

JAN 17 2014

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 coqui frogs are
2 designated as a pest pursuant to section 141-3, Hawaii Revised
3 Statutes. The legislature also finds that the department of
4 agriculture is participating in a multi-agency campaign to stop
5 the spread of coqui frogs in Hawaii. Since the spread of coqui
6 frogs is associated with the movement of household potted plants
7 and leaf litter, one way to control the movement and growth of
8 the coqui frog population is to eradicate them before the sale
9 or transport of nursery stock that may contain pests such as
10 coqui frogs.

11 The purpose of this Act is to require owners or persons in
12 charge or in possession of certified and non-certified nursery
13 stock to properly treat plants for the eradication of pests
14 before the sale or transport of the nursery stock within the
15 State or intransland.

16 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is
17 amended by adding a new section to part III to be appropriately
18 designated and to read as follows:



1 "§150A- Nursery stock treatment requirements. All
2 certified and non-certified nursery stock shall be properly
3 treated for the eradication of pests designated in section 141-3
4 before the sale or transport of the stock from one island to
5 another island within the State or from one locality to another
6 on the same island. Nurseries or landscapers shall eradicate
7 nursery stock from all infested properties where proof of sale
8 or placement has been made. If proof of sale is not documented,
9 owners or persons who have knowledge of pest infestation on
10 their property must take appropriate measures to begin and
11 maintain eradication efforts. Any expense or loss in connection
12 with eradication efforts shall be borne by the owner or the
13 owner's agent."

14 SECTION 3. Section 150A-6.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§150A-6.5 Animals; prohibition against possession, etc.;**
17 **exception.** No person shall possess, propagate, sell, transfer,
18 or harbor any animal included on the list of prohibited animals
19 maintained by the board, except upon a determination that the
20 species:



1 (1) (A) Was initially permitted entry and later
2 prohibited entry into the State[+] for the sole
3 purpose of scientific research; or

4 [+2+] (B) Was continually prohibited but unlawfully
5 introduced and is currently [~~established in the~~
6 ~~State~~] under scientific research; and

7 [+3+] (2) Is not significantly harmful to agriculture,
8 horticulture, or animal or public health, and the
9 environment.

10 Under the circumstances described in this [+]section[+], the
11 board may permit possession of the individual animal through its
12 registration with the department while still prohibiting the
13 same species of animal from importation, propagation, transfer,
14 and sale."

15 SECTION 4. Section 150A-14, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 "(c) Any person who:

18 (1) Violates section 150A-6(3) or 150A-6(4) [7] with gross
19 negligence, or owns [~~or intentionally~~], transports,
20 possesses, harbors, transfers, or causes the
21 importation of any snake or other prohibited animal
22 seized under section 150A-7(b), or whose violation



1 involves an animal that is prohibited or a plant,
2 animal, or microorganism that is restricted, without a
3 permit, shall be guilty of a misdemeanor and subject
4 to a fine of not less than \$5,000, but not more than
5 \$20,000;

6 (2) [~~Intentionally transports,~~] Transports, harbors, or
7 imports [~~with the intent to propagate, sell, or~~
8 ~~release~~] any animal that is prohibited or any plant,
9 animal, or microorganism that is restricted, without a
10 permit, shall be guilty of a class C felony and
11 subject to a fine of not less than \$50,000, but not
12 more than \$200,000; or

13 (3) [~~Intentionally imports,~~] Imports, possesses, harbors,
14 transfers, or transports, including through
15 interisland or intransland movement, [~~with the intent~~
16 ~~to propagate, sell, or release,~~] any pest designated
17 by statute or rule, unless otherwise allowed by law,
18 shall be guilty of a class C felony and subject to a
19 fine of not less than \$50,000, but not more than
20 \$200,000."

21 SECTION 5. Section 150A-22, Hawaii Revised Statutes, is
22 amended to read as follows:



1 " ~~§150A-22~~ Responsibility for treatment. Any
 2 treatment of certified and non-certified nursery stock which may
 3 be required under the provisions of law shall be at the risk and
 4 at the expense of the owner or persons in charge or in
 5 possession thereof at the time of treatment, unless otherwise
 6 provided."

7 SECTION 6. This Act does not affect rights and duties that
 8 matured, penalties that were incurred, and proceedings that were
 9 begun before its effective date.

10 SECTION 7. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: Josh Green ms

by request

Paul R. [Signature]

Phil R. [Signature]

Erzanne Chun Oakland

S.B. NO. 2347

Report Title:

Pests; Treatment of Nursery Stock; Penalty

Description:

Requires nursery stock to be treated for the eradication of pests before the sale or transport of the nursery stock from one island to another island within the State or intraisland. Limits the exception to possess, propagate, sell, transfer, or harbor prohibited animals to those being used for scientific research. Eliminates the element of intent from the penalty for owning, possessing, harboring, transferring, and importing prohibited animals and pests.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

