
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. (a)

2 Nursery stock infested with little fire ants, coqui frog, or any
3 other pest designated pursuant to section 141-3 for control or
4 eradication shall not be sold or transported from one island to
5 another island within the State or from one locality to another
6 on the same island unless the nursery stock has been subjected
7 to appropriate treatment that exterminates the pest. This
8 requirement shall apply whether the nursery stock is from a
9 certified or non-certified nursery.

10 (b) Nurseries or landscapers who fail to treat their
11 nursery stock in accordance with subsection (a) prior to
12 transport shall be responsible for appropriate treatment at
13 their own expense to exterminate the pest from:

14 (1) Nursery stock on infested properties where proof of
15 sale or placement of their nursery stock has been
16 made; and

17 (2) Any other nursery stock on the affected properties
18 that has been infested by the transported nursery
19 stock.

20 (c) For purposes of subsection (b)(1), if proof of sale or
21 placement is not documented, persons with knowledge of pest
22 infestation on their property shall take and maintain



1 appropriate pest control and extermination measures at their own
2 expense.

3 (d) Nurseries or landscapers with knowledge of pest
4 infestation on their properties shall take and maintain vigilant
5 and appropriate control and extermination measures on their
6 property against any pest designated pursuant to section 141-3
7 and shall bear the expense of these efforts."

8 SECTION 3. Section 150A-14, Hawaii Revised Statutes, is
9 amended by amending subsection (c) to read as follows:

10 "(c) Any person who:

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

21 (2) [~~Intentionally transports,~~] Transports, harbors, or
22 imports [~~with the intent to propagate, sell, or~~



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

6 (3) [~~Intentionally imports,~~] Imports, possesses, harbors,
 7 transfers, or transports, including through
 8 interisland or intraisland movement, [~~with the intent~~
 9 ~~to propagate, sell, or release,~~] any pest designated
 10 by statute or rule, unless otherwise allowed by law,
 11 shall be guilty of a class C felony and subject to a
 12 fine of not less than \$50,000, but not more than
 13 \$200,000."

14 SECTION 4. Section 150A-22, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 "~~[+]§150A-22[+]~~ **Responsibility for treatment.** Any
 17 treatment of certified and non-certified nursery stock which may
 18 be required under the provisions of law shall be at the risk and
 19 at the expense of the owner or persons in charge or in
 20 possession thereof at the time of treatment, unless otherwise
 21 provided."

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

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

6 SECTION 7. This Act shall take effect upon its approval.



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. Requires an element of gross negligence, rather than intent, for a violation of section 150A-6(3) or (4), Hawaii Revised Statutes, relating to the importation, possession, or transportation of certain animals, plants, or equipment that is harmful to agriculture, horticulture, animals, public health, or natural resources. Eliminates the element of intent to propagate, sell, or release from the penalty for transporting, harboring, or importing prohibited animals or restricted plants, animals, or microorganisms without a permit and from the penalty for importing, possessing, harboring, transferring, or transporting any designated pest. (SD1)

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