

JAN 17 2020

A BILL FOR AN ACT

RELATING TO LIVESTOCK TRANSPORTATION.

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

1 SECTION 1. Section 141-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§141-2 Rules.** Subject to chapter 91, the department of
4 agriculture shall adopt, amend, and repeal rules not
5 inconsistent with law, for and concerning:

6 (1) The introduction, transportation, and propagation of
7 trees, shrubs, herbs, and other plants;

8 (2) The quarantine, inspection, fumigation, disinfection,
9 destruction, or exclusion, either upon introduction
10 into the State, or at any time or place within the
11 State, of any nursery-stock, tree, shrub, herb, vine,
12 cut-flower, cutting, graft, scion, bud, seed, leaf,
13 root, or rhizome; any nut, fruit, or vegetable; any
14 grain, cereal, or legume in the natural or raw state;
15 any moss, hay, straw, dry-grass, or other forage; any
16 unmanufactured log, limb, or timber; or any other
17 plant growth or plant product unprocessed or in the



1 raw state; any sand, soil, or earth; any live bird,
2 reptile, insect, or other animal, in any stage of
3 development, that is in addition to the so-called
4 domestic animals, which are provided for in section
5 142-2; and any box, barrel, crate, or other containers
6 in which the articles, substances, or objects have
7 been transported or contained, and any packing
8 material used in connection therewith, that is or may
9 be diseased or infested with insects or likely to
10 assist in the transmission or dissemination of any
11 insect or plant disease injurious, harmful, or
12 detrimental, or likely to become injurious, harmful,
13 or detrimental to the agricultural or horticultural
14 industries or the forests of the State, or that is or
15 may be in itself injurious, harmful, or detrimental to
16 the same; provided that included therein may be rules
17 governing the transportation of any of the articles,
18 substances, or objects enumerated above in this
19 section between different localities on any one of the
20 islands within the State;



- 1 (3) The prohibition of importation into the State, from
2 any or all foreign countries or from other parts of
3 the United States, or the shipment from one island
4 within the State to another island therein, or the
5 transportation from one part or locality of any island
6 to another part or locality of the same island, of any
7 specific article, substance, or object or class of
8 articles, substances, or objects, among those
9 enumerated above in this section, that is diseased or
10 infested with insects or likely to assist in the
11 transmission or dissemination of any insect or plant
12 disease injurious, harmful, or detrimental or likely
13 to be injurious, harmful, or detrimental to the
14 agricultural or horticultural industries, or the
15 forests of the State, or that is or may be in itself
16 injurious, harmful, or detrimental to the same;
- 17 (4) The preparation by cargo carriers of manifests of
18 cargo transported into the State or between islands of
19 the State and the submission of the manifests to the
20 department;



- 1 (5) The establishment, maintenance, and enforcement of
2 compliance agreements with federal or state
3 departments of agriculture authorizing agriculture
4 inspectors from the state of origin in the case of
5 imports to the State, or state agricultural inspectors
6 in the case of state exports, to monitor the growing
7 and packing of plant commodities and any treatment
8 procedures to ensure compliance with quarantine laws,
9 and further authorizing the assessment of fees for
10 conducting inspections required under the compliance
11 agreement; [~~and~~]
- 12 (6) The manner in which agricultural product promotion and
13 research activities may be undertaken, after
14 coordinating with the agribusiness development
15 corporation[~~-~~]; and
- 16 (7) The welfare of livestock, including cattle, sheep,
17 goats, swine, chickens, and turkeys, transported to,
18 from, or between any island of the State by sea
19 vessel; provided that any rules governing the welfare
20 of livestock shall be consistent with 9 Code of
21 Federal Regulations Part 91, and include:



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- 1 (A) Inspection of animals and vessels;
- 2 (B) Pens, ramps, doors, and passageways;
- 3 (C) Positioning of animals and use of halters and
- 4 ropes;
- 5 (D) Feed and water;
- 6 (E) Ventilation;
- 7 (F) Waste management;
- 8 (G) Lighting;
- 9 (H) Bedding;
- 10 (I) Cleaning;
- 11 (J) Vessel stability,
- 12 (K) Personnel qualifications;
- 13 (L) Resources for managing sick or injured animals;
- 14 (M) Means of humane euthanasia;
- 15 (N) Life support systems;
- 16 (O) Accommodations for humane transport of livestock
- 17 in vessels using containers, including minimum
- 18 space requirements; and
- 19 (P) Additional conditions deemed relevant to the
- 20 department.



1 All rules adopted under this section shall have the force
2 and effect of law."

3 SECTION 2. (a) No later than January 1, 2021, the
4 department of agriculture, without regard to the notice and
5 public hearing requirements of chapter 91, Hawaii Revised
6 Statutes, shall adopt interim rules to effectuate the amendments
7 made to section 141-2, Hawaii Revised Statutes, in section 1 of
8 this Act.

9 (b) The interim rules adopted pursuant to this Act shall
10 remain in effect until January 1, 2022, or until rules are
11 adopted, in accordance with chapter 91, Hawaii Revised Statutes,
12 to replace the interim rules, whichever occurs sooner.

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

HDOA; Livestock; Animals; Transport; Sea Vessel

Description:

Requires the Department of Agriculture to adopt rules to protect the welfare of livestock transported to, from, or between any island of Hawaii. Requires the department to adopt interim rules.

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

