
A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

1 SECTION 1. Chapter 150A, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§150A- Rules. The department shall adopt rules
5 pursuant to chapter 91 to effectuate the purposes of this part,
6 including but not limited to:

7 (1) Strengthening enforcement of the State of Hawaii
8 biosecurity declaration and Akamai arrival program
9 pursuant to section 150A-5; and

10 (2) Establishing implementation and compliance
11 mechanisms."

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

14 "§150A-5 Conditions of importation. (a) The importation
15 into the State of any of the following articles, viz.,
16 nursery-stock, tree, shrub, herb, vine, cut-flower, cut-foliage,
17 cutting, graft, scion, bud, seed, leaf, root, or rhizome; nut,



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

12 (1) Notification of arrival. Any person who receives for
13 transport or brings or causes to be brought to the
14 State as freight, air freight, baggage, or otherwise,
15 for the purpose of debarkation or entry therein, or as
16 ship's stores, any of the foregoing articles, shall,
17 immediately upon the arrival thereof, notify the
18 department of the arrival, giving the waybill number,
19 container number, name and address of the consignor,
20 name and address of the consignee or the consignee's
21 agent in the State, marks, number of packages,



1 description of contents of each package, port at which
2 laden, and any other information that may be necessary
3 to locate or identify the same, and shall hold the
4 articles at the pier, airport, any other place where
5 they are first received or discharged, or a
6 transitional facility, in a manner that they will not
7 spread or be likely to spread any infestation or
8 infection of insects or diseases that may be present
9 until inspection and examination can be made by the
10 inspector or a certified biosecurity compliance
11 auditor to determine whether any article, or any
12 portion thereof, is infested or infected with or
13 contains any pest. The department [~~may~~] shall adopt
14 rules to require identification of specific articles
15 on negotiable and non-negotiable warehouse receipts,
16 bills of lading, or other documents of title for
17 inspection of pests. In addition, the department
18 shall adopt rules to designate restricted articles
19 that shall require:
20 (A) A permit from the department in advance of
21 importation; or



1 (B) A department letter of authorization or
2 registration in advance of importation.
3 The restricted articles shall include but not be
4 limited to certain microorganisms or living insects.
5 Failure to obtain the permit, letter of authorization,
6 or registration in advance is a violation of this
7 section;

8 (2) Individual passengers, officers, and crew.

9 (A) It shall be the responsibility of the
10 transportation company to distribute, prior to
11 the debarkation of passengers and baggage, the
12 State of Hawaii biosecurity declaration to each
13 passenger, officer, and crew member of any
14 aircraft or vessel originating in the continental
15 United States or its possessions or from any
16 other area not under the jurisdiction of the
17 appropriate federal agency in order that the
18 passenger, officer, or crew member can comply
19 with the directions and requirements appearing
20 thereon. All passengers, officers, and crew
21 members, whether or not they are bringing or



1 causing to be brought for entry into the State
2 any articles listed, shall complete the
3 declaration, except that one adult member of a
4 family may complete the declaration for other
5 family members. Any person who gives false
6 information, fails to declare restricted articles
7 in the person's possession or baggage, or fails
8 to declare in cargo manifests is in violation of
9 this section;

10 (B) All passengers, officers, and crew members who
11 are bringing or causing to be brought for entry
12 into the State domestic and other animals cited
13 in chapter 142, in addition to the articles
14 enumerated in this chapter, shall immediately
15 upon arrival or prior to arrival notify the
16 department of the arrival of any restricted
17 article. The department [~~may~~] shall adopt rules
18 necessary to effectuate this subparagraph; and

19 (C) It shall be the responsibility of the officers
20 and crew of an aircraft or vessel originating in
21 the continental United States or its possessions



1 or from any other area not under the jurisdiction
2 of the appropriate federal agency to immediately
3 report all sightings of any plants and animals to
4 the plant quarantine branch. Failure to comply
5 with this requirement is a violation of this
6 section;

7 (3) Labels. Each container in which any of the
8 above-mentioned articles are imported into the State
9 shall be plainly and legibly marked, in a conspicuous
10 manner and place, with the name and address of the
11 shipper or owner forwarding or shipping the same, the
12 name or mark of the person to whom the same is
13 forwarded or shipped or the person's agent, the name
14 of the country, state, or territory and locality
15 therein where the product was grown or produced, and a
16 statement of the contents of the container. Upon
17 failure to comply with this paragraph, the importer or
18 carrier is in violation of this section;

19 (4) Authority to inspect. Whenever the inspector has good
20 cause to believe that the provisions of this chapter
21 are being violated, the inspector may:



- 1 (A) Enter and inspect any aircraft, vessel, or other
2 carrier at any time after its arrival within the
3 boundaries of the State, whether offshore, at the
4 pier, or at the airport, for the purpose of
5 determining whether any of the articles or pests
6 enumerated in this chapter or rules adopted
7 thereto, is present;
- 8 (B) Enter into or upon any pier, warehouse, airport,
9 or any other place in the State where any of the
10 above-mentioned articles are moved or stored, for
11 the purpose of ascertaining, by inspection and
12 examination, whether any of the articles is
13 infested or infected with any pest or disease or
14 contaminated with soil or contains prohibited
15 plants or animals; and
- 16 (C) Inspect any baggage or personal effects of
17 disembarking passengers, officers, and crew
18 members on aircraft or vessels arriving in the
19 State to ascertain if they contain any of the
20 articles or pests enumerated in this chapter. No
21 baggage or other personal effects of the



1 passengers or crew members shall be released

2 until the baggage or effects have been passed.

3 Baggage or cargo inspection shall be made at the
4 discretion of the inspector, on the pier, vessel, or
5 aircraft or in any quarantine or inspection area.

6 Whenever the inspector has good cause to believe
7 that the provisions of this chapter are being
8 violated, the inspector [~~may~~] shall require that any
9 box, package, suitcase, or any other container carried
10 as ship's stores, cargo, or otherwise by any vessel or
11 aircraft moving between the continental United States
12 and Hawaii or between the islands of the State, be
13 opened for inspection to determine whether any article
14 or pest prohibited by this chapter or by rules adopted
15 pursuant thereto is present. It is a violation of
16 this section if any prohibited article or any pest or
17 any plant, fruit, or vegetable infested with plant
18 pests is found;

19 (5) Request for importation and inspection. In addition
20 to requirements of the United States customs
21 authorities concerning invoices or other formalities



1 incident to importations into the State, the importer
2 shall be required to file a written statement with the
3 department, signed by the importer or the importer's
4 agent, setting forth the importer's desire to import
5 certain of the above-mentioned articles into the State
6 and:

7 (A) Giving the following additional information:

8 (i) The kind (scientific name), quantity, and
9 description;

10 (ii) The locality where same were grown or
11 produced;

12 (iii) Certification that all animals to be
13 imported are the progeny of captive
14 populations or have been held in captivity
15 for a period of one year immediately before
16 importation or have been specifically
17 approved for importation by the board;

18 (iv) The port from which the same were last
19 shipped;

20 (v) The name of the shipper; and

21 (vi) The name of the consignee; and



- 1 (B) Containing:
- 2 (i) A request that the department, by its duly
- 3 authorized agent, examine the articles
- 4 described;
- 5 (ii) An agreement by the importer to be
- 6 responsible for all costs, charges, or
- 7 expenses; and
- 8 (iii) A waiver of all claims for damages incident
- 9 to the inspection or the fumigation,
- 10 disinfection, quarantine, or destruction of
- 11 the articles, or any of them, as hereinafter
- 12 provided, if any treatment is deemed
- 13 necessary.

14 Failure or refusal to file a statement, including
15 the agreement and waiver, is a violation of this
16 section and may, in the discretion of the department,
17 be sufficient cause for refusing to permit the entry
18 of the articles into the State;

- 19 (6) Place of inspection. If, in the judgment of the
- 20 department, it is deemed necessary or advisable to
- 21 move any of the above-mentioned articles, or any



1 portion thereof, to a transitional facility or another
2 place more suitable for inspection than the pier,
3 airport, or any other place where they are first
4 received or discharged, the department [~~is authorized~~
5 to] shall do so or order the importer or importer's
6 agent to do so. All costs and expenses incident to
7 the movement and transportation of the articles to any
8 other place shall be borne by the importer or the
9 importer's agent. If the importer, importer's agent,
10 or transportation company requests inspection of
11 sealed containers of the above-mentioned articles at
12 locations other than where the articles are first
13 received or discharged or a transitional facility and
14 the department determines that inspection at the other
15 place is appropriate, the department [~~may~~] shall
16 require payment of costs necessitated by these
17 inspections, including overtime costs;

18 (7) Disinfection or quarantine. If, upon inspection, any
19 article received or brought into the State for the
20 purpose of debarkation or entry therein is found to be
21 infested or infected or there is reasonable cause to



1 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 to the article. The treatment shall be at the expense
5 of the owner or the owner's agent, and the treatment
6 shall be as prescribed by the department. The article
7 shall be held in quarantine at the expense of the
8 owner or the owner's agent at a satisfactory place
9 approved by the department for a sufficient length of
10 time to determine that eradication has been
11 accomplished. If the infestation or infection is of
12 the nature or extent that it cannot be effectively and
13 completely eradicated, or if it is a potentially
14 destructive pest or it is not widespread in the State,
15 or after treatment it is determined that the
16 infestation or infection is not completely eradicated,
17 or if the owner or the owner's agent refuses to allow
18 the article to be treated or to be responsible for the
19 cost of treatment and quarantine, the article, or any
20 portion thereof, together with all packing and
21 containers, may, at the discretion of the inspector,



1 be destroyed or sent out of the State at the expense
2 of the owner or the owner's agent. The destruction or
3 exclusion shall not be made the basis of a claim
4 against the department or the inspector for damage or
5 loss incurred;

6 (8) Disposition. Upon completion of inspection, either at
7 the time of arrival or at any time thereafter should
8 any article be held for inspection, treatment, or
9 quarantine, the inspector shall affix to the article
10 or the container or to the delivery order in a
11 conspicuous place thereon, a tag, label, or stamp to
12 indicate that the article has been inspected and
13 passed. This action shall constitute a permit to
14 bring the article into the State; and

15 (9) Ports of entry. None of the articles mentioned in
16 this section shall be allowed entry into the State
17 except through the airports and seaports in the State
18 designated and approved by the board.

19 (b) The State of Hawaii biosecurity declaration required
20 under subsection (a) (2) (A) shall be administered in a digital



1 manner through the akamai arrival program, as established by
2 rules by the department."

3 SECTION 3. Section 150A-5.5, Hawaii Revised Statutes, is
4 amended by amending subsections (b) and (c) to read as follows:

5 "(b) In legal effect, articles landed for the purpose of
6 inspection or quarantine shall be construed to be still outside
7 the State seeking entry, and shall not, in whole or in part, be
8 considered suitable for entry into the State unless a tag,
9 label, or stamp has been affixed to the article, its container,
10 or its delivery order by the inspector as provided in section
11 [~~150A-5(8)~~,] 150A-5(a)(8), except that articles quarantined in
12 the biocontrol containment facilities of the department or of
13 other government agencies engaged in joint projects with the
14 department may be released upon issuance of a permit approved by
15 the board.

16 (c) Notwithstanding subsections (a) and (b), the import of
17 articles in violation of this chapter or rules adopted under
18 this chapter [~~may~~] shall subject the importer to penalty
19 although the articles have not been passed for entry."

20 SECTION 4. Section 150A-6.1, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 "(c) The department [~~may~~] shall regulate or prohibit the
2 sale of specific plants on the list of restricted plants by
3 rule."

4 SECTION 5. Section 150A-6.6, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§150A-6.6 Import lists amendment.** Without regard to the
7 notice and public hearing requirements of chapter 91, the board
8 [~~may~~] shall adopt rules to make additions to or deletions from
9 the lists required to be maintained in sections 150A-6.1 through
10 150A-6.3; provided that the board shall adopt rules pursuant to
11 chapter 91 to establish methods to obtain public input and
12 notify the public of additions to or deletions from the lists
13 required under sections 150A-6.1 through 150A-6.3."

14 SECTION 6. Section 150A-7, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) Whenever any living creature introduced or admitted
17 under rules of the department escapes, or is found to be free
18 from confinement, the department [~~may~~] shall confiscate or
19 capture it and any progeny at the expense of the owner. The
20 department may destroy the creature, donate it to a government
21 zoo, or send it out of the State after five days at the



1 discretion of the department. Any expense or loss in connection
2 therewith shall be borne by the owner or the owner's agent."

3 SECTION 7. Section 150A-8, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

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

20 (1) Inspectional requirements. Any person who receives
21 for transport, or brings or causes movement between



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



1 articles have met the inspectional requirements prior
2 to movement between the islands of the State is a
3 violation of this section;

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

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

17 (A) Enter and inspect any aircraft, vessel, or other
18 carrier at any time whether offshore, at the
19 pier, or at the airport, for the purpose of
20 determining whether any of the articles or pests



- 1 enumerated in this chapter or rules adopted
2 thereto, is present;
- 3 (B) Enter into or upon any pier, warehouse, airport,
4 or any other place in the State where any of the
5 above-mentioned articles are moved or stored, for
6 the purpose of ascertaining, by inspection and
7 examination, whether or not any of the articles
8 is infested or infected with any pest or disease
9 or contaminated with soil or contains prohibited
10 plants or animals;
- 11 (C) Inspect any baggage or personal effects of
12 passengers, officers, and crew members on
13 aircraft or vessels moving between the islands of
14 the State to ascertain if they contain any of the
15 articles or pests enumerated in this chapter;
- 16 (D) Baggage or cargo inspection shall be made at the
17 discretion of the inspector, on the pier, vessel,
18 or aircraft or in any quarantine or inspection
19 area; and
- 20 (E) Whenever the inspector has good cause to believe
21 that the provisions of this chapter are being



1 violated, the inspector shall require that any
2 box, package, suitcase, or any other container
3 carried as ship's stores, cargo, or otherwise by
4 any vessel or aircraft moving between the islands
5 of the State, be opened for inspection to
6 determine whether any article or pest prohibited
7 by this chapter or by rules adopted pursuant
8 thereto is present. It is a violation of this
9 section if any prohibited article, pest, or any
10 article infested with an insect or disease is
11 found;

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



1 (5) Disinfection or quarantine. If, upon inspection, any
2 article intended for movement between the islands of
3 the State is found to be infested or infected with an
4 insect, disease, or pest, or there is reasonable cause
5 to presume that it is infested or infected and the
6 infestation or infection can, in the judgment of the
7 inspector, be eradicated, a treatment shall be given
8 such article prior to movement between the islands of
9 the State. The treatment shall be at the expense of
10 the owner or the owner's agent, and the treatment
11 shall be as prescribed by the department. The article
12 shall be quarantined at the expense of the owner or
13 the owner's agent at a satisfactory place approved by
14 the department for a sufficient length of time to
15 determine that eradication has been accomplished. If
16 the infestation or infection is of such nature or
17 extent that it cannot be effectively and completely
18 eradicated, or after treatment it is determined that
19 the infestation or infection is not completely
20 eradicated, or if the owner or the owner's agent
21 refuses to allow the article to be treated or to be



1 responsible for the cost of treatment and quarantine,
2 the shipment, article, or any portion thereof,
3 together with all packing and containers, shall not be
4 certified for movement between the islands of the
5 State. An article infested or infected with an
6 insect, disease, or pest that is not widespread in the
7 State shall be destroyed at the expense of the owner
8 or the owner's agent; provided that no treatment
9 exists that would eradicate the insect, disease, or
10 pest to the satisfaction of the department. Such
11 destruction shall not be made the basis of a claim
12 against the department or the inspector for damage or
13 loss incurred; and

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

20 SECTION 8. Section 150A-9.5, Hawaii Revised Statutes, is
21 amended by amending subsections (a) and (b) to read as follows:



1 "(a) The department shall [~~have the power~~], subject to the
2 provisions of this section, [~~to~~] establish, implement, and
3 enforce interim rules governing the transporting of flora and
4 fauna into and within the State. Such rules shall not be
5 subject to chapter 91.

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

14 SECTION 9. Section 150A-11.2, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) The department may enter into cooperative agreements
17 with the United States Department of Agriculture and other
18 federal, state, or county agencies to assist in the enforcement
19 of federal quarantines. The department [~~may~~] shall seize,
20 destroy, or require treatment of articles moved from a federally
21 regulated area if the articles were not moved in accordance with



1 the federal quarantine rules or, if certified, the articles were
2 found to be infested with the pest."

3 SECTION 10. Section 150A-14, Hawaii Revised Statutes, is
4 amended by amending subsection (e) to read as follows:

5 "(e) The department [~~may, at its discretion,~~] shall refuse
6 entry, confiscate, or destroy any prohibited, restricted, or
7 unlisted articles that are brought into the State without a
8 permit issued by the department, or order the return of any
9 plant, fruit, vegetable, or any other article infested with
10 insects, diseases, or pests to its place of origin or otherwise
11 dispose of it or such part thereof as may be necessary to comply
12 with this chapter. Any expense or loss in connection therewith
13 shall be borne by the owner or the owner's agent."

14 SECTION 11. Section 150A-16.2, Hawaii Revised Statutes, is
15 amended by amending subsections (c) and (d) to read as follows:

16 "(c) The department shall establish standards for
17 transitional facilities, including:

18 (1) Standards for construction, maintenance, security, and
19 operation; and



1 (2) Quarterly inspections; provided that the department
2 [~~may~~] shall perform periodic random inspections to
3 ensure compliance.

4 (d) The department [~~may~~] shall suspend or revoke a
5 transitional facility license if the transitional facility does
6 not satisfy the standards established by the department under
7 subsection (c) or the department determines that the
8 transitional facility is not in compliance under the terms of
9 the compliance agreement."

10 SECTION 12. Section 150A-16.3, Hawaii Revised Statutes, is
11 amended by amending subsections (d) and (e) to read as follows:

12 "(d) The department [~~may~~] shall require each biosecurity
13 compliance auditor to complete additional training as needed,
14 including any emergency training in the interests of
15 biosecurity.

16 (e) The department [~~may~~] shall revoke or suspend any
17 biosecurity compliance auditor certification for good cause."

18 SECTION 13. Section 150A-16.4, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Subject to the terms of the compliance agreement, a
21 certified biosecurity compliance auditor [~~may~~] shall certify



1 items located in a transitional facility as free of diseases,
2 infections, infestations, and other items that the department
3 deems relevant."

4 SECTION 14. This Act does not affect rights and duties
5 that matured, penalties that were incurred, and proceedings that
6 were begun before its effective date.

7 SECTION 15. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 16. This Act shall take effect upon its approval;
10 provided that sections 11, 12, and 13 of this Act shall take
11 effect on January 2, 2028.

12



Report Title:

DAB; Akamai Arrival Program; State of Hawaii Biosecurity
Declaration; Enforcement

Description:

Requires the Department of Agriculture and Biosecurity to
establish rules to enforce the Akamai Arrival Program. Requires
DAB to strengthen enforcement of plant and non-domestic animal
quarantine and microorganism importations. (SD1)

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

