
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 the coconut
2 rhinoceros beetle can have devastating impacts on palm species
3 that are foundational to the State's agricultural economy,
4 cultural heritage, and ecosystems. The use of fine mesh nets
5 can be an effective means of preventing adult coconut rhinoceros
6 beetles from accessing vulnerable plants, effectively mitigating
7 their impact on local plants and the environment.

8 The legislature further finds that even though Act 184,
9 Session Laws of Hawaii 2024, authorizes the department of
10 agriculture and biosecurity to adopt rules for the use of banned
11 monofilament netting, such power is only extended for bird
12 keeping. The legislature is concerned that, due to this
13 limiting authority, the ability of the department to adopt rules
14 to allow for the sale of monofilament netting for coconut
15 rhinoceros beetle interdiction may be thwarted.

16 The legislature further finds that Act 236, Session Laws of
17 Hawaii 2025 (Act 236), authorizes the department of agriculture



1 and biosecurity to enter into government-industry agreements,
2 which are a critical component in the protection of the State's
3 agriculture, people, economy, unique biodiversity, and
4 environment from invasive species. The objective of
5 government-industry agreements is to increase collaboration
6 between private industries and the government by formalizing
7 commitments to bolster the biosecurity network, increase
8 capacity in the response to current pests, and enhance
9 capability and readiness in response to future pests. The
10 department of agriculture and biosecurity is required to provide
11 education and training, supplies and equipment, and pest
12 management programs to equip private industries that are
13 signatories to the agreements in the decision-making process.
14 These signatory private industries are then required to provide
15 manpower, treatment equipment, surveillance, and response
16 readiness. However, the legislature further finds that, after
17 the department of agriculture and biosecurity began discussions
18 with private industry parties about the government-industry
19 agreements, it became apparent that Act 236 should be refined to
20 address certain issues.

21 Accordingly, the purpose of this Act is to:



- 1 (1) Establish a working group of private industry
2 signatories for joint decision-making;
- 3 (2) Protect the department of agriculture and biosecurity
4 and the counties, including officers, employees, and
5 authorized agents of the department and counties, from
6 liability when entering private property to control or
7 eradicate pests;
- 8 (3) Allow for the use of monofilament netting for purposes
9 of protecting plants against invasive species under
10 certain conditions;
- 11 (4) Require the department of agriculture and biosecurity
12 to establish rules allowing the sale and distribution
13 of fine mesh nets, including certain monofilament
14 netting, in the State to protect plants from the
15 coconut rhinoceros beetle; and
- 16 (5) Rename government-industry agreements to biosecurity
17 government-industry agreements to prevent confusion
18 with a program with similar initials.

19 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§150A- Biosecurity government-industry working group;
2 established. (a) There is established the biosecurity
3 government-industry working group.

4 (b) The working group shall consist of the following
5 members:

6 (1) Deputy chairperson for biosecurity or their designee,
7 who shall serve as chairperson of the working group;
8 (2) Dean of the university of Hawaii college of tropical
9 agriculture and human resilience, or their designee;
10 and

11 (3) Representatives of the signatory industries in the
12 biosecurity government-industry agreements, to be
13 invited by the chairperson of the working group.

14 All members of the working group shall serve without
15 compensation but shall be entitled to reimbursement for
16 necessary expenses in the discharge of their duties and
17 responsibilities as members of the working group.

18 (c) The working group shall:

19 (1) Prepare policy recommendations to the chairperson of
20 the board of agriculture and biosecurity which, upon
21 approval, may serve as guidance for agricultural



1 development in the State. The policies shall include
2 but not be limited to objectives in the following
3 areas:
4 (A) Plant inspection and quarantine;
5 (B) Pest management;
6 (C) Import replacement;
7 (D) Market access; and
8 (E) Industry analysis;
9 (2) Assist and provide technical expertise to the
10 chairperson of the board of agriculture and
11 biosecurity in developing programs, projects, and
12 plans to promote optimal development of agriculture,
13 including criteria to measure program effectiveness;
14 (3) Conduct systematic analysis of all existing and
15 proposed agriculture and agriculture-related programs;
16 and
17 (4) Recommend to the chairperson of the board of
18 agriculture and biosecurity programs including
19 agricultural product promotion and agricultural
20 development that represent the most effective



1 allocation of resources for optimal development of
2 agriculture."

3 SECTION 3. Section 141-3.6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§141-3.6 Entry of private property to control or**
6 **eradicate any pests.** (a) The department of agriculture and
7 biosecurity or applicable county shall give at least five days
8 notice to the landowner and the occupier of any private property
9 of its intention to enter the property for the control or
10 eradication of a pest. Written notice sent to the landowner's
11 last known address by certified mail, postage prepaid, return
12 receipt requested, shall be deemed sufficient notice. If
13 certified mail is impractical because the department or county,
14 despite diligent efforts, cannot determine land ownership or
15 because of urgent need to initiate control or eradication
16 measures, notice given once in a daily or weekly publication of
17 general circulation, in the county where any action or proposed
18 action will be taken, or notice made as otherwise provided by
19 law, shall be deemed sufficient notice. The notice shall set
20 forth all pertinent information on the pest control program and



1 the procedures and methods to be used for control or
2 eradication.

3 (b) After notice as required by subsection (a), any member
4 of the department, employee of the county, or any agent
5 authorized by the department or county may enter at reasonable
6 times any private property other than dwelling places to
7 maintain a pest control or eradication program, being liable
8 only for damage caused by acts beyond the scope of the person's
9 authority, or the person's negligence, gross negligence, or
10 intentional misconduct. If entry is refused, the department
11 member, county employee, or any authorized agent may apply to
12 the district court in the circuit in which the property is
13 located for a warrant to enter on the premises to effectuate the
14 purposes of this chapter. The district court may issue a
15 warrant directing a police officer of the circuit to assist the
16 department member, county employee, or any authorized agent in
17 gaining entry onto the premises during regular working hours or
18 at other reasonable times.

19 (c) In no case shall the department, county, or any
20 officer, employee, or authorized agent thereof, be liable for



1 costs in any action or proceeding that may be commenced pursuant
2 to this chapter."

3 SECTION 4. Section 141-17, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§141-17 Fine ~~meshed~~ mesh nets; invasive species;**
6 **permissible; rules.** (a) Notwithstanding any other law to the
7 contrary, fine ~~meshed~~ mesh nets, including monofilament
8 netting of an appropriate mesh size, may be used for the
9 protection of plants against invasive species, as determined by
10 the department of agriculture and biosecurity; provided that the
11 fine ~~meshed~~ mesh nets shall be applied in a manner that is
12 unlikely to entangle birds, become dislodged and enter water, or
13 entangle or disturb native and beneficial animals, including but
14 not limited to pollinators, ladybugs or lady beetles, and
15 net-winged insects.

16 (b) The department of agriculture and biosecurity shall
17 adopt rules in accordance with chapter 91 to implement this
18 section, including but not limited to establishing requirements
19 related to filament diameter, color, and the inclusion of visual
20 cues to prevent non-targeted entanglement ~~[and]~~; prohibiting the
21 use of mist net material ~~[that is used]~~ designed for bird



1 work[=]; and allowing the distribution and sale of fine mesh
2 nets, including monofilament netting of an appropriate mesh
3 size, for the sole purpose of protecting plants from the coconut
4 rhinoceros beetle (Oryctes rhinoceros)."

5 SECTION 5. Section 150A-58, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~{ }\$150A-58{ }—Government-industry~~ **Biosecurity**
8 **government-industry agreements for readiness and response.** (a)

9 The department may enter into readiness and response agreements
10 with businesses and representatives of businesses in the plant
11 and animal industries of the State, including businesses that
12 grow, harvest, or produce animals and plants or products from
13 animals and plants.

14 (b) The agreements shall include:

15 (1) Readiness activities that:

16 (A) Prevent unwanted organisms from entering the
17 State; and

18 (B) Detect unwanted organisms; and

19 (2) Response activities that:

20 (A) Facilitate the immediate investigation of an
21 unwanted organism after detection, including



- 1 timely reporting of the unwanted organism's
- 2 detection to the department;
- 3 (B) Minimize the impact of the unwanted organism on
- 4 natural and physical resources, human health, and
- 5 overseas market access for Hawaii products;
- 6 (C) Control the spread of an unwanted organism;
- 7 (D) Reduce the geographical distribution of an
- 8 unwanted organism;
- 9 (E) Eradicate the unwanted organism; and
- 10 (F) Include providing the department with relevant
- 11 information for posting to the pest dashboard
- 12 pursuant to section 141-3.5.

13 (c) A violation of an applicable readiness plan shall be
 14 subject to penalties under section 150A-14.

15 (d) The department shall establish a biosecurity
 16 government-industry working group pursuant to section 150A- ,
 17 comprising members or representatives of private industry
 18 signatories to any biosecurity government-industry agreement,
 19 for joint decision-making pursuant to this section."

20 SECTION 6. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval.



Report Title:

DAB; Biosecurity Government-Industry Working Group; Liability; Fine Mesh Nets; Monofilament Netting; Coconut Rhinoceros Beetle; Rules; Government-Industry Agreements

Description:

Requires the Department of Agriculture and Biosecurity to establish a Biosecurity Government-Industry Working Group. Clarifies that the Department and the counties, including officers, employees, and authorized agents of the Department and counties, shall not be liable for costs relating to the entering of private property to control and eradicate pests. Allows the use of certain monofilament netting for the protection of plants against invasive species. Requires the Department of Agriculture and Biosecurity to establish rules allowing the sale and distribution of fine mesh nets, including monofilament netting, in the State to protect plants from the coconut rhinoceros beetle. (SD2)

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

