

ACT 190

S.B. NO. 330

A Bill for an Act Relating to Invasive Species Prevention.

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

SECTION 1. The legislature finds that diversifying and strengthening the State's agricultural sector is a high priority. Citrus, including oranges, limes, tangelos, and grapefruit, is increasingly being planted in the State, particularly on Maui. According to the United States Department of Agriculture (USDA) National Agricultural Statistics Service, the production of citrus crops in the State increased from 347,610 pounds in 2018 to 940,770 pounds in 2021. The legislature wants to protect and promote citrus crops as production continues to increase and as pest and disease pressure in major citrus-producing states hamper production.

The legislature further finds that the federal and state governments must work cooperatively to prevent the spread of pests and diseases that impact crops, including citrus. When a pest or disease of high concern is discovered infesting a crop or is being moved with a particular commodity, the USDA may establish a quarantine on that infested crop or commodity to prevent the movement of invasive pests or diseases from an infested area to a non-infested area.

The legislature also finds that citrus crops around the world are threatened by serious diseases and pests, including huanglongbing (citrus greening), citrus canker, citrus black spot, and many species of fruit flies. Citrus greening is the most serious citrus disease as there is no cure, the fruit of infected trees never mature, and infected trees die within a few years. The disease has devastated millions of acres of citrus crops around the world. In the United States, it is currently found in Alabama, California, Florida, Georgia, Louisiana, Mississippi, Puerto Rico, South Carolina, Texas, and the United States Virgin Islands. Hawaii is one of the very few citrus-producing states that remains free of citrus greening.

The legislature additionally finds that the USDA establishes and updates areas and items that are quarantined and not allowed to be moved interstate to prevent the spread of diseases and pests, including those affecting citrus.

The legislature further finds that the Hawaii department of agriculture restricts the importation of many citrus species from Puerto Rico and parts of south Florida to protect against Caribbean fruit flies. However, these restrictions were last updated in 1981 and are not sufficient to protect citrus crops in the State today.

The legislature also finds that federal USDA inspectors do not inspect items coming into Hawaii from other states, and when commodities from quarantined areas arrive in the State, the department of agriculture does not have the legal authority to enforce federal quarantines. Therefore, while the USDA quarantines are established to protect the State from potentially devastating invasive pests and diseases, there is no mechanism to enforce them in the State.

The legislature finds that authorizing inspectors of the department of agriculture to enforce federal pest and disease quarantines will close this gap in the State's biosecurity.

Therefore, the purpose of this Act is to authorize the department of agriculture to enforce federal quarantines to prevent the introduction of invasive pests and diseases into the State.

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

“§150A- Federal and state quarantines; enforcement; cooperative agreements. (a) The department may enter into cooperative agreements with the United States Department of Agriculture and other federal, state, or county agencies to assist in the enforcement of federal quarantines. The department may seize, destroy, or require treatment of articles moved from a federally regulated area if the articles were not moved in accordance with the federal quarantine rules or, if certified, the articles were found to be infested with the pest.

(b) Interstate shipments for entry into this State shall be subject to the following:

- (1) A regulated or restricted article shall not enter this State if it is prohibited from interstate movement pursuant to a federal quarantine; or
- (2) The owner or carrier of regulated or restricted articles that are reportedly originating in nonregulated areas of a quarantined state shall provide proof of origin of the regulated or restricted articles through a waybill, or other shipping document, unless otherwise required in title 7 Code of Federal Regulations part 301.

(c) As used in this section:

“Federal quarantine” means a regulatory action imposed by the federal government, including the United States Department of Agriculture or the Animal and Plant Health Inspection Service, to prevent the introduction, spread, or dissemination of pests in the United States.

“Quarantined state” means any state or any portion thereof, designated as a quarantined area in accordance with any federal regulation or order of the United States Secretary of Agriculture or the Administrator of the Animal and Plant Health Inspection Service.

“Regulated or restricted article” means any article identified as a regulated article by the Secretary of the United States Department of Agriculture or the Administrator of the Animal and Plant Health Inspection Service.

“State” means any of the several states of the United States, the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 6, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.