

Honolulu, Hawaii

**FEB 05 2025**

RE: S.B. No. 562  
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. 562 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish a Plant Nursery Registration Program to prevent the spread of certain pests in the State.

Your Committee received testimony in support of this measure from the O'ahu Invasive Species Committee, Hawai'i Farmers Union United, Coordinating Group on Alien Pest Species, Sierra Club of Hawai'i, and fourteen individuals.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee received comments on this measure from the Department of Agriculture and Maui Chamber of Commerce.

Your Committee finds that although most plant nurseries in the State employ best management practices to protect their nursery stock from high-priority pests, others do not. Greater action is needed to protect consumers, agricultural producers, the general public, and the environment of the State from invasive species. This measure seeks to mitigate the introduction and



spread of invasive pests and plant diseases in the State by requiring certain plant nurseries to register with and be certified by the Department of Agriculture before operating.

Your Committee notes concerns from the Department of Agriculture regarding the certification of persons under the Plant Nursery Registration Program. The Department believes that it should be conducting in-person inspections of each location rather than relying purely on a registrant's attestations, but notes that no resources are allocated to this measure for the staff necessary to conduct these inspections. Your Committee respectfully requests that subsequent Committees who choose to deliberate on this measure consider this issue.

Further, according to testimony received by your Committee, a number of the provisions in this measure, in its current form, contain duplicative provisions to existing laws and administrative rules, including but not limited to the processes for the Department of Agriculture to designate a pest and the Board of Agriculture to hear appeals on inspector decisions. Amendments to this measure are therefore necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Amending the definition of "best management practices" to mean any process, action, or combinations thereof, that provides effective means of preventing, reducing, or addressing pest, insect, and plant disease issues;
- (2) Deleting the definition of "effective control";
- (3) Deleting the definitions of "high-priority pest" and "non-quarantine pest", and replacing these terms with "pest" throughout the measure;
- (4) Deleting the definition of "standards of cleanliness" and replacing this term with "best management practices" throughout the measure;
- (5) Amending the definition of "nursery stock" to include cut foliage and fresh fruit and vegetables;



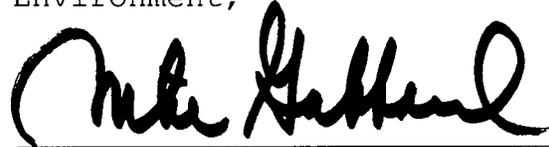
- (6) Requiring persons who sell, or produce for sale, nursery stock at pop-up sale, craft fairs, or fundraising events to register under the Plant Nursery Registration Program;
- (7) Deleting duplicative language that would have prevented a person from being eligible for any certificate of service under part III of chapter 150A, Hawaii Revised Statutes, relating to Nursey Stock Export Shipments, unless the person registers under the Plant Nursey Registration Program;
- (8) Clarifying that the inspection of locations shall not include the inspection of dwellings and other structures at the location that are not associated with nursery stock;
- (9) Clarifying that a person shall not sell, ship, transport, donate, or otherwise move, alter, or tamper with affected nursey stock or material at the location unless required to comply with an order from, or under the direction of, the Department of Agriculture;
- (10) Deleting duplicative language regarding appeal hearings and contested case proceedings under the State's quarantine laws;
- (11) Deleting language that would have required the Board of Agriculture to designate, and un-designate, taxa as high-priority pests and non-quarantine pests for each island;
- (12) Deleting language that would have established a separate civil penalties section and incorporating the language regarding the penalties for violations of the Plant Nursery Registration Program into section 150A-14, Hawaii Revised Statutes, which covers penalties for violations of the State's quarantine laws;
- (13) Inserting language to allow the Department of Agriculture to establish administrative rules for the Plant Nursery Registration Program; and



- (14) 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. 562, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 562, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

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



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MIKE GABBARD, Chair



