and satisfaction of other requirements



1 established by the department of commerce and consumer affairs,  
2 the department of commerce and consumer affairs shall issue a  
3 biosecurity inspector license to the individual. The  
4 biosecurity inspector license shall be valid for one year, shall  
5 identify the specific transitional facility where the  
6 biosecurity inspector is authorized to conduct inspections, and  
7 may be renewed under requirements established by the department  
8 of commerce and consumer affairs.

9 (d) The department of commerce and consumer affairs may  
10 require each biosecurity inspector to complete additional  
11 training as needed, including any emergency training in the  
12 interests of biosecurity.

13 (e) The department of commerce and consumer affairs may  
14 revoke or suspend any biosecurity inspector license for good  
15 cause.

16 (f) A biosecurity inspector may be employed by the owner  
17 of a transitional facility.

18 (g) The department of commerce and consumer affairs may  
19 charge reasonable fees for the training, examination, licensure,  
20 and licensure renewal under this section.



1       (h) The department of commerce and consumer affairs shall  
2 adopt rules under chapter 91 for purposes of this section.

3       §150A-E Biosecurity inspector; powers. (a) Subject to  
4 rules adopted by the department of commerce and consumer affairs  
5 under chapter 91, a licensed biosecurity inspector may certify  
6 items located in a transitional facility as free of diseases,  
7 infections, infestations, and other items that the department of  
8 agriculture and biosecurity deems relevant.

9       (b) Unless authorized by the department of commerce and  
10 consumer affairs, a licensed biosecurity inspector shall not  
11 certify any items located outside a transitional facility where  
12 the licensed biosecurity inspector is authorized to conduct  
13 inspections."

14       SECTION 24. Section 150A-2, Hawaii Revised Statutes, is  
15 amended by adding two new definitions to be appropriately  
16 inserted and to read as follows:

17       "Biosecurity inspector" means an individual with a valid  
18 biosecurity inspector license issued under section 150A-D.

19       "Transitional facility" means a facility with a valid  
20 transitional facility license issued under section 150A-C."



1 SECTION 25. 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 the  
15 articles have been transported or any packing material used in  
16 connection therewith shall be made in the manner hereinafter set  
17 forth:

18 (1) Notification of arrival. Any person who receives for  
19 transport or brings or causes to be brought to the  
20 State as freight, air freight, baggage, or otherwise,  
21 for the purpose of debarkation or entry therein, or as



1 ship's stores, any of the foregoing articles, shall,  
2 immediately upon the arrival thereof, notify the  
3 department, in writing, of the arrival, giving the  
4 waybill number, container number, name and address of  
5 the consignor, name and address of the consignee or  
6 the consignee's agent in the State, marks, number of  
7 packages, description of contents of each package,  
8 port at which laden, and any other information that  
9 may be necessary to locate or identify the same, and  
10 shall hold the articles at the pier, airport, ~~[or]~~ any  
11 other place where they are first received or  
12 discharged, or a transitional facility, in a manner  
13 that they will not spread or be likely to spread any  
14 infestation or infection of insects or diseases that  
15 may be present until inspection and examination can be  
16 made by the inspector or a licensed biosecurity  
17 inspector to determine whether ~~[or not]~~ any article,  
18 or any portion thereof, is infested or infected with  
19 or contains any pest. The department may adopt rules  
20 to require identification of specific articles on  
21 negotiable and non-negotiable warehouse receipts,



1 bills of lading, or other documents of title for  
2 inspection of pests. In addition, the department  
3 shall adopt rules to designate restricted articles  
4 that shall require:

5 (A) A permit from the department in advance of  
6 importation; or

7 (B) A department letter of authorization or  
8 registration in advance of importation.

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

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

15 (A) It shall be the responsibility of the  
16 transportation company to distribute, prior to  
17 the debarkation of passengers and baggage, the  
18 State of Hawaii [~~plant and animal declaration~~]  
19 biosecurity form in paper or electronic form to  
20 each passenger, officer, and crew member of any  
21 aircraft or vessel originating in the continental



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

18 (B) Completed paper forms shall be collected by the  
19 transportation company and be delivered,  
20 immediately upon arrival, to the inspector at the  
21 first airport or seaport of arrival. Completed



1 electronic forms shall be transmitted to the  
2 inspector before passengers depart the first  
3 airport or seaport of arrival. Failure to  
4 distribute or collect paper [~~declaration~~] forms,  
5 immediately deliver completed paper forms, or  
6 transmit completed electronic forms before  
7 passengers depart the first airport or seaport of  
8 arrival is a violation of this section; and

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

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



- 1           (4) Labels. Each container in which any of the  
2           above-mentioned articles are imported into the State  
3           shall be plainly and legibly marked, in a conspicuous  
4           manner and place, with the name and address of the  
5           shipper or owner forwarding or shipping the same, the  
6           name or mark of the person to whom the same is  
7           forwarded or shipped or the person's agent, the name  
8           of the country, state, or territory and locality  
9           therein where the product was grown or produced, and a  
10          statement of the contents of the container. Upon  
11          failure to comply with this paragraph, the importer or  
12          carrier is in violation of this section;
- 13          (5) Authority to inspect. Whenever the inspector has good  
14          cause to believe that the provisions of this chapter  
15          are being violated, the inspector may:
- 16                (A) Enter and inspect any aircraft, vessel, or other  
17                carrier at any time after its arrival within the  
18                boundaries of the State, whether offshore, at the  
19                pier, or at the airport, for the purpose of  
20                determining whether any of the articles or pests



1 enumerated in this chapter or rules adopted  
2 thereto, is present;

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

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

19 Baggage or cargo inspection shall be made at the  
20 discretion of the inspector, on the pier, vessel, or  
21 aircraft or in any quarantine or inspection area.



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

14          (6) Request for importation and inspection. In addition  
15          to requirements of the United States customs  
16          authorities concerning invoices or other formalities  
17          incident to importations into the State, the importer  
18          shall be required to file a written statement with the  
19          department, signed by the importer or the importer's  
20          agent, setting forth the importer's desire to import



1 certain of the above-mentioned articles into the State  
2 and:  
3 (A) Giving the following additional information:  
4 (i) The kind (scientific name), quantity, and  
5 description;  
6 (ii) The locality where same were grown or  
7 produced;  
8 (iii) Certification that all animals to be  
9 imported are the progeny of captive  
10 populations or have been held in captivity  
11 for a period of one year immediately before  
12 importation or have been specifically  
13 approved for importation by the board;  
14 (iv) The port from which the same were last  
15 shipped;  
16 (v) The name of the shipper; and  
17 (vi) The name of the consignee; and  
18 (B) Containing:  
19 (i) A request that the department, by its duly  
20 authorized agent, examine the articles  
21 described;



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

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

- 15 (7) Place of inspection. If, in the judgment of the  
16 [~~inspector,~~] department, it is deemed necessary or  
17 advisable to move any of the above-mentioned articles,  
18 or any portion thereof, to a transitional facility or  
19 another place more suitable for inspection than the  
20 pier, airport, or any other place where they are first  
21 received or discharged, the [~~inspector~~] department is



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

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



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



1 against the department or the inspector for damage or  
2 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 26. Section 150A-8, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§150A-8 Transporting in State.** (a) Flora [~~and~~], fauna,  
19 and pest host material specified by rules and regulations of the  
20 department shall not be moved from one island to another island



1 within the State or from one locality to another on the same  
2 island except by a permit issued by the department.

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

17 (1) Inspectional requirements. Any person who receives  
18 for transport, or brings or causes movement between  
19 the islands of the State, as freight, air freight,  
20 baggage, as ship's stores, or otherwise, any of the  
21 foregoing articles, shall ensure that the articles



1 have been inspected prior to movement between the  
2 islands of the State and shall provide upon the  
3 inspector's request, the waybill number, container  
4 number, name and address of the consignor, name and  
5 address of the consignee or the consignee's agent,  
6 marks, number of packages, description of contents of  
7 each package, and any other information that may be  
8 necessary to inspect, locate, or identify the same.  
9 If the articles are not inspected, the articles shall  
10 be held in a manner that they will not spread or be  
11 likely to spread any infestation or infection of  
12 insects, diseases, or pests that may be present until  
13 an inspection can be made by the inspector to  
14 determine whether any article, or any portion thereof,  
15 is infested or infected with insects or diseases, or  
16 contains any pest. The department may adopt rules to  
17 define inspection requirements of specific articles.  
18 Failure to obtain certification that the articles have  
19 met the inspection requirements prior to movement  
20 between the islands of the State is a violation of  
21 this section;



1       (2) Labels. Each container in which any of the  
2       above-mentioned articles are transported between the  
3       islands of the State shall be plainly and legibly  
4       marked, in a conspicuous manner and place, with the  
5       name and address of the shipper or owner forwarding or  
6       shipping the same, the name or mark of the person to  
7       whom the same is forwarded or shipped or the person's  
8       agent, and a statement of the contents of the  
9       container. Failure to comply with this paragraph is a  
10      violation of this section;

11      (3) Authority to inspect. Whenever the inspector has good  
12      cause to believe that the provisions of this chapter  
13      are being violated, the inspector shall:

14      (A) Enter and inspect any aircraft, vessel, or other  
15      carrier at any time whether offshore, at the  
16      pier, or at the airport, for the purpose of  
17      determining whether any of the articles or pests  
18      enumerated in this chapter or rules adopted  
19      thereto, is present;

20      (B) Enter into or upon any pier, warehouse, airport,  
21      or any other place in the State where any of the



1 above-mentioned articles are moved or stored, for  
2 the purpose of ascertaining, by inspection and  
3 examination, whether or not any of the articles  
4 is infested or infected with any pest or disease  
5 or contaminated with soil or contains prohibited  
6 plants or animals;

7 (C) Inspect any baggage or personal effects of  
8 passengers, officers, and crew members on  
9 aircraft or vessels moving between the islands of  
10 the State to ascertain if they contain any of the  
11 articles or pests enumerated in this chapter;

12 (D) Baggage or cargo inspection shall be made at the  
13 discretion of the inspector, on the pier, vessel,  
14 or aircraft or in any quarantine or inspection  
15 area; and

16 (E) Whenever the inspector has good cause to believe  
17 that the provisions of this chapter are being  
18 violated, the inspector shall require that any  
19 box, package, suitcase, or any other container  
20 carried as ship's stores, cargo, or otherwise by  
21 any vessel or aircraft moving between the islands



1           of the State, be opened for inspection to  
2           determine whether any article or pest prohibited  
3           by this chapter or by rules adopted pursuant  
4           thereto is present. It is a violation of this  
5           section if any prohibited article, pest, or any  
6           article infested with an insect or disease is  
7           found;

8       (4) Place of inspection. The inspector shall make a  
9           determination whether it is necessary or advisable to  
10          move any of the above-mentioned articles, or any  
11          portion thereof, to a place more suitable for  
12          inspection than the pier, airport, or any other place  
13          where they are initially presented for inspection.

14          All costs and expenses incident to the movement and  
15          transportation of the articles to such place shall be  
16          borne by the consignee or the consignee's agent;

17       (5) Disinfection or quarantine. If, upon inspection, any  
18          article intended for movement between the islands of  
19          the State is found to be infested or infected with an  
20          insect, disease, or pest, or there is reasonable cause  
21          to presume that it is infested or infected and the



1 infestation or infection can, in the judgment of the  
2 inspector, be eradicated, a treatment shall be given  
3 such article prior to movement between the islands of  
4 the State. The treatment shall be at the expense of  
5 the owner or the owner's agent, and the treatment  
6 shall be as prescribed by the department. The article  
7 shall be quarantined at the expense of the owner or  
8 the owner's agent at a satisfactory place approved by  
9 the department for a sufficient length of time to  
10 determine that eradication has been accomplished. If  
11 the infestation or infection is of such nature or  
12 extent that it cannot be effectively and completely  
13 eradicated, or after treatment it is determined that  
14 the infestation or infection is not completely  
15 eradicated, or if the owner or the owner's agent  
16 refuses to allow the article to be treated or to be  
17 responsible for the cost of treatment and quarantine,  
18 the shipment, article, or any portion thereof,  
19 together with all packing and containers, shall not be  
20 certified for movement between the islands of the  
21 State. An article infested or infected with an



1 insect, disease, or pest that is not widespread in the  
2 State shall be destroyed at the expense of the owner  
3 or the owner's agent; provided that no treatment  
4 exists that would eradicate the insect, disease, or  
5 pest to the satisfaction of the department. Such  
6 destruction shall not be made the basis of a claim  
7 against the department or the inspector for damage or  
8 loss incurred; and

9 (6) Disposition. Upon completion of inspection, the  
10 inspector shall conspicuously affix to the article,  
11 container, or to the delivery order or other similar  
12 document, a tag, label, or stamp to indicate that the  
13 article has been inspected and can be moved between  
14 the islands of the State."

15 SECTION 27. Section 150A-14, Hawaii Revised Statutes, is  
16 amended by amending subsections (b) through (g) to read as  
17 follows:

18 "(b) Any person who violates section 150A-5 shall be  
19 ~~[guilty of a petty misdemeanor and]~~ fined not less than ~~[\$50]~~  
20 \$100 and not more than ~~[\$5,000.]~~ \$10,000. For a second  
21 ~~[offense]~~ violation committed within five years of a prior



1 [~~offense,~~] violation, the person may be fined not less than  
2 [~~\$250~~] \$500 and not more than [~~\$15,000.~~] \$25,000.

3 (c) Any person who:

- 4 (1) Violates section 150A-6(3) or 150A-6(4), or owns or  
5 intentionally transports, possesses, harbors,  
6 transfers, or causes the importation of any snake or  
7 other prohibited animal seized under section  
8 150A-7(b), or whose violation involves an animal that  
9 is prohibited [~~or~~], a plant[~~]~~ that is restricted, or  
10 an animal[~~]~~ or microorganism that is restricted[~~]~~ or  
11 unlisted, without a permit, shall be guilty of a  
12 misdemeanor and subject to a fine of not less than  
13 \$5,000, but not more than \$20,000;
- 14 (2) Intentionally transports, transfers, possesses,  
15 harbors, or imports with the intent to propagate,  
16 sell, or release any animal that is prohibited [~~or any~~  
17 ~~plant, animal~~], a plant that is restricted, or an  
18 animal or microorganism that is restricted[~~]~~ or  
19 unlisted, without a permit, shall be guilty of a class  
20 C felony and subject to a fine of not less than  
21 \$50,000, but not more than \$200,000; or



1 (3) Intentionally imports, possesses, harbors, transfers,  
2 or transports, including through interisland or  
3 intrainland movement, with the intent to propagate,  
4 sell, or release, any pest designated by statute or  
5 rule, unless otherwise allowed by law, shall be guilty  
6 of a class C felony and subject to a fine of not less  
7 than \$50,000, but not more than \$200,000.

8 (d) Whenever a court sentences a person or organization  
9 pursuant to subsection (a) or (c) for an offense which has  
10 resulted in the escape or establishment of any pest or animal or  
11 microorganism that is restricted or unlisted and caused the  
12 department to initiate a program to capture, control, or  
13 eradicate that pest~~[7]~~ or animal or microorganism that is  
14 restricted or unlisted, the court shall also require that the  
15 person or organization pay to the state general fund an amount  
16 of money to be determined in the discretion of the court upon  
17 advice of the department, based upon the cost of the development  
18 and implementation of the program.

19 (e) The department shall refuse entry, confiscate, or  
20 destroy any prohibited [~~articles or~~], restricted, or unlisted  
21 articles that are brought into the State without a permit issued



1 by the department, or order the return of any plant, fruit,  
2 vegetable, or any other article infested with insects, diseases,  
3 or pests to its place of origin or otherwise dispose of it or  
4 such part thereof as may be necessary to comply with this  
5 chapter. Any expense or loss in connection therewith shall be  
6 borne by the owner or the owner's agent.

7 (f) Any person or organization that voluntarily surrenders  
8 any pest, prohibited animal, or any restricted plant, animal, or  
9 microorganism without a permit issued by the department, prior  
10 to the initiation of any seizure action by the department, shall  
11 be exempt from the penalties of this section.

12 (g) For purposes of this section, "intent to propagate"  
13 shall be presumed when the person in question is found to  
14 possess, transfer, transport, harbor, or import:

15 (1) Any two or more animal specimens of the opposite sex  
16 that are prohibited, unlisted, or restricted, without  
17 a permit, or are a pest designated by statute or rule;

18 (2) Any three or more animal specimens of either sex that  
19 are prohibited, unlisted, or restricted, without a  
20 permit, or are a pest designated by statute or rule;



1 (3) Any plant that is restricted or microorganism that is  
2 restricted or unlisted, having the inherent capability  
3 to reproduce [~~and that is restricted~~], without a  
4 permit; or

5 (4) Any specimen that is in the process of reproduction."

6 SECTION 28. Section 150A-54, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) The department shall set and impose charges for the  
9 inspection, quarantine, and eradication of pests in accordance  
10 with this chapter and chapter 141[-], including imposing charges  
11 on an importer for using a transitional facility. The  
12 department shall deposit the charges into the pest inspection,  
13 quarantine, and eradication fund established pursuant to  
14 section 150A-4.5."

15 PART V

16 SECTION 29. The purpose of this part is to:

17 (1) Require the department of agriculture and biosecurity  
18 to enter into agreements with private industries for  
19 readiness and response to prevent and address unwanted  
20 organisms;

21 (2) Establish an invasive species dashboard; and



1 (3) Allow persons to propose plans for the management and  
2 eradication of pests.

3 SECTION 30. Chapter 150A, Hawaii Revised Statutes, is  
4 amended by adding three new sections to part VI to be  
5 appropriately designated and to read as follows:

6 **"§150A-F Government-industry agreements for readiness and**

7 **response.** (a) The department shall enter into readiness and  
8 response agreements with businesses and representatives of  
9 businesses in the plant and animal industries of the State,  
10 including businesses that grow, harvest, or produce animals and  
11 plants or products from animals and plants.

12 (b) The agreements shall include:

13 (1) Readiness activities that:

14 (A) Prevent unwanted organisms from entering the  
15 State; and

16 (B) Detect unwanted organisms; and

17 (2) Response activities that:

18 (A) Facilitate the immediate investigation of an  
19 unwanted organism after detection, including  
20 timely reporting;



1           (B) Minimize the impact of the unwanted organism on  
2           natural and physical resources, human health, and  
3           overseas market access for Hawaii products;

4           (C) Control the spread of an unwanted organism;

5           (D) Reduce the geographical distribution of an  
6           unwanted organism; and

7           (E) Eradicate the unwanted organism.

8           (c) A violation of an applicable readiness plan shall be  
9           subject to penalties under section 150A-14.

10           **§150A-G Invasive species dashboard; establishment;**

11           **requirements.** (a) No later than December 1, 2025, the  
12           department shall establish an invasive species dashboard to  
13           provide real-time data and information for treatment areas to  
14           the public. The dashboard shall be updated regularly and be  
15           hosted and managed by the department.

16           (b) The department of agriculture and biosecurity,  
17           department of land and natural resources, and contracted parties  
18           pursuant to section 150A-F shall regularly and timely post  
19           treatment area information to the dashboard.

20           (c) Any state department, agency, political subdivision,  
21           or contracted party pursuant to section 150A-F that does not



1 provide information for the invasive species dashboard in  
2 compliance with this section shall not receive or expend public  
3 funds. The deputy chairperson for biosecurity shall be  
4 responsible for ensuring compliance with this section.

5 **§150A-H Pest management plans.** (a) Any person, including  
6 any unit of state or local government, may submit to the board a  
7 proposed pest management plan. The proposed pest management  
8 plan shall include:

- 9 (1) The name of the person submitting the proposed pest  
10 management plan;
- 11 (2) The organism proposed to be classified as a pest;  
12 provided that a proposed pest management plan may  
13 encompass a category of organisms proposed to be  
14 classified as pests;
- 15 (3) A description of the organism's adverse effects;
- 16 (4) A description of the region of the proposed plan or  
17 whether the proposed plan will be implemented  
18 statewide;
- 19 (5) The reason for the proposed plan;
- 20 (6) Objectives of the proposed plan;



- 1        (7) The principal measures to achieve the objectives and  
2        alternative measures, if any;
- 3        (8) An allocation of the costs, if applicable;
- 4        (9) Proposed funding; and
- 5        (10) Other information as required by the department.
- 6        (b) The board shall review the proposed plan, taking into  
7 consideration:
- 8        (1) Whether the implementation of the proposed plan is  
9        likely to eradicate or effectively manage the organism  
10       proposed to be declared a pest;
- 11       (2) Whether the proposed plan is inconsistent with any  
12       federal or state requirement, activity, or policy;
- 13       (3) Any harmful effects of denying the proposed pest  
14       management plan;
- 15       (4) Whether the benefits of the proposed plan would  
16       outweigh the costs; and
- 17       (5) Other considerations established by the department.
- 18       (c) At a public hearing, the board shall approve the  
19 proposed plan, deny the proposed plan, or approve the proposed  
20 plan with modifications.





1           "**§141-2 Rules.** Subject to chapter 91, the department of  
2 agriculture and biosecurity shall adopt, amend, and repeal rules  
3 not 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.

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

15 SECTION 33. Section 141-18, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[~~§~~141-18[~~]~~] **Plant care components; fumigation;**  
18 **treatment; certification; fees; restrictions.** (a) The  
19 department of agriculture[~~-~~] and biosecurity:

20 (1) Shall certify plant care component treatments  
21 performed within the State;



- 1 (2) May certify and permit entities to conduct plant care  
2 component treatments before shipment; and
- 3 (3) Shall deposit any fees collected for certifications of  
4 plant care component treatment pursuant to section  
5 150A-21 into the pest inspection, quarantine, and  
6 eradication fund established pursuant to section  
7 150A-4.5.
- 8 (b) No person shall distribute within the State any plant  
9 care component that originated outside the State, unless ~~the~~:
- 10 (1) The plant care component was subject to a treatment  
11 before entering the State; or
- 12 (2) The plant care component has been treated immediately  
13 after ~~entering~~ arriving in the State, as certified  
14 by the department of agriculture~~[-]~~ and biosecurity.
- 15 (c) No person shall transport any plant care component:
- 16 (1) Between the islands of the State; or
- 17 (2) From a location within the State to a location outside  
18 the State,  
19 without prior certification from the department of agriculture  
20 and biosecurity that the component has been treated pursuant to



1 this section; provided that the component shall be stored in a  
2 manner to prohibit infestation post-treatment.

3 (d) Any person who violates any provision of this section  
4 or rules adopted under this section may be assessed an  
5 administrative penalty by the board of not more than \$10,000 for  
6 each offense. No administrative penalty shall be assessed  
7 unless the person charged has been given notice and an  
8 opportunity for a hearing on the specific charge. The  
9 administrative penalty and any proposed action contained in the  
10 notice of finding of violation shall become a final order  
11 unless, within twenty days of receipt of the notice, the person  
12 or persons charged makes a written request for a hearing. In  
13 determining the amount of penalty, the board shall consider the  
14 appropriateness of the penalty to the size of the business of  
15 the person charged, the effect on the person's ability to  
16 continue business, and the gravity of the violation.

17 (e) In case of inability to collect the administrative  
18 penalty or failure of any person to pay all or a portion of the  
19 administrative penalty as the board may determine, the board  
20 shall refer the matter to the attorney general, who shall  
21 recover the amount by action in the appropriate court. For any



1 judicial proceeding to recover the administrative penalty  
2 imposed, the attorney general need only show that notice was  
3 given, a hearing was held or the time granted for requesting a  
4 hearing has expired without such a request, the administrative  
5 penalty was imposed, and that the penalty remains unpaid.

6 (f) When construing and enforcing this section, the act,  
7 omission, or failure of any officer, agent, or other person  
8 acting for or employed by any person shall in every case be also  
9 deemed to be the act, omission, or failure of such person as  
10 well as that of the person employed.

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

12 "Board" means board of agriculture and biosecurity.

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

15 "Person" means an individual, firm, corporation,  
16 association, or partnership or any organized group of persons  
17 whether incorporated or not.

18 "Plant care component" or "component" means any quantity of  
19 wood chips[~~r~~] or compost[~~r~~] that is used in the propagation of  
20 plants or in a filter [~~socks~~] sock.

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



1 PART VII

2 SECTION 34. All rights, powers, functions, and duties of  
3 the invasive species council are transferred from the department  
4 of land and natural resources to the department of agriculture  
5 and biosecurity.

6 All officers and employees whose functions are transferred  
7 by this Act shall be transferred with their functions and shall  
8 continue to perform their regular duties upon their transfer,  
9 subject to the state personnel laws and this Act.

10 No officer or employee of the State having tenure shall  
11 suffer any loss of salary, seniority, prior service credit,  
12 vacation, sick leave, or other employee benefit or privilege as  
13 a consequence of this Act, and such officer or employee may be  
14 transferred or appointed to a civil service position without the  
15 necessity of examination; provided that the officer or employee  
16 possesses the minimum qualifications for the position to which  
17 transferred or appointed; and provided that subsequent changes  
18 in status may be made pursuant to applicable civil service and  
19 compensation laws.

20 An officer or employee of the State who does not have  
21 tenure and who may be transferred or appointed to a civil



1 service position as a consequence of this Act shall become a  
2 civil service employee without the loss of salary, seniority,  
3 prior service credit, vacation, sick leave, or other employee  
4 benefits or privileges and without the necessity of examination;  
5 provided that such officer or employee possesses the minimum  
6 qualifications for the position to which transferred or  
7 appointed.

8 If an office or position held by an officer or employee  
9 having tenure is abolished, the officer or employee shall not  
10 thereby be separated from public employment, but shall remain in  
11 the employment of the State with the same pay and classification  
12 and shall be transferred to some other office or position for  
13 which the officer or employee is eligible under the personnel  
14 laws of the State as determined by the head of the department or  
15 the governor.

16 SECTION 35. All appropriations, records, equipment,  
17 machines, files, supplies, contracts, books, papers, documents,  
18 maps, and other personal property heretofore made, used,  
19 acquired, or held by the department of land and natural  
20 resources relating to the functions of the invasive special  
21 council that are transferred to the department of agriculture



1 and biosecurity shall be transferred with the functions to which  
2 they relate.

3 PART VIII

4 SECTION 36. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$ or much  
6 thereof as may be necessary for the fiscal year 2025-2026 and  
7 the same sum or so much thereof as may be necessary for fiscal  
8 year 2026-2027 for the operations of the Hawaii invasive species  
9 council.

10 The sum appropriated for fiscal year 2025-2026 shall be  
11 expended by the department of land and natural resources. The  
12 sum appointed for fiscal year 2026-2027 shall be expended by the  
13 department of agriculture and biosecurity for the purposes of  
14 this Act.

15 SECTION 37. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or much  
17 thereof as may be necessary for the fiscal year 2025-2026 and  
18 the same sum or so much thereof as may be necessary for fiscal  
19 year 2026-2027 for the operations of the Hawaii ant lab.

20 The sums appropriated shall be expended by the department  
21 of land and natural resources for the purposes of this Act.



1 SECTION 38. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or much  
3 thereof as may be necessary for the fiscal year 2025-2026 and  
4 the same sum or so much thereof as may be necessary for fiscal  
5 year 2026-2027 for personnel services as follows:



Prog ID: AGR122	Current	New	Salary Difference
EB	PQ Insp VI (Compliance) SR-26	PQ Insp VIII (Deputy) SR-30	\$22,932.00
EB	PQ Insp III	PQ Insp VII (Operations) SR-28	\$31,968.00
EB	PQ Insp III	PQ Insp VII (Permitting/Compliance) SR-28	\$31,968.00
EB	PQ Insp III	PQ Insp VII (Response) SR-28	\$31,968.00
EB	PQ Insp III	PQ Insp VII (Military) SR-28	\$31,968.00
EB	PQ Insp III	General Professional (Data Scientist) SR-28	\$40,212.00
EB	PQ Insp V (Entomologist) SR-24	PQ Insp VI (Entomologist) SR-26	\$6,756.00
EB	PQ Insp V (Nursery) SR-24	PQ Insp VI (Nursery) SR-26	-\$11,244.00
EB	PQ Insp V (Plant) SR-24	PQ Insp VI (Plant) SR-26	\$7,896.00
EB	PQ Insp V (Micro) SR-24	PQ Insp VI (Micro) SR-26	\$8,244.00
EB	PQ Insp V (Vertebrate)	PQ Insp VI (Vertebrate) SR-26	\$6,756.00
EB	PQ Insp V (Aqua)	PQ Insp VI (Aqua) SR-26	\$6,504.00
EB	PQ Insp V (Biotech)	PQ Insp VI (Biotech) SR-26	\$7,392.00
EB	PQ Insp V (Trainer/Outreach) SR-24	PQ Insp VI (Trainer/Outreach) SR-26	\$6,504.00
EB	PQ Insp V (Oahu Airport Supervisor) SR-24	PQ Insp VI (Oahu Airport Supervisor) SR-26	\$18,804.00
EB	PQ Insp V (Oahu Maritime Supervisor) SR-24	PQ Insp VI (Oahu Maritime Supervisor) SR-26	\$8,244.00
EB	PQ Insp V (Maui Port Supervisor) SR-24	PQ Insp VI (Maui Port Supervisor) SR-26	\$7,392.00
EB	PQ Insp V (Hilo Port Supervisor) SR-24	PQ Insp VI (Hilo Port Supervisor) SR-26	\$6,756.00
EB	PQ Insp III	PQ Insp VI (BTS) SR-26	\$20,724.00
EB	PQ Insp III	PQ Insp VI (GIS) SR-26	\$20,724.00
EB	Pest Control Tech III SR-11	Ag Research Tech V	\$24,012.00
EB	Pest Control Tech III SR-11	Ag Research Tech V	\$24,012.00
EB	Pest Control Tech III SR-11	Planner (IV) SR-22	\$21,276.00
EB	PQ Insp IV (Oahu Master Journeyman) SR-22	PQ Insp V (Oahu Master Journeyman) SR-24	\$7,920.00



EB	PQ Insp IV (Oahu Master Journeyman) SR-22	PQ Insp V (Oahu Master Journeyman) SR-24	\$8,856.00
EB	PQ Insp IV (Maui Master Journeyman) SR-22	PQ Insp V (Maui Master Journeyman) SR-24	\$8,856.00
EB	PQ Insp IV (Kona Master Journeyman) SR-22	PQ Insp V (Kona Master Journeyman) SR-24	\$8,856.00
EB	PQ Insp IV (Hilo Master Journeyman) SR-22	PQ Insp V (Hilo Master Journeyman) SR-24	\$8,856.00
EB	PQ Insp IV (Master Journeyman) SR-22	PQ Insp V (Master Journeyman) SR-24	\$8,856.00
EB	PQ Insp IV (Master Journeyman) SR-22	PQ Insp V (Master Journeyman) SR-24	\$8,856.00
EB	PQ Insp IV (Master Journeyman) SR-22	PQ Insp V (Master Journeyman) SR-24	\$8,856.00
EB	PQ Insp IV (Master Journeyman) SR-22	PQ Insp V (Master Journeyman) SR-24	\$8,856.00
EB	PQ Insp IV (Master Journeyman) SR-22	PQ Insp V (Master Journeyman) SR-24	\$8,856.00
ED	Noxious Weed Specialist IV (Oahu) SR-22	Noxious Weed Specialist V (Oahu) SR-24	\$7,920.00
ED	Noxious Weed Specialist IV (Hawaii) SR-22	Noxious Weed Specialist V (Hawaii) SR-24	\$8,856.00
ED	Noxious Weed Specialist IV (Maui) SR-22	Noxious Weed Specialist V (Maui) SR-24	\$8,508.00
ED	Noxious Weed Specialist IV (Kauai) SR-22	Noxious Weed Specialist V (Kauai) SR-24	\$14,148.00
ED	Pest Control Tech III (Hawaii) SR-11	Ag Research Tech V (Hawaii) SR-16	\$24,012.00
ED	Pest Control Tech III (Maui) SR-11	Ag Research Tech V (Maui) SR-16	\$24,012.00
ED	Pest Control Tech III (Kauai) SR-11	Ag Research Tech V (Kauai) SR-16	\$24,012.00

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

3           SECTION 39. There is appropriated out of the general  
 4 revenues of the State of Hawaii the sum of \$                   or so  
 5 much thereof as may be necessary for fiscal year 2025-2026 and



1 the same sum or so much thereof as may be necessary for fiscal  
2 year 2026-2027 to be allocated as follows:

3 (1) \$ for construction at the Halawa animal  
4 quarantine station; and

5 (2) \$ for construction at the Halawa animal  
6 industry facility.

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

9 PART IX

10 SECTION 40. In codifying the new sections added by  
11 sections 23 and 30 of this Act, the revisor of statutes shall  
12 substitute appropriate section numbers for the letters used in  
13 designating the new sections in this Act.

14 SECTION 41. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 42. This Act shall take effect on January 1, 2050;  
17 provided that:

18 (1) The amendments made to section 167-6, Hawaii Revised  
19 Statutes, by section 17 of this Act shall not be  
20 repealed when that section is repealed and reenacted  
21 pursuant to Act 223, Session Laws of Hawaii 2014;



- 1 (2) Part I shall take effect upon its approval;
- 2 (3) Part II shall take effect on November 1, 2027;
- 3 (4) Part III and sections 22, 23, 24, and 28 shall take
- 4 effect on January 1, 2028;
- 5 (5) Sections 26 and 27 and parts V and VIII shall take
- 6 effect on July 1, 2025; and
- 7 (6) Part VII shall take effect on July 1, 2026.



**Report Title:**

DOA; DCCA; Biosecurity Emergency Response Program; Quarantine; Transitional Facilities; Licensed Biosecurity Inspectors; Penalties; Readiness and Response Agreements; Invasive Species Dashboard; Pest Management Plans; Plant Care Component Program; Rules; Positions; Appropriations

**Description:**

Renames the Department of Agriculture to the Department of Agriculture and Biosecurity (Department) and the Board of Agriculture to the Board of Agriculture and Biosecurity. Establishes a Deputy Chairperson for Biosecurity. Requires the Department to establish a Biosecurity Emergency Response Program. Authorizes the Chairperson of the Board of Agriculture and Biosecurity to quarantine any area under certain circumstances. Authorizes the Department to establish transitional facilities. Requires the Department of Commerce and Consumer Affairs to license and train biosecurity inspectors to inspect imported plants and animals. Requires inspection of various items transported interisland. Increases penalties for illegally transporting plants, animals, and microorganisms. Requires the Department to establish government-industry agreements to detect and respond to unwanted organisms in the State. Require the Department to establish an invasive species dashboard by 12/1/2025. Transfers the Hawaii Invasive Species Council from the Department of Land and Natural Resources to the Department. Authorizes pest management plans to address, contain, or eradicate pests. Authorizes the Department to adopt rules to establish and enforce the Plant Care Component Program. Authorizes the Department to assess administrative penalties for the enforcement of the Plant Care Component Program. Establishes positions. Appropriates funds. Effective 1/1/2050. (SD2)

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

