
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6 rendering it severely outdated and substantially diminishing its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.



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

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

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

(b) The state noxious weed coordinator shall:

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

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

(3) Manage the proposal review process established under section 152-B, including the receipt, logging, and 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."



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

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

"Board" means the board of agriculture and biosecurity.

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

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

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

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

"Noxious weed" means any plant [species which] taxon that is, or [which] that may be likely to become, injurious, harmful, or deleterious to the agricultural, horticultural, aquacultural, 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 "**§152-2 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 ~~to~~ 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~~



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

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

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

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

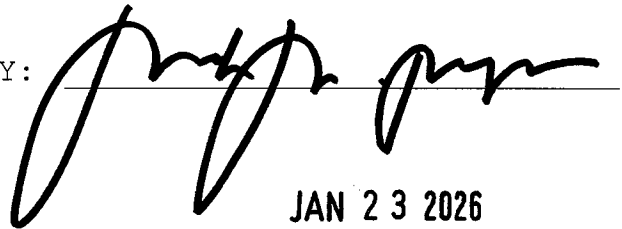


1 SECTION 12. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Miguel", is written over a horizontal line.

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.

