
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 invasive species,
2 including agricultural pests, are a serious problem in the State
3 and that state-leased agricultural lands managed by the
4 department of agriculture and biosecurity can be infested with
5 invasive species that can spread to surrounding areas. The
6 legislature further finds that a recent example of the
7 importance of addressing this gap is the detection of coconut
8 rhinoceros beetle (CRB) in an agricultural park on Hawaii island
9 that is managed by the department of agriculture and
10 biosecurity. The department sought and relied on gaining access
11 permission from each lessee, which led to a patchwork of
12 inspected and treated areas, while the CRB continued to spread
13 from the agricultural park.

14 Accordingly, the purpose of this Act is to ensure that the
15 department of agriculture and biosecurity has authority to:

16 (1) Access property that the department leases to timely
17 survey for and control invasive species; and



1 (2) Require the department's lessees to control specific
2 invasive species on their leased parcels.

3 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "§141- Lease terms; invasive species. (a)

7 Notwithstanding any law to the contrary, each lease that the
8 department of agriculture and biosecurity enters into, renews,
9 or extends after the effective date of Act _____, Session Laws
10 of Hawaii 2026, shall include provisions stating that the
11 department may:

12 (1) Enter the leased premises at any time to survey for,
13 identify, investigate, control, or eradicate invasive
14 species;

15 (2) Order or otherwise require the lessee to maintain
16 control of any invasive species on the leased
17 premises; and

18 (3) Terminate the lease if the lessee refuses the
19 department entry or is found in violation of any
20 applicable law, rule, order, or request relating to
21 the control or eradication of invasive species.



1 (b) Access granted by this section shall be subject to the
2 notice requirements and limitations on liability established in
3 section 141-3.6.

4 (c) For the purposes of this section, "invasive species"
5 means any taxon that is a pest as defined in section 150A-2, or
6 that is a prohibited, restricted, or unlisted species pursuant
7 to chapter 150A or any rule adopted under that chapter and that
8 is present in violation of the requirements of that chapter or
9 rule."

10 SECTION 3. Chapter 166, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§166- Lease terms; invasive species. (a)
14 Notwithstanding any law to the contrary, each lease that the
15 department of agriculture and biosecurity enters into, renews,
16 or extends after the effective date of Act , Session Laws
17 of Hawaii 2026, shall include provisions stating that the
18 department may:

19 (1) Enter the leased premises at any time to survey for,
20 identify, investigate, control, or eradicate invasive
21 species;



1 (2) Order or otherwise require the lessee to maintain
2 control of any invasive species on the leased
3 premises; and

4 (3) Terminate the lease if the lessee refuses the
5 department entry or is found in violation of any
6 applicable law, rule, order, or request relating to
7 the control or eradication of invasive species.

8 (b) Access granted by this section shall be subject to the
9 notice requirements and limitations on liability established in
10 section 141-3.6.

11 (c) For the purposes of this section, "invasive species"
12 has the same meaning as in section 141- ."

13 SECTION 4. Chapter 166E, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 **"§166E- Lease terms; invasive species. (a)**
17 Notwithstanding any law to the contrary, each lease that the
18 department of agriculture and biosecurity enters into, renews,
19 or extends after the effective date of Act , Session Laws
20 of Hawaii 2026, shall include provisions stating that the
21 department may:



1 (1) Enter the leased premises at any time to survey for,
2 identify, investigate, control, or eradicate invasive
3 species;

4 (2) Order or otherwise require the lessee to maintain
5 control of any invasive species on the leased
6 premises; and

7 (3) Terminate the lease if the lessee refuses the
8 department entry or is found in violation of any
9 applicable law, rule, order, or request relating to
10 the control or eradication of invasive species.

11 (b) Access granted by this section shall be subject to the
12 notice requirements and limitations on liability established in
13 section 141-3.6.

14 (c) For the purposes of this section, "invasive species"
15 has the same meaning as in section 141- ."

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 6. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

DAB; Invasive Species; Lease Provisions

Description:

Requires each lease that the Department of Agriculture and Biosecurity enters into, renews, or extends to include provisions stating that the Department may: (1) enter the leased premises; (2) order or otherwise require the lessee to maintain control of any invasive species on the leased premises; and (3) terminate the lease for refusal or violation. 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.

