
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 the State has spent
2 millions of dollars to control certain invasive species but that
3 control efforts are often too late to stop their spread across
4 the Hawaiian islands. As a result, invasive species now infest
5 hundreds of thousands of acres and affect Hawaii's export
6 industry, tourism revenues, property values, residents' quality
7 of life, and the environment.

8 The legislature further finds that the department of
9 agriculture has designated invasive species such as the coqui
10 frog (*Eleutherodactylus coqui*), little fire ant (*Wasmannia*
11 *auropunctata*), nettle caterpillar, and coconut rhinoceros beetle
12 as pests and has targeted them for control or eradication.
13 These pests continue to move to new areas within the State and
14 are often transported and spread through various commodities
15 that are sourced from infested areas, and the commodities may or
16 may not be subject to inspection for pests or subject to
17 treatment.



1 The legislature additionally finds that the burden of pest
2 prevention falls primarily on plant quarantine inspectors.
3 Therefore, it is necessary to require the department of
4 agriculture to identify pathways and areas infested with
5 priority pests, provide information to business owners about
6 best management practices for controlling pest populations at
7 the source, and mitigate the chances that designated pests will
8 enter transportation networks and work cooperatively with
9 commercial entities to implement these practices.

10 The purpose of this Act is to reduce the movement of
11 invasive pests between islands by allowing for the inspection of
12 goods moving between islands, prohibiting the transportation of
13 infested material between islands, authorizing the department to
14 designate quarantine areas as needed to isolate infested areas,
15 and creating a compliance agreement program to ensure that
16 quarantines will not adversely affect agricultural businesses in
17 the quarantine areas.

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



1 "PART . INTRASTATE TRANSPORTATION AND QUARANTINE OF PESTS
2 AND CERTAIN ARTICLES

3 §150A- Definitions. As used in this part, unless the
4 context clearly requires otherwise:

5 "Designated pest" means a pest that has been designated for
6 control or eradication by section 141-3 or by rule pursuant to
7 section 141-3.

8 "Non-designated pest" means a pest that is not a designated
9 pest.

10 "Pest" shall have the same meaning as in section 150A-2 and
11 shall include designated pests and non-designated pests.

12 §150A- Interisland and inraisland transportation;
13 restrictions; prohibitions. (a) The interisland or inraisland
14 transportation of any pest or any article regulated under this
15 chapter is subject to inspection, treatment, restrictions on
16 movement, and, if necessary and appropriate, destruction to
17 prevent the spread and establishment of pests.

18 (b) The interisland or inraisland transportation of any
19 pest or any article that is diseased or infested with insects or
20 any pest, is likely to assist in the transmission or
21 dissemination of any pest, or may be in itself injurious,



1 harmful, or detrimental to the agricultural, horticultural, and
2 aquacultural industries, forestry, environment, public health,
3 or animal or plant health is prohibited, except pursuant to
4 rules adopted by the department that contain requirements
5 determined by the department to be adequate to prevent pest or
6 disease spread, including, for articles that are infested with a
7 pest, appropriate treatment that eliminates the disease or
8 destroys the pest.

9 (c) The department may allow the interisland or
10 intraisland transportation of a non-designated pest and any
11 article that is diseased or infested with a non-designated pest
12 to an island or locality within an island where the non-
13 designated pest is known to be established; provided that the
14 department has issued an inspection certificate for that
15 purpose.

16 (d) Possessing, harboring, transporting, rearing,
17 breeding, distributing, or releasing a pest is prohibited,
18 except pursuant to a permit issued by the department for
19 scientific research and testing and related purposes under
20 appropriate safeguards.



1 **§150A- Quarantine areas.** The department may designate,
2 by rule, an island or locality within the State that the
3 department has determined is infested with a designated pest as
4 an infested area subject to quarantine restrictions. The
5 transportation of articles from one island or locality
6 designated as a quarantine area for a designated pest to another
7 area of the island or a different island not subject to
8 quarantine for the pest is prohibited except as provided by rule
9 or pursuant to a compliance agreement administered by the
10 department.

11 **§150A- Compliance agreement.** The interisland or
12 intraisland transportation of articles from a quarantined area
13 may be allowed as provided by rule if the consignor and
14 consignee of the articles are participants in the department's
15 compliance agreement program for interisland or intraisland
16 movement of agricultural commodities by commercial entities.
17 Qualification for compliance agreement shall be based on the
18 department's determination that the commercial entity is in
19 compliance with requirements the department has determined are
20 adequate to prevent pests or disease spread, as provided by



1 rule. Any violation of the compliance agreement is a violation
2 of this section.

3 **§150A- Enforcement; penalties; proceedings.** (a) The
4 department shall administer and enforce this part and rules
5 adopted pursuant to this part.

6 (b) After providing notice of and an opportunity for a
7 hearing regarding a violation of this part or a rule adopted
8 pursuant to this part, the department may fine any person who
9 violates this part or any rule adopted under this part, not less
10 than \$50 and not more than \$3,000 for each separate violation.
11 The fine and any proposed action contained in the notice of
12 violation, including suspension or cancellation of a compliance
13 agreement or permit for scientific research and testing, shall
14 be a final order, unless a written request for a hearing is
15 submitted within twenty days of receipt of the notice of
16 violation.

17 (c) If the department is unable to collect a fine or a
18 person fails to pay the fine, the board shall refer the matter
19 to the attorney general, who shall recover the amount by civil
20 action. For any judicial proceeding to recover the fine
21 imposed, the attorney general need only show that a notice of



1 violation was given, a hearing was held or the time granted for
2 requesting a hearing expired without a request, the fine was
3 imposed, and the fine remains unpaid.

4 (d) Notwithstanding section 150A-14 or section 706-640,
5 any person who intentionally violates any provision of this part
6 shall be guilty of a class C felony and upon conviction may be
7 fined up to \$3,000.

8 **§150A- Employer liability.** The act, omission, or
9 failure of an officer, agent, or other person acting for or
10 employed by any person shall be deemed to be the act, omission,
11 or failure of the person as well as that of the person
12 employed."

13 SECTION 3. This Act, upon its approval, shall take effect
14 on January 7, 2059.



Report Title:

Invasive Pests; Interisland Movement; Quarantine and Compliance Agreements

Description:

Authorizes inspection and treatment of regulated goods moving between islands and inraisland, prohibits transportation of infested material between islands and inraisland, authorizes the department to designate quarantine areas to isolate infested areas, and authorizes a compliance agreement program to ensure that qualifying agricultural businesses in quarantine areas may transport their commodities with minimal risk of pest or disease spread. Effective 01/07/2059. (SD2)

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

