
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

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

3 "§150A-8 Transporting in State. (a) Flora [~~and~~], fauna,
4 and other articles or materials specified by rules and
5 regulations of the department shall not be moved from one island
6 to another island within the State or from one locality to
7 another on the same island except by a permit issued by the
8 department.

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

16 [~~(b)~~] (c) The movement between the islands of the State of
17 the following articles, viz., nursery-stock, tree, shrub, herb,



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

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



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

20 (2) Labels. Each container in which any of the [~~above-~~
21 ~~mentioned~~] articles are transported between the



1 islands of the State shall be plainly and legibly
2 marked, in a conspicuous manner and place, with the
3 name and address of the shipper or owner forwarding or
4 shipping the same, the name or mark of the person to
5 whom the same is forwarded or shipped or the person's
6 agent, and a statement of the contents of the
7 container. Failure to comply with this paragraph [~~is~~]
8 shall be a violation of this section;

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

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

18 (B) Enter into or upon any pier, warehouse, airport,
19 or any other place in the State where any of the
20 [~~above-mentioned~~] articles are moved or stored,
21 for the purpose of ascertaining, by inspection



1 and examination, whether or not any of the
2 articles is infested or infected with any pest or
3 disease or contaminated with soil or contains
4 prohibited plants or animals;

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

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

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



1 by this chapter or by rules adopted pursuant
2 [~~thereto~~] to this chapter is present. It [~~is~~]
3 shall be a violation of this section if any
4 prohibited article, pest, or any article infested
5 with an insect or disease is found;

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

16 (5) Disinfection or quarantine. If, upon inspection, any
17 article intended for movement between the islands of
18 the State is found to be infested or infected with an
19 insect, disease, or pest, or there is reasonable cause
20 to presume that it is infested or infected and the
21 infestation or infection can, in the judgment of the



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



1 insect, disease, or pest that is not widespread in the
2 State shall be destroyed at the expense of the owner
3 or the owner's agent; provided that no treatment
4 exists that would eradicate the insect, disease, or
5 pest to the satisfaction of the department. [~~Such~~]
6 The destruction shall not be made the basis of a claim
7 against the department or the inspector for damage or
8 loss incurred; and

9 (6) Disposition. Upon completion of inspection, the
10 inspector shall conspicuously affix to the article,
11 container, or to the delivery order or other similar
12 document, a tag, label, or stamp to indicate that the
13 article has been inspected and can be moved between
14 the islands of the State."

15 SECTION 2. Section 150A-9.5, Hawaii Revised Statutes, is
16 amended by amending subsections (a) and (b) to read as follows:

17 "(a) The department shall have the power, subject to the
18 provisions of this section, to establish, implement, and enforce
19 interim rules governing the transporting of flora [~~and~~], fauna,
20 and other materials known to harbor or transport a high-impact



1 invasive species or pest into and within the State. [~~Such~~] The
2 rules 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 immediate
8 in nature as to constitute an emergency. No interim rule shall
9 be adopted without [~~such~~] a finding by the advisory committee on
10 plants and animals created under section 150A-10."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

DAB; Quarantine; Invasive Species; Pests; Interim Rules

Description:

Authorizes the Department of Agriculture and Biosecurity to quarantine any business or other area that is known or reasonably suspected to be infested or infected with any pest. Authorizes the Department to establish interim rules governing the transportation of any material into and within the State known to harbor or transport a high-impact invasive species or pest. Effective 7/1/3000. (HD1)

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