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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 Act is to improve Hawaii's  
3 biosecurity.

4 PART II

5 SECTION 2. The purpose of this part is to rename the  
6 department of agriculture as the department of agriculture and  
7 biosecurity, and the board of agriculture as the board of  
8 agriculture and biosecurity.

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

11 "(b) An individual or entity licensed to produce hemp  
12 pursuant to subsection (a) may transport hemp within the State  
13 to a facility authorized by law to process hemp or to another  
14 licensed producer's grow area; provided that the transportation  
15 has been reported to the department of agriculture~~[-]~~ and  
16 biosecurity. The department of agriculture and biosecurity may  
17 require movement reports that include copies of the United



1 States Department of Agriculture test results for the hemp to be  
2 transported and may deny authorization if the hemp is found to  
3 not comply with any law or regulation."

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

6 "**§142-18 Disposal of tuberculous animals.** The owner of  
7 all cattle reacting to the tuberculin test shall, subject to  
8 section 142-16, cause them to be segregated immediately and,  
9 within a reasonable time thereafter, to be delivered for  
10 slaughter at such time and place as may be designated by the  
11 department of agriculture[-] and biosecurity. The slaughter  
12 shall be under the direct supervision of the department and in  
13 accordance with the meat inspection regulations of the United  
14 States Department of Agriculture."

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

17 "**§142-21 Cooperation with federal authorities.** The  
18 department of agriculture and biosecurity may cooperate with the  
19 United States Department of Agriculture in its efforts to  
20 eradicate bovine tuberculosis or any other transmissible disease  
21 of animals, and may make appraisals of condemned animals and



1 report on the salvage derived from the sale of the animals in  
2 conformity with the regulations of the United States Department  
3 of Agriculture."

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

6 "**§147-52 Grades, standards and classifications; changes.**

7 The standards for grading and classifying food products that  
8 have been or may be hereafter adopted, prescribed, or announced  
9 by the United States Department of Agriculture or by or under  
10 authority of the Congress of the United States are hereby  
11 declared to be the official standards for grading and  
12 classifying such food products for the State; provided that the  
13 department of agriculture and biosecurity may establish and  
14 prescribe other and different, or additional, standards for  
15 grading and classifying any such products, to the extent  
16 permitted by the laws of the United States, which standards, so  
17 established and prescribed by the department, shall be the  
18 official standards for grading and classifying any such food  
19 products for the State. The department may also establish and  
20 prescribe official standards for grading and classifying any or  
21 all food products for which no standards have been adopted,



1 prescribed, or announced by the United States Department of  
2 Agriculture or by or under authority of the Congress. The  
3 department may change any standards established and prescribed  
4 by it hereunder from time to time."

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

7 "**§147-53 Department; grades, standards and**  
8 **classifications; factors.** In establishing any grades,  
9 standards, or classifications for any food product, the  
10 department of agriculture[7] and biosecurity, in addition to  
11 such factors as may be specified in any other law, shall take  
12 into account and base the grades, standards, or classifications  
13 upon such of the following factors as shall be applicable to the  
14 product involved: degree of maturity; size, measured by  
15 dimensions or weight; degree of freshness, as determined by  
16 physical examination or chemical test or analysis; moisture  
17 content; uniformity; color; firmness; tenderness; defects;  
18 injury; damage; diseases; appearance; mixture of varieties;  
19 decay; conformation; soundness; varietal characteristics or  
20 type; number of specimens per pound; nature of pack; presence of  
21 dirt or other foreign material; condition as to temperature and



1 extent to which the product is hot or heating or is in a sour  
2 condition; extent to which product is satisfactory for human or  
3 other consumption or use; extent to which the product has been  
4 affected by handling or treatment; extent to which the product  
5 has a commercially objectionable flavor or odor; and other  
6 factors indicative of class, quality, or condition, and of the  
7 value or suitability of the product involved for the commercial  
8 or other use to be made thereof. In addition the department  
9 shall take into account any grades, standards, or  
10 classifications for such product established by the United  
11 States Department of Agriculture and also applicable federal  
12 grades and standard laws."

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

15 "**§147-57 Department, rules and regulations, contracts,**  
16 **cooperation, fees.** The department of agriculture[7] and  
17 biosecurity, in addition to powers granted by this part or any  
18 other law, shall have all powers necessary or convenient to  
19 carry out and effectuate this part, including the following:

20 (1) To prescribe rules and regulations, not inconsistent  
21 with this part, respecting: the standards for grading



1 and classifying, and the grades, standards, and  
2 classification for, food products; the inspection,  
3 grading, and classification of food products; the  
4 determination and certification of the grade,  
5 classification, quality, and condition of food  
6 products and such other pertinent facts as the  
7 department may deem advisable; the licensing of  
8 inspectors, graders, and samplers and the duties of  
9 such inspectors, graders, and samplers; methods of  
10 test, analysis, and examination in determining the  
11 grade, classification, quality, and condition of food  
12 products; the official word or words, figure, or  
13 letter to indicate official grade or standards of  
14 quality or condition of food products; the design,  
15 form, and use of official labels and statements for  
16 use on packages or containers of products inspected,  
17 graded, classified, and certified under this part; and  
18 continuous factory inspection, grading,  
19 classification, and certification of food products;

20 (2) To contract with the United States Department of  
21 Agriculture for the services of an inspector or



1 inspectors employed by the department and the  
2 establishment of a cooperative inspection service with  
3 the United States government;

4 (3) To cooperate with the United States or any department  
5 thereof, in accomplishing the matters or things  
6 provided for herein; and

7 (4) To fix, assess, and collect, or cause to be collected,  
8 fees for inspecting or classifying food products, such  
9 fees to be on a uniform basis in an amount reasonably  
10 necessary to cover, as nearly as may be, the cost of  
11 the inspection and the administration of this part;  
12 provided that the department may adjust the fees to be  
13 collected hereunder to meet the expenses necessary to  
14 carry out the provisions hereof and may prescribe a  
15 different scale of fees for different localities; and  
16 provided further that the department may prescribe a  
17 reasonable charge for traveling expenses and services.  
18 Charges for continuous factory inspection and grading  
19 may be fixed, assessed, and collected on such contract  
20 basis as will reimburse the State for the salary and  
21 all expenses of the factory inspector or grader, to



1           which shall be added an appropriate percentage of  
2           charges assessed to cover, as nearly as practicable,  
3           administrative overhead expense."

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

6           "**§147-74 Grading standards and regulations.** Subject to  
7 chapter 91, the department of agriculture and biosecurity may  
8 make rules with respect to:

- 9           (1) Sale and transportation for sale of eggs for human  
10           consumption;
- 11           (2) Specific grades or standards of quality, condition and  
12           size or weight classes which shall conform when  
13           practical to those established by the United States  
14           Department of Agriculture as local conditions will  
15           permit;
- 16           (3) Inspection and classification;
- 17           (4) Assessment and collection of fees for requested  
18           certification as to grade, standard of quality,  
19           condition, and size or weight classes;



- 1 (5) Labeling of containers of imported and locally  
2 produced eggs and marking of individual imported eggs  
3 as to origin;
- 4 (6) Seller's invoice for sale of eggs;
- 5 (7) Records of imported shell eggs of foreign origin;
- 6 (8) Methods of determining egg quality, which shall not  
7 include recandling or any other method applied to eggs  
8 in interstate commerce which is discriminatory or  
9 impairs that commerce in any way or requires a cost  
10 increase of eggs in interstate commerce; and
- 11 (9) Enforcement of this part and of the rules adopted  
12 under this part."

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

15 "**§147-93 Cooperating with federal authority.** The  
16 department of agriculture and biosecurity may enter into  
17 cooperative agreements with the United States Department of  
18 Agriculture for the purpose of grading beef, pork, mutton, and  
19 lamb carcasses."

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



1           "#{§159-2#} **Findings and declaration of necessity.** It  
2 is hereby declared that the meat industry is a paramount  
3 agricultural industry of this State and the production and  
4 marketing of meat is an enterprise that is of significant  
5 importance to the economy of this State and to the health of the  
6 consuming public. It is essential to the public health and  
7 welfare of consumers that they be protected by assuring that  
8 meat and meat products distributed to them are wholesome, not  
9 adulterated, and properly marked, labeled, and packaged.  
10 Unwholesome, adulterated, or misbranded meat or meat products  
11 are injurious to the public health and welfare, destroy markets  
12 for wholesome, unadulterated, and properly labeled and packaged  
13 meat and meat products and result in sundry losses to livestock  
14 producers and processors of meat and meat products, as well as  
15 injury to consumers. The unwholesome, adulterated, mislabeled,  
16 or deceptively packaged articles can be sold at lower prices and  
17 compete unfairly with the wholesome, unadulterated, and properly  
18 labeled and packaged articles, to the detriment of consumers and  
19 the public generally. It is hereby found that regulation by the  
20 department of agriculture and biosecurity and cooperation by  
21 this State with the United States Department of Agriculture as



1 contemplated by this Hawaii Meat Inspection Act is appropriate  
2 to protect the health and welfare of consumers and otherwise to  
3 effectuate the purposes of this chapter.

4 Congress enacted the Meat Inspection Act in 1907 (Public  
5 Law 59-242), as amended by the Wholesome Meat Act in 1967  
6 (Public Law 90-201) which is now redesignated as the Federal  
7 Meat Inspection Act. The Federal Meat Inspection Act is  
8 intended to protect the consuming public from adulterated or  
9 misbranded meat and meat products and to assist the states in  
10 their efforts to accomplish this objective. The Federal Meat  
11 Inspection Act authorizes the Secretary of Agriculture to  
12 furnish financial and related assistance to states for the  
13 administration of meat inspection programs which conform to  
14 established federal standards up to fifty per cent of the  
15 estimated total cost of the cooperative program. Presently, the  
16 meat processing industry in this State is not subject to any  
17 meat inspection law or rules and regulations that meet the  
18 minimum federal requirement in this area. This State, in order  
19 to qualify for the cooperative program, must demonstrate  
20 "progressive action" by November 15, 1969; and, further, all  
21 physical facilities must be upgraded in accordance with the



1 established federal standards by November 15, 1970. Failure to  
2 comply with the federal standards prescribed by the Federal Meat  
3 Inspection Act will result in federal control of the meat and  
4 meat processing industries of the State. Accordingly, the State  
5 deems it to be in the best interest of the public health and  
6 welfare to take those steps as are necessary to qualify for  
7 federal financial and related assistance for the administration  
8 of a meat inspection program which conforms to federal standards  
9 prescribed in the Federal Meat Inspection Act."

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

12 "**§161-2 Findings and declaration of necessity.** It is  
13 hereby declared that the poultry industry is a paramount  
14 agricultural industry of this State and the production and  
15 marketing of poultry is an enterprise that is of significant  
16 importance to the economy of the State and to the health of the  
17 consuming public. It is essential to the public health and  
18 welfare of consumers that they be protected by assuring that  
19 poultry or poultry products distributed to them are wholesome,  
20 not adulterated, and properly marked, labeled, and packaged.  
21 Unwholesome, adulterated, or misbranded poultry or poultry



1 products are injurious to the public health and welfare, destroy  
2 markets for wholesome, not adulterated, and properly labeled and  
3 packaged poultry or poultry products, and result in sundry  
4 losses to poultry producers and processors of poultry as well as  
5 injury to consumers. The unwholesome, adulterated, mislabeled,  
6 or deceptively packaged articles can be sold at lower prices and  
7 compete unfairly with the wholesome, not adulterated, and  
8 properly labeled and packaged articles, to the detriment of  
9 consumers and the public generally. It is hereby found that  
10 regulation by the department of agriculture and biosecurity and  
11 cooperation by this State with the United States Department of  
12 Agriculture as contemplated by this chapter is appropriate to  
13 protect the health and welfare of consumers and otherwise to  
14 effectuate the purposes of this chapter.

15       The 90th Congress enacted Public Law 90-492, entitled "The  
16 Wholesome Poultry Products Act", which is now redesignated as  
17 the "Poultry Products Inspection Act". The Poultry Products  
18 Inspection Act is intended to protect the consuming public from  
19 adulterated or misbranded poultry or poultry products and to  
20 assist the states in their efforts to accomplish this objective.  
21 The Poultry Products Inspection Act authorizes the United States



1 Secretary of Agriculture to furnish financial and related  
2 assistance to states for the administration of poultry  
3 inspection programs which conform to established federal  
4 standards up to fifty per cent of the estimated total cost of  
5 the cooperative program. Hawaii's poultry industry is not  
6 subject to poultry inspection law or rules and regulations that  
7 meet the minimum federal requirement in this area. In order to  
8 qualify for the cooperative program, the State must demonstrate  
9 "progressive action" by July 18, 1970; and, further, all  
10 physical facilities must be upgraded in accordance with the  
11 established federal standards by July 18, 1971. Failure to  
12 comply with the standards prescribed by the Poultry Products  
13 Inspection Act will result in federal control of the poultry or  
14 poultry processing industries of the State. Accordingly, the  
15 State of Hawaii deems it to be in the interest of the State's  
16 public health and welfare to take such steps as are necessary to  
17 qualify for federal financial and related assistance for the  
18 administration of a poultry inspection program which conforms to  
19 federal standards prescribed in the Poultry Products Inspection  
20 Act."



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

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

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

14 "**§219-8 Participation in loans by the department.**

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



1 purpose from the United States Department of  
2 Agriculture;

3 (2) Participation loans under this section shall be  
4 limited by the provisions of section 219-6 and the  
5 department of [~~agriculture's~~] agriculture and  
6 biosecurity's share shall not exceed the maximum  
7 amounts specified therefor;

8 (3) Interest charged on the private lender's share of the  
9 loan shall not be more than the sum of two per cent  
10 above the lowest rate of interest charged by all state  
11 or national banks authorized to accept or hold  
12 deposits in the State on secured short term loans made  
13 to borrowers who have the highest credit rating with  
14 those banks;

15 (4) The private lender's share of the loan may be insured  
16 by the department up to ninety per cent of the  
17 principal balance of the loan, under section 219-7;

18 (5) When a participation loan has been approved by the  
19 department, its share shall be paid to the  
20 participating private lender for disbursement to the  
21 borrower. The private lender shall collect all



- 1           payments from the borrower and otherwise service the  
2           loan;
- 3           (6) Out of interest collected, the private lender may be  
4           paid a service fee to be determined by the department  
5           which fee shall not exceed one per cent of the unpaid  
6           principal balance of the loan; provided that this fee  
7           shall not be added to any amount which the borrower is  
8           obligated to pay;
- 9           (7) The participating private lender may take over a  
10          larger percentage or the full principal balance of the  
11          loan at any time that it has determined, to the  
12          satisfaction of the department, that the borrower is  
13          able to pay any increased interest charges resulting;  
14          and
- 15          (8) Security for participation loans shall be limited by  
16          section 219-5(a)(6). All collateral documents shall  
17          be held by the private lender. Division of interest  
18          in collateral received shall be in proportion to  
19          participation by the department and the private  
20          lender."



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

3 "**S460J-26 Exemptions.** This chapter shall not apply to:

- 4 (1) Officials of the federal government on military  
5 reservations;
- 6 (2) Personnel of the United States Department of  
7 Agriculture, the state department of agriculture[~~7~~]  
8 and biosecurity, or state department of land and  
9 natural resources, or the United States Public Health  
10 Service in the performance of their official duties;
- 11 (3) Other government employees who conduct research on  
12 pesticides or pest control or who use pesticides in  
13 the performance of their duties;
- 14 (4) Qualified scientific personnel specially exempted by  
15 the board;
- 16 (5) Persons engaged in pest control for agricultural  
17 purposes; or
- 18 (6) Engineers or architects licensed under chapter 464  
19 who:
- 20 (A) Draft or prepare design documents that prescribe  
21 anti-termite or anti-pest measures, including the



1 specification of termiticides, that are required  
2 by the building code and other governmental  
3 agencies;

4 (B) Conduct building condition or assessment surveys  
5 to observe and evaluate the condition of the  
6 building or structure, if the primary purpose of  
7 these surveys is not to report on the  
8 identification of infestations; or

9 (C) Prepare reports based on the results of the  
10 surveys specified in subparagraph (B) that  
11 identify the location, extent, and probable cause  
12 of the pest damage (e.g., "termite damage");  
13 provided that where a report concerns termite  
14 damage, the particular type or species of termite  
15 shall not be specified unless the report is  
16 written in consultation with a licensed pest  
17 control operator licensed in termite control or  
18 other duly recognized expert in urban entomology,  
19 such as an insect taxonomist or urban  
20 entomologist with expertise in the identification  
21 or control of termites; and provided further that



1 if a licensed pest control operator is not  
2 consulted, the report shall include a  
3 recommendation that a licensed pest control  
4 operator be contracted for further assessment or  
5 treatment."

6 SECTION 16. Sections 6E-61, 23-12, 26-4, 26-16, 46-67,  
7 141-1, 141-2, 141-3, 141-3.5, 141-3.6, 141-4, 141-5, 141-6,  
8 141-7, 141-9, 141-12, 141-12.5, 141-13, 141-14, 141-15, 141-16,  
9 141-17, 141-18, 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1,  
10 142-2, 142-3, 142-3.5, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9,  
11 142-12, 142-13, 142-16, 142-19, 142-20, 142-22, 142-23, 142-  
12 23.1, 142-23.5, 142-29, 142-31, 142-41, 142-43, 142-49, 142-92,  
13 142-93, 142-98, 142-100, 142-101, 142-111, 143-2.2, 144-1,  
14 145-1, 145-3, 145-7, 145-8, 145-9, 145-27, 145D-5, 146-22,  
15 147-1, 147-21, 147-31, 147-32, 147-51, 147-54, 147-55, 147-56,  
16 147-58, 147-59, 147-60, 147-73, 147-75, 147-76, 147-78, 147-80,  
17 147-91, 147-92, 147-94, 147-95, 147-96, 147-97, 147-101,  
18 147-102, 147-111, 147-116, 147-122, 148-1, 148-2, 148-61,  
19 148-62, 148-63, 148-64, 148-66, 149A-2, 150-21, 150A-2,  
20 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4, 155-5, 155-5.5,  
21 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11, 155-12, 155-13,



1 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3, 159-15, 161-3,  
2 161-6, 163D-4, 166-2, 166-3, 166-11, 166E-1, 166E-2, 166E-3,  
3 167-22, 167-23, 169-1, 171-2, 171-3, 171-37.5, 171-55.5, 171-59,  
4 171-64.7, 171-112, 171-117, 173A-4, 173A-5, 174C-31, 187A-6.5,  
5 194-2, 205-6, 205-44.5, 205-45, 205-45.5, 205-48, 205-49,  
6 205-50, 205A-62, 206E-34, 219-2, 219-4, 219-7, 219-9,  
7 235--10.93, 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6,  
8 421-21.6, 460J-21, 460J-24.5, and 486-1, Hawaii Revised  
9 Statutes, are amended by substituting the term "department of  
10 agriculture and biosecurity", or similar term, wherever the term  
11 "department of agriculture", or similar term, appears, as  
12 context requires.

13 SECTION 17. Sections 10-41, 26-16, 26-34, 84-17, 84-18,  
14 128E-2, 141-6, 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6,  
15 142-23.1, 142-28.5, 142-29, 142-31, 144-10, 145-22, 145-27,  
16 148-9, 147-24, 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2,  
17 149A-32.5, 150A-2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13,  
18 155-14, 155-33, 157-1, 157-14, 157-15, 157-18, 157-22, 157-23,  
19 157-24, 157-25, 157-26, 157-27, 157-29, 157-41, 157-42, 159-3,  
20 161-3, 163D-3, 166-2, 166-3, 166-4, 166-5, 166-6, 166-11,  
21 166E-1, 166E-2, 166E-3, 167-1, 167-2, 167-3, 167-4, 167-5,



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

10 PART III

11 SECTION 18. The purpose of this part is to establish a new  
12 deputy chairperson position within the department of  
13 agriculture, to be known as the deputy chairperson for  
14 biosecurity.

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

18 **"§141- Deputy chairperson of biosecurity; established.**

19 (a) There is established within the department a deputy  
20 chairperson for biosecurity. The deputy chairperson for  
21 biosecurity shall oversee all of the State's biosecurity



1 initiatives, including programs under chapters 142, 150A, and  
2 194 and sections 141-5, 261-4.5, and 266-21.5.

3 (b) The deputy chairperson for biosecurity shall be a  
4 deputy to the chairperson of the board of agriculture and  
5 biosecurity and be appointed by the governor."

6 SECTION 20. Section 76-16, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) The civil service to which this chapter applies shall  
9 comprise all positions in the State now existing or hereafter  
10 established and embrace all personal services performed for the  
11 State, except the following:

- 12 (1) Commissioned and enlisted personnel of the Hawaii  
13 National Guard and positions in the Hawaii National  
14 Guard that are required by state or federal laws or  
15 regulations or orders of the National Guard to be  
16 filled from those commissioned or enlisted personnel;
- 17 (2) Positions filled by persons employed by contract where  
18 the director of human resources development has  
19 certified that the service is special or unique or is  
20 essential to the public interest and that, because of  
21 circumstances surrounding its fulfillment, personnel



- 1 to perform the service cannot be obtained through  
2 normal civil service recruitment procedures. Any  
3 contract may be for any period not exceeding one year;
- 4 (3) Positions that must be filled without delay to comply  
5 with a court order or decree if the director  
6 determines that recruitment through normal recruitment  
7 civil service procedures would result in delay or  
8 noncompliance, such as the Felix-Cayetano consent  
9 decree;
- 10 (4) Positions filled by the legislature or by either house  
11 or any committee thereof;
- 12 (5) Employees in the office of the governor and office of  
13 the lieutenant governor, and household employees at  
14 Washington Place;
- 15 (6) Positions filled by popular vote;
- 16 (7) Department heads, officers, and members of any board,  
17 commission, or other state agency whose appointments  
18 are made by the governor or are required by law to be  
19 confirmed by the senate;
- 20 (8) Judges, referees, receivers, masters, jurors, notaries  
21 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special  
2 temporary service;

3 (9) One bailiff for the chief justice of the supreme court  
4 who shall have the powers and duties of a court  
5 officer and bailiff under section 606-14; one  
6 secretary or clerk for each justice of the supreme  
7 court, each judge of the intermediate appellate court,  
8 and each judge of the circuit court; one secretary for  
9 the judicial council; one deputy administrative  
10 director of the courts; three law clerks for the chief  
11 justice of the supreme court, two law clerks for each  
12 associate justice of the supreme court and each judge  
13 of the intermediate appellate court, one law clerk for  
14 each judge of the circuit court, two additional law  
15 clerks for the civil administrative judge of the  
16 circuit court of the first circuit, two additional law  
17 clerks for the criminal administrative judge of the  
18 circuit court of the first circuit, one additional law  
19 clerk for the senior judge of the family court of the  
20 first circuit, two additional law clerks for the civil  
21 motions judge of the circuit court of the first



1 circuit, two additional law clerks for the criminal  
2 motions judge of the circuit court of the first  
3 circuit, and two law clerks for the administrative  
4 judge of the district court of the first circuit; and  
5 one private secretary for the administrative director  
6 of the courts, the deputy administrative director of  
7 the courts, each department head, each deputy or first  
8 assistant, and each additional deputy, or assistant  
9 deputy, or assistant defined in paragraph (16);

10 (10) First deputy and deputy attorneys general, the  
11 administrative services manager of the department of  
12 the attorney general, one secretary for the  
13 administrative services manager, an administrator and  
14 any support staff for the criminal and juvenile  
15 justice resources coordination functions, and law  
16 clerks;

17 (11) (A) Teachers, principals, vice-principals, complex  
18 area superintendents, deputy and assistant  
19 superintendents, other certificated personnel,  
20 and no more than twenty noncertificated



1 administrative, professional, and technical  
2 personnel not engaged in instructional work;  
3 (B) Effective July 1, 2003, teaching assistants,  
4 educational assistants, bilingual or bicultural  
5 school-home assistants, school psychologists,  
6 psychological examiners, speech pathologists,  
7 athletic health care trainers, alternative school  
8 work study assistants, alternative school  
9 educational or supportive services specialists,  
10 alternative school project coordinators, and  
11 communications aides in the department of  
12 education;  
13 (C) The special assistant to the state librarian and  
14 one secretary for the special assistant to the  
15 state librarian; and  
16 (D) Members of the faculty of the University of  
17 Hawaii, including research workers, extension  
18 agents, personnel engaged in instructional work,  
19 and administrative, professional, and technical  
20 personnel of the university;



- 1 (12) Employees engaged in special, research, or  
2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state  
4 institutions, and persons with severe physical or  
5 mental disabilities participating in the work  
6 experience training programs;
- 7 (B) Positions filled with students in accordance with  
8 guidelines for established state employment  
9 programs; and
- 10 (C) Positions that provide work experience training  
11 or temporary public service employment that are  
12 filled by persons entering the workforce or  
13 persons transitioning into other careers under  
14 programs such as the federal Workforce Investment  
15 Act of 1998, as amended, or the Senior Community  
16 Service Employment Program of the Employment and  
17 Training Administration of the United States  
18 Department of Labor, or under other similar state  
19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal  
21 Mausoleum, and Hulihee Palace;



- 1 (15) Positions filled by persons employed on a fee,  
2 contract, or piecework basis, who may lawfully perform  
3 their duties concurrently with their private business  
4 or profession or other private employment and whose  
5 duties require only a portion of their time, if it is  
6 impracticable to ascertain or anticipate the portion  
7 of time to be devoted to the service of the State;
- 8 (16) Positions of first deputies or first assistants of  
9 each department head appointed under or in the manner  
10 provided in section 6, article V, of the Hawaii State  
11 Constitution; three additional deputies or assistants  
12 either in charge of the highways, harbors, and  
13 airports divisions or other functions within the  
14 department of transportation as may be assigned by the  
15 director of transportation, with the approval of the  
16 governor; one additional deputy in the department of  
17 human services either in charge of welfare or other  
18 functions within the department as may be assigned by  
19 the director of human services; four additional  
20 deputies in the department of health, each in charge  
21 of one of the following: behavioral health,



1 environmental health, hospitals, and health resources  
2 administration, including other functions within the  
3 department as may be assigned by the director of  
4 health, with the approval of the governor; two  
5 additional deputies in charge of the law enforcement  
6 programs, administration, or other functions within  
7 the department of law enforcement as may be assigned  
8 by the director of law enforcement, with the approval  
9 of the governor; three additional deputies each in  
10 charge of the correctional institutions,  
11 rehabilitation services and programs, and  
12 administration or other functions within the  
13 department of corrections and rehabilitation as may be  
14 assigned by the director of corrections and  
15 rehabilitation, with the approval of the governor; two  
16 administrative assistants to the state librarian;  
17 [~~and~~] an administrative assistant to the  
18 superintendent of education; and two additional  
19 deputies or assistants, either in charge of  
20 agriculture or biosecurity or other functions within  
21 the department of agriculture and biosecurity as may



1           be assigned by the chairperson of the board of  
2           agriculture and biosecurity, with the approval of the  
3           governor;

4           (17) Positions specifically exempted from this part by any  
5           other law; provided that:

6           (A) Any exemption created after July 1, 2014, shall  
7           expire three years after its enactment unless  
8           affirmatively extended by an act of the  
9           legislature; and

10          (B) All of the positions defined by paragraph (9)  
11          shall be included in the position classification  
12          plan;

13          (18) Positions in the state foster grandparent program and  
14          positions for temporary employment of senior citizens  
15          in occupations in which there is a severe personnel  
16          shortage or in special projects;

17          (19) Household employees at the official residence of the  
18          president of the University of Hawaii;

19          (20) Employees in the department of education engaged in  
20          the supervision of students during meal periods in the  
21          distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after  
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the  
4 Hawaii public housing authority; provided that no more  
5 than twenty-six per cent of the authority's workforce  
6 in any housing project maintained or operated by the  
7 authority shall be hired under the tenant hire  
8 program;
- 9 (22) Positions of the federally funded expanded food and  
10 nutrition program of the University of Hawaii that  
11 require the hiring of nutrition program assistants who  
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities  
14 who are certified by the state vocational  
15 rehabilitation office that they are able to perform  
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the  
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult  
21 education programs;



- 1           (27) In the Hawaii state energy office in the department of
- 2                   business, economic development, and tourism, all
- 3                   energy program managers, energy program specialists,
- 4                   energy program assistants, and energy analysts;
- 5           (28) Administrative appeals hearing officers in the
- 6                   department of human services;
- 7           (29) In the Med-QUEST division of the department of human
- 8                   services, the division administrator, finance officer,
- 9                   health care services branch administrator, medical
- 10                  director, and clinical standards administrator;
- 11           (30) In the director's office of the department of human
- 12                   services, the enterprise officer, information security
- 13                   and privacy compliance officer, security and privacy
- 14                   compliance engineer, security and privacy compliance
- 15                   analyst, information technology implementation
- 16                   manager, assistant information technology
- 17                   implementation manager, resource manager, community or
- 18                   project development director, policy director, special
- 19                   assistant to the director, and limited English
- 20                   proficiency project manager or coordinator;



- 1       (31) The Alzheimer's disease and related dementia services
- 2            coordinator in the executive office on aging;
- 3       (32) In the Hawaii emergency management agency, the
- 4            executive officer, public information officer, civil
- 5            defense administrative officer, branch chiefs, and
- 6            emergency operations center state warning point
- 7            personnel; provided that for state warning point
- 8            personnel, the director shall determine that
- 9            recruitment through normal civil service recruitment
- 10           procedures would result in delay or noncompliance;
- 11       (33) The executive director and seven full-time
- 12            administrative positions of the school facilities
- 13            authority;
- 14       (34) Positions in the Mauna Kea stewardship and oversight
- 15            authority;
- 16       (35) In the office of homeland security of the department
- 17            of law enforcement, the statewide interoperable
- 18            communications coordinator;
- 19       (36) In the social services division of the department of
- 20            human services, the business technology analyst;
- 21       (37) The executive director and staff of the 911 board;





1           "§150A-    Biosecurity emergency response program  
2 established. (a) The chairperson shall establish within the  
3 department a biosecurity emergency response program to:  
4           (1) Provide for the delivery of prompt services in the  
5           event of an emergency due to a breach of the State's  
6           biosecurity measures;  
7           (2) Provide for critical incident stress debriefing for  
8           biosecurity personnel;  
9           (3) Provide for immediate delivery of services to respond  
10           to a new organism introduced to the State;  
11           (4) Coordinate the use of other public and private  
12           resources or services for the immediate and long-term;  
13           biosecurity needs of the State; and  
14           (5) Advise state government and other personnel in the  
15           planning of and responses to biosecurity events and  
16           emergencies.  
17           (b) The chairperson shall compile a list of qualified  
18 professionals who are willing to serve on an emergency response  
19 team, giving priority to individuals having experience dealing  
20 with the containment and eradication of organisms. The  
21 chairperson shall appoint at least one team of professionals



1 from the list, making a reasonable effort to appoint at least  
2 one member from each island except Niihau. If a qualified  
3 representative cannot be appointed from each island, the  
4 chairperson, at a minimum, shall appoint one member from each  
5 county. Each team appointed shall serve for a period of four  
6 years; provided that the chairperson shall have the flexibility  
7 of appointing additional special teams for shorter or longer  
8 periods of time as the need arises. Members of a biosecurity  
9 response team shall receive continuing professional education  
10 and training on the provision of assistance to be ready to  
11 provide services whenever a biosecurity event or emergency  
12 occurs. The team members shall be compensated for each day of  
13 service provided under this section, including participation in  
14 training required by the chairperson, under a fee schedule  
15 established by the chairperson under chapter 91.

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

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



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

3 **§150A- Volunteer emergency disaster response personnel.**

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

12 (b) In the case of injury or death arising out of and in  
13 the performance of duty under this section, including duty  
14 performed during periods of training, all volunteer emergency  
15 biosecurity disaster response personnel and their dependents  
16 shall be entitled to all of the benefits provided in chapter  
17 386, including medical services and supplies. In the case of  
18 injury or death, no public official shall be excluded from  
19 coverage of chapter 386. Benefits shall be based on average  
20 weekly wages under section 386-51, or based on earnings from the  
21 usual employment of the person, or based on earnings at the rate



1 of \$20 a week, whichever is most favorable to the claimant.  
2 Nothing in this section shall adversely affect the right of any  
3 person to receive any benefits or compensation under any act of  
4 Congress.

5 (c) Except in cases of wilful misconduct, the State, any  
6 county, or any volunteer emergency biosecurity disaster response  
7 personnel engaged in the emergency response to a mass  
8 biosecurity event or condition under this section (including  
9 volunteers whose services are accepted by any authorized  
10 person), shall not be liable for the death of or injury to any  
11 person, or for damage to property, as a result of any act or  
12 omission in the course of rendering professional biosecurity  
13 care under a mass biosecurity event or condition. No act or  
14 omission shall be imputed to the owner of any vehicle by reason  
15 of ownership thereof; provided that nothing in this section  
16 shall preclude recovery by any person for injury or damage  
17 sustained from the operation of any vehicle that may be insured  
18 under section 41D-8 to the extent of the insurance. Unless  
19 specifically provided, insurance under section 41D-8 shall not  
20 include coverage of risk during an emergency period."



## 1 PART V

2 SECTION 23. The legislature finds that New Zealand's use  
3 of transitional facilities has increased the country's  
4 biosecurity while improving the efficiency of importing goods.  
5 In New Zealand, most imported goods subject to inspection are  
6 transported away from the airport or seaport to one of six  
7 thousand five hundred privately-run secure transitional  
8 facilities. At the transitional facility, a private individual  
9 licensed by the government inspects the goods for disease,  
10 infection, infestation, and other matters of concern.

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

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



1 SECTION 24. Chapter 150A, Hawaii Revised Statutes, is  
2 amended by adding five new sections to part II to be  
3 appropriately designated and to read as follows:

4 "§150A-A Transitional facilities; uses. (a) Upon order  
5 by the department, items at a pier, airport, or other place  
6 where the items are first received shall be transported to a  
7 transitional facility suitable for the items. Absent an order  
8 from the department, any person who receives for transport or  
9 brings or causes to be brought to the State under section  
10 150A-5(1) may transport their own items at a pier, airport, or  
11 other place where they are first received to a transitional  
12 facility after notifying the department in the same manner  
13 prescribed by section 150A-5(1).

14 (b) Items transported pursuant to subsection (a) shall be  
15 transported in a manner that they will not spread or be likely  
16 to spread any infestation or infection of insects or diseases  
17 that may be present.

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



1        (d) No items shall be transported out of a transitional  
2 facility unless:

3        (1) Authorized by the department; or

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

7        **§150A-B Transitional facilities; established.** The  
8 department shall establish standards for transitional  
9 facilities, including standards for the construction,  
10 maintenance, and operation of transitional facilities. The  
11 department may establish standards for transitional facilities  
12 pursuant to the types of items stored by those facilities, and  
13 corresponding classes of licensure.

14        **§150A-C Transitional facility license.** (a) No person  
15 shall operate a transitional facility without a transitional  
16 facility license.

17        (b) A person may apply to the department for a  
18 transitional facility license. The application shall be made  
19 under oath on forms provided by the department and shall contain  
20 information as prescribed by the department, including the  
21 following:



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

4        (2) The proposed location of the transitional facility;  
5        and

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

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

9        (1) Standards for construction, maintenance, security, and  
10       operation; and

11       (2) Periodic and random inspections.

12       (d) The department may suspend or revoke a transitional  
13       facility license if the transitional facility does not satisfy  
14       the standards established by the department under  
15       subsection (c).

16       **§150A-D Biosecurity inspector; license.** (a) The  
17       department of commerce and consumer affairs shall license  
18       biosecurity inspectors and offer training to individuals seeking  
19       a biosecurity inspector license.

20       (b) The training shall include:



1       (1) The identification of diseases, infections,  
2       infestations, and other subjects that the department  
3       of commerce and consumer affairs deems relevant; and

4       (2) Procedures following the identification of a disease,  
5       infection, infestation, or other subject that the  
6       department of commerce and consumer affairs deems  
7       relevant.

8       (c) Upon completion of the training, passage of an  
9       examination established by the department of commerce and  
10      consumer affairs, and satisfaction of other requirements  
11      established by the department of commerce and consumer affairs,  
12      the department of commerce and consumer affairs shall issue a  
13      biosecurity inspector license to the individual. The  
14      biosecurity inspector license shall be valid for one year, shall  
15      identify the specific transitional facility where the  
16      biosecurity inspector is authorized to conduct inspections, and  
17      may be renewed under requirements established by the department  
18      of commerce and consumer affairs.

19      (d) The department of commerce and consumer affairs may  
20      require each biosecurity inspector to complete additional



1 training as needed, including any emergency training in the  
2 interests of biosecurity.

3 (e) The department of commerce and consumer affairs may  
4 revoke or suspend any biosecurity inspector license for good  
5 cause.

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

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

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

13 **§150A-E Biosecurity inspector; powers.** (a) Subject to  
14 rules adopted by the department of commerce and consumer affairs  
15 under chapter 91, a licensed biosecurity inspector may certify  
16 items located in a transitional facility as free of diseases,  
17 infections, infestations, and other items that the department of  
18 agriculture and biosecurity deems relevant.

19 (b) Unless authorized by the department of commerce and  
20 consumer affairs, a licensed biosecurity inspector shall not  
21 certify any items located outside a transitional facility where



1 the licensed biosecurity inspector is authorized to conduct  
2 inspections."

3 SECTION 25. Section 150A-2, Hawaii Revised Statutes, is  
4 amended by adding two new definitions to be appropriately  
5 inserted and to read as follows:

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

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

10 SECTION 26. Section 150A-5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **§150A-5 Conditions of importation.** The importation into  
13 the State of any of the following articles, viz., nursery-stock,  
14 tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud,  
15 seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain,  
16 cereal, or legume in the natural or raw state; moss, hay, straw,  
17 dry-grass, or other forage; unmanufactured log, limb, or timber,  
18 or any other plant-growth or plant-product, unprocessed or in  
19 the raw state; soil; microorganisms; live bird, reptile,  
20 nematode, insect, or any other animal in any stage of  
21 development (that is in addition to the so-called domestic



1 animal, the quarantine of which is provided for in chapter 142);  
2 box, vehicle, baggage, or any other container in which the  
3 articles have been transported or any packing material used in  
4 connection therewith shall be made in the manner hereinafter set  
5 forth:

6 (1) Notification of arrival. Any person who receives for  
7 transport or brings or causes to be brought to the  
8 State as freight, air freight, baggage, or otherwise,  
9 for the purpose of debarkation or entry therein, or as  
10 ship's stores, any of the foregoing articles, shall,  
11 immediately upon the arrival thereof, notify the  
12 department, in writing, of the arrival, giving the  
13 waybill number, container number, name and address of  
14 the consignor, name and address of the consignee or  
15 the consignee's agent in the State, marks, number of  
16 packages, description of contents of each package,  
17 port at which laden, and any other information that  
18 may be necessary to locate or identify the same, and  
19 shall hold the articles at the pier, airport, [~~or~~] any  
20 other place where they are first received or  
21 discharged, or a transitional facility, in a manner



1 that they will not spread or be likely to spread any  
2 infestation or infection of insects or diseases that  
3 may be present until inspection and examination can be  
4 made by the inspector or a licensed biosecurity  
5 inspector to determine whether or not any article, or  
6 any portion thereof, is infested or infected with or  
7 contains any pest. The department may adopt rules to  
8 require identification of specific articles on  
9 negotiable and non-negotiable warehouse receipts,  
10 bills of lading, or other documents of title for  
11 inspection of pests. In addition, the department  
12 shall adopt rules to designate restricted articles  
13 that shall require:

14 (A) A permit from the department in advance of  
15 importation; or

16 (B) A department letter of authorization or  
17 registration in advance of importation.

18 The restricted articles shall include but not be  
19 limited to certain microorganisms or living insects.

20 Failure to obtain the permit, letter of authorization,



1 or registration in advance is a violation of this  
2 section;

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

4 (A) It shall be the responsibility of the  
5 transportation company to distribute, prior to  
6 the debarkation of passengers and baggage, the  
7 State of Hawaii [~~plant and animal declaration~~]  
8 biosecurity form in paper or electronic form to  
9 each passenger, officer, and crew member of any  
10 aircraft or vessel originating in the continental  
11 United States or its possessions or from any  
12 other area not under the jurisdiction of the  
13 appropriate federal agency in order that the  
14 passenger, officer, or crew member can comply  
15 with the directions and requirements appearing  
16 thereon. All passengers, officers, and crew  
17 members, whether or not they are bringing or  
18 causing to be brought for entry into the State  
19 the articles listed on the form, shall complete  
20 the [~~declaration,~~] form, except that one adult  
21 member of a family may complete the [~~declaration~~]



1           form for other family members. Any person who  
2           defaces the [~~declaration~~] form required under  
3           this section, gives false information, fails to  
4           declare restricted articles in the person's  
5           possession or baggage, or fails to declare in  
6           cargo manifests is in violation of this section;

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

19          (C) It shall be the responsibility of the officers  
20          and crew of an aircraft or vessel originating in  
21          the continental United States or its possessions



1 or from any other area not under the jurisdiction  
2 of the appropriate federal agency to immediately  
3 report all sightings of any plants and animals to  
4 the plant quarantine branch. Failure to comply  
5 with this requirement is a violation of this  
6 section;

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

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



1 failure to comply with this paragraph, the importer or  
2 carrier is in violation of this section;

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

6 (A) Enter and inspect any aircraft, vessel, or other  
7 carrier at any time after its arrival within the  
8 boundaries of the State, whether offshore, at the  
9 pier, or at the airport, for the purpose of  
10 determining whether any of the articles or pests  
11 enumerated in this chapter or rules adopted  
12 thereto, is present;

13 (B) Enter into or upon any pier, warehouse, airport,  
14 or any other place in the State where any of the  
15 above-mentioned articles are moved or stored, for  
16 the purpose of ascertaining, by inspection and  
17 examination, whether or not any of the articles  
18 is infested or infected with any pest or disease  
19 or contaminated with soil or contains prohibited  
20 plants or animals; and



1 (C) Inspect any baggage or personal effects of  
2 disembarking passengers, officers, and crew  
3 members on aircraft or vessels arriving in the  
4 State to ascertain if they contain any of the  
5 articles or pests enumerated in this chapter. No  
6 baggage or other personal effects of the  
7 passengers or crew members shall be released  
8 until the baggage or effects have been passed.

9 Baggage or cargo inspection shall be made at the  
10 discretion of the inspector, on the pier, vessel, or  
11 aircraft or in any quarantine or inspection area.

12 Whenever the inspector has good cause to believe  
13 that the provisions of this chapter are being  
14 violated, the inspector may require that any box,  
15 package, suitcase, or any other container carried as  
16 ship's stores, cargo, or otherwise by any vessel or  
17 aircraft moving between the continental United States  
18 and Hawaii or between the [~~Hawaiian Islands,~~] islands  
19 of the State, be opened for inspection to determine  
20 whether any article or pest prohibited by this chapter  
21 or by rules adopted pursuant thereto is present. It



1 is a violation of this section if any prohibited  
2 article or any pest or any plant, fruit, or vegetable  
3 infested with plant pests is found;

4 (6) Request for importation and inspection. In addition  
5 to requirements of the United States customs  
6 authorities concerning invoices or other formalities  
7 incident to importations into the State, the importer  
8 shall be required to file a written statement with the  
9 department, signed by the importer or the importer's  
10 agent, setting forth the importer's desire to import  
11 certain of the above-mentioned articles into the State  
12 and:

13 (A) Giving the following additional information:

14 (i) The kind (scientific name), quantity, and  
15 description;

16 (ii) The locality where same were grown or  
17 produced;

18 (iii) Certification that all animals to be  
19 imported are the progeny of captive  
20 populations or have been held in captivity  
21 for a period of one year immediately before



1                   importation or have been specifically  
2                   approved for importation by the board;  
3                   (iv) The port from which the same were last  
4                   shipped;  
5                   (v) The name of the shipper; and  
6                   (vi) The name of the consignee; and  
7                   (B) Containing:  
8                   (i) A request that the department, by its duly  
9                   authorized agent, examine the articles  
10                  described;  
11                  (ii) An agreement by the importer to be  
12                  responsible for all costs, charges, or  
13                  expenses; and  
14                  (iii) A waiver of all claims for damages incident  
15                  to the inspection or the fumigation,  
16                  disinfection, quarantine, or destruction of  
17                  the articles, or any of them, as hereinafter  
18                  provided, if any treatment is deemed  
19                  necessary.  
20                  Failure or refusal to file a statement, including  
21                  the agreement and waiver, is a violation of this



1 section and may, in the discretion of the department,  
2 be sufficient cause for refusing to permit the entry  
3 of the articles into the State;

- 4 (7) Place of inspection. If, in the judgment of the  
5 [~~inspector,~~] department, it is deemed necessary or  
6 advisable to move any of the above-mentioned articles,  
7 or any portion thereof, to a transitional facility or  
8 another place more suitable for inspection than the  
9 pier, airport, or any other place where they are first  
10 received or discharged, the [~~inspector~~] department is  
11 authorized to do so[ ~~or order the importer or~~  
12 importer's agent to do so. All costs and expenses  
13 incident to the movement and transportation of the  
14 articles to any other place shall be borne by the  
15 importer or the importer's agent. If the importer,  
16 importer's agent, or transportation company requests  
17 inspection of sealed containers of the above-mentioned  
18 articles at locations other than where the articles  
19 are first received or discharged or a transitional  
20 facility and the department determines that inspection  
21 at the other place is appropriate, the department may



1           require payment of costs necessitated by these  
2           inspections, including overtime costs;

3           (8) Disinfection or quarantine. If, upon inspection, any  
4           article received or brought into the State for the  
5           purpose of debarkation or entry therein is found to be  
6           infested or infected or there is reasonable cause to  
7           presume that it is infested or infected and the  
8           infestation or infection can, in the judgment of the  
9           inspector, be eradicated, a treatment shall be given  
10          ~~[such]~~ to the article. The treatment shall be at the  
11          expense of the owner or the owner's agent, and the  
12          treatment shall be as prescribed by the department.  
13          The article shall be held in quarantine at the expense  
14          of the owner or the owner's agent at a satisfactory  
15          place approved by the department for a sufficient  
16          length of time to determine that eradication has been  
17          accomplished. If the infestation or infection is of  
18          the nature or extent that it cannot be effectively and  
19          completely eradicated, or if it is a potentially  
20          destructive pest or it is not widespread in the State,  
21          or after treatment it is determined that the



1 infestation or infection is not completely eradicated,  
2 or if the owner or the owner's agent refuses to allow  
3 the article to be treated or to be responsible for the  
4 cost of treatment and quarantine, the article, or any  
5 portion thereof, together with all packing and  
6 containers, may, at the discretion of the inspector,  
7 be destroyed or sent out of the State at the expense  
8 of the owner or the owner's agent. The destruction or  
9 exclusion shall not be made the basis of a claim  
10 against the department or the inspector for damage or  
11 loss incurred;

12 (9) Disposition. Upon completion of inspection, either at  
13 the time of arrival or at any time thereafter should  
14 any article be held for inspection, treatment, or  
15 quarantine, the inspector shall affix to the article  
16 or the container or to the delivery order in a  
17 conspicuous place thereon, a tag, label, or stamp to  
18 indicate that the article has been inspected and  
19 passed. This action shall constitute a permit to  
20 bring the article into the State; and



1 (10) Ports of entry. None of the articles mentioned in  
2 this section shall be allowed entry into the State  
3 except through the airports and seaports in the State  
4 designated and approved by the board."

5 SECTION 27. Section 150A-8, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§150A-8 Transporting in State.** [~~Flora and fauna~~  
8 ~~specified by rules and regulations of the department shall not~~  
9 ~~be moved from one island to another island within the State or~~  
10 ~~from one locality to another on the same island except by a~~  
11 ~~permit issued by the department.] The movement between the  
12 islands of the State of the following articles, viz.,  
13 nursery-stock, tree, shrub, herb, vine, cut-flower, cutting,  
14 graft, scion, bud, seed, leaf, root, or rhizome; nut, fruit, or  
15 vegetable; grain, cereal, or legume in the natural or raw state;  
16 moss, hay, straw, dry-grass, or other forage; unmanufactured  
17 log, limb, or timber, or any other plant-growth or  
18 plant-product, unprocessed or in the raw state; soil;  
19 microorganisms; live bird, reptile, nematode, insect, or any  
20 other animal in any stage of development (that is in addition to  
21 the so-called domestic animal, the quarantine of which is~~



1 provided for in chapter 142); box, vehicle, baggage, or any  
2 other container in which the articles have been transported or  
3 any packing material used in connection therewith shall be made  
4 in the manner hereinafter set forth:

5       (1) Inspectional requirements. Any person who receives  
6           for transport, or brings or causes movement between  
7           the islands of the State, as freight, air freight,  
8           baggage, as ship's stores, or otherwise, any of the  
9           foregoing articles, shall ensure that the articles  
10          have been inspected prior to movement between the  
11          islands of the State and shall provide upon the  
12          inspector's request, the waybill number, container  
13          number, name and address of the consignor, name and  
14          address of the consignee or the consignee's agent,  
15          marks, number of packages, description of contents of  
16          each package, and any other information that may be  
17          necessary to inspect, locate, or identify the same.  
18          If the articles are not inspected, the articles shall  
19          be held in a manner that they will not spread or be  
20          likely to spread any infestation or infection of  
21          insects, diseases, or pests that may be present until



1           an inspection can be made by the inspector to  
2           determine whether any article, or any portion thereof,  
3           is infested or infected with insects or diseases, or  
4           contains any pest. The department may adopt rules to  
5           define inspection requirements of specific articles.  
6           Failure to obtain certification that the articles have  
7           met the inspection requirements prior to movement  
8           between the islands of the State is a violation of  
9           this section;

10        (2) Labels. Each container in which any of the  
11        above-mentioned articles are transported between the  
12        islands of the State shall be plainly and legibly  
13        marked, in a conspicuous manner and place, with the  
14        name and address of the shipper or owner forwarding or  
15        shipping the same, the name or mark of the person to  
16        whom the same is forwarded or shipped or the person's  
17        agent, and a statement of the contents of the  
18        container. Failure to comply with this paragraph is a  
19        violation of this section;



- 1        (3) Authority to inspect. Whenever the inspector has good  
2        cause to believe that the provisions of this chapter  
3        are being violated, the inspector may:
- 4        (A) Enter and inspect any aircraft, vessel, or other  
5        carrier at any time whether offshore, at the  
6        pier, or at the airport, for the purpose of  
7        determining whether any of the articles or pests  
8        enumerated in this chapter or rules adopted  
9        thereto, is present;
- 10       (B) Enter into or upon any pier, warehouse, airport,  
11       or any other place in the State where any of the  
12       above-mentioned articles are moved or stored, for  
13       the purpose of ascertaining, by inspection and  
14       examination, whether or not any of the articles  
15       is infested or infected with any pest or disease  
16       or contaminated with soil or contains prohibited  
17       plants or animals;
- 18       (C) Inspect any baggage or personal effects of  
19       passengers, officers, and crew members on  
20       aircraft or vessels moving between the islands of



1           the State to ascertain if they contain any of the  
2           articles or pests enumerated in this chapter;  
3        (D) Baggage or cargo inspection shall be made at the  
4           discretion of the inspector, on the pier, vessel,  
5           or aircraft or in any quarantine or inspection  
6           area; and  
7        (E) Whenever the inspector has good cause to believe  
8           that the provisions of this chapter are being  
9           violated, the inspector may require that any box,  
10          package, suitcase, or any other container carried  
11          as ship's stores, cargo, or otherwise by any  
12          vessel or aircraft moving between the islands of  
13          the State, be opened for inspection to determine  
14          whether any article or pest prohibited by this  
15          chapter or by rules adopted pursuant thereto is  
16          present. It is a violation of this section if  
17          any prohibited article, pest, or any article  
18          infested with an insect or disease is found;  
19        (4) Place of inspection. If, in the judgment of the  
20          inspector, it is deemed necessary or advisable to move  
21          any of the above-mentioned articles, or any portion



1           thereof, to a place more suitable for inspection than  
2           the pier, airport, or any other place where they are  
3           initially presented for inspection, the inspector is  
4           authorized to do so. All costs and expenses incident  
5           to the movement and transportation of the articles to  
6           such place shall be borne by the consignee or the  
7           consignee's agent;

8           (5) Disinfection or quarantine. If, upon inspection, any  
9           article intended for movement between the islands of  
10           the State is found to be infested or infected with an  
11           insect, disease, or pest, or there is reasonable cause  
12           to presume that it is infested or infected and the  
13           infestation or infection can, in the judgment of the  
14           inspector, be eradicated, a treatment shall be given  
15           such article prior to movement between the islands of  
16           the State. The treatment shall be at the expense of  
17           the owner or the owner's agent, and the treatment  
18           shall be as prescribed by the department. The article  
19           shall be quarantined at the expense of the owner or  
20           the owner's agent at a satisfactory place approved by  
21           the department for a sufficient length of time to



1 determine that eradication has been accomplished. If  
2 the infestation or infection is of such nature or  
3 extent that it cannot be effectively and completely  
4 eradicated, or after treatment it is determined that  
5 the infestation or infection is not completely  
6 eradicated, or if the owner or the owner's agent  
7 refuses to allow the article to be treated or to be  
8 responsible for the cost of treatment and quarantine,  
9 the shipment, article, or any portion thereof,  
10 together with all packing and containers, shall not be  
11 certified for movement between the islands of the  
12 State. An article infested or infected with an  
13 insect, disease, or pest that is not widespread in the  
14 State may, at the discretion of the inspector, be  
15 destroyed at the expense of the owner or the owner's  
16 agent; provided that no treatment exists that would  
17 eradicate the insect, disease, or pest to the  
18 satisfaction of the department. Such destruction  
19 shall not be made the basis of a claim against the  
20 department or the inspector for damage or loss  
21 incurred; and



1        (6) Disposition. Upon completion of inspection, the  
2        inspector shall conspicuously affix to the article,  
3        container, or to the delivery order or other similar  
4        document, a tag, label, or stamp to indicate that the  
5        article has been inspected and can be moved between  
6        the islands of the State."

7        SECTION 28. Section 150A-14, Hawaii Revised Statutes, is  
8 amended by amending subsections (b) through (g) to read as  
9 follows:

10        "(b) Any person who violates section 150A-5 shall be  
11 ~~[guilty of a petty misdemeanor and]~~ fined not less than ~~[\$50]~~  
12 \$100 and not more than ~~[\$5,000.]~~ \$10,000. For a second  
13 ~~[offense]~~ violation committed within five years of a prior  
14 ~~[offense,]~~ violation, the person may be fined not less than  
15 ~~[\$250]~~ \$500 and not more than ~~[\$15,000.]~~ \$25,000.

16        (c) Any person who:

17        (1) Violates section 150A-6(3) or 150A-6(4), or owns or  
18 intentionally transports, possesses, harbors,  
19 transfers, or causes the importation of any snake or  
20 other prohibited animal seized under section  
21 150A-7(b), or whose violation involves an animal that



1 is prohibited [~~or~~], a plant[7] that is restricted, or  
2 an animal[7] or microorganism that is restricted[7] or  
3 unlisted, without a permit, shall be guilty of a  
4 misdemeanor and subject to a fine of not less than  
5 \$5,000, but not more than \$20,000;

6 (2) Intentionally transports, transfers, possesses,  
7 harbors, or imports with the intent to propagate,  
8 sell, or release any animal that is prohibited [~~or any~~  
9 ~~plant, animal~~], a plant that is restricted, or an  
10 animal or microorganism that is restricted[7] or  
11 unlisted, without a permit, shall be guilty of a class  
12 C felony and subject to a fine of not less than  
13 \$50,000, but not more than \$200,000; or

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



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

12 (e) The department may, at its discretion, refuse entry,  
13 confiscate, or destroy any prohibited [~~articles or~~], restricted,  
14 or unlisted articles that are brought into the State without a  
15 permit issued by the department, or order the return of any  
16 plant, fruit, vegetable, or any other article infested with  
17 insects, diseases, or pests to its place of origin or otherwise  
18 dispose of it or such part thereof as may be necessary to comply  
19 with this chapter. Any expense or loss in connection therewith  
20 shall be borne by the owner or the owner's agent.



1 (f) Any person or organization that voluntarily surrenders  
2 any pest, prohibited animal, or any restricted plant, animal, or  
3 microorganism without a permit issued by the department, prior  
4 to the initiation of any seizure action by the department, shall  
5 be exempt from the penalties of this section.

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

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

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

15 (3) Any plant that is restricted or microorganism that is  
16 restricted or unlisted, having the inherent capability  
17 to reproduce [~~and that is restricted~~], without a  
18 permit; or

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

20 SECTION 29. Section 150A-54, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:





1 including businesses that grow, harvest, or produce animals and  
2 plants or products from animals and plants.

3 (b) The agreements shall include:

4 (1) Readiness activities that:

5 (A) Prevent unwanted organisms from entering the  
6 State; and

7 (B) Detect unwanted organisms; and

8 (2) Response activities that:

9 (A) Facilitate the immediate investigation of an  
10 unwanted organism after detection, including  
11 timely reporting;

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

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

16 (D) Reduce the geographical distribution of an  
17 unwanted organism; and

18 (E) Eradicate the unwanted organism.

19 **§150A- Pest management plans.** (a) Any person may  
20 submit to the board a proposed pest management plan. The  
21 proposed pest management plan shall include:



- 1        (1) The name of the person submitting the proposed pest
- 2        management plan;
- 3        (2) The organism proposed to be classified as a pest;
- 4        provided that a proposed pest management plan may
- 5        encompass a category of organisms proposed to be
- 6        classified as pests;
- 7        (3) A description of the organism's adverse effects;
- 8        (4) A description of the region of the proposed plan or
- 9        whether the proposed plan will be implemented
- 10       statewide;
- 11       (5) The reason for the proposed plan;
- 12       (6) Objectives of the proposed plan;
- 13       (7) The principal measures to achieve the objectives and
- 14       alternative measures, if any;
- 15       (8) An allocation of the costs, if applicable;
- 16       (9) Proposed funding; and
- 17       (10) Other information as required by the department.
- 18       (b) The board shall review the proposed plan, taking into
- 19       consideration:



- 1        (1) Whether the implementation of the proposed plan is  
2        likely to eradicate or effectively manage the organism  
3        proposed to be declared a pest;
- 4        (2) Whether the proposed plan is inconsistent with any  
5        federal or state requirement, activity, or policy;
- 6        (3) Any harmful effects of denying the proposed pest  
7        management plan;
- 8        (4) Whether the benefits of the proposed plan would  
9        outweigh the costs; and
- 10       (5) Other considerations established by the department.
- 11       (c) At a public hearing, the board shall approve the  
12 proposed plan, deny the proposed plan, or approve the proposed  
13 plan with modifications.
- 14       (d) The department may negotiate with the person who  
15 submitted the proposed plan or any other person before taking  
16 action.
- 17       (e) The board shall publish each proposed plan it  
18 approves, and any proposed plan that the board approves with  
19 modifications. These shall be known as approved plans.
- 20       (f) The department may enter into contracts to implement  
21 approved plans."



## 1 PART VII

2 SECTION 32. Section 194-2, Hawaii Revised Statutes, is  
3 amended by amending subsection (b) to read as follows:

4 "(b) The council shall be placed within the department of  
5 [~~land and natural resources~~] agriculture and biosecurity for  
6 administrative purposes only and shall be composed of:

7 (1) The president of the University of Hawaii, or the  
8 president's designated representative;

9 (2) The director, or the director's designated  
10 representative, of each of the following departments:

11 (A) Business, economic development, and tourism;

12 (B) Health; and

13 (C) Transportation; and

14 (3) The chairperson, or the chairperson's designated  
15 representative, of each of the following departments:

16 (A) Agriculture[+] and biosecurity; and

17 (B) Land and natural resources."

## 18 PART VIII

19 SECTION 33. The legislature finds that treating plant care  
20 components, which includes any quantity of wood chips, compost,  
21 or filter socks, reduces potential pests and increases the



1 State's overall biosecurity. Act 197, Session Laws of Hawaii  
2 2024, (Act 197) requires the department of agriculture to  
3 certify plant care component treatments performed within the  
4 State. The purpose of this part is to expressly provide the  
5 department of agriculture with the rulemaking authority to adopt  
6 administrative rules and to assess administrative penalties to  
7 fully effectuate Act 197.

8 SECTION 34. Section 141-2, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§141-2 Rules.** Subject to chapter 91, the department of  
11 agriculture and biosecurity shall adopt, amend, and repeal rules  
12 not inconsistent with law, for and concerning:

- 13 (1) The introduction, transportation, and propagation of  
14 trees, shrubs, herbs, and other plants;
- 15 (2) The quarantine, inspection, fumigation, disinfection,  
16 destruction, or exclusion, either upon introduction  
17 into the State, or at any time or place within the  
18 State, of any nursery-stock, tree, shrub, herb, vine,  
19 cut-flower, cutting, graft, scion, bud, seed, leaf,  
20 root, or rhizome; any nut, fruit, or vegetable; any  
21 grain, cereal, or legume in the natural or raw state;



1 any moss, hay, straw, dry-grass, or other forage; any  
2 unmanufactured log, limb, or timber; or any other  
3 plant growth or plant product unprocessed or in the  
4 raw state; any sand, soil, or earth; any live bird,  
5 reptile, insect, or other animal, in any stage of  
6 development, that is in addition to the so-called  
7 domestic animals, which are provided for in section  
8 142-2; and any box, barrel, crate, or other containers  
9 in which the articles, substances, or objects have  
10 been transported or contained, and any packing  
11 material used in connection therewith, that is or may  
12 be diseased or infested with insects or likely to  
13 assist in the transmission or dissemination of any  
14 insect or plant disease injurious, harmful, or  
15 detrimental, or likely to become injurious, harmful,  
16 or detrimental to the agricultural or horticultural  
17 industries or the forests of the State, or that is or  
18 may be in itself injurious, harmful, or detrimental to  
19 the same; provided that included therein may be rules  
20 governing the transportation of any of the articles,  
21 substances, or objects enumerated above in this



1 section between different localities on any one of the  
2 islands within the State;

3 (3) The prohibition of importation into the State, from  
4 any or all foreign countries or from other parts of  
5 the United States, or the shipment from one island  
6 within the State to another island therein, or the  
7 transportation from one part or locality of any island  
8 to another part or locality of the same island, of any  
9 specific article, substance, or object or class of  
10 articles, substances, or objects, among those  
11 enumerated above in this section, that is diseased or  
12 infested with insects or likely to assist in the  
13 transmission or dissemination of any insect or plant  
14 disease injurious, harmful, or detrimental or likely  
15 to be injurious, harmful, or detrimental to the  
16 agricultural or horticultural industries, or the  
17 forests of the State, or that is or may be in itself  
18 injurious, harmful, or detrimental to the same;

19 (4) The preparation by cargo carriers of manifests of  
20 cargo transported into the State or between islands of



- 1 the State and the submission of the manifests to the  
2 department;
- 3 (5) The establishment, maintenance, and enforcement of  
4 compliance agreements with federal or state  
5 departments of agriculture authorizing agriculture  
6 inspectors from the state of origin in the case of  
7 imports to the State, or state agricultural inspectors  
8 in the case of state exports, to monitor the growing  
9 and packing of plant commodities and any treatment  
10 procedures to ensure compliance with quarantine laws,  
11 and further authorizing the assessment of fees for  
12 conducting inspections required under the compliance  
13 agreement; ~~and~~
- 14 (6) The manner in which agricultural product promotion and  
15 research activities may be undertaken, after  
16 coordinating with the agribusiness development  
17 corporation[-];
- 18 (7) The establishment, fee schedule, appropriate  
19 treatments, certification requirements, restrictions,  
20 and enforcement of or for a plant care component  
21 program; and



1        (8) Any other purpose within this part.

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

4        SECTION 35. Section 141-18, Hawaii Revised Statutes, is  
5 amended to read as follows:

6        "**§141-18 Plant care components; fumigation; treatment;**  
7 **certification; fees; restrictions.** (a) The department of  
8 agriculture[+] and biosecurity:

- 9        (1) Shall certify plant care component treatments  
10 performed within the State;
- 11        (2) May certify and permit entities to conduct plant care  
12 component treatments before shipment; and
- 13        (3) Shall deposit any fees collected for certifications of  
14 plant care component treatment pursuant to section  
15 150A-21 into the pest inspection, quarantine, and  
16 eradication fund established pursuant to section  
17 150A-4.5.

18        (b) No person shall distribute within the State any plant  
19 care component that originated outside the State, unless ~~[the]~~:

20        (1) The plant care component was subject to a treatment  
21 before entering the State; or



1       (2) The plant care component has been treated immediately  
2            after [~~entering~~] arriving in the State, as certified  
3            by the department of agriculture[~~-~~] and biosecurity.

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

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

6       (2) From a location within the State to a location outside  
7            the State,

8       without prior certification from the department of agriculture  
9       and biosecurity that the component has been treated pursuant to  
10       this section; provided that the component shall be stored in a  
11       manner to prohibit infestation post-treatment.

12       (d) Any person who violates any provision of this section  
13       or rules adopted under this section may be assessed an  
14       administrative penalty by the board of not more than \$10,000 for  
15       each offense. No administrative penalty shall be assessed  
16       unless the person charged has been given notice and an  
17       opportunity for a hearing on the specific charge. The  
18       administrative penalty and any proposed action contained in the  
19       notice of finding of violation shall become a final order  
20       unless, within twenty days of receipt of the notice, the person  
21       or persons charged makes a written request for a hearing. In



1 determining the amount of penalty, the board shall consider the  
2 appropriateness of the penalty to the size of the business of  
3 the person charged, the effect on the person's ability to  
4 continue business, and the gravity of the violation.

5 (e) In case of inability to collect the administrative  
6 penalty or failure of any person to pay all or a portion of the  
7 administrative penalty as the board may determine, the board  
8 shall refer the matter to the attorney general, who shall  
9 recover the amount by action in the appropriate court. For any  
10 judicial proceeding to recover the administrative penalty  
11 imposed, the attorney general need only show that notice was  
12 given, a hearing was held or the time granted for requesting a  
13 hearing has expired without such a request, the administrative  
14 penalty was imposed, and that the penalty remains unpaid.

15 (f) When construing and enforcing provisions of this  
16 section, the act, omission, or failure of any officer, agent, or  
17 other person acting for or employed by any person shall in every  
18 case be also deemed to be the act, omission, or failure of such  
19 person as well as that of the person employed.

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

21 "Board" means board of agriculture and biosecurity.



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

3 "Person" means an individual, firm, corporation,  
4 association, or partnership or any organized group of persons  
5 whether incorporated or not.

6 "Plant care component" or "component" means any quantity of  
7 wood chips[~~7~~] or compost[~~7~~] that is used in the propagation of  
8 plants or in a filter [~~socks-~~] sock.

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

10 PART IX

11 SECTION 36. All rights, powers, functions, and duties of  
12 the invasive species council are transferred from the department  
13 of land and natural resources to the department of agriculture  
14 and biosecurity.

15 All officers and employees whose functions are transferred  
16 by this Act shall be transferred with their functions and shall  
17 continue to perform their regular duties upon their transfer,  
18 subject to the state personnel laws and this Act.

19 No officer or employee of the State having tenure shall  
20 suffer any loss of salary, seniority, prior service credit,  
21 vacation, sick leave, or other employee benefit or privilege as



1 a consequence of this Act, and such officer or employee may be  
2 transferred or appointed to a civil service position without the  
3 necessity of examination; provided that the officer or employee  
4 possesses the minimum qualifications for the position to which  
5 transferred or appointed; and provided that subsequent changes  
6 in status may be made pursuant to applicable civil service and  
7 compensation laws.

8 An officer or employee of the State who does not have  
9 tenure and who may be transferred or appointed to a civil  
10 service position as a consequence of this Act shall become a  
11 civil service employee without the loss of salary, seniority,  
12 prior service credit, vacation, sick leave, or other employee  
13 benefits or privileges and without the necessity of examination;  
14 provided that such officer or employee possesses the minimum  
15 qualifications for the position to which transferred or  
16 appointed.

17 If an office or position held by an officer or employee  
18 having tenure is abolished, the officer or employee shall not  
19 thereby be separated from public employment, but shall remain in  
20 the employment of the State with the same pay and classification  
21 and shall be transferred to some other office or position for



1 which the officer or employee is eligible under the personnel  
2 laws of the State as determined by the head of the department or  
3 the governor.

4 SECTION 37. All appropriations, records, equipment,  
5 machines, files, supplies, contracts, books, papers, documents,  
6 maps, and other personal property heretofore made, used,  
7 acquired, or held by the department of land and natural  
8 resources relating to the functions of the invasive special  
9 council that are transferred to the department of agriculture  
10 and biosecurity shall be transferred with the functions to which  
11 they relate.

12 SECTION 38. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so  
14 much thereof as may be necessary for fiscal year 2025-2026 and  
15 the same sum or so much thereof as may be necessary for fiscal  
16 year 2026-2027 for the biosecurity requirements of this Act.

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

19 SECTION 39. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so  
21 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 the  
2 fiscal year 2026-2027 for the implementation and performance of  
3 the plant care component program and for the establishment  
4 of full-time equivalent ( FTE), permanent civil  
5 service plant quarantine inspector III positions  
6 and full-time equivalent ( FTE), permanent civil  
7 service plant quarantine inspector IV positions within the  
8 department of agriculture and biosecurity, plant industry  
9 division, plant quarantine branch to effectuate this Act.

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

12 SECTION 40. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$ or so  
14 much thereof as may be necessary for fiscal year 2025-2026 and  
15 the same sum or so much thereof as may be necessary for fiscal  
16 year 2026-2027 for the continuation of the programs in Act 231,  
17 Session Laws of Hawaii 2024, including forty-four full-time  
18 equivalent (44.0 FTE) positions.

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

21 PART X



1 SECTION 41. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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

9 (2) Part II shall take effect upon its approval;

10 (3) Sections 19 and 20 shall take effect on  
11 November 1, 2027;

12 (4) Part IV and sections 21, 22, 23, 24, 25, and 29 shall  
13 take effect on January 1, 2027;

14 (5) Sections 27, 28, 32, 36, and 37 shall take effect on  
15 July 1, 2025; and

16 (6) Sections 29 and 31 shall take effect on  
17 January 1, 2027.



**Report Title:**

DOA; DLNR; DCCA; Biosecurity Transitional Facilities; Licensed Biosecurity Inspectors; Hawaii Invasive Species Council; Import; Plants; Animals; Positions; Appropriations

**Description:**

Renames the Department of Agriculture as the Department of Agriculture and Biosecurity (Department). Establishes a Deputy Chairperson for Biosecurity. Requires the Department to establish an emergency response team to respond to biosecurity events. 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 Hawaii. Authorizes pest management plans to address, contain, or eradicate pests. Transfers the Hawaii Invasive Species Council from the Department of Land and Natural Resources to the Department. 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 program. Appropriates funds. Effective 1/1/2050. (SD1)

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

