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# A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

1           SECTION 1. The legislature finds that Act 236, Session  
2 Laws of Hawaii 2025 (Act 236), authorizes the department of  
3 agriculture and biosecurity to enter into government-industry  
4 agreements, which are a critical component in the protection of  
5 the State's agriculture, people, economy, unique biodiversity,  
6 and environment from invasive species. The objective of  
7 government-industry agreements is to increase collaboration  
8 between private industries and the government by formalizing  
9 commitments to bolster the biosecurity network, increase  
10 capacity in the response to current pests, and enhance  
11 capability and readiness in response to future pests. The  
12 department of agriculture and biosecurity is required to provide  
13 education and training, supplies and equipment, and pest  
14 management programs to equip private industries that are  
15 signatories to the agreements in the decision-making process.  
16 These signatory private industries are then required to provide



1 manpower, treatment equipment, surveillance, and response  
2 readiness.

3       However, the legislature further finds that, after the  
4 department of agriculture and biosecurity began discussions with  
5 private industry parties about the government-industry  
6 agreements, it became apparent that Act 236 should be refined to  
7 address certain issues. Accordingly, the purpose of this Act is  
8 to:

- 9       (1) Rename the agreements to biosecurity government-  
10 industry agreements to prevent confusion with a  
11 program with similar initials;
- 12       (2) Protect the department of agriculture and biosecurity  
13 and the counties, including officers, employees, and  
14 authorized agents of the department and counties, from  
15 liability when entering private property to control or  
16 eradicate pests; and
- 17       (3) Create a working group of private industry signatories  
18 for joint decision-making.

19       SECTION 2. Section 141-3.6, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§141-3.6 Entry of private property to control or  
2 eradicate any pests. (a) The department of agriculture and  
3 biosecurity or applicable county shall give at least five days  
4 notice to the landowner and the occupier of any private property  
5 of its intention to enter the property for the control or  
6 eradication of a pest. Written notice sent to the landowner's  
7 last known address by certified mail, postage prepaid, return  
8 receipt requested, shall be deemed sufficient notice. If  
9 certified mail is impractical because the department or county,  
10 despite diligent efforts, cannot determine land ownership or  
11 because of urgent need to initiate control or eradication  
12 measures, notice given once in a daily or weekly publication of  
13 general circulation, in the county where any action or proposed  
14 action will be taken, or notice made as otherwise provided by  
15 law, shall be deemed sufficient notice. The notice shall set  
16 forth all pertinent information on the pest control program and  
17 the procedures and methods to be used for control or  
18 eradication.

19           (b) After notice as required by subsection (a), any member  
20 of the department[~~r~~] of agriculture and biosecurity, employee of  
21 the county, or any agent authorized by the department or county



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

14 (c) In no case shall the department of agriculture and  
15 biosecurity, the county, or any officer, employee, or authorized  
16 agent thereof be liable for costs in any action or proceeding  
17 that may be commenced pursuant to this chapter."

18 SECTION 3. Section 150A-58, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 " ~~[+]§150A-58 [—Government-industry]~~ Biosecurity  
21 government-industry agreements for readiness and response. (a)



1 The department may enter into readiness and response agreements  
2 with businesses and representatives of businesses in the plant  
3 and animal industries of the State, including businesses that  
4 grow, harvest, or produce animals and plants or products from  
5 animals and plants.

6 (b) The agreements shall include:

7 (1) Readiness activities that:

8 (A) Prevent unwanted organisms from entering the  
9 State; and

10 (B) Detect unwanted organisms; and

11 (2) Response activities that:

12 (A) Facilitate the immediate investigation of an  
13 unwanted organism after detection, including  
14 timely reporting of the unwanted organism's  
15 detection to the department;

16 (B) Minimize the impact of the unwanted organism on  
17 natural and physical resources, human health, and  
18 overseas market access for Hawaii products;

19 (C) Control the spread of an unwanted organism;

20 (D) Reduce the geographical distribution of an  
21 unwanted organism;



- 1 (E) Eradicate the unwanted organism; and
- 2 (F) Include providing the department with relevant
- 3 information for posting to the pest dashboard
- 4 pursuant to section 141-3.5.

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

7 (d) The department shall establish a working group  
8 comprising members or representatives of private industry  
9 signatories to any biosecurity government-industry agreement,  
10 for joint decision-making pursuant to this section."

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

DAB; Biosecurity Government-Industry Agreements; Liability;  
Costs; Working Group

**Description:**

Clarifies that the Department of Agriculture and Biosecurity 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 or eradicate pests. Requires the Department of Agriculture and Biosecurity to establish a working group that comprises signatories of the biosecurity government-industry agreements for joint-decision making. Effective 7/1/3000. (HD1)

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

