

ACT 128

H.B. NO. 1684

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 the unchecked spread of invasive species is one of the greatest threats to Hawaii's economy, natural environment, and the health and lifestyle of Hawaii's people. Invasive pests can cause millions of dollars in crop losses, the extinction of native species, the destruction of na-

tive forests, the spread of disease, and the quarantine of exported agricultural crops.

Despite ongoing efforts to detect and eradicate invasive species, Hawaii's fragile island ecosystems are constantly at risk from insects, disease-bearing organisms, weeds, and other invasive pests. The coqui frog, giant salvinia, miconia, ohia rust, nettle caterpillar, and little fire ant are all present in Hawaii, disrupting the delicate balance of Hawaii's ecosystems, crowding out native species, and reducing the biodiversity of the islands. Other harmful species like the papaya mealybug, erythrina gall wasp, Asian citrus psyllid, and the varroa mite have the potential to devastate Hawaii's environment and agriculture if allowed to become widespread and remain unchecked by natural predators.

The purpose of this Act is to prevent and reduce the intentional introduction and spread of invasive species by establishing and revising penalties appropriate to the harm to the economy, natural environment, and the health and lifestyle of Hawaii's people caused by the intentional introduction and spread of such pests.

SECTION 2. Section 150A-14, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (b) and (c) to read:

"(b) Any person who violates section 150A-5 shall be guilty of a petty misdemeanor and fined not less than \$100 and not more than \$10,000; \$50 and not more than \$5,000. For a second ~~[violation]~~ offense committed within five years of a prior ~~[violation,]~~ offense, the person may be fined not less than ~~[\$500]~~ \$250 and not more than ~~[\$25,000.]~~ \$15,000.

(c) ~~[Notwithstanding section 706-640:~~

~~(1)]~~ Any person ~~[or organization that violates]~~ who:

(1) Violates section 150A-6(3) or 150A-6(4), or owns or intentionally transports, possesses, harbors, transfers, or causes the importation of any snake or other prohibited animal seized under section 150A-7(b), or whose violation involves an animal that is prohibited or a plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a misdemeanor and subject to a fine of not less than \$5,000, but not more than \$20,000; ~~[and]~~

(2) ~~[Any person or organization who intentionally]~~ Intentionally transports, harbors, or imports with the intent to propagate, sell, or release any animal that is prohibited or any plant, animal, or microorganism that is restricted, without a permit, shall be guilty of a class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000~~[-]; or~~

(3) Intentionally imports, possesses, harbors, transfers, or transports, including through interisland or intraisland movement, with the intent to propagate, sell, or release, any pest designated by statute or rule, unless otherwise allowed by law, shall be guilty of a class C felony and subject to a fine of not less than \$50,000, but not more than \$200,000."

2. By amending subsection (g) to read:

"(g) For purposes of this section, "intent to propagate" shall be presumed when the person ~~[or organization]~~ in question is found to possess, transport, harbor, or import:

(1) Any two or more animal specimens of the opposite sex that are prohibited or restricted, without a permit~~[-]~~, or are a pest designated by statute or rule;

- (2) Any three or more animal specimens of either sex that are prohibited or restricted, without a permit, or are a pest designated by statute or rule;
- (3) Any plant or microorganism having the inherent capability to reproduce and that is restricted, without a permit; or
- (4) Any specimen that is in the process of reproduction.”

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 May 20, 2010.)