



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:
H.B. NO. 2497, RELATING TO BIOSECURITY.

BEFORE THE:
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

DATE: Wednesday, February 18, 2026 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Travis T. Moon or Christopher J.I. Leong,
Deputy Attorneys General

Chair Chun and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill proposes to amend section 150A-58, Hawaii Revised Statutes (HRS), to include cost liability immunity for agricultural industry members party to biosecurity government-industry readiness response agreements with the Department of Agriculture and Biosecurity (DAB). This bill also establishes a working group consisting of members from "private industry signatories to any biosecurity government-industry agreement."

Currently, under section 150A-58, HRS, DAB may enter into agreements with "businesses and representatives of businesses in the plant and animal industries of the State" for services related to readiness and response such as "prevent[ing] unwanted organisms from entering the State" and "control[ing] the spread of an unwanted organism."

It is our understanding that in section 2 of this bill the proposed section 150A-58(d), HRS (page 4, lines 7 – 10), is intended to absolve industry members from any liability that arises from a biosecurity government-industry agreement to which it is a party. However, this could subject the State to full liability on any potential claims brought under a biosecurity government-industry agreement, including the total cost for any damages.

It is also our understanding that this immunity was intended to mirror the immunity provision in section 194-5, HRS. Section 194-5, HRS, provides any member entity of the Invasive Species Council, applicable county, or its employee or authorized agent with the authority to obtain a warrant from a Hawaii district court for entry onto private property to control or eradicate an invasive species that has been identified by the council. Section 194-5(f), HRS, provides that "in no case shall the department [any member entity of the invasive species council], the county, or any officer, employee, or authorized agent thereof be liable for costs in any action or proceeding that may be commenced pursuant to this chapter." (*Bracketed text added for context.*)

DAB and its authorized agents have similar authority under section 141-3.6, HRS, to obtain a warrant from a Hawaii district court for entry onto private property to maintain its pest control or eradication programs. Based on our understanding of the bill's intent, and to avoid any liability issues, we think section 141-3.6, HRS, is the proper location for the liability immunity provision. As such, we recommend that the bill be revised to delete proposed section 150A-58(d) on page 4, lines 7-10, of the bill and insert a new section 2 that adds a new subsection (c) to section 141-3.6, HRS, as follows: (the remaining bill sections would be renumbered)

SECTION 2. Section 141-3.6, Hawaii Revised Statutes, is amended to read as follows:

"§141-3.6 Entry of private property to control or eradicate any pests.

(a) The department of agriculture and biosecurity or applicable county shall give at least five days notice to the landowner and the occupier of any private property of its intention to enter the property for the control or eradication of a pest. Written notice sent to the landowner's last known address by certified mail, postage prepaid, return receipt requested, shall be deemed sufficient notice. If certified mail is impractical because the department or county, despite diligent efforts, cannot determine land ownership or because of urgent need to initiate control or eradication measures, notice given once in a daily or weekly publication of general circulation, in the county where any action or proposed action will be taken, or notice made as otherwise provided by law, shall be deemed sufficient notice. The notice shall set forth all pertinent information on the pest control program and the procedures and methods to be used for control or eradication.

(b) After notice as required by subsection (a), any member of the department, employee of the county, or any agent authorized by the department or county may enter at reasonable times any private property other than dwelling places to maintain a pest control or eradication program, being liable only for

damage caused by acts beyond the scope of the person's authority, or the person's negligence, gross negligence, or intentional misconduct. If entry is refused, the department member, county employee, or any authorized agent may apply to the district court in the circuit in which the property is located for a warrant to enter on the premises to effectuate the purposes of this chapter. The district court may issue a warrant directing a police officer of the circuit to assist the department member, county employee, or any authorized agent in gaining entry onto the premises during regular working hours or at other reasonable times.

(c) In no case shall the department, the county, or any officer, employee, or authorized agent thereof be liable for costs in any action or proceeding that may be commenced pursuant to this chapter."

Section 2 of this bill also establishes a working group under proposed section 150A-58(e), HRS (page 4, lines 11-14). As drafted, the purpose of the working group, and the extent of its "joint decision-making" authority, are unclear. We stand ready to work with the Committee to develop wording that would address this concern while preserving the bill's policy objectives.

Thank you for the opportunity to provide comments.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY**

BEFORE THE HOUSE AGRICULTURE & FOOD SYSTEMS

**WEDNESDAY, FEBRUARY 18, 2026
9:30 AM
CONFERENCE ROOM 325 & VIDEOCONFERENCE**

**HOUSE BILL NO. 2497
RELATING TO BIOSECURITY**

Chair Chun, Vice Kusch, and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2497, relating to biosecurity. This measure amends section 150A-58, Hawaii Revised Statutes, to clarify that signatory industries to a biosecurity government-industry agreement shall not be liable for costs related to performing activities pursuant to the agreement. Requires the Department of Agriculture and Biosecurity (Department) to establish a working group that comprises signatories of the biosecurity government-industry agreements for joint decision making. The Department supports this measure and offers comments.

The goal of HRS 150A-58 is to enable industry partners to have a key role in biosecurity, particularly in providing manpower and equipment for rapid response efforts. Many responses may require the use of pesticides for control or eradication measures and many industry partners already have the necessary equipment and trained staff for pesticide applications. The Department believes the proposed new subsection (d) covers the liabilities that may result from the use or application of pesticides by industry partners for control or eradication activities conducted during a rapid response effort. Additionally, the creation of a working group through section (e) will further increase the Department's collaborative efforts with regulated industries, increasing biosecurity efforts statewide.

Thank you for the opportunity to testify on this measure.



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February 18, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON AGRICULTURE & FOOD SYSTEMS

TESTIMONY ON HB 2497
RELATING TO BIOSECURITY

Conference Room 325 & Videoconference
9:30 AM

Aloha Chair Chun, Vice-Chair Kusch, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 2497, which clarifies and strengthens biosecurity government-industry agreements under Chapter 150A.

Effective biosecurity requires strong collaboration between government and industry. Agricultural producers, nurseries, livestock operators, and other industry partners are often the first to detect emerging threats and are critical to rapid response efforts. Formalized biosecurity government-industry agreements provide a structured framework for readiness, detection, and coordinated response to unwanted organisms.

HB 2497 improves this framework by clarifying terminology, formalizing joint decision-making through a working group structure, and providing liability protection for industry participants performing agreed-upon readiness and response activities. These refinements help ensure that industries can participate in biosecurity efforts with clear expectations and appropriate safeguards.

Strengthening public-private coordination enhances Hawai'i's ability to respond quickly and effectively to invasive species and other agricultural threats while reinforcing shared responsibility for protecting our State's food systems and natural resources.

Mahalo for the opportunity to provide testimony in support of this measure.



February 16, 2026

To: Chair Cory Chun, Vice Chair Matthias Kusch and the House Committee on Agriculture and Food Systems

Subject: **HB2497** Relating to Biosecurity

Aloha,

I am writing today **in support with comments regarding HB2497**, which amends Hawai'i Revised Statute 150A-58 to clarify that signatory industries to a government-industry biosecurity agreement shall not be liable for costs accrued in order to carry out said biosecurity agreement, and requires the formation of a signatory working group for joint decision making.

Biosecurity is a top concern for the state, which is the endangered species capital of the world. The threat posed by invasive pests and or disease to our food system is an existential one, and agricultural practitioners around the state are acutely aware of this. One needs only to look at the damage already wrought by pests like the coconut rhinoceros beetle for proof. Reigning in threats like the coconut rhinoceros beetle is a top concern for industries as well, but they might not be able to do so for a number of different reasons. Some practitioners might not know the best biosecurity practices, others might not have the manpower necessary to implement such practices. But an especially important limiting factor is capital. It can be more costly than an operation can realistically afford to implement these vital biosecurity measures on their own.

As such, given the potential for this bill to lower the barrier to entry for many operations and make the long term sustainment of biosecurity measures for these operations more feasible, **we urge the committee to pass HB2497**. The threat that invasive species pose to the state's food system and biodiversity must be handled in a holistic manner at all levels. Increasing the ability for signatory industries to participate in the detection and prevention of invasive species would be a very beneficial layer in the state's biosecurity defenses. Thank you for the opportunity to provide testimony for this bill.

Mahalo,
The Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



House of Representatives
Committee on Agriculture & Food Systems
Wednesday, February 18, 2026
9:30 AM Conference Room 325 & Videoconference
State Capitol

Testimony with Comments on HB2497

Aloha Chair Chun, Vice Chair Kusch, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) is providing comments on **HB2497, *Relating to Biosecurity***, which amends section 150A-58, HRS, regarding biosecurity government-industry agreements and requires the Department of Agriculture and Biosecurity (DAB) to establish a working group comprised of industry signatories.

Section 150A-58 was created by Act 236 (2025), which allows DAB to enter into agreements with industries to provide biosecurity training, supplies, and equipment for readiness activities, including prevention, detection, reporting, and control of pests in agriculture businesses such as nurseries. This bill seeks to amend or clarify by adding a new section (d) to say that any industry member, even a business that is not itself a signatory to a biosecurity government-industry agreement, is not liable or responsible for the costs of preventing or controlling pests in their business. A larger issue is that DAB would bear all of the costs of pest prevention, control, and response on behalf of private businesses:

(d) In no case shall a member of an industry that is a party to a biosecurity government-industry agreement be liable for costs arising from the performance of activities pursuant to this section.

CGAPS looks forward to better understanding this measure so that we can provide suggested language in future hearings. Thank you for the opportunity to provide comments on HB2497.

Aloha,

Christy Martin
CGAPS Program Manager

P.S. Easley

Stephanie Easley
CGAPS Legal Fellow

HB-2497

Submitted on: 2/13/2026 6:11:07 PM

Testimony for AGR on 2/18/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2497 HB RELATING TO BIOSECURITY.