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# A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

1 PART I

2 SECTION 1. Section 26-16, Hawaii Revised Statutes, is  
3 amended as follows:

4 1. By amending its title and subsection (a) to read:

5 "**§26-16 Department of agriculture~~[-]~~ and biosecurity.** (a)

6 The department of agriculture and biosecurity shall be headed by  
7 an executive board to be known as the board of agriculture~~[-]~~  
8 and biosecurity. The board shall consist of [~~ten~~] twelve  
9 members:

10 (1) One who shall be a resident of the county of Hawaii;

11 (2) One who shall be a resident of the county of Maui;

12 (3) One who shall be a resident of the county of Kauai;

13 (4) [~~Four~~] Six at large; and

14 (5) The chairperson of the board of land and natural

15 resources; the director of business, economic

16 development, and tourism; and the dean of the

17 [~~University~~] university of Hawaii college of tropical



1 agriculture and human resources, or their designated  
2 representatives, who shall serve as ex officio[+],[+]   
3 voting members.

4 The majority of the members of the board shall be from the  
5 agricultural community or the agricultural support sector. Two  
6 of the members shall have experience in biosecurity. The  
7 appointment, tenure, and removal of the members and the filling  
8 of vacancies on the board shall be as provided in section 26-34.  
9 The governor shall appoint a chairperson of the board from the  
10 members."

11 2. By amending subsection (d) to read:

12 "(d) The functions and authority heretofore exercised by  
13 the board of commissioners of agriculture and forestry (except  
14 the management of state parks and the conservation, development,  
15 and utilization of forest resources, including regulatory powers  
16 over the forest reserve provided in Act 234, section 2, Session  
17 Laws of Hawaii 1957, and of fish and game resources transferred  
18 to the department of land and natural resources), by the farm  
19 loan board as heretofore constituted, and by the [~~University~~  
20 university of Hawaii with respect to the crop and livestock  
21 reporting service and market news service, are transferred to



1 the department of agriculture and biosecurity established by  
2 this chapter."

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

5 "§141-2 **Rules.** Subject to chapter 91, the department of  
6 agriculture and biosecurity shall adopt, amend, and repeal rules  
7 not inconsistent with law, for and concerning:

8 (1) The introduction, transportation, and propagation of  
9 trees, shrubs, herbs, and other plants;

10 (2) The quarantine, inspection, fumigation, disinfection,  
11 destruction, or exclusion, either upon introduction  
12 into the State, or at any time or place within the  
13 State, of any nursery-stock, tree, shrub, herb, vine,  
14 cut-flower, cutting, graft, scion, bud, seed, leaf,  
15 root, or rhizome; any nut, fruit, or vegetable; any  
16 grain, cereal, or legume in the natural or raw state;  
17 any moss, hay, straw, dry-grass, or other forage; any  
18 unmanufactured log, limb, or timber; or any other  
19 plant growth or plant product unprocessed or in the  
20 raw state; any sand, soil, or earth; any live bird,  
21 reptile, insect, or other animal, in any stage of



1 development, that is in addition to the so-called  
2 domestic animals, which are provided for in section  
3 142-2; and any box, barrel, crate, or other containers  
4 in which the articles, substances, or objects have  
5 been transported or contained, and any packing  
6 material used in connection therewith, that is or may  
7 be diseased or infested with insects or likely to  
8 assist in the transmission or dissemination of any  
9 insect or plant disease injurious, harmful, or  
10 detrimental, or likely to become injurious, harmful,  
11 or detrimental to the agricultural or horticultural  
12 industries or the forests of the State, or that is or  
13 may be in itself injurious, harmful, or detrimental to  
14 the same; provided that included therein may be rules  
15 governing the transportation of any of the articles,  
16 substances, or objects enumerated above in this  
17 section between different localities on any one of the  
18 islands within the State;

19 (3) The prohibition of importation into the State, from  
20 any or all foreign countries or from other parts of  
21 the United States, or the shipment from one island



1 within the State to another island therein, or the  
2 transportation from one part or locality of any island  
3 to another part or locality of the same island, of any  
4 specific article, substance, or object or class of  
5 articles, substances, or objects, among those  
6 enumerated above in this section, that is diseased or  
7 infested with insects or likely to assist in the  
8 transmission or dissemination of any insect or plant  
9 disease injurious, harmful, or detrimental or likely  
10 to be injurious, harmful, or detrimental to the  
11 agricultural or horticultural industries, or the  
12 forests of the State, or that is or may be in itself  
13 injurious, harmful, or detrimental to the same;

14 (4) The preparation by cargo carriers of manifests of  
15 cargo transported into the State or between islands of  
16 the State and the submission of the manifests to the  
17 department;

18 (5) The establishment, maintenance, and enforcement of  
19 compliance agreements with federal or state  
20 departments of agriculture authorizing agriculture  
21 inspectors from the state of origin in the case of



1 imports to the State, or state agricultural inspectors  
 2 in the case of state exports, to monitor the growing  
 3 and packing of plant commodities and any treatment  
 4 procedures to ensure compliance with quarantine laws,  
 5 and further authorizing the assessment of fees for  
 6 conducting inspections required under the compliance  
 7 agreement; and

8 (6) The manner in which agricultural product promotion and  
 9 research activities may be undertaken, after  
 10 coordinating with the agribusiness development  
 11 corporation.

12 All rules adopted under this section shall have the force  
 13 and effect of law."

14 SECTION 3. Section 194-2, Hawaii Revised Statutes, is  
 15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) There is established the invasive species council for  
 17 the special purpose of providing policy level direction,  
 18 coordination, and planning among state departments, federal  
 19 agencies, and international and local initiatives for the  
 20 control and eradication of harmful invasive species infestations  
 21 throughout the State and for preventing the introduction of



1 other invasive species that may be potentially harmful. The  
2 council shall:

- 3 (1) Maintain a broad overview of the invasive species  
4 problem in the State;
- 5 (2) Advise, consult, and coordinate invasive species-  
6 related efforts with and between the departments of  
7 agriculture[~~r~~] and biosecurity, land and natural  
8 resources, health, and transportation, as well as  
9 state, federal, international, and privately organized  
10 programs and policies;
- 11 (3) Identify and prioritize each lead agency's  
12 organizational and resource shortfalls with respect to  
13 invasive species;
- 14 (4) After consulting with appropriate state agencies,  
15 create and implement a plan that includes the  
16 prevention, early detection, rapid response, control,  
17 enforcement, and education of the public with respect  
18 to invasive species, as well as fashion a mission  
19 statement articulating the State's position against  
20 invasive species; provided that the appropriate state  
21 agencies shall collaborate with the counties and



1 communities to develop and implement a systematic  
2 approach to reduce and control coqui frog infestations  
3 on public lands that are near or adjacent to  
4 communities, and shall provide annual reports on the  
5 progress made in achieving this objective;

6 (5) Coordinate and promote the State's position with  
7 respect to federal issues, including:

8 (A) Quarantine preemption;

9 (B) International trade agreements that ignore the  
10 problem of invasive species in Hawaii;

11 (C) First class mail inspection prohibition;

12 (D) Whether quarantine of domestic pests arriving  
13 from the mainland should be provided by the  
14 federal government;

15 (E) Coordinating efforts with federal agencies to  
16 maximize resources and reduce or eliminate system  
17 gaps and leaks, including deputizing the United  
18 States Department of Agriculture's plant  
19 protection and quarantine inspectors to enforce  
20 Hawaii's laws;



- 1 (F) Promoting the amendment of federal laws as  
2 necessary, including the Lacey Act Amendments of  
3 1981, [~~Title~~] title 16 United States Code  
4 sections 3371-3378[~~7~~], Public Law 97-79, and laws  
5 related to inspection of domestic airline  
6 passengers, baggage, and cargo; and
- 7 (G) Coordinating efforts and issues with the federal  
8 Invasive Species Council and its National  
9 Invasive Species Management Plan;
- 10 (6) Identify and record all invasive species present in  
11 the State;
- 12 (7) Designate the department of agriculture[~~7~~] and  
13 biosecurity, health, or land and natural resources as  
14 the lead agency for each function of invasive species  
15 control, including prevention, rapid response,  
16 eradication, enforcement, and education;
- 17 (8) Identify all state, federal, and other moneys expended  
18 for the purposes of the invasive species problem in  
19 the State;



- 1           (9) Identify all federal and private funds available to
- 2           the State to fight invasive species and advise and
- 3           assist state departments to acquire these funds;
- 4           (10) Advise the governor and legislature on budgetary and
- 5           other issues regarding invasive species;
- 6           (11) Provide annual reports on budgetary and other related
- 7           issues to the legislature twenty days [~~prior to~~]
- 8           before each regular session;
- 9           (12) Include and coordinate with the counties in the fight
- 10          against invasive species to increase resources and
- 11          funding and to address county-sponsored activities
- 12          that involve invasive species;
- 13          (13) Review state agency mandates and commercial interests
- 14          that sometimes call for the maintenance of potentially
- 15          destructive alien species as resources for sport
- 16          hunting, aesthetic resources, or other values;
- 17          (14) Review the structure of fines and penalties to ensure
- 18          maximum deterrence for invasive species-related
- 19          crimes;



- 1 (15) Suggest appropriate legislation to improve the State's  
2 administration of invasive species programs and  
3 policies;
- 4 (16) Incorporate and expand upon the department of  
5 [~~agriculture's~~] agriculture and biosecurity's weed  
6 risk assessment protocol to the extent appropriate for  
7 the council's invasive species control and eradication  
8 efforts; and
- 9 (17) Perform any other function necessary to effectuate the  
10 purposes of this chapter.
- 11 (b) The council shall be placed within the department of  
12 land and natural resources for administrative purposes only and  
13 shall be composed of:
- 14 (1) The president of the University of Hawaii, or the  
15 president's designated representative;
- 16 (2) The director, or the director's designated  
17 representative, of each of the following departments:
- 18 (A) Business, economic development, and tourism;  
19 (B) Health; and  
20 (C) Transportation; and



- 1 (3) The chairperson, or the chairperson's designated  
2 representative, of each of the following departments:  
3 (A) Agriculture[+] and biosecurity; and  
4 (B) Land and natural resources."

5 SECTION 4. (a) Sections 6E-61, 23-12, 26-4, 46-67, 141-1,  
6 141-3, 141-3.5, 141-3.6, 141-4, 141-5, 141-6, 141-7, 141-9, 141-  
7 12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17, 141-18,  
8 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2, 142-3,  
9 142-3.5, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12,  
10 142-13, 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1,  
11 142-23.5, 142-29, 142-31, 142-41, 142-43, 142-49, 142-92,  
12 142-93, 142-98, 142-100, 142-101, 142-111, 143-2.2, 144-1,  
13 145-1, 145-3, 145-7, 145-8, 145-9, 145-27, 145D-5, 146-22,  
14 147-1, 147-21, 147-31, 147-32, 147-51, 147-54, 147-55, 147-56,  
15 147-58, 147-59, 147-60, 147-73, 147-75, 147-76, 147-78, 147-80,  
16 147-91, 147-92, 147-94, 147-95, 147-96, 147-97, 147-101,  
17 147-102, 147-111, 147-116, 147-122, 148-1, 148-2, 148-61,  
18 148-62, 148-63, 148-64, 148-66, 150-21, 150A-2, 150A-6.3,  
19 150A-11.5, 152-1, 155-1, 155-2, 155-4, 155-5, 155-5.5, 155-5.6,  
20 155-6, 155-6.5, 155-8, 155-9, 155-11, 155-12, 155-13, 155-14,  
21 155-31, 155D-1, 157-1, 157-13, 159-3, 159-15, 161-3, 161-6,



1 163D-4, 166-2, 166-3, 166-11, 166E-1, 166E-2, 166E-3, 167-22,  
2 167-23, 169-1, 171-2, 171-3, 171-37.5, 171-55.5, 171-59,  
3 171-64.7, 171-112, 171-117, 173A-4, 173A-5, 174C-31, 187A-6.5,  
4 205-6, 205-44.5, 205-45, 205-45.5, 205-48, 205-49, 205-50,  
5 205A-62, 206E-34, 219-2, 219-4, 219-7, 219-9, 235-110.93,  
6 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6, 421-21.6, 460J-21,  
7 460J-24.5, and 486-1, Hawaii Revised Statutes, and the title of  
8 chapter 141, Hawaii Revised Statutes, are amended by  
9 substituting the term "department of agriculture and  
10 biosecurity", or similar term, wherever the term "department of  
11 agriculture", or similar term, appears, as the context requires.

12 (b) Sections 141-42, 142-18, 142-21, 147-52, 147-53,  
13 147-57, 147-74, 147-93, 149A-2, 159-2, 161-2, 205-47, 219-8, and  
14 460J-26, Hawaii Revised Statutes, are amended by substituting  
15 the term "department of agriculture and biosecurity", or similar  
16 term, wherever the term "department of agriculture", or similar  
17 term, appears, except within the term "United States Department  
18 of Agriculture", as the context requires.

19 (c) Sections 10-41, 26-34, 84-17, 84-18, 128E-2, 141-6,  
20 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6, 142-23.1, 142-  
21 28.5, 142-29, 142-31, 144-10, 145-22, 145-27, 147-9, 147-24,



1 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2, 149A-32.5, 150A-  
2 2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13, 155-14, 155-33, 157-  
3 1, 157-14, 157-15, 157-18, 157-22, 157-23, 157-24, 157-25, 157-  
4 26, 157-27, 157-29, 157-41, 157-42, 159-3, 161-3, 163D-3, 166-2,  
5 166-3, 166-4, 166-5, 166-6, 166-11, 166E-1, 166E-2, 166E-3, 167-  
6 1, 167-2, 167-3, 167-4, 167-5, 167-6, 167-7, 167-9, 167-11, 167-  
7 12, 167-13, 167-14, 167-15, 167-16, 167-17, 167-18, 167-19, 167-  
8 20, 167-21, 167-22, 168-1, 168-2, 168-3, 168-4, 168-5, 168-6,  
9 168-7, 168-8, 169-3, 195-6, 210D-5, 219-2, 219-3, 219-4, 220-1,  
10 225P-3, 225P-4, 279A-4, 330C-3, 371-19, 460J-2, and 486-1,  
11 Hawaii Revised Statutes, are amended by substituting the term  
12 "board of agriculture and biosecurity", or similar term,  
13 wherever the term "board of agriculture", or similar term,  
14 appears, as the context requires.

15 (d) Sections 26-52 and 26-56, Hawaii Revised Statutes, are  
16 amended by substituting the term "agriculture and biosecurity",  
17 or similar term, wherever the term "agriculture", or similar  
18 term, appears, as the context requires.

19 SECTION 5. All laws and parts of laws heretofore enacted  
20 that are in conflict with the provisions of this part of this  
21 Act are hereby amended to conform herewith. All Acts passed



1 during this regular session of 2025, whether enacted before or  
2 after the passage of this part of this Act, shall be amended to  
3 conform to this part of this Act, unless the Acts specifically  
4 provide that the Act relating to a "department of agriculture"  
5 are being amended. Amendments made to sections of the Hawaii  
6 Revised Statutes that are amended by this part of this Act as of  
7 a future effective date shall include amendments made after the  
8 approval of this part of this Act and before the effective date  
9 of the amendments made by this part of this Act, to the extent  
10 that the intervening amendments may be harmonized with the  
11 amendments made by this part of this Act.

12 SECTION 6. All rights, powers, functions, and duties of  
13 the department of agriculture are transferred to the department  
14 of agriculture and biosecurity.

15 All employees who occupy civil service positions and whose  
16 functions are transferred to the department of agriculture and  
17 biosecurity by this Act shall retain their civil service status,  
18 whether permanent or temporary. Employees shall be transferred  
19 without loss of salary, seniority (except as prescribed by  
20 applicable collective bargaining agreements), retention points,  
21 prior service credit, any vacation and sick leave credits



1 previously earned, and other rights, benefits, and privileges,  
2 in accordance with state personnel laws and this Act; provided  
3 that the employees possess the minimum qualifications and public  
4 employment requirements for the class or position to which  
5 transferred or appointed, as applicable; provided further that  
6 subsequent changes in status may be made pursuant to applicable  
7 civil service and compensation laws.

8 Any employee who, before this Act, is exempt from civil  
9 service and is transferred as a consequence of this Act may  
10 retain the employee's exempt status, but shall not be appointed  
11 to a civil service position as a consequence of this Act. An  
12 exempt employee who is transferred by this Act shall not suffer  
13 any loss of prior service credit, vacation or sick leave credits  
14 previously earned, or other employee benefits or privileges as a  
15 consequence of this Act; provided that the employees possess  
16 legal and public employment requirements for the position to  
17 which transferred or appointed, as applicable; provided further  
18 that subsequent changes in status may be made pursuant to  
19 applicable employment and compensation laws. The chairperson of  
20 the board of agriculture and biosecurity may prescribe the



1 duties and qualifications of these employees and fix their  
2 salaries without regard to chapter 76, Hawaii Revised Statutes.

3 SECTION 7. (a) All deeds, leases, contracts, loans,  
4 agreements, permits, or other documents executed or entered into  
5 by or on behalf of the department of agriculture or board of  
6 agriculture, pursuant to the provisions of the Hawaii Revised  
7 Statutes, that are reenacted or made applicable to the  
8 department of agriculture and biosecurity or board of  
9 agriculture and biosecurity by this Act shall remain in full  
10 force and effect. Upon the effective date of this Act, every  
11 reference to the department of agriculture, board of  
12 agriculture, or chairperson of the board of agriculture therein  
13 shall be construed as a reference to the department of  
14 agriculture and biosecurity, board of agriculture and  
15 biosecurity, or chairperson of the board of agriculture and  
16 biosecurity, as appropriate.

17 (b) All rules, policies, procedures, guidelines, and other  
18 material adopted or developed by the department of agriculture  
19 or board of agriculture to implement provisions of the Hawaii  
20 Revised Statutes that are reenacted or made applicable to the  
21 department of agriculture and biosecurity or board of



1 agriculture and biosecurity, by this Act shall remain in full  
2 force and effect until amended or repealed by the department of  
3 agriculture and biosecurity or board of agriculture and  
4 biosecurity pursuant to chapter 91, Hawaii Revised Statutes. In  
5 the interim, every reference to the department of agriculture,  
6 board of agriculture, or the chairperson of the board of  
7 agriculture in those rules, policies, procedures, guidelines,  
8 and other material is amended to refer to the department of  
9 agriculture and biosecurity, board of agriculture and  
10 biosecurity, or chairperson of the board of agriculture and  
11 biosecurity, as appropriate.

12 PART II

13 SECTION 8. Chapter 141, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 "§141- Deputy director of biosecurity. (a) The  
17 governor shall appoint a deputy director of biosecurity, not  
18 subject to the advice and consent of the senate, to serve as a  
19 deputy to the chairperson of the board of agriculture and  
20 biosecurity. The deputy director of biosecurity shall oversee  
21 the biosecurity program established pursuant to this part.





1 or any other plant-growth or plant-product, unprocessed or in  
2 the raw state; soil; microorganisms; live bird, reptile,  
3 nematode, insect, or any other animal in any stage of  
4 development (that is in addition to the so-called domestic  
5 animal, the quarantine of which is provided for in chapter 142);  
6 box, vehicle, baggage, or any other container in which the  
7 articles have been transported or any packing material used in  
8 connection therewith shall be made in the manner hereinafter set  
9 forth:

10 (1) Notification of arrival. Any person who receives for  
11 transport or brings or causes to be brought to the  
12 State as freight, air freight, baggage, or otherwise,  
13 for the purpose of debarkation or entry therein, or as  
14 ship's stores, any of the foregoing articles, shall,  
15 immediately upon the arrival thereof, notify the  
16 department, in writing, of the arrival, giving the  
17 waybill number, container number, name and address of  
18 the consignor, name and address of the consignee or  
19 the consignee's agent in the State, marks, number of  
20 packages, description of contents of each package,  
21 port at which laden, and any other information that



1           may be necessary to identify or locate [~~or identify~~]  
2           the same, and shall hold the articles at the airport,  
3           pier, [~~airport,~~] or any other place where they are  
4           first received or discharged, in a manner that they  
5           will not spread or be likely to spread any infection  
6           or infestation [~~or infection~~] of diseases or insects  
7           [~~or diseases~~] that may be present until inspection and  
8           examination can be made by the inspector to determine  
9           whether [~~or not~~] any article, or any portion thereof,  
10          is infected or infested [~~or infected~~] with or contains  
11          any pest. The department may adopt rules to require  
12          identification of specific articles on negotiable and  
13          non-negotiable warehouse receipts, bills of lading, or  
14          other documents of title for inspection of pests. In  
15          addition, the department shall adopt rules to  
16          designate restricted articles that shall require:  
17          (A) A permit from the department in advance of  
18               importation; or  
19          (B) A department letter of authorization or  
20          registration in advance of importation.



1 The restricted articles shall include but not be  
2 limited to certain microorganisms or living insects.  
3 Failure to obtain the permit, letter of authorization,  
4 or registration in advance [~~is~~] shall be a violation  
5 of this section;

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

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



1           into the State the articles listed on the form,  
2           shall complete the [~~declaration, except~~] form;  
3           provided that one adult member of a family may  
4           complete the [~~declaration~~] form for other family  
5           members. Any person who defaces the  
6           [~~declaration~~] biosecurity form required under  
7           this section, gives false information, fails to  
8           declare restricted articles in the person's  
9           possession or baggage, or fails to declare in  
10          cargo manifests [~~is~~] shall be in violation of  
11          this section;

12          (B) Completed paper forms shall be collected by the  
13          transportation company and be delivered,  
14          immediately upon arrival, to the inspector at the  
15          first airport or seaport of arrival. Completed  
16          electronic forms shall be transmitted to the  
17          inspector before passengers depart the first  
18          airport or seaport of arrival. Failure to  
19          distribute or collect paper [~~declaration~~]  
20          biosecurity forms, immediately deliver completed  
21          paper forms, or transmit completed electronic



1 forms before passengers depart the first airport  
2 or seaport of arrival [~~is~~] shall be a violation  
3 of this section; and

4 (C) It shall be the responsibility of the officers  
5 and crew of an aircraft or vessel originating in  
6 the continental United States or its possessions  
7 or from any other area not under the jurisdiction  
8 of the appropriate federal agency to immediately  
9 report all sightings of any plants and animals to  
10 the plant quarantine branch. Failure to comply  
11 with this requirement [~~is~~] shall be a violation  
12 of this section;

13 (3) [~~Plant and animal declaration~~] Biosecurity form. The  
14 form shall include directions for declaring domestic  
15 and other animals cited in chapter 142, in addition to  
16 the articles enumerated in this chapter;

17 (4) Labels. Each container in which any of the  
18 [~~above-mentioned~~] articles mentioned in this section  
19 are imported into the State shall be plainly and  
20 legibly marked, in a conspicuous manner and place,  
21 with the name and address of the shipper or owner



1 forwarding or shipping the same, the name or mark of  
2 the person to whom the same is forwarded or shipped or  
3 the person's agent, the name of the country, state, or  
4 territory and locality therein where the product was  
5 grown or produced, and a statement of the contents of  
6 the container. Upon failure to comply with this  
7 paragraph, the importer or carrier [~~is~~] shall be in  
8 violation of this section;

9 (5) Authority to inspect. Whenever the inspector has good  
10 cause to believe that the provisions of this chapter  
11 are being violated, the inspector may:

12 (A) Enter and inspect any aircraft, vessel, or other  
13 carrier at any time after its arrival within the  
14 boundaries of the State, whether [~~offshore,~~] at  
15 the airport or pier[~~, or at the airport,~~] or  
16 offshore, for the purpose of determining whether  
17 any of the articles or pests enumerated in this  
18 chapter or rules adopted thereto, is present;

19 (B) Enter into or upon any airport, pier, warehouse,  
20 [~~airport,~~] or any other place in the State where  
21 any of the [~~above-mentioned~~] articles mentioned



1           in this section are moved or stored, for the  
2           purpose of ascertaining, by inspection and  
3           examination, whether [~~or not~~] any of the articles  
4           is infected or infested [~~or infected~~] with any  
5           disease or pest [~~or disease~~] or contaminated with  
6           soil or contains prohibited plants or animals;  
7           and

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

17                 Baggage or cargo inspection shall be made at the  
18          discretion of the inspector, on the aircraft, pier, or  
19          vessel[~~, or aircraft~~] or in any quarantine or  
20          inspection area.



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

- 15          (6) Request for importation and inspection. In addition  
16          to requirements of the United States customs  
17          authorities concerning invoices or other formalities  
18          incident to importations into the State, the importer  
19          shall be required to file a written statement with the  
20          department, signed by the importer or the importer's  
21          agent, setting forth the importer's desire to import



1 certain of the [~~above-mentioned~~] articles mentioned in  
2 this section into the State and:

3 (A) Giving the following additional information:

4 (i) The kind (scientific name), quantity, and  
5 description;

6 (ii) The locality where same were grown or  
7 produced;

8 (iii) Certification that all animals to be  
9 imported are the progeny of captive  
10 populations or have been held in captivity  
11 for a period of one year immediately before  
12 importation or have been specifically  
13 approved for importation by the board;

14 (iv) The port from which the same were last  
15 shipped;

16 (v) The name of the shipper; and

17 (vi) The name of the consignee; and

18 (B) Containing:

19 (i) A request that the department, by its duly  
20 authorized agent, examine the articles  
21 described;



1 (ii) An agreement by the importer to be  
2 responsible for all costs, charges, or  
3 expenses; and

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

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

15 (7) Place of inspection. If, in the judgment of the  
16 inspector, it is deemed necessary or advisable to move  
17 any of the [~~above-mentioned~~] articles[~~7~~] mentioned in  
18 this section, or any portion thereof, to a place more  
19 suitable for inspection than the pier, airport, or any  
20 other place where they are first received or  
21 discharged, the inspector [~~is~~] shall be authorized to



1 do so. All costs and expenses incident to the  
2 movement and transportation of the articles to any  
3 other place shall be borne by the importer or the  
4 importer's agent. If the importer, importer's agent,  
5 or transportation company requests inspection of  
6 sealed containers of the [~~above-mentioned~~] articles  
7 mentioned in this section at locations other than  
8 where the articles are first received or discharged  
9 and the department determines that inspection at the  
10 other place is appropriate, the department may require  
11 payment of costs necessitated by these inspections,  
12 including overtime costs;

13 (8) Disinfection or quarantine. If, upon inspection, any  
14 article received or brought into the State for the  
15 purpose of debarkation or entry therein is found to be  
16 infested or infected or there is reasonable cause to  
17 presume that it is infested or infected and the  
18 infestation or infection can, in the judgment of the  
19 inspector, be eradicated, a treatment shall be given  
20 [~~such~~] to the article. The treatment shall be at the  
21 expense of the owner or the owner's agent, and the



1 treatment shall be as prescribed by the department.  
2 The article shall be held in quarantine at the expense  
3 of the owner or the owner's agent at a satisfactory  
4 place approved by the department for a sufficient  
5 length of time to determine that eradication has been  
6 accomplished. If the infection or infestation [~~or~~  
7 ~~infection~~] is of the nature or extent that it cannot  
8 be effectively and completely eradicated, or if it is  
9 a potentially destructive pest or it is not widespread  
10 in the State, or after treatment it is determined that  
11 the infection or infestation [~~or infection~~] is not  
12 completely eradicated, or if the owner or [~~the~~]  
13 owner's agent refuses to allow the article to be  
14 treated or refuses to be responsible for the cost of  
15 treatment and quarantine, the article, or any portion  
16 thereof, [~~together~~] with all packing and containers,  
17 may, at the discretion of the inspector, be destroyed  
18 or sent out of the State at the expense of the owner  
19 or [~~the~~] owner's agent. The destruction or exclusion  
20 shall not be made the basis of a claim against the



1 department or the inspector for damage or loss  
2 incurred;

3 (9) Disposition. Upon completion of inspection, either at  
4 the time of arrival or at any time thereafter should  
5 any article be held for inspection, treatment, or  
6 quarantine, the inspector shall affix to the article  
7 or ~~the~~ container or to the delivery order in a  
8 conspicuous place thereon, a ~~tag,~~ label, ~~or~~ stamp,  
9 or tag to indicate that the article has been inspected  
10 and passed. This action shall constitute a permit to  
11 bring the article into the State; and

12 (10) Ports of entry. None of the articles mentioned in  
13 this section shall be allowed entry into the State  
14 except through the airports and seaports in the State  
15 designated and approved by the board."

16 PART IV

17 SECTION 11. Chapter 150A, Hawaii Revised Statutes, is  
18 amended by adding two new sections to part VI to be  
19 appropriately designated and to read as follows:



1        "§150A-A Biosecurity emergency. (a) The department, with  
2 the approval of the governor, may declare a biosecurity  
3 emergency if:

4        (1) There has been in the State an outbreak or occurrence  
5 of a pest or prohibited or restricted organism that  
6 has the potential to cause significant economic or  
7 environmental loss if the pest or organism becomes  
8 established in the State;

9        (2) There is established in one area of the State a pest  
10 or prohibited or restricted organism that has the  
11 potential to cause significant economic or  
12 environmental loss if the pest or organism expands to  
13 other areas within a county or becomes established in  
14 another area of the State; or

15        (3) A pest or prohibited or restricted organism is, or  
16 threatens to be, beyond the State's ability to  
17 control.

18        (b) A biosecurity emergency shall automatically terminate  
19 one hundred calendar days after its declaration, unless the  
20 declaration is extended by the department with the approval of  
21 the governor.



1        (c) For the duration of a declared biosecurity emergency:  
2        (1) The department shall be exempt from chapter 103D;  
3        (2) The Hawaii invasive species council shall work with  
4        the chairperson; and  
5        (3) The governor may transfer moneys to the department  
6        from any account within the governor's control.  
7        (d) The governor may requisition and take control of any  
8        goods, real property, or watercraft required for the purposes of  
9        this section, or requisition and take control of the temporary  
10       use thereof; provided that:  
11       (1) This subsection shall not apply to any vessel that:  
12       (A) Has anti-fouling hull coating; and  
13       (B) Does not discharge ballast water, uses freshwater  
14       for ballasting, or is equipped with ultraviolet  
15       filtration systems for ballast water;  
16       (2) The requisition shall be made by serving notice upon  
17       any person found in occupation of the premises or  
18       having the property in the person's custody,  
19       possession, or control, and a like notice shall also  
20       be served upon any person who has filed with the  
21       governor, or with a person the governor designates for



1 the purpose, a request for notice with respect to the  
2 property; provided further that if any person entitled  
3 to compensation for the property is unable to be  
4 served, the governor shall publish a notice of the  
5 requisition at the earliest practicable date; and

6 (3) A requisition shall terminate automatically one  
7 hundred calendar days after the declaration of a  
8 biosecurity emergency, or by a separate proclamation  
9 of the governor, whichever occurs first.

10 (e) If the governor requisitions and takes control of any  
11 property or the temporary use thereof, the owner, or other  
12 person entitled thereto, shall be paid a sum, determined by the  
13 governor to be fair and just compensation for the property or  
14 use, within twenty days after the property has been  
15 requisitioned and taken, or in monthly or lesser installments if  
16 the property is taken for temporary use.

17 If any person is unwilling to accept the sum determined by  
18 the governor as full and complete compensation for the property  
19 or use, the person shall be paid seventy-five per cent of that  
20 sum and may sue the State for an additional sum that, when added  
21 to the sum already received by the person, the person may



1 consider fair and just compensation for the property or use, in  
2 the manner provided by chapter 661 for actions against the  
3 State; provided that:

4       (1) Any suit under this section shall be instituted within  
5           two years after the requisition in the case of the  
6           taking of real property in fee simple, or within one  
7           year after the requisition in all other cases, subject  
8           to sections 657-13 to 657-15, which are hereby made  
9           applicable to the suit;

10       (2) No more than six months shall be allowed for the  
11           bringing of a suit after the appointment of a  
12           conservator of a person under disability, or the  
13           removal of the disability, or after the appointment of  
14           personal representatives; and

15       (3) Recovery shall be confined to the fair market value of  
16           the property or its fair rental value, as the case may  
17           be, without any allowance for prospective profits, or  
18           punitive or other damages.

19       If the owner of property, or other person entitled to  
20       compensation for the requisitioning of property or use thereof,  
21       is under a disability, or has died, and no conservator or



1 personal representative has been appointed, the State, acting  
2 through the attorney general, may apply for the appointment of a  
3 conservator or for the appointment of a personal representative.

4 (f) The governor shall appoint a board of three  
5 disinterested certified appraisers with whom may be filed any  
6 claim for damages arising out of any failure to return private  
7 property, the temporary use of which was requisitioned, or which  
8 was leased, or any claim for damages arising out of the  
9 condition in which the private property is returned. No claim  
10 may be filed for deterioration of property resulting from  
11 ordinary wear and tear and not for any deterioration or damage,  
12 except any that is shown to have resulted from the taking or use  
13 of the property; provided that any claim shall be filed within  
14 thirty days after the return of the property or after the  
15 governor proclaims that all private property has been returned  
16 to the owners, whichever is earlier. The decision of the board  
17 of appraisers shall be final and binding upon the governor and  
18 the claimant. Either party may file a petition in the circuit  
19 court within sixty days after the rendering of a decision of the  
20 board of appraisers, praying for the decision of the court upon  
21 the claim. The petition, if filed by the State, shall be



1 entitled in the name of the State by the attorney general and  
2 shall be heard and decided by the circuit court without the  
3 intervention of a jury. If filed by any other party, the  
4 petition shall be filed, heard, and decided in the manner  
5 provided for suits against the State. Appellate review may be  
6 had, subject to chapter 602, in the manner provided for civil  
7 appeals from the circuit courts. The court may order the  
8 joinder of other parties or may allow other parties to  
9 intervene. Any award that has become final shall be paid out of  
10 any funds available under this chapter and, if not sufficient,  
11 out of the general revenues of the State as appropriated.

12 **§150A-B Rapid response quarantine authority.** The  
13 chairperson may quarantine any area that is known or reasonably  
14 suspected to be infested with a newly detected invasive species  
15 or pest, a new population of an invasive species or pest, an  
16 invasive species or pest that is being actively controlled in  
17 the State, or a prohibited or restricted organism, to prevent  
18 the movement of materials to or from the location."

19 SECTION 12. Section 150A-52, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           **"§150A-52 Objectives of biosecurity program.** The  
2 objectives of the biosecurity program shall be to:

- 3           (1) Establish a multi-dimensional system to survey for and  
4           prevent the entry into the State and interisland  
5           movement of pests and prohibited or restricted  
6           organisms without a permit;
- 7           (2) Respond effectively to eradicate, control, reduce, and  
8           suppress incipient pest populations and established  
9           pests and seize and dispose of prohibited or  
10          restricted organisms without a permit; and
- 11          (3) Coordinate with partner agencies and organizations to  
12          direct the control and eradication of [~~invasive~~  
13          ~~species.~~] pests."

14           SECTION 13. Section 150A-53, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           **"§150A-53 General actions to achieve objectives.** (a) To  
17 achieve the objectives of the biosecurity program, the  
18 department shall plan for and, within available legislative  
19 appropriations or through funding from other sources, implement  
20 the following:



- 1           (1) Work with government agencies and agricultural  
2 commodity exporters of other states and countries to  
3 establish pre-entry inspection programs under which  
4 inbound cargo into the State is inspected at the ports  
5 of departure or other points outside the State;
- 6           (2) Establish, operate, or participate in operating port-  
7 of-entry facilities where multiple government agencies  
8 may inspect, quarantine, fumigate, disinfect, destroy,  
9 or exclude as appropriate, articles that may harbor  
10 pests or prohibited or restricted organisms or exclude  
11 articles that are prohibited or restricted without a  
12 permit, with the goals of:
- 13           (A) Performing inspections in an efficient,  
14 effective, and expeditious manner for the  
15 government agencies involved and for cargo  
16 owners, carriers, and importers; and
- 17           (B) Providing for the proper and safe storage and  
18 handling of cargo, especially agricultural and  
19 food commodities, awaiting inspection;
- 20           (3) Develop, implement, and coordinate post-entry measures  
21 to eradicate, control, reduce, and suppress pests and,



- 1 as appropriate, eradicate or seize and dispose of  
2 prohibited or restricted organisms without a permit  
3 that have entered the State;
- 4 (4) Collaborate with relevant government agencies,  
5 agricultural commodity importers, and other persons to  
6 examine and develop joint integrated systems to better  
7 implement the biosecurity program;
- 8 (5) Improve cargo inspection capabilities and methods,  
9 including enhancement of the content and submission  
10 requirements for cargo manifests and agricultural  
11 commodity ownership and movement certificates;
- 12 (6) Promote the production of agricultural commodities in  
13 the State to reduce cargo shipments of imported  
14 commodities into the State; and
- 15 (7) Provide public education on [the]:
- 16 (A) The negative effects of pests and prohibited or  
17 restricted organisms without a permit, to the  
18 environment and economy of the State[-];
- 19 (B) Reporting pests and prohibited or restricted  
20 organisms without a permit that are discovered or  
21 suspected to be present in imported products; and





1           "§150A-C Invasive species dashboard; establishment;  
2 requirements. (a) No later than December 1, 2025, the  
3 department shall establish an invasive species dashboard to  
4 provide real-time data and information for treatment areas to  
5 the public. The dashboard shall be updated regularly and be  
6 hosted and managed by the department.

7           (b) The department shall regularly and timely post  
8 treatment area information to the dashboard.

9           (c) Any state department, agency, or political subdivision  
10 that does not provide information for the invasive species  
11 dashboard in compliance with this section shall not receive or  
12 expend public funds. The deputy chairperson for biosecurity  
13 shall be responsible for ensuring compliance with this section.

14           §150A-D Pest management plans. (a) Any person may submit  
15 to the board a proposed pest management plan. The proposed pest  
16 management plan shall include:

17           (1) The name of the person submitting the proposed pest  
18 management plan;

19           (2) The organism proposed to be classified as a pest;  
20 provided that a proposed pest management plan may



- 1           encompass a category of organisms proposed to be
- 2           classified as pests;
- 3       (3) A description of the organism's adverse effects;
- 4       (4) A description of the region of the proposed plan or
- 5           whether the proposed plan will be implemented
- 6           statewide;
- 7       (5) The reason for the proposed plan;
- 8       (6) Objectives of the proposed plan;
- 9       (7) The principal measures to achieve the objectives and
- 10           alternative measures, if any;
- 11       (8) An allocation of the costs, if applicable;
- 12       (9) Proposed funding; and
- 13       (10) Other information as required by the department.
- 14       (b) The board shall review the proposed plan, taking into
- 15 consideration:
- 16       (1) Whether the implementation of the proposed plan is
- 17           likely to eradicate or effectively manage the organism
- 18           proposed to be declared a pest;
- 19       (2) Whether the proposed plan is inconsistent with any
- 20           federal or state requirement, activity, or policy;





1 year 2026-2027 for full-time equivalent ( FTE)  
2 positions within the department of agriculture and biosecurity;  
3 provided that the funds shall be allocated as follows:

4 (1) \$ for full-time equivalent ( FTE)  
5 positions under plant pest and disease control  
6 (AGR122); and

7 (2) \$ for full-time equivalent ( FTE)  
8 positions under pesticides (AGR846).

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

11 PART VII

12 SECTION 16. In codifying the new sections added by  
13 sections 11 and 14 of this Act, the revisor of statutes shall  
14 substitute appropriate section numbers for the letters used in  
15 designating the new sections in this Act.

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



1 SECTION 18. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 19. This Act shall take effect on July 1, 3000.



**Report Title:**

DOA; Department of Agriculture and Biosecurity; Deputy Director of Biosecurity; Quarantine; Import; Plants; Animals; Biosecurity Emergencies; Biosecurity Program; Invasive Species Dashboard; Pest Management Plans; Positions; Appropriation

**Description:**

Part I: Renames the Department of Agriculture to the "Department of Agriculture and Biosecurity". Renames the Board of Agriculture to the "Board of Agriculture and Biosecurity" and amends the composition of the Board. Part II: Establishes and appropriates funds for a Deputy Director of Biosecurity. Part III: Changes references to the plant and animal declaration form to the "biosecurity form". Part IV: Authorizes and specifies conditions under which the Department may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms. Authorizes the Chairperson of the Board to quarantine an area under certain conditions. Broadens the objectives and general actions of the Biosecurity Program. Part V: Requires the Department to establish and regularly update an invasive species dashboard. Authorizes pest management plans to address, contain, or eradicate pests. Part VI: Appropriates funds for positions for the Department. Effective 7/1/3000. (HD2)

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