

ACT 40

H.B. NO. 2517

A Bill for an Act Relating to Invasive Species.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that agriculture and conservation interests in the State are fighting to slow the invasion of alien species that are spreading from residential and commercial settings into agricultural areas and native forests.

Under section 150A-6.1, Hawaii Revised Statutes, the department of agriculture is responsible for maintaining a list of restricted plants. The department is currently in the process of updating its restricted plant list pursuant to this section. Under section 152-4, Hawaii Revised Statutes, the department of agriculture may designate certain plant species as noxious weeds. Section 150A-6.1, Hawaii Revised Statutes, provides that plants designated as noxious weeds are also considered to be restricted plants.

However, although the law allows the department of agriculture to regulate the importation and movement of restricted plants, it gives the department no authority to regulate the sale of restricted plants.

The legislature finds that to prevent further introductions of invasive species into the State, the statutory provisions authorizing the creation of the restricted plant list should be amended to regulate the sale of restricted plants. In addition, the law needs to be amended to recognize that a plant may be restricted either because the plant itself is a pest, or because the plant may be a host to pests like insects or pathogens.

The purpose of this Act is to, among other things:

- (1) Allow the department of agriculture to regulate or prohibit the sale in Hawaii of specific plants designated as restricted plants;
- (2) Allow the importation of noxious weeds only for research, by permit, and prohibit the sale of noxious weeds in the State; and
- (3) Clarify that plants can be placed on the restricted-plant list because the plant itself may be detrimental or potentially harmful to agriculture, horticulture, the environment, or animal or public health.

SECTION 2. Section 150A-6.1, Hawaii Revised Statutes, is amended to read as follows:

“§150A-6.1 Plant import. (a) The board shall maintain a list of restricted plants that require a permit for entry into the State. Restricted plants or any portion thereof shall not be imported into the State without a permit issued pursuant to rules.

(b) The department shall designate, by rule, as restricted plants, specific plants that may be detrimental or potentially harmful to agriculture, horticulture, the environment, or animal or public health, or that spread or may be likely to spread an infestation or infection of an insect, pest, or disease that is detrimental or potentially harmful to agriculture, horticulture, the environment, or animal or public health. In addition, plant species designated by rule as noxious weeds are designated as restricted plants.

(c) The department may regulate or prohibit the sale of specific plants on the list of restricted plants by rule.

(d) Noxious weeds may be imported only for research, by permit, and shall not be offered for sale or sold in the State.

~~[(e)]~~ (e) No person shall import, offer for sale, or sell within the State any plant or propagative portion of *Salvinia molesta* or *Salvinia minima* and [~~pistia~~] *Pistia stratiotes* [~~plants or portion thereof within the State~~].”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 28, 2008.)