

Honolulu, Hawaii

FEB 12 2025

RE: S.B. No. 330
S.D. 1

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

Sir:

Your Committee on Agriculture and Environment, to which was referred S.B. No. 330 entitled:

"A BILL FOR AN ACT RELATING TO INVASIVE SPECIES PREVENTION,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Agriculture to enforce quarantines issued by the United States Department of Agriculture or another state.

Your Committee received testimony in support of this measure from Hawaii Invasive Species Council, Hawai'i Farmers Union United, Hawai'i Farm Bureau, Coordinating Group on Alien Pest Species, Hawai'i Food+ Policy, and one individual.

Your Committee received comments on this measure from the Department of Agriculture and Department of the Attorney General.

Your Committee finds that the introduction and spread of invasive species in the State has grown with the increase and expansion of global trade. Your Committee also finds that a high priority of the State is diversifying and strengthening its agricultural sector, which is progressively threatened by the introduction of new pests and pathogens. Your Committee notes that federal regulations restrict the interstate movement of more than twenty different plant pests, including those affecting citrus, a rapidly growing sector of the local food supply.



According to testimony received by your Committee, the absence of explicit legal authority for the Department of Agriculture to enforce federal quarantines creates a dangerous gap in the State's biosecurity strategy and that granting the Department enforcement authority is essential to protecting Hawaii's farms and safeguarding local citrus crops.

Your Committee acknowledges the concerns raised by the Department of the Attorney General that, because this measure allows the State to prohibit the interstate movement of an article regulated or restricted by another state and to generally establish a quarantine and adopt rules for an area not covered by a federal regulation, it may be subject to challenge under the Supremacy Clause, as these actions could result in additional prohibitions that are inconsistent with and exceeding existing federal regulations. Amendments are therefore necessary to address this matter.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have allowed the Department of Agriculture to establish a quarantine and adopt rules against an area not covered by federal quarantine;
- (2) Deleting language that would have allowed the State to enforce quarantines issued by another state;
- (3) Replacing certain references to "product" with "article";
- (4) Inserting definitions for "article", "federal quarantine" or "quarantine state", "federally regulated area", "interstate", "move" or "movement", "nonregulated area", and "regulated or restricted article"; and:
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture and Environment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 330, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as S.B. No. 330,
S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture and
Environment,

A handwritten signature in black ink, appearing to read "Mike Gabbard", written over a horizontal line.

MIKE GABBARD, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.: <div style="font-size: 1.2em; font-family: cursive;">SB330</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">AEN, JOC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/5/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended <small>2312</small></div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments <small>2311</small></div> <div style="text-align: center;"><input type="checkbox"/> Hold <small>2310</small></div> <div style="text-align: center;"><input type="checkbox"/> Recommit <small>2313</small></div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	<input checked="" type="checkbox"/>			
RICHARDS, III, Herbert M. "Tim" (VC)	<input checked="" type="checkbox"/>			
DECOITE, Lynn	<input checked="" type="checkbox"/>			
RHOADS, Karl	<input checked="" type="checkbox"/>			
AWA, Brenton	<input checked="" type="checkbox"/>			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.7em;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes