

JAN 17 2025

A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

1 PART I

2 SECTION 1. The purpose of this Act is to improve Hawaii's
3 biosecurity.

4 PART II

5 SECTION 2. The purpose of this part is to rename the
6 department of agriculture as the department of agriculture and
7 biosecurity, and the board of agriculture as the board of
8 agriculture and biosecurity.

9 SECTION 3. Section 141-42, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) An individual or entity licensed to produce hemp
12 pursuant to subsection (a) may transport hemp within the State
13 to a facility authorized by law to process hemp or to another
14 licensed producer's grow area; provided that the transportation
15 has been reported to the department of agriculture~~[-]~~ and
16 biosecurity. The department of agriculture and biosecurity may
17 require movement reports that include copies of the United

1 States Department of Agriculture test results for the hemp to be
2 transported and may deny authorization if the hemp is found to
3 not comply with any law or regulation."

4 SECTION 4. Section 142-18, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§142-18 Disposal of tuberculous animals.** The owner of
7 all cattle reacting to the tuberculin test shall, subject to
8 section 142-16, cause them to be segregated immediately and,
9 within a reasonable time thereafter, to be delivered for
10 slaughter at such time and place as may be designated by the
11 department of agriculture[~~-~~] and biosecurity. The slaughter
12 shall be under the direct supervision of the department and in
13 accordance with the meat inspection regulations of the United
14 States Department of Agriculture."

15 SECTION 5. Section 142-21, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§142-21 Cooperation with federal authorities.** The
18 department of agriculture and biosecurity may cooperate with the
19 United States Department of Agriculture in its efforts to
20 eradicate bovine tuberculosis or any other transmissible disease
21 of animals, and may make appraisals of condemned animals and



1 report on the salvage derived from the sale of the animals in
2 conformity with the regulations of the United States Department
3 of Agriculture."

4 SECTION 6. Section 147-52, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§147-52 Grades, standards and classifications; changes.**

7 The standards for grading and classifying food products that
8 have been or may be hereafter adopted, prescribed, or announced
9 by the United States Department of Agriculture or by or under
10 authority of the Congress of the United States are hereby
11 declared to be the official standards for grading and
12 classifying such food products for the State; provided that the
13 department of agriculture and biosecurity may establish and
14 prescribe other and different, or additional, standards for
15 grading and classifying any such products, to the extent
16 permitted by the laws of the United States, which standards, so
17 established and prescribed by the department, shall be the
18 official standards for grading and classifying any such food
19 products for the State. The department may also establish and
20 prescribe official standards for grading and classifying any or
21 all food products for which no standards have been adopted,



1 prescribed, or announced by the United States Department of
2 Agriculture or by or under authority of the Congress. The
3 department may change any standards established and prescribed
4 by it hereunder from time to time."

5 SECTION 7. Section 147-53, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§147-53 Department; grades, standards and**
8 **classifications; factors.** In establishing any grades,
9 standards, or classifications for any food product, the
10 department of agriculture~~[7]~~ and biosecurity, in addition to
11 such factors as may be specified in any other law, shall take
12 into account and base the grades, standards, or classifications
13 upon such of the following factors as shall be applicable to the
14 product involved: degree of maturity; size, measured by
15 dimensions or weight; degree of freshness, as determined by
16 physical examination or chemical test or analysis; moisture
17 content; uniformity; color; firmness; tenderness; defects;
18 injury; damage; diseases; appearance; mixture of varieties;
19 decay; conformation; soundness; varietal characteristics or
20 type; number of specimens per pound; nature of pack; presence of
21 dirt or other foreign material; condition as to temperature and



1 extent to which the product is hot or heating or is in a sour
2 condition; extent to which product is satisfactory for human or
3 other consumption or use; extent to which the product has been
4 affected by handling or treatment; extent to which the product
5 has a commercially objectionable flavor or odor; and other
6 factors indicative of class, quality, or condition, and of the
7 value or suitability of the product involved for the commercial
8 or other use to be made thereof. In addition the department
9 shall take into account any grades, standards, or
10 classifications for such product established by the United
11 States Department of Agriculture and also applicable federal
12 grades and standard laws."

13 SECTION 8. Section 147-57, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§147-57 Department, rules and regulations, contracts,**
16 **cooperation, fees.** The department of agriculture[7] and
17 biosecurity, in addition to powers granted by this part or any
18 other law, shall have all powers necessary or convenient to
19 carry out and effectuate this part, including the following:

- 20 (1) To prescribe rules and regulations, not inconsistent
21 with this part, respecting: the standards for grading



1 and classifying, and the grades, standards, and
2 classification for, food products; the inspection,
3 grading, and classification of food products; the
4 determination and certification of the grade,
5 classification, quality, and condition of food
6 products and such other pertinent facts as the
7 department may deem advisable; the licensing of
8 inspectors, graders, and samplers and the duties of
9 such inspectors, graders, and samplers; methods of
10 test, analysis, and examination in determining the
11 grade, classification, quality, and condition of food
12 products; the official word or words, figure, or
13 letter to indicate official grade or standards of
14 quality or condition of food products; the design,
15 form, and use of official labels and statements for
16 use on packages or containers of products inspected,
17 graded, classified, and certified under this part; and
18 continuous factory inspection, grading,
19 classification, and certification of food products;
20 (2) To contract with the United States Department of
21 Agriculture for the services of an inspector or



1 inspectors employed by the department and the
2 establishment of a cooperative inspection service with
3 the United States government;

4 (3) To cooperate with the United States or any department
5 thereof, in accomplishing the matters or things
6 provided for herein; and

7 (4) To fix, assess, and collect, or cause to be collected,
8 fees for inspecting or classifying food products, such
9 fees to be on a uniform basis in an amount reasonably
10 necessary to cover, as nearly as may be, the cost of
11 the inspection and the administration of this part;
12 provided that the department may adjust the fees to be
13 collected hereunder to meet the expenses necessary to
14 carry out the provisions hereof and may prescribe a
15 different scale of fees for different localities; and
16 provided further that the department may prescribe a
17 reasonable charge for traveling expenses and services.
18 Charges for continuous factory inspection and grading
19 may be fixed, assessed, and collected on such contract
20 basis as will reimburse the State for the salary and
21 all expenses of the factory inspector or grader, to



1 which shall be added an appropriate percentage of
2 charges assessed to cover, as nearly as practicable,
3 administrative overhead expense."

4 SECTION 9. Section 147-74, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§147-74 Grading standards and regulations.** Subject to
7 chapter 91, the department of agriculture and biosecurity may
8 make rules with respect to:

9 (1) Sale and transportation for sale of eggs for human
10 consumption;

11 (2) Specific grades or standards of quality, condition and
12 size or weight classes which shall conform when
13 practical to those established by the United States
14 Department of Agriculture as local conditions will
15 permit;

16 (3) Inspection and classification;

17 (4) Assessment and collection of fees for requested
18 certification as to grade, standard of quality,
19 condition, and size or weight classes;



- (5) Labeling of containers of imported and locally produced eggs and marking of individual imported eggs as to origin;
- (6) Seller's invoice for sale of eggs;
- (7) Records of imported shell eggs of foreign origin;
- (8) Methods of determining egg quality, which shall not include recandling or any other method applied to eggs in interstate commerce which is discriminatory or impairs that commerce in any way or requires a cost increase of eggs in interstate commerce; and
- (9) Enforcement of this part and of the rules adopted under this part."

SECTION 10. Section 147-93, Hawaii Revised Statutes, is amended to read as follows:

"§147-93 Cooperating with federal authority. The department of agriculture and biosecurity may enter into cooperative agreements with the United States Department of Agriculture for the purpose of grading beef, pork, mutton, and lamb carcasses."

SECTION 11. Section 159-2, Hawaii Revised Statutes, is amended to read as follows:



1 "[§]159-2[§] Findings and declaration of necessity. It
2 is hereby declared that the meat industry is a paramount
3 agricultural industry of this State and the production and
4 marketing of meat is an enterprise that is of significant
5 importance to the economy of this State and to the health of the
6 consuming public. It is essential to the public health and
7 welfare of consumers that they be protected by assuring that
8 meat and meat products distributed to them are wholesome, not
9 adulterated, and properly marked, labeled, and packaged.
10 Unwholesome, adulterated, or misbranded meat or meat products
11 are injurious to the public health and welfare, destroy markets
12 for wholesome, unadulterated, and properly labeled and packaged
13 meat and meat products and result in sundry losses to livestock
14 producers and processors of meat and meat products, as well as
15 injury to consumers. The unwholesome, adulterated, mislabeled,
16 or deceptively packaged articles can be sold at lower prices and
17 compete unfairly with the wholesome, unadulterated, and properly
18 labeled and packaged articles, to the detriment of consumers and
19 the public generally. It is hereby found that regulation by the
20 department of agriculture and biosecurity and cooperation by
21 this State with the United States Department of Agriculture as



1 contemplated by this Hawaii Meat Inspection Act is appropriate
2 to protect the health and welfare of consumers and otherwise to
3 effectuate the purposes of this chapter.

4 Congress enacted the Meat Inspection Act in 1907 (Public
5 Law 59-242), as amended by the Wholesome Meat Act in 1967
6 (Public Law 90-201) which is now redesignated as the Federal
7 Meat Inspection Act. The Federal Meat Inspection Act is
8 intended to protect the consuming public from adulterated or
9 misbranded meat and meat products and to assist the states in
10 their efforts to accomplish this objective. The Federal Meat
11 Inspection Act authorizes the Secretary of Agriculture to
12 furnish financial and related assistance to states for the
13 administration of meat inspection programs which conform to
14 established federal standards up to fifty per cent of the
15 estimated total cost of the cooperative program. Presently, the
16 meat processing industry in this State is not subject to any
17 meat inspection law or rules and regulations that meet the
18 minimum federal requirement in this area. This State, in order
19 to qualify for the cooperative program, must demonstrate
20 "progressive action" by November 15, 1969; and, further, all
21 physical facilities must be upgraded in accordance with the



1 established federal standards by November 15, 1970. Failure to
2 comply with the federal standards prescribed by the Federal Meat
3 Inspection Act will result in federal control of the meat and
4 meat processing industries of the State. Accordingly, the State
5 deems it to be in the best interest of the public health and
6 welfare to take those steps as are necessary to qualify for
7 federal financial and related assistance for the administration
8 of a meat inspection program which conforms to federal standards
9 prescribed in the Federal Meat Inspection Act."

10 SECTION 12. Section 161-2, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§161-2 Findings and declaration of necessity.** It is
13 hereby declared that the poultry industry is a paramount
14 agricultural industry of this State and the production and
15 marketing of poultry is an enterprise that is of significant
16 importance to the economy of the State and to the health of the
17 consuming public. It is essential to the public health and
18 welfare of consumers that they be protected by assuring that
19 poultry or poultry products distributed to them are wholesome,
20 not adulterated, and properly marked, labeled, and packaged.
21 Unwholesome, adulterated, or misbranded poultry or poultry



1 products are injurious to the public health and welfare, destroy
2 markets for wholesome, not adulterated, and properly labeled and
3 packaged poultry or poultry products, and result in sundry
4 losses to poultry producers and processors of poultry as well as
5 injury to consumers. The unwholesome, adulterated, mislabeled,
6 or deceptively packaged articles can be sold at lower prices and
7 compete unfairly with the wholesome, not adulterated, and
8 properly labeled and packaged articles, to the detriment of
9 consumers and the public generally. It is hereby found that
10 regulation by the department of agriculture and biosecurity and
11 cooperation by this State with the United States Department of
12 Agriculture as contemplated by this chapter is appropriate to
13 protect the health and welfare of consumers and otherwise to
14 effectuate the purposes of this chapter.

15 The 90th Congress enacted Public Law 90-492, entitled "The
16 Wholesome Poultry Products Act", which is now redesignated as
17 the "Poultry Products Inspection Act". The Poultry Products
18 Inspection Act is intended to protect the consuming public from
19 adulterated or misbranded poultry or poultry products and to
20 assist the states in their efforts to accomplish this objective.
21 The Poultry Products Inspection Act authorizes the United States



1 Secretary of Agriculture to furnish financial and related
2 assistance to states for the administration of poultry
3 inspection programs which conform to established federal
4 standards up to fifty per cent of the estimated total cost of
5 the cooperative program. Hawaii's poultry industry is not
6 subject to poultry inspection law or rules and regulations that
7 meet the minimum federal requirement in this area. In order to
8 qualify for the cooperative program, the State must demonstrate
9 "progressive action" by July 18, 1970; and, further, all
10 physical facilities must be upgraded in accordance with the
11 established federal standards by July 18, 1971. Failure to
12 comply with the standards prescribed by the Poultry Products
13 Inspection Act will result in federal control of the poultry or
14 poultry processing industries of the State. Accordingly, the
15 State of Hawaii deems it to be in the interest of the State's
16 public health and welfare to take such steps as are necessary to
17 qualify for federal financial and related assistance for the
18 administration of a poultry inspection program which conforms to
19 federal standards prescribed in the Poultry Products Inspection
20 Act."



1 SECTION 13. Section 205-47, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Each county shall develop maps of potential lands to
4 be considered for designation as important agricultural lands in
5 consultation and cooperation with landowners, the department of
6 agriculture~~[7]~~ and biosecurity, agricultural interest groups,
7 including representatives from the Hawaii Farm Bureau Federation
8 and other agricultural organizations, the United States
9 Department of Agriculture - Natural Resources Conservation
10 Service, the office of planning and sustainable development, and
11 other groups as necessary."

12 SECTION 14. Section 219-8, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§219-8 Participation in loans by the department.**

15 (1) The department of agriculture and biosecurity may
16 provide funds for a share, not to exceed ninety per
17 cent, of the principal amount of a loan made to a
18 qualified aquaculturist by a private lender who is
19 unable otherwise to lend the applicant sufficient
20 funds at reasonable rates where the qualified farmer
21 is unable to obtain sufficient funds for the same



1 purpose from the United States Department of
2 Agriculture;

3 (2) Participation loans under this section shall be
4 limited by the provisions of section 219-6 and the
5 department of [~~agriculture's~~] agriculture and
6 biosecurity's share shall not exceed the maximum
7 amounts specified therefor;

8 (3) Interest charged on the private lender's share of the
9 loan shall not be more than the sum of two per cent
10 above the lowest rate of interest charged by all state
11 or national banks authorized to accept or hold
12 deposits in the State on secured short term loans made
13 to borrowers who have the highest credit rating with
14 those banks;

15 (4) The private lender's share of the loan may be insured
16 by the department up to ninety per cent of the
17 principal balance of the loan, under section 219-7;

18 (5) When a participation loan has been approved by the
19 department, its share shall be paid to the
20 participating private lender for disbursement to the
21 borrower. The private lender shall collect all



1 payments from the borrower and otherwise service the
2 loan;

3 (6) Out of interest collected, the private lender may be
4 paid a service fee to be determined by the department
5 which fee shall not exceed one per cent of the unpaid
6 principal balance of the loan; provided that this fee
7 shall not be added to any amount which the borrower is
8 obligated to pay;

9 (7) The participating private lender may take over a
10 larger percentage or the full principal balance of the
11 loan at any time that it has determined, to the
12 satisfaction of the department, that the borrower is
13 able to pay any increased interest charges resulting;
14 and

15 (8) Security for participation loans shall be limited by
16 section 219-5(a)(6). All collateral documents shall
17 be held by the private lender. Division of interest
18 in collateral received shall be in proportion to
19 participation by the department and the private
20 lender."



SECTION 15. Section 460J-26, Hawaii Revised Statutes, is amended to read as follows:

"§460J-26 Exemptions. This chapter shall not apply to:

- (1) Officials of the federal government on military reservations;
- (2) Personnel of the United States Department of Agriculture, the state department of agriculture~~[7]~~ and biosecurity, or state department of land and natural resources, or the United States Public Health Service in the performance of their official duties;
- (3) Other government employees who conduct research on pesticides or pest control or who use pesticides in the performance of their duties;
- (4) Qualified scientific personnel specially exempted by the board;
- (5) Persons engaged in pest control for agricultural purposes; or
- (6) Engineers or architects licensed under chapter 464 who:
 - (A) Draft or prepare design documents that prescribe anti-termite or anti-pest measures, including the



1 specification of termiticides, that are required
2 by the building code and other governmental
3 agencies;

4 (B) Conduct building condition or assessment surveys
5 to observe and evaluate the condition of the
6 building or structure, if the primary purpose of
7 these surveys is not to report on the
8 identification of infestations; or

9 (C) Prepare reports based on the results of the
10 surveys specified in subparagraph (B) that
11 identify the location, extent, and probable cause
12 of the pest damage (e.g., "termite damage");
13 provided that where a report concerns termite
14 damage, the particular type or species of termite
15 shall not be specified unless the report is
16 written in consultation with a licensed pest
17 control operator licensed in termite control or
18 other duly recognized expert in urban entomology,
19 such as an insect taxonomist or urban
20 entomologist with expertise in the identification
21 or control of termites; and provided further that



1 if a licensed pest control operator is not
2 consulted, the report shall include a
3 recommendation that a licensed pest control
4 operator be contracted for further assessment or
5 treatment."

6 SECTION 16. Sections 6E-61, 23-12, 26-4, 26-16, 46-67,
7 141-1, 141-3, 141-3.5, 141-3.6, 141-4, 141-5, 141-6, 141-7,
8 141-9, 141-12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17,
9 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2, 142-3,
10 142-3.5, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12,
11 142-13, 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1,
12 142-23.5, 142-29, 142-31, 142-41, 142-43, 142-49, 142-92,
13 142-93, 142-98, 142-100, 142-101, 142-111, 143-2.2, 144-1,
14 145-1, 145-3, 145-7, 145-8, 145-9, 145-27, 145D-5, 146-22,
15 147-1, 147-21, 147-31, 147-32, 147-51, 147-54, 147-55, 147-56,
16 147-58, 147-59, 147-60, 147-73, 147-75, 147-76, 147-78, 147-80,
17 147-91, 147-92, 147-94, 147-95, 147-96, 147-97, 147-101,
18 147-102, 147-111, 147-116, 147-122, 148-1, 148-2, 148-61,
19 148-62, 148-63, 148-64, 148-66, 149A-2, 150-21, 150A-2,
20 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4, 155-5, 155-5.5,
21 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11, 155-12, 155-13,



1 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3, 159-15, 161-3,
2 161-6, 163D-4, 166-2, 166-3, 166-11, 166E-1, 166E-2, 166E-3,
3 167-22, 167-23, 169-1, 171-2, 171-3, 171-37.5, 171-55.5, 171-59,
4 171-64.7, 171-112, 171-117, 173A-4, 173A-5, 174C-31, 187A-6.5,
5 205-6, 205-44.5, 205-45, 205-45.5, 205-48, 205-49, 205-50,
6 205A-62, 206E-34, 219-2, 219-4, 219-7, 219-9, 235-110.93,
7 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6, 421-21.6, 460J-21,
8 460J-24.5, and 486-1, Hawaii Revised Statutes, are amended by
9 substituting the term "department of agriculture and
10 biosecurity", or similar term, wherever the term "department of
11 agriculture", or similar term, appears, as context requires.

12 SECTION 17. Sections 10-41, 26-16, 26-34, 84-17, 84-18,
13 128E-2, 141-6, 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6,
14 142-23.1, 142-28.5, 142-29, 142-31, 144-10, 145-22, 145-27,
15 148-9, 147-24, 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2,
16 149A-32.5, 150A-2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13,
17 155-14, 155-33, 157-1, 157-14, 157-15, 157-18, 157-22, 157-23,
18 157-24, 157-25, 157-26, 157-27, 157-29, 157-41, 157-42, 159-3,
19 161-3, 163D-3, 166-2, 166-3, 166-4, 166-5, 166-6, 166-11,
20 166E-1, 166E-2, 166E-3, 167-1, 167-2, 167-3, 167-4, 167-5,
21 167-6, 167-7, 167-9, 167-11, 167-12, 167-13, 167-14, 167-15,



1 167-16, 167-17, 167-18, 167-19, 167-20, 167-21, 167-22, 168-1,
2 168-2, 168-3, 168-4, 168-5, 168-6, 168-7, 168-8, 169-3, 195-6,
3 205-44, 210D-5, 219-2, 219-3, 219-4, 220-1, 225P-3, 225P-4,
4 279A-4, 330C-3, 371-19, 460J-2, and 486-1, Hawaii Revised
5 Statutes, are amended by substituting the term "board of
6 agriculture and biosecurity", or similar term, wherever the term
7 "board of agriculture", or similar term, appears, as context
8 requires.

9 PART III

10 SECTION 18. The purpose of this part is to establish a new
11 deputy chairperson position within the department of
12 agriculture, to be known as the deputy chairperson for
13 biosecurity.

14 SECTION 19. Chapter 141, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§141- Deputy chairperson of biosecurity; established.

18 (a) There is established within the department a deputy
19 chairperson for biosecurity. The deputy chairperson for
20 biosecurity shall oversee all of the State's biosecurity



1 initiatives, including programs under chapters 142, 150A, and
2 194 and sections 141-5, 261-4.5, and 266-21.5.

3 (b) The deputy chairperson for biosecurity shall be a
4 deputy to the chairperson of the board of agriculture and
5 biosecurity and be appointed by the governor."

6 SECTION 20. Section 76-16, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The civil service to which this chapter applies shall
9 comprise all positions in the State now existing or hereafter
10 established and embrace all personal services performed for the
11 State, except the following:

12 (1) Commissioned and enlisted personnel of the Hawaii
13 National Guard, and positions in the Hawaii National
14 Guard that are required by state or federal laws or
15 regulations or orders of the National Guard to be
16 filled from those commissioned or enlisted personnel;

17 (2) Positions filled by persons employed by contract where
18 the director of human resources development has
19 certified that the service is special or unique or is
20 essential to the public interest and that, because of
21 circumstances surrounding its fulfillment, personnel



1 to perform the service cannot be obtained through
2 normal civil service recruitment procedures. Any
3 contract may be for any period not exceeding one year;

4 (3) Positions that must be filled without delay to comply
5 with a court order or decree if the director
6 determines that recruitment through normal recruitment
7 civil service procedures would result in delay or
8 noncompliance, such as the Felix-Cayetano consent
9 decree;

10 (4) Positions filled by the legislature or by either house
11 or any committee thereof;

12 (5) Employees in the office of the governor and office of
13 the lieutenant governor, and household employees at
14 Washington Place;

15 (6) Positions filled by popular vote;

16 (7) Department heads, officers, and members of any board,
17 commission, or other state agency whose appointments
18 are made by the governor or are required by law to be
19 confirmed by the senate;

20 (8) Judges, referees, receivers, masters, jurors, notaries
21 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special
2 temporary service;

- 3 (9) One bailiff for the chief justice of the supreme court
4 who shall have the powers and duties of a court
5 officer and bailiff under section 606-14; one
6 secretary or clerk for each justice of the supreme
7 court, each judge of the intermediate appellate court,
8 and each judge of the circuit court; one secretary for
9 the judicial council; one deputy administrative
10 director of the courts; three law clerks for the chief
11 justice of the supreme court, two law clerks for each
12 associate justice of the supreme court and each judge
13 of the intermediate appellate court, one law clerk for
14 each judge of the circuit court, two additional law
15 clerks for the civil administrative judge of the
16 circuit court of the first circuit, two additional law
17 clerks for the criminal administrative judge of the
18 circuit court of the first circuit, one additional law
19 clerk for the senior judge of the family court of the
20 first circuit, two additional law clerks for the civil
21 motions judge of the circuit court of the first



1 circuit, two additional law clerks for the criminal
2 motions judge of the circuit court of the first
3 circuit, and two law clerks for the administrative
4 judge of the district court of the first circuit; and
5 one private secretary for the administrative director
6 of the courts, the deputy administrative director of
7 the courts, each department head, each deputy or first
8 assistant, and each additional deputy, or assistant
9 deputy, or assistant defined in paragraph (16);

10 (10) First deputy and deputy attorneys general, the
11 administrative services manager of the department of
12 the attorney general, one secretary for the
13 administrative services manager, an administrator and
14 any support staff for the criminal and juvenile
15 justice resources coordination functions, and law
16 clerks;

17 (11) (A) Teachers, principals, vice-principals, complex
18 area superintendents, deputy and assistant
19 superintendents, other certificated personnel,
20 and no more than twenty noncertificated



administrative, professional, and technical
personnel not engaged in instructional work;

(B) Effective July 1, 2003, teaching assistants,
educational assistants, bilingual or bicultural
school-home assistants, school psychologists,
psychological examiners, speech pathologists,
athletic health care trainers, alternative school
work study assistants, alternative school
educational or supportive services specialists,
alternative school project coordinators, and
communications aides in the department of
education;

(C) The special assistant to the state librarian and
one secretary for the special assistant to the
state librarian; and

(D) Members of the faculty of the University of
Hawaii, including research workers, extension
agents, personnel engaged in instructional work,
and administrative, professional, and technical
personnel of the university;



- 1 (12) Employees engaged in special, research, or
- 2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state
- 4 institutions, and persons with severe physical or
- 5 mental disabilities participating in the work
- 6 experience training programs;
- 7 (B) Positions filled with students in accordance with
- 8 guidelines for established state employment
- 9 programs; and
- 10 (C) Positions that provide work experience training
- 11 or temporary public service employment that are
- 12 filled by persons entering the workforce or
- 13 persons transitioning into other careers under
- 14 programs such as the federal Workforce Investment
- 15 Act of 1998, as amended, or the Senior Community
- 16 Service Employment Program of the Employment and
- 17 Training Administration of the United States
- 18 Department of Labor, or under other similar state
- 19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal
- 21 Mausoleum, and Hulihee Palace;



1 (15) Positions filled by persons employed on a fee,
2 contract, or piecework basis, who may lawfully perform
3 their duties concurrently with their private business
4 or profession or other private employment and whose
5 duties require only a portion of their time, if it is
6 impracticable to ascertain or anticipate the portion
7 of time to be devoted to the service of the State;

8 (16) Positions of first deputies or first assistants of
9 each department head appointed under or in the manner
10 provided in section 6, article V, of the Hawaii State
11 Constitution; three additional deputies or assistants
12 either in charge of the highways, harbors, and
13 airports divisions or other functions within the
14 department of transportation as may be assigned by the
15 director of transportation, with the approval of the
16 governor; one additional deputy in the department of
17 human services either in charge of welfare or other
18 functions within the department as may be assigned by
19 the director of human services; four additional
20 deputies in the department of health, each in charge
21 of one of the following: behavioral health,



1 environmental health, hospitals, and health resources
2 administration, including other functions within the
3 department as may be assigned by the director of
4 health, with the approval of the governor; two
5 additional deputies in charge of the law enforcement
6 programs, administration, or other functions within
7 the department of law enforcement as may be assigned
8 by the director of law enforcement, with the approval
9 of the governor; three additional deputies each in
10 charge of the correctional institutions,
11 rehabilitation services and programs, and
12 administration or other functions within the
13 department of corrections and rehabilitation as may be
14 assigned by the director of corrections and
15 rehabilitation, with the approval of the governor; two
16 administrative assistants to the state librarian;
17 [~~and~~] an administrative assistant to the
18 superintendent of education; and two additional
19 deputies or assistants, either in charge of
20 agriculture or biosecurity or other functions within
21 the department of agriculture and biosecurity as may



1 be assigned by the chairperson of the board of
2 agriculture and biosecurity, with the approval of the
3 governor;

4 (17) Positions specifically exempted from this part by any
5 other law; provided that:

6 (A) Any exemption created after July 1, 2014, shall
7 expire three years after its enactment unless
8 affirmatively extended by an act of the
9 legislature; and

10 (B) All of the positions defined by paragraph (9)
11 shall be included in the position classification
12 plan;

13 (18) Positions in the state foster grandparent program and
14 positions for temporary employment of senior citizens
15 in occupations in which there is a severe personnel
16 shortage or in special projects;

17 (19) Household employees at the official residence of the
18 president of the University of Hawaii;

19 (20) Employees in the department of education engaged in
20 the supervision of students during meal periods in the
21 distribution, collection, and counting of meal



1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;

3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that no more
5 than twenty-six per cent of the authority's workforce
6 in any housing project maintained or operated by the
7 authority shall be hired under the tenant hire
8 program;

9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;

13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;

17 (24) The sheriff;

18 (25) A gender and other fairness coordinator hired by the
19 judiciary;

20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



1 (27) In the Hawaii state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;

5 (28) Administrative appeals hearing officers in the
6 department of human services;

7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;

11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, security and privacy compliance
15 analyst, information technology implementation
16 manager, assistant information technology
17 implementation manager, resource manager, community or
18 project development director, policy director, special
19 assistant to the director, and limited English
20 proficiency project manager or coordinator;



1 (31) The Alzheimer's disease and related dementia services
2 coordinator in the executive office on aging;

3 (32) In the Hawaii emergency management agency, the
4 executive officer, public information officer, civil
5 defense administrative officer, branch chiefs, and
6 emergency operations center state warning point
7 personnel; provided that for state warning point
8 personnel, the director shall determine that
9 recruitment through normal civil service recruitment
10 procedures would result in delay or noncompliance;

11 (33) The executive director and seven full-time
12 administrative positions of the school facilities
13 authority;

14 (34) Positions in the Mauna Kea stewardship and oversight
15 authority;

16 (35) In the office of homeland security of the department
17 of law enforcement, the statewide interoperable
18 communications coordinator;

19 (36) In the social services division of the department of
20 human services, the business technology analyst;

21 (37) The executive director and staff of the 911 board;



- 1 (38) Senior software developers in the department of
- 2 taxation;
- 3 (39) In the department of law enforcement, five Commission
- 4 on Accreditation for Law Enforcement Agencies, Inc.,
- 5 coordinator positions;
- 6 (40) The administrator for the law enforcement standards
- 7 board; and
- 8 (41) The state fire marshal.

9 The director shall determine the applicability of this
10 section to specific positions.

11 Nothing in this section shall be deemed to affect the civil
12 service status of any incumbent as it existed on July 1, 1955."

13 PART IV

14 SECTION 21. The purpose of this part is to authorize the
15 department of agriculture to exercise certain emergency powers
16 if a biosecurity emergency occurs.

17 SECTION 22. Chapter 150A, Hawaii Revised Statutes, is
18 amended by adding two new sections to part VI to be
19 appropriately designated and to read as follows:



1 "§150A- Biosecurity emergency response program
2 established. (a) The chairperson shall establish within the
3 department a biosecurity emergency response program to:
4 (1) Provide for the delivery of prompt services in the
5 event of an emergency due to a breach of the State's
6 biosecurity measures;
7 (2) Provide for critical incident stress debriefing for
8 biosecurity personnel;
9 (3) Provide for immediate delivery of services to respond
10 to a new organism introduced to the State;
11 (4) Coordinate the use of other public and private
12 resources or services for the immediate and long-term;
13 biosecurity needs of the State; and
14 (5) Advise state government and other personnel in the
15 planning of and responses to biosecurity events and
16 emergencies.
17 (b) The chairperson shall compile a list of qualified
18 professionals who are willing to serve on an emergency response
19 team, giving priority to individuals having experience dealing
20 with the containment and eradication of organisms. The
21 chairperson shall appoint at least one team of professionals



1 from the list, making a reasonable effort to appoint at least
2 one member from each island except Niihau. If a qualified
3 representative cannot be appointed from each island, the
4 chairperson, at a minimum, shall appoint one member from each
5 county. Each team appointed shall serve for a period of four
6 years; provided that the chairperson shall have the flexibility
7 of appointing additional special teams for shorter or longer
8 periods of time as the need arises. Members of a biosecurity
9 response team shall receive continuing professional education
10 and training on the provision of assistance to be ready to
11 provide services whenever a biosecurity event emergency occurs.
12 The team members shall be compensated for each day of service
13 provided under this section, including participation in training
14 required by the chairperson, under a fee schedule established by
15 the chairperson under chapter 91.

16 (c) The team shall be activated by the chairperson
17 whenever the chairperson finds that assistance is appropriate
18 following a biosecurity event or emergency.

19 (d) The chairperson shall adopt rules under chapter 91 to
20 implement the emergency response program, including the



1 qualifications of and appointment process for biosecurity
2 emergency response team members.

3 **\$150A- Volunteer emergency disaster response personnel.**

4 (a) All volunteer emergency biosecurity disaster response
5 personnel while engaged in the emergency response to a
6 biosecurity event or condition, including participation during
7 periods of biosecurity training, shall be deemed state employees
8 or county employees, as the case may be, and shall have those
9 same powers, duties, rights, and privileges in the performance
10 of their duties as prescribed by or under the authority of the
11 governor or a county.

12 (b) In the case of injury or death arising out of and in
13 the performance of duty under this section, including duty
14 performed during periods of training, all volunteer emergency
15 biosecurity disaster response personnel and their dependents
16 shall be entitled to all of the benefits provided in chapter
17 386, including medical services and supplies. In the case of
18 injury or death, no public official shall be excluded from
19 coverage of chapter 386. Benefits shall be based on average
20 weekly wages under section 386-51, or based on earnings from the
21 usual employment of the person, or based on earnings at the rate



1 of \$20 a week, whichever is most favorable to the claimant.

2 Nothing in this section shall adversely affect the right of any
3 person to receive any benefits or compensation under any act of
4 Congress.

5 (c) Except in cases of wilful misconduct, the State, any
6 county, or any volunteer emergency biosecurity disaster response
7 personnel engaged in the emergency response to a mass
8 biosecurity event or condition under this section (including
9 volunteers whose services are accepted by any authorized
10 person), shall not be liable for the death of or injury to any
11 person, or for damage to property, as a result of any act or
12 omission in the course of rendering professional biosecurity
13 care under a mass biosecurity event or condition. No act or
14 omission shall be imputed to the owner of any vehicle by reason
15 of ownership thereof; provided that nothing in this section
16 shall preclude recovery by any person for injury or damage
17 sustained from the operation of any vehicle that may be insured
18 under section 41D-8 to the extent of the insurance. Unless
19 specifically provided, insurance under section 41D-8 shall not
20 include coverage of risk during an emergency period."



1 PART V

2 SECTION 23. The legislature finds that New Zealand's use
3 of transitional facilities has increased the country's
4 biosecurity while improving the efficiency of importing goods.
5 In New Zealand, most imported goods subject to inspection are
6 transported away from the airport or seaport to one of six
7 thousand five hundred privately-run secure transitional
8 facilities. At the transitional facility, a private individual
9 licensed by the government inspects the goods for disease,
10 infection, infestation, and other matters of concern.

11 The legislature further finds that New Zealand's process
12 allows for a more efficient flow of goods entering the country
13 by reducing delays or stoppages at the ports of entry while also
14 ensuring that all relevant goods are properly inspected before
15 delivery to their destination.

16 The purpose of this part is to enhance Hawaii's biosecurity
17 measures by authorizing the establishment of similar
18 transitional facilities in the State along with licenses for
19 private individuals to inspect the imported goods.



1 SECTION 24. Chapter 150A, Hawaii Revised Statutes, is
2 amended by adding five new sections to part II to be
3 appropriately designated and to read as follows:

4 "**§150A-A Transitional facilities; uses.** (a) Upon order
5 by the department, articles at a pier, airport, or other place
6 where they are first received shall be transported to a
7 transitional facility suitable for the articles. Absent an
8 order from the department, any person who receives for transport
9 or brings or causes to be brought to the State under section
10 150A-5(1) may transport their own articles at a pier, airport,
11 or other place where they are first received to a transitional
12 facility after notifying the department in the same manner
13 prescribed by section 150A-5(1).

14 (b) Articles transported pursuant to subsection (a) shall
15 be transported in a manner that they will not spread or be
16 likely to spread any infestation or infection of insects or
17 diseases that may be present.

18 (c) All costs and expenses incident to the use of a
19 transitional facility shall be borne by the importer or the
20 importer's agent.



1 (d) No articles shall be transported out of a transitional
2 facility unless:

3 (1) Authorized by the department; or

4 (2) Certified by a private inspector that the articles are
5 free of diseases, infections, infestations, and other
6 items that the department deems relevant.

7 **§150A-B Transitional facilities; established.** The
8 department shall establish standards for transitional
9 facilities, including standards for the construction,
10 maintenance, and operation of transitional facilities. The
11 department may establish standards for transitional facilities
12 pursuant to the types of articles stored by those facilities,
13 and corresponding classes of licensure.

14 **§150A-C Transitional facility license.** (a) No person
15 shall operate a transitional facility without a transitional
16 facility license.

17 (b) A person may apply to the department for a
18 transitional facility license. The application shall be made
19 under oath on forms provided by the department and shall contain
20 information as prescribed by the department, including the
21 following:



1 (1) The name, business address, telephone number, social
2 security number and, where applicable, the federal tax
3 identification number of the applicant;

4 (2) The proposed location of the transitional facility;
5 and

6 (3) The type of articles the transitional facility will
7 hold.

8 (c) The department shall adopt rules under chapter 91 that
9 establish standards for transitional facilities, including:

10 (1) Standards for construction, maintenance, security, and
11 operation; and

12 (2) Periodic and random inspections.

13 (d) The department may suspend or revoke a transitional
14 facility license if the transitional facility does not satisfy
15 the standards established by the department under
16 subsection (c).

17 **§150A-D Private inspector; license.** (a) The department
18 shall offer training to individuals seeking a private inspector
19 license.

20 (b) The training shall include:



1 (1) The identification of diseases, infections,
2 infestations, and other subjects that the department
3 deems relevant; and

4 (2) Procedures following the identification of a disease,
5 infection, infestation, or other subject that the
6 department deems relevant.

7 (c) Upon completion of the training, passage of an
8 examination established by the department, and satisfaction of
9 other requirements established by the department, the department
10 shall issue a private inspector license to the individual. The
11 private inspector license shall be valid for one year and may be
12 renewed under requirements established by the department.

13 (d) The department may require each private inspector to
14 complete additional training as needed, including any emergency
15 training in the interests of biosecurity.

16 (e) The department may revoke or suspend any private
17 inspector license for good cause.

18 (f) A private inspector may be employed by the owner of a
19 transitional facility.



1 (g) The department may charge reasonable fees for the
2 training, examination, licensure, and licensure renewal under
3 this section.

4 (h) The department shall adopt rules under chapter 91 for
5 purposes of this section.

6 **\$150A-E Private inspector; powers.** (a) Subject to rules
7 adopted by the department under chapter 91, a licensed private
8 inspector may certify articles located in a transitional
9 facility as free of diseases, infections, infestations, and
10 other items that the department deems relevant.

11 (b) Unless authorized by the department, a licensed
12 private inspector shall not certify any articles located outside
13 a transitional facility."

14 SECTION 25. Section 150A-2, Hawaii Revised Statutes, is
15 amended by adding two new definitions to be appropriately
16 inserted and to read as follows:

17 "Private inspector" means an individual with a valid
18 private inspector license issued under 150A-D.

19 "Transitional facility" means a facility with a valid
20 transitional facility license issued under 150A-C."



SECTION 26. Section 150A-5, Hawaii Revised Statutes, is amended to read as follows:

§150A-5 Conditions of importation. The importation into the State of any of the following articles, viz., nursery-stock, tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud, seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain, cereal, or legume in the natural or raw state; moss, hay, straw, dry-grass, or other forage; unmanufactured log, limb, or timber, or any other plant-growth or plant-product, unprocessed or in the raw state; soil; microorganisms; live bird, reptile, nematode, insect, or any other animal in any stage of development (that is in addition to the so-called domestic animal, the quarantine of which is provided for in chapter 142); box, vehicle, baggage, or any other container in which the articles have been transported or any packing material used in connection therewith shall be made in the manner hereinafter set forth:

- (1) Notification of arrival. Any person who receives for transport or brings or causes to be brought to the State as freight, air freight, baggage, or otherwise, for the purpose of debarkation or entry therein, or as



1 ship's stores, any of the foregoing articles, shall,
2 immediately upon the arrival thereof, notify the
3 department, in writing, of the arrival, giving the
4 waybill number, container number, name and address of
5 the consignor, name and address of the consignee or
6 the consignee's agent in the State, marks, number of
7 packages, description of contents of each package,
8 port at which laden, and any other information that
9 may be necessary to locate or identify the same, and
10 shall hold the articles at the pier, airport, ~~or~~ any
11 other place where they are first received or
12 discharged, or a transitional facility, in a manner
13 that they will not spread or be likely to spread any
14 infestation or infection of insects or diseases that
15 may be present until inspection and examination can be
16 made by the inspector or a licensed private inspector
17 to determine whether or not any article, or any
18 portion thereof, is infested or infected with or
19 contains any pest. The department may adopt rules to
20 require identification of specific articles on
21 negotiable and non-negotiable warehouse receipts,



1 bills of lading, or other documents of title for
2 inspection of pests. In addition, the department
3 shall adopt rules to designate restricted articles
4 that shall require:

5 (A) A permit from the department in advance of
6 importation; or

7 (B) A department letter of authorization or
8 registration in advance of importation.

9 The restricted articles shall include but not be
10 limited to certain microorganisms or living insects.
11 Failure to obtain the permit, letter of authorization,
12 or registration in advance is a violation of this
13 section;

14 (2) Individual passengers, officers, and crew.

15 (A) It shall be the responsibility of the
16 transportation company to distribute, prior to
17 the debarkation of passengers and baggage, the
18 State of Hawaii [~~plant and animal declaration~~]
19 biosecurity form in paper or electronic form to
20 each passenger, officer, and crew member of any
21 aircraft or vessel originating in the continental



1 United States or its possessions or from any
2 other area not under the jurisdiction of the
3 appropriate federal agency in order that the
4 passenger, officer, or crew member can comply
5 with the directions and requirements appearing
6 thereon. All passengers, officers, and crew
7 members, whether or not they are bringing or
8 causing to be brought for entry into the State
9 the articles listed on the form, shall complete
10 the [~~declaration~~,] form, except that one adult
11 member of a family may complete the [~~declaration~~]
12 form for other family members. Any person who
13 defaces the [~~declaration~~] form required under
14 this section, gives false information, fails to
15 declare restricted articles in the person's
16 possession or baggage, or fails to declare in
17 cargo manifests is in violation of this section;

18 (B) Completed paper forms shall be collected by the
19 transportation company and be delivered,
20 immediately upon arrival, to the inspector at the
21 first airport or seaport of arrival. Completed



1 electronic forms shall be transmitted to the
2 inspector before passengers depart the first
3 airport or seaport of arrival. Failure to
4 distribute or collect paper [~~declaration~~] forms,
5 immediately deliver completed paper forms, or
6 transmit completed electronic forms before
7 passengers depart the first airport or seaport of
8 arrival is a violation of this section; and

9 (C) It shall be the responsibility of the officers
10 and crew of an aircraft or vessel originating in
11 the continental United States or its possessions
12 or from any other area not under the jurisdiction
13 of the appropriate federal agency to immediately
14 report all sightings of any plants and animals to
15 the plant quarantine branch. Failure to comply
16 with this requirement is a violation of this
17 section;

18 (3) [~~Plant and animal declaration~~] Biosecurity form. The
19 form shall include directions for declaring domestic
20 and other animals cited in chapter 142, in addition to
21 the articles enumerated in this chapter;



1 (4) Labels. Each container in which any of the
2 above-mentioned articles are imported into the State
3 shall be plainly and legibly marked, in a conspicuous
4 manner and place, with the name and address of the
5 shipper or owner forwarding or shipping the same, the
6 name or mark of the person to whom the same is
7 forwarded or shipped or the person's agent, the name
8 of the country, state, or territory and locality
9 therein where the product was grown or produced, and a
10 statement of the contents of the container. Upon
11 failure to comply with this paragraph, the importer or
12 carrier is in violation of this section;

13 (5) Authority to inspect. Whenever the inspector has good
14 cause to believe that the provisions of this chapter
15 are being violated, the inspector may:

16 (A) Enter and inspect any aircraft, vessel, or other
17 carrier at any time after its arrival within the
18 boundaries of the State, whether offshore, at the
19 pier, or at the airport, for the purpose of
20 determining whether any of the articles or pests



1 enumerated in this chapter or rules adopted
2 thereto, is present;

3 (B) Enter into or upon any pier, warehouse, airport,
4 or any other place in the State where any of the
5 above-mentioned articles are moved or stored, for
6 the purpose of ascertaining, by inspection and
7 examination, whether or not any of the articles
8 is infested or infected with any pest or disease
9 or contaminated with soil or contains prohibited
10 plants or animals; and

11 (C) Inspect any baggage or personal effects of
12 disembarking passengers, officers, and crew
13 members on aircraft or vessels arriving in the
14 State to ascertain if they contain any of the
15 articles or pests enumerated in this chapter. No
16 baggage or other personal effects of the
17 passengers or crew members shall be released
18 until the baggage or effects have been passed.

19 Baggage or cargo inspection shall be made at the
20 discretion of the inspector, on the pier, vessel, or
21 aircraft or in any quarantine or inspection area.



1 Whenever the inspector has good cause to believe
2 that the provisions of this chapter are being
3 violated, the inspector may require that any box,
4 package, suitcase, or any other container carried as
5 ship's stores, cargo, or otherwise by any vessel or
6 aircraft moving between the continental United States
7 and Hawaii or between the [~~Hawaiian Islands,~~] islands
8 of the State, be opened for inspection to determine
9 whether any article or pest prohibited by this chapter
10 or by rules adopted pursuant thereto is present. It
11 is a violation of this section if any prohibited
12 article or any pest or any plant, fruit, or vegetable
13 infested with plant pests is found;

14 (6) Request for importation and inspection. In addition
15 to requirements of the United States customs
16 authorities concerning invoices or other formalities
17 incident to importations into the State, the importer
18 shall be required to file a written statement with the
19 department, signed by the importer or the importer's
20 agent, setting forth the importer's desire to import



1 certain of the above-mentioned articles into the State
2 and:

3 (A) Giving the following additional information:

4 (i) The kind (scientific name), quantity, and
5 description;

6 (ii) The locality where same were grown or
7 produced;

8 (iii) Certification that all animals to be
9 imported are the progeny of captive
10 populations or have been held in captivity
11 for a period of one year immediately before
12 importation or have been specifically
13 approved for importation by the board;

14 (iv) The port from which the same were last
15 shipped;

16 (v) The name of the shipper; and

17 (vi) The name of the consignee; and

18 (B) Containing:

19 (i) A request that the department, by its duly
20 authorized agent, examine the articles
21 described;



(ii) An agreement by the importer to be responsible for all costs, charges, or expenses; and

(iii) A waiver of all claims for damages incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, or any of them, as hereinafter provided, if any treatment is deemed necessary.

Failure or refusal to file a statement, including the agreement and waiver, is a violation of this section and may, in the discretion of the department, be sufficient cause for refusing to permit the entry of the articles into the State;

(7) Place of inspection. If, in the judgment of the [~~inspector,~~] department, it is deemed necessary or advisable to move any of the above-mentioned articles, or any portion thereof, to a transitional facility or another place more suitable for inspection than the pier, airport, or any other place where they are first received or discharged, the [~~inspector~~] department is



1 authorized to do so~~[-]~~ or order the importer or
2 importer's agent to do so. All costs and expenses
3 incident to the movement and transportation of the
4 articles to any other place shall be borne by the
5 importer or the importer's agent. If the importer,
6 importer's agent, or transportation company requests
7 inspection of sealed containers of the above-mentioned
8 articles at locations other than where the articles
9 are first received or discharged or a transitional
10 facility and the department determines that inspection
11 at the other place is appropriate, the department may
12 require payment of costs necessitated by these
13 inspections, including overtime costs;

14 (8) Disinfection or quarantine. If, upon inspection, any
15 article received or brought into the State for the
16 purpose of debarkation or entry therein is found to be
17 infested or infected or there is reasonable cause to
18 presume that it is infested or infected and the
19 infestation or infection can, in the judgment of the
20 inspector, be eradicated, a treatment shall be given
21 ~~[such]~~ to the article. The treatment shall be at the



1 expense of the owner or the owner's agent, and the
2 treatment shall be as prescribed by the department.
3 The article shall be held in quarantine at the expense
4 of the owner or the owner's agent at a satisfactory
5 place approved by the department for a sufficient
6 length of time to determine that eradication has been
7 accomplished. If the infestation or infection is of
8 the nature or extent that it cannot be effectively and
9 completely eradicated, or if it is a potentially
10 destructive pest or it is not widespread in the State,
11 or after treatment it is determined that the
12 infestation or infection is not completely eradicated,
13 or if the owner or the owner's agent refuses to allow
14 the article to be treated or to be responsible for the
15 cost of treatment and quarantine, the article, or any
16 portion thereof, together with all packing and
17 containers, may, at the discretion of the inspector,
18 be destroyed or sent out of the State at the expense
19 of the owner or the owner's agent. The destruction or
20 exclusion shall not be made the basis of a claim



1 against the department or the inspector for damage or
2 loss incurred;

3 (9) Disposition. Upon completion of inspection, either at
4 the time of arrival or at any time thereafter should
5 any article be held for inspection, treatment, or
6 quarantine, the inspector shall affix to the article
7 or the container or to the delivery order in a
8 conspicuous place thereon, a tag, label, or stamp to
9 indicate that the article has been inspected and
10 passed. This action shall constitute a permit to
11 bring the article into the State; and

12 (10) Ports of entry. None of the articles mentioned in
13 this section shall be allowed entry into the State
14 except through the airports and seaports in the State
15 designated and approved by the board."

16 SECTION 27. Section 150A-8, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§150A-8 Transporting in State.** [~~Flora and fauna~~
19 ~~specified by rules and regulations of the department shall not~~
20 ~~be moved from one island to another island within the State or~~
21 ~~from one locality to another on the same island except by a~~



1 ~~permit issued by the department.]~~ The movement between the
2 islands of the State of the following articles, viz.,
3 nursery-stock, tree, shrub, herb, vine, cut-flower, cutting,
4 graft, scion, bud, seed, leaf, root, or rhizome; nut, fruit, or
5 vegetable; grain, cereal, or legume in the natural or raw state;
6 moss, hay, straw, dry-grass, or other forage; unmanufactured
7 log, limb, or timber, or any other plant-growth or
8 plant-product, unprocessed or in the raw state; soil;
9 microorganisms; live bird, reptile, nematode, insect, or any
10 other animal in any stage of development (that is in addition to
11 the so-called domestic animal, the quarantine of which is
12 provided for in chapter 142); box, vehicle, baggage, or any
13 other container in which the articles have been transported or
14 any packing material used in connection therewith shall be made
15 in the manner hereinafter set forth:

- 16 (1) Inspectional requirements. Any person who receives
17 for transport, or brings or causes movement between
18 the islands of the State, as freight, air freight,
19 baggage, as ship's stores, or otherwise, any of the
20 foregoing articles, shall ensure that the articles
21 have been inspected prior to movement between the



1 islands of the State and shall provide upon the
2 inspector's request, the waybill number, container
3 number, name and address of the consignor, name and
4 address of the consignee or the consignee's agent,
5 marks, number of packages, description of contents of
6 each package, and any other information that may be
7 necessary to inspect, locate, or identify the same.
8 If the articles are not inspected, the articles shall
9 be held in a manner that they will not spread or be
10 likely to spread any infestation or infection of
11 insects, diseases, or pests that may be present until
12 an inspection can be made by the inspector to
13 determine whether or not any article, or any portion
14 thereof, is infested or infected with insects,
15 diseases or contains any pest. The department may
16 adopt rules to define inspectional requirements of
17 specific articles. Failure to obtain certification
18 that the articles have met the inspectional
19 requirements prior to movement between the islands of
20 the State is a violation of this section;



1 (2) Labels. Each container in which any of the
2 above-mentioned articles are transported between the
3 islands of the State shall be plainly and legibly
4 marked, in a conspicuous manner and place, with the
5 name and address of the shipper or owner forwarding or
6 shipping the same, the name or mark of the person to
7 whom the same is forwarded or shipped or the person's
8 agent, and a statement of the contents of the
9 container. Failure to comply with this paragraph is a
10 violation of this section;

11 (3) Authority to inspect. Whenever the inspector has good
12 cause to believe that the provisions of this chapter
13 are being violated, the inspector may:

14 (A) Enter and inspect any aircraft, vessel, or other
15 carrier at any time whether offshore, at the
16 pier, or at the airport, for the purpose of
17 determining whether any of the articles or pests
18 enumerated in this chapter or rules adopted
19 thereto, is present;

20 (B) Enter into or upon any pier, warehouse, airport,
21 or any other place in the State where any of the



1 above-mentioned articles are moved or stored, for
2 the purpose of ascertaining, by inspection and
3 examination, whether or not any of the articles
4 is infested or infected with any pest or disease
5 or contaminated with soil or contains prohibited
6 plants or animals;

7 (C) Inspect any baggage or personal effects of
8 passengers, officers, and crew members on
9 aircraft or vessels moving between the islands of
10 the State to ascertain if they contain any of the
11 articles or pests enumerated in this chapter;

12 (D) Baggage or cargo inspection shall be made at the
13 discretion of the inspector, on the pier, vessel,
14 or aircraft or in any quarantine or inspection
15 area; and

16 (E) Whenever the inspector has good cause to believe
17 that the provisions of this chapter are being
18 violated, the inspector may require that any box,
19 package, suitcase, or any other container carried
20 as ship's stores, cargo, or otherwise by any
21 vessel or aircraft moving between the islands of



1 the State, be opened for inspection to determine
2 whether any article or pest prohibited by this
3 chapter or by rules adopted pursuant thereto is
4 present. It is a violation of this section if
5 any prohibited article, pest, or any article
6 infested with an insect or disease is found;

7 (4) Place of inspection. If, in the judgment of the
8 inspector, it is deemed necessary or advisable to move
9 any of the above-mentioned articles, or any portion
10 thereof, to a place more suitable for inspection than
11 the pier, airport, or any other place where they are
12 initially presented for inspection, the inspector is
13 authorized to do so. All costs and expenses incident
14 to the movement and transportation of the articles to
15 such place shall be borne by the consignee or the
16 consignee's agent;

17 (5) Disinfection or quarantine. If, upon inspection, any
18 article intended for movement between the islands of
19 the State is found to be infested or infected with an
20 insect, disease, or pest, or there is reasonable cause
21 to presume that it is infested or infected and the



1 infestation or infection can, in the judgment of the
2 inspector, be eradicated, a treatment shall be given
3 such article prior to movement between the islands of
4 the State. The treatment shall be at the expense of
5 the owner or the owner's agent, and the treatment
6 shall be as prescribed by the department. The article
7 shall be quarantined at the expense of the owner or
8 the owner's agent at a satisfactory place approved by
9 the department for a sufficient length of time to
10 determine that eradication has been accomplished. If
11 the infestation or infection is of such nature or
12 extent that it cannot be effectively and completely
13 eradicated, the shipment, or after treatment it is
14 determined that the infestation or infection is not
15 completely eradicated, or if the owner or the owner's
16 agent refuses to allow the article to be treated or to
17 be responsible for the cost of treatment and
18 quarantine, the article, or any portion thereof,
19 together with all packing and containers, shall not be
20 certified for movement between the islands of the
21 State. An article infested or infected with an



1 insect, disease, or pest that is not widespread in the
2 State may, at the discretion of the inspector, be
3 destroyed at the expense of the owner or the owner's
4 agent, provided no treatment exists that would
5 eradicate the insect, disease, or pest to the
6 satisfaction of the department. Such destruction
7 shall not be made the basis of a claim against the
8 department or the inspector for damage or loss
9 incurred; and

10 (6) Disposition. Upon completion of inspection, the
11 inspector shall conspicuously affix to the article,
12 container, or to the delivery order or other similar
13 document, a tag, label, or stamp to indicate that the
14 article has been inspected and can be moved between
15 the islands of the State."

16 SECTION 28. Section 150A-14, Hawaii Revised Statutes, is
17 amended by amending subsections (b) to (g) to read as follows:

18 "(b) Any person who violates section 150A-5 shall be
19 ~~[guilty of a petty misdemeanor and]~~ fined not less than ~~[\$50]~~
20 \$100 and not more than ~~[\$5,000.]~~ \$10,000. For a second
21 ~~[offense]~~ violation committed within five years of a prior



1 ~~[offense,]~~ violation, the person may be fined not less than
2 ~~[\$250]~~ \$500 and not more than ~~[\$15,000.]~~ \$25,000.

3 (c) Any person who:

4 (1) Violates section 150A-6(3) or 150A-6(4), or owns or
5 intentionally transports, possesses, harbors,
6 transfers, or causes the importation of any snake or
7 other prohibited animal seized under section
8 150A-7(b), or whose violation involves an animal that
9 is prohibited ~~[or]~~, a plant[7] that is restricted, or
10 an animal[7] or microorganism that is restricted[7] or
11 unlisted, without a permit, shall be guilty of a
12 misdemeanor and subject to a fine of not less than
13 \$5,000, but not more than \$20,000;

14 (2) Intentionally transports, transfers, possesses,
15 harbors, or imports with the intent to propagate,
16 sell, or release any animal that is prohibited ~~[or any~~
17 ~~plant, animal,]~~, a plant that is restricted, or an
18 animal or microorganism that is restricted[7] or
19 unlisted, without a permit, shall be guilty of a class
20 C felony and subject to a fine of not less than
21 \$50,000, but not more than \$200,000; or



1 (3) Intentionally imports, possesses, harbors, transfers,
2 or transports, including through interisland or
3 intraisland movement, with the intent to propagate,
4 sell, or release, any pest designated by statute or
5 rule, unless otherwise allowed by law, shall be guilty
6 of a class C felony and subject to a fine of not less
7 than \$50,000, but not more than \$200,000.

8 (d) Whenever a court sentences a person or organization
9 pursuant to subsection (a) or (c) for an offense which has
10 resulted in the escape or establishment of any pest or animal or
11 microorganism that is restricted or unlisted and caused the
12 department to initiate a program to capture, control, or
13 eradicate that pest~~[7]~~ or animal or microorganism that is
14 restricted or unlisted, the court shall also require that the
15 person or organization pay to the state general fund an amount
16 of money to be determined in the discretion of the court upon
17 advice of the department, based upon the cost of the development
18 and implementation of the program.

19 (e) The department may, at its discretion, refuse entry,
20 confiscate, or destroy any prohibited ~~[articles or]~~, restricted,
21 or unlisted articles that are brought into the State without a



1 permit issued by the department, or order the return of any
2 plant, fruit, vegetable, or any other article infested with
3 insects, diseases, or pests to its place of origin or otherwise
4 dispose of it or such part thereof as may be necessary to comply
5 with this chapter. Any expense or loss in connection therewith
6 shall be borne by the owner or the owner's agent.

7 (f) Any person or organization that voluntarily surrenders
8 any pest, prohibited animal, or any restricted plant, animal, or
9 microorganism without a permit issued by the department, prior
10 to the initiation of any seizure action by the department, shall
11 be exempt from the penalties of this section.

12 (g) For purposes of this section, "intent to propagate"
13 shall be presumed when the person in question is found to
14 possess, transfer, transport, harbor, or import:

15 (1) Any two or more animal specimens of the opposite sex
16 that are prohibited, unlisted, or restricted, without
17 a permit, or are a pest designated by statute or rule;

18 (2) Any three or more animal specimens of either sex that
19 are prohibited, unlisted, or restricted, without a
20 permit, or are a pest designated by statute or rule;



(3) Any plant that is restricted or microorganism that is restricted or unlisted, having the inherent capability to reproduce [~~and that is restricted~~], without a permit; or

(4) Any specimen that is in the process of reproduction."

SECTION 29. Section 150A-54, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The department shall set and impose charges for the inspection, quarantine, and eradication of pests in accordance with this chapter and chapter 141[-], including imposing charges on an importer for using a transitional facility. The department shall deposit the charges into the pest inspection, quarantine, and eradication fund established pursuant to section 150A-4.5."

PART VI

SECTION 30. The purpose of this part is to require the department of agriculture to enter into agreements with private industries for readiness and response to prevent and address unwanted organisms and to allow persons to propose plans for the management and eradication of pests.



SECTION 31. Chapter 150A, Hawaii Revised Statutes, is amended by adding two new sections to part VI to be appropriately designated and to read as follows:

"§150A- Government-industry agreements for readiness and response. (a) The department shall enter into readiness and response agreements with businesses and representatives of businesses in the plant and animal industries of Hawaii, including businesses that grow, harvest, or produce animals and plants or products from animals and plants.

(b) The agreements shall include:

(1) Readiness activities that:

(A) Prevent unwanted organisms from entering the State; and

(B) Detect unwanted organisms; and

(2) Response activities that:

(A) Facilitate the immediate investigation of an unwanted organism after detection, including timely reporting;

(B) Minimize the impact of the unwanted organism on natural and physical resources, human health, and overseas market access for Hawaii products;



1 (C) Control the spread of an unwanted organism;

2 (D) Reduce the geographical distribution of an
3 unwanted organism; and

4 (E) Eradicate the unwanted organism.

5 \$150A- **Pest management plans.** (a) Any person may
6 submit to the board a proposed pest management plan. The
7 proposed pest management plan shall include:

8 (1) The name of the person submitting the proposed pest
9 management plan;

10 (2) The organism proposed to be classified as a pest;
11 provided that a proposed pest management plan may
12 encompass a category of organisms proposed to be
13 classified as pests;

14 (3) A description of the organism's adverse effects;

15 (4) A description of the region of the proposed plan or
16 whether the proposed plan will be implemented
17 statewide;

18 (5) The reason for the proposed plan;

19 (6) Objectives of the proposed plan;

20 (7) The principal measures to achieve the objectives and
21 alternative measures, if any;



1 (8) An allocation of the costs, if applicable;

2 (9) Proposed funding;

3 (10) An allocation of the costs, if applicable; and

4 (11) Other information as required by the department.

5 (b) The board shall review the proposed plan, taking into
6 consideration:

7 (1) Whether the implementation of the proposed plan is
8 likely to eradicate or effectively manage the organism
9 proposed to be declared a pest;

10 (2) Whether the proposed plan is inconsistent with any
11 federal or state requirement, activity, or policy;

12 (3) Any harmful effects of denying the proposed pest
13 management plan;

14 (4) Whether the benefits of the proposed plan would
15 outweigh the costs; and

16 (5) Other considerations established by the department.

17 (c) At a public hearing, the board shall approve the
18 proposed plan, deny the proposed plan, or approve the proposed
19 plan with modifications.



(d) The department may negotiate with the person who submitted the proposed plan or any other person before taking action.

(e) The board shall publish each proposed plan it approves, and any proposed plan that the board approves with modifications. These shall be known as approved plans.

(f) The department may enter into contracts to implement
approved plans."

PART VII

SECTION 32. Section 194-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established the invasive species council within the department of agriculture and biosecurity for the ~~[special]~~ purpose of providing policy level direction, coordination, and planning among state departments, federal agencies, and international and local initiatives for the control and eradication of harmful invasive species infestations throughout the State and for preventing the introduction of other invasive species that may be potentially harmful. The council shall:

- 1 (1) Maintain a broad overview of the invasive species
2 problem in the State;
- 3 (2) Advise, consult, and coordinate invasive
4 species-related efforts with and between the
5 departments of agriculture[7] and biosecurity, land
6 and natural resources, health, and transportation, as
7 well as state, federal, international, and privately
8 organized programs and policies;
- 9 (3) Identify and prioritize each lead agency's
10 organizational and resource shortfalls with respect to
11 invasive species;
- 12 (4) After consulting with appropriate state agencies,
13 create and implement a plan that includes the
14 prevention, early detection, rapid response, control,
15 enforcement, and education of the public with respect
16 to invasive species, as well as fashion a mission
17 statement articulating the State's position against
18 invasive species; provided that the appropriate state
19 agencies shall collaborate with the counties and
20 communities to develop and implement a systematic
21 approach to reduce and control coqui frog infestations



1 on public lands that are near or adjacent to
2 communities, and shall provide annual reports on the
3 progress made in achieving this objective;

4 (5) Coordinate and promote the State's position with
5 respect to federal issues, including:

6 (A) Quarantine preemption;

7 (B) International trade agreements that ignore the
8 problem of invasive species in Hawaii;

9 (C) First class mail inspection prohibition;

10 (D) Whether quarantine of domestic pests arriving
11 from the mainland should be provided by the
12 federal government;

13 (E) Coordinating efforts with federal agencies to
14 maximize resources and reduce or eliminate system
15 gaps and leaks, including deputizing the United
16 States Department of Agriculture's plant
17 protection and quarantine inspectors to enforce
18 Hawaii's laws;

19 (F) Promoting the amendment of federal laws as
20 necessary, including the Lacey Act Amendments of
21 1981, Title 16 United States Code sections



3371-3378; Public Law 97-79, and laws related to
inspection of domestic airline passengers,
baggage, and cargo; and

(G) Coordinating efforts and issues with the federal
Invasive Species Council and its National
Invasive Species Management Plan;

(6) Identify and record all invasive species present in
the State;

(7) Designate the department of agriculture~~[7]~~ and
biosecurity, health, or land and natural resources as
the lead agency for each function of invasive species
control, including prevention, rapid response,
eradication, enforcement, and education;

(8) Identify all state, federal, and other moneys expended
for the purposes of the invasive species problem in
the State;

(9) Identify all federal and private funds available to
the State to fight invasive species and advise and
assist state departments to acquire these funds;

(10) Advise the governor and legislature on budgetary and
other issues regarding invasive species;



- 1 (11) Provide annual reports on budgetary and other related
2 issues to the legislature twenty days prior to each
3 regular session;
- 4 (12) Include and coordinate with the counties in the fight
5 against invasive species to increase resources and
6 funding and to address county-sponsored activities
7 that involve invasive species;
- 8 (13) Review state agency mandates and commercial interests
9 that sometimes call for the maintenance of potentially
10 destructive alien species as resources for sport
11 hunting, aesthetic resources, or other values;
- 12 (14) Review the structure of fines and penalties to ensure
13 maximum deterrence for invasive species-related
14 crimes;
- 15 (15) Suggest appropriate legislation to improve the State's
16 administration of invasive species programs and
17 policies;
- 18 (16) Incorporate and expand upon the department of
19 ~~[agriculture's]~~ agriculture and biosecurity's weed
20 risk assessment protocol to the extent appropriate for



1 the council's invasive species control and eradication
2 efforts; and

3 (17) Perform any other function necessary to effectuate the
4 purposes of this chapter."

5 PART VIII

6 SECTION 33. The legislature finds that treating plant care
7 components, which includes any quantity of wood chips, compost,
8 or filter socks, reduces potential pests and increases the
9 State's overall biosecurity. Act 197, Session Laws of Hawaii
10 2024, requires the department of agriculture to certify plant
11 care component treatments performed within the State. The
12 purpose of this part is to expressly provide the department of
13 agriculture with the rulemaking authority to adopt
14 administrative rules and to assess administrative penalties to
15 fully effectuate Act 197.

16 SECTION 34. Section 141-2, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§141-2 Rules.** Subject to chapter 91, the department of
19 agriculture and biosecurity shall adopt, amend, and repeal rules
20 not inconsistent with law, for and concerning:



- 1 (1) The introduction, transportation, and propagation of
2 trees, shrubs, herbs, and other plants;
- 3 (2) The quarantine, inspection, fumigation, disinfection,
4 destruction, or exclusion, either upon introduction
5 into the State, or at any time or place within the
6 State, of any nursery-stock, tree, shrub, herb, vine,
7 cut-flower, cutting, graft, scion, bud, seed, leaf,
8 root, or rhizome; any nut, fruit, or vegetable; any
9 grain, cereal, or legume in the natural or raw state;
10 any moss, hay, straw, dry-grass, or other forage; any
11 unmanufactured log, limb, or timber; or any other
12 plant growth or plant product unprocessed or in the
13 raw state; any sand, soil, or earth; any live bird,
14 reptile, insect, or other animal, in any stage of
15 development, that is in addition to the so-called
16 domestic animals, which are provided for in section
17 142-2; and any box, barrel, crate, or other containers
18 in which the articles, substances, or objects have
19 been transported or contained, and any packing
20 material used in connection therewith, that is or may
21 be diseased or infested with insects or likely to



1 assist in the transmission or dissemination of any
2 insect or plant disease injurious, harmful, or
3 detrimental, or likely to become injurious, harmful,
4 or detrimental to the agricultural or horticultural
5 industries or the forests of the State, or that is or
6 may be in itself injurious, harmful, or detrimental to
7 the same; provided that included therein may be rules
8 governing the transportation of any of the articles,
9 substances, or objects enumerated above in this
10 section between different localities on any one of the
11 islands within the State;

12 (3) The prohibition of importation into the State, from
13 any or all foreign countries or from other parts of
14 the United States, or the shipment from one island
15 within the State to another island therein, or the
16 transportation from one part or locality of any island
17 to another part or locality of the same island, of any
18 specific article, substance, or object or class of
19 articles, substances, or objects, among those
20 enumerated above in this section, that is diseased or
21 infested with insects or likely to assist in the



1 transmission or dissemination of any insect or plant
2 disease injurious, harmful, or detrimental or likely
3 to be injurious, harmful, or detrimental to the
4 agricultural or horticultural industries, or the
5 forests of the State, or that is or may be in itself
6 injurious, harmful, or detrimental to the same;

7 (4) The preparation by cargo carriers of manifests of
8 cargo transported into the State or between islands of
9 the State and the submission of the manifests to the
10 department;

11 (5) The establishment, maintenance, and enforcement of
12 compliance agreements with federal or state
13 departments of agriculture authorizing agriculture
14 inspectors from the state of origin in the case of
15 imports to the State, or state agricultural inspectors
16 in the case of state exports, to monitor the growing
17 and packing of plant commodities and any treatment
18 procedures to ensure compliance with quarantine laws,
19 and further authorizing the assessment of fees for
20 conducting inspections required under the compliance
21 agreement; [and]



(6) The manner in which agricultural product promotion and research activities may be undertaken, after coordinating with the agribusiness development corporation[+];

(7) The establishment, fee schedule, appropriate treatments, certification requirements, restrictions, and enforcement of or for a plant care component program; and

(8) Any other purpose within this part.

All rules adopted under this section shall have the force and effect of law."

SECTION 35. Section 141-18, Hawaii Revised Statutes, is amended to read as follows:

"§141-18 Plant care components; fumigation; treatment; certification; fees; restrictions. (a) The department of agriculture[+] and biosecurity:

(1) Shall certify plant care component treatments performed within the State;

(2) May certify and permit entities to conduct plant care component treatments before shipment; and



(3) Shall deposit any fees collected for certifications of plant care component treatment pursuant to section 150A-21 into the pest inspection, quarantine, and eradication fund established pursuant to section 150A-4.5.

(b) No person shall distribute within the State any plant care component that originated outside the State, unless ~~[the]~~:

(1) The plant care component was subject to a treatment prior to entering the State; and

(2) The plant care component has been treated immediately after entering the State, as certified by the department of agriculture~~[-]~~ and biosecurity.

(c) No person shall transport any plant care component:

(1) Between the islands of the State; or

(2) From a location within the State to a location outside the State,

without prior certification from the department of agriculture and biosecurity that the component has been treated pursuant to this section; provided that the component shall be stored in a manner to prohibit infestation post-treatment.



1 (d) Any person who violates any provision of this section
2 or rules adopted under this section may be assessed an
3 administrative penalty by the board of not more than \$10,000 for
4 each offense. No administrative penalty shall be assessed
5 unless the person charged has been given notice and an
6 opportunity for a hearing on the specific charge. The
7 administrative penalty and any proposed action contained in the
8 notice of finding of violation shall become a final order
9 unless, within twenty days of receipt of the notice, the person
10 or persons charged make a written request for a hearing. In
11 determining the amount of penalty, the board shall consider the
12 appropriateness of the penalty to the size of the business of
13 the person charged, the effect on the person's ability to
14 continue business, and the gravity of the violation.

15 (e) In case of inability to collect the administrative
16 penalty or failure of any person to pay all or a portion of the
17 administrative penalty as the board may determine, the board
18 shall refer the matter to the attorney general, who shall
19 recover the amount by action in the appropriate court. For any
20 judicial proceeding to recover the administrative penalty
21 imposed, the attorney general need only show that notice was



1 given, a hearing was held, or the time granted for requesting a
2 hearing has expired without such a request, the administrative
3 penalty was imposed, and that the penalty remains unpaid.

4 (f) When construing and enforcing provisions of this
5 section, the act, omission, or failure of any officer, agent, or
6 other person acting for or employed by any person shall in every
7 case be also deemed to be the act, omission, or failure of such
8 person as well as that of the person employed.

9 ~~[(d)]~~ (g) For the purposes of this section:

10 "Board" means board of agriculture and biosecurity.

11 "Filter sock" means a mesh tube that contains organic plant
12 material, which is used for erosion control.

13 "Person" means an individual, firm, corporation,
14 association, or partnership or any organized group of persons
15 whether incorporated or not.

16 "Plant care component" or "component" means any quantity of
17 wood chips, compost, or filter socks.

18 "Treat" or "treatment" means fumigation or heat treatment."

19 PART IX

20 SECTION 36. All rights, powers, functions, and duties of
21 the invasive species council are transferred from the department



1 of land and natural resources to the department of agriculture
2 and biosecurity.

3 All employees who occupy civil service positions and whose
4 functions are transferred to the department of agriculture and
5 biosecurity by section 30 this Act shall retain their civil
6 service status, whether permanent or temporary. Employees shall
7 be transferred without loss of salary, seniority (except as
8 prescribed by applicable collective bargaining agreements),
9 retention points, prior service credit, any vacation and sick
10 leave credits previously earned, and other rights, benefits, and
11 privileges, in accordance with state personnel laws and this
12 Act; provided that the employees possess the minimum
13 qualifications and public employment requirements for the class
14 or position to which transferred or appointed, as applicable;
15 provided further that subsequent changes in status may be made
16 pursuant to applicable civil service and compensation laws.

17 Any employee who, prior to this Act, is exempt from civil
18 service and is transferred as a consequence of this Act may
19 retain the employee's exempt status, but shall not be appointed
20 to a civil service position as a consequence of this Act. An
21 exempt employee who is transferred by this Act shall not suffer



1 any loss of prior service credit, vacation or sick leave credits
2 previously earned, or other employee benefits or privileges as a
3 consequence of this Act; provided that the employees possess
4 legal and public employment requirements for the position to
5 which transferred or appointed, as applicable; provided further
6 that subsequent changes in status may be made pursuant to
7 applicable employment and compensation laws. The chairperson of
8 the board of agriculture and biosecurity may prescribe the
9 duties and qualifications of these employees and fix their
10 salaries without regard to chapter 76, Hawaii Revised Statutes.

11 SECTION 37. All appropriations, records, equipment,
12 machines, files, supplies, contracts, books, papers, documents,
13 maps, and other personal property heretofore made, used,
14 acquired, or held by the department of land and natural
15 resources relating to the functions of the invasive special
16 council that are transferred to the department of agriculture
17 and biosecurity shall be transferred with the functions to which
18 they relate.

19 SECTION 38. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2025-2026 and the



1 same sum or so much thereof as may be necessary for fiscal year
2 2026-2027 for the biosecurity requirements of this Act.

3 The sums appropriated shall be expended by the department
4 of agriculture and biosecurity for the purposes of this Act.

5 SECTION 39. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2025-2026 and the
8 same sum or so much thereof as may be necessary for the fiscal
9 year 2026-2027 for the implementation and performance of the
10 plant care component program and for the establishment
11 of full time equivalent (FTE), permanent civil service
12 plant quarantine inspector III positions and full time
13 equivalent (FTE), permanent civil service plant quarantine
14 inspector IV positions within the department of agriculture and
15 biosecurity, plant industry division, plant quarantine branch to
16 effectuate this Act.

17 The sums appropriated shall be expended by the department
18 of agriculture and biosecurity for the purposes of this Act.

19 SECTION 40. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$12,735,015 or so
21 much thereof as may be necessary for fiscal year 2025-2026 and



1 the same sum or so much thereof as may be necessary for fiscal
2 year 2026-2027 for the continuation of the programs in Act 231,
3 Session Laws of Hawaii 2024, including forty-four full-time
4 equivalent (44.0 FTE) positions.

5 The sums appropriated shall be expended by the department
6 of agriculture for the purposes of this Act.

7 PART X

8 SECTION 41. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 42. This Act shall take effect on July 1, 2025

11 INTRODUCED BY: 



S.B. NO. 1100

Report Title:

Biosecurity; HDOA; DLNR; Invasive Species Council; Import; Plants; Animals; Appropriation

Description:

Renames the Department of Agriculture as the Department of Agriculture and Biosecurity. Establishes a Deputy Chairperson for Biosecurity. Requires the Department of Agriculture and Biosecurity to establish an emergency response team to respond to biosecurity events. Authorizes the department to establish transitional facilities and private inspectors to inspect imported plants and animals. Requires inspection of various items transported interisland. Increases penalties for illegally transporting plants, animals, and microorganisms. Requires the department to establish government-industry agreements to detect and respond to unwanted organisms in Hawaii. Authorizes pest management plans to address, contain, or eradicate pests. Transfers the Invasive Species Council from the Department of Land and Natural Resources to the Department of Agriculture and Biosecurity. Authorizes the Hawaii Department of Agriculture and Biosecurity to adopt rules to establish and enforce the plant care component program. Authorizes the Department of Agriculture and Biosecurity to assess administrative penalties for the enforcement of the program. Appropriates moneys.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

