A BILL FOR AN ACT

RELATING TO PLANT CARE COMPONENTS.

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

1   SECTION 1. Chapter 141, Hawaii Revised Statutes, is

2   amended by adding a new section to part I to be appropriately

3   designated and to read as follows:

4   "**§141-   Plant care components; fumigation; treatment;**

5   **certification; fees; restrictions.** (a) The department of

6   agriculture:

7   (1) Shall certify plant care component treatments

8   performed within the State;

9   (2) May certify and permit entities to conduct plant care

10   component treatments prior to shipment; and

11   (3) Shall deposit any fees collected for plant care

12   component treatment pursuant to Act 173, Session Laws

13   of Hawaii 2010, into the pest inspection, quarantine,

14   and eradication fund established pursuant to section

15   150A-4.5.

16   (b) No person shall distribute within the State any plant

17   care component that originated from outside the State, unless

1   the component has been treated prior to entry, as certified by

2   the department of agriculture. Any plant care component that

3   originated from outside the State and has not been treated prior

4   to entry shall be placed in quarantine until treated and

5   released for entry into the State.

6   (c)   No person shall transport any plant care component:

7   (1)   Between the islands of the State; or

8   (2)   From within the State to outside the State,

9   without prior certification from the department of agriculture

10   that the component has been treated pursuant to this section;

11   provided that the component shall be stored in a manner to

12   prohibit infestation post-treatment.

13   (d)   For the purposes of this section:

14   "Filter sock" means a mesh tube that contains organic plant

15   material, which is used for erosion control.

16   "Plant care component" or "component" means any quantity of

17   wood chips, compost, or filter socks.

18   "Treat" or "treatment" means fumigation or heat treatment."

19   SECTION 2.   Section 150A-4.5, Hawaii Revised Statutes, is

20   amended by amending subsection (a) to read as follows:

1   "(a)   There is established in the state treasury the pest

2 inspection, quarantine, and eradication fund, into which shall

3 be deposited:

4   (1)   Legislative appropriations for biosecurity and

5   inspection, quarantine, and eradication services;

6   (2)   Fees collected pursuant to section 141-   (a)(3);

7   [(2)] (3)   Service fees, charges, and penalties collected

8   under section 150A-5.3;

9   [(3)] (4)   Fees imposed for services pursuant to this

10   chapter or rules adopted under this chapter;

11   [(4)] (5)   Fines for violations of this chapter;

12   [(5)] (6)   Federal funds received for biosecurity, pest

13   inspection, control, management, quarantine, and

14   eradication programs;

15   [(6)] (7)   Grants and gifts;

16   [(7)] (8)   All interest earned or accrued on moneys

17   deposited in the fund; and

18   [(8)] (9)   Any other moneys made available to the fund."

19   SECTION 3.   This Act does not affect rights and duties that

20 matured, penalties that were incurred, and proceedings that were

21 begun before its effective date.

S.B. NO. ³³⁶⁵ S.D. 1

1   SECTION 4. Statutory material to be repealed is bracketed

2 and stricken. New statutory material is underscored.

3   SECTION 5. This Act shall take effect on July 1, 2024.

Report Title:
DOA; Fumigation; Heat Treatment; Restrictions; Fees

Description:
Requires the Department of Agriculture to certify treatments performed on wood chips, compost, and filter socks. Places certain restrictions on the distribution or transportation of plant care components without prior treatment certification from the Department. (SD1)

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

2024-1478 SB3365 SD1 SMA.docx