

JAN 23 2026

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

14       The legislature, like the federal government, recognizes  
15 the value of preventing the movement of invasive pests. Federal  
16 law allows the United States Department of Agriculture to  
17 conduct pre-departure inspections of all passengers, baggage,



1 cargo, and any other articles moving from the State to the  
2 continental United States to protect against the spread of pests  
3 from Hawaii. However, the federal government does not provide  
4 any similar inspections for passengers or material arriving in  
5 the State from the continental United States. Instead, the  
6 Hawaii department of agriculture and biosecurity inspects  
7 agricultural commodities imported to Hawaii from other States.

8       However, the legislature recognizes that existing law does  
9 not expressly authorize the Hawaii department of agriculture and  
10 biosecurity to inspect non-agricultural commodities arriving in  
11 the State from the continental United States or moving between  
12 islands of the State. This is a serious gap that can allow  
13 devastating invasive species like the red imported fire ant and  
14 spotted lanternfly to enter the State via non-agricultural  
15 commodities, such as building materials and vehicles, from  
16 infested locations in the United States.

17       The legislature further finds that imposing civil rather  
18 than criminal penalties for certain violations detected by such  
19 inspections is a lawful and appropriate deterrent. The  
20 legislature notes the necessity of other common-sense  
21 authorities to protect the State against invasive species,



1 including the authority to quarantine a pest-infested area. If  
2 invasive pests such as the red imported fire ant are detected in  
3 the State, an effective, rapid response will require the  
4 authority to impose a quarantine and prevent the movement of  
5 items and spread of the pest.

6 The legislature notes that other states, and even counties,  
7 have the authority to quarantine areas, including restricting  
8 the movement, possession, and sale of commodities infested with  
9 a high-impact pest, and may also quarantine any other products,  
10 articles, or means of conveyances of pests.

11 The legislature further finds that violations of most  
12 invasive species laws in the State are subject to criminal  
13 penalties and the department of agriculture and biosecurity has  
14 historically not sought fines for violations of invasive species  
15 laws. Designating strict liability violations of certain laws  
16 as civil infractions and lowering the mental state requirements  
17 for certain criminal violations may incentivize and allow the  
18 department to enforce the laws more effectively.

19 Finally, the legislature finds that the department of  
20 agriculture and biosecurity has an increased workload in  
21 updating and adopting administrative rules related to invasive



1 species, with Act 236, Session Laws of Hawaii 2025, requiring  
2 new administrative rules due to many existing invasive  
3 species-related rules being out of date or non-existent. For  
4 example, the list of designated noxious weeds in chapter 4-68,  
5 Hawaii Administrative Rules, was last updated in 1992; the list  
6 of pests for control or eradication in chapter 69A, Hawaii  
7 Administrative Rules, was last updated in 2008; and no list of  
8 restricted plants required by section 150A-6.1, Hawaii Revised  
9 Statutes, has ever been developed. A dedicated employee to  
10 assist specifically with administrative rules for the department  
11 of agriculture and biosecurity would help alleviate the  
12 administrative rule backlog and modernize the State's invasive  
13 species control programs.

14 Accordingly, the purpose of this Act is to:

- 15 (1) Expand the department of agriculture and biosecurity's  
16 authority to conduct certain inspections and regulate  
17 non-agricultural commodities;
- 18 (2) Provide for better control of invasive species within  
19 the State; and
- 20 (3) Clarify certain penalties for violations to encourage  
21 enforcement of the invasive species laws.



1       SECTION 2. Section 141-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§141-1 Duties in general.** The department of agriculture  
4 and biosecurity shall:

5       (1) Gather, compile, and tabulate, from time to time,  
6 information and statistics concerning:

7       (A) Entomology and plant pathology: Insects, scales,  
8 blights, and diseases injurious or liable to  
9 become injurious to trees, plants, or other  
10 vegetation, and the ways and means of  
11 exterminating pests and diseases already in the  
12 State and preventing the introduction of pests  
13 and diseases not yet in the State; and

14       (B) General agriculture: Fruits, fibres, and useful  
15 or ornamental plants and their introduction,  
16 development, care, and manufacture or  
17 exportation, with a view to introducing,  
18 establishing, and fostering new and valuable  
19 plants and industries;

20       (2) Encourage and cooperate with the agricultural  
21 extension service ~~[and]~~, agricultural experiment

1            station, and other colleges and departments of the  
2            [~~University~~] university of Hawaii and [~~all-private~~]  
3            other persons and organizations doing work of an  
4            experimental or educational character coming within  
5            the scope of the subject matter of chapters 141, 142,  
6            and 144 to 150A, and avoid, as far as practicable,  
7            duplicating the work of those persons and  
8            organizations;

- 9            (3) Enter into contracts, cooperative agreements, or other  
10           transactions with any person, agency, or organization,  
11           public or private, as may be necessary in the conduct  
12           of the department's business and on any terms the  
13           department may deem appropriate; provided that the  
14           department shall not obligate any funds of the State,  
15           except the funds that have been appropriated to the  
16           department. Pursuant to cooperative agreement with  
17           any authorized federal agency, employees of the  
18           cooperative agency may be designated to carry out, on  
19           behalf of the State the same as department personnel,  
20           specific duties and responsibilities under chapters  
21           141, 142, and 150A, and rules adopted pursuant to



1           those chapters, for the effective prosecution of pest  
2           control and animal disease control and the regulation  
3           of import into the State and intrastate movement of  
4           regulated articles;

5           (4) Secure copies of the laws of other states,  
6           territories, and countries, and other publications  
7           germane to the subject matters of chapters 141, 142,  
8           and 144 to 150A, and make laws and publications  
9           available for public information and consultation;

10          (5) Provide buildings, grounds, apparatus, and  
11          appurtenances necessary for the examination,  
12          quarantine, inspection, and fumigation provided for by  
13          chapters 141, 142, and 144 to 150A; for the obtaining,  
14          propagation, study, and distribution of beneficial  
15          insects, growths, and antidotes for the eradication of  
16          insects, blights, scales, or diseases injurious to  
17          vegetation of value and for the destruction of  
18          injurious vegetation; and for carrying out any other  
19          purposes of chapters 141, 142, and 144 to 150A;

20          (6) Formulate and recommend to the governor and  
21          legislature additional legislation necessary or



desirable for carrying out the purposes of chapters  
141, 142, and 144 to 150A;

(7) Publish at the end of each year a report of the  
expenditures and proceedings of the department and of  
the results achieved by the department, together with  
other matters germane to chapters 141, 142, and 144 to  
150A and that the department may deem proper;

(8) Administer a program of agricultural planning and  
development, including the formulation and  
implementation of general and special plans, including  
but not limited to the functional plan for  
agriculture; administer the planning, development, and  
management of the agricultural park program; plan,  
construct, operate, and maintain the state irrigation  
water systems; plan, design, construct, operate,  
manage, maintain, repair, demolish, and remove  
infrastructure or improvements on any lands under the  
jurisdiction of the department; review, interpret, and  
make recommendations with respect to public policies  
and actions relating to agricultural land and water  
use; assist in research, evaluation, development,





1 enhancement, and expansion of local agricultural  
2 industries; and serve as liaison with other public  
3 agencies and private organizations for the above  
4 purposes. In the foregoing, the department shall act  
5 to conserve and protect agricultural lands and  
6 irrigation water systems, promote diversified  
7 agriculture, increase agricultural self-sufficiency,  
8 and ensure the availability of agriculturally suitable  
9 lands; and

10 (9) Manage, administer, and exercise control over any  
11 public lands, as defined under section 171-2, that are  
12 designated important agricultural lands pursuant to  
13 section 205-44.5, including but not limited to  
14 establishing priorities for the leasing of these  
15 public lands within the department's jurisdiction."

16 SECTION 3. Section 150A-2, Hawaii Revised Statutes, is  
17 amended by adding a new definition to be appropriately inserted  
18 and to read as follows:

19 "Person" means an individual, corporation, firm,  
20 association, society, community, assembly, or inhabitant of a  
21 district or neighborhood, known or unknown, and the public



1 generally. "Person" includes a government and any of its  
2 agencies, instrumentalities, or subdivisions."

3 SECTION 4. Section 150A-5, Hawaii Revised Statutes, is  
4 amended to read as follows:

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

10 (b) The importation into the State of any of the following  
11 articles, viz., nursery-stock, tree, shrub, herb, vine,  
12 cut-flower, cut-foliage, cutting, graft, scion, bud, seed, leaf,  
13 root, or rhizome; nut, fruit, or vegetable; grain, cereal, or  
14 legume in the natural or raw state; moss, hay, straw, dry-grass,  
15 or other forage; unmanufactured log, limb, or timber, or any  
16 other plant-growth or plant-product, unprocessed or in the raw  
17 state; soil[+], including potting soil, growing mix, and mulch;  
18 microorganisms; live bird, reptile, nematode, insect, or any  
19 other animal in any stage of development (that is in addition to  
20 the so-called domestic animal, the quarantine of which is  
21 provided for in chapter 142); box, vehicle, baggage, or any



1 other container in which the articles have been transported or  
2 any packing material used in connection therewith shall be made  
3 in the following manner [~~hereinafter set forth~~]:

4 (1) Notification of arrival. Any person who receives for  
5 transport or brings or causes to be brought to the  
6 State as freight, air freight, baggage, or otherwise,  
7 for the purpose of debarkation or entry [~~therein~~], or  
8 as ship's stores, any of the foregoing articles,  
9 shall, immediately upon the arrival thereof, notify  
10 the department of the arrival [~~, giving~~]. The  
11 notification shall include the waybill number,  
12 container number, name and address of the consignor,  
13 name and address of the consignee or the consignee's  
14 agent in the State, marks, number of packages,  
15 description of contents of each package, port at which  
16 laden, and any other information that may be necessary  
17 to locate or identify the same [~~, and~~]. The articles  
18 shall [~~hold the articles~~] be held at the pier,  
19 airport, any other place where [~~they~~] the articles are  
20 first received or discharged, or a transitional  
21 facility, in a manner that [~~they will not~~] prevents



1        the spread or [~~be likely to spread~~] the likelihood of  
2        spreading any infestation or infection of a pest,  
3        including insects or diseases that may be present,  
4        until inspection and examination can be made by the  
5        inspector or a certified biosecurity compliance  
6        auditor to determine whether any article, or any  
7        portion thereof, is infested or infected with or  
8        contains any pest. The department may adopt rules to  
9        require identification of specific articles on  
10       negotiable and non-negotiable warehouse receipts,  
11       bills of lading, or other documents of title for  
12       inspection of pests. In addition, the department  
13       shall adopt rules to designate restricted articles  
14       that shall require:

- 15       (A) A permit, including a compliance agreement, from  
16               the department in advance of importation; or  
17       (B) A department letter of authorization or  
18               registration in advance of importation.

19       The restricted articles shall include but not be  
20       limited to certain microorganisms or living insects.  
21       Failure to obtain the permit, letter of authorization,



1           or registration, or to enter into a compliance  
2           agreement in advance [~~is~~], shall be a violation of  
3           this section;

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

5           (A) It shall be the responsibility of the  
6           transportation company to distribute, [~~prior to~~]  
7           before the debarkation of passengers and baggage,  
8           the State of Hawaii biosecurity declaration to  
9           each passenger, officer, and crew member of any  
10          aircraft or vessel originating in the continental  
11          United States or its possessions or from any  
12          other area not under the jurisdiction of the  
13          appropriate federal agency [~~in order~~], so that  
14          the passenger, officer, or crew member can comply  
15          with the directions and requirements appearing  
16          thereon. All passengers, officers, and crew  
17          members, regardless of whether [~~or not~~] they are  
18          bringing or causing to be brought for entry into  
19          the State any articles listed, shall complete the  
20          declaration[~~, except~~]; provided that one adult  
21          member of a family may complete the declaration



1           for other family members. Any person who gives  
2           false information, fails to declare restricted  
3           articles in the person's possession or baggage,  
4           or fails to declare in cargo manifests [~~is~~] shall  
5           be in violation of this section;

6           (B) All passengers, officers, and crew members who  
7           are bringing or causing to be brought for entry  
8           into the State domestic and other animals cited  
9           in chapter 142, in addition to the articles  
10          enumerated in this chapter, shall immediately  
11          upon arrival or prior to arrival notify the  
12          department of the arrival of any restricted  
13          article. The department may adopt rules  
14          necessary to effectuate this subparagraph; and

15          (C) It shall be the responsibility of the officers  
16          and crew of an aircraft or vessel originating in  
17          the continental United States or its possessions  
18          or from any other area not under the jurisdiction  
19          of the appropriate federal agency to immediately  
20          report all sightings of any plants and animals to  
21          the plant quarantine branch. Failure to comply



1                   with this requirement is a violation of this  
2                   section;

3       (3) Labels. Each container in which any of the  
4       above-mentioned articles are imported into the State  
5       shall be plainly and legibly marked, in a conspicuous  
6       manner and place, with the name and address of the  
7       shipper or owner forwarding or shipping the same, the  
8       name or mark of the person to whom the same is  
9       forwarded or shipped or the person's agent, the name  
10      of the country, state, or territory and locality  
11      therein where the product was grown or produced, and a  
12      statement of the contents of the container. Upon  
13      failure to comply with this paragraph, the importer or  
14      carrier ~~[is]~~ shall be in violation of this section;

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

19      ~~(A) Enter and inspect any aircraft, vessel, or other~~  
20      ~~carrier at any time after its arrival within the~~  
21      ~~boundaries of the State, whether offshore, at the~~



1 ~~pier, or at the airport, for the purpose of~~  
2 ~~determining whether any of the articles or pests~~  
3 ~~enumerated in this chapter or rules adopted~~  
4 ~~thereto, is present;~~

5 ~~(B) Enter into or upon any pier, warehouse, airport,~~  
6 ~~or any other place in the State where any of the~~  
7 ~~above mentioned articles are moved or stored, for~~  
8 ~~the purpose of ascertaining, by inspection and~~  
9 ~~examination, whether any of the articles is~~  
10 ~~infested or infected with any pest or disease or~~  
11 ~~contaminated with soil or contains prohibited~~  
12 ~~plants or animals; and~~

13 ~~(C) Inspect any baggage or personal effects of~~  
14 ~~disembarking passengers, officers, and crew~~  
15 ~~members on aircraft or vessels arriving in the~~  
16 ~~State to ascertain if they contain any of the~~  
17 ~~articles or pests enumerated in this chapter. No~~  
18 ~~baggage or other personal effects of the~~  
19 ~~passengers or crew members shall be released~~  
20 ~~until the baggage or effects have been passed.~~





1 ~~Baggage or cargo inspection shall be made at the~~  
2 ~~discretion of the inspector, on the pier, vessel, or~~  
3 ~~aircraft or in any quarantine or inspection area.~~

4 ~~Whenever the inspector has good cause to believe~~  
5 ~~that the provisions of this chapter are being~~  
6 ~~violated, the inspector may require that any box,~~  
7 ~~package, suitcase, or any other container carried as~~  
8 ~~ship's stores, cargo, or otherwise by any vessel or~~  
9 ~~aircraft moving between the continental United States~~  
10 ~~and Hawaii or between the islands of the State, be~~  
11 ~~opened for inspection to determine whether any article~~  
12 ~~or pest prohibited by this chapter or by rules adopted~~  
13 ~~pursuant thereto is present. It is a violation of~~  
14 ~~this section if any prohibited article or any pest or~~  
15 ~~any plant, fruit, or vegetable infested with plant~~  
16 ~~pests is found;]~~ An inspector may, subject to the

17 civil penalties established in section 150A-14:

18 (A) Conduct inspections of persons, baggage, cargo,  
19 and any other items or materials destined for  
20 movement between the islands of the State or  
21 importation into the State from any other state



1           for the purpose of determining whether an insect,  
2           pest, disease, or prohibited, restricted, or  
3           regulated taxon is present. For the purposes of  
4           this subparagraph, "state" has the same meaning  
5           as defined in section 150A-11.2;

6           (B) Enter and inspect any aircraft, vessel, or other  
7           carrier at any time after its arrival within the  
8           boundaries of the State, whether offshore, at the  
9           pier, or at the airport, and enter into or upon  
10           any pier, airport, warehouse, or any other place  
11           in the State for the purpose of conducting  
12           inspections authorized by subparagraph (A); and

13           (C) Inspect any baggage, cargo, and any other item or  
14           material on the pier, vessel, or aircraft, or in  
15           any quarantine or inspection area;

16           (5) Request for importation and inspection. In addition  
17           to requirements of the appropriate United States  
18           ~~[customs]~~ authorities concerning invoices or other  
19           formalities incident to importations into the State,  
20           the importer shall be required to file a written  
21           statement with the department, signed by the importer



1 or the importer's agent, setting forth the importer's  
2 desire to import certain of the above-mentioned  
3 articles into the State and:

4 (A) [~~Giving~~] Providing the following additional  
5 information:

6 (i) The kind (scientific name), quantity, and  
7 description;

8 (ii) The locality where the same were grown or  
9 produced;

10 (iii) Certification that all animals to be  
11 imported [~~are the progeny of captive~~  
12 ~~populations or have been held in captivity~~  
13 ~~for a period of one year immediately before~~  
14 ~~importation or~~] have been specifically  
15 approved for importation by the board[+] or  
16 the department, as appropriate;

17 (iv) The port from which the same were last  
18 shipped;

19 (v) The name of the shipper; and

20 (vi) The name of the consignee; and

21 (B) Containing:



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1 (i) A request that the department, by its duly  
2 authorized agent, examine the articles  
3 described;

4 (ii) An agreement by the importer to be  
5 responsible for all costs, charges, or  
6 expenses; and

7 (iii) A waiver of all claims for damages incident  
8 to the inspection or the fumigation,  
9 disinfection, quarantine, or destruction of  
10 the articles, or any of them, as hereinafter  
11 provided, if any treatment is deemed  
12 necessary.

13 Failure or refusal to file a statement, including  
14 the agreement and waiver, ~~[is]~~ shall be a violation of  
15 this section and may, in the discretion of the  
16 department, be sufficient cause for refusing to permit  
17 the entry of the articles into the State;

18 (6) Place of inspection. If, in the judgment of the  
19 department, it is deemed necessary or advisable to  
20 move any ~~[of the above-mentioned articles, or any~~  
21 ~~portion thereof,~~ item or material to a transitional



1 facility or another place more suitable for inspection  
2 than the pier, airport, or any other place where they  
3 are first received or discharged, the department [~~is~~  
4 ~~authorized to~~] may do so or order the importer or  
5 importer's agent to do so. All costs and expenses  
6 incident to the movement and transportation of the  
7 [~~articles~~] items or materials to any other place shall  
8 be borne by the importer or the importer's agent. If  
9 the importer, importer's agent, or transportation  
10 company requests inspection of sealed containers [~~of~~  
11 ~~the above-mentioned articles~~] at locations other than  
12 where the [~~articles~~] items or materials are first  
13 received or discharged or a transitional facility and  
14 the department determines that inspection at the other  
15 place is appropriate, the department may require  
16 payment of costs necessitated by these inspections,  
17 including overtime costs;

18 (7) Disinfection or quarantine. If, upon inspection, any  
19 [~~article~~] item or material received or brought into  
20 the State for the purpose of debarkation or entry  
21 therein is found to be infested or infected, or there



1 is reasonable cause to presume that it is infested or  
2 infected, and the infestation or infection can, in the  
3 judgment of the [~~inspector,~~] department, be  
4 eradicated, a treatment shall be given to the  
5 [~~article.~~] item or material. The treatment shall be  
6 at the expense of the owner or the owner's agent, and  
7 the treatment shall be as prescribed by the  
8 department. The [~~article~~] item or material shall be  
9 held in quarantine at the expense of the owner or the  
10 owner's agent at a satisfactory place approved by the  
11 department for a sufficient length of time to  
12 determine that eradication has been accomplished. If  
13 the infestation or infection is of the nature or  
14 extent that it cannot be effectively and completely  
15 eradicated, or if it is a potentially destructive pest  
16 or it is not widespread in the State, or after  
17 treatment it is determined that the infestation or  
18 infection is not completely eradicated, or if the  
19 owner or the owner's agent refuses to allow the  
20 [~~article~~] item or material to be treated or to be  
21 responsible for the cost of treatment and quarantine,



1           the ~~[article,]~~ item or material, or any portion  
2           thereof, together with all packing and containers,  
3           may, at the discretion of the ~~[inspector,]~~ department,  
4           be destroyed or sent out of the State at the expense  
5           of the owner or the owner's agent~~[- The destruction~~  
6           ~~or exclusion shall not be made the basis of a claim~~  
7           ~~against the department or the inspector for damage or~~  
8           ~~loss incurred];~~

9           (8) Disposition. Upon completion of inspection, either at  
10          the time of arrival or at any time thereafter should  
11          any ~~[article]~~ item or material be held for inspection,  
12          treatment, or quarantine, the inspector shall affix to  
13          the ~~[article]~~ item, material, or ~~[the]~~ container, or  
14          to the delivery order in a conspicuous place thereon,  
15          a tag, label, or stamp to indicate that the ~~[article]~~  
16          item or material has been inspected and passed~~[- This~~  
17          ~~action shall constitute a permit to bring the article~~  
18          ~~into the State]; and~~

19          (9) Ports of entry. None of the ~~[articles]~~ items or  
20          materials mentioned in this section shall be allowed  
21          entry into the State except through the airports and



1           seaports in the State designated and approved by the  
2           board.

3           (c) Economic loss or damage. The State shall not be  
4 responsible for any economic loss or damages related to any  
5 actions by the department pursuant to this chapter. For the  
6 purposes of this subsection, "actions" includes any exclusion,  
7 treatment, quarantine, or destruction of any item."

8           SECTION 5. Section 150A-5.5, Hawaii Revised Statutes, is  
9 amended by amending subsection (b) to read as follows:

10          "(b) In legal effect, articles landed for the purpose of  
11 inspection or quarantine shall be construed to be still outside  
12 the State seeking entry, and shall not, in whole or in part, be  
13 considered suitable for entry into the State unless a tag,  
14 label, or stamp has been affixed to the article, its container,  
15 or its delivery order by the inspector as provided in section  
16 [150A-5(8), ~~except~~] 150A-5(b)(8); provided that articles  
17 quarantined in the biocontrol containment facilities of the  
18 department or of other government agencies engaged in joint  
19 projects with the department may be released upon issuance of a  
20 permit approved by the board."





1       SECTION 6. Section 150A-8, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "§150A-8   ~~[Transporting in]~~ Movement within the State[-];  
4 quarantine, treatment, and destruction. (a) Flora ~~[and]~~,  
5 fauna, and any other item or material specified by rules ~~[and~~  
6 ~~regulations]~~ of the department shall not be moved from one  
7 island to another island within the State or from one locality  
8 to another on the same island except by a permit, including a  
9 compliance agreement, issued by the department.

10       (b) The department may quarantine any business or other  
11 area that is known to be, or reasonably suspected to be, based  
12 on the results of systematic surveys or reports or proximity to  
13 known populations, infested or infected with a pest or a  
14 prohibited or restricted organism in violation of this chapter  
15 or any rule adopted under this chapter to prevent the movement  
16 of materials to or from the location.

17       ~~[(b)]~~ (c) The movement between the islands of the State of  
18 the following articles, viz., nursery-stock, tree, shrub, herb,  
19 vine, cut-flower, cut-foliage, cutting, graft, scion, bud, seed,  
20 leaf, root, or rhizome; nut, fruit, or vegetable; grain, cereal,  
21 or legume in the natural or raw state; moss, hay, straw,



1 dry-grass, or other forage; unmanufactured log, limb, or timber,  
2 or any other plant-growth or plant-product, unprocessed or in  
3 the raw state; soil[+], including potting soil, growing mix, and  
4 mulch; microorganisms; live bird, reptile, nematode, insect, or  
5 any other animal in any stage of development (that is in  
6 addition to the so-called domestic animal, the quarantine of  
7 which is provided for in chapter 142); box, vehicle, baggage, or  
8 any other container in which the articles have been transported  
9 or any packing material used in connection therewith shall be  
10 made in the following manner [~~hereinafter set forth~~]:

11 (1) Inspectional requirements. Any person who receives  
12 for transport, or brings or causes movement between  
13 the islands of the State, as freight, air freight,  
14 baggage, as ship's stores, or otherwise, any of the  
15 foregoing articles, shall ensure that the articles  
16 comply with inspectional requirements pursuant to  
17 rules and shall provide upon the inspector's request  
18 the waybill number, container number, name and address  
19 of the consignor, name and address of the consignee or  
20 the consignee's agent, marks, number of packages,  
21 description of contents of each package, and any other



1 information that may be necessary to inspect, locate,  
2 or identify the same. If the articles are not  
3 inspected pursuant to rules, the articles shall be  
4 held in a manner that [~~they will not~~] prevents spread  
5 or [~~be likely to spread~~] the likelihood of spreading  
6 any infestation or infection of insects, diseases, or  
7 pests that may be present until an inspection can be  
8 made by the inspector to determine whether any  
9 article, or any portion thereof, is infested or  
10 infected with insects or diseases, or contains any  
11 pest. The department may adopt rules to define  
12 inspectional requirements of specific articles.  
13 Failure to obtain certification that the articles have  
14 met the inspectional requirements prior to movement  
15 between the islands of the State [~~is~~] shall be a  
16 violation of this section;

17 (2) Labels. Each container in which any of the  
18 above-mentioned articles are transported between the  
19 islands of the State shall be plainly and legibly  
20 marked, in a conspicuous manner and place, with the  
21 name and address of the shipper or owner forwarding or



1 shipping the same, the name or mark of the person to  
2 whom the same is forwarded or shipped or the person's  
3 agent, and a statement of the contents of the  
4 container. Failure to comply with this paragraph ~~[is]~~  
5 shall be a violation of this section;

6 (3) Authority to inspect. ~~[Whenever the inspector has~~  
7 ~~good cause to believe that the provisions of this~~  
8 ~~chapter are being violated, the inspector shall:~~

9 ~~(A) Enter and inspect any aircraft, vessel, or other~~  
10 ~~carrier at any time whether offshore, at the~~  
11 ~~pier, or at the airport, for the purpose of~~  
12 ~~determining whether any of the articles or pests~~  
13 ~~enumerated in this chapter or rules adopted~~  
14 ~~thereto, is present;~~

15 ~~(B) Enter into or upon any pier, warehouse, airport,~~  
16 ~~or any other place in the State where any of the~~  
17 ~~above-mentioned articles are moved or stored, for~~  
18 ~~the purpose of ascertaining, by inspection and~~  
19 ~~examination, whether or not any of the articles~~  
20 ~~is infested or infected with any pest or disease~~



1 ~~or contaminated with soil or contains prohibited~~  
2 ~~plants or animals;~~

3 ~~(C) Inspect any baggage or personal effects of~~  
4 ~~passengers, officers, and crew members on~~  
5 ~~aircraft or vessels moving between the islands of~~  
6 ~~the State to ascertain if they contain any of the~~  
7 ~~articles or pests enumerated in this chapter;~~

8 ~~(D) Baggage or cargo inspection shall be made at the~~  
9 ~~discretion of the inspector, on the pier, vessel,~~  
10 ~~or aircraft or in any quarantine or inspection~~  
11 ~~area; and~~

12 ~~(E) Whenever the inspector has good cause to believe~~  
13 ~~that the provisions of this chapter are being~~  
14 ~~violated, the inspector shall require that any~~  
15 ~~box, package, suitcase, or any other container~~  
16 ~~carried as ship's stores, cargo, or otherwise by~~  
17 ~~any vessel or aircraft moving between the islands~~  
18 ~~of the State, be opened for inspection to~~  
19 ~~determine whether any article or pest prohibited~~  
20 ~~by this chapter or by rules adopted pursuant~~  
21 ~~thereto is present. It is a violation of this~~



1           ~~section if any prohibited article, pest, or any~~  
2           ~~article infested with an insect or disease is~~  
3           ~~found,]~~

4           An inspector may conduct inspections of persons,  
5           baggage, cargo, and any other item or material moving  
6           between or destined for movement between islands of  
7           the State as established in section 105A-5(b)(4).

8           (4) Place of inspection. The ~~[inspector]~~ department shall  
9           make a determination whether it is necessary or  
10          advisable to move any ~~[of the abovementioned articles,~~  
11          ~~or any portion thereof,]~~ item or material to a place  
12          more suitable for inspection than the pier, airport,  
13          or any other place where they are initially presented  
14          for inspection. All costs and expenses incident to  
15          the movement and transportation of the ~~[articles]~~  
16          items or materials to such place shall be borne by the  
17          consignee or the consignee's agent;

18          (5) Disinfection or quarantine. If, upon inspection, any  
19          ~~[article]~~ item or material moving or intended for  
20          movement between the islands of the State is found to  
21          be infested or infected with an insect, disease, or



1           pest, or there is reasonable cause to presume that it  
2           is infested or infected and the infestation or  
3           infection can, in the judgment of the [~~inspector,~~  
4           department, be eradicated, a treatment shall be given  
5           ~~[such article]~~ to the item or material prior to  
6           movement between the islands of the State~~[-]~~ or at the  
7           time the infestation or infection is detected. The  
8           treatment shall be at the expense of the owner or the  
9           owner's agent, and the treatment shall be as  
10          prescribed by the department. The [~~article]~~ items or  
11          materials shall be quarantined at the expense of the  
12          owner or the owner's agent at a satisfactory place  
13          approved by the department for a sufficient length of  
14          time to determine that eradication has been  
15          accomplished. If the infestation or infection is of  
16          such nature or extent that it cannot be effectively  
17          and completely eradicated, or after treatment it is  
18          determined that the infestation or infection is not  
19          completely eradicated, or if the owner or the owner's  
20          agent refuses to allow the [~~article]~~ item or material  
21          to be treated or to be responsible for the cost of



1 treatment and quarantine, the shipment, [~~article,~~  
2 item or material, or any portion thereof, together  
3 with all packing and containers, shall not be  
4 certified for movement between the islands of the  
5 State. An article infested or infected with an  
6 insect, disease, or pest that is not widespread in the  
7 State shall be destroyed at the expense of the owner  
8 or the owner's agent; provided that no treatment  
9 exists that would eradicate the insect, disease, or  
10 pest to the satisfaction of the department[~~.—Such~~  
11 ~~destruction shall not be made the basis of a claim~~  
12 ~~against the department or the inspector for damage or~~  
13 ~~loss incurred]; and~~

14 (6) Disposition. Upon completion of inspection, the  
15 inspector shall conspicuously affix to the [~~article,~~  
16 item or material, container, or to the delivery order  
17 or other similar document, a tag, label, or stamp to  
18 indicate that the [~~article]~~ item or material has been  
19 inspected and can be moved between the islands of the  
20 State."





1       SECTION 7. Section 150A-9.5, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) through (c) to read as  
3 follows:

4       "(a) The department shall have the power, subject to the  
5 provisions of this section, to establish, implement, and enforce  
6 interim rules governing the transporting of flora ~~[and]~~, fauna,  
7 and any other item or material into and within the State.  
8 ~~[Such]~~ The rules shall not be subject to chapter 91.

9       (b) An interim rule may be adopted in the event that the  
10 importation or movement of any flora ~~[or]~~, fauna, or any other  
11 item or material, in the absence of effective rules, creates a  
12 situation dangerous to the public health and safety or to the  
13 ecological health of flora or fauna present in the State which  
14 is so immediate in nature as to constitute an emergency. No  
15 interim rule shall be adopted without such a finding by the  
16 advisory committee on plants and animals created under  
17 section 150A-10.

18       (c) Interim rules adopted by the department pursuant to  
19 this section shall be effective as stated by such rules;  
20 provided that:



1 (1) Any interim rule shall be published at least once  
2 statewide within twelve days of issuance; and

3 (2) No interim rule shall be effective for more than ~~[one~~  
4 ~~year.]~~ two years."

5 SECTION 8. Section 150A-14, Hawaii Revised Statutes, is  
6 amended by amending subsections (a) through (f) to read as  
7 follows:

8 "(a) ~~[Any]~~ Except as otherwise provided in this section,  
9 any person who violates any provision of this chapter ~~[other~~  
10 ~~than sections 150A-5, 150A-6(3), and 150A-6(4)]~~ or ~~[who~~  
11 ~~violates]~~ any rule adopted under this chapter ~~[other than those~~  
12 ~~rules involving an animal that is prohibited or a plant, animal,~~  
13 ~~or microorganism that is restricted, without a permit,]~~ shall be  
14 ~~[guilty of a misdemeanor and]~~ fined not less than \$100~~[. The~~  
15 ~~provisions of section 706-640 notwithstanding, the maximum fine~~  
16 ~~shall be]~~ and not more than \$10,000. For a second ~~[offense]~~  
17 violation committed within five years of a prior ~~[offense,~~  
18 violation, the person ~~[or organization]~~ shall be fined not less  
19 than \$500 and not more than \$25,000. Each day of violation  
20 shall constitute a separate violation. Any action taken to



1 impose or collect the penalty provided for in this subsection  
2 shall be considered a civil action.

3 (b) Any person who [~~violates section 150A-5 or 150A-58~~  
4 ~~shall be fined no less than \$100 and no more than \$10,000. For~~  
5 ~~a second violation committed within five years of a prior~~  
6 ~~violation, the person may be fined no less than \$500 and no more~~  
7 ~~than \$25,000.]:~~

8 (1) Recklessly violates section 150A-6(3) or (4); or

9 (2) Knowingly owns; transports, including through

10 interisland or intransland movement; possesses;

11 harbors; transfers; or causes the importation of any

12 snake or other prohibited animal seized under section

13 150A-7(b), or violates any provision of this chapter,

14 other than a violation detected by an inspection

15 pursuant to section 150A-5(b)(4), or any rule adopted

16 under this chapter, involving an animal that is

17 prohibited, a plant that is restricted, or an animal

18 or microorganism that is restricted or unlisted, shall

19 be guilty of a misdemeanor and subject to a fine of

20 not less than \$5,000, but not more than \$20,000. Each

21 day of violation shall constitute a separate offense.



1 (c) Any person who[+  
2 ~~(1) Violates section 150A-6(3) or (4), or owns or~~  
3 ~~intentionally transports, possesses, harbors,~~  
4 ~~transfers, or causes the importation of any snake or~~  
5 ~~other prohibited animal seized under section 150A-~~  
6 ~~7(b), or whose violation involves an animal that is~~  
7 ~~prohibited, a plant that is restricted, or an animal~~  
8 ~~or microorganism that is restricted or unlisted,~~  
9 ~~without a permit, shall be guilty of a misdemeanor and~~  
10 ~~subject to a fine of no less than \$5,000, but no more~~  
11 ~~than \$20,000;~~  
12 ~~(2) Intentionally]~~ knowingly transports, including through  
13 interisland or intraisland movement, transfers,  
14 possesses, harbors, or imports with the intent to  
15 propagate, sell, or release any pest designated by  
16 statute or rule, animal that is prohibited, [a] plant,  
17 animal, or microorganism that is restricted, or [an]  
18 animal or microorganism that is [restricted or]  
19 unlisted[, without a permit,] in violation of any  
20 provision of this chapter, or any rule adopted under  
21 this chapter, unless otherwise authorized by law or



1           rule, shall be guilty of a class C felony and subject  
2           to a fine of [~~no~~] not less than \$50,000, but [~~no~~] not  
3           more than \$200,000 [~~;~~ ~~or~~

4       ~~(3) Intentionally imports, possesses, harbors, transfers,~~  
5       ~~or transports, including through interisland or~~  
6       ~~intraisland movement, with the intent to propagate,~~  
7       ~~sell, or release, any pest designated by statute or~~  
8       ~~rule, unless otherwise allowed by law, shall be guilty~~  
9       ~~of a class C felony and subject to a fine of no less~~  
10       ~~than \$50,000, but no more than \$200,000].~~

11       (d) Whenever [~~a court sentences~~] a person [~~or~~  
12       ~~organization~~] is subject to a penalty pursuant to  
13       subsection (a), (b), or (c) for [~~an offense which~~] a violation  
14       that has resulted in the escape or establishment of any pest or  
15       animal or microorganism that is prohibited, restricted, or  
16       unlisted and caused the department to initiate a program to  
17       capture, control, or eradicate that pest [~~or~~], animal, or  
18       microorganism [~~that is restricted or unlisted, the~~], a court  
19       [~~shall also~~] may require that the person [~~or organization~~] pay  
20       [~~to the state general fund~~] an amount of money to be determined  
21       in the discretion of the court upon advice of the department,



1 based upon the cost of the development and implementation of the  
2 program. Any amount collected under this subsection shall be  
3 deposited into the pest inspection, quarantine, and eradication  
4 fund established pursuant to section 150A-4.5.

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

14 (f) Any person ~~[or organization]~~ that voluntarily  
15 surrenders any pest, prohibited animal, or any restricted plant,  
16 animal, or microorganism ~~[without a permit issued by the~~  
17 ~~department]~~, or unlisted animal or microorganism prior to the  
18 initiation of any seizure action by the department, shall be  
19 exempt from the penalties of this section."

20 SECTION 9. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2026-2027 to  
2 establish and fund one full-time equivalent (1.0 FTE) position  
3 within the plant industry division of the department of  
4 agriculture and biosecurity to assist the plant industry  
5 division administrator in drafting, reviewing, and updating  
6 administrative rules for the plant quarantine branch and the  
7 plant pest control branch.

8 The sum appropriated shall be expended by the department of  
9 agriculture and biosecurity for the purposes of this Act.

10 SECTION 10. This Act does not affect rights and duties  
11 that matured, penalties that were incurred, and proceedings that  
12 were begun before its effective date.


13 SECTION 11. If any provision of this Act, or the  
14 application thereof to any person or circumstance, is held  
15 invalid, the invalidity does not affect other provisions or  
16 applications of the Act that can be given effect without the  
17 invalid provision or application, and to this end the provisions  
18 of this Act are severable.

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



# S.B. NO. 2760

SECTION 13. This Act shall take effect on July 1, 2026.

INTRODUCED BY: 





# S.B. NO. 2760

**Report Title:**

DAB; Pests; Invasive Species; Importation; Inspection; Sale; Prohibition; Quarantine; Interim Rules; Penalties; Position; Appropriation

**Description:**

Clarifies that the importation of any item or material infested or infected with an insect or other animal, disease, or pest is prohibited. Requires the Department of Agriculture and Biosecurity to adopt rules to designate certain restricted articles to require a compliance agreement prior to importation. Clarifies that the State is not responsible for any economic loss or damages related to any actions by the Department under chapter 150A, Hawaii Revised Statutes. Authorizes the Department to administratively inspect any article imported or moved into the State from the continental United States or between the islands of the State. Authorizes the Department to compel the quarantine of certain non-agricultural items or materials. Allows for certain interim rules adopted by the Department to be effective for up to two years. Clarifies penalties for various quarantine and import law violations. Appropriates funds to establish one full-time equivalent position within the Department to assist the Plant Industry Division Administrator in drafting, reviewing, and updating certain administrative rules.

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

