

JAN 15 2025

A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that Hawaii's nursery
2 industry is worth more than \$81,000,000 in local and export
3 sales, according to the 2020 United States Department of
4 Agriculture's Summary of Horticulture and Nursery Products.
5 Invasive species, such as the little fire ant and coqui frog,
6 and pathogens, like the new viruses affecting red ginger, result
7 in costs to the nursery industry, and impact consumers who
8 purchase nursery plants and other material infested with
9 invasive pests.

10 The legislature further finds that the rapid spread of
11 invasive pests on Oahu has been exacerbated by members of the
12 public unknowingly buying plants containing invasive pests and
13 transporting the plants to various locations around Oahu. Plant
14 nurseries on other islands have also been discovered to sell
15 nursery stock that is stored in areas infested with invasive
16 pests. Finally, there is no prohibition on the sale of nursery
17 stock or other material that is infested with an invasive pest.



1 The legislature also finds that preventing the spread of
2 invasive species protects the nursery industry and agricultural
3 producers and businesses, and preventing the sale of merchandise
4 that is infested with pests addresses the highest risk
5 situations where unsuspecting consumers purchase pest infested
6 merchandise and bring it home, spreading the pest across the
7 island. Members of the public would be less likely to purchase
8 plants containing invasive pests if nurseries, farms, and other
9 agriculture-related businesses were required to show a placard
10 stating their invasive pest status within a classification
11 system developed by the department of agriculture.

12 The legislature notes that during the Regular Session of
13 2024, the legislature adopted House Concurrent Resolution No.
14 24, which requested that the department of agriculture create
15 and submit a plan to develop an invasive species placard
16 program, including the resources, recommendations, and any
17 proposed legislation needed to implement the program, no later
18 than twenty days prior to the convening of the legislature in
19 2025.



1 The purpose of this Act is to require the department of
2 agriculture to adopt rules and implement an invasive species
3 placard program for plant nurseries.

4 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§150A- Invasive species placard program. (a) The
8 department shall adopt rules and implement an invasive species
9 placard program for locations that sell nursery stock.

10 (b) The purposes of the invasive species placard program
11 are to:

12 (1) Prevent the spread of pests, including noxious weeds,
13 through the sale or movement of nursery stock and
14 other material;

15 (2) Increase the use of best management practices at
16 locations where nursery stock is sold; and

17 (3) Inform the public of the results of inspections at
18 locations where nursery stock is sold.

19 (c) The invasive species placard program shall:



- 1 (1) Utilize green, yellow, and red placards that shall be
2 conspicuously posted at each location that sells
3 nursery stock;
- 4 (2) Authorize administrative inspections of locations that
5 sell nursery stock;
- 6 (3) Set out the standards, management practices, and
7 violations which will result in the issuance of a
8 green, yellow, or red placard for a location; and
- 9 (4) Require a location that receives a red placard after
10 its most recent inspection to take corrective actions,
11 including quarantining, treating, or destroying pest-
12 infested nursery stock or other material as necessary
13 until the conditions or violations that resulted in
14 the red placard are remedied to the satisfaction of
15 the department.
- 16 (d) The rules adopted under subsection (a) shall require
17 that the department provide, in writing, to the owner, operator,
18 or person in charge of a location that receives a red placard or
19 is required to treat, quarantine, or destroy nursery stock or
20 other material:



- 1 (1) Notice that the red placard or treatment, quarantine,
2 or destruction requirement has been issued, including
3 a description of the specific nursery stock, other
4 material, or location covered;
- 5 (2) A description of the specific reasons for the issuance
6 of the red placard or other requirement and the
7 actions needed to remedy the compliance issue;
- 8 (3) Notice that the owner, operator, or person in charge
9 may request an inspection and that the red placard or
10 other requirement may be removed if the inspection
11 shows correction of the conditions or violations that
12 led to the issuance of the red placard or requirement;
13 and
- 14 (4) Notice of the opportunity to initiate a contested case
15 hearing with the department by submitting to the
16 department a request for a hearing in writing within
17 thirty days following the date the department issues a
18 red placard or other requirement.
- 19 (e) The rules adopted under subsection (a) shall set out:
- 20 (1) Fees for inspections carried out by the department to
21 implement the invasive species placard program; and



1 (2) Administrative fines for violations of the invasive
2 species placard program.

3 (f) If the department does not adopt rules and implement
4 the invasive species placard program required by this section
5 within _____ years, a county may adopt rules for an invasive
6 species placard program for locations that sell nursery stock
7 within that county.

8 (g) The State or a county shall not be liable for any
9 economic loss or damages, including loss of income, related to
10 any actions by the department or a county in carrying out the
11 invasive species placard program under this section. Actions
12 include issuance of treatment, quarantine, or destruction orders
13 for any item.

14 (h) For the purposes of this section, "nursery stock"
15 means any plant for planting, propagation, or ornamentation,
16 including plants used to produce cut flowers, plants, trees,
17 shrubs, vines, perennials, grafts, cuttings, and buds that may
18 be sold for propagation, whether cultivated or wild, and all
19 viable parts of these plants."

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: 



S.B. NO. 251

Report Title:

DOA; Counties; Invasive Species Placard Program; Invasive Species; Plant Nurseries

Description:

Requires the Department of Agriculture to adopt rules and carry out an Invasive Species Placard Program for plant nurseries. Allows a county to adopt an Invasive Species Placard Program if the Department does not adopt the Program within a certain number of years.

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