
A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

PART I

SECTION 1. Section 26-16, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsection (a) to read:

"§26-16 Department of agriculture~~[-]~~ and biosecurity. (a)

The department of agriculture and biosecurity shall be headed by an executive board to be known as the board of agriculture~~[-]~~ and biosecurity. The board shall consist of ~~[ten]~~ twelve members:

(1) One who shall be a resident of the county of Hawaii;

(2) One who shall be a resident of the county of Maui;

(3) One who shall be a resident of the county of Kauai;

(4) ~~[Four]~~ Six at large; and

(5) The chairperson of the board of land and natural

resources; the director of business, economic

development, and tourism; and the dean of the

~~[University]~~ university of Hawaii college of tropical



1 agriculture and human resources, or their designated
2 representatives, who shall serve as ex officio[+],[+]
3 voting members.

4 The majority of the members of the board shall be from the
5 agricultural community or the agricultural support sector. Two
6 of the members shall have experience in biosecurity. The
7 appointment, tenure, and removal of the members and the filling
8 of vacancies on the board shall be as provided in section 26-34.
9 The governor shall appoint a chairperson of the board from the
10 members."

11 2. By amending subsection (d) to read:

12 "(d) The functions and authority heretofore exercised by
13 the board of commissioners of agriculture and forestry (except
14 the management of state parks and the conservation, development,
15 and utilization of forest resources, including regulatory powers
16 over the forest reserve provided in Act 234, section 2, Session
17 Laws of Hawaii 1957, and of fish and game resources transferred
18 to the department of land and natural resources), by the farm
19 loan board as heretofore constituted, and by the [~~University~~]
20 university of Hawaii with respect to the crop and livestock
21 reporting service and market news service, are transferred to



1 the department of agriculture and biosecurity established by
2 this chapter."

3 SECTION 2. Section 141-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§141-2 Rules.** Subject to chapter 91, the department of
6 agriculture and biosecurity shall adopt, amend, and repeal rules
7 not inconsistent with law, for and concerning:

8 (1) The introduction, transportation, and propagation of
9 trees, shrubs, herbs, and other plants;

10 (2) The quarantine, inspection, fumigation, disinfection,
11 destruction, or exclusion, either upon introduction
12 into the State, or at any time or place within the
13 State, of any nursery-stock, tree, shrub, herb, vine,
14 cut-flower, cutting, graft, scion, bud, seed, leaf,
15 root, or rhizome; any nut, fruit, or vegetable; any
16 grain, cereal, or legume in the natural or raw state;
17 any moss, hay, straw, dry-grass, or other forage; any
18 unmanufactured log, limb, or timber; or any other
19 plant growth or plant product unprocessed or in the
20 raw state; any sand, soil, or earth; any live bird,
21 reptile, insect, or other animal, in any stage of



1 development, that is in addition to the so-called
2 domestic animals, which are provided for in section
3 142-2; and any box, barrel, crate, or other containers
4 in which the articles, substances, or objects have
5 been transported or contained, and any packing
6 material used in connection therewith, that is or may
7 be diseased or infested with insects or likely to
8 assist in the transmission or dissemination of any
9 insect or plant disease injurious, harmful, or
10 detrimental, or likely to become injurious, harmful,
11 or detrimental to the agricultural or horticultural
12 industries or the forests of the State, or that is or
13 may be in itself injurious, harmful, or detrimental to
14 the same; provided that included therein may be rules
15 governing the transportation of any of the articles,
16 substances, or objects enumerated above in this
17 section between different localities on any one of the
18 islands within the State;

19 (3) The prohibition of importation into the State, from
20 any or all foreign countries or from other parts of
21 the United States, or the shipment from one island



1 within the State to another island therein, or the
2 transportation from one part or locality of any island
3 to another part or locality of the same island, of any
4 specific article, substance, or object or class of
5 articles, substances, or objects, among those
6 enumerated above in this section, that is diseased or
7 infested with insects or likely to assist in the
8 transmission or dissemination of any insect or plant
9 disease injurious, harmful, or detrimental or likely
10 to be injurious, harmful, or detrimental to the
11 agricultural or horticultural industries, or the
12 forests of the State, or that is or may be in itself
13 injurious, harmful, or detrimental to the same;

14 (4) The preparation by cargo carriers of manifests of
15 cargo transported into the State or between islands of
16 the State and the submission of the manifests to the
17 department;

18 (5) The establishment, maintenance, and enforcement of
19 compliance agreements with federal or state
20 departments of agriculture authorizing agriculture
21 inspectors from the state of origin in the case of



1 imports to the State, or state agricultural inspectors
2 in the case of state exports, to monitor the growing
3 and packing of plant commodities and any treatment
4 procedures to ensure compliance with quarantine laws,
5 and further authorizing the assessment of fees for
6 conducting inspections required under the compliance
7 agreement; and

8 (6) The manner in which agricultural product promotion and
9 research activities may be undertaken, after
10 coordinating with the agribusiness development
11 corporation.

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

14 SECTION 3. Section 194-2, Hawaii Revised Statutes, is
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) There is established the invasive species council for
17 the special purpose of providing policy level direction,
18 coordination, and planning among state departments, federal
19 agencies, and international and local initiatives for the
20 control and eradication of harmful invasive species infestations
21 throughout the State and for preventing the introduction of



1 other invasive species that may be potentially harmful. The
2 council shall:

3 (1) Maintain a broad overview of the invasive species
4 problem in the State;

5 (2) Advise, consult, and coordinate invasive species-
6 related efforts with and between the departments of
7 agriculture[~~r~~] and biosecurity, land and natural
8 resources, health, and transportation, as well as
9 state, federal, international, and privately organized
10 programs and policies;

11 (3) Identify and prioritize each lead agency's
12 organizational and resource shortfalls with respect to
13 invasive species;

14 (4) After consulting with appropriate state agencies,
15 create and implement a plan that includes the
16 prevention, early detection, rapid response, control,
17 enforcement, and education of the public with respect
18 to invasive species, as well as fashion a mission
19 statement articulating the State's position against
20 invasive species; provided that the appropriate state
21 agencies shall collaborate with the counties and



1 communities to develop and implement a systematic
2 approach to reduce and control coqui frog infestations
3 on public lands that are near or adjacent to
4 communities, and shall provide annual reports on the
5 progress made in achieving this objective;

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

8 (A) Quarantine preemption;

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

11 (C) First class mail inspection prohibition;

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

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



1 (F) Promoting the amendment of federal laws as
2 necessary, including the Lacey Act Amendments of
3 1981, [~~Title~~] title 16 United States Code
4 sections 3371-3378[~~7~~], Public Law 97-79, and laws
5 related to inspection of domestic airline
6 passengers, baggage, and cargo; and

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

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

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

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



- 1 (9) Identify all federal and private funds available to
2 the State to fight invasive species and advise and
3 assist state departments to acquire these funds;
4 (10) Advise the governor and legislature on budgetary and
5 other issues regarding invasive species;
6 (11) Provide annual reports on budgetary and other related
7 issues to the legislature twenty days [~~prior to~~]
8 before each regular session;
9 (12) Include and coordinate with the counties in the fight
10 against invasive species to increase resources and
11 funding and to address county-sponsored activities
12 that involve invasive species;
13 (13) Review state agency mandates and commercial interests
14 that sometimes call for the maintenance of potentially
15 destructive alien species as resources for sport
16 hunting, aesthetic resources, or other values;
17 (14) Review the structure of fines and penalties to ensure
18 maximum deterrence for invasive species-related
19 crimes;



1 (15) Suggest appropriate legislation to improve the State's
2 administration of invasive species programs and
3 policies;

4 (16) Incorporate and expand upon the department of
5 ~~[agriculture's]~~ agriculture and biosecurity's weed
6 risk assessment protocol to the extent appropriate for
7 the council's invasive species control and eradication
8 efforts; and

9 (17) Perform any other function necessary to effectuate the
10 purposes of this chapter.

11 (b) The council shall be placed within the department of
12 land and natural resources for administrative purposes only and
13 shall be composed of:

14 (1) The president of the University of Hawaii, or the
15 president's designated representative;

16 (2) The director, or the director's designated
17 representative, of each of the following departments:

18 (A) Business, economic development, and tourism;

19 (B) Health; and

20 (C) Transportation; and



(3) The chairperson, or the chairperson's designated representative, of each of the following departments:

(A) Agriculture[+] and biosecurity; and

(B) Land and natural resources."

SECTION 4. (a) Sections 6E-61, 23-12, 26-4, 46-67, 141-1, 141-3, 141-3.5, 141-3.6, 141-4, 141-5, 141-6, 141-7, 141-9, 141-12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17, 141-18, 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2, 142-3, 142-3.5, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12, 142-13, 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1, 142-23.5, 142-29, 142-31, 142-41, 142-43, 142-49, 142-92, 142-93, 142-98, 142-100, 142-101, 142-111, 143-2.2, 144-1, 145-1, 145-3, 145-7, 145-8, 145-9, 145-27, 145D-5, 146-22, 147-1, 147-21, 147-31, 147-32, 147-51, 147-54, 147-55, 147-56, 147-58, 147-59, 147-60, 147-73, 147-75, 147-76, 147-78, 147-80, 147-91, 147-92, 147-94, 147-95, 147-96, 147-97, 147-101, 147-102, 147-111, 147-116, 147-122, 148-1, 148-2, 148-61, 148-62, 148-63, 148-64, 148-66, 150-21, 150A-2, 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4, 155-5, 155-5.5, 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11, 155-12, 155-13, 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3, 159-15, 161-3, 161-6,



1 163D-4, 166-2, 166-3, 166-11, 166E-1, 166E-2, 166E-3, 167-22,
2 167-23, 169-1, 171-2, 171-3, 171-37.5, 171-55.5, 171-59,
3 171-64.7, 171-112, 171-117, 173A-4, 173A-5, 174C-31, 187A-6.5,
4 205-6, 205-44.5, 205-45, 205-45.5, 205-48, 205-49, 205-50,
5 205A-62, 206E-34, 219-2, 219-4, 219-7, 219-9, 235-110.93,
6 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6, 421-21.6, 460J-21,
7 460J-24.5, and 486-1, Hawaii Revised Statutes, and the title of
8 chapter 141, 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 the context requires.

12 (b) Sections 141-42, 142-18, 142-21, 147-52, 147-53,
13 147-57, 147-74, 147-93, 149A-2, 159-2, 161-2, 205-47, 219-8, and
14 460J-26, Hawaii Revised Statutes, are amended by substituting
15 the term "department of agriculture and biosecurity", or similar
16 term, wherever the term "department of agriculture", or similar
17 term, appears, except within the term "United States Department
18 of Agriculture", as the context requires.

19 (c) Sections 10-41, 26-34, 84-17, 84-18, 128E-2, 141-6,
20 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6, 142-23.1, 142-
21 28.5, 142-29, 142-31, 144-10, 145-22, 145-27, 147-9, 147-24,



1 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2, 149A-32.5, 150A-
2 2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13, 155-14, 155-33, 157-
3 1, 157-14, 157-15, 157-18, 157-22, 157-23, 157-24, 157-25, 157-
4 26, 157-27, 157-29, 157-41, 157-42, 159-3, 161-3, 163D-3, 166-2,
5 166-3, 166-4, 166-5, 166-6, 166-11, 166E-1, 166E-2, 166E-3, 167-
6 1, 167-2, 167-3, 167-4, 167-5, 167-6, 167-7, 167-9, 167-11, 167-
7 12, 167-13, 167-14, 167-15, 167-16, 167-17, 167-18, 167-19, 167-
8 20, 167-21, 167-22, 168-1, 168-2, 168-3, 168-4, 168-5, 168-6,
9 168-7, 168-8, 169-3, 195-6, 210D-5, 219-2, 219-3, 219-4, 220-1,
10 225P-3, 225P-4, 279A-4, 330C-3, 371-19, 460J-2, and 486-1,
11 Hawaii Revised Statutes, are amendeded by substituting the term
12 "board of agriculture and biosecurity", or similar term,
13 wherever the term "board of agriculture", or similar term,
14 appears, as the context requires.

15 (d) Sections 26-52 and 26-56, Hawaii Revised Statutes, are
16 amended by substituting the term "agriculture and biosecurity",
17 or similar term, wherever the term "agriculture", or similar
18 term, appears, as the context requires.

19 SECTION 5. All laws and parts of laws heretofore enacted
20 that are in conflict with the provisions of this part of this
21 Act are hereby amended to conform herewith. All Acts passed



1 during this regular session of 2025, whether enacted before or
2 after the passage of this part of this Act, shall be amended to
3 conform to this part of this Act, unless the Acts specifically
4 provide that the Act relating to a "department of agriculture"
5 are being amended. Amendments made to sections of the Hawaii
6 Revised Statutes that are amended by this part of this Act as of
7 a future effective date shall include amendments made after the
8 approval of this part of this Act and before the effective date
9 of the amendments made by this part of this Act, to the extent
10 that the intervening amendments may be harmonized with the
11 amendments made by this part of this Act.

12 SECTION 6. All rights, powers, functions, and duties of
13 the department of agriculture are transferred to the department
14 of agriculture and biosecurity.

15 All employees who occupy civil service positions and whose
16 functions are transferred to the department of agriculture and
17 biosecurity by this Act shall retain their civil service status,
18 whether permanent or temporary. Employees shall be transferred
19 without loss of salary, seniority (except as prescribed by
20 applicable collective bargaining agreements), retention points,
21 prior service credit, any vacation and sick leave credits



1 previously earned, and other rights, benefits, and privileges,
2 in accordance with state personnel laws and this Act; provided
3 that the employees possess the minimum qualifications and public
4 employment requirements for the class or position to which
5 transferred or appointed, as applicable; provided further that
6 subsequent changes in status may be made pursuant to applicable
7 civil service and compensation laws.

8 Any employee who, before this Act, is exempt from civil
9 service and is transferred as a consequence of this Act may
10 retain the employee's exempt status, but shall not be appointed
11 to a civil service position as a consequence of this Act. An
12 exempt employee who is transferred by this Act shall not suffer
13 any loss of prior service credit, vacation or sick leave credits
14 previously earned, or other employee benefits or privileges as a
15 consequence of this Act; provided that the employees possess
16 legal and public employment requirements for the position to
17 which transferred or appointed, as applicable; provided further
18 that subsequent changes in status may be made pursuant to
19 applicable employment and compensation laws. The chairperson of
20 the board of agriculture and biosecurity may prescribe the



1 duties and qualifications of these employees and fix their
2 salaries without regard to chapter 76, Hawaii Revised Statutes.

3 SECTION 7. (a) All deeds, leases, contracts, loans,
4 agreements, permits, or other documents executed or entered into
5 by or on behalf of the department of agriculture or board of
6 agriculture, pursuant to the provisions of the Hawaii Revised
7 Statutes, that are reenacted or made applicable to the
8 department of agriculture and biosecurity or board of
9 agriculture and biosecurity by this Act shall remain in full
10 force and effect. Upon the effective date of this Act, every
11 reference to the department of agriculture, board of
12 agriculture, or chairperson of the board of agriculture therein
13 shall be construed as a reference to the department of
14 agriculture and biosecurity, board of agriculture and
15 biosecurity, or chairperson of the board of agriculture and
16 biosecurity, as appropriate.

17 (b) All rules, policies, procedures, guidelines, and other
18 material adopted or developed by the department of agriculture
19 or board of agriculture to implement provisions of the Hawaii
20 Revised Statutes that are reenacted or made applicable to the
21 department of agriculture and biosecurity or board of



1 agriculture and biosecurity, by this Act shall remain in full
2 force and effect until amended or repealed by the department of
3 agriculture and biosecurity or board of agriculture and
4 biosecurity pursuant to chapter 91, Hawaii Revised Statutes. In
5 the interim, every reference to the department of agriculture,
6 board of agriculture, or the chairperson of the board of
7 agriculture in those rules, policies, procedures, guidelines,
8 and other material is amended to refer to the department of
9 agriculture and biosecurity, board of agriculture and
10 biosecurity, or chairperson of the board of agriculture and
11 biosecurity, as appropriate.

12 PART II

13 SECTION 8. Chapter 141, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 **"§141- Deputy director of biosecurity. (a) The**
17 **governor shall appoint a deputy director of biosecurity, not**
18 **subject to the advice and consent of the senate, to serve as a**
19 **deputy to the chairperson of the board of agriculture and**
20 **biosecurity. The deputy director of biosecurity shall oversee**
21 **the biosecurity program established pursuant to this part.**



1 (b) The salary of the deputy director of biosecurity shall
2 be as provided in section 26-53 for first deputies or first
3 assistants to the head of any department."

4 SECTION 9. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2025-2026 and
7 the same sum or so much thereof as may be necessary for fiscal
8 year 2026-2027 to establish full-time equivalent (FTE)
9 permanent deputy director of biosecurity in the department of
10 agriculture and biosecurity.

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

13 PART III

14 SECTION 10. Section 150A-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§150A-5 Conditions of importation.** The importation into
17 the State of any of the following articles, viz., nursery-stock,
18 tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud,
19 seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain,
20 cereal, or legume in the natural or raw state; moss, hay, straw,
21 dry-grass, or other forage; unmanufactured log, limb, or timber,



1 or any other plant-growth or plant-product, unprocessed or in
2 the raw state; soil; microorganisms; live bird, reptile,
3 nematode, insect, or any other animal in any stage of
4 development (that is in addition to the so-called domestic
5 animal, the quarantine of which is provided for in chapter 142);
6 box, vehicle, baggage, or any other container in which the
7 articles have been transported or any packing material used in
8 connection therewith shall be made in the manner hereinafter set
9 forth:

10 (1) Notification of arrival. Any person who receives for
11 transport or brings or causes to be brought to the
12 State as freight, air freight, baggage, or otherwise,
13 for the purpose of debarkation or entry therein, or as
14 ship's stores, any of the foregoing articles, shall,
15 immediately upon the arrival thereof, notify the
16 department, in writing, of the arrival, giving the
17 waybill number, container number, name and address of
18 the consignor, name and address of the consignee or
19 the consignee's agent in the State, marks, number of
20 packages, description of contents of each package,
21 port at which laden, and any other information that



1 may be necessary to identify or locate [~~or identify~~]
2 the same, and shall hold the articles at the airport,
3 pier, [~~airport,~~] or any other place where they are
4 first received or discharged, in a manner that they
5 will not spread or be likely to spread any infection
6 or infestation [~~or infection~~] of diseases or insects
7 [~~or diseases~~] that may be present until inspection and
8 examination can be made by the inspector to determine
9 whether [~~or not~~] any article, or any portion thereof,
10 is infected or infested [~~or infected~~] with or contains
11 any pest. The department may adopt rules to require
12 identification of specific articles on negotiable and
13 non-negotiable warehouse receipts, bills of lading, or
14 other documents of title for inspection of pests. In
15 addition, the department shall adopt rules to
16 designate restricted articles that shall require:
17 (A) A permit from the department in advance of
18 importation; or
19 (B) A department letter of authorization or
20 registration in advance of importation.



1 The restricted articles shall include but not be
2 limited to certain microorganisms or living insects.
3 Failure to obtain the permit, letter of authorization,
4 or registration in advance [~~is~~] shall be a violation
5 of this section;

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

7 (A) It shall be the responsibility of the
8 transportation company to distribute, [~~prior to~~]
9 before the debarkation of passengers and baggage,
10 the State of Hawaii [~~plant and animal~~
11 ~~declaration~~] biosecurity form in paper or
12 electronic form to each passenger, officer, and
13 crew member of any aircraft or vessel originating
14 in the continental United States or its
15 possessions or from any other area not under the
16 jurisdiction of the appropriate federal agency in
17 order that the passenger, officer, or crew member
18 can comply with the directions and requirements
19 appearing thereon. All passengers, officers, and
20 crew members, regardless of whether [~~or not~~] they
21 are bringing or causing to be brought for entry



1 into the State the articles listed on the form,
2 shall complete the [~~declaration, except~~] form;
3 provided that one adult member of a family may
4 complete the [~~declaration~~] form for other family
5 members. Any person who defaces the
6 [~~declaration~~] biosecurity form required under
7 this section, gives false information, fails to
8 declare restricted articles in the person's
9 possession or baggage, or fails to declare in
10 cargo manifests [~~is~~] shall be in violation of
11 this section;

12 (B) Completed paper forms shall be collected by the
13 transportation company and be delivered,
14 immediately upon arrival, to the inspector at the
15 first airport or seaport of arrival. Completed
16 electronic forms shall be transmitted to the
17 inspector before passengers depart the first
18 airport or seaport of arrival. Failure to
19 distribute or collect paper [~~declaration~~]
20 biosecurity forms, immediately deliver completed
21 paper forms, or transmit completed electronic



1 forms before passengers depart the first airport
2 or seaport of arrival [~~is~~] shall be a violation
3 of this section; and

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

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

17 (4) Labels. Each container in which any of the
18 [~~above-mentioned~~] articles mentioned in this section
19 are imported into the State shall be plainly and
20 legibly marked, in a conspicuous manner and place,
21 with the name and address of the shipper or owner



1 forwarding or shipping the same, the name or mark of
2 the person to whom the same is forwarded or shipped or
3 the person's agent, the name of the country, state, or
4 territory and locality therein where the product was
5 grown or produced, and a statement of the contents of
6 the container. Upon failure to comply with this
7 paragraph, the importer or carrier [~~is~~] shall be in
8 violation of this section;

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

12 (A) Enter and inspect any aircraft, vessel, or other
13 carrier at any time after its arrival within the
14 boundaries of the State, whether [~~offshore,~~] at
15 the airport or pier[~~, or at the airport,~~] or
16 offshore, for the purpose of determining whether
17 any of the articles or pests enumerated in this
18 chapter or rules adopted thereto, is present;

19 (B) Enter into or upon any airport, pier, warehouse,
20 [~~airport,~~] or any other place in the State where
21 any of the [~~above-mentioned~~] articles mentioned



1 in this section are moved or stored, for the
2 purpose of ascertaining, by inspection and
3 examination, whether [~~or not~~] any of the articles
4 is infected or infested [~~or infected~~] with any
5 disease or pest [~~or disease~~] or contaminated with
6 soil or contains prohibited plants or animals;
7 and

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

17 Baggage or cargo inspection shall be made at the
18 discretion of the inspector, on the aircraft, pier, or
19 vessel[~~, or aircraft~~] or in any quarantine or
20 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 aircraft or
6 vessel [~~or aircraft~~] moving between the continental
7 United States and Hawaii or between the [~~Hawaiian~~
8 ~~Islands,~~] islands of the State, be opened for
9 inspection to determine whether any article or pest
10 prohibited by this chapter or by rules adopted
11 pursuant thereto is present. It [~~is~~] shall be a
12 violation of this section if any prohibited article or
13 any pest or any plant, fruit, or vegetable infested
14 with plant pests is found;

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



1 certain of the [~~above-mentioned~~] articles mentioned in
2 this section into the State 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]~~ shall be 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, it is deemed necessary or advisable to move any of the ~~[above-mentioned]~~ articles~~[7]~~ mentioned in this section, or any portion thereof, to a place more suitable for inspection than the pier, airport, or any other place where they are first received or discharged, the inspector ~~[is]~~ shall be authorized to



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

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



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



1 department or the inspector for damage or loss
2 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,
9 or tag to indicate that the article has been inspected
10 and 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 PART IV

17 SECTION 11. 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-A Biosecurity emergency. (a) The department, with
2 the approval of the governor, may declare a biosecurity
3 emergency if:

4 (1) There has been in the State an outbreak or occurrence
5 of a pest or prohibited or restricted organism that
6 has the potential to cause significant economic or
7 environmental loss if the pest or organism becomes
8 established in the State;

9 (2) There is established in one area of the State a pest
10 or prohibited or restricted organism that has the
11 potential to cause significant economic or
12 environmental loss if the pest or organism expands to
13 other areas within a county or becomes established in
14 another area of the State; or

15 (3) A pest or prohibited or restricted organism is, or
16 threatens to be, beyond the State's ability to
17 control.

18 (b) A biosecurity emergency shall automatically terminate
19 one hundred calendar days after its declaration, unless the
20 declaration is extended by the department with the approval of
21 the governor.



1 (c) For the duration of a declared biosecurity emergency:

2 (1) The department shall be exempt from chapter 103D;

3 (2) The Hawaii invasive species council shall work with
4 the chairperson; and

5 (3) The governor may transfer moneys to the department
6 from any account within the governor's control.

7 (d) The governor may requisition and take control of any
8 goods, real property, or watercraft required for the purposes of
9 this section, or requisition and take control of the temporary
10 use thereof; provided that:

11 (1) This subsection shall not apply to any vessel that:

12 (A) Has anti-fouling hull coating; and

13 (B) Does not discharge ballast water, uses freshwater
14 for ballasting, or is equipped with ultraviolet
15 filtration systems for ballast water;

16 (2) The requisition shall be made by serving notice upon

17 any person found in occupation of the premises or

18 having the property in the person's custody,

19 possession, or control, and a like notice shall also

20 be served upon any person who has filed with the

21 governor, or with a person the governor designates for



1 the purpose, a request for notice with respect to the
2 property; provided further that if any person entitled
3 to compensation for the property is unable to be
4 served, the governor shall publish a notice of the
5 requisition at the earliest practicable date; and

6 (3) A requisition shall terminate automatically one
7 hundred calendar days after the declaration of a
8 biosecurity emergency, or by a separate proclamation
9 of the governor, whichever occurs first.

10 (e) If the governor requisitions and takes control of any
11 property or the temporary use thereof, the owner, or other
12 person entitled thereto, shall be paid a sum, determined by the
13 governor to be fair and just compensation for the property or
14 use, within twenty days after the property has been
15 requisitioned and taken, or in monthly or lesser installments if
16 the property is taken for temporary use.

17 If any person is unwilling to accept the sum determined by
18 the governor as full and complete compensation for the property
19 or use, the person shall be paid seventy-five per cent of that
20 sum and may sue the State for an additional sum that, when added
21 to the sum already received by the person, the person may



1 consider fair and just compensation for the property or use, in
2 the manner provided by chapter 661 for actions against the
3 State; provided that:

4 (1) Any suit under this section shall be instituted within
5 two years after the requisition in the case of the
6 taking of real property in fee simple, or within one
7 year after the requisition in all other cases, subject
8 to sections 657-13 to 657-15, which are hereby made
9 applicable to the suit;

10 (2) No more than six months shall be allowed for the
11 bringing of a suit after the appointment of a
12 conservator of a person under disability, or the
13 removal of the disability, or after the appointment of
14 personal representatives; and

15 (3) Recovery shall be confined to the fair market value of
16 the property or its fair rental value, as the case may
17 be, without any allowance for prospective profits, or
18 punitive or other damages.

19 If the owner of property, or other person entitled to
20 compensation for the requisitioning of property or use thereof,
21 is under a disability, or has died, and no conservator or



1 personal representative has been appointed, the State, acting
2 through the attorney general, may apply for the appointment of a
3 conservator or for the appointment of a personal representative.

4 (f) The governor shall appoint a board of three
5 disinterested certified appraisers with whom may be filed any
6 claim for damages arising out of any failure to return private
7 property, the temporary use of which was requisitioned, or which
8 was leased, or any claim for damages arising out of the
9 condition in which the private property is returned. No claim
10 may be filed for deterioration of property resulting from
11 ordinary wear and tear and not for any deterioration or damage,
12 except any that is shown to have resulted from the taking or use
13 of the property; provided that any claim shall be filed within
14 thirty days after the return of the property or after the
15 governor proclaims that all private property has been returned
16 to the owners, whichever is earlier. The decision of the board
17 of appraisers shall be final and binding upon the governor and
18 the claimant. Either party may file a petition in the circuit
19 court within sixty days after the rendering of a decision of the
20 board of appraisers, praying for the decision of the court upon
21 the claim. The petition, if filed by the State, shall be



1 entitled in the name of the State by the attorney general and
2 shall be heard and decided by the circuit court without the
3 intervention of a jury. If filed by any other party, the
4 petition shall be filed, heard, and decided in the manner
5 provided for suits against the State. Appellate review may be
6 had, subject to chapter 602, in the manner provided for civil
7 appeals from the circuit courts. The court may order the
8 joinder of other parties or may allow other parties to
9 intervene. Any award that has become final shall be paid out of
10 any funds available under this chapter and, if not sufficient,
11 out of the general revenues of the State as appropriated.

12 **§150A-B Rapid response quarantine authority.** The
13 chairperson may quarantine any area that is known or reasonably
14 suspected to be infested with a newly detected invasive species
15 or pest, a new population of an invasive species or pest, an
16 invasive species or pest that is being actively controlled in
17 the State, or a prohibited or restricted organism, to prevent
18 the movement of materials to or from the location."

19 SECTION 12. Section 150A-52, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§150A-52 Objectives of biosecurity program.** The
2 objectives of the biosecurity program shall be to:

- 3 (1) Establish a multi-dimensional system to survey for and
4 prevent the entry into the State and interisland
5 movement of pests and prohibited or restricted
6 organisms without a permit;
- 7 (2) Respond effectively to eradicate, control, reduce, and
8 suppress incipient pest populations and established
9 pests and seize and dispose of prohibited or
10 restricted organisms without a permit; and
- 11 (3) Coordinate with partner agencies and organizations to
12 direct the control and eradication of [~~invasive~~
13 ~~species.~~] pests."

14 SECTION 13. Section 150A-53, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§150A-53 General actions to achieve objectives.** (a) To
17 achieve the objectives of the biosecurity program, the
18 department shall plan for and, within available legislative
19 appropriations or through funding from other sources, implement
20 the following:



- 1 (1) Work with government agencies and agricultural
2 commodity exporters of other states and countries to
3 establish pre-entry inspection programs under which
4 inbound cargo into the State is inspected at the ports
5 of departure or other points outside the State;
- 6 (2) Establish, operate, or participate in operating port-
7 of-entry facilities where multiple government agencies
8 may inspect, quarantine, fumigate, disinfect, destroy,
9 or exclude as appropriate, articles that may harbor
10 pests or prohibited or restricted organisms or exclude
11 articles that are prohibited or restricted without a
12 permit, with the goals of:
- 13 (A) Performing inspections in an efficient,
14 effective, and expeditious manner for the
15 government agencies involved and for cargo
16 owners, carriers, and importers; and
- 17 (B) Providing for the proper and safe storage and
18 handling of cargo, especially agricultural and
19 food commodities, awaiting inspection;
- 20 (3) Develop, implement, and coordinate post-entry measures
21 to eradicate, control, reduce, and suppress pests and,



1 as appropriate, eradicate or seize and dispose of
2 prohibited or restricted organisms without a permit
3 that have entered the State;

4 (4) Collaborate with relevant government agencies,
5 agricultural commodity importers, and other persons to
6 examine and develop joint integrated systems to better
7 implement the biosecurity program;

8 (5) Improve cargo inspection capabilities and methods,
9 including enhancement of the content and submission
10 requirements for cargo manifests and agricultural
11 commodity ownership and movement certificates;

12 (6) Promote the production of agricultural commodities in
13 the State to reduce cargo shipments of imported
14 commodities into the State; and

15 (7) Provide public education on ~~[the]~~:

16 (A) The negative effects of pests and prohibited or
17 restricted organisms without a permit, to the
18 environment and economy of the State[-];

19 (B) Reporting pests and prohibited or restricted
20 organisms without a permit that are discovered or
21 suspected to be present in imported products; and



1 (C) Protecting imported products to prevent pest
2 infestation.

3 (b) For purposes of the biosecurity program, the
4 department may:

5 (1) Subpoena any necessary documentation from importers
6 relating to a discovered or suspected infestation of a
7 pest or prohibited or restricted organism; and

8 (2) Declare a biosecurity emergency pursuant to section
9 150A-A.

10 ~~[(b)]~~ (c) The department shall establish parameters and
11 construction requirements for biosecurity facilities that
12 provide for and ensure the safety of agricultural and food
13 commodities consumed by Hawaii residents, including cold storage
14 facilities established by private-public partnerships to
15 preserve the quality and ensure the safety of the commodities
16 arriving at the State's airports and harbors."

17 PART V

18 SECTION 14. Chapter 150A, Hawaii Revised Statutes, is
19 amended by adding two new sections to be appropriately
20 designated and to read as follows:



1 **"§150A-C Invasive species dashboard; establishment;**
2 **requirements.** (a) No later than December 1, 2025, the
3 department shall establish an invasive species dashboard to
4 provide real-time data and information for treatment areas to
5 the public. The dashboard shall be updated regularly and be
6 hosted and managed by the department.

7 (b) The department shall regularly and timely post
8 treatment area information to the dashboard.

9 (c) Any state department, agency, or political subdivision
10 that does not provide information for the invasive species
11 dashboard in compliance with this section shall not receive or
12 expend public funds. The deputy chairperson for biosecurity
13 shall be responsible for ensuring compliance with this section.

14 **§150A-D Pest management plans.** (a) Any person may submit
15 to the board a proposed pest management plan. The proposed pest
16 management plan shall include:

17 (1) The name of the person submitting the proposed pest
18 management plan;

19 (2) The organism proposed to be classified as a pest;
20 provided that a proposed pest management plan may



1 encompass a category of organisms proposed to be
2 classified as pests;

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

4 (4) A description of the region of the proposed plan or
5 whether the proposed plan will be implemented
6 statewide;

7 (5) The reason for the proposed plan;

8 (6) Objectives of the proposed plan;

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

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

12 (9) Proposed funding; and

13 (10) Other information as required by the department.

14 (b) The board shall review the proposed plan, taking into
15 consideration:

16 (1) Whether the implementation of the proposed plan is
17 likely to eradicate or effectively manage the organism
18 proposed to be declared a pest;

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



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

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

(5) Other considerations established by the department.

(c) At a public hearing, the board shall approve the proposed plan, deny the proposed plan, or approve the proposed 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 each proposed plan it approves with modifications.

(f) The department may enter into contracts to implement approved proposed plans and proposed plans approved with modifications."

PART VI

SECTION 15. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ _____ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal



1 year 2026-2027 for full-time equivalent (FTE)
2 positions within the department of agriculture and biosecurity;
3 provided that the funds shall be allocated as follows:

4 (1) \$ for full-time equivalent (FTE)
5 positions under plant pest and disease control
6 (AGR122); and

7 (2) \$ for full-time equivalent (FTE)
8 positions under pesticides (AGR846).

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

11 PART VII

12 SECTION 16. In codifying the new sections added by
13 sections 11 and 14 of this Act, the revisor of statutes shall
14 substitute appropriate section numbers for the letters used in
15 designating the new sections in this Act.

16 SECTION 17. If any provision of this Act, or the
17 application thereof to any person or circumstance, is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act that can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



- 1 SECTION 18. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 19. This Act shall take effect on July 1, 3000.



Report Title:

DOA; Department of Agriculture and Biosecurity; Deputy Director of Biosecurity; Quarantine; Import; Plants; Animals; Biosecurity Emergencies; Biosecurity Program; Invasive Species Dashboard; Pest Management Plans; Positions; Appropriation

Description:

Part I: Renames the Department of Agriculture to the "Department of Agriculture and Biosecurity". Renames the Board of Agriculture to the "Board of Agriculture and Biosecurity" and amends the composition of the Board. Part II: Establishes and appropriates funds for a Deputy Director of Biosecurity. Part III: Changes references to the plant and animal declaration form to the "biosecurity form". Part IV: Authorizes and specifies conditions under which the Department may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms. Authorizes the Chairperson of the Board to quarantine an area under certain conditions. Broadens the objectives and general actions of the Biosecurity Program. Part V: Requires the Department to establish and regularly update an invasive species dashboard. Authorizes pest management plans to address, contain, or eradicate pests. Part VI: Appropriates funds for positions for the Department. Effective 7/1/3000. (HD2)

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