
A BILL FOR AN ACT

RELATING TO VISITOR INFORMATION.

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

1 SECTION 1. The state legislature finds that the number of
2 visitors to Hawaii have increased for the past several years and
3 the increase is expected to continue.

4 The legislature also finds that as the number of visitors
5 grows the number of visitor injuries increases as well as the
6 number of visitors requiring assistance on hiking trails and in
7 the water.

8 The legislature also finds that visitors impact the natural
9 resources of the islands and should be encouraged to educate
10 themselves about the State's natural attractions to ensure a
11 safe and enjoyable vacation.

12 The legislature also finds a variety of entities often
13 provide brochures and pamphlets to visitors on various topics;
14 however, the brochures may not provide complete information to
15 help visitors stay safe while enjoying Hawaii's natural beauty.
16 The need for visitor education is undeniable and complete
17 information needs to be provided to all visitors.



1 The legislature also finds airlines are the main mode of
2 transportation for most visitors with 9,761,448 visitors
3 arriving by air in 2018. Airlines are already key players in
4 providing and collecting agricultural forms and could also help
5 share information regarding outdoor and water safety.

6 The purpose of this measure is to direct the department of
7 business, economic development and tourism in partnership with
8 the department of land and natural resources to create the State
9 of Hawaii visitor information pamphlet to be distributed by
10 officers and crew of incoming flights. The pamphlet shall
11 include information regarding, but not limited to, protected
12 species, safe hiking practices, safe snorkeling practices,
13 shoreline safety, information regarding trespassing on state
14 land, and information hotlines for various state agencies.

15 SECTION 2. Section 150A-5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **§150A-5 Conditions of importation.** The importation into
18 the State of any of the following articles, viz., nursery-stock,
19 tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud,
20 seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain,
21 cereal, or legume in the natural or raw state; moss, hay, straw,



1 dry-grass, or other forage; unmanufactured log, limb, or timber,
2 or any other plant-growth or plant-product, unprocessed or in
3 the raw state; soil; microorganisms; live bird, reptile,
4 nematode, insect, or any other animal in any stage of
5 development (that is in addition to the so-called domestic
6 animal, the quarantine of which is provided for in chapter 142);
7 box, vehicle, baggage, or any other container in which such
8 articles have been transported or any packing material used in
9 connection therewith shall be made in the manner hereinafter set
10 forth:

11 (1) Notification of arrival. Any person who receives for
12 transport or brings or causes to be brought to the State as
13 freight, air freight, baggage, or otherwise, for the purpose of
14 debarkation or entry therein, or as ship's stores, any of the
15 foregoing articles, shall, immediately upon the arrival thereof,
16 notify the department, in writing, of the arrival, giving the
17 waybill number, container number, name and address of the
18 consignor, name and address of the consignee or the consignee's
19 agent in the State, marks, number of packages, description of
20 contents of each package, port at which laden, and any other
21 information that may be necessary to locate or identify the



1 same, and shall hold such articles at the pier, airport, or any
2 other place where they are first received or discharged, in such
3 a manner that they will not spread or be likely to spread any
4 infestation or infection of insects or diseases that may be
5 present until inspection and examination can be made by the
6 inspector to determine whether or not any article, or any
7 portion thereof, is infested or infected with or contains any
8 pest. The department may adopt rules to require identification
9 of specific articles on negotiable and non-negotiable warehouse
10 receipts, bills of lading, or other documents of title for
11 inspection of pests. In addition, the department shall adopt
12 rules to designate restricted articles that shall require:

13 (A) A permit from the department in advance of
14 importation; or

15 (B) A department letter of authorization or
16 registration in advance of importation.

17 The restricted articles shall include but not be limited to
18 certain microorganisms or living insects. Failure to obtain the
19 permit, letter of authorization, or registration in advance is a
20 violation of this section;

21 (2) Individual passengers, officers, and crew.



1 (A) It shall be the responsibility of the
2 transportation company to distribute, prior to the debarkation
3 of passengers and baggage, the State of Hawaii visitor
4 information pamphlet and the State of Hawaii plant and animal
5 declaration form to each passenger, officer, and crew member of
6 any aircraft or vessel originating in the continental United
7 States or its possessions or from any other area not under the
8 jurisdiction of the appropriate federal agency in order that the
9 passenger, officer, or crew member can comply with the
10 directions and requirements appearing thereon. All passengers,
11 officers, and crew members, whether or not they are bringing or
12 causing to be brought for entry into the State the articles
13 listed on the form, shall complete the declaration, except that
14 one adult member of a family may complete the declaration for
15 other family members. Any person who defaces the declaration
16 form required under this section, gives false information, fails
17 to declare restricted articles in the person's possession or
18 baggage, or fails to declare in cargo manifests is in violation
19 of this section;

20 (B) Completed forms shall be collected by the
21 transportation company and be delivered, immediately upon



1 arrival, to the inspector at the first airport or seaport
2 of arrival. Failure to distribute or collect declaration
3 forms or to immediately deliver completed forms is a
4 violation of this section; and

5 (C) It shall be the responsibility of the officers
6 and crew of an aircraft or vessel originating in the continental
7 United States or its possessions or from any other area not
8 under the jurisdiction of the appropriate federal agency to
9 immediately report all sightings of any plants and animals to
10 the plant quarantine branch. Failure to comply with this
11 requirement is a violation of this section;

12 (3) Plant and animal declaration form. The form shall
13 include directions for declaring domestic and other animals
14 cited in chapter 142, in addition to the articles enumerated in
15 this chapter;

16 "(4) Visitor Information Pamphlet. The department of
17 business, economic development and tourism in partnership with
18 the department of land and natural resources shall create the
19 State of Hawaii visitor information pamphlet that will include,
20 but not be limited to, information on protected species, safe
21 hiking, water and shoreline safety, information about



1 trespassing on state land, and hotlines for various state
2 agencies.

3 ~~[(4)]~~ (5) Labels. Each container in which any of the
4 above-mentioned articles are imported into the State shall be
5 plainly and legibly marked, in a conspicuous manner and place,
6 with the name and address of the shipper or owner forwarding or
7 shipping the same, the name or mark of the person to whom the
8 same is forwarded or shipped or the person's agent, the name of
9 the country, state, or territory and locality therein where the
10 product was grown or produced, and a statement of the contents
11 of the container. Upon failure to comply with this paragraph,
12 the importer or carrier is in violation of this section;

13 ~~[(5)]~~ (6) Authority to inspect. Whenever the
14 inspector has good cause to believe that the provisions of this
15 chapter are being violated, the inspector may:

16 (A) Enter and inspect any aircraft, vessel, or other
17 carrier at any time after its arrival within the boundaries of
18 the State, whether offshore, at the pier, or at the airport, for
19 the purpose of determining whether any of the articles or pests
20 enumerated in this chapter or rules adopted thereto, is present;



1 (B) Enter into or upon any pier, warehouse, airport,
2 or any other place in the State where any of the above-mentioned
3 articles are moved or stored, for the purpose of ascertaining,
4 by inspection and examination, whether or not any of the
5 articles is infested or infected with any pest or disease or
6 contaminated with soil or contains prohibited plants or animals;
7 and

8 (C) Inspect any baggage or personal effects of
9 disembarking passengers, officers, and crew members on aircraft
10 or vessels arriving in the State to ascertain if they contain
11 any of the articles or pests enumerated in this chapter. No
12 baggage or other personal effects of the passengers or crew
13 members shall be released until the baggage or effects have been
14 passed.

15 Baggage or cargo inspection shall be made at the discretion
16 of the inspector, on the pier, vessel, or aircraft or in any
17 quarantine or inspection area.

18 Whenever the inspector has good cause to believe that the
19 provisions of this chapter are being violated, the inspector may
20 require that any box, package, suitcase, or any other container
21 carried as ship's stores, cargo, or otherwise by any vessel or



1 aircraft moving between the continental United States and Hawaii
2 or between the Hawaiian Islands, be opened for inspection to
3 determine whether any article or pest prohibited by this chapter
4 or by rules adopted pursuant thereto is present. It is a
5 violation of this section if any prohibited article or any pest
6 or any plant, fruit, or vegetable infested with plant pests is
7 found;

8 ~~(6)~~ (7) Request for importation and inspection. In
9 addition to requirements of the United States customs
10 authorities concerning invoices or other formalities incident to
11 importations into the State, the importer shall be required to
12 file a written statement with the department, signed by the
13 importer or the importer's agent, setting forth the importer's
14 desire to import certain of the above-mentioned articles into
15 the State and:

16 (A) Giving the following additional information:

17 (i) The kind (scientific name), quantity, and
18 description;

19 (ii) The locality where same were grown or produced;

20 (iii) Certification that all animals to be imported are
21 the progeny of captive populations or have been



1 held in captivity for a period of one year
2 immediately prior to importation or have been
3 specifically approved for importation by the
4 board;

5 (iv)The port from which the same were last shipped;

6 (v)The name of the shipper; and

7 (vi)The name of the consignee; and

8 (B)Containing:

9 (i) A request that the department, by its duly
10 authorized agent, examine the articles described;

11 (ii) An agreement by the importer to be responsible
12 for all costs, charges, or expenses; and

13 (iii) A waiver of all claims for damages incident to
14 the inspection or the fumigation, disinfection,
15 quarantine, or destruction of the articles, or
16 any of them, as hereinafter provided, if any
17 treatment is deemed necessary.

18 Failure or refusal to file a statement, including the
19 agreement and waiver, is a violation of this section and may, in
20 the discretion of the department, be sufficient cause for
21 refusing to permit the entry of the articles into the State;



1 ~~[(7)]~~ (8) Place of inspection. If, in the judgment of
2 the inspector, it is deemed necessary or advisable to move any
3 of the above-mentioned articles, or any portion thereof, to a
4 place more suitable for inspection than the pier, airport, or
5 any other place where they are first received or discharged, the
6 inspector is authorized to do so. All costs and expenses
7 incident to the movement and transportation of the articles to
8 such place shall be borne by the importer or the importer's
9 agent. If the importer, importer's agent, or transportation
10 company requests inspection of sealed containers of the above-
11 mentioned articles at locations other than where the articles
12 are first received or discharged, and the department determines
13 that inspection at such place is appropriate, the department may
14 require payment of costs necessitated by these inspections,
15 including overtime costs;

16 ~~[(8)]~~ (9) Disinfection or quarantine. If, upon inspection,
17 any article received or brought into the State for the purpose
18 of debarkation or entry therein is found to be infested or
19 infested or there is reasonable cause to presume that it is
20 infested or infected and the infestation or infection can, in
21 the judgment of the inspector, be eradicated, a treatment shall



1 be given such article. The treatment shall be at the expense of
2 the owner or the owner's agent, and the treatment shall be as
3 prescribed by the department. The article shall be held in
4 quarantine at the expense of the owner or the owner's agent at a
5 satisfactory place approved by the department for a sufficient
6 length of time to determine that eradication has been
7 accomplished. If the infestation or infection is of such nature
8 or extent that it cannot be effectively and completely
9 eradicated, or if it is a potentially destructive pest or it is
10 not widespread in the State, or after treatment it is determined
11 that the infestation or infection is not completely eradicated,
12 or if the owner or the owner's agent refuses to allow the
13 article to be treated or to be responsible for the cost of
14 treatment and quarantine, the article, or any portion thereof,
15 together with all packing and containers, may, at the discretion
16 of the inspector, be destroyed or sent out of the State at the
17 expense of the owner or the owner's agent. Such destruction or
18 exclusion shall not be made the basis of a claim against the
19 department or the inspector for damage or loss incurred;

20 ~~(9)~~ (10) Disposition. Upon completion of inspection,
21 either at the time of arrival or at any time thereafter should



1 any article be held for inspection, treatment, or quarantine,
2 the inspector shall affix to the article or the container or to
3 the delivery order in a conspicuous place thereon, a tag, label,
4 or stamp to indicate that the article has been inspected and
5 passed. This action shall constitute a permit to bring the
6 article into the State; and

7 ~~[(10)]~~ (11) Ports of entry. None of the articles
8 mentioned in this section shall be allowed entry into the State
9 except through the airports and seaports in the State designated
10 and approved by the board.

11 SECTION 3. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$_____ or so
13 much thereof as may be necessary for fiscal year 2020-2021 to
14 prepare a Hawaii State Visitor Information Pamphlet.

15 The sums appropriated shall be expended by the department
16 of business, economic development and tourism for the purposes
17 of this Act.

18 SECTION 4. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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H.B. NO. 2622

Report Title:

Relating to Visitor Information

Description:

Directs the department of business, economic development and tourism and the department of land and natural resources to create a Hawaii visitor information brochure containing information about protecting the environment and staying safe while visiting. Requires the brochure to be distributed with the state agricultural form.

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