
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
17 of plants designated restricted, restrictions are not provided



1 for the sale of these restricted plants, which include noxious
2 weeds.

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 allow the department of
11 agriculture to prohibit the sale of plants designated as
12 restricted plants, prohibit the sale of noxious weeds in the
13 State, and to recognize that designated restricted plants can be
14 pests or can be hosts for 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. Restricted plants or any portion thereof shall not
20 be imported into the State without a permit issued pursuant to
21 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
4 infestation or infection of an insect, pest, or disease that is
5 detrimental or potentially harmful to agriculture, horticulture,
6 the 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) The department, by rule, may regulate or prohibit the
10 sale of specific plants on the list of restricted plants.

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

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

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 Statutory material to be repealed is bracketed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

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.

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



Report Title:

Invasive Species; Restricted Plants; Noxious Weeds

Description:

Prohibits the sale of plants designated as restricted plants or noxious weeds. (SD1)

