
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 agriculture and
2 conservation interests in the state are fighting to slow the
3 invasion of alien species that are spreading from residential
4 and commercial settings into agricultural areas and native
5 forests.

6 Under section 150A-6.1, Hawaii Revised Statutes, the
7 department of agriculture is responsible for maintaining a list
8 of restricted plants. The department is currently in the
9 process of updating its restricted-plant list pursuant to this
10 section. Under chapter 152, Hawaii Revised Statutes, the
11 department of agriculture is responsible for designating certain
12 plant species as noxious weeds and is required to publish and
13 provide a list of designated noxious weeds to interested
14 persons. Although these statutory provisions allow the
15 department of agriculture to restrict the import of and control
16 listed plants, neither provision actually makes it unlawful to
17 cultivate and sell plants that are on the restricted-plant or
18 noxious-weed lists.



1 The legislature finds that to help prevent further
2 introductions of invasive species to the state, the statutory
3 provisions authorizing the creation of the restricted-plant list
4 and the noxious-weed list need to be amended to restrict the
5 sale of plants on these lists. In addition, the restricted-
6 plant provisions need to be clarified to recognize that the
7 plants themselves can be pests as well as hosts to pests like
8 insects or pathogens.

9 The purpose of this Act is to:

10 (1) Prohibit the sale in Hawaii of plants designated as
11 restricted plants or noxious weeds; and

12 (2) Clarify that plants can be placed on the restricted-
13 plant list because the plants themselves may be pests
14 or may be hosts to pests.

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

17 "**§150A-6.1 Plant import.** (a) The board shall maintain a
18 list of restricted plants that require a permit for entry into
19 the [~~State.~~] state. Restricted plants or any portion thereof
20 shall not be imported into, offered for sale, or sold in the
21 [~~State~~] state without a permit issued pursuant to rules.



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

9 (c) No person shall import, offer for sale, or sell any
10 *Salvinia molesta* or *Salvinia minima* and [~~pistia~~] Pistia
11 stratiotes plants or portion thereof within the [~~State.~~] state."

12 SECTION 3. Section 152-3, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§152-3 Prohibited acts.** No person shall offer for sale
15 or sell within the state any noxious weed or any portion
16 thereof. It shall be unlawful to introduce or to transport
17 specific noxious weeds or their seeds or vegetative reproductive
18 parts into any area designated pursuant to section 152-5 as free
19 or reasonably free of those noxious weeds; provided that the
20 introduction or transportation of those noxious weeds may be
21 permitted for educational or research purposes when authorized
22 by a permit issued by the department."



Report Title:

Invasive species; Restricted plants; Noxious weeds

Description:

Prohibits the sale of plants designated as restricted plants or noxious weeds.

