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# 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  
3 State. The legislature further finds that state-leased  
4 agricultural lands managed by the department of agriculture and  
5 biosecurity can be infested with invasive species that can  
6 spread to surrounding areas. Currently, the department of  
7 agriculture and biosecurity does not have a mechanism to require  
8 lessees to grant the department access to the leased land to  
9 survey for or control invasive species, or to require lessees to  
10 control particularly harmful invasive species on their leased  
11 parcels.

12           The legislature further finds that a recent example of the  
13 importance of addressing this gap is the detection of coconut  
14 rhinoceros beetle (CRB) in an agricultural park on Hawaii island  
15 that is managed by the department of agriculture and  
16 biosecurity. The department sought and relied on gaining access  
17 permission from each lessee, which led to a patchwork of



1 inspected and treated areas, while the CRB continued to spread  
2 from the agricultural park.

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

- 5 (1) Access property that it leases to timely survey for
- 6 and control invasive species; and
- 7 (2) Require its lessees to control specific invasive
- 8 species on their leased parcels.

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

12 "§141- Lease terms; invasive species. (a)  
 13 Notwithstanding any law to the contrary, each lease that the  
 14 department of agriculture and biosecurity enters into, renews,  
 15 or extends after the effective date of Act \_\_\_\_\_, Session Laws  
 16 of Hawaii 2026, shall include provisions stating that the  
 17 department may:

- 18 (1) Enter the leased premises at any time to survey for,
- 19 identify, investigate, control, or eradicate invasive
- 20 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      means any taxon that is a pest as defined in section 150A-2, or  
13      that is a prohibited, restricted, or unlisted species pursuant  
14      to chapter 150A or any rule adopted under that chapter and that  
15      is present in violation of the requirements of that chapter or  
16      rule."

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

20      "§166-     Lease terms; invasive species.    (a)

21      Notwithstanding any law to the contrary, each lease that the



1 department of agriculture and biosecurity enters into, renews,  
2 or extends after the effective date of Act \_\_\_\_\_, Session Laws  
3 of Hawaii 2026, shall include provisions stating that the  
4 department may:

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

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

11 (3) Terminate the lease if the lessee refuses the  
12 department entry or is found in violation of any  
13 applicable law, rule, order, or request relating to  
14 the control or eradication of invasive species.

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

18 (c) For the purposes of this section, "invasive species"  
19 has the same meaning as defined in section 141- \_\_\_\_\_."



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

4 "§166E- Lease terms; invasive species. (a)

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

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

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

16 (3) Terminate the lease if the lessee refuses the  
17 department entry or is found in violation of any  
18 applicable law, rule, order, or request relating to  
19 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 has the same meaning as defined in section 141- ."

6        SECTION 5. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9        SECTION 6. New statutory material is underscored.

10       SECTION 7. This Act shall take effect upon its approval.



**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. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

