
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 the unchecked spread
2 of invasive species is one of the greatest threats to Hawaii's
3 economy, natural environment, and the health and lifestyle of
4 Hawaii's people. Invasive pests can cause millions of dollars
5 in crop losses, the extinction of native species, the
6 destruction of native forests, the spread of disease, and the
7 quarantine of exported agricultural crops.

8 Despite our ongoing efforts to detect and eradicate
9 invasive species, our fragile island ecosystems are constantly
10 at risk from insects, disease-bearing organisms, weeds, and
11 other invasive pests. The coqui frog, giant salvinia, miconia,
12 ohia rust, nettle caterpillar, and little fire ant are all
13 present in Hawaii, disrupting the delicate balance of our
14 ecosystems, crowding out native species, and reducing the
15 biodiversity of our islands. Other harmful species like the
16 papaya mealybug, erythrina gall wasp, Asian citrus psyllid, and
17 the varroa mite have the potential to devastate Hawaii's



1 environment and agriculture if allowed to become widespread and
2 remain unchecked by natural predators.

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

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

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

12 "(a) Any person who violates any provision of this chapter
13 other than sections 150A-5[~~(2)B~~], ~~150A-5(2)(C)~~, 150A-6(3), and
14 150A-6(4) or who violates any rule adopted under this chapter
15 other than those rules involving an animal that is prohibited or
16 a plant, animal, or microorganism that is restricted, without a
17 permit, shall be guilty of a misdemeanor and fined not less than
18 \$100. The provisions of section 706-640 notwithstanding, the
19 maximum fine shall be \$10,000. For a second offense committed
20 within five years of a prior offense, the person or organization
21 shall be fined not less than \$500 and not more than \$25,000.



1 (b) Any person, including a transportation company, that
2 violates section 150A-5[~~(2)(B)~~ or ~~section 150A-5(2)(C)~~] shall be
3 guilty of a [~~misdemeanor~~] petty misdemeanor and fined not less
4 than \$100. The provisions of section 706-640 notwithstanding,
5 the maximum fine shall be [~~\$10,000.~~] \$5,000. For a second
6 offense committed within five years of a prior offense, the
7 [~~company~~] person may be fined not less than \$500 and not more
8 than [~~\$25,000.~~] \$15,000.

9 (c) Notwithstanding section 706-640:

- 10 (1) Any person or organization that violates section 150A-
11 6(3) or 150A-6(4), or owns or intentionally
12 transports, possesses, harbors, transfers, or causes
13 the importation of any snake or other prohibited
14 animal seized under section 150A-7(b), or whose
15 violation involves an animal that is prohibited or a
16 plant, animal, or microorganism that is restricted,
17 without a permit, shall be guilty of a misdemeanor and
18 subject to a fine of not less than \$5,000, but not
19 more than \$20,000; [~~and~~]
- 20 (2) Any person or organization [~~who~~] that intentionally
21 transports, harbors, or imports with the intent to
22 propagate, sell, or release any animal that is



1 prohibited or any plant, animal, or microorganism that
2 is restricted, without a permit, shall be guilty of a
3 class C felony and subject to a fine of not less than
4 \$50,000, but not more than \$200,000[-]; and

5 (3) Any person or organization that intentionally imports,
6 possesses, harbors, transfers, or transports,
7 including through interisland or intraisland movement,
8 with the intent to propagate, sell, or release any
9 pest designated by statute or rule, unless otherwise
10 allowed by law, shall be guilty of a class C felony
11 and subject to a fine of not less than \$100,000, but
12 not more than \$400,000."

13 2. By amending subsection (g) to read:

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

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



1 (2) Any three or more animal specimens of either sex that
2 are prohibited or restricted, without a permit~~[+]~~, or
3 are a pest designated by statute or rule;

4 (3) Any plant or microorganism having the inherent
5 capability to reproduce and that is restricted,
6 without a permit; or

7 (4) Any specimen that is in the process of reproduction."

8 SECTION 3. Act 101, Session Laws of Hawaii 2008, is
9 amended by repealing section 2.

10 [~~"SECTION 2. Section 150A-14, Hawaii Revised Statutes, is~~
11 ~~amended by amending subsections (a) and (b) as follows:~~

12 ~~"(a) Any person who violates any provision of this chapter~~
13 ~~other than sections 150A-5, 150A-6(3), and 150A-6(4) or who~~
14 ~~violates any rule adopted under this chapter other than those~~
15 ~~rules involving an animal that is prohibited or a plant, animal,~~
16 ~~or microorganism that is restricted, without a permit, shall be~~
17 ~~guilty of a misdemeanor and fined not less than \$100. The~~
18 ~~provisions of section 706-640 notwithstanding, the maximum fine~~
19 ~~shall be \$10,000. For a second offense committed within five~~
20 ~~years of a prior offense, the person or organization shall be~~
21 ~~fined not less than \$500 and not more than \$25,000.~~



1 ~~(b) Any person who violates section 150A-5 shall be fined~~
2 ~~not less than \$100 and not more than \$10,000. For a second~~
3 ~~violation committed within five years of a prior violation, the~~
4 ~~person may be fined not less than \$500 and not more than~~
5 ~~\$25,000."]~~

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2009.



Report Title:

Invasive Species; Penalties

Description:

Prevents and reduces the intentional introduction and spread of invasive species by establishing and revising penalties appropriate to the harm caused by the intentional introduction and spread of invasive species to the economy, natural environment, and the health and lifestyle of Hawaii's people.
(HB1684 HD1)

