

JAN 15 2025

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# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES PREVENTION.

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

1           SECTION 1. The legislature finds that diversifying and  
2           strengthening the State's agricultural sector is a high  
3           priority. Citrus, including oranges, limes, tangelos, and  
4           grapefruit, is increasingly being planted in the State,  
5           particularly on Maui. According to the United States Department  
6           of Agriculture (USDA) National Agricultural Statistics Service,  
7           the production of citrus crops in the State increased from  
8           347,610 pounds in 2018 to 940,770 pounds in 2021. The  
9           legislature wants to protect and promote this food crop as  
10          production continues to increase, and as pest and disease  
11          pressure in major citrus-producing states hamper production.

12          The legislature further finds that the federal and state  
13          governments must work cooperatively to prevent the spread of  
14          pests and diseases that impact crops, including citrus. When a  
15          pest or disease of high concern is discovered infesting a crop  
16          or is being moved with a particular commodity, the USDA may  
17          establish a quarantine on that infested crop or commodity to



1 prevent the movement of invasive pests or diseases from an  
2 infested area to a non-infested area.

3       The legislature also finds that citrus crops around the  
4 world are threatened by serious diseases and pests, including  
5 citrus greening, or huanglongbing, citrus canker, citrus black  
6 spot, and many species of fruit flies. Citrus greening is the  
7 most serious citrus disease as there is no cure, the fruit of  
8 infected trees never mature, and infected trees die within a few  
9 years. The disease has devastated millions of acres of citrus  
10 crops around the world. In the United States, it is currently  
11 found in Alabama, California, Florida, Georgia, Louisiana,  
12 Puerto Rico, South Carolina, Texas, and the U.S. Virgin Islands.  
13 Hawaii is one of the very few citrus-producing states that  
14 remains free of citrus greening.

15       The legislature additionally finds that the USDA  
16 establishes and updates areas and items that are quarantined and  
17 not allowed to be moved interstate to prevent the spread of  
18 citrus greening, other citrus diseases and pests, and other  
19 diseases and pests.

20       The legislature further finds that the Hawaii department of  
21 agriculture restricts the importation of many citrus species



1 from Puerto Rico and parts of south Florida to protect against  
2 Caribbean fruit flies. However, these restrictions were last  
3 updated in 1981 and are not sufficient to protect citrus crops  
4 in the State today.

5 The legislature also finds that federal USDA inspectors do  
6 not inspect items coming into Hawaii from other states, and when  
7 commodities from quarantined areas arrive in the State, the  
8 department of agriculture does not have the legal authority to  
9 enforce federal quarantines. Therefore, while the USDA  
10 quarantines are established to protect the State from  
11 potentially devastating invasive pests and diseases, there is no  
12 mechanism to enforce them in the State.

13 The legislature finds that authorizing inspectors of the  
14 department of agriculture to enforce federal and state pest and  
15 disease quarantines will close this gap in the State's  
16 biosecurity.

17 Therefore, the purpose of this Act is to authorize the  
18 department of agriculture to enforce quarantines issued by the  
19 USDA or another state to prevent the introduction of invasive  
20 pests and diseases into the State.



1 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§150A- Federal and state quarantines; enforcement;  
5 cooperative agreements. (a) The department may enter into  
6 cooperative agreements with the United States Department of  
7 Agriculture, and other federal, state, or county agencies to  
8 assist in the enforcement of federal quarantines. The  
9 department may establish a quarantine and adopt rules against a  
10 pest or an area not covered by a federal quarantine. The  
11 department may seize, destroy, or require treatment of products  
12 moved from a federally regulated area if the products were not  
13 moved in accordance with the federal quarantine rules or, if  
14 certified, the products were found to be infested with the pest.

15 (b) Interstate shipments for entry into the State shall be  
16 subject to the following:

17 (1) A regulated or restricted article shall not enter the  
18 State if it is:

19 (A) Prohibited from interstate movement pursuant to a  
20 quarantine issued by the United States Department



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1                   of Agriculture or a valid quarantine issued by a  
2                   state; or

3           (B) Required by the United States Department of  
4           Agriculture to be certified to prevent the  
5           movement of a pest and found to be infested with  
6           the pest;

7           (2) The owner or carrier of regulated or restricted  
8           articles that are reportedly originating in  
9           nonregulated areas of a quarantined state shall  
10           provide proof of origin of the regulated or restricted  
11           articles through an invoice, waybill, or other  
12           shipping document; and

13           (3) If only a portion of a state is under a state or  
14           federal quarantine, the shipment shall not be refused  
15           nor a certificate required if the article originates  
16           from a nonregulated or nonrestricted area of the  
17           shipping state, unless the article is found to be  
18           infested or prohibited."

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.



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1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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**Report Title:**

DOA; USDA; Invasive Species Prevention; Federal and State Quarantines; Enforcement

**Description:**

Authorizes the Department of Agriculture to enforce quarantines issued by the United States Department of Agriculture or another state.

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

