

STAND. COM. REP. NO.

652

Honolulu, Hawaii

**FEB 14 2025**

RE: S.B. No. 1100  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committees on Agriculture and Environment,  
Transportation and Culture and the Arts, and Commerce and Consumer  
Protection, to which was referred S.B. No. 1100 entitled:

"A BILL FOR AN ACT RELATING TO BIOSECURITY,"

beg leave to report as follows:

The purpose and intent of this measure is to improve Hawaii's  
biosecurity by:

- (1) Renaming the Department of Agriculture as the Department  
of Agriculture and Biosecurity (Department);
- (2) Requiring the Department to establish an emergency  
response team to respond to biosecurity events;
- (3) Authorizing the Department to establish transitional  
facilities and private inspectors to inspect imported  
plants and animals;
- (4) Requiring inspection of various items transported  
interisland;
- (5) Increasing penalties for illegally transporting plants,  
animals, and microorganisms;



- (6) Requiring the Department to establish government-industry agreements to detect and respond to unwanted organisms in Hawaii;
- (7) Authorizing pest management plans to address, contain, or eradicate pests;
- (8) Transferring the Invasive Species Council from the Department of Land and Natural Resources to the Department;
- (9) Authorizing the Department to adopt rules to establish and enforce the Plant Care Component Program;
- (10) Authorizing the Department to assess administrative penalties for the enforcement of the Biosecurity Program; and
- (11) Appropriating funds.

Your Committees received testimony in support of this measure from one member of the Kaua'i County Council; Hawai'i Farmers Union United; Hawai'i Farm Bureau; Larry Jefts Farms LLC; Free Access Coalition; Hawaii Cattlemen's Council, Inc.; Ka Ohana O Na Pua; Maui Chamber of Commerce; Hawai'i Food+ Policy; and nine individuals.

Your Committees received testimony in opposition to this measure from the Conservation Council for Hawai'i; Island UAV, LLC; Carol Kwan Consulting LLC; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Malama Maunaloa; and sixty-four individuals.

Your Committees received comments on this measure from the Department of Agriculture, Department of Land and Natural Resources, Hawaii Invasive Species Council, Kauai Invasive Species Committee, Maui Invasive Species Committee, Big Island Invasive Species Committee, Coordinating Group on Alien Pest Species, Sierra Club of Hawai'i, The Wildlife Society Hawai'i Chapter, Kupuna for the Mo'opuna, O'ahu Invasive Species Committee, Hawaii Ant Lab; and fourteen individuals.



Your Committees find that the State's Agricultural Biosecurity Program helps safeguard Hawaii's unique environment, agriculture, natural resources, public health, and economy. The Program's pre-entry measures, port-of-entry inspections, post-entry measures, and other programs help protect the State from the introduction and spread of harmful pests. Your Committees recognize that, with globalization, invasive species have become a steadily increasing problem, threatening the State's agricultural industry, environmental health, and the quality of life for its residents and visitors. Your Committees further note that the Department is tasked with considerable responsibilities, many of which have become increasingly difficult due to considerable infestations spreading to multiple islands. Due to its significant impact on the State, your Committees believe that greater focus on biosecurity will help prioritize fast action and response. This measure expands the Department's existing statutory authority and provides the necessary framework to effectively protect the State's fragile environment and island communities against invasive species. By making a sound investment in the State's future, this measure will assist the Department in its efforts to mitigate and control risks associated with the importation and spread of invasive species on multiple fronts.

Your Committees note the concerns raised in testimony that amendments to this measure are necessary to ensure there is a differentiation between the commodities that already require inspection pursuant to existing law and those that should be inspected at the transitional facilities established by this measure. Additionally, your Committees believe that the Department of Commerce and Consumer Affairs is better suited to carry out the licensing of private inspectors, due to existing licensing schemes and enforcement mechanisms in place for Pest Control Operators pursuant to chapter 460J, Hawaii Revised Statutes.

Your Committees have amended this measure by:

- (1) Replacing the term "articles" with "items" in the sections of the measure establishing transitional facilities;



- (2) Deleting language that would have required the Department of Agriculture and Biosecurity to issue licenses to private inspectors and clarifying that the Department of Commerce and Consumer Affairs shall license biosecurity inspectors and offer training to individuals seeking biosecurity inspector licenses;
- (3) Clarifying that a licensed biosecurity inspector shall not certify any items located outside a transitional facility where the inspector is authorized to conduct inspections;
- (4) Inserting language making a conforming amendment to section 194-2(b), Hawaii Revised Statutes, to effectuate the transfer of the Hawaii Invasive Species Council from the Department of Land and Natural Resources to the Department of Agriculture and Biosecurity;
- (5) Clarifying that no person shall distribute within the State any plant care component that originated outside the State unless the plant care component was subject to a treatment prior to entering the State or the plant care component has been treated immediately after arriving in the State, as certified by the Department of Agriculture and Biosecurity;
- (6) Amending the definition of "plant care component" or "component" to mean any quantity of wood chips or compost that is used in the care or propagation of plants, or in a filter sock;
- (7) Changing the appropriation in section 40 of the measure to a blank amount;
- (8) Inserting various effective dates for certain sections of the measure to enable a phased in approach and inserting an effective date of January 1, 2050, for all remaining sections to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



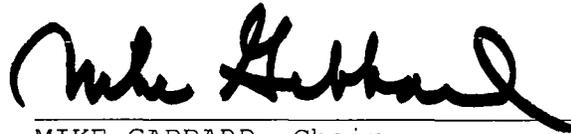
Your Committees note that this measure, as amended, includes a blank appropriation amount. Should your Committees on Ways and Means and Judiciary choose to deliberate on this measure, your Committees respectfully request that they consider inserting an amount of \$12,735,015 for the purposes of the continuation of the program in Act 231, Session Laws of Hawaii 2024, including forty-four full-time equivalent (44.0 FTE) positions.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment, Transportation and Culture and the Arts, and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1100, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1100, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Environment, Transportation and Culture and the Arts, and Commerce and Consumer Protection,



CHRIS LEE, Chair



MIKE GABBARD, Chair



ARRETE KEOHOKALOOLE, Chair







The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>SB1100</b>	Committee Referral: <b>AEN/TCA/CPN, WAM/JDC</b>	Date: <b>2/6/25</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)		✓		
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes