

# H.B. NO. 2272

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## A BILL FOR AN ACT

RELATING TO THE BIOSECURITY PROGRAM.

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

1           SECTION 1. The legislature finds that biosecurity is an  
2           overarching issue that requires cooperation and collaboration by  
3           numerous parties in order to be addressed properly and to ensure  
4           the protection of our environment, community, and local  
5           agriculture.

6           The legislature finds that the department of agriculture  
7           has multiple duties and activities that address the issue of  
8           biosecurity and that initiatives to improve Hawaii biosecurity  
9           go beyond the confines of any one branch within the department,  
10          and often including other groups both inside and outside of  
11          state government.

12          Groups that positively contribute to Hawaii biosecurity  
13          efforts include, but are not limited to, the Hawaii invasive  
14          species council, department of land and natural resources,  
15          United States Department of Agriculture, coordinating group on  
16          alien pest species, and private companies that utilize best  
17          management practices when transporting products and equipment  
18          throughout the State.

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1           The purpose of this act is to establish the biosecurity  
2 program as the responsibility of the department of agriculture  
3 rather than a branch of the department to enable the program to  
4 address biosecurity issues across the entire department.

5           SECTION 2. Chapter 141, Hawaii Revised Statutes, is  
6 amended by adding a new part to be appropriately designated and  
7 to read as follows:

8                               "PART . BIOSECURITY PROGRAM

9           §141-A Biosecurity program; establishment. The department  
10 shall establish a biosecurity program authorized under this  
11 chapter that shall operate in conjunction with other relevant  
12 state agencies and laws.

13           §141-B Objectives of biosecurity program. The objectives  
14 of the biosecurity program shall be to:

- 15           (1) Establish a multi-dimensional system to prevent the  
16 entry into the State and interisland movement of  
17 pests, prohibited animals, or restricted organisms  
18 without a permit; and
- 19           (2) Respond effectively to eradicate, control, reduce, and  
20 suppress incipient pest populations and established  
21 pests and seize and dispose of prohibited animals or  
22 restricted organisms without a permit.

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1           §141-C General actions to achieve objectives. To achieve  
2 the objectives of the biosecurity program, the department shall  
3 plan for and, within available funds, implement the following:

4           (1) Work with government agencies and agricultural  
5 commodity exporters of other states and countries to  
6 establish pre-entry inspection programs under which  
7 inbound cargo into the State is inspected at the ports  
8 of departure or other points outside the State;

9           (2) Establish, operate, or participate in operating port-  
10 of-entry facilities where multiple government agencies  
11 may inspect, quarantine, fumigate, disinfect, destroy,  
12 or exclude, as appropriate, articles that may harbor  
13 pests or exclude articles that are prohibited or that  
14 are restricted without a permit, with the goals of:

15           (A) Performing inspections in an efficient,  
16 effective, and expeditious manner for the  
17 government agencies involved and for cargo  
18 owners, carriers, and importers; and

19           (B) Providing for the proper and safe storage and  
20 handling of cargo, especially agricultural and  
21 food commodities, awaiting inspection;

22           (3) Develop, implement, and coordinate post-entry measures  
23 to eradicate, control, reduce, and suppress pests and,

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1 as appropriate, eradicate or seize and dispose of  
2 prohibited animals, or restricted organisms without a  
3 permit, that have entered the State;

4 (4) Collaborate with relevant government agencies,  
5 agricultural commodity importers, and other persons to  
6 examine and develop integrated systems to better  
7 implement the biosecurity program;

8 (5) Improve cargo inspection capabilities and methods,  
9 including enhancement of the content and submission  
10 requirements for cargo manifests and agricultural  
11 commodity ownership and movement certificates;

12 (6) Promote the production of agricultural commodities in  
13 the State to reduce cargo shipments of imported  
14 commodities into the State; and

15 (7) Provide public education on the negative effects of  
16 pests and prohibited or restricted organisms without a  
17 permit, to the environment and economy of the State.

18 **§141-D Biosecurity program; charges; costs.** (a) The  
19 department shall set and impose charges for the inspection,  
20 quarantine, and eradication of pests in accordance with this  
21 chapter and chapter 150A. The department shall deposit the  
22 charges into the pest inspection, quarantine, and eradication  
23 fund established pursuant to section 150A-4.5.

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1 (b) The department shall set the charges at amounts  
2 intended to generate revenues that, when combined with federal  
3 and other funds, are sufficient to pay for the operating and  
4 maintenance cost of the program and debt service on bonds issued  
5 to fund facilities constructed for the program.

6 §141-E Federal and other funds. The department shall  
7 place high priority on seeking and applying for federal and  
8 other funds for the biosecurity program.

9 §141-F Annual report. The department shall submit an  
10 annual report on the biosecurity program to the legislature no  
11 later than twenty days prior to the convening of each regular  
12 session of the legislature."

13 SECTION 3. Chapter 150A, part VI, Hawaii Revised Statutes,  
14 is repealed.

15 SECTION 4. This Act, upon its approval, shall take effect  
16 on July 1, 2016.

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INTRODUCED BY: \_\_\_\_\_



20

BY REQUEST

21

JAN 25 2016

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**Report Title:**

Biosecurity Program; Objectives; General Actions; and Program Charges

**Description:**

Improves the effectiveness of Hawaii biosecurity program by establishing the program as a function of the whole department of agriculture. The improvement of Hawaii biosecurity goes beyond the confines of the plant quarantine branch and often also includes other groups both inside and outside of state government.

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

JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO THE BIOSECURITY PROGRAM.

PURPOSE: To establish the Hawaii biosecurity program as a responsibility of the entire Department of Agriculture, instead of it being solely a Plant Quarantine Branch function.

MEANS: Amend chapter 141, Hawaii Revised Statutes, by adding a new part that contains the provisions currently in part VI, chapter 150A, and repeal chapter 150A, part VI, Hawaii Revised Statutes.

JUSTIFICATION: As invasive species continue to enter and move throughout the State, biosecurity needs to be realized as an overarching issue that requires cooperation and collaboration by numerous parties in order to be addressed properly and to insure the protection of our environment, community, and local agriculture.

The Department of Agriculture has multiple duties and activities that address the issue of biosecurity. Initiatives to improve Hawaii biosecurity go beyond the confines of the Plant Quarantine Branch and often include other groups both inside and outside of state government.

Impact on the public: Would provide further protection from the spread of invasive species and agricultural pests in Hawaii through a more inclusive approach to securing the Hawaii biosecurity program.

Impact on the department and other agencies: Increased collaboration of the Hawaii biosecurity program with other branches within the Department of Agriculture

including, but not limited to, the Plant Pest Control Branch, and the Animal Industry Division. Also, increased biosecurity collaboration will be realized through the Hawaii Invasive Species Council, Department of Land and Natural Resources, United States Department of Agriculture, Coordinating Group on Alien Plant Species, and private companies that utilize "best management practices" when transporting products and equipment throughout the State.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: AGR 192.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: July 1, 2016.