
A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 **PART I**

2 SECTION 1. The legislature finds that coqui frogs are
3 designated as a pest pursuant to section 141-3, Hawaii Revised
4 Statutes. The legislature also finds that the department of
5 agriculture is participating in a multi-agency campaign to stop
6 the spread of coqui frogs in Hawaii. Since the spread of coqui
7 frogs and other pests are associated with the movement of
8 household potted plants and leaf litter, one way to control the
9 movement and growth of the coqui frog population is to eradicate
10 them before the sale or transport of nursery stock that may
11 contain pests such as coqui frogs.

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



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

4 "§150A- Nursery stock treatment requirements. (a)
5 Nursery stock infested with little fire ants, coqui frog, or any
6 other pest designated pursuant to section 141-3 for control or
7 eradication shall not be sold or transported from one island to
8 another island within the State or from one locality to another
9 on the same island unless the nursery stock has been subjected
10 to appropriate treatment in accordance with management plans
11 developed by the department pursuant to part of this
12 chapter. This requirement shall apply whether the nursery stock
13 is from a certified or non-certified nursery.

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

18 (1) Nursery stock on infested properties where proof of
19 sale or placement of their nursery stock has been
20 made; and



1 (2) Any other nursery stock on the affected properties
2 that has been infested by the transported nursery
3 stock.

4 (c) For purposes of subsection (b) (1), if proof of sale or
5 placement is not documented, persons with knowledge of pest
6 infestation on their property shall take and maintain
7 appropriate pest control and extermination measures at their own
8 expense.

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

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

16 "(c) Any person who:

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



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

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

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

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



1 " [H] §150A-22 [H] 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 PART II

8 SECTION 5. The legislature finds that immediate action is
9 needed to further protect Hawaii from the movement of invasive
10 species between islands.

11 Through Act 85, Session Laws of Hawaii 2003, the
12 legislature recognized the silent invasion of Hawaii by alien
13 invasive species as the single greatest threat to Hawaii's
14 economy, natural environment, and the health and lifestyle of
15 Hawaii's people and visitors.

16 The legislature further finds that the State has spent
17 millions of dollars to control the invasive coqui frog, but
18 control efforts were too late to stop its spread across the
19 island of Hawaii, where it now infests hundreds of thousands of
20 acres, affecting tourism revenues, property values, residents'
21 quality of life, and the environment. The coqui frog has been
22 eradicated from Kauai and eradicated from most of the infested



1 sites on Maui; however, the frog continues to be transported to
2 islands via shipments of landscape materials from infested
3 nurseries and plant providers on the island of Hawaii. Some
4 businesses on the other islands have become "revolving doors"
5 for the reintroduction of coqui frogs, requiring constant
6 expenditure of human and financial resources to detect and
7 control new introductions. Each year, the department of
8 agriculture and local invasive species committees respond to
9 hundreds of new reports of coqui frogs. Coqui frogs have been
10 detected in shipments of plant materials to Molokai on at least
11 four different occasions. Equipment and vehicles may also
12 vector coqui frogs to new locations.

13 The non-native little fire ant is widespread in the Hilo
14 area and has now been detected in Waipio valley and Kona coffee
15 farms. This little fire ant causes blindness in pets and
16 livestock and threatens ground-nesting wildlife, agricultural
17 production, and human health. The little fire ant has been
18 successfully contained to one location on Kauai and almost
19 eradicated from Maui, but it is known to be moving in inter-
20 island commerce. In December 2013, the little fire ant was
21 detected at several nurseries on Oahu and Maui on hapu'u tree
22 ferns, and as a result, now appears to be established at several



1 locations on Oahu. The little fire ant can be moved via plants,
2 cut flowers, fruit, soil, sand, equipment, and vehicles.

3 The legislature further finds that the constant
4 reintroduction of these and other harmful and highly invasive
5 species creates an unfair financial burden on islands where such
6 pests are not known to occur or where active detection and
7 control operations exist. The continued reintroduction of
8 invasive species threatens to undermine or destroy ongoing
9 efforts to keep such pests from becoming established. Existing
10 law prohibits the movement of pest species inter-island and
11 authorizes the department of agriculture to inspect and
12 quarantine any infested materials. However, the department
13 lacks adequate inspection capability, and some pests, such as
14 the little fire ant and coqui frog, are exceptionally difficult
15 to detect.

16 The purpose of this part is to establish an affirmative
17 responsibility on the consignor of any landscape material or
18 products, agricultural goods, construction materials, equipment,
19 vehicles, soil, or sand to prevent the movement of coqui frogs,
20 little fire ants, and other species designated by the department
21 of agriculture.



1 SECTION 6. Chapter 150A, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . RESTRICTIONS ON INTRASTATE MOVEMENT OF REGULATED
5 ARTICLES

6 §150A- Restrictions on intrastate movement of regulated
7 articles. No person shall move any regulated article intrastate
8 from any quarantined area except in accordance with this part.

9 §150A- Definitions.

10 "Certificate" means a document in which an inspector
11 affirms that a specified regulated article meets the
12 requirements of this part and may be moved intrastate.

13 "Compliance agreement" means a written agreement between
14 the department and a person engaged in growing, handling, or
15 moving regulated articles that are moved intrastate, in which
16 the person agrees to comply with this part and any conditions
17 imposed under this part.

18 "Coqui frog" means living frogs of the species
19 *Eleutherodactylus coqui*.

20 "Infestation" means any island where little fire ant
21 colonies, coqui frog colonies, or any other species as
22 designated by the department, are present on more than twenty-



1 five acres and no active control or containment efforts are
2 underway.

3 "Limited permit" means a document in which an inspector
4 affirms that a specified regulated article not eligible for a
5 certificate is eligible for intrastate movement only to a
6 specified destination and in accordance with conditions
7 specified on the permit.

8 "Little fire ant" means living ants of the species
9 *Wasmannia auropunctata*.

10 "Management plan" means a plan prepared by the department
11 that includes acceptable treatment options for infestations of
12 the little fire ant, coqui frog, or any other species designated
13 by the department.

14 "Movement" or "moved" means the act of shipping,
15 transporting, delivering, or receiving for movement, or
16 otherwise aiding, abetting, inducing, or causing to be moved.

17 "Non-compacted soil" means soil that can be removed from an
18 article by brisk brushing or washing with water under normal
19 water pressure.

20 "Reproducing colony" means:



1 (1) A combination of one or more little fire ant workers
2 and one or more of the following immature little fire
3 ant forms:

- 4 (A) Eggs;
- 5 (B) Larvae; or
- 6 (C) Pupae;

7 (2) A male and female coqui frog or a male coqui frog and
8 coqui frog eggs; or

9 (3) Other forms or species designated by the department.

10 "Soil-moving equipment" means equipment used for moving or
11 transporting soil, including but not limited to bulldozers, dump
12 trucks, or road scrapers.

13 **§150A- Regulated articles.** The following are regulated
14 articles:

- 15 (1) Little fire ant queens and reproducing colonies of
16 little fire ants;
- 17 (2) Coqui frogs and reproducing colonies of coqui frogs;
- 18 (3) Baled hay and baled straw stored in direct contact
19 with the ground;
- 20 (4) Non-propagated material related to agriculture,
21 including but not limited to:
22 (A) Compost;



- 1 (B) Mulch; or
- 2 (C) Fertilizer;
- 3 (5) Used soil-moving equipment, unless removed of all non-
- 4 compacted soil; and
- 5 (6) Any other article or means of conveyance that an
- 6 inspector determines presents a risk of spreading the
- 7 little fire ant, coqui frog, or any other species
- 8 designated by the department due to its proximity to
- 9 an infestation of the little fire ant, coqui frog, or
- 10 the designated species.

11 **§150A- Quarantined areas.** (a) The department shall
12 quarantine each portion of the State that is infested.

13 (b) Less than an entire island may be listed as a
14 quarantined area only if the department determines that:

15 (1) The county of which the island is a part has adopted
16 and is enforcing restrictions on the intrastate
17 movement of the regulated articles listed in this part
18 that are equivalent to the restrictions on intrastate
19 movement imposed by this part; and

20 (2) Designating less than the entire island as a
21 quarantined area will prevent the spread of the little

1 fire ant, coqui frog, or any other species designated
2 by the department.

3 (c) The department may include uninfested acreage within a
4 quarantined area due to its proximity to an infestation or
5 inseparability from the infested locality for quarantine
6 purposes, as determined by:

7 (1) Projections of the spread of little fire ants, coqui
8 frogs, or any other species designated by the
9 department around the periphery of the infestation, as
10 determined by previous years' surveys;

11 (2) Availability of natural habitats and host materials,
12 within the uninfested acreage, suitable for
13 establishment and survival of populations of the
14 little fire ant, coqui frog, or any other species
15 designated by the department; and

16 (3) Necessity of including uninfested acreage within the
17 quarantined area in order to establish readily
18 identifiable boundaries.

19 (d) The department or an inspector may temporarily
20 designate any non-quarantined area as a quarantined area in
21 accordance with the criteria specified in subsections (a), (b),
22 and (c). The department shall give written notice of this



1 designation to the owner or person in possession of the non-
2 quarantined area, or, in the case of publicly owned land, to the
3 person responsible for the management of the non-quarantined
4 area; thereafter, the intrastate movement of any regulated
5 article from an area temporarily designated as a quarantined
6 area is subject to this section. As soon as practicable, either
7 this area shall be added to the list of designated quarantined
8 areas in subsection (e), or the department shall terminate the
9 designation. The department shall give written notice of the
10 termination as soon as practicable to the owner or person in
11 possession of, or, in the case of publicly owned land, the
12 person responsible for the management of, an area for which the
13 designation is terminated.

14 (e) The designated quarantined areas include the county of
15 Hawaii.

16 **§150A- Intrastate movement of regulated articles from**
17 **quarantined areas.** (a) Any regulated article shall be moved
18 intrastate from a quarantined area into or through a non-
19 quarantined area under the following conditions:

20 (1) With a certificate or limited permit issued and
21 attached in accordance with this part;

- 1 (2) Without a certificate or limited permit; provided that
- 2 each of the following conditions is met:
- 3 (A) The regulated article was moved into the
- 4 quarantined area from an area that was non-
- 5 quarantined at the time the regulated article was
- 6 taken;
- 7 (B) The point of origin is indicated on a waybill
- 8 accompanying the regulated article;
- 9 (C) The regulated article is moved through the
- 10 quarantined area without stopping except for
- 11 refueling, or for traffic conditions, such as
- 12 traffic lights or stop signs, or has been stored,
- 13 packed, or parked in locations inaccessible to
- 14 the little fire ant, coqui frog, or any other
- 15 species designated by the department, or in
- 16 locations that have been treated in accordance
- 17 with management plans under this part prepared by
- 18 the department, while in or moving through any
- 19 quarantined area; and
- 20 (D) The article has not been combined or commingled
- 21 with other articles so as to lose its individual
- 22 identity; or



1 (3) Without a certificate or limited permit; provided that
2 the regulated article is a soil sample being moved to
3 a laboratory approved by the department to process,
4 test, or analyze soil samples.

5 (b) Any treatments shall be in accordance with management
6 plans developed by the department.

7 §150A- Issuance of a certificate or limited permit. (a)
8 An inspector may issue a certificate for the intrastate movement
9 of a regulated article approved under a compliance agreement if
10 it determines that the regulated article:

- 11 (1) Is eligible for unrestricted movement under all other
12 applicable domestic plant quarantine regulations;
- 13 (2) Is to be moved intrastate in compliance with any
14 additional conditions deemed necessary under state law
15 to prevent the spread of the little fire ant, coqui
16 frog, or any other species designated by the
17 department; and

- 18 (3) Meets at least one of the following criteria:
 - 19 (A) Is free of infestations of the little fire ant,
20 coqui frog, or any other species designated by
21 the department, based on the individual's visual
22 examination of the article;



- 1 (B) Is grown, produced, manufactured, stored, or
2 handled in a manner that would prevent
3 infestation or would destroy all life stages of
4 the little fire ant or coqui frog;
- 5 (C) Is treated in accordance with department
6 management plans developed under this part; or
- 7 (D) If the article is containerized nursery stock,
8 has been produced in accordance with requirements
9 established under management plans developed
10 under this part.

11 (b) An inspector shall issue blank certificates to a
12 person operating under a compliance agreement in accordance with
13 this part or authorize reproduction of the certificates on
14 shipping containers, or both, as requested by the person
15 operating under the compliance agreement. These certificates
16 may then be completed and used, as needed, for the intrastate
17 movement of regulated articles that have met all of the
18 requirements of subsection (a).

19 (c) An inspector may issue a limited permit for the
20 intrastate movement of a regulated article not eligible for a
21 certificate if the inspector determines that the regulated
22 article:



- 1 (1) Is to be moved intrastate to a specified destination
2 for specified handling, utilization, or processing,
3 where the destination and other conditions are listed
4 in the limited permit, and this intrastate movement
5 will not result in the spread of the little fire ant,
6 coqui frog, or other species designated by the
7 department because the little fire ant, coqui frog, or
8 other species will be destroyed by the specified
9 handling, utilization, or processing; and
- 10 (2) Is to be moved intrastate in compliance with any
11 conditions that the department may impose under this
12 part to prevent the spread of the little fire ant,
13 coqui frog, or other species designated by the
14 department.

15 **§150A- Compliance agreements.** (a) The department shall
16 develop and implement a comprehensive and effective inter-island
17 quarantine program, including the use of compliance agreements
18 patterned after the United States Department of Agriculture's
19 animal plant health inspection service as set forth in title 7
20 Code of Federal Regulations section 301.81.

21 (b) Any person who grows, handles, or moves regulated
22 articles intrastate may enter into a compliance agreement if the



1 person reviews each stipulation of the compliance agreement with
2 an inspector, has facilities and equipment to carry out
3 disinfestation procedures or application of chemical materials
4 in accordance with management plans developed under this part,
5 and meets applicable state training and certification standards.
6 Any person who enters into a compliance agreement with the
7 department shall agree to comply with this part and any
8 conditions imposed under this part.

9 **§150A- Cancellation of a certificate, limited permit, or**
10 **compliance agreement.** An inspector may cancel, orally or in
11 writing, any certificate, limited permit, or compliance
12 agreement whenever the inspector determines that the holder of
13 the certificate or limited permit, or the person who has entered
14 into the compliance agreement, has not complied with this part
15 or any conditions imposed under this part. If the cancellation
16 is oral, the cancellation shall become effective immediately and
17 the cancellation and reasons for the cancellation shall be
18 confirmed in writing as soon as circumstances allow but within
19 twenty days after oral notification of the cancellation. Any
20 person whose certificate, limited permit, or compliance
21 agreement has been canceled may appeal the decision, in writing,
22 within ten days after receipt of the written cancellation



1 notice. The appeal shall state all of the facts and reasons the
2 department should consider in deciding the appeal. A hearing
3 may be held to resolve any conflict as to any material fact.
4 The department shall adopt rules for the hearing in accordance
5 with chapter 91. As soon as practicable, the department shall
6 grant or deny the appeal, in writing, stating the reasons for
7 the decision.

8 **§150A- Assembly and inspection of regulated articles.**

9 (a) Persons requiring certification or other services shall
10 coordinate the services with an inspector at least forty-eight
11 hours before the services are needed.

12 (b) The regulated articles shall be assembled at the place
13 and in the manner the inspector determines is necessary to
14 comply with this part.

15 **§150A- Attachment and disposition of certificates and**
16 **limited permits.** (a) Any person transporting a regulated
17 article intrastate shall ensure that the certificate or limited
18 permit authorizing intrastate movement of the regulated article
19 is, at all times during intrastate movement, attached to:

20 (1) The outside of the container encasing the regulated
21 article;

22 (2) The article itself, if it is not in a container; or



1 (3) The consignee's copy of the accompanying waybill;
2 provided that any description of the regulated article
3 on the certificate or limited permit, and on the
4 waybill, are sufficient to identify the regulated
5 article.

6 (b) The consignor shall furnish the certificate or limited
7 permit authorizing intrastate movement of a regulated article or
8 cause the certificate or limited permit to be furnished to the
9 consignee at the shipment's destination.

10 §150A- Little fire ant and coqui frog detection,
11 control, exclusion, and enforcement program for nurseries
12 producing containerized plants. (a) There is established in
13 the department a little fire ant and coqui frog detection,
14 control, exclusion, and enforcement program for nurseries
15 producing containerized plants. The program is designed to keep
16 nurseries free of the little fire ant and coqui frog, and
17 provide a basis to certify containerized nursery stock for
18 intrastate movement. Nurseries that agree to participate in the
19 program shall operate under a compliance agreement in accordance
20 with this part. Such compliance agreements shall state the
21 specific requirements that a nursery agrees to follow to move
22 plants in accordance with the requirements of the program.



1 Certificates and a nursery identification number may be issued
2 to the nursery for use on shipments of regulated articles.

3 (b) Participating nurseries shall survey their entire
4 premises twice a month for the presence of little fire ants and
5 coqui frogs using protocols established by the department.

6 (c) Participating nurseries shall be inspected by an
7 inspector at least twice per year. More frequent inspections
8 may be necessary depending upon little fire ant or coqui frog
9 infestation levels immediately surrounding the nursery, the
10 thoroughness of nursery management in maintaining a little-fire-
11 ant-free or coqui frog-free premises, and the number of previous
12 detections of little fire ants or coqui frogs in or near
13 containerized plants. Any nurseries determined during nursery
14 inspections to have little fire ant or coqui frog colonies shall
15 be immediately treated to the extent necessary to eliminate the
16 colonies.

17 (d) Under this program, nursery plants that are
18 transported shall originate in a nursery that meets the
19 requirements of this part. Nurseries shall implement a
20 treatment program in accordance with a management plan developed
21 by the department of agriculture. The premises, including
22 growing and holding areas, shall be maintained free of the



1 little fire ant and coqui frog. As part of this treatment
2 program, all exposed soil surfaces, including sod and mulched
3 areas, on property where plants are grown, potted, stored,
4 handled, loaded, unloaded, or sold shall be treated with
5 approved insecticide or pesticide consistent with departmental
6 standards. Follow-up treatments with a contact insecticide in
7 accordance with management plans under this part shall be
8 applied to eliminate all remaining colonies.

9 (e) For plants grown on the premises of participating
10 nurseries, soil and potting media shall be treated in accordance
11 with standards established by management plans developed by the
12 department prior to planting.

13 (f) For plants received by participating nurseries from
14 outside sources, to prevent the spread into a nursery free of
15 the imported fire ant or coqui frog by newly introduced,
16 infested nursery plants, all plants shall be:

17 (1) Obtained from nurseries in compliance with the
18 requirements of this section and that operate under a
19 compliance agreement in accordance with this part; or

20 (2) Treated upon delivery in accordance with management
21 plans under this part, and within the specified number
22 of days be either:



- 1 (A) Repotted in treated potting soil media;
- 2 (B) Retreated in accordance with management plans
- 3 under this part at the specified interval; or
- 4 (C) Transported.

- 5 (g) Participating nurseries shall maintain records of the
- 6 nursery's surveys and treatments for the little fire ant or
- 7 coqui frog. These records shall be made available to the
- 8 department upon request.

- 9 (h) If an inspector detects little fire ants or coqui
- 10 frogs in nursery stock of a participating nursery, issuance of
- 11 certificates for intrastate movement shall be suspended until
- 12 necessary treatments are applied and the plants and nursery
- 13 premises are determined to be free of the little fire ant and
- 14 coqui frog. The department may declare a nursery to be free of
- 15 the little fire ant and coqui frog upon reinspection of the
- 16 premises. This inspection shall be conducted no sooner than
- 17 thirty days after treatment. During this period, certification
- 18 may be based upon treatments for plants in accordance with
- 19 management plans developed by the department under this part.

- 20 (i) Upon notification by the county that a confirmed
- 21 little fire ant or coqui frog infestation was found on a
- 22 shipment from a nursery that had until then been considered free



1 of the little fire ant, the department shall cease its
2 certification of shipments from that nursery. An investigation
3 shall commence immediately to determine the probable source of
4 the problem and to ensure that the problem is resolved. If the
5 problem is an infestation, issuance of certification for
6 movement on the basis of little-fire-ant-free or coqui frog-free
7 premises shall be suspended until treatment and elimination of
8 the infestation is completed. Reinstatement into the program
9 may be granted upon determination that the nursery premises are
10 free of the little fire ant or coqui frog, and that all other
11 provisions of this part are being followed.

12 (j) In cases where the issuance of certificates is
13 suspended through oral notification, the suspension and the
14 reasons for the suspension shall be confirmed in writing within
15 twenty days of the oral notification of the suspension. Any
16 nursery whose issuance of certificates has been suspended may
17 appeal the decision, in writing, within ten days after receipt
18 of a written suspension notice. The appeal shall state all of
19 the facts and reasons that the department should consider in
20 deciding the appeal. A hearing may be held to resolve any
21 conflict as to any material fact. The department shall adopt
22 rules for the hearing in accordance with chapter 91. As soon as



1 practicable, the department shall grant or deny the appeal, in
2 writing, stating the reasons for the decision.

3 §150A- County authority. Unless and until the
4 department implements these provisions, including the adoption
5 of any necessary rules, any county may establish its own
6 requirements by ordinance to prevent the introduction of
7 infested, regulated articles, consistent with the intent of this
8 law and consistent with any departmental rules, including but
9 not limited to:

- 10 (1) Development of a little-fire-ant free certification
- 11 program;
- 12 (2) Development of a coqui-frog-free certification
- 13 program; and
- 14 (3) Treatment requirements for regulated articles being
- 15 moved to any island of the county.

16 §150A- Penalties. Any person who moves infested
17 regulated articles intrastate shall be subject to a fine equal
18 to the value of the shipment or \$10,000, whichever is greater."

19 PART III

20 SECTION 7. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Invasive Species; Pests; Treatment of Nursery Stock; Penalty;
Civil Liability; Intrastate Transport

Description:

Requires nursery stock that is infested with certain pests 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. Establishes an affirmative responsibility on the consignor of any landscape material or products, agricultural goods, construction materials, equipment, vehicles, soil, or sand to prevent the movement of invasive species in Hawaii. (SD2)

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

