
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the safe
2 introduction of plants, non-domestic animals (such as fish,
3 birds, amphibians, and insects), microorganisms, (such as algae,
4 bacteria, fungi, protozoa, and viruses), and soil is managed
5 through permits, letters of authorization, and registrations
6 issued by the department of agriculture.

7 The framework for permit and other approvals was developed
8 with the concept that plants and domestic animals (e.g., cats,
9 dogs, horses, sheep, and cattle) are generally considered
10 desirable and that non-domestic animals (e.g., snakes, tigers,
11 mosquitoes, and piranha) and microorganisms (pathogens) are
12 generally considered undesirable. While mindful of the
13 potential harm that can result from these undesirable
14 introductions, some introductions benefit the state for purposes
15 such as scientific research, commerce, and other important state
16 interests.

17 To determine whether a plant, animal, or microorganism is
18 safe or harmful, the department of agriculture evaluates



1 applications based upon available information, the intended use,
2 and the availability of adequate safeguards and protocols. The
3 department also evaluates the reliability of the responsible
4 individual and the risks and benefits associated with the
5 particular introduction. The evaluation also requires a
6 science-based risk assessment of scientific data with respect to
7 the plant, animal, or microorganism, in a thorough, consistent,
8 and logical manner.

9 The department of agriculture has one permit specialist in
10 each of the fields of plants, insects, land vertebrates, aquatic
11 biota, and microorganisms. Due to the current general fund
12 budget conditions in the state, the department has incurred
13 drastic reductions in the inspection and permitting sections.
14 The reinstatement of twenty-two of the plant inspection
15 positions has temporarily postponed the termination of a portion
16 of the permit section. However, the inspection capacity has
17 dropped to such a low level that the permit specialists must now
18 perform inspections in addition to their permitting duties.

19 The purpose of this Act is to establish fees for the
20 processing of permits and other requests for the importation of
21 plants, animals, and microorganisms into the state to provide



1 stable funding for permit specialists and additional resources
2 to allow more timely processing of permits.

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

6 "§150A- Processing fees for importation and possession
7 requests. (a) There is imposed a fee for the processing of
8 requests for the importation or possession of plants, animals,
9 or microorganisms, that require a permit, letter of
10 authorization, or registration under this chapter. The fee
11 shall be paid in full at the time the request is submitted.

12 (b) The fees collected under this section shall be
13 deposited into the pest inspection, quarantine, and eradication
14 fund established under section 150A-4.5.

15 (c) The fee to process requests for importation and
16 possession shall be as follows:

17 (1) \$ for a permit for a single shipment of
18 restricted plants;

19 (2) \$ for a permit for unlimited shipments occurring
20 within one year of the date of issuance, of restricted
21 plants;



- 1 (3) \$ _____ for a permit for a single shipment of
2 conditionally approved animals;
- 3 (4) \$ _____ for a permit for unlimited shipments occurring
4 within one year of the date of issuance, of
5 conditionally approved animals;
- 6 (5) \$ _____ for a permit for a single shipment of
7 restricted animals that require permits for both
8 importation and possession;
- 9 (6) \$ _____ for a permit for unlimited shipments occurring
10 within one year of the date of issuance, of restricted
11 animals that require permits for both importation and
12 possession;
- 13 (7) \$ _____ for a special permit for an unlisted animal in
14 an emergency or disaster situation or for conducting
15 medical or scientific research;
- 16 (8) \$ _____ for a short-term special permit for an unlisted
17 animal for a film production, performance, or
18 exhibition;
- 19 (9) \$ _____ for a permit for plants, animals, or
20 microorganisms, that require a rule change to change
21 the listing of the organism to allow for its
22 importation or possession;



- 1 (10) \$ _____ for a permit for a single shipment of listed or
2 unlisted microorganisms that require permits for both
3 importation and possession;
- 4 (11) \$ _____ for a permit for unlimited shipments occurring
5 within one year of the date of issuance or within a
6 specified calendar year, of listed or unlisted
7 microorganisms that require permits for both
8 importation and possession;
- 9 (12) \$ _____ for a letter of authorization for import of
10 unlisted microorganisms;
- 11 (13) \$ _____ for an emergency permit of an unlisted
12 microorganism or a microorganism on the list of
13 restricted microorganisms in an emergency or disaster
14 situation;
- 15 (14) \$ _____ for registration to import a microbial product;
16 and
- 17 (15) \$ _____ for registration of a laboratory described in
18 section 150A-6.3(f)(2).
- 19 (d) In addition to any fee under subsection (c), a fee of
20 \$ _____ shall be charged for the expedited processing of a
21 permit, letter of authorization, or registration application.
22 Expedited processing shall take no more than thirty days and



1 shall not be available for permits for plants, animals, or
2 microorganisms that require an amendment to the rules to change
3 the listing of the organism to allow for importation or
4 possession."

5 SECTION 3. Section 150A-4.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§150A-4.5 Pest inspection, quarantine, and eradication
8 fund. (a) There is established in the state treasury the pest
9 inspection, quarantine, and eradication fund, into which shall
10 be deposited:

- 11 (1) Legislative appropriations for inspection, quarantine,
12 and eradication services;
- 13 (2) [~~Service fees~~] Fees, charges, and penalties collected
14 under [~~section~~] sections 150A-5.3 [~~+~~] and 150A-__;
- 15 (3) Federal funds received for pest inspection,
16 quarantine, and eradication programs;
- 17 (4) Grants and gifts;
- 18 (5) All interest earned or accrued on moneys deposited in
19 the fund; and
- 20 (6) Any other moneys made available to the fund.

21 (b) The moneys in the pest inspection, quarantine, and
22 eradication fund shall be expended by the department for the



1 operation of pest inspection, quarantine, eradication,
2 biosecurity, and monitoring programs, related facilities, and
3 the execution of emergency remedial measures when pests are
4 detected in the course of inspection and quarantine activities
5 by the department. The department shall also expend moneys in
6 the fund to:

- 7 (1) Facilitate the processing and issuance of permits;
- 8 (2) Amend lists of plants, animals, and other organisms
9 prohibited or allowed for import;
- 10 (3) Comply with monitoring activities;
- 11 (4) Train personnel and provide educational workshops,
12 materials, and equipment; and
- 13 (5) Accomplish any other purpose deemed necessary to carry
14 out the purposes of part II of this chapter."

15 SECTION 4. Section 150A-6.7, Hawaii Revised Statutes, is
16 repealed.

17 [~~"§150A-6.7 Permit revolving fund. (a) There is~~
18 ~~established in the state treasury a revolving fund to be known~~
19 ~~as the permit revolving fund to be administered by the~~
20 ~~department. The permit revolving fund shall consist of:~~

- 21 ~~(1) Legislative appropriations;~~
- 22 ~~(2) User fees as authorized by rule;~~



1 ~~(3) All interest earned on or accrued to moneys deposited~~
2 ~~in the permit revolving fund;~~

3 ~~(4) Grants and gifts; and~~

4 ~~(5) Any other moneys made available to the permit~~
5 ~~revolving fund from other sources.~~

6 ~~(b) The department shall expend moneys in the permit~~
7 ~~revolving fund to:~~

8 ~~(1) Facilitate the processing and issuance of permits;~~

9 ~~(2) Amend lists of creatures prohibited or allowed for~~
10 ~~import;~~

11 ~~(3) Comply with monitoring activities;~~

12 ~~(4) Train personnel, and provide educational workshops,~~
13 ~~materials, and equipment; and~~

14 ~~(5) For any other purpose deemed necessary to carry out~~
15 ~~the purposes of this part."]~~

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2020.



Report Title:

Department of Agriculture; Plants; Animals; Microorganisms; Fee

Description:

Establishes fees for processing of permits, letters, and the registration of plants, animals, and microorganisms allowed entry into the state. Effective July 1, 2020. (HB2775 HD2)

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