

Honolulu, Hawaii

**FEB 16** , 2024

RE: H.B. No. 2758  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2758, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Facilitate the control and eradication of invasive species and pests;
- (2) Establish a Plant Nursery Licensing Program;
- (3) Require the Board of Agriculture to designate certain species as pests for control or eradication;
- (4) Impose certain limits on imports and transportation; and
- (5) Update the method by which the Board of Agriculture updates its noxious weed list.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources; Sierra Club of Hawai'i; Kupuna for the Mo'opuna; Coordinating Group on Alien Pest Species; Hawai'i Forest Industry Association; Kua'āina Ulu 'Auamo; Greenpeace Hawaii; Hanalei Watershed Hui; Elepaio Social



Services/NiuNow; and numerous individuals. Your Committee received testimony in opposition to this measure from the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO. Your Committee received comments on this measure from the Department of the Attorney General; Department of Agriculture; and Hawai'i Farm Bureau.

Your Committee finds that the State imports eighty percent of its commodities and ninety percent of its food, making border biosecurity critical for preventing new invasive species from arriving and spreading in the State. Your Committee further finds that many other states combat invasive pests by routinely quarantining areas invested with high impact pests and preventing the sale of infested merchandise. Your Committee believes that this measure will grant the Department of Agriculture the tools needed carry out its responsibilities and effectively regulate and prevent new and existing invasive species from entering Hawaii, while also promoting greater biosecurity.

Your Committee has amended this measure by:

- (1) Ensuring that persons are afforded due process through:
  - (A) Allowing persons subject to a stop sale or quarantine order or mitigation order to file a request for a contested case hearing; and
  - (B) Specifying that an action to refuse to issue or renew a plant nursery license is subject to the Hawaii Administrative Procedure Act and the administrative rules adopted by the Board of Agriculture;
- (2) Deleting language that prevented the introduction of certain articles subject to a federal order;
- (3) Clarifying that the inspection authority broadened by this measure is specifically for administrative inspections and replacing the associated criminal penalty with a civil penalty;
- (4) Providing that the Department of Agriculture is exempt from the rulemaking requirements for purposes of specifying flora, fauna, pest host material, and other



items and materials prohibited from interisland travel or travel between points on an island;

- (5) Clarifying the Department of Agriculture's authority to designate noxious weeds; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2758, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2758, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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MARK M. NAKASHIMA, Chair



