
A BILL FOR AN ACT

RELATING TO BIOSECURITY.

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

1 PART I

2 SECTION 1. Section 26-16, Hawaii Revised Statutes, is
3 amended as follows:

4 1. By amending its title and subsection (a) to read:

5 "**§26-16 Department of agriculture~~[-]~~ and biosecurity.** (a)

6 The department of agriculture and biosecurity shall be headed by
7 an executive board to be known as the board of agriculture~~[-]~~
8 and biosecurity. The board shall consist of ten members:

9 (1) One who shall be a resident of the county of Hawaii;

10 (2) One who shall be a resident of the county of Maui;

11 (3) One who shall be a resident of the county of Kauai;

12 (4) Four at large; and

13 (5) The chairperson of the board of land and natural
14 resources; the director of business, economic
15 development, and tourism; and the dean of the
16 University of Hawaii college of tropical agriculture
17 and human resources, or their designated



1 representatives, who shall serve as ex officio[7]
2 voting members.

3 The majority of the members of the board shall be from the
4 agricultural community or the agricultural support sector. The
5 appointment, tenure, and removal of the members and the filling
6 of vacancies on the board shall be as provided in section 26-34.
7 The governor shall appoint a chairperson of the board from the
8 members."

9 2. By amending subsection (d) to read:

10 "(d) The functions and authority heretofore exercised by
11 the board of commissioners of agriculture and forestry (except
12 the management of state parks and the conservation, development,
13 and utilization of forest resources, including regulatory powers
14 over the forest reserve provided in Act 234, section 2, Session
15 Laws of Hawaii 1957, and of fish and game resources transferred
16 to the department of land and natural resources), by the farm
17 loan board as heretofore constituted, and by the University of
18 Hawaii with respect to the crop and livestock reporting service
19 and market news service, are transferred to the department of
20 agriculture and biosecurity established by this chapter."



1 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
2 amended by amending its title to read:

3 **"CHAPTER 141**

4 **DEPARTMENT OF AGRICULTURE AND BIOSECURITY"**

5 SECTION 3. Section 194-2, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established the invasive species council for
8 the special purpose of providing policy level direction,
9 coordination, and planning among state departments, federal
10 agencies, and international and local initiatives for the
11 control and eradication of harmful invasive species infestations
12 throughout the State and for preventing the introduction of
13 other invasive species that may be potentially harmful. The
14 council shall:

15 (1) Maintain a broad overview of the invasive species
16 problem in the State;

17 (2) Advise, consult, and coordinate invasive species-
18 related efforts with and between the departments of
19 agriculture, land and natural resources, health, and
20 transportation, as well as state, federal,



1 international, and privately organized programs and
2 policies;

3 (3) Identify and prioritize each lead agency's
4 organizational and resource shortfalls with respect to
5 invasive species;

6 (4) After consulting with appropriate state agencies,
7 create and implement a plan that includes the
8 prevention, early detection, rapid response, control,
9 enforcement, and education of the public with respect
10 to invasive species, as well as fashion a mission
11 statement articulating the State's position against
12 invasive species; provided that the appropriate state
13 agencies shall collaborate with the counties and
14 communities to develop and implement a systematic
15 approach to reduce and control coqui frog infestations
16 on public lands that are near or adjacent to
17 communities, and shall provide annual reports on the
18 progress made in achieving this objective;

19 (5) Coordinate and promote the State's position with
20 respect to federal issues, including:

21 (A) Quarantine preemption;



- 1 (B) International trade agreements that ignore the
2 problem of invasive species in Hawaii;
- 3 (C) First class mail inspection prohibition;
- 4 (D) Whether quarantine of domestic pests arriving
5 from the mainland should be provided by the
6 federal government;
- 7 (E) Coordinating efforts with federal agencies to
8 maximize resources and reduce or eliminate system
9 gaps and leaks, including deputizing the United
10 States Department of Agriculture's plant
11 protection and quarantine inspectors to enforce
12 Hawaii's laws;
- 13 (F) Promoting the amendment of federal laws as
14 necessary, including the Lacey Act Amendments of
15 1981, Title 16 United States Code sections 3371-
16 3378; Public Law 97-79, and laws related to
17 inspection of domestic airline passengers,
18 baggage, and cargo; and
- 19 (G) Coordinating efforts and issues with the federal
20 Invasive Species Council and its National
21 Invasive Species Management Plan;



- 1 (6) Identify and record all invasive species present in
2 the State;
- 3 (7) Designate the department of agriculture[7] and
4 biosecurity, health, or land and natural resources as
5 the lead agency for each function of invasive species
6 control, including prevention, rapid response,
7 eradication, enforcement, and education;
- 8 (8) Identify all state, federal, and other moneys expended
9 for the purposes of the invasive species problem in
10 the State;
- 11 (9) Identify all federal and private funds available to
12 the State to fight invasive species and advise and
13 assist state departments to acquire these funds;
- 14 (10) Advise the governor and legislature on budgetary and
15 other issues regarding invasive species;
- 16 (11) Provide annual reports on budgetary and other related
17 issues to the legislature twenty days prior to each
18 regular session;
- 19 (12) Include and coordinate with the counties in the fight
20 against invasive species to increase resources and



- 1 funding and to address county-sponsored activities
2 that involve invasive species;
- 3 (13) Review state agency mandates and commercial interests
4 that sometimes call for the maintenance of potentially
5 destructive alien species as resources for sport
6 hunting, aesthetic resources, or other values;
- 7 (14) Review the structure of fines and penalties to ensure
8 maximum deterrence for invasive species-related
9 crimes;
- 10 (15) Suggest appropriate legislation to improve the State's
11 administration of invasive species programs and
12 policies;
- 13 (16) Incorporate and expand upon the department of
14 [~~agriculture's~~] agriculture and biosecurity's weed
15 risk assessment protocol to the extent appropriate for
16 the council's invasive species control and eradication
17 efforts; and
- 18 (17) Perform any other function necessary to effectuate the
19 purposes of this chapter."

20 SECTION 4. Section 205-47, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) Each county shall develop maps of potential lands to
2 be considered for designation as important agricultural lands in
3 consultation and cooperation with landowners[~~7~~]; the department
4 of agriculture[~~7~~] and biosecurity; agricultural interest groups,
5 including representatives from the Hawaii Farm Bureau Federation
6 and other agricultural organizations[~~7~~]; the United States
7 Department of Agriculture - Natural Resources Conservation
8 Service[~~7~~]; the office of planning and sustainable
9 development[~~7~~]; and other groups as necessary."

10 SECTION 5. Section 219-8, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§219-8 Participation in loans by the department.**

13 (1) The department of agriculture and biosecurity may
14 provide funds for a share, not to exceed ninety per
15 cent, of the principal amount of a loan made to a
16 qualified aquaculturist by a private lender who is
17 unable otherwise to lend the applicant sufficient
18 funds at reasonable rates where the qualified farmer
19 is unable to obtain sufficient funds for the same
20 purpose from the United States Department of
21 Agriculture;



- 1 (2) Participation loans under this section shall be
2 limited by the provisions of section 219-6 and the
3 department of [~~agriculture's~~] agriculture and
4 biosecurity's share shall not exceed the maximum
5 amounts specified therefor;
- 6 (3) Interest charged on the private lender's share of the
7 loan shall not be more than the sum of two per cent
8 above the lowest rate of interest charged by all state
9 or national banks authorized to accept or hold
10 deposits in the State on secured short term loans made
11 to borrowers who have the highest credit rating with
12 those banks;
- 13 (4) The private lender's share of the loan may be insured
14 by the department up to ninety per cent of the
15 principal balance of the loan, under section 219-7;
- 16 (5) When a participation loan has been approved by the
17 department, its share shall be paid to the
18 participating private lender for disbursement to the
19 borrower. The private lender shall collect all
20 payments from the borrower and otherwise service the
21 loan;



1 (6) Out of interest collected, the private lender may be
2 paid a service fee to be determined by the department
3 which fee shall not exceed one per cent of the unpaid
4 principal balance of the loan; provided that this fee
5 shall not be added to any amount which the borrower is
6 obligated to pay;

7 (7) The participating private lender may take over a
8 larger percentage or the full principal balance of the
9 loan at any time that it has determined, to the
10 satisfaction of the department, that the borrower is
11 able to pay any increased interest charges resulting;
12 and

13 (8) Security for participation loans shall be limited by
14 section 219-5(a)(6). All collateral documents shall
15 be held by the private lender. Division of interest
16 in collateral received shall be in proportion to
17 participation by the department and the private
18 lender."

19 SECTION 6. (a) Sections 6E-61, 23-12, 26-4, 46-67, 141-1,
20 141-2, 141-3, 141-3.5, 141-3.6, 141-4, 141-5, 141-6, 141-7, 141-
21 9, 141-12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17,



1 141-18, 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2,
2 142-3, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12, 142-13,
3 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1, 142-29, 142-
4 31, 142-41, 142-43, 142-49, 142-92, 142-93, 142-98, 142-100,
5 142-101, 142-111, 143-2.2, 144-1, 145-1, 145-3, 145-7, 145-8,
6 145-9, 145-27, 145D-5, 146-22, 147-1, 147-21, 147-31, 147-32,
7 147-51, 147-54, 147-55, 147-56, 147-58, 147-59, 147-60, 147-73,
8 147-75, 147-76, 147-78, 147-80, 147-91, 147-92, 147-94, 147-95,
9 147-96, 147-97, 147-101, 147-102, 147-111, 147-116, 147-122,
10 148-1, 148-2, 148-61, 148-62, 148-63, 148-64, 148-66, 149A-2,
11 150-21, 150A-2, 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4,
12 155-5, 155-5.5, 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11,
13 155-12, 155-13, 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3,
14 159-15, 161-3, 161-6, 163D-4, 166-2, 166-3, 166-11, 166E-1,
15 166E-2, 166E-3, 167-22, 167-23, 169-1, 171-2, 171-3, 171-37.5,
16 171-55.5, 171-59, 171-64.7, 171-112, 171-117, 173A-4, 173A-5,
17 174C-31, 187A-6.5, 194-2, 205-6, 205-44.5, 205-45, 205-45.5,
18 205-48, 205-49, 205-50, 205A-62, 206E-34, 219-2, 219-4, 219-7,
19 219-9, 235-110.93, 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6,
20 421-21.6, 460J-21, 460J-24.5, and 486-1, Hawaii Revised
21 Statutes, are amended by substituting the phrase "department of



1 agriculture and biosecurity", or similar term, wherever the
2 phrase "department of agriculture", or similar term, appears, as
3 the context requires.

4 (b) Sections 141-42(b), 142-18, 142-21, 147-52, 147-53,
5 147-57, 147-74, 147-93, 159-2, 161-2, and 460J-26, Hawaii
6 Revised Statutes, are amended by substituting the phrase
7 "department of agriculture and biosecurity", or similar term,
8 wherever the phrase "department of agriculture" appears, except
9 within the term "United States Department of Agriculture", as
10 the context requires.

11 (c) Sections 141D-1, 142-3.5, 142-23.5, and 235-110.93,
12 Hawaii Revised Statutes, are amended by substituting the phrase
13 "department of agriculture and biosecurity's", or similar term,
14 wherever the phrase "department of agriculture's", or similar
15 term, appears, as the context requires.

16 (d) Sections 10-41, 26-34, 84-17, 84-18, 128E-2, 141-6,
17 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6, 142-23.1, 142-
18 28.5, 142-29, 142-31, 144-10, 145-22, 145-27, 147-9, 147-24,
19 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2, 149A-32.5, 150A-
20 2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13, 155-14, 155-33, 157-
21 1, 157-14, 157-15, 157-18, 157-22, 157-23, 157-24, 157-25, 157-



1 26, 157-27, 157-29, 157-41, 157-42, 159-3, 161-3, 163D-3, 166-2,
2 166-3, 166-4, 166-5, 166-6, 166-11, 166E-1, 166E-2, 166E-3, 167-
3 1, 167-2, 167-3, 167-4, 167-5, 167-6, 167-7, 167-9, 167-11, 167-
4 12, 167-13, 167-14, 167-15, 167-16, 167-17, 167-18, 167-19, 167-
5 20, 167-21, 167-22, 168-1, 168-2, 168-3, 168-4, 168-5, 168-6,
6 168-7, 168-8, 169-3, 195-6, 205-44, 210D-5, 219-2, 219-3, 219-4,
7 220-1, 225P-3, 225P-4, 279A-4, 330C-3, 371-19, 460J-2, and 486-
8 1, Hawaii Revised Statutes, are amended by substituting the
9 phrase "board of agriculture and biosecurity", or similar term,
10 wherever the phrase "board of agriculture", or similar term,
11 appears, as the context requires.

12 SECTION 7. All rights, powers, functions, and duties of
13 the department of agriculture are transferred to the department
14 of agriculture and biosecurity.

15 All employees who occupy civil service positions and whose
16 functions are transferred to the department of agriculture and
17 biosecurity by this Act shall retain their civil service status,
18 whether permanent or temporary. Employees shall be transferred
19 without loss of salary, seniority (except as prescribed by
20 applicable collective bargaining agreements), retention points,
21 prior service credit, any vacation and sick leave credits



1 previously earned, and other rights, benefits, and privileges,
2 in accordance with state personnel laws and this Act; provided
3 that the employees possess the minimum qualifications and public
4 employment requirements for the class or position to which
5 transferred or appointed, as applicable; provided further that
6 subsequent changes in status may be made pursuant to applicable
7 civil service and compensation laws.

8 Any employee who, prior to this Act, is exempt from civil
9 service and is transferred as a consequence of this Act may
10 retain the employee's exempt status, but shall not be appointed
11 to a civil service position as a consequence of this Act. An
12 exempt employee who is transferred by this Act shall not suffer
13 any loss of prior service credit, vacation or sick leave credits
14 previously earned, or other employee benefits or privileges as a
15 consequence of this Act; provided that the employees possess
16 legal and public employment requirements for the position to
17 which transferred or appointed, as applicable; provided further
18 that subsequent changes in status may be made pursuant to
19 applicable employment and compensation laws. The chairperson of
20 the board of agriculture and biosecurity may prescribe the



1 duties and qualifications of these employees and fix their
2 salaries without regard to chapter 76, Hawaii Revised Statutes.

3 PART II

4 SECTION 8. Chapter 141, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§141- Deputy director of biosecurity. (a) The
8 governor shall appoint a deputy director of biosecurity, not
9 subject to the advice and consent of the senate, to serve as a
10 deputy to the chairperson. The deputy director of biosecurity
11 shall oversee the biosecurity program established pursuant to
12 this part.

13 (b) The salary of the deputy director of biosecurity shall
14 be as provided in section 26-53 for first deputies or first
15 assistants to the head of any department."

16 SECTION 9. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so
18 much thereof as may be necessary for fiscal year 2025-2026 and
19 the same sum or so much thereof as may be necessary for fiscal
20 year 2026-2027 to establish full-time equivalent (FTE)



1 permanent deputy director of biosecurity in the department of
2 agriculture and biosecurity.

3 The sums appropriated shall be expended by the department
4 of agriculture and biosecurity for the purposes of this Act.

5 PART III

6 SECTION 10. Section 150A-5, Hawaii Revised Statutes, is
7 amended to read as follows:

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



1 connection therewith shall be made in the manner hereinafter set
2 forth:

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



1 inspector to determine whether or not any article, or
2 any portion thereof, is infested or infected with or
3 contains any pest. The department may adopt rules to
4 require identification of specific articles on
5 negotiable and non-negotiable warehouse receipts,
6 bills of lading, or other documents of title for
7 inspection of pests. In addition, the department
8 shall adopt rules to designate restricted articles
9 that shall require:

10 (A) A permit from the department in advance of
11 importation; or

12 (B) A department letter of authorization or
13 registration in advance of importation.

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

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

20 (A) It shall be the responsibility of the
21 transportation company to distribute, prior to



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



1 to declare in cargo manifests is in violation of
2 this section;

3 (B) Completed paper forms shall be collected by the
4 transportation company and be delivered,
5 immediately upon arrival, to the inspector at the
6 first airport or seaport of arrival. Completed
7 electronic forms shall be transmitted to the
8 inspector before passengers depart the first
9 airport or seaport of arrival. Failure to
10 distribute or collect paper [~~declaration~~]
11 biosecurity forms, immediately deliver completed
12 paper forms, or transmit completed electronic
13 forms before passengers depart the first airport
14 or seaport of arrival is a violation of this
15 section; and

16 (C) It shall be the responsibility of the officers
17 and crew of an aircraft or vessel originating in
18 the continental United States or its possessions
19 or from any other area not under the jurisdiction
20 of the appropriate federal agency to immediately
21 report all sightings of any plants and animals to



1 the plant quarantine branch. Failure to comply
2 with this requirement is a violation of this
3 section;

4 (3) ~~[Plant and animal declaration]~~ Biosecurity form. The
5 form shall include directions for declaring domestic
6 and other animals cited in chapter 142, in addition to
7 the articles enumerated in this chapter;

8 (4) Labels. Each container in which any of the above-
9 mentioned articles are imported into the State shall
10 be plainly and legibly marked, in a conspicuous manner
11 and place, with the name and address of the shipper or
12 owner forwarding or shipping the same, the name or
13 mark of the person to whom the same is forwarded or
14 shipped or the person's agent, the name of the
15 country, state, or territory and locality therein
16 where the product was grown or produced, and a
17 statement of the contents of the container. Upon
18 failure to comply with this paragraph, the importer or
19 carrier is in violation of this section;



1 (5) Authority to inspect. Whenever the inspector has good
2 cause to believe that the provisions of this chapter
3 are being violated, the inspector may:

4 (A) Enter and inspect any aircraft, vessel, or other
5 carrier at any time after its arrival within the
6 boundaries of the State, whether offshore, at the
7 pier, or at the airport, for the purpose of
8 determining whether any of the articles or pests
9 enumerated in this chapter or rules adopted
10 thereto, is present;

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

19 (C) Inspect any baggage or personal effects of
20 disembarking passengers, officers, and crew
21 members on aircraft or vessels arriving in the



1 State to ascertain if they contain any of the
2 articles or pests enumerated in this chapter. No
3 baggage or other personal effects of the
4 passengers or crew members shall be released
5 until the baggage or effects have been passed.

6 Baggage or cargo inspection shall be made at the
7 discretion of the inspector, on the pier, vessel, or
8 aircraft or in any quarantine or inspection area.

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



1 (6) Request for importation and inspection. In addition
2 to requirements of the United States customs
3 authorities concerning invoices or other formalities
4 incident to importations into the State, the importer
5 shall be required to file a written statement with the
6 department, signed by the importer or the importer's
7 agent, setting forth the importer's desire to import
8 certain of the above-mentioned articles into the State
9 and:

10 (A) Giving the following additional information:

11 (i) The kind (scientific name), quantity, and
12 description;

13 (ii) The locality where same were grown or
14 produced;

15 (iii) Certification that all animals to be
16 imported are the progeny of captive
17 populations or have been held in captivity
18 for a period of one year immediately before
19 importation or have been specifically
20 approved for importation by the board;



1 (iv) The port from which the same were last
2 shipped;

3 (v) The name of the shipper; and

4 (vi) The name of the consignee; and

5 (B) Containing:

6 (i) A request that the department, by its duly
7 authorized agent, examine the articles
8 described;

9 (ii) An agreement by the importer to be
10 responsible for all costs, charges, or
11 expenses; and

12 (iii) A waiver of all claims for damages incident
13 to the inspection or the fumigation,
14 disinfection, quarantine, or destruction of
15 the articles, or any of them, as hereinafter
16 provided, if any treatment is deemed
17 necessary.

18 Failure or refusal to file a statement, including
19 the agreement and waiver, is a violation of this
20 section and may, in the discretion of the department,



1 be sufficient cause for refusing to permit the entry
2 of the articles into the State;

3 (7) Place of inspection. If, in the judgment of the
4 inspector, it is deemed necessary or advisable to move
5 any of the above-mentioned articles, or any portion
6 thereof, to a place more suitable for inspection than
7 the pier, airport, or any other place where they are
8 first received or discharged, the inspector is
9 authorized to do so. All costs and expenses incident
10 to the movement and transportation of the articles to
11 any other place shall be borne by the importer or the
12 importer's agent. If the importer, importer's agent,
13 or transportation company requests inspection of
14 sealed containers of the above-mentioned articles at
15 locations other than where the articles are first
16 received or discharged and the department determines
17 that inspection at the other place is appropriate, the
18 department may require payment of costs necessitated
19 by these inspections, including overtime costs;

20 (8) Disinfection or quarantine. If, upon inspection, any
21 article received or brought into the State for the



1 purpose of debarkation or entry therein is found to be
2 infested or infected or there is reasonable cause to
3 presume that it is infested or infected and the
4 infestation or infection can, in the judgment of the
5 inspector, be eradicated, a treatment shall be given
6 such article. The treatment shall be at the expense
7 of the owner or the owner's agent, and the treatment
8 shall be as prescribed by the department. The article
9 shall be held in quarantine at the expense of the
10 owner or the owner's agent at a satisfactory place
11 approved by the department for a sufficient length of
12 time to determine that eradication has been
13 accomplished. If the infestation or infection is of
14 the nature or extent that it cannot be effectively and
15 completely eradicated, or if it is a potentially
16 destructive pest or it is not widespread in the State,
17 or after treatment it is determined that the
18 infestation or infection is not completely eradicated,
19 or if the owner or the owner's agent refuses to allow
20 the article to be treated or to be responsible for the
21 cost of treatment and quarantine, the article, or any



1 portion thereof, together with all packing and
2 containers, may, at the discretion of the inspector,
3 be destroyed or sent out of the State at the expense
4 of the owner or the owner's agent. The destruction or
5 exclusion shall not be made the basis of a claim
6 against the department or the inspector for damage or
7 loss incurred;

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

17 (10) Ports of entry. None of the articles mentioned in
18 this section shall be allowed entry into the State
19 except through the airports and seaports in the State
20 designated and approved by the board."

21 PART IV



SECTION 11. Chapter 150A, Hawaii Revised Statutes, is amended by adding a new section to part VI to be appropriately designated and to read as follows:

"§150A- Biosecurity emergency. (a) The department, with the approval of the governor, may declare a biosecurity emergency if:

(1) There has been in the State an outbreak or occurrence of a pest or prohibited or restricted organism that has the potential to cause significant economic or environmental loss if the pest or organism becomes established in the State;

(2) There is established in one area of the State a pest or prohibited or restricted organism that has the potential to cause significant economic or environmental loss if the pest or organism expands to other areas within a county or becomes established in another area of the State; or

(3) A pest or prohibited or restricted organism is, or threatens to be, beyond the State's ability to control.



1 (b) A biosecurity emergency shall automatically terminate
2 one hundred calendar days after its declaration, unless the
3 declaration is extended by the department with the approval of
4 the governor.

5 (c) For the duration of a declared biosecurity emergency:

6 (1) The department shall be exempt from chapter 103D;

7 (2) Notwithstanding chapter 194 to the contrary, the
8 Hawaii invasive species council shall work with the
9 chairperson; and

10 (3) The governor may transfer moneys to the department
11 from any account within the governor's control.

12 (d) The governor may requisition and take control of any
13 goods, real property, or watercraft required for the purposes of
14 this section, or requisition and take control of the temporary
15 use thereof; provided that:

16 (1) This subsection shall not apply to any vessel that:

17 (A) Has anti-fouling hull coating; and

18 (B) Does not discharge ballast water, uses freshwater
19 for ballasting, or is equipped with ultraviolet
20 filtration systems for ballast water;



1 (2) The requisition shall be made by serving notice upon
2 any person found in occupation of the premises or
3 having the property in the person's custody,
4 possession, or control, and a like notice shall also
5 be served upon any person who has filed with the
6 governor, or with a person the governor designates for
7 the purpose, a request for notice with respect to the
8 property; provided further that if any person entitled
9 to compensation for the property is unable to be
10 served, the governor shall publish a notice of the
11 requisition at the earliest practicable date; and

12 (3) A requisition shall terminate automatically one
13 hundred calendar days after the declaration of a
14 biosecurity emergency, or by a separate proclamation
15 of the governor, whichever occurs first.

16 (e) If the governor requisitions and takes control of any
17 property or the temporary use thereof, the owner, or other
18 person entitled thereto, shall be paid a sum, determined by the
19 governor to be fair and just compensation for the property or
20 use, within twenty days after the property has been



1 requisitioned and taken, or in monthly or lesser installments if
2 the property is taken for temporary use.

3 If any person is unwilling to accept the sum determined by
4 the governor as full and complete compensation for the property
5 or use, the person shall be paid seventy-five per cent of that
6 sum and may sue the State for an additional sum that, when added
7 to the sum already received by the person, the person may
8 consider fair and just compensation for the property or use, in
9 the manner provided by chapter 661 for actions against the
10 State; provided that:

11 (1) Any suit under this section shall be instituted within
12 two years after the requisition in the case of the
13 taking of real property in fee simple, or within one
14 year after the requisition in all other cases, subject
15 to sections 657-13 to 657-15, which are hereby made
16 applicable to the suit;

17 (2) No more than six months shall be allowed for the
18 bringing of a suit after the appointment of a
19 conservator of a person under disability, or the
20 removal of the disability, or after the appointment of
21 personal representatives; and



1 (3) Recovery shall be confined to the fair market value of
2 the property or its fair rental value, as the case may
3 be, without any allowance for prospective profits, or
4 punitive or other damages.

5 If the owner of property, or other person entitled to
6 compensation for the requisitioning of property or use thereof,
7 is under a disability, or has died, and no conservator or
8 personal representative has been appointed, the State, acting
9 through the attorney general, may apply for the appointment of a
10 conservator or for the appointment of a personal representative.

11 (f) The governor shall appoint a board of three
12 disinterested certified appraisers with whom may be filed any
13 claim for damages arising out of any failure to return private
14 property, the temporary use of which was requisitioned, or which
15 was leased, or any claim for damages arising out of the
16 condition in which the private property is returned. No claim
17 may be filed for deterioration of property resulting from
18 ordinary wear and tear and not for any deterioration or damage,
19 except any that is shown to have resulted from the taking or use
20 of the property; provided that any claim shall be filed within
21 thirty days after the return of the property or after the



1 governor proclaims that all private property has been returned
2 to the owners, whichever is earlier. The decision of the
3 appraisers shall be final and binding upon the governor and the
4 claimant. Either party may file a petition in the circuit court
5 within sixty days after the rendering of a decision of the board
6 of appraisers, praying for the decision of the court upon the
7 claim. The petition, if filed by the State, shall be entitled
8 in the name of the State by the attorney general and shall be
9 heard and decided by the circuit court without the intervention
10 of a jury. If filed by any other party, the petition shall be
11 filed, heard, and decided in the manner provided for suits
12 against the State. Appellate review may be had, subject to
13 chapter 602, in the manner provided for civil appeals from the
14 circuit courts. The court may order the joinder of other
15 parties or may allow other parties to intervene. Any award that
16 has become final shall be paid out of any funds available under
17 this chapter and, if not sufficient, out of the general revenues
18 of the State as appropriated."

19 SECTION 12. Section 150A-52, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§150A-52 Objectives of biosecurity program.** The
2 objectives of the biosecurity program shall be to:
3 (1) Establish a multi-dimensional system to survey for and
4 prevent the entry into the State and interisland
5 movement of pests and prohibited or restricted
6 organisms without a permit;
7 (2) Respond effectively to eradicate, control, reduce, and
8 suppress incipient pest populations and established
9 pests and seize and dispose of prohibited or
10 restricted organisms without a permit; and
11 (3) Coordinate with partner agencies and organizations to
12 direct the control and eradication of [~~invasive~~
13 ~~species.~~] pests."

14 SECTION 13. Section 150A-53, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§150A-53 General actions to achieve objectives.** (a) To
17 achieve the objectives of the biosecurity program, the
18 department shall plan for and, within available legislative
19 appropriations or through funding from other sources, implement
20 the following:



- 1 (1) Work with government agencies and agricultural
2 commodity exporters of other states and countries to
3 establish pre-entry inspection programs under which
4 inbound cargo into the State is inspected at the ports
5 of departure or other points outside the State;
- 6 (2) Establish, operate, or participate in operating port-
7 of-entry facilities where multiple government agencies
8 may inspect, quarantine, fumigate, disinfect, destroy,
9 or exclude as appropriate, articles that may harbor
10 pests or prohibited or restricted organisms or exclude
11 articles that are prohibited or restricted without a
12 permit, with the goals of:
- 13 (A) Performing inspections in an efficient,
14 effective, and expeditious manner for the
15 government agencies involved and for cargo
16 owners, carriers, and importers; and
- 17 (B) Providing for the proper and safe storage and
18 handling of cargo, especially agricultural and
19 food commodities, awaiting inspection;
- 20 (3) Develop, implement, and coordinate post-entry measures
21 to eradicate, control, reduce, and suppress pests and,



as appropriate, eradicate or seize and dispose of prohibited or restricted organisms without a permit that have entered the State;

(4) Collaborate with relevant government agencies, agricultural commodity importers, and other persons to examine and develop joint integrated systems to better implement the biosecurity program;

(5) Improve cargo inspection capabilities and methods, including enhancement of the content and submission requirements for cargo manifests and agricultural commodity ownership and movement certificates;

(6) Promote the production of agricultural commodities in the State to reduce cargo shipments of imported commodities into the State; and

(7) Provide public education on ~~the~~:

(A) The negative effects of pests and prohibited or restricted organisms without a permit, to the environment and economy of the State[-];

(B) Reporting pests and prohibited or restricted organisms without a permit that are discovered or suspected to be present in imported products; and



1 (C) Protecting imported products to prevent pest
2 infestation.

3 (b) For purposes of the biosecurity program, the
4 department may:

5 (1) Subpoena any necessary documentation from importers
6 relating to a discovered or suspected infestation of a
7 pest or prohibited or restricted organism; and

8 (2) Declare a biosecurity emergency pursuant to section
9 150A- .

10 ~~[(b)]~~ (c) The department shall establish parameters and
11 construction requirements for biosecurity facilities that
12 provide for and ensure the safety of agricultural and food
13 commodities consumed by Hawaii residents, including cold storage
14 facilities established by private-public partnerships to
15 preserve the quality and ensure the safety of the commodities
16 arriving at the State's airports and harbors."

17 PART V

18 SECTION 14. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2025-2026 and
21 the same sum or so much thereof as may be necessary for fiscal



1 year 2026-2027 for full-time equivalent (FTE)
2 positions within the department of agriculture and biosecurity;
3 provided that the funds shall be allocated as follows:

4 (1) \$ for full-time equivalent (FTE)
5 positions under plant pest and disease control
6 (AGR122); and

7 (2) \$ for full-time equivalent (FTE)
8 positions under pesticides (AGR846).

9 The sums appropriated shall be expended by the department
10 of agriculture and biosecurity for the purposes of this Act.

11 PART VI

12 SECTION 15. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 16. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 17. This Act shall take effect on July 1, 3000.



Report Title:

Department of Agriculture and Biosecurity; Deputy Director of Biosecurity; Biosecurity Form; Pests; Biosecurity Emergency; Appropriation

Description:

Part I: Renames the Department of Agriculture to the "Department of Agriculture and Biosecurity". Renames the Board of Agriculture to the "Board of Agriculture and Biosecurity". Part II: Establishes and appropriates funds for a Deputy Director of Biosecurity. Part III: Changes references to the plant and animal declaration form to the "biosecurity form". Part IV: Authorizes and specifies conditions under which the Department of Agriculture and Biosecurity may declare a biosecurity emergency, during which the Department and Governor may take certain actions to prevent the establishment or spread of pests and prohibited or restricted organisms. Broadens the objectives and general actions of the Biosecurity Program. Part V: Appropriates funds for positions for the Department of Agriculture and Biosecurity. Effective 7/1/3000. (HD1)

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