
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that the transportation
2 of plants, other nursery items, and merchandise is a known
3 pathway that can spread invasive species to new locations and
4 communities. The introduction and subsequent propagation of
5 high-impact pests, including the little fire ant and coqui frog,
6 are likely to have occurred via potted plants that were imported
7 into the State and sold by local nurseries. While the
8 introduction and propagation of pests may occur by other means,
9 the State can employ a systems approach to better address
10 primary pathways of arrival and transmission.

11 The legislature further finds that it is critical that
12 nurseries and other retailers use best management practices to
13 prevent the spread of invasive species on their products to
14 protect unsuspecting consumers and their communities.

15 The legislature also finds that many states use a systems
16 approach to prioritize pathways, regulating local plant
17 nurseries as particularly high-risk pathways that must be



1 certified and inspected. While the State established a
2 certified nursery program in 1977 to fulfill the requirements of
3 import rules in other states and protect purchasers of Hawaii
4 plant nursery products in other states, it has not established a
5 complementary program to protect and certify plant nursery
6 products sold within Hawaii.

7 The legislature additionally finds that imposing penalties
8 on individuals who sell pest-infested items in the State is one
9 component of a more comprehensive program to regulate plant
10 nursery products sold within the State.

11 Accordingly, the purpose of this Act is to prohibit the
12 sale of pest-infested items and materials to the public,
13 preventing the spread of pests within the State.

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

17 **"§150A- Sale of pest-infested items or materials;**
18 **prohibited.** (a) No person shall sell, barter, or donate; offer
19 for sale, barter, or donation; or otherwise make available to
20 the public any item or material that is:

21 (1) Infested or infected with a pest;



1 (2) Itself a pest; or
2 (3) Prohibited from being sold or otherwise made available
3 to the public under this chapter or any rule adopted
4 pursuant to this chapter.

5 (b) The prohibition in subsection (a) shall not apply to
6 any item or material that:

7 (1) The department provides access to for research or
8 testing pursuant to an appropriate permit issued by
9 the department; or

10 (2) Is infested or infected with a biocontrol agent
11 transferred pursuant to an appropriate permit issued
12 by the department.

13 (c) The department may compel the quarantine, treatment,
14 or destruction of any item or material sold, bartered, or
15 donated; offered for sale, barter, or donation; or otherwise
16 made available to the public in violation of subsection (a).

17 (d) Any quarantine, treatment, or destruction pursuant to
18 subsection (c) shall be at the expense of the owner of the item
19 or material. The State shall not be responsible for any
20 economic loss or damage related to any action taken by the
21 department under this section."



1 SECTION 3. Section 150A-14, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Any person who violates any provision of this chapter
4 other than sections 150A-5, 150A-6(3), [~~and~~] 150A-6(4), and
5 150A- , or who violates any rule adopted under this chapter
6 other than those rules involving an animal that is prohibited or
7 a plant, animal, or microorganism that is restricted, without a
8 permit, shall be guilty of a misdemeanor and fined not less than
9 \$100. The provisions of section 706-640 notwithstanding, the
10 maximum fine shall be \$10,000. For a second offense committed
11 within five years of a prior offense, the person or organization
12 shall be fined not less than \$500 and not more than \$25,000.

13 (b) Any person who violates section 150A-5 [~~or~~], 150A-58,
14 or 150A- , or any rule adopted pursuant to those sections,
15 shall be fined [~~no~~] not less than \$100 and [~~no~~] not more than
16 \$10,000. For a second violation committed within five years of
17 a prior violation, the person may be fined [~~no~~] not less than
18 \$500 and [~~no~~] not more than \$25,000."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

DAB; Invasive Species; Pest-Infested Items or Materials; Sale;
Barter; Donation; Prohibited; Penalties

Description:

Prohibits the sale, barter, or donation of any pest-infested item or material. Authorizes the Department of Agriculture and Biosecurity to quarantine, treat, or destroy pest-infested items or materials. Imposes penalties on individuals who sell, barter, or donate a pest-infested items or materials. Effective 7/1/2050. (SD1)

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