
A BILL FOR AN ACT

RELATING TO THE IMPORTATION OF PLANTS AND ANIMALS.

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

1 SECTION 1. Section 150A-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§150A-5 Conditions of importation.** The importation into
4 the State of any of the following articles, viz., nursery-stock,
5 tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud,
6 seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain,
7 cereal, or legume in the natural or raw state; moss, hay, straw,
8 dry-grass, or other forage; unmanufactured log, limb, or timber,
9 or any other plant-growth or plant-product, unprocessed or in
10 the raw state; soil; microorganisms; live bird, reptile,
11 nematode, insect, or any other animal in any stage of
12 development (that is in addition to the so-called domestic
13 animal, the quarantine of which is provided for in chapter 142);
14 box, vehicle, baggage, or any other container in which such
15 articles have been transported or any packing material used in
16 connection therewith shall be made in the manner hereinafter set
17 forth:



1 (1) Notification of arrival. Any person who receives for
2 transport or brings or causes to be brought to the
3 State as freight, air freight, baggage, or otherwise,
4 for the purpose of debarkation or entry therein, or as
5 ship's stores, any of the foregoing articles, shall,
6 immediately upon the arrival thereof, notify the
7 department, in writing, of the arrival, giving the
8 waybill number, container number, name and address of
9 the consignor, name and address of the consignee or
10 the consignee's agent in the State, marks, number of
11 packages, description of contents of each package,
12 port at which laden, and any other information that
13 may be necessary to locate or identify the same, and
14 shall hold such articles at the pier, airport, or any
15 other place where they are first received or
16 discharged, in such a manner that they will not spread
17 or be likely to spread any infestation or infection of
18 insects or diseases that may be present until
19 inspection and examination can be made by the
20 inspector to determine whether or not any article, or
21 any portion thereof, is infested or infected with or



1 contains any pest. The department may adopt rules to
2 require identification of specific articles on
3 negotiable and non-negotiable warehouse receipts,
4 bills of lading, or other documents of title for
5 inspection of pests. In addition, the department
6 shall adopt rules to designate restricted articles
7 that shall require:

8 (A) A permit from the department in advance of
9 importation; or

10 (B) A department letter of authorization or
11 registration in advance of importation.

12 The restricted articles shall include but not be
13 limited to certain microorganisms or living insects.
14 Failure to obtain the permit, letter of authorization,
15 or registration in advance is a violation of this
16 section;

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

18 (A) It shall be the responsibility of the
19 transportation company to distribute, prior to
20 the debarkation of passengers and baggage, the
21 State of Hawaii plant and animal declaration form



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



1 (B) Completed paper forms shall be collected by the
2 transportation company and be delivered,
3 immediately upon arrival, to the inspector at the
4 first airport or seaport of arrival. Completed
5 electronic forms shall be transmitted to the
6 inspector prior to passengers departing the first
7 airport or seaport of arrival. Failure to
8 distribute or collect paper declaration forms [~~or~~
9 ~~to~~], immediately deliver completed paper forms,
10 or transmit completed electronic forms prior to
11 passengers departing the first airport or seaport
12 of arrival is a violation of this section; and
13 (C) It shall be the responsibility of the officers
14 and crew of an aircraft or vessel originating in
15 the continental United States or its possessions
16 or from any other area not under the jurisdiction
17 of the appropriate federal agency to immediately
18 report all sightings of any plants and animals to
19 the plant quarantine branch. Failure to comply
20 with this requirement is a violation of this
21 section;



- 1 (3) Plant and animal declaration form. The form shall
2 include directions for declaring domestic and other
3 animals cited in chapter 142, in addition to the
4 articles enumerated in this chapter;
- 5 (4) Labels. Each container in which any of the above-
6 mentioned articles are imported into the State shall
7 be plainly and legibly marked, in a conspicuous manner
8 and place, with the name and address of the shipper or
9 owner forwarding or shipping the same, the name or
10 mark of the person to whom the same is forwarded or
11 shipped or the person's agent, the name of the
12 country, state, or territory and locality therein
13 where the product was grown or produced, and a
14 statement of the contents of the container. Upon
15 failure to comply with this paragraph, the importer or
16 carrier is in violation of this section;
- 17 (5) Authority to inspect. Whenever the inspector has good
18 cause to believe that the provisions of this chapter
19 are being violated, the inspector may:
- 20 (A) Enter and inspect any aircraft, vessel, or other
21 carrier at any time after its arrival within the



1 boundaries of the State, whether offshore, at the
2 pier, or at the airport, for the purpose of
3 determining whether any of the articles or pests
4 enumerated in this chapter or rules adopted
5 thereto, is present;

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

14 (C) Inspect any baggage or personal effects of
15 disembarking passengers, officers, and crew
16 members on aircraft or vessels arriving in the
17 State to ascertain if they contain any of the
18 articles or pests enumerated in this chapter. No
19 baggage or other personal effects of the
20 passengers or crew members shall be released
21 until the baggage or effects have been passed.



1 Baggage or cargo inspection shall be made at the
2 discretion of the inspector, on the pier, vessel, or
3 aircraft or in any quarantine or inspection area.

4 Whenever the inspector has good cause to believe
5 that the provisions of this chapter are being
6 violated, the inspector may require that any box,
7 package, suitcase, or any other container carried as
8 ship's stores, cargo, or otherwise by any vessel or
9 aircraft moving between the continental United States
10 and Hawaii or between the Hawaiian Islands, be opened
11 for inspection to determine whether any article or
12 pest prohibited by this chapter or by rules adopted
13 pursuant thereto is present. It is a violation of
14 this section if any prohibited article or any pest or
15 any plant, fruit, or vegetable infested with plant
16 pests is found;

17 (6) Request for importation and inspection. In addition
18 to requirements of the United States customs
19 authorities concerning invoices or other formalities
20 incident to importations into the State, the importer
21 shall be required to file a written statement with the



1 department, signed by the importer or the importer's
2 agent, setting forth the importer's desire to import
3 certain of the above-mentioned articles into the State
4 and:

5 (A) Giving the following additional information:

6 (i) The kind (scientific name), quantity, and
7 description;

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

10 (iii) Certification that all animals to be
11 imported are the progeny of captive
12 populations or have been held in captivity
13 for a period of one year immediately prior
14 to importation or have been specifically
15 approved for importation by the board;

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

18 (v) The name of the shipper; and

19 (vi) The name of the consignee; and

20 (B) Containing:



- 1 (i) A request that the department, by its duly
2 authorized agent, examine the articles
3 described;
- 4 (ii) An agreement by the importer to be
5 responsible for all costs, charges, or
6 expenses; and
- 7 (iii) A waiver of all claims for damages incident
8 to the inspection or the fumigation,
9 disinfection, quarantine, or destruction of
10 the articles, or any of them, as hereinafter
11 provided, if any treatment is deemed
12 necessary.

13 Failure or refusal to file a statement, including
14 the agreement and waiver, is a violation of this
15 section and may, in the discretion of the department,
16 be sufficient cause for refusing to permit the entry
17 of the articles into the State;

18 (7) Place of inspection. If, in the judgment of the
19 inspector, it is deemed necessary or advisable to move
20 any of the above-mentioned articles, or any portion
21 thereof, to a place more suitable for inspection than



1 the pier, airport, or any other place where they are
2 first received or discharged, the inspector is
3 authorized to do so. All costs and expenses incident
4 to the movement and transportation of the articles to
5 such place shall be borne by the importer or the
6 importer's agent. If the importer, importer's agent,
7 or transportation company requests inspection of
8 sealed containers of the above-mentioned articles at
9 locations other than where the articles are first
10 received or discharged and the department determines
11 that inspection at such place is appropriate, the
12 department may require payment of costs necessitated
13 by these inspections, including overtime costs;

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



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



1 against the department or the inspector for damage or
2 loss incurred;

3 (9) Disposition. Upon completion of inspection, either at
4 the time of arrival or at any time thereafter should
5 any article be held for inspection, treatment, or
6 quarantine, the inspector shall affix to the article
7 or the container or to the delivery order in a
8 conspicuous place thereon, a tag, label, or stamp to
9 indicate that the article has been inspected and
10 passed. This action shall constitute a permit to
11 bring the article into the State; and

12 (10) Ports of entry. None of the articles mentioned in
13 this section shall be allowed entry into the State
14 except through the airports and seaports in the State
15 designated and approved by the board."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

Plant and Animal Declaration Form; Electronic

Description:

Allows the State of Hawaii Plant and Animal Declaration Form to be distributed, completed, and transmitted electronically. Effective 7/1/3000. (HD1)

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

