

JAN 18 2008

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# 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 organizations in the State are fighting to slow  
3 down the invasion of alien species that are spreading from home  
4 and commercial landscapes into agricultural areas and native  
5 forests.

6           Under section 150A-6.1, Hawaii Revised Statutes, the  
7 department of agriculture is required to maintain a list of  
8 restricted plants that require a permit for entry into the  
9 State. The department is currently in the process of updating  
10 its restricted plant list pursuant to that section of law.

11 Under chapter 152, Hawaii Revised Statutes, the department of  
12 agriculture is responsible for establishing criteria and  
13 procedures for the designation of plant species as noxious  
14 weeds, and is required to publish and make available a list of  
15 noxious weeds to interested persons. While these statutory  
16 provisions provide restrictions on the importation and control



1 of designated restricted plants, restrictions are not provided  
2 for the sale of designated restricted plants.

3 The legislature further finds that to help prevent further  
4 introductions of invasive species in the State, additional  
5 restrictions are needed to prevent the sale of plants designated  
6 on the restricted plant or noxious weed list. Additionally,  
7 further clarification is necessary to recognize that designated  
8 restricted plants can be pests or can be hosts for pests such as  
9 insects or pathogens.

10 The purpose of this Act is to prohibit the sale of plants  
11 designated as restricted plants or noxious weeds in Hawaii  
12 without a permit, and provide recognition that designated  
13 restricted plants can be pests or can be hosts for pests.

14 SECTION 2. Section 150A-6.1, Hawaii Revised Statutes, is  
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) The board shall maintain a list of restricted plants  
17 that require a permit for entry into the State. Restricted  
18 plants or any portions thereof shall not be imported into or  
19 offered for sale or sold in the State without a permit issued  
20 pursuant to rules.

21 (b) The department shall designate, by rule, as restricted  
22 plants, specific plants that may be detrimental or potentially



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

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

9 "**§152-3 Prohibited acts.** (a) It shall be unlawful to  
10 introduce or to transport specific noxious weeds or their seeds  
11 or vegetative reproductive parts into any area designated  
12 pursuant to section 152-5 as free or reasonably free of those  
13 noxious weeds; provided that the introduction or transportation  
14 of those noxious weeds may be permitted for educational or  
15 research purposes when authorized by a permit issued by the  
16 department.

17 (b) No person shall offer for sale or sell within the  
18 State any noxious weed or any portions thereof without a permit  
19 issued pursuant to rules.

20 (c) Any person who violates any provision of this chapter  
21 or who violates any rule adopted pursuant to this chapter shall  
22 be guilty of a misdemeanor and fined not less than \$100."



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act does not affect rights and duties that  
3 matured, penalties that were incurred, and proceedings that were  
4 begun, before its effective date.

5 SECTION 6. This Act shall take effect upon its approval.

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**Report Title:**

Invasive Species; Restricted Plants; Noxious Weeds

**Description:**

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

