

JAN 21 2026

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Section 141-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§141-3 Designation of pests; control or eradication of**
4 **pests; emergency power.** (a) The department of agriculture and
5 biosecurity shall designate the coqui frog as a pest. All other
6 pest designations shall be established by rule, including the
7 criteria and procedures for the designation of pests for control
8 or eradication.

9 (b) The department of agriculture and biosecurity shall,
10 so far as reasonably practicable, assist, free of cost to
11 individuals, in the control or eradication of insects, mites,
12 diseases, noxious weeds, or other pests injurious to the
13 environment or vegetation of value; and in the investigation,
14 suppression, and eradication of contagious, infectious, and
15 communicable diseases among domestic animals; and shall in like
16 manner distribute to points where needed, beneficial insects, or
17 pathogens and other antidotes for the control of insects, mites,



1 diseases, or other pests injurious to the environment or
2 vegetation of value, and for the control or eradication of
3 vegetation of a noxious character.

4 (c) Notwithstanding subsection (a), if the department
5 finds the incipient infestation of a pest that has an adverse
6 effect on the environment or that is injurious or deleterious or
7 that is likely to become injurious or deleterious to the
8 agricultural, horticultural, aquacultural, or livestock
9 industries of the State without immediate action, it may proceed
10 without prior notice or upon a minimum of forty-eight hours
11 notice and hearing to adopt an emergency rule for the
12 eradication of the pest to be effective for a period of not
13 longer than one hundred eighty days without renewal.

14 (d) Notwithstanding subsections (a) and (c), the
15 department may declare an emergency quarantine pursuant to
16 chapter 150A when it has been reasonably determined that there
17 is a threat to the environment in the State or an area of the
18 State is discovered to be infected with an animal disease or
19 infested with a high-impact invasive species or pest. As part
20 of their emergency quarantine powers, the department may order
21 the halt of any operations related to or within the affected



1 area for a period of ninety-six hours; provided that, during
2 this timeframe, the board of agriculture and biosecurity may
3 vote to extend the period to address the emergency or initiate
4 mitigation or treatment options."

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

7 **"§150A-8 Transporting in State.** (a) Flora [and], fauna,
8 and any other article or material specified by rules and
9 regulations of the department shall not be moved from one island
10 to another island within the State or from one locality to
11 another on the same island except by a permit issued by the
12 department.

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



1 [~~(b)~~] (c) The movement between the islands of the State of
2 the following articles, viz., nursery-stock, tree, shrub, herb,
3 vine, cut-flower, cut-foliage, cutting, graft, scion, bud, seed,
4 leaf, root, or rhizome; nut, fruit, or vegetable; grain, cereal,
5 or legume in the natural or raw state; moss, hay, straw,
6 dry-grass, or other forage; unmanufactured log, limb, or timber,
7 or any other plant-growth or plant-product, unprocessed or in
8 the raw state; soil; microorganisms; live bird, reptile,
9 nematode, insect, or any other animal in any stage of
10 development (that is in addition to the so-called domestic
11 animal, the quarantine of which is provided for in chapter 142);
12 box, vehicle, baggage, or any other container in which the
13 articles have been transported or any packing material used in
14 connection therewith shall be made in the following manner
15 [~~hereinafter set forth~~]:

16 (1) Inspectional requirements. Any person who receives
17 for transport, or brings or causes movement between
18 the islands of the State, as freight, air freight,
19 baggage, as ship's stores, or otherwise, any of the
20 foregoing articles, shall ensure that the articles
21 comply with inspectional requirements pursuant to



1 rules and shall provide upon the inspector's request
2 the waybill number, container number, name and address
3 of the consignor, name and address of the consignee or
4 the consignee's agent, marks, number of packages,
5 description of contents of each package, and any other
6 information that may be necessary to inspect, locate,
7 or identify the same. If the articles are not
8 inspected pursuant to rules, the articles shall be
9 held in a manner that ~~[they will not]~~ prevents spread
10 or ~~[be likely to spread]~~ the likelihood of spreading
11 any infestation or infection of insects, diseases, or
12 pests that may be present until an inspection can be
13 made by the inspector to determine whether any
14 article, or any portion thereof, is infested or
15 infected with insects or diseases, or contains any
16 pest. The department may adopt rules to define
17 inspectional requirements of specific articles.
18 Failure to obtain certification that the articles have
19 met the inspectional requirements prior to movement
20 between the islands of the State ~~[is]~~ shall be a
21 violation of this section;



1 (2) Labels. Each container in which any of the [above-
2 mentioned] articles are transported between the
3 islands of the State shall be plainly and legibly
4 marked, in a conspicuous manner and place, with the
5 name and address of the shipper or owner forwarding or
6 shipping the same, the name or mark of the person to
7 whom the same is forwarded or shipped or the person's
8 agent, and a statement of the contents of the
9 container. Failure to comply with this paragraph [is]
10 shall be a violation of this section;

11 (3) Authority to inspect. Whenever the inspector has good
12 cause to believe that the provisions of this chapter
13 are being violated, the inspector shall:

14 (A) Enter and inspect any aircraft, vessel, or other
15 carrier at any time whether offshore, at the
16 pier, or at the airport, for the purpose of
17 determining whether any of the articles or pests
18 enumerated in this chapter or rules adopted
19 [thereto,] pursuant to this chapter is present;

20 (B) Enter into or upon any pier, warehouse, airport,
21 or any other place in the State where any of the



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

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

12 (D) Baggage or cargo inspection shall be made at the
13 discretion of the inspector, on the pier, vessel,
14 or aircraft or in any quarantine or inspection
15 area; and

16 (E) Whenever the inspector has good cause to believe
17 that the provisions of this chapter are being
18 violated, the inspector shall require that any
19 box, package, suitcase, or any other container
20 carried as ship's stores, cargo, or otherwise by
21 any vessel or aircraft moving between the islands



1 of the State, be opened for inspection to
2 determine whether any article or pest prohibited
3 by this chapter or by rules adopted pursuant
4 [thereto] to this chapter is present. It is a
5 violation of this section if any prohibited
6 article, pest, or any article infested with an
7 insect or disease is found;

8 (4) Place of inspection. The inspector shall make a
9 determination whether it is necessary or advisable to
10 move any of the [above-mentioned] articles, or any
11 portion thereof, to a place more suitable for
12 inspection than the pier, airport, or any other place
13 where they are initially presented for inspection.

14 All costs and expenses incident to the movement and
15 transportation of the articles to [such] the place
16 shall be borne by the consignee or the consignee's
17 agent;

18 (5) Disinfection or quarantine. If, upon inspection, any
19 article intended for movement between the islands of
20 the State is found to be infested or infected with an
21 insect, disease, or pest, or there is reasonable cause



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



1 movement between the islands of the State. An article
2 infested or infected with an insect, disease, or pest
3 that is not widespread in the State shall be destroyed
4 at the expense of the owner or the owner's agent;
5 provided that no treatment exists that would eradicate
6 the insect, disease, or pest to the satisfaction of
7 the department. ~~[Such]~~ The destruction shall not be
8 made the basis of a claim against the department or
9 the inspector for damage or loss incurred; and
10 (6) Disposition. Upon completion of inspection, the
11 inspector shall conspicuously affix to the article,
12 container, or to the delivery order or other similar
13 document, a tag, label, or stamp to indicate that the
14 article has been inspected and can be moved between
15 the islands of the State."

16 SECTION 3. Section 150A-9.5, Hawaii Revised Statutes, is
17 amended by amending subsections (a) and (b) to read as follows:
18 "(a) The department shall have the power, subject to the
19 provisions of this section, to establish, implement, and enforce
20 interim rules governing the transporting of flora [and], fauna,



1 and other materials into and within the State. [Such] The rules
2 shall not be subject to chapter 91.

3 (b) An interim rule may be adopted in the event that the
4 importation or movement of any flora [or], fauna, or materials,
5 in the absence of effective rules, creates a situation dangerous
6 to the public health and safety or to the ecological health of
7 flora or, fauna present in the State [which] that is so
8 immediate in nature as to constitute an emergency. No interim
9 rule shall be adopted without [such] a finding by the advisory
10 committee on plants and animals created under section 150A-10."

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 upon its approval.

14

INTRODUCED BY: 



S.B. NO. 2174

Report Title:

DAB; BAB; Emergency Quarantine; Pests

Description:

Authorizes the Department of Agriculture and Biosecurity to declare an emergency quarantine when it has been reasonably determined that there is a threat to the environment in the State. Authorizes the Department to halt operations related to or within the affected area for 96 hours, subject to extension by vote of the Board of Agriculture and Biosecurity. Authorizes the Department to quarantine any business or other area that is known or reasonably suspected to be infested or infected with any pest or any other prohibited, restricted, or unlisted organism. Authorizes the Department to establish interim rules governing the transportation of any material into and within the state that creates a situation dangerous to public or ecological health.

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