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# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1       SECTION 1. The legislature finds that invasive species are  
2 the single greatest threat to the State's economy and natural  
3 environment, including native species, and to the health and  
4 lifestyle of Hawaii's people. The impacts of invasive species  
5 in the State have been severe, causing serious habitat  
6 degradation, extinction of native species, increased wildfire  
7 risk, increases in the cost of agriculture and livestock  
8 production, and many other negative and expensive consequences.  
9 Preventing pests from entering the State, or, if that fails,  
10 taking steps to prevent a pest from spreading within the State,  
11 are two critical measures that can protect Hawaii from the  
12 negative impacts of invasive species.

13       The legislature, like the federal government, recognizes  
14 the value of preventing the movement of invasive pests. Federal  
15 law allows the United States Department of Agriculture to  
16 conduct pre-departure inspections of all passengers, baggage,  
17 cargo, and any other articles moving from the State to other



1 areas of the continental United States to protect against the  
2 spread of pests from Hawaii. However, the federal government  
3 does not provide any similar inspections for passengers or  
4 material arriving in the State from other parts of the  
5 continental United States.

6 The legislature recognizes that existing law does not  
7 expressly authorize the Hawaii department of agriculture to  
8 inspect non-agricultural commodities arriving in the State from  
9 other parts of the United States, posing a serious gap that can  
10 allow invasive species like the red imported fire ant and  
11 wood-boring beetles to enter the State with other imports. For  
12 example, once invasive pests such as the red imported fire ant  
13 are present in the State, the department of agriculture will  
14 require the authority to impose a quarantine and prevent the  
15 movement of certain items to mitigate the spread of the pest.

16 The legislature notes that other states have and regularly  
17 exercise the authority to quarantine areas, including  
18 restricting the movement, possession, and sale of commodities  
19 infested with a high-impact pest, and may also quarantine any  
20 other products, articles, or means of conveyance of a high-  
21 impact pest.



1       Accordingly, the purpose of this Act is to expand the  
2       department of agriculture's authority to conduct certain  
3       investigations and clarify certain penalties to prevent the  
4       spread of invasive species in the State.

5       SECTION 2. Section 150A-2, Hawaii Revised Statutes, is  
6       amended by adding a new definition to be appropriately inserted  
7       and to read as follows:

8       "Person" means an individual, corporation, firm,  
9       association, society, community, assembly, inhabitant of a  
10      district or neighborhood, or person known or unknown, and the  
11      public generally. "Person" includes a government and any of its  
12      agencies, instrumentalities, or subdivisions."

13      SECTION 3. Section 150A-5, Hawaii Revised Statutes, is  
14      amended to read as follows:

15      **"§150A-5 Conditions of importation. (a) The importation**  
16      of any material that is infested or infected with an insect or  
17      other animal, disease, or pest, or that is itself a pest, shall  
18      be prohibited unless appropriate authorization is obtained from  
19      the department before importation.

20      (b) The importation into the State of any of the following  
21      articles, viz., nursery-stock, tree, shrub, herb, vine,



1 cut-flower, cutting, graft, scion, bud, seed, leaf, root, or  
2 rhizome; nut, fruit, or vegetable; grain, cereal, or legume in  
3 the natural or raw state; moss, hay, straw, dry-grass, or other  
4 forage; unmanufactured log, limb, or timber, or any other  
5 plant-growth or plant-product, unprocessed or in the raw state;  
6 soil[+], including potting soil, growing mix, and mulch;  
7 microorganisms; live bird, reptile, nematode, insect, or any  
8 other animal in any stage of development (that is in addition to  
9 the so-called domestic animal, the quarantine of which is  
10 provided for in chapter 142); box, vehicle, baggage, or any  
11 other container in which the articles have been transported or  
12 any packing material used in connection therewith shall be made  
13 in the following manner [~~hereinafter set forth~~]:

14 (1) Notification of arrival. Any person who receives for  
15 transport or brings or causes to be brought to the  
16 State as freight, air freight, baggage, or otherwise,  
17 for the purpose of debarkation or entry [~~therein~~], or  
18 as ship's stores, any of the foregoing articles,  
19 shall, immediately upon the arrival thereof, notify  
20 the department[7] in writing[7] of the arrival[7]  
21 giving. The notification shall include the waybill



1 number, container number, name and address of the  
2 consignor, name and address of the consignee or the  
3 consignee's agent in the State, marks, number of  
4 packages, description of contents of each package,  
5 port at which laden, and any other information that  
6 may be necessary to locate or identify the same[~~r~~  
7 ~~and~~]. The articles shall [~~hold the articles~~] be held  
8 at the pier, airport, or any other place where [~~they~~]  
9 the articles are first received or discharged, in a  
10 manner that [~~they will not~~] prevents the spread or [be  
11 likely to spread] likelihood of spreading any  
12 infestation or infection of a pest, including insects  
13 or diseases that may be present, until inspection and  
14 examination can be made by the inspector to determine  
15 whether [~~or not~~] any article, or any portion thereof,  
16 is infested or infected with or contains any pest.  
17 The department may adopt rules to require  
18 identification of specific articles on negotiable and  
19 non-negotiable warehouse receipts, bills of lading, or  
20 other documents of title for inspection of pests. In



1 addition, the department shall adopt rules to  
2 designate restricted articles that shall require:

3 (A) A permit from the department in advance of  
4 importation; or

5 (B) A department letter of authorization or  
6 registration in advance of importation.

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

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

13 (A) It shall be the responsibility of the  
14 transportation company to distribute, ~~[prior to]~~  
15 before the debarkation of passengers and baggage,  
16 the State of Hawaii plant and animal declaration  
17 form in paper or electronic form to each  
18 passenger, officer, and crew member of any  
19 aircraft or vessel originating in the continental  
20 United States or its possessions or from any  
21 other area not under the jurisdiction of the



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

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



1 inspector before passengers depart the first  
2 airport or seaport of arrival. Failure to  
3 distribute or collect paper declaration forms,  
4 immediately deliver completed paper forms, or  
5 transmit completed electronic forms before  
6 passengers depart the first airport or seaport of  
7 arrival [~~is~~] shall be a violation of this  
8 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 form. The form shall  
19 include directions for declaring domestic and other  
20 animals cited in chapter 142, in addition to the  
21 articles enumerated in this chapter;





1           (4) Labels. Each container in which any of the  
2           abovementioned 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]~~ shall be in violation of this section;

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

17        ~~(A) Enter and inspect any aircraft, vessel, or other~~  
18        ~~carrier at any time after its arrival within the~~  
19        ~~boundaries of the State, whether offshore, at the~~  
20        ~~pier, or at the airport, for the purpose of~~  
21        ~~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, be opened~~  
8           ~~for inspection to determine whether any article or~~  
9           ~~pest prohibited by this chapter or by rules adopted~~  
10           ~~pursuant thereto is present. It is a violation of~~  
11           ~~this section if any prohibited article or any pest or~~  
12           ~~any plant, fruit, or vegetable infested with plant~~  
13           ~~pests is found;]~~ An inspector may:

14           (A) Conduct inspections of persons, baggage, cargo,  
15           and any other articles destined for movement  
16           between the Hawaiian Islands or importation into  
17           the State from the continental United States or  
18           any territory or possession of the United States  
19           for the purpose of determining whether an insect,  
20           pest, disease, or prohibited, restricted, or  
21           regulated taxon is present;



1           (B) Enter and inspect any aircraft, vessel, or other  
2           carrier at any time after its arrival within the  
3           boundaries of the State, whether offshore, at the  
4           pier, or at the airport, and enter into or upon  
5           any pier, airport, warehouse, or any other place  
6           in the State for the purpose of conducting  
7           inspections authorized by subparagraph (A); and  
8           (C) Inspect any baggage and cargo on the pier,  
9           vessel, or aircraft, or in any quarantine or  
10           inspection area;

11       (6) Request for importation and inspection. In addition  
12       to requirements of the appropriate United States  
13       ~~[customs]~~ authorities concerning invoices or other  
14       formalities incident to importations into the State,  
15       the importer shall be required to file a written  
16       statement with the department, signed by the importer  
17       or the importer's agent, setting forth the importer's  
18       desire to import certain of the above-mentioned  
19       articles into the State and:

20       (A) ~~[Giving]~~ Providing the following additional  
21       information:



- 1 (i) The kind (scientific name), quantity, and  
2 description;
- 3 (ii) The locality where the same were grown or  
4 produced;
- 5 (iii) Certification that all animals to be  
6 imported are the progeny of captive  
7 populations or have been held in captivity  
8 for a period of one year immediately before  
9 importation or have been specifically  
10 approved for importation by the board;
- 11 (iv) The port from which the same were last  
12 shipped;
- 13 (v) The name of the shipper; and
- 14 (vi) The name of the consignee; and
- 15 (B) Containing:
- 16 (i) A request that the department, by its duly  
17 authorized agent, examine the articles  
18 described;
- 19 (ii) An agreement by the importer to be  
20 responsible for all costs, charges, or  
21 expenses; and



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

7 Failure or refusal to file a statement, including  
8 the agreement and waiver, ~~[is]~~ shall be a violation of  
9 this section and may, in the discretion of the  
10 department, be sufficient cause for refusing to permit  
11 the entry of the articles into the State;

12 (7) Place of inspection. If, in the judgment of the  
13 inspector, it is deemed necessary or advisable to move  
14 any ~~[of the above-mentioned articles, or any portion~~  
15 ~~thereof,]~~ items or materials to a place more suitable  
16 for inspection than the pier, airport, or any other  
17 place where they are first received or discharged, the  
18 inspector ~~[is authorized to]~~ may do so. All costs and  
19 expenses incident to the movement and transportation  
20 of the ~~[articles]~~ items or materials to any other  
21 place shall be borne by the importer or the importer's



1 agent. If the importer, importer's agent, or  
2 transportation company requests inspection of sealed  
3 containers ~~[of the above-mentioned articles]~~ at  
4 locations other than where the ~~[articles]~~ containers  
5 are first received or discharged and the department  
6 determines that inspection at the other place is  
7 appropriate, the department may require payment of  
8 costs necessitated by these inspections, including  
9 overtime costs;

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



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





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

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

16          SECTION 4. Section 150A-5.5, Hawaii Revised Statutes, is  
17          amended by amending subsection (b) to read as follows:

18          "(b) In legal effect, articles landed for the purpose of  
19          inspection or quarantine shall be construed to be still outside  
20          the State seeking entry, and shall not, in whole or in part, be  
21          considered suitable for entry into the State unless a tag,



1 label, or stamp has been affixed to the article, item, or  
2 material, its container, or its delivery order by the inspector  
3 as provided in section [~~150A-5(9), except~~] 150A-5(b)(9);  
4 provided that articles quarantined in the biocontrol containment  
5 facilities of the department or of other government agencies  
6 engaged in joint projects with the department may be released  
7 upon issuance of a permit approved by the board."

8 SECTION 5. Section 150A-8, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "~~§150A-8 [Transporting in] Movement within the State[-];~~  
11 quarantine, treatment, destruction. (a) Flora [~~and~~], fauna,  
12 and any other item or material specified by rules [~~and~~  
13 ~~regulations~~] of the department shall not be moved from one  
14 island to another island within the State or from one locality  
15 to another on the same island except by a permit issued by the  
16 department.

17 (b) No person may sell, barter, or donate, or offer for  
18 sale, barter, or donation, or otherwise make available to the  
19 public, excluding items that the department provides access for  
20 research or testing, any item or material that is:

21 (1) Infested or infected with a pest;



1       (2)   Itself a pest; or

2       (3)   Prohibited from being sold under this chapter or any  
3           rule adopted pursuant to this chapter.

4       (c)   The department may compel the quarantine, treatment,  
5       or destruction of any item or material sold, bartered, donated,  
6       or offered for sale, barter, or donation, or otherwise made  
7       available, in violation of subsection (b). Any quarantine,  
8       treatment, or destruction shall be at the expense of the owner  
9       of the item or material and shall not be made the basis of a  
10       claim against the department or the inspector for damage or loss  
11       incurred."

12       SECTION 6. Section 150A-14, Hawaii Revised Statutes, is  
13       amended to read as follows:

14       "**§150A-14 Penalty.** (a) Any person who violates any  
15       provision of this chapter other than sections 150A-5[~~7~~] and  
16       150A-6(3)[~~7~~] and [150A-6] (4), or who violates any rule adopted  
17       under this chapter other than those rules involving an animal  
18       that is prohibited [~~or~~], a plant[~~7~~] that is restricted, or an  
19       animal[~~7~~] or microorganism that is restricted[~~7~~] or unlisted,  
20       without a permit, shall be [~~guilty of a misdemeanor and~~] fined  
21       [~~not~~] no less than \$100[~~. The provisions of section 706-640~~



1 ~~notwithstanding, the maximum fine shall be]~~ and no more than  
2 \$10,000. For a second [effense] violation committed within five  
3 years of a prior ~~[effense,]~~ violation, the person ~~[or~~  
4 ~~organization]~~ shall be fined ~~[not]~~ no less than \$500 and [not]  
5 no more than \$25,000. Each day of violation shall constitute a  
6 separate offense. Any action taken to impose or collect the  
7 penalty provided for in this subsection shall be considered a  
8 civil action.

9 (b) Any person who ~~[violates section]:~~

10 (1) Violates section 150A-5 shall be [guilty of a petty  
11 ~~misdemeanor and]~~ fined ~~[not]~~ no less than [\$50] \$100  
12 and [not] no more than [\$5,000.] \$10,000. For a  
13 second [effense] violation committed within five years  
14 of a prior ~~[effense,]~~ violation, the person may be  
15 fined ~~[not]~~ no less than [\$250] \$500 and [not] no more  
16 than [\$15,000.] \$25,000; or

17 (2) Recklessly violates section 150A-6(3) or (4), or owns  
18 or recklessly transports, possesses, harbors,  
19 transfers, or causes the importation of any snake or  
20 other prohibited animal seized under section 150A-  
21 7(b), or whose violation involves an animal that is



1 prohibited, or a plant that is restricted, or an  
2 animal or microorganism that is restricted or  
3 unlisted, without a permit, shall be fined no less  
4 than \$1,000 and no more than \$20,000. For a second  
5 violation committed within five years of a prior  
6 violation, the person may be fined no less than \$1,000  
7 and no more than \$20,000.

8 Each day of violation shall constitute a separate offense.

9 Any action taken to impose or collect the penalty provided for  
10 in this subsection shall be considered a civil action.

11 (c) Any person who:

12 (1) ~~[Violates]~~ Knowingly violates section 150A-6(3) or  
13 ~~[150A-6]~~ (4), or ~~[owns or intentionally]~~ knowingly  
14 transports, possesses, harbors, transfers, or causes  
15 the importation of any snake or other prohibited  
16 animal seized under section 150A-7(b), or whose  
17 violation knowingly involves an animal that is  
18 prohibited ~~[or]~~, a plant~~[r]~~ that is restricted, or an  
19 animal~~[r]~~ or microorganism that is restricted~~[r]~~ or  
20 unlisted, without a permit, shall be guilty of a



1           misdemeanor and subject to a fine of [~~not~~] no less  
2           than \$5,000[~~, but not~~] and no more than \$20,000;

3           (2) [~~Intentionally~~] Knowingly transports, harbors, or  
4           imports with the intent to propagate, sell, or release  
5           any animal that is prohibited [~~or~~], any plant[~~]~~ that  
6           is restricted, or any animal[~~]~~ or microorganism that  
7           is restricted[~~]~~ or unlisted, without a permit, shall  
8           be guilty of a class C felony and subject to a fine of  
9           [~~not~~] no less than \$50,000[~~, but not~~] and no more than  
10          \$200,000; or

11          (3) [~~Intentionally~~] Knowingly imports, possesses, harbors,  
12          transfers, or transports, including through  
13          interisland or intransland movement, with the intent  
14          to propagate, sell, or release, any pest designated by  
15          statute or rule, unless otherwise allowed by law,  
16          shall be guilty of a class C felony and subject to a  
17          fine of [~~not~~] no less than \$50,000[~~, but not~~] and no  
18          more than \$200,000.

19          (d) Whenever a [~~court sentences a~~] person [~~or~~  
20          ~~organization~~] is subject to a penalty pursuant to subsection  
21          (a), (b), or (c) for [~~an offense which~~] a violation that has



1 resulted in the escape or establishment of any pest and caused  
2 the department to initiate a program to capture, control, or  
3 eradicate that pest, ~~[the]~~ a court ~~[shall also]~~ may require that  
4 the person ~~[or organization]~~ pay ~~[to the state general fund]~~ an  
5 amount of money to be determined in the discretion of the court  
6 upon advice of the department, based upon the cost of the  
7 development and implementation of the program. Any amount  
8 collected under this subsection shall be deposited into the pest  
9 inspection, quarantine, and eradication fund established  
10 pursuant to section 150A-4.5.

11 (e) The department may, at its discretion, refuse entry,  
12 confiscate, or destroy any prohibited articles or restricted  
13 articles that are brought into the State without a permit issued  
14 by the department, or order the return of any plant, fruit,  
15 vegetable, or any other article infested with pests to its place  
16 of origin or otherwise dispose of it or ~~[such]~~ any part thereof  
17 as may be necessary to comply with this chapter. Any expense or  
18 loss in connection therewith shall be borne by the owner or the  
19 owner's agent.

20 (f) Any person ~~[or organization]~~ that voluntarily  
21 surrenders any prohibited animal ~~[or]~~, any restricted plant, or



1 any restricted or unlisted animal[7] or microorganism, without a  
2 permit issued by the department, [~~prior to~~] before the  
3 initiation of any seizure action by the department, shall be  
4 exempt from the penalties of this section.

5 (g) When construing and enforcing this chapter, the act,  
6 omission, or failure of any officer, agent, or other person  
7 acting for or employed by any person shall in every case be  
8 deemed to be the act, omission, or failure of the person and the  
9 person employed by or acting for the person.

10 [~~(g)~~] (h) For purposes of this section, "intent to  
11 propagate" shall be presumed when the person in question is  
12 found to possess, transport, harbor, or import:

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

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

19 (3) Any plant or microorganism having the inherent  
20 capability to reproduce and that is restricted,  
21 without a permit; or





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

2 SECTION 7. This Act does not affect rights and duties that  
3 matured, penalties that were incurred, and proceedings that were  
4 begun before its effective date.

5 SECTION 8. If any provision of this Act, or the  
6 application thereof to any person or circumstance, is held  
7 invalid, the invalidity does not affect other provisions or  
8 applications of the Act that can be given effect without the  
9 invalid provision or application, and to this end the provisions  
10 of this Act are severable.

11 SECTION 9. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect on July 1, 3000.



**Report Title:**

DOA; Pests; Invasive Species; Importation; Inspection; Sale;  
Prohibition; Quarantine; Penalties

**Description:**

Clarifies that the importation of any pest or material infested or infected with an insect or other animal, disease, or pest is prohibited. Authorizes the Department of Agriculture to administratively inspect any article imported or moved into the State from the continental United States or between the Hawaiian Islands. Prohibits the sale, barter, or donation of items or material that is a pest, is infested or infected with a pest, or prohibited from being sold. Authorizes the Department of Agriculture to compel the quarantine, treatment, or destruction of certain materials. Clarifies penalties for various quarantine and import law violations, based in part on whether violations were knowingly committed. Effective 7/1/3000. (HD2)

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

