
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 are
2 the single greatest threat to the State's economy, agricultural
3 production, and natural environment, including native species,
4 and to the health and lifestyle of Hawaii's people. The impacts
5 of invasive species in the State have been severe, causing
6 serious habitat degradation, extinction of native species,
7 increased wildfire risk, increases in the cost of agriculture
8 and livestock production and market opportunity exclusion, and
9 many other negative and expensive consequences. Preventing
10 pests from entering the State, or, if that fails, taking steps
11 to prevent a pest from spreading within the State, are two
12 critical measures that can protect Hawaii from the negative
13 impacts of invasive species.

14 The legislature, like the federal government, recognizes
15 the value of preventing the movement of invasive pests. Federal
16 law allows the United States Department of Agriculture to
17 conduct pre-departure inspections of all passengers, baggage,



1 cargo, and any other articles moving from the State to the
2 continental United States to protect against the spread of pests
3 from Hawaii. However, the federal government does not provide
4 any similar inspections for passengers or material arriving in
5 the State from the continental United States. Instead, the
6 Hawaii department of agriculture and biosecurity inspects
7 agricultural commodities imported to Hawaii from other States.

8 However, the legislature recognizes that existing law does
9 not expressly authorize the Hawaii department of agriculture and
10 biosecurity to inspect non-agricultural commodities arriving in
11 the State from the continental United States or moving between
12 islands of the State. This is a serious gap that can allow
13 devastating invasive species like the red imported fire ant and
14 spotted lanternfly to enter the State via non-agricultural
15 commodities, such as building materials and vehicles, from
16 infested locations in the United States.

17 The legislature further finds that imposing civil rather
18 than criminal penalties for certain violations detected by such
19 inspections is a lawful and appropriate deterrent. The
20 legislature notes the necessity of other common-sense
21 authorities to protect the State against invasive species,



1 including the authority to quarantine a pest-infested area. If
2 invasive pests such as the red imported fire ant are detected in
3 the State, an effective, rapid response will require the
4 authority to impose a quarantine and prevent the movement of
5 items and spread of the pest.

6 The legislature notes that other states, and even counties,
7 have the authority to quarantine areas, including restricting
8 the movement, possession, and sale of commodities infested with
9 a high-impact pest, and may also quarantine any other products,
10 articles, or means of conveyances of pests.

11 The legislature further finds that violations of most
12 invasive species laws in the State are subject to criminal
13 penalties and the department of agriculture and biosecurity has
14 historically not sought fines for violations of invasive species
15 laws. Designating strict liability violations of certain laws
16 as civil infractions and lowering the mental state requirements
17 for certain criminal violations may incentivize and allow the
18 department to enforce the laws more effectively.

19 Finally, the legislature finds that the department of
20 agriculture and biosecurity has an increased workload in
21 updating and adopting administrative rules related to invasive



1 species, with Act 236, Session Laws of Hawaii 2025, requiring
2 new administrative rules due to many existing invasive
3 species-related rules being out of date or non-existent. For
4 example, the list of designated noxious weeds in chapter 4-68,
5 Hawaii Administrative Rules, was last updated in 1992; the list
6 of pests for control or eradication in chapter 69A, Hawaii
7 Administrative Rules, was last updated in 2008; and no list of
8 restricted plants required by section 150A-6.1, Hawaii Revised
9 Statutes, has ever been developed. A dedicated employee to
10 assist specifically with administrative rules for the department
11 of agriculture and biosecurity would help alleviate the
12 administrative rule backlog and modernize the State's invasive
13 species control programs.

14 Accordingly, the purpose of this Act is to:

- 15 (1) Expand the department of agriculture and biosecurity's
16 authority to conduct certain inspections and regulate
17 non-agricultural commodities;
- 18 (2) Provide for better control of invasive species within
19 the State; and
- 20 (3) Clarify certain penalties for violations to encourage
21 enforcement of the invasive species laws.



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

3 "§141-1 Duties in general. The department of agriculture
4 and biosecurity shall:

5 (1) Gather, compile, and tabulate, from time to time,
6 information and statistics concerning:

7 (A) Entomology and plant pathology: Insects, scales,
8 blights, and diseases injurious or liable to
9 become injurious to trees, plants, or other
10 vegetation, and the ways and means of
11 exterminating pests and diseases already in the
12 State and preventing the introduction of pests
13 and diseases not yet in the State; and

14 (B) General agriculture: Fruits, fibres, and useful
15 or ornamental plants and their introduction,
16 development, care, and manufacture or
17 exportation, with a view to introducing,
18 establishing, and fostering new and valuable
19 plants and industries;

20 (2) Encourage and cooperate with the agricultural
21 extension service [~~and~~], agricultural experiment



1 station, and other colleges and departments of the
2 [~~University~~] university of Hawaii and [~~all private~~]
3 other persons and organizations doing work of an
4 experimental or educational character coming within
5 the scope of the subject matter of chapters 141, 142,
6 and 144 to 150A, and avoid, as far as practicable,
7 duplicating the work of those persons and
8 organizations;

- 9 (3) Enter into contracts, cooperative agreements, or other
10 transactions with any person, agency, or organization,
11 public or private, as may be necessary in the conduct
12 of the department's business and on any terms the
13 department may deem appropriate; provided that the
14 department shall not obligate any funds of the State,
15 except the funds that have been appropriated to the
16 department. Pursuant to cooperative agreement with
17 any authorized federal agency, employees of the
18 cooperative agency may be designated to carry out, on
19 behalf of the State the same as department personnel,
20 specific duties and responsibilities under chapters
21 141, 142, and 150A, and rules adopted pursuant to



- 1 those chapters, for the effective prosecution of pest
2 control and animal disease control and the regulation
3 of import into the State and intrastate movement of
4 regulated articles;
- 5 (4) Secure copies of the laws of other states,
6 territories, and countries, and other publications
7 germane to the subject matters of chapters 141, 142,
8 and 144 to 150A, and make laws and publications
9 available for public information and consultation;
- 10 (5) Provide buildings, grounds, apparatus, and
11 appurtenances necessary for the examination,
12 quarantine, inspection, and fumigation provided for by
13 chapters 141, 142, and 144 to 150A; for the obtaining,
14 propagation, study, and distribution of beneficial
15 insects, growths, and antidotes for the eradication of
16 insects, blights, scales, or diseases injurious to
17 vegetation of value and for the destruction of
18 injurious vegetation; and for carrying out any other
19 purposes of chapters 141, 142, and 144 to 150A;
- 20 (6) Formulate and recommend to the governor and
21 legislature additional legislation necessary or



1 desirable for carrying out the purposes of chapters
2 141, 142, and 144 to 150A;

3 (7) Publish at the end of each year a report of the
4 expenditures and proceedings of the department and of
5 the results achieved by the department, together with
6 other matters germane to chapters 141, 142, and 144 to
7 150A and that the department may deem proper;

8 (8) Administer a program of agricultural planning and
9 development, including the formulation and
10 implementation of general and special plans, including
11 but not limited to the functional plan for
12 agriculture; administer the planning, development, and
13 management of the agricultural park program; plan,
14 construct, operate, and maintain the state irrigation
15 water systems; plan, design, construct, operate,
16 manage, maintain, repair, demolish, and remove
17 infrastructure or improvements on any lands under the
18 jurisdiction of the department; review, interpret, and
19 make recommendations with respect to public policies
20 and actions relating to agricultural land and water
21 use; assist in research, evaluation, development,



1 enhancement, and expansion of local agricultural
2 industries; and serve as liaison with other public
3 agencies and private organizations for the above
4 purposes. In the foregoing, the department shall act
5 to conserve and protect agricultural lands and
6 irrigation water systems, promote diversified
7 agriculture, increase agricultural self-sufficiency,
8 and ensure the availability of agriculturally suitable
9 lands; and

10 (9) Manage, administer, and exercise control over any
11 public lands, as defined under section 171-2, that are
12 designated important agricultural lands pursuant to
13 section 205-44.5, including but not limited to
14 establishing priorities for the leasing of these
15 public lands within the department's jurisdiction."

16 SECTION 3. Section 150A-2, Hawaii Revised Statutes, is
17 amended by adding a new definition to be appropriately inserted
18 and to read as follows:

19 "Person" means an individual, corporation, firm,
20 association, society, community, assembly, or inhabitant of a
21 district or neighborhood, known or unknown, and the public



1 generally. "Person" includes a government and any of its
2 agencies, instrumentalities, or subdivisions."

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

5 "**§150A-5 Conditions of importation.** (a) The importation
6 of any material that is infested or infected with an insect or
7 other animal, disease, or pest, or that is itself a pest, shall
8 be prohibited unless appropriate authorization is obtained from
9 the department before importation.

10 (b) The importation into the State of any of the following
11 articles, viz., nursery-stock, tree, shrub, herb, vine,
12 cut-flower, cut-foliage, cutting, graft, scion, bud, seed, leaf,
13 root, or rhizome; nut, fruit, or vegetable; grain, cereal, or
14 legume in the natural or raw state; moss, hay, straw, dry-grass,
15 or other forage; unmanufactured log, limb, or timber, or any
16 other plant-growth or plant-product, unprocessed or in the raw
17 state; soil[+], including potting soil, growing mix, and mulch;
18 microorganisms; live bird, reptile, nematode, insect, or any
19 other animal in any stage of development (that is in addition to
20 the so-called domestic animal, the quarantine of which is
21 provided for in chapter 142); box, vehicle, baggage, or any



1 other container in which the articles have been transported or
2 any packing material used in connection therewith shall be made
3 in the following manner [~~hereinafter set forth~~]:

4 (1) Notification of arrival. Any person who receives for
5 transport or brings or causes to be brought to the
6 State as freight, air freight, baggage, or otherwise,
7 for the purpose of debarkation or entry [~~therein~~], or
8 as ship's stores, any of the foregoing articles,
9 shall, immediately upon the arrival thereof, notify
10 the department of the arrival [~~, giving~~]. The
11 notification shall include the waybill number,
12 container number, name and address of the consignor,
13 name and address of the consignee or the consignee's
14 agent in the State, marks, number of packages,
15 description of contents of each package, port at which
16 laden, and any other information that may be necessary
17 to locate or identify the same [~~, and~~]. The articles
18 shall [~~hold the articles~~] be held at the pier,
19 airport, any other place where [~~they~~] the articles are
20 first received or discharged, or a transitional
21 facility, in a manner that [~~they will not~~] prevents



1 the spread or [~~be likely to spread~~] the likelihood of
2 spreading any infestation or infection of a pest,
3 including insects or diseases that may be present,
4 until inspection and examination can be made by the
5 inspector or a certified biosecurity compliance
6 auditor to determine whether any article, or any
7 portion thereof, is infested or infected with or
8 contains any pest. The department may adopt rules to
9 require identification of specific articles on
10 negotiable and non-negotiable warehouse receipts,
11 bills of lading, or other documents of title for
12 inspection of pests. In addition, the department
13 shall adopt rules to designate restricted articles
14 that shall require:

- 15 (A) A permit, including a compliance agreement, from
16 the department in advance of importation; or
17 (B) A department letter of authorization or
18 registration in advance of importation.

19 The restricted articles shall include but not be
20 limited to certain microorganisms or living insects.

21 Failure to obtain the permit, letter of authorization,



1 or registration, or to enter into a compliance
2 agreement in advance [~~is~~], shall be a violation of
3 this section;

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

5 (A) It shall be the responsibility of the
6 transportation company to distribute, [~~prior to~~]
7 before the debarkation of passengers and baggage,
8 the State of Hawaii biosecurity declaration to
9 each passenger, officer, and crew member of any
10 aircraft or vessel originating in the continental
11 United States or its possessions or from any
12 other area not under the jurisdiction of the
13 appropriate federal agency [~~in order~~], so that
14 the passenger, officer, or crew member can comply
15 with the directions and requirements appearing
16 thereon. All passengers, officers, and crew
17 members, regardless of whether [~~or not~~] they are
18 bringing or causing to be brought for entry into
19 the State any articles listed, shall complete the
20 declaration[~~, except~~]; provided that one adult
21 member of a family may complete the declaration



1 for other family members. Any person who gives
2 false information, fails to declare restricted
3 articles in the person's possession or baggage,
4 or fails to declare in cargo manifests [~~is~~] shall
5 be in violation of this section;

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

15 (C) It shall be the responsibility of the officers
16 and crew of an aircraft or vessel originating in
17 the continental United States or its possessions
18 or from any other area not under the jurisdiction
19 of the appropriate federal agency to immediately
20 report all sightings of any plants and animals to
21 the plant quarantine branch. Failure to comply



1 with this requirement is a violation of this
2 section;

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

15 (4) Authority to administratively inspect. [~~Whenever the~~
16 ~~inspector has good cause to believe that the~~
17 ~~provisions of this chapter are being violated, the~~
18 ~~inspector may:~~

19 ~~(A) Enter and inspect any aircraft, vessel, or other~~
20 ~~carrier at any time after its arrival within the~~
21 ~~boundaries of the State, whether offshore, at the~~



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



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

4 ~~Whenever the inspector has good cause to believe~~
5 ~~that the provisions of this chapter are being~~
6 ~~violated, the inspector may require that any box,~~
7 ~~package, suitcase, or any other container carried as~~
8 ~~ship's stores, cargo, or otherwise by any vessel or~~
9 ~~aircraft moving between the continental United States~~
10 ~~and Hawaii or between the islands of the State, be~~
11 ~~opened for inspection to determine whether any article~~
12 ~~or pest prohibited by this chapter or by rules adopted~~
13 ~~pursuant thereto is present. It is a violation of~~
14 ~~this section if any prohibited article or any pest or~~
15 ~~any plant, fruit, or vegetable infested with plant~~
16 ~~pests is found;] An inspector may, subject to the~~
17 ~~civil penalties established in section 150A-14:~~

18 (A) Conduct inspections of persons, baggage, cargo,
19 and any other items or materials destined for
20 movement between the islands of the State or
21 importation into the State from any other state



1 for the purpose of determining whether an insect,
2 pest, disease, or prohibited, restricted, or
3 regulated taxon is present. For the purposes of
4 this subparagraph, "state" has the same meaning
5 as defined in section 150A-11.2;

6 (B) Enter and inspect any aircraft, vessel, or other
7 carrier at any time after its arrival within the
8 boundaries of the State, whether offshore, at the
9 pier, or at the airport, and enter into or upon
10 any pier, airport, warehouse, or any other place
11 in the State for the purpose of conducting
12 inspections authorized by subparagraph (A); and

13 (C) Inspect any baggage, cargo, and any other item or
14 material on the pier, vessel, or aircraft, or in
15 any quarantine or inspection area;

16 (5) Request for importation and inspection. In addition
17 to requirements of the appropriate United States
18 [~~customs~~] authorities concerning invoices or other
19 formalities incident to importations into the State,
20 the importer shall be required to file a written
21 statement with the department, signed by the importer



1 or the importer's agent, setting forth the importer's
2 desire to import certain of the above-mentioned
3 articles into the State and:

4 (A) [~~Giving~~] Providing the following additional
5 information:

6 (i) The kind (scientific name), quantity, and
7 description;

8 (ii) The locality where the same were grown or
9 produced;

10 (iii) Certification that all animals to be
11 imported [~~are the progeny of captive~~
12 ~~populations or have been held in captivity~~
13 ~~for a period of one year immediately before~~
14 ~~importation or~~] have been specifically
15 approved for importation by the board[+] or
16 the department, as appropriate;

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

19 (v) The name of the shipper; and

20 (vi) The name of the consignee; and

21 (B) Containing:



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

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

- 18 (6) Place of inspection. If, in the judgment of the
19 department, it is deemed necessary or advisable to
20 move any [~~of the above-mentioned articles, or any~~
21 ~~portion thereof,~~] item or material to a transitional



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

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



1 is reasonable cause to presume that it is infested or
2 infected, and the infestation or infection can, in the
3 judgment of the [~~inspector,~~] department, be
4 eradicated, a treatment shall be given to the
5 [~~article,~~] item or material. The treatment shall be
6 at the expense of the owner or the owner's agent, and
7 the treatment shall be as prescribed by the
8 department. The [~~article]~~ item or material shall be
9 held in quarantine at the expense of the owner or the
10 owner's agent at a satisfactory place approved by the
11 department for a sufficient length of time to
12 determine that eradication has been accomplished. If
13 the infestation or infection is of the nature or
14 extent that it cannot be effectively and completely
15 eradicated, or if it is a potentially destructive pest
16 or it is not widespread in the State, or after
17 treatment it is determined that the infestation or
18 infection is not completely eradicated, or if the
19 owner or the owner's agent refuses to allow the
20 [~~article]~~ item or material to be treated or to be
21 responsible for the cost of treatment and quarantine,



1 the [~~article,~~] item or material, or any portion
2 thereof, together with all packing and containers,
3 may, at the discretion of the [~~inspector,~~] department,
4 be destroyed or sent out of the State at the expense
5 of the owner or the owner's agent [~~—The destruction~~
6 ~~or exclusion shall not be made the basis of a claim~~
7 ~~against the department or the inspector for damage or~~
8 ~~loss incurred];~~

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

19 (9) Ports of entry. None of the [~~articles~~] items or
20 materials mentioned in this section shall be allowed
21 entry into the State except through the airports and



1 seaports in the State designated and approved by the
2 board.

3 (c) Economic loss or damage. The State shall not be
4 responsible for any economic loss or damages related to any
5 actions by the department pursuant to this chapter. For the
6 purposes of this subsection, "actions" includes any exclusion,
7 treatment, quarantine, or destruction of any item or material."

8 SECTION 5. Section 150A-5.5, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) In legal effect, articles landed for the purpose of
11 inspection or quarantine shall be construed to be still outside
12 the State seeking entry, and shall not, in whole or in part, be
13 considered suitable for entry into the State unless a tag,
14 label, or stamp has been affixed to the article, its container,
15 or its delivery order by the inspector as provided in section
16 [~~150A-5(8), except~~] 150A-5(b)(8); provided that articles
17 quarantined in the biocontrol containment facilities of the
18 department or of other government agencies engaged in joint
19 projects with the department may be released upon issuance of a
20 permit approved by the board."



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

3 "§150A-8 [Transporting in] Movement within the State [-];
4 quarantine, treatment, and destruction. (a) Flora [~~and~~],
5 fauna, and any other item or material specified by rules [~~and~~
6 ~~regulations~~] of the department shall not be moved from one
7 island to another island within the State or from one locality
8 to another on the same island except by a permit, including a
9 compliance agreement, issued by the department.

10 (b) The department may quarantine any business or other
11 area that is known to be, or reasonably suspected to be, based
12 on the results of systematic surveys or reports or proximity to
13 known populations, infested or infected with a pest or a
14 prohibited or restricted organism in violation of this chapter
15 or any rule adopted under this chapter to prevent the movement
16 of items or materials to or from the location. Any provision of
17 the Hawaii Administrative Rules relating to clean air, shall be
18 suspended to the extent necessary to permit biosecurity
19 quarantine treatments.

20 [~~(b)~~] (c) The movement between the islands of the State of
21 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[+], including potting soil, growing mix, and
7 mulch; microorganisms; live bird, reptile, nematode, insect, or
8 any other animal in any stage of development (that is in
9 addition to the so-called domestic animal, the quarantine of
10 which is provided for in chapter 142); box, vehicle, baggage, or
11 any other container in which the articles have been transported
12 or any packing material used in connection therewith shall be
13 made in the following manner [~~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 movement
18 between the islands of the State [~~is~~] shall be a
19 violation of this section;

20 (2) Labels. Each container in which any of the
21 above-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~~
10 ~~good cause to believe that the provisions of this~~
11 ~~chapter 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, 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, for~~
21 ~~the purpose of ascertaining, by inspection and~~



1 ~~examination, whether or not any of the articles~~
2 ~~is infested or infected with any pest or disease~~
3 ~~or contaminated with soil or contains prohibited~~
4 ~~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 is present. It is a violation of this~~
 3 ~~section if any prohibited article, pest, or any~~
 4 ~~article infested with an insect or disease is~~
 5 ~~found.]~~

6 An inspector may conduct inspections of persons,
 7 baggage, cargo, and any other item or material moving
 8 between or destined for movement between islands of
 9 the State as established in section 150A-5(b)(4).

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

20 (5) Disinfection or quarantine. If, upon inspection, any
 21 [~~article~~] item or material moving or intended for



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



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

- 16 (6) Disposition. Upon completion of inspection, the
17 inspector shall conspicuously affix to the [~~article,~~]
18 item or material, container, or to the delivery order
19 or other similar document, a tag, label, or stamp to
20 indicate that the [~~article~~] item or material has been



1 inspected and can be moved between the islands of the
2 State."

3 SECTION 7. Section 150A-9.5, Hawaii Revised Statutes, is
4 amended by amending subsections (a) through (c) to read as
5 follows:

6 "(a) The department shall have the power, subject to the
7 provisions of this section, to establish, implement, and enforce
8 interim rules governing the transporting of flora [~~and~~], fauna,
9 and any other item or material into and within the State.

10 [~~Such~~] The rules shall not be subject to chapter 91.

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



1 (c) Interim rules adopted by the department pursuant to
2 this section shall be effective as stated by ~~such~~ the rules;
3 provided that:

4 (1) Any interim rule shall be published at least once
5 statewide within twelve days of issuance; and

6 (2) No interim rule shall be effective for more than ~~one~~
7 ~~year.~~ two years."

8 SECTION 8. Section 150A-14, Hawaii Revised Statutes, is
9 amended by amending subsections (a) through (f) to read as
10 follows:

11 "(a) ~~Any~~ Except as otherwise provided in this section,
12 any person who violates any provision of this chapter ~~other~~
13 ~~than sections 150A-5, 150A-6(3), and 150A-6(4)]~~ or ~~who~~
14 ~~violates]~~ any rule adopted under this chapter ~~[other than those~~
15 ~~rules involving an animal that is prohibited or a plant, animal,~~
16 ~~or microorganism that is restricted, without a permit,]~~ shall be
17 ~~[guilty of a misdemeanor and]~~ fined not less than \$100~~[-. The~~
18 ~~provisions of section 706-640 notwithstanding, the maximum fine~~
19 ~~shall be]~~ and not more than \$10,000. For a second ~~[offense]~~
20 violation committed within five years of a prior ~~[offense,]~~
21 violation, the person ~~[or organization]~~ shall be fined not less



1 than \$500 and not more than \$25,000. Each day of violation
2 shall constitute a separate violation. Any action taken to
3 impose or collect the penalty provided for in this subsection
4 shall be considered a civil action.

5 (b) Any person who [~~violates section 150A-5 or 150A-58~~
6 ~~shall be fined no less than \$100 and no more than \$10,000. For~~
7 ~~a second violation committed within five years of a prior~~
8 ~~violation, the person may be fined no less than \$500 and no more~~
9 ~~than \$25,000.]:~~

- 10 (1) Recklessly violates section 150A-6(3) or (4); or
11 (2) Knowingly owns; transports, including through
12 interisland or intransland movement; possesses;
13 harbors; transfers; or causes the importation of any
14 snake or other prohibited animal seized under section
15 150A-7(b), or violates any provision of this chapter,
16 other than a violation detected by an inspection
17 pursuant to section 150A-5(b)(4), or any rule adopted
18 under this chapter, involving an animal that is
19 prohibited, a plant that is restricted, or an animal
20 or microorganism that is restricted or unlisted, shall
21 be guilty of a misdemeanor and subject to a fine of



1 not less than \$5,000, but not more than \$20,000. Each
2 day of violation shall constitute a separate offense.

3 (c) Any person who[+]

4 ~~(1) Violates section 150A-6(3) or (4), or owns or~~
5 ~~intentionally transports, possesses, harbors,~~
6 ~~transfers, or causes the importation of any snake or~~
7 ~~other prohibited animal seized under section 150A-~~
8 ~~7(b), or whose violation involves an animal that is~~
9 ~~prohibited, a plant that is restricted, or an animal~~
10 ~~or microorganism that is restricted or unlisted,~~
11 ~~without a permit, shall be guilty of a misdemeanor and~~
12 ~~subject to a fine of no less than \$5,000, but no more~~
13 ~~than \$20,000;~~

14 ~~(2)~~ Intentionally] knowingly transports, including through
15 interisland or inraisland movement, transfers,
16 possesses, harbors, or imports with the intent to
17 propagate, sell, or release any pest designated by
18 statute or rule; animal that is prohibited[~~r~~-a];
19 plant, animal, or microorganism that is restricted[~~r~~];
20 or [~~an~~] animal or microorganism that is [~~restricted~~
21 ~~or~~] unlisted[~~r~~, ~~without a permit,~~] in violation of any



1 provision of this chapter, or any rule adopted under
2 this chapter, unless otherwise authorized by law or
3 rule, shall be guilty of a class C felony and subject
4 to a fine of [~~no~~] not less than \$50,000, but [~~no~~] not
5 more than \$200,000 [~~or~~]

6 ~~(3) Intentionally imports, possesses, harbors, transfers,~~
7 ~~or transports, including through interisland or~~
8 ~~intraisland movement, with the intent to propagate,~~
9 ~~sell, or release, any pest designated by statute or~~
10 ~~rule, unless otherwise allowed by law, shall be guilty~~
11 ~~of a class C felony and subject to a fine of no less~~
12 ~~than \$50,000, but no more than \$200,000].~~

13 (d) Whenever [~~a court sentences~~] a person [~~or~~
14 ~~organization~~] is subject to a penalty pursuant to
15 subsection (a), (b), or (c) for [~~an offense which~~] a violation
16 that has resulted in the escape or establishment of any pest or
17 animal or microorganism that is prohibited, restricted, or
18 unlisted and caused the department to initiate a program to
19 capture, control, or eradicate that pest [~~or~~], animal, or
20 microorganism [~~that is restricted or unlisted, the~~], a court
21 [~~shall also~~] may require that the person [~~or organization~~] pay



1 ~~[to the state general fund]~~ an amount of money to be determined
2 in the discretion of the court upon advice of the department,
3 based upon the cost of the development and implementation of the
4 program. Any amount collected under this subsection shall be
5 deposited into the pest inspection, quarantine, and eradication
6 fund established pursuant to section 150A-4.5.

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

16 (f) Any person ~~[or organization]~~ that voluntarily
17 surrenders any pest, prohibited animal, or any restricted plant,
18 animal, or microorganism ~~[without a permit issued by the~~
19 ~~department]~~, or unlisted animal or microorganism prior to the
20 initiation of any seizure action by the department, shall be
21 exempt from the penalties of this section."



1 SECTION 9. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2026-2027 to
4 establish and fund one full-time equivalent (1.0 FTE) position
5 within the plant industry division of the department of
6 agriculture and biosecurity to assist the plant industry
7 division administrator in drafting, reviewing, and updating
8 administrative rules for the plant quarantine branch and the
9 plant pest control branch.

10 The sum appropriated shall be expended by the department of
11 agriculture and biosecurity for the purposes of this Act.

12 SECTION 10. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 11. If any provision of this Act, or the
16 application thereof to any person or circumstance, is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 12. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 13. This Act shall take effect on July 1, 2050.



Report Title:

DAB; Pests; Invasive Species; Importation; Inspection; Sale; Prohibition; Quarantine; Interim Rules; Penalties; Position; Appropriation

Description:

Clarifies that the importation of any item or material infested or infected with an insect or other animal, disease, or pest is prohibited. Requires the Department of Agriculture and Biosecurity to adopt rules to designate certain restricted articles to require a compliance agreement prior to importation. Clarifies that the State is not responsible for any economic loss or damages related to any actions by the Department under chapter 150A, Hawaii Revised Statutes. Authorizes the Department to administratively inspect any article imported or moved into the State from the continental United States or between the islands of the State. Authorizes the Department to compel the quarantine of certain non-agricultural items or materials. Allows for certain interim rules adopted by the Department to be effective for up to two years. Clarifies penalties for various quarantine and import law violations. Appropriates funds to establish one full-time equivalent position within the Department to assist the Plant Industry Division Administrator in drafting, reviewing, and updating certain administrative rules. Effective 7/1/2050. (SD1)

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

