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# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES PREVENTION.

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

1           SECTION 1. The legislature finds that diversifying and  
2 strengthening the State's agricultural sector is a high  
3 priority. Citrus, including oranges, limes, tangelos, and  
4 grapefruit, is increasingly being planted in the State,  
5 particularly on Maui. According to the United States Department  
6 of Agriculture (USDA) National Agricultural Statistics Service,  
7 the production of citrus crops in the State increased from  
8 347,610 pounds in 2018 to 940,770 pounds in 2021. The  
9 legislature wants to protect and promote citrus crops as  
10 production continues to increase, and as pest and disease  
11 pressure in major citrus-producing states hamper production.

12           The legislature further finds that the federal and state  
13 governments must work cooperatively to prevent the spread of  
14 pests and diseases that impact crops, including citrus. When a  
15 pest or disease of high concern is discovered infesting a crop  
16 or is being moved with a particular commodity, the USDA may  
17 establish a quarantine on that infested crop or commodity to



1 prevent the movement of invasive pests or diseases from an  
2 infested area to a non-infested area.

3       The legislature also finds that citrus crops around the  
4 world are threatened by serious diseases and pests, including  
5 huanglongbing (citrus greening), citrus canker, citrus black  
6 spot, and many species of fruit flies. Citrus greening is the  
7 most serious citrus disease as there is no cure, the fruit of  
8 infected trees never mature, and infected trees die within a few  
9 years. The disease has devastated millions of acres of citrus  
10 crops around the world. In the United States, it is currently  
11 found in Alabama, California, Florida, Georgia, Louisiana,  
12 Puerto Rico, South Carolina, Texas, and the United States Virgin  
13 Islands. Hawaii is one of the very few citrus-producing states  
14 that remains free of citrus greening.

15       The legislature additionally finds that the USDA  
16 establishes and updates areas and items that are quarantined and  
17 not allowed to be moved interstate to prevent the spread of  
18 diseases and pests, including those affecting citrus.

19       The legislature further finds that the Hawaii department of  
20 agriculture restricts the importation of many citrus species  
21 from Puerto Rico and parts of south Florida to protect against



1 Caribbean fruit flies. However, these restrictions were last  
2 updated in 1981 and are not sufficient to protect citrus crops  
3 in the State today.

4 The legislature also finds that federal USDA inspectors do  
5 not inspect items coming into Hawaii from other states, and when  
6 commodities from quarantined areas arrive in the State, the  
7 department of agriculture does not have the legal authority to  
8 enforce federal quarantines. Therefore, while the USDA  
9 quarantines are established to protect the State from  
10 potentially devastating invasive pests and diseases, there is no  
11 mechanism to enforce them in the State.

12 The legislature finds that authorizing inspectors of the  
13 department of agriculture to enforce federal pest and disease  
14 quarantines will close this gap in the State's biosecurity.

15 Therefore, the purpose of this Act is to authorize the  
16 department of agriculture to enforce quarantines issued by the  
17 USDA to prevent the introduction of invasive pests and diseases  
18 into the State.

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



1           "§150A- Federal and state quarantines; enforcement;  
2 cooperative agreements. (a) The department may enter into  
3 cooperative agreements with the United States Department of  
4 Agriculture, and other federal, state, or county agencies to  
5 assist in the enforcement of federal quarantines. The  
6 department may establish a quarantine and adopt rules against a  
7 pest not covered by federal regulations or orders. The  
8 department may seize, destroy, or require treatment of articles  
9 moved from a federally regulated area if the articles were not  
10 moved in accordance with the federal quarantine rules or, if  
11 certified, the articles were found to be infested with the pest.

12           (b) Interstate shipments for entry into the State shall be  
13 subject to the following:

14           (1) A regulated or restricted article shall not enter the  
15 State if it is:

16           (A) Prohibited from interstate movement pursuant to a  
17 quarantine issued by the United States Department  
18 of Agriculture; or

19           (B) Required by the United States Department of  
20 Agriculture to be certified to prevent the



1 movement of a pest and found to be infested with  
2 the pest;

3 (2) The owner or carrier of regulated or restricted  
4 articles that are reportedly originating in  
5 nonregulated areas of a quarantined state shall  
6 provide proof of origin of the regulated or restricted  
7 articles through an invoice, waybill, or other  
8 shipping document; and

9 (3) If only a portion of a state is under a federal  
10 quarantine, the shipment shall not be refused nor a  
11 certificate required if the article originates from a  
12 nonregulated or nonrestricted area of the shipping  
13 state, unless the article is found to be infested or  
14 prohibited.

15 (c) As used in this section:

16 "Article" means any material or tangible object that could  
17 harbor plant pests or noxious weeds.

18 "Federal quarantine" or "quarantined state" means any state  
19 or any portion of a state, designated as a quarantined area in  
20 accordance with any federal regulation or order of the Secretary



1 of the United States Department of Agriculture or the  
2 Administrator of the Animal and Plant Health Inspection Service.

3 "Federally regulated area" means any quarantined state,  
4 territory, or district, or any portion thereof.

5 "Interstate" means:

6 (1) From one state into or through any other state; or

7 (2) Within the District of Columbia, Guam, the Virgin

8 Islands of the United States, or any other territory

9 or possession of the United States.

10 "Move" or "movement" means:

11 (1) To carry, enter, import, mail, ship, or transport;

12 (2) To aid, abet, cause, or induce the carrying, entering,

13 importing, mailing, shipping, or transporting;

14 (3) To offer to carry, enter, import, mail, ship, or

15 transport;

16 (4) To receive to carry, enter, import, mail, ship, or

17 transport; or

18 (5) To release into the environment.

19 "Nonregulated area" means an area outside a federally

20 regulated area.



1       "Regulated or restricted article" means any article  
2 identified as a regulated article by the Secretary of the United  
3 States Department of Agriculture or the Administrator of the  
4 Animal and Plant Health Inspection Service."

5       SECTION 3. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8       SECTION 4. New statutory material is underscored.

9       SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

DOA; USDA; Invasive Species Prevention; Federal Quarantines;  
Enforcement

**Description:**

Authorizes the Department of Agriculture to enforce quarantines  
issued by the United States Department of Agriculture. (SD1)

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not legislation or evidence of legislative intent.*

