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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that invasive plant  
2 species continue to pose significant ecological, agricultural,  
3 cultural, and economic threats to the State. The State's  
4 noxious weed list, maintained by the department of agriculture  
5 and biosecurity, is a critical regulatory tool for identifying  
6 and managing invasive plants that endanger native ecosystems,  
7 agricultural productivity, and public safety.

8 The Hawaii invasive species council has estimated that a  
9 new non-native species becomes established in Hawaii  
10 approximately every eighteen days. While other estimates  
11 suggest that more than one hundred seventy new non-native  
12 species, roughly one new species every two days, are documented  
13 in Hawaii every year. Without early detection and timely  
14 intervention, many of these non-native species have the  
15 potential to become invasive and harmful. A well-maintained  
16 noxious weed list is an essential tool that can minimize the  
17 introduction and spread of invasive plant species in Hawaii.



1 However, the state noxious weed list has not been updated since  
2 1992.

3 The legislature further finds that during the intervening  
4 decades, numerous invasive weeds have entered and become  
5 established in Hawaii yet are not reflected on the list,  
6 rendering it severely outdated and substantially diminishing its  
7 effectiveness as a management and regulatory tool. The existing  
8 process for adding species to the list is also unclear and no  
9 longer meets the State's current biosecurity and resource-  
10 protection needs, as it lacks a formal, transparent framework  
11 for public nominations, scientific review, and routine updates.

12 Additionally, the existing noxious weed law is oriented  
13 primarily toward agricultural concerns and does not fully  
14 reflect the State's broader biosecurity responsibilities. With  
15 the integration of biosecurity functions into the department of  
16 agriculture and biosecurity and the State's strengthened  
17 commitment to comprehensive biosecurity measures, it is  
18 necessary to broaden the scope of existing laws and rules to  
19 align with this expanded mandate. Modernizing the noxious weed  
20 law and establishing a clear, science-based listing process that  
21 allows public participation will ensure that agencies and land



1 managers have timely, accurate, and current information needed  
2 to respond effectively and to safeguard Hawaii's ecosystems,  
3 agricultural resources, and communities. Further, the  
4 establishment of a transparent process for public and agency  
5 nominations will promote broad stakeholder participation and  
6 facilitate the timely identification of emerging threats.

7 Accordingly, the purpose of this Act is to:

- 8 (1) Establish a State Noxious Weed Coordinator and update  
9 the process for designating and managing noxious  
10 weeds;
- 11 (2) Allow public proposals to add or remove noxious weed  
12 designations;
- 13 (3) Require notice and public reporting;
- 14 (4) Clarify the authority of the department and board of  
15 agriculture and biosecurity;
- 16 (5) Authorize updates to the noxious weed list by order  
17 and classify noxious weeds into three categories;
- 18 (6) Strengthens enforcement and penalties; and
- 19 (7) Updates departmental duties for noxious weed control  
20 and eradication.



1 SECTION 2. Chapter 152, Hawaii Revised Statutes, is  
2 amended by adding five new sections to be appropriately  
3 designated and to read as follows:

4 **"§152-A State noxious weed coordinator; established.** (a)

5 There is established within the department the state noxious  
6 weed coordinator. The coordinator shall be a full-time employee  
7 of the department and may be designated from existing personnel  
8 or established as a redesignated position from existing  
9 appropriations.

10 (b) The state noxious weed coordinator shall:

11 (1) Oversee the statewide coordination of activities  
12 relating to the designation, identification,  
13 assessment, monitoring, and management of noxious  
14 weeds;

15 (2) Serve as the primary liaison among federal, state,  
16 county, and university agencies and other entities,  
17 community groups, and the public on matters relating  
18 to noxious weeds;

19 (3) Manage the proposal review process established under  
20 section 152-B, including the receipt, logging, and  
21 preliminary review of proposals;



- 1        (4) Support the advisory committee on plants and animals
- 2        by compiling scientific information, preparing species
- 3        assessments, and coordinating expert consultations;
- 4        (5) Develop and maintain publicly accessible resources,
- 5        including updated noxious weed lists, areas declared
- 6        free or reasonably free of each noxious weed, proposal
- 7        procedures, and guidance documents;
- 8        (6) Facilitate training and outreach on noxious weed
- 9        identification, reporting, and control; and
- 10      (7) Perform any additional duties assigned by the
- 11      chairperson of the board or required by rules adopted
- 12      to carry out this chapter.
- 13      (c) The department may adopt rules to define
- 14      qualifications, responsibilities, and reporting requirements for
- 15      the state noxious weed coordinator.

16      **§152-B Proposals for noxious weed designations.** (a) Any

17      person may submit a proposal relating to a noxious weed

18      designation between January 1 and March 31 of each year.

19      (b) Proposals may be submitted in electronic form.

20      (c) Each proposal shall include:



- 1        (1) The name and contact information for the person  
2        submitting the proposal;
- 3        (2) A description of the change to the noxious weed  
4        designation requested in the proposal;
- 5        (3) To the extent applicable and practicable, address the  
6        following for each proposed noxious weed designation:
  - 7            (A) Scientific and common name;
  - 8            (B) Biological characteristics and evidence of  
9            invasiveness;
  - 10          (C) Impacts or potential impacts;
  - 11          (D) Current distribution and status; and
  - 12          (E) Supporting scientific information; and
- 13          (4) Any other information the state noxious weed  
14        coordinator may reasonably require.

15        (d) A proposal to designate a new taxon as a noxious weed  
16        shall include:

- 17            (1) The class of noxious weed requested for the taxon;
- 18            (2) The geographic area in the State that is free or  
19            reasonably free of the taxon; and
- 20            (3) A list of references to support the information  
21            provided in the proposal.



1        (e) A proposal to remove the designation of noxious weed  
2        for a plant taxon shall include evidence that the plant taxon no  
3        longer meets the definition of noxious weed.

4        (f) A proposal to change the class designation of a  
5        noxious weed shall include evidence that the noxious weed meets  
6        the description of the proposed class, as set out in section  
7        152-4.

8        **§152-C Procedure for changes to the State noxious weed**

9        list. (a) In April of each year, the board shall accept for  
10        review the proposals submitted under section 152-B at a  
11        scheduled board meeting.

12        (b) For each proposal accepted for review under subsection  
13        (a), the state noxious weed coordinator:

14        (1) Shall review the proposal and assess the invasiveness  
15        and impacts or potential impacts associated with each  
16        taxon under consideration;

17        (2) May seek additional information from the person who  
18        submitted the proposal;

19        (3) May conduct additional research related to the  
20        proposal, including literature reviews, surveys, and  
21        field investigations;



- 1        (4) May consult with relevant federal, state, county, and
- 2        academic experts; and
- 3        (5) Shall issue written recommendations regarding the
- 4        adoption, modification, or rejection of the proposal;
- 5        (6) Shall consider all oral and written comments submitted
- 6        under section 152-D(b); and
- 7        (7) Shall submit the proposal and written recommendations
- 8        for review by the advisory committee on plants and
- 9        animals.
- 10      (c) The advisory committee on plants and animals:
- 11      (1) Shall review each proposal, its recommendation of the
- 12      state noxious weed coordinator, and all oral and
- 13      written comments submitted on the proposal under
- 14      section 152-D(b);
- 15      (2) May conduct assessments of the invasiveness and
- 16      impacts or potential impacts associated with each
- 17      proposal;
- 18      (3) May consult with relevant federal, state, county, and
- 19      academic experts; and



1                   (4) Shall issue written recommendations to the board  
2                   regarding adoption, modification, or rejection of each  
3                   proposal.

4                   (d) In October of each year, the board, after  
5                   consideration of each recommendation of the advisory committee  
6                   on plants and animals required by subsection (c) and all oral  
7                   and written comments submitted under section 152-D(b), shall  
8                   vote on each proposal.

9                   (e) After the proposals have been voted on, the board  
10                   shall adopt by order the State noxious weed list for that year,  
11                   which shall take effect ten days after the department gives  
12                   public notice of the order in a daily or weekly publication of  
13                   statewide circulation or in separate daily or weekly  
14                   publications whose combined circulation is statewide and on the  
15                   publicly available internet website of the department.

16                   (f) Upon petition or upon recommendation by the  
17                   chairperson of the board, the board may adopt emergency  
18                   revisions to the State noxious weed list without prior review by  
19                   the advisory committee on plants and animals; provided that the  
20                   advisory committee on plants and animals shall, at its next



1 convening, review the action and provide its concurrence or a  
2 recommendation for revision or rescission.

3 (g) To adopt an emergency revision under subsection (f),  
4 the board shall determine that:

5 (1) The action is necessary to prevent the introduction or  
6 spread of a pest species;  
7 (2) Credible evidence indicates the species is likely to  
8 become invasive if introduced to the State or an area  
9 within the State; and  
10 (3) The action is urgent and deferral until the annual  
11 review could result in imminent harm.

12 (h) The department shall publish the updated State noxious  
13 weed list on the publicly available internet website of the  
14 department no later than thirty days after its adoption.

15 **§152-D Public notification and input on changes to noxious**  
16 **weed designations.** (a) No later than thirty days after the  
17 board accepts proposals for review under section 152-C, the  
18 state noxious weed coordinator shall issue a press release and  
19 provide notices to each person who has made a timely written  
20 request of the department for notice of a proposal. The press  
21 release and notices shall include:



- 1        (1) A statement summarizing each change to a noxious weed  
2        designation requested in a proposal;
- 3        (2) A statement that a copy of the proposal will be mailed  
4        to any interested person who requests a copy upon  
5        payment in advance of costs for photocopying,  
6        preparing, and mailing the copy and that a copy of the  
7        proposal will be made available on the publicly  
8        available website of the department on a page  
9        dedicated to noxious weeds;
- 10       (3) A statement as to where to obtain a copy of the  
11       proposal for inspection, or for pick-up after payment  
12       in full of costs for photocopying and preparing; and
- 13       (4) A statement that the department is soliciting comments  
14       on each proposal and where and how comments may be  
15       provided.

16       (b) During the three-month period after the board accepts  
17       proposals for review under section 152-C, any interested person  
18       may:

- 19       (1) Provide oral comments on that proposal at any  
20       regularly scheduled meeting of the board or the  
21       advisory committee on plants and animals; and



1                   (2) Provide written comments on the proposal to the board  
2                   and the state noxious weed coordinator."

3               SECTION 3. Section 141-3, Hawaii Revised Statutes, is  
4               amended by amending subsection (a) to read as follows:

5               "(a) The department of agriculture and biosecurity shall  
6               designate the coqui frog as a pest. All other pest designations  
7               shall be established ~~[by rule, including the criteria and~~  
8               ~~procedures for the designation of pests for control or~~  
9               ~~eradication.] as provided by law."~~

10               SECTION 4. Section 150A-6.1, Hawaii Revised Statutes, is  
11               amended by amending subsection (b) to read as follows:

12               "(b) The department shall designate, by rule, as  
13               restricted plants, specific plants that may be detrimental or  
14               potentially harmful to agriculture, horticulture, the  
15               environment, or animal or public health, or that spread or may  
16               be likely to spread an infestation or infection of an insect,  
17               pest, or disease that is detrimental or potentially harmful to  
18               agriculture, horticulture, the environment, or animal or public  
19               health. In addition, plant species designated ~~[by rule]~~  
20               pursuant to chapter 152 as noxious weeds are designated as  
21               restricted plants."



1 SECTION 5. Section 152-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding four new definitions to be appropriately  
4 inserted and to read:

5 ""Board"" means the board of agriculture and biosecurity.

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

12 "Proposal" means a proposal submitted to the board for a  
13 noxious weed designation or a change to a noxious weed  
14 designation.

15 "State noxious weed list" means the list of noxious weeds  
16 adopted by order of the board pursuant to this chapter."

17 2. By amending the definition of "noxious weed" to read:

18 ""Noxious weed"" means any plant [species which] taxon that  
19 is, or [which] that may be likely to become, injurious, harmful,  
20 or deleterious to the agricultural, horticultural, aquacultural,  
21 or livestock industry [of the State and to forest and], forests,



1 recreational areas [and], conservation districts, natural  
2 resources, cultural resources, environment, or public or animal  
3 health of the State, as determined and designated [by the  
4 department from time to time.] pursuant to this chapter."

5 SECTION 6. Section 152-2, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"S152-2 Rules.** Subject to chapter 91, the department may  
8 make rules to effectuate this chapter~~[, including but not~~  
9 ~~limited to the following:~~

- 10 (1) ~~Establishment of criteria and procedures for the~~  
11 ~~designation of plant species as noxious weeds for the~~  
12 ~~purposes of this chapter;~~
- 13 (2) ~~Establishment of procedures and conditions for the~~  
14 ~~initiation of cooperative agreements with landowners~~  
15 ~~and land occupiers for the purpose of eradicating or~~  
16 ~~controlling noxious weed infestations;~~
- 17 (3) ~~Control or eradication of noxious weeds when deemed~~  
18 ~~economically feasible]."~~

19 SECTION 7. Section 152-3, Hawaii Revised Statutes, is  
20 amended to read as follows:



1       "§152-3 **Prohibited acts**[-]; **penalty**. It shall be unlawful

2       to [introduce]:

3       (1) Import a noxious weed, its seeds or vegetative  
4       reproductive parts, or material infested with a  
5       noxious weed, except for research purposes pursuant to  
6       a permit issued by the department;

7       (2) Sell or offer for sale a noxious weed, its seeds or  
8       vegetative reproductive parts, or material infested  
9       with a noxious weed; or

10      (3) Introduce or [tō] transport specific noxious weeds or  
11      their seeds or vegetative reproductive parts, or  
12      material infested with the noxious weeds into any area  
13      designated pursuant to section 152-5 as free or  
14      reasonably free of those noxious weeds; provided that  
15      the introduction or transportation of those noxious  
16      weeds may be permitted for educational or research  
17      purposes when authorized by a permit issued by the  
18      department.

19      (b) The prohibitions in this section shall not apply to:



- 1        (1) A plant part that is processed, not vegetatively  
2        propagative, or otherwise not capable of reproducing  
3        the plant;
- 4        (2) The movement of a properly prepared herbarium  
5        specimen;
- 6        (3) The movement of plant material for proper disposal by  
7        the department, an agent or partner of the department,  
8        or pursuant to a permit issued by the department; or
- 9        (4) The movement of plant material by authorized employees  
10        of the department when acting in the course of their  
11        official duties.
- 12        (c) Any person who violates any provision of this chapter  
13        or any rule adopted under this chapter shall be fined no less  
14        than \$100 and no more than \$10,000. For a subsequent violation  
15        committed within five years of a prior violation, the person  
16        shall be fined no less than \$500 and no more than \$25,000. Each  
17        day of violation shall constitute a separate violation. Any  
18        action taken to impose or collect the penalty provided for in  
19        this subsection shall be considered a civil action.
- 20        (d) The department may, at its discretion, refuse entry,  
21        confiscate, or destroy any noxious weed brought into the State,



1       offered for sale, sold, or transported in violation of this  
2       chapter or any rule made pursuant to this chapter. Any expense  
3       or loss in connection therewith shall be borne by the owner or  
4       transporter of the noxious weed."

5           SECTION 8. Section 152-4, Hawaii Revised Statutes, is  
6       amended to read as follows:

7           **"§152-4   Designation of noxious weed[.]; classes of noxious**  
8       weeds. [The department may designate certain plant species as  
9       noxious weeds following the criteria and procedures established  
10      under section 152-2(1). The department shall publish and make  
11      available a list of noxious weeds to interested persons.]

12       (a)   Each year, the board shall adopt by order the State  
13      noxious weed list in accordance with this chapter. The  
14      department may adopt rules for the more frequent adoption of the  
15      State noxious weed list.

16       (b)   Each noxious weed on the State noxious weed list shall  
17      be designated as a class A, class B, or class C noxious weed.

18       (c)   Class A noxious weeds shall:  
19       (1)   Not be known to occur or are of very limited  
20      distribution in the State;



- 1        (2) Be a high priority for control or eradication if an  
2        infestation was discovered in the State; and  
3        (3) When detected, be subject to control or eradication  
4        actions by the department or an agent or partner of  
5        the department, subject to the availability of funds.  
6        (d) Class B noxious weeds shall be:  
7        (1) Known to occur in the State but are of limited  
8        distribution on one or more islands;  
9        (2) A high priority for control or eradication, at least  
10       locally; and  
11       (3) Managed on a priority basis as resources allow.  
12       (e) Class C noxious weeds shall be those that are not a  
13       class A or class B noxious weed classified pursuant to this  
14       section."

15       SECTION 9. Section 152-6, Hawaii Revised Statutes, is  
16       amended to read as follows:

17       "**§152-6 Duties of the department; noxious weed control and**  
18       **eradication.** (a) The department shall maintain a constant  
19       vigilance for incipient infestations of specific noxious weeds  
20       on islands declared reasonably free from those weeds, and shall  
21       use those procedures and methods to control or eradicate the



1 infestations of noxious weeds as are determined to be feasible  
2 and practicable.

3 (b) When the department determines that an infestation of  
4 a certain noxious weed exists on an island declared reasonably  
5 free from the weed, the department shall immediately conduct  
6 investigations and surveys as are necessary to determine the  
7 feasibility and practicability of controlling or eradicating the  
8 infestation. The department may also conduct investigations and  
9 surveys to determine the feasibility and practicability of  
10 controlling widespread noxious weed infestations. The methods  
11 of control or eradication adopted by the department for any  
12 noxious weed infestation shall cause as little damage to crops  
13 and property as possible.

14 (c) Upon determining that control or eradication of an  
15 infestation is practicable and feasible, the department shall  
16 immediately serve notice, either oral or written, on both the  
17 landowner of the property and the occupant of the property on  
18 which the infestations exist. Written notice sent to the  
19 landowner's address last known to the department by certified  
20 mail, postage prepaid, return receipt requested, shall be deemed  
21 sufficient notice. In the event that certified mail is



1 impractical because the department, despite diligent efforts,  
2 cannot determine land ownership or because of urgent need to  
3 initiate control or eradication measures, notice given once in a  
4 daily or weekly publication of general circulation, in the  
5 county where any action or proposed action will be taken, or  
6 notice made as otherwise provided by law, shall be deemed  
7 sufficient notice. The notice shall set forth all pertinent  
8 information with respect to the infestation and notify the  
9 landowner and the land occupant of the procedure and methods of  
10 control or eradication.

11 (d) Upon the department's notification pursuant to  
12 subsection (c) above, the department may enter into a  
13 cooperative agreement with the landowner and land occupier for  
14 the control or eradication of the noxious weed infestation[–  
15 ~~The procedures and conditions for executing the cooperative~~  
16 ~~agreement shall be in accordance with rules adopted under~~  
17 ~~section 152-2(2).] or may entirely under take the eradication or~~  
18 control project, as resources allows.

19 [+(e) Upon the department's notification pursuant to  
20 subsection (c) above, the department may entirely undertake the  
21 eradication or control project when it has been determined that



1 the owner, occupier, or lessee of the land on which the noxious  
2 weed infestation is located will not benefit materially or  
3 financially by the control or eradication of the noxious weed;  
4 or when the noxious weed infestation is on state-owned land not  
5 leased or under control of private interest.]"

6 SECTION 10. (a) Notwithstanding section 152-2, Hawaii  
7 Revised Statutes, rules adopted to implement the amendments made  
8 by this Act to chapter 152, Hawaii Revised Statutes, shall be  
9 exempt from the public notice and public hearing requirements of  
10 chapter 91, Hawaii Revised Statutes.

11 (b) In adopting rules to carry out the amendments made by  
12 this Act, the department of agriculture and biosecurity shall  
13 repeal sections 4-68-3 through 4-68-9 and sections 4-68-12  
14 through 4-68-16, Hawaii Administrative Rules, in addition to any  
15 other sections of chapter 4-68, Hawaii Administrative Rules, the  
16 department finds appropriate to repeal or amend.

17 SECTION 11. In codifying the new sections added by section  
18 2 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.

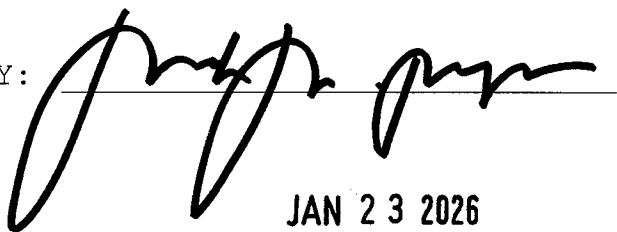


1 SECTION 12. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 13. This Act shall take effect upon its approval.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "John [unclear]".

JAN 23 2026



# H.B. NO. 1931

**Report Title:**

DOAB; Advisory Committee on Plants and Animals; State Noxious Weed List; Annual Review; State Noxious Weed Coordinator

**Description:**

Establishes a State Noxious Weed Coordinator and updates the process for designating and managing noxious weeds. Allows public proposals to add or remove noxious weed designations. Requires notice and public reporting. Clarifies the authority of the Department and Board of Agriculture and Biosecurity. Authorizes updates to the noxious weed list by order, classifies noxious weeds into three categories. Strengthens enforcement and penalties. Updates departmental duties for noxious weed control and eradication.

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

