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

8 The Hawaii invasive species council has estimated that over
9 the past thirty years, a new non-native species has been
10 recorded in Hawaii approximately every eighteen days, while
11 other estimates suggest that more than one hundred seventy new
12 non-native species, roughly one new species every two days, are
13 documented in Hawaii every year. Without early detection and
14 timely 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



1 introduction and spread of invasive plants in Hawaii. However,
2 the state noxious weed list has not been updated since 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6 rendering the list severely outdated and substantially
7 diminishing its effectiveness as a management and regulatory
8 tool. The existing process for adding taxa to the list is also
9 unclear and no longer meets the State's current biosecurity and
10 resource-protection needs, as the list lacks a formal,
11 transparent framework for public nominations, scientific review,
12 and routine updates. Additionally, the existing noxious weed
13 law is oriented primarily toward agricultural concerns and does
14 not fully reflect the State's broader biosecurity
15 responsibilities. With the integration of biosecurity functions
16 into, and the renaming of, the department of agriculture and
17 biosecurity in 2025 and the State's strengthened commitment to
18 comprehensive biosecurity measures, it is necessary to broaden
19 the scope of existing laws and rules to align with this expanded
20 mandate. Modernizing the noxious weed law and establishing a
21 clear, science-based listing process that allows public



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

8 Accordingly, the purpose of this Act is to:

- 9 (1) Establish a state noxious weed coordinator and update
10 the process for designating and managing noxious
11 weeds;
- 12 (2) Allow public proposals to add, change, or remove
13 noxious weed designations;
- 14 (3) Require notice and public reporting;
- 15 (4) Clarify the authority of the department and board of
16 agriculture and biosecurity;
- 17 (5) Authorize updates to the noxious weed list to be
18 adopted by order and classify noxious weeds into three
19 categories;
- 20 (6) Strengthen enforcement and penalties; and



1 (7) Update departmental duties for noxious weed control
2 and eradication.

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

6 **"§152-A State noxious weed coordinator; established. (a)**

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

12 (b) The state noxious weed coordinator shall:

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

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



- 1 (3) Manage the proposal review process established under
2 section 152-B, including the receipt, logging, and
3 preliminary review of proposals;
- 4 (4) Support the advisory committee on plants and animals
5 by compiling scientific information, preparing taxa
6 assessments, and coordinating expert consultations;
- 7 (5) Develop and maintain publicly accessible resources,
8 including updated noxious weed lists, areas declared
9 free or reasonably free of each noxious weed, proposal
10 procedures, and guidance documents;
- 11 (6) Facilitate training and outreach on noxious weed
12 identification, reporting, and control; and
- 13 (7) Perform any additional duties assigned by the
14 chairperson or required by rules adopted to carry out
15 this chapter.

16 **§152-B Proposals for noxious weed designations, changes,**
17 **and removals.** (a) Any person may submit a proposal to the
18 board.

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, if applicable;
- 5 (3) To the extent applicable and practicable, information
- 6 addressing the following for each proposed noxious
- 7 weed designation:
- 8 (A) Scientific and common name;
- 9 (B) Biological characteristics and evidence of
- 10 invasiveness;
- 11 (C) Impacts or potential impacts;
- 12 (D) Current distribution and status; and
- 13 (E) Supporting scientific information; and
- 14 (4) Any other information the state noxious weed
- 15 coordinator may reasonably require.
- 16 (d) A proposal to designate a new taxon as a noxious weed
- 17 shall include:
- 18 (1) The class of noxious weed requested for the taxon;
- 19 (2) The geographic area in the State that is free or
- 20 reasonably free of the taxon; and



1 (3) A list of references to support the information
2 provided in the proposal.

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

6 (f) A proposal to change the class designation of a
7 noxious weed shall include evidence that the noxious weed meets
8 the description of the proposed class, as set out in section
9 152-4.

10 **§152-C Procedure for changes to the state noxious weed**

11 **list.** (a) All proposals submitted under section 152-B to the
12 board ninety days before April 1 of each year shall be accepted
13 by the board for review at a scheduled board meeting; provided
14 that, prior to board review, the state noxious weed coordinator
15 may reject proposals that are incomplete or that do not include
16 all of the requirements described under section 152-B.

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

19 (1) Shall review the proposal and assess the invasiveness
20 and impacts or potential impacts associated with each
21 taxon under consideration;



- 1 (2) May seek additional information from the person who
2 submitted the proposal;
- 3 (3) May conduct additional research related to the
4 proposal, including literature reviews, surveys, and
5 field investigations;
- 6 (4) May consult with relevant federal, state, county, and
7 academic experts;
- 8 (5) Shall issue written recommendations regarding the
9 adoption, modification, or rejection of the proposal;
- 10 (6) Shall consider all oral and written comments submitted
11 under section 152-4(g); and
- 12 (7) Shall submit the proposal and written recommendations
13 to the advisory committee on plants and animals.
- 14 (c) The advisory committee on plants and animals:
- 15 (1) Shall review each proposal, the state noxious weed
16 coordinator's written recommendations, and all oral
17 and written comments submitted on the proposal under
18 section 152-4(g);
- 19 (2) May conduct assessments of the invasiveness and
20 impacts or potential impacts associated with each
21 taxon under consideration;



- 1 (3) May consult with relevant federal, state, county, and
2 academic experts; and
- 3 (4) Shall issue written recommendations to the board
4 regarding adoption, modification, or rejection of each
5 proposal.
- 6 (d) Within one hundred eighty days after the scheduled
7 board meeting at which the proposals are accepted for review,
8 the board, after consideration of each recommendation of the
9 advisory committee on plants and animals required by subsection
10 (c) and all oral and written comments submitted under section
11 152-4(g), shall vote on each proposal.
- 12 (e) After the proposals have been voted on, the board
13 shall adopt by order the state noxious weed list for that year,
14 which shall take effect ten days after the department gives
15 public notice of the order in a daily or weekly publication of
16 statewide circulation or in separate daily or weekly
17 publications whose combined circulation is statewide and on the
18 publicly available internet website of the department.
- 19 (f) Upon petition or recommendation by the chairperson,
20 the board may adopt emergency revisions to the state noxious
21 weed list without prior review by the advisory committee on



1 plants and animals; provided that the advisory committee on
2 plants and animals shall, at its next meeting, review the action
3 and provide its concurrence or a recommendation for revision or
4 rescission.

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

7 (1) The action is necessary to prevent the introduction or
8 spread of a taxon;

9 (2) Credible evidence indicates the taxon is likely to
10 become invasive if introduced to the State or an area
11 within the State; and

12 (3) The action is urgent and deferral until the annual
13 review could result in imminent harm.

14 (h) The department shall publish the updated state noxious
15 weed list on the publicly available internet website of the
16 department no later than thirty days after the list's adoption."

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

19 "(a) The department of agriculture and biosecurity shall
20 designate the coqui frog as a pest. All other pest designations
21 shall be established [~~by rule, including the criteria and~~



1 ~~procedures for the designation of pests for control or~~
2 ~~eradication.] as provided by law."~~

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

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

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

17 1. By adding five new definitions to be appropriately
18 inserted and to read:

19 "Advisory committee on plants and animals" means the
20 advisory committee on plants and animals established pursuant to
21 section 150A-10.



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

2 "Chairperson" means the chairperson of the board.

3 "Proposal" means a proposal to designate a new noxious
4 weed, change a noxious weed designation, remove a noxious weed
5 designation, or change the class designation of a noxious weed.

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

8 2. By amending the definitions of "noxious weed" and
9 "person" to read:

10 "Noxious weed" means any plant [~~species which~~] taxon that
11 is, or [~~which~~] that may be likely to become, injurious, harmful,
12 or deleterious to the agricultural, horticultural, aquacultural,
13 or livestock industry [~~of the State and to forest and~~], forests,
14 recreational areas [~~and~~], conservation districts, natural
15 resources, cultural resources, environment, or public or animal
16 health of the State, as determined and designated [~~by the~~
17 department from time to time.] pursuant to this chapter.

18 "Person" means any individual, firm, corporation,
19 association, [~~or partnership.~~] society, community, or assembly,
20 known or unknown, and the public generally. "Person" includes



1 any government and any of its agencies, instrumentalities, or
2 subdivisions, and educational institutions."

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

5 "**§152-2 Rules.** Subject to chapter 91, the department may
6 [make] adopt rules to effectuate this chapter [~~, including but~~
7 ~~not limited to the following:~~

8 ~~(1) Establishment of criteria and procedures for the~~
9 ~~designation of plant species as noxious weeds for the~~
10 ~~purposes of this chapter;~~

11 ~~(2) Establishment of procedures and conditions for the~~
12 ~~initiation of cooperative agreements with landowners~~
13 ~~and land occupiers for the purpose of eradicating or~~
14 ~~controlling noxious weed infestations;~~

15 ~~(3) Control or eradication of noxious weeds when deemed~~
16 ~~economically feasible]."~~

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

19 "**§152-3 Prohibited acts** [~~-~~]; penalty. (a) It shall be
20 unlawful to [introduce]:



- 1 (1) Import a noxious weed, its seeds or vegetative
2 reproductive parts, or material infested with a
3 noxious weed, except for research purposes pursuant to
4 a permit issued by the department;
- 5 (2) Sell or offer for sale a noxious weed, its seeds or
6 vegetative reproductive parts, or material infested
7 with a noxious weed; or
- 8 (3) Introduce or [~~to~~] transport specific noxious weeds or
9 their seeds or vegetative reproductive parts, or
10 material infested with the noxious weeds, into any
11 area designated pursuant to section 152-5 as free or
12 reasonably free of those noxious weeds; provided that
13 the introduction or transportation of those noxious
14 weeds may be permitted for educational or research
15 purposes when authorized by a permit issued by the
16 department.
- 17 (b) The prohibitions in this section shall not apply to:
- 18 (1) A plant part that is processed, not vegetatively
19 propagative, or otherwise not capable of reproducing
20 the plant;



- 1 (2) The movement of a properly prepared herbarium
2 specimen;
- 3 (3) The movement of plant material for proper disposal by
4 the department, an agent or partner of the department,
5 or pursuant to a permit issued by the department; or
- 6 (4) The movement of plant material by authorized employees
7 of the department when acting in the course of their
8 official duties.

9 (c) Any person who violates any provision of this chapter
10 or any rule adopted under this chapter shall be fined no less
11 than \$100 and no more than \$10,000. For a subsequent violation
12 committed within five years of a prior violation, the person
13 shall be fined no less than \$500 and no more than \$25,000. Each
14 day of violation shall constitute a separate violation. Any
15 action taken to impose or collect the penalty provided for in
16 this subsection shall be considered a civil action.

17 (d) The department may, at its discretion, refuse entry,
18 confiscate, or destroy any noxious weed brought into the State,
19 offered for sale, sold, or transported in violation of this
20 chapter or any rule adopted pursuant to this chapter. Any



1 expense or loss in connection therewith shall be borne by the
2 owner or transporter of the noxious weed."

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

5 "**§152-4 Designation of noxious weed[-]; classes of noxious**
6 **weeds; publication.** [~~The department may designate certain plant~~
7 ~~species as noxious weeds following the criteria and procedures~~
8 ~~established under section 152-2(1). The department shall~~
9 ~~publish and make available a list of noxious weeds to interested~~
10 ~~persons.] (a) Each year, the board shall adopt by order the
11 state noxious weed list in accordance with this chapter. The
12 department may adopt rules for the more frequent adoption of the
13 state noxious weed list.~~

14 (b) Each noxious weed on the state noxious weed list shall
15 be designated as a class A, class B, or class C noxious weed.

16 (c) Class A noxious weeds shall:

17 (1) Not be known to occur in the State or are of very
18 limited distribution in the State;

19 (2) Be a high priority for control or eradication if an
20 infestation was discovered in the State; and



1 (3) When detected, be subject to control or eradication
2 actions by the department or an agent or partner of
3 the department, subject to the availability of funds.

4 (d) Class B noxious weeds shall be:

5 (1) Known to occur in the State but are of limited
6 distribution on one or more islands;

7 (2) A high priority for control or eradication, at least
8 locally; and

9 (3) Managed on a priority basis as resources allow.

10 (e) Class C noxious weeds shall be those that are not a
11 class A or class B noxious weed classified pursuant to this
12 section.

13 (f) No later than thirty days after the board accepts
14 proposals for review under section 152-C, the state noxious weed
15 coordinator shall issue a press release and provide notice to
16 each person who has made a timely written request of the
17 department for notice of a proposal. The press release and
18 notices shall include:

19 (1) A statement summarizing each proposal;

20 (2) A statement that a copy of the proposal will be mailed
21 to any interested person who requests a copy upon



1 payment in advance of costs for photocopying,
2 preparing, and mailing the copy and that a copy of the
3 proposal will be made available on the publicly
4 available website of the department on a page
5 dedicated to noxious weeds;

6 (3) Where to obtain a copy of the proposal for inspection,
7 or for pick-up after payment in full of costs for
8 photocopying and preparing; and

9 (4) A statement that the department is soliciting comments
10 on each proposal and where and how comments may be
11 provided.

12 (g) During the period between when the board accepts a
13 proposal for review under section 152-C and when the board votes
14 on a proposal, any interested person may:

15 (1) Provide oral comments on that proposal at any
16 regularly scheduled meeting of the board or the
17 advisory committee on plants and animals; and

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

20 (h) The department may adopt rules pursuant to chapter 91
21 to define "limited distribution".



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

3 **"§152-6 Duties of the department; noxious weed control and**
4 **eradication.** (a) The department shall maintain a constant
5 vigilance for incipient infestations of specific noxious weeds
6 on islands declared reasonably free from those weeds, and shall
7 use those procedures and methods to control or eradicate the
8 infestations of noxious weeds as are determined to be feasible
9 and practicable.

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



1 (c) Upon determining that control or eradication of an
2 infestation is practicable and feasible, the department shall
3 immediately serve notice, either oral or written, on both the
4 landowner of the property and the occupant of the property on
5 which the infestations exist. Written notice sent to the
6 landowner's address last known to the department by certified
7 mail, postage prepaid, return receipt requested, shall be deemed
8 sufficient notice. In the event that certified mail is
9 impractical because the department, despite diligent efforts,
10 cannot determine land ownership or because of urgent need to
11 initiate control or eradication measures, notice given once in a
12 daily or weekly publication of general circulation, in the
13 county where any action or proposed action will be taken, or
14 notice made as otherwise provided by law, shall be deemed
15 sufficient notice. The notice shall set forth all pertinent
16 information with respect to the infestation and notify the
17 landowner and the land occupant of the procedure and methods of
18 control or eradication.

19 (d) Upon the department's notification pursuant to
20 subsection (c) [~~above~~], the department may enter into a
21 cooperative agreement with the landowner and land occupier for



1 the control or eradication of the noxious weed infestation[
2 ~~The procedures and conditions for executing the cooperative~~
3 ~~agreement shall be in accordance with rules adopted under~~
4 ~~section 152-2(2).]~~ or may entirely undertake the control project
5 or eradication, as resources allow.

6 [~~(e) Upon the department's notification pursuant to~~
7 ~~subsection (e) above, the department may entirely undertake the~~
8 ~~eradication or control project when it has been determined that~~
9 ~~the owner, occupier, or lessee of the land on which the noxious~~
10 ~~weed infestation is located will not benefit materially or~~
11 ~~financially by the control or eradication of the noxious weed,~~
12 ~~or when the noxious weed infestation is on state-owned land not~~
13 ~~leased or under control of private interest.]"~~

14 SECTION 10. (a) Notwithstanding section 152-2, Hawaii
15 Revised Statutes, to the contrary, rules initially adopted
16 within three years of the effective date of this Act to
17 implement the amendments made by this Act to chapter 152, Hawaii
18 Revised Statutes, shall be exempt from the public notice and
19 public hearing requirements of chapter 91, Hawaii Revised
20 Statutes.



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

7 SECTION 11. In codifying the new sections added by section
8 2 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

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

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



Report Title:

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

Description:

Establishes a State Noxious Weed Coordinator position and updates the process for designating and managing noxious weeds. Allows public proposals to add, amend, 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 to be adopted by order and classifies noxious weeds into three categories. Strengthens enforcement and penalties. Updates departmental duties for noxious weed control and eradication. Effective 7/1/3000. (SD1)

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

