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# 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 the articles have been transported or any packing material used  
16 in connection therewith shall be made in the manner hereinafter  
17 set 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~~] the articles at the pier, airport,  
15 or any other place where they are first received or  
16 discharged, in [~~such~~] a manner that they will not  
17 spread or be likely to spread any infestation or  
18 infection of insects or diseases that may be present  
19 until 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 before passengers depart 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 before  
11 passengers depart the first airport or seaport of  
12 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~~] before importation or have been  
15 specifically approved for importation by the  
16 board;

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

19 (v) The name of the shipper; and

20 (vi) The name of the consignee; and

21 (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~~] any other place shall be borne by the importer  
6 or the importer's agent. If the importer, importer's  
7 agent, or transportation company requests inspection  
8 of sealed containers of the above-mentioned articles  
9 at locations other than where the articles are first  
10 received or discharged and the department determines  
11 that inspection at [~~such~~] the other place is  
12 appropriate, the department may require payment of  
13 costs necessitated by these inspections, including  
14 overtime costs;

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



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



1 basis of a claim against the department or the  
2 inspector for damage or 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 upon its approval.



**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.  
(CD1)

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

