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# 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. The purpose of this part is to:

3 (1) Rename the department of agriculture as the department  
4 of agriculture and biosecurity, and the board of  
5 agriculture as the board of agriculture and  
6 biosecurity; and

7 (2) Clarify the composition of the board of agriculture  
8 and biosecurity.

9 SECTION 2. Section 26-16, Hawaii Revised Statutes, is  
10 amended by amending its title and subsection (a) to read as  
11 follows:

12 "~~§26-16 Department of agriculture[-]~~ and biosecurity. (a).

13 The department of agriculture and biosecurity shall be headed by  
14 an executive board to be known as the board of agriculture[-]  
15 and biosecurity. The board shall consist of ten members:

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

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



- 1 (3) One who shall be a resident of the county of Kauai;
- 2 (4) Four at large; and
- 3 (5) The chairperson of the board of land and natural
- 4 resources; the director of business, economic
- 5 development, and tourism; and the dean of the
- 6 University of Hawaii college of tropical agriculture
- 7 and human [~~resources,~~] resilience, or their designated
- 8 representatives, who shall serve as ex officio[+], [+]
- 9 voting members.

10 The majority of the members of the board described in  
 11 paragraphs (1) through (4) shall be from the agricultural  
 12 community or [~~the~~] agricultural support sector[+], with at least  
 13 one member having a background in biosecurity. The appointment,  
 14 tenure, and removal of the members and the filling of vacancies  
 15 on the board shall be as provided in section 26-34. The  
 16 governor shall appoint a chairperson of the board from the  
 17 members."

18 SECTION 3. Section 26-56, Hawaii Revised Statutes, is  
 19 amended by amending subsection (b) to read as follows:

20 "(b) The commission shall review and recommend an  
 21 appropriate salary for the governor, lieutenant governor,



1 members of the legislature, justices and judges of all state  
2 courts, administrative director of the State or an equivalent  
3 position, and department heads or executive officers and the  
4 deputies or assistants to the department heads of the  
5 departments of:

- 6 (1) Accounting and general services;
- 7 (2) Agriculture[+] and biosecurity;
- 8 (3) The attorney general;
- 9 (4) Budget and finance;
- 10 (5) Business, economic development, and tourism;
- 11 (6) Commerce and consumer affairs;
- 12 (7) Corrections and rehabilitation;
- 13 (8) Defense;
- 14 (9) Hawaiian home lands;
- 15 (10) Health;
- 16 (11) Human resources development;
- 17 (12) Human services;
- 18 (13) Labor and industrial relations;
- 19 (14) Land and natural resources;
- 20 (15) Law enforcement;
- 21 (16) Taxation; and



1 (17) Transportation.

2 The commission shall not review the salary of any position  
3 in the department of education or the University of Hawaii.

4 The commission may recommend different salaries for  
5 department heads and executive officers and different salary  
6 ranges for deputies or assistants to department heads; provided  
7 that the commission shall recommend the same salary range for  
8 deputies or assistants to department heads within the same  
9 department; provided further that the appointing official shall  
10 specify the salary for a particular position within the  
11 applicable range.

12 The commission shall not recommend salaries lower than  
13 salary amounts recommended by prior commissions replaced by this  
14 section."

15 SECTION 4. Section 141-42, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:

17 "(b) An individual or entity licensed to produce hemp  
18 pursuant to subsection (a) may transport hemp within the State  
19 to a facility authorized by law to process hemp or to another  
20 licensed producer's grow area; provided that the transportation  
21 has been reported to the department of agriculture[-] and



1 biosecurity. The department of agriculture and biosecurity may  
2 require movement reports that include copies of the United  
3 States Department of Agriculture test results for the hemp to be  
4 transported and may deny authorization if the hemp is found to  
5 not comply with any law or regulation."

6 SECTION 5. Section 142-18, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§142-18 Disposal of tuberculous animals.** The owner of  
9 all cattle reacting to the tuberculin test shall, subject to  
10 section 142-16, cause them to be segregated immediately and,  
11 within a reasonable time thereafter, to be delivered for  
12 slaughter at such time and place as may be designated by the  
13 department of agriculture[-] and biosecurity. The slaughter  
14 shall be under the direct supervision of the department and in  
15 accordance with the meat inspection regulations of the United  
16 States Department of Agriculture."

17 SECTION 6. Section 142-21, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§142-21 Cooperation with federal authorities.** The  
20 department of agriculture and biosecurity may cooperate with the  
21 United States Department of Agriculture in its efforts to



1 eradicate bovine tuberculosis or any other transmissible disease  
2 of animals, and may make appraisals of condemned animals and  
3 report on the salvage derived from the sale of the animals in  
4 conformity with the regulations of the United States Department  
5 of Agriculture."

6 SECTION 7. Section 147-52, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§147-52 Grades, standards and classifications; changes.**

9 The standards for grading and classifying food products that  
10 have been or may be hereafter adopted, prescribed, or announced  
11 by the United States Department of Agriculture or by or under  
12 authority of the Congress of the United States are hereby  
13 declared to be the official standards for grading and  
14 classifying such food products for the State; provided that the  
15 department of agriculture and biosecurity may establish and  
16 prescribe other and different, or additional, standards for  
17 grading and classifying any such products, to the extent  
18 permitted by the laws of the United States, which standards, so  
19 established and prescribed by the department, shall be the  
20 official standards for grading and classifying any such food  
21 products for the State. The department may also establish and



1 prescribe official standards for grading and classifying any or  
2 all food products for which no standards have been adopted,  
3 prescribed, or announced by the United States Department of  
4 Agriculture or by or under authority of the Congress. The  
5 department may change any standards established and prescribed  
6 by it hereunder from time to time."

7 SECTION 8. Section 147-53, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§147-53 Department; grades, standards, and  
10 classifications; factors. In establishing any grades,  
11 standards, or classifications for any food product, the  
12 department of agriculture[7] and biosecurity, in addition to  
13 such factors as may be specified in any other law, shall take  
14 into account and base the grades, standards, or classifications  
15 upon such of the following factors as shall be applicable to the  
16 product involved: degree of maturity; size, measured by  
17 dimensions or weight; degree of freshness, as determined by  
18 physical examination or chemical test or analysis; moisture  
19 content; uniformity; color; firmness; tenderness; defects;  
20 injury; damage; diseases; appearance; mixture of varieties;  
21 decay; conformation; soundness; varietal characteristics or



1 type; number of specimens per pound; nature of pack; presence of  
2 dirt or other foreign material; condition as to temperature and  
3 extent to which the product is hot or heating or is in a sour  
4 condition; extent to which product is satisfactory for human or  
5 other consumption or use; extent to which the product has been  
6 affected by handling or treatment; extent to which the product  
7 has a commercially objectionable flavor or odor; and other  
8 factors indicative of class, quality, or condition, and of the  
9 value or suitability of the product involved for the commercial  
10 or other use to be made thereof. In addition, the department  
11 shall take into account any grades, standards, or  
12 classifications for such product established by the United  
13 States Department of Agriculture and also applicable federal  
14 grades and standard laws."

15 SECTION 9. Section 147-57, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§147-57 Department, rules and regulations, contracts,**  
18 **cooperation, fees.** The department of agriculture[7] and  
19 biosecurity, in addition to powers granted by this part or any  
20 other law, shall have all powers necessary or convenient to  
21 carry out and effectuate this part, including the following:



1 (1) To prescribe rules and regulations, not inconsistent  
2 with this part, respecting: the standards for grading  
3 and classifying, and the grades, standards, and  
4 classification for, food products; the inspection,  
5 grading, and classification of food products; the  
6 determination and certification of the grade,  
7 classification, quality, and condition of food  
8 products and such other pertinent facts as the  
9 department may deem advisable; the licensing of  
10 inspectors, graders, and samplers and the duties of  
11 such inspectors, graders, and samplers; methods of  
12 test, analysis, and examination in determining the  
13 grade, classification, quality, and condition of food  
14 products; the official word or words, figure, or  
15 letter to indicate official grade or standards of  
16 quality or condition of food products; the design,  
17 form, and use of official labels and statements for  
18 use on packages or containers of products inspected,  
19 graded, classified, and certified under this part; and  
20 continuous factory inspection, grading,  
21 classification, and certification of food products;



- 1           (2) To contract with the United States Department of
- 2           Agriculture for the services of an inspector or
- 3           inspectors employed by the department and the
- 4           establishment of a cooperative inspection service with
- 5           the United States government;
- 6           (3) To cooperate with the United States or any department
- 7           thereof, in accomplishing the matters or things
- 8           provided for herein; and
- 9           (4) To fix, assess, and collect, or cause to be collected,
- 10          fees for inspecting or classifying food products, such
- 11          fees to be on a uniform basis in an amount reasonably
- 12          necessary to cover, as nearly as may be, the cost of
- 13          the inspection and the administration of this part;
- 14          provided that the department may adjust the fees to be
- 15          collected hereunder to meet the expenses necessary to
- 16          carry out the provisions hereof and may prescribe a
- 17          different scale of fees for different localities;
- 18          [and] provided further that the department may
- 19          prescribe a reasonable charge for traveling expenses
- 20          and services. Charges for continuous factory
- 21          inspection and grading may be fixed, assessed, and



1 collected on such contract basis as will reimburse the  
2 State for the salary and all expenses of the factory  
3 inspector or grader, to which shall be added an  
4 appropriate percentage of charges assessed to cover,  
5 as nearly as practicable, administrative overhead  
6 expense."

7 SECTION 10. Section 147-74, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§147-74 Grading standards and regulations.** Subject to  
10 chapter 91, the department of agriculture and biosecurity may  
11 make rules with respect to:

- 12 (1) Sale and transportation for sale of eggs for human  
13 consumption;
- 14 (2) Specific grades or standards of quality, condition,  
15 and size or weight classes which shall conform when  
16 practical to those established by the United States  
17 Department of Agriculture as local conditions will  
18 permit;
- 19 (3) Inspection and classification;



- 1 (4) Assessment and collection of fees for requested
- 2 certification as to grade, standard of quality,
- 3 condition, and size or weight classes;
- 4 (5) Labeling of containers of imported and locally
- 5 produced eggs and marking of individual imported eggs
- 6 as to origin;
- 7 (6) Seller's invoice for sale of eggs;
- 8 (7) Records of imported shell eggs of foreign origin;
- 9 (8) Methods of determining egg quality, which shall not
- 10 include recandling or any other method applied to eggs
- 11 in interstate commerce which is discriminatory or
- 12 impairs that commerce in any way or requires a cost
- 13 increase of eggs in interstate commerce; and
- 14 (9) Enforcement of this part and of the rules adopted
- 15 under this part."

16 SECTION 11. Section 147-93, Hawaii Revised Statutes, is  
 17 amended to read as follows:

18 "**§147-93 Cooperating with federal authority.** The  
 19 department of agriculture and biosecurity may enter into  
 20 cooperative agreements with the United States Department of



1 Agriculture for the purpose of grading beef, pork, mutton, and  
2 lamb carcasses."

3 SECTION 12. Section 159-2, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§159-2[+] **Findings and declaration of necessity.** It  
6 is hereby declared that the meat industry is a paramount  
7 agricultural industry of this State and the production and  
8 marketing of meat is an enterprise that is of significant  
9 importance to the economy of this State and to the health of the  
10 consuming public. It is essential to the public health and  
11 welfare of consumers that they be protected by assuring that  
12 meat and meat products distributed to them are wholesome, not  
13 adulterated, and properly marked, labeled, and packaged.  
14 Unwholesome, adulterated, or misbranded meat or meat products  
15 are injurious to the public health and welfare, destroy markets  
16 for wholesome, unadulterated, and properly labeled and packaged  
17 meat and meat products and result in sundry losses to livestock  
18 producers and processors of meat and meat products, as well as  
19 injury to consumers. The unwholesome, adulterated, mislabeled,  
20 or deceptively packaged articles can be sold at lower prices and  
21 compete unfairly with the wholesome, unadulterated, and properly



1 labeled and packaged articles, to the detriment of consumers and  
2 the public generally. It is hereby found that regulation by the  
3 department of agriculture and biosecurity and cooperation by  
4 this State with the United States Department of Agriculture as  
5 contemplated by this Hawaii Meat Inspection Act is appropriate  
6 to protect the health and welfare of consumers and otherwise to  
7 effectuate the purposes of this chapter.

8 Congress enacted the Meat Inspection Act in 1907 (Public  
9 Law 59-242), as amended by the Wholesome Meat Act in 1967  
10 (Public Law 90-201) which is now redesignated as the Federal  
11 Meat Inspection Act. The Federal Meat Inspection Act is  
12 intended to protect the consuming public from adulterated or  
13 misbranded meat and meat products and to assist the states in  
14 their efforts to accomplish this objective. The Federal Meat  
15 Inspection Act authorizes the Secretary of Agriculture to  
16 furnish financial and related assistance to states for the  
17 administration of meat inspection programs which conform to  
18 established federal standards up to fifty per cent of the  
19 estimated total cost of the cooperative program. Presently, the  
20 meat processing industry in this State is not subject to any  
21 meat inspection law or rules and regulations that meet the



1 minimum federal requirement in this area. This State, in order  
2 to qualify for the cooperative program, must demonstrate  
3 "progressive action" by November 15, 1969; and, further, all  
4 physical facilities must be upgraded in accordance with the  
5 established federal standards by November 15, 1970. Failure to  
6 comply with the federal standards prescribed by the Federal Meat  
7 Inspection Act will result in federal control of the meat and  
8 meat processing industries of the State. Accordingly, the State  
9 deems it to be in the best interest of the public health and  
10 welfare to take those steps as are necessary to qualify for  
11 federal financial and related assistance for the administration  
12 of a meat inspection program which conforms to federal standards  
13 prescribed in the Federal Meat Inspection Act."

14 SECTION 13. Section 161-2, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§161-2 Findings and declaration of necessity.** It is  
17 hereby declared that the poultry industry is a paramount  
18 agricultural industry of this State and the production and  
19 marketing of poultry is an enterprise that is of significant  
20 importance to the economy of the State and to the health of the  
21 consuming public. It is essential to the public health and



1 welfare of consumers that they be protected by assuring that  
2 poultry or poultry products distributed to them are wholesome,  
3 not adulterated, and properly marked, labeled, and packaged.  
4 Unwholesome, adulterated, or misbranded poultry or poultry  
5 products are injurious to the public health and welfare, destroy  
6 markets for wholesome, not adulterated, and properly labeled and  
7 packaged poultry or poultry products, and result in sundry  
8 losses to poultry producers and processors of poultry as well as  
9 injury to consumers. The unwholesome, adulterated, mislabeled,  
10 or deceptively packaged articles can be sold at lower prices and  
11 compete unfairly with the wholesome, not adulterated, and  
12 properly labeled and packaged articles, to the detriment of  
13 consumers and the public generally. It is hereby found that  
14 regulation by the department of agriculture and biosecurity and  
15 cooperation by this State with the United States Department of  
16 Agriculture as contemplated by this chapter is appropriate to  
17 protect the health and welfare of consumers and otherwise to  
18 effectuate the purposes of this chapter.

19       The 90th Congress enacted Public Law 90-492, entitled "The  
20 Wholesome Poultry Products Act", which is now redesignated as  
21 the "Poultry Products Inspection Act". The Poultry Products



1 Inspection Act is intended to protect the consuming public from  
2 adulterated or misbranded poultry or poultry products and to  
3 assist the states in their efforts to accomplish this objective.  
4 The Poultry Products Inspection Act authorizes the United States  
5 Secretary of Agriculture to furnish financial and related  
6 assistance to states for the administration of poultry  
7 inspection programs which conform to established federal  
8 standards up to fifty per cent of the estimated total cost of  
9 the cooperative program. Hawaii's poultry industry is not  
10 subject to poultry inspection law or rules and regulations that  
11 meet the minimum federal requirement in this area. In order to  
12 qualify for the cooperative program, the State must demonstrate  
13 "progressive action" by July 18, 1970; and, further, all  
14 physical facilities must be upgraded in accordance with the  
15 established federal standards by July 18, 1971. Failure to  
16 comply with the standards prescribed by the Poultry Products  
17 Inspection Act will result in federal control of the poultry or  
18 poultry processing industries of the State. Accordingly, the  
19 State of Hawaii deems it to be in the interest of the State's  
20 public health and welfare to take [~~such~~] steps as are necessary  
21 to qualify for federal financial and related assistance for the



1 administration of a poultry inspection program which conforms to  
2 federal standards prescribed in the Poultry Products Inspection  
3 Act."

4 SECTION 14. Section 205-47, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

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

15 SECTION 15. Section 219-8, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 **"§219-8 Participation in loans by the department.**

18 (1) The department of agriculture and biosecurity may  
19 provide funds for a share, not to exceed ninety per  
20 cent, of the principal amount of a loan made to a  
21 qualified aquaculturist by a private lender who is



1            otherwise unable [~~otherwise~~] to lend the applicant  
2            sufficient funds at reasonable rates where the  
3            qualified farmer is unable to obtain sufficient funds  
4            for the same purpose from the United States Department  
5            of Agriculture;

6            (2) Participation loans under this section shall be  
7            limited by the provisions of section 219-6 and the  
8            department of [~~agriculture's~~] agriculture and  
9            biosecurity's share shall not exceed the maximum  
10           amounts specified therefor;

11           (3) Interest charged on the private lender's share of the  
12           loan shall not be more than the sum of two per cent  
13           above the lowest rate of interest charged by all state  
14           or national banks authorized to accept or hold  
15           deposits in the State on secured short term loans made  
16           to borrowers who have the highest credit rating with  
17           those banks;

18           (4) The private lender's share of the loan may be insured  
19           by the department up to ninety per cent of the  
20           principal balance of the loan, under section 219-7;



- 1 (5) When a participation loan has been approved by the  
2 department, its share shall be paid to the  
3 participating private lender for disbursement to the  
4 borrower. The private lender shall collect all  
5 payments from the borrower and otherwise service the  
6 loan;
- 7 (6) Out of interest collected, the private lender may be  
8 paid a service fee to be determined by the department  
9 [~~which fee~~] that shall not exceed one per cent of the  
10 unpaid principal balance of the loan; provided that  
11 this fee shall not be added to any amount which the  
12 borrower is obligated to pay;
- 13 (7) The participating private lender may take over a  
14 larger percentage or the full principal balance of the  
15 loan at any time that it has determined, to the  
16 satisfaction of the department, that the borrower is  
17 able to pay any increased interest charges resulting;  
18 and
- 19 (8) Security for participation loans shall be limited by  
20 section 219-5(a)(6). All collateral documents shall  
21 be held by the private lender. Division of interest



1 in collateral received shall be in proportion to  
2 participation by the department and the private  
3 lender."

4 SECTION 16. Section 460J-26, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§460J-26 Exemptions.** This chapter shall not apply to:

- 7 (1) Officials of the federal government on military  
8 reservations;
- 9 (2) Personnel of the United States Department of  
10 Agriculture, [~~the~~] state department of agriculture[ ~~or~~  
11 ~~or~~] and biosecurity, state department of land and  
12 natural resources, or [~~the~~] United States Public  
13 Health Service in the performance of their official  
14 duties;
- 15 (3) Other government employees who conduct research on  
16 pesticides or pest control or who use pesticides in  
17 the performance of their duties;
- 18 (4) Qualified scientific personnel specially exempted by  
19 the board;
- 20 (5) Persons engaged in pest control for agricultural  
21 purposes; or



- 1 (6) Engineers or architects licensed under chapter 464  
2 who:
- 3 (A) Draft or prepare design documents that prescribe  
4 anti-termite or anti-pest measures, including the  
5 specification of termiticides, that are required  
6 by the building code and other governmental  
7 agencies;
- 8 (B) Conduct building condition or assessment surveys  
9 to observe and evaluate the condition of the  
10 building or structure, if the primary purpose of  
11 these surveys is not to report on the  
12 identification of infestations; or
- 13 (C) Prepare reports based on the results of the  
14 surveys specified in subparagraph (B) that  
15 identify the location, extent, and probable cause  
16 of the pest damage (e.g., "termite damage");  
17 provided that where a report concerns termite  
18 damage, the particular type or species of termite  
19 shall not be specified unless the report is  
20 written in consultation with a licensed pest  
21 control operator licensed in termite control or



1 other duly recognized expert in urban entomology,  
 2 such as an insect taxonomist or urban  
 3 entomologist with expertise in the identification  
 4 or control of termites; and provided further that  
 5 if a licensed pest control operator is not  
 6 consulted, the report shall include a  
 7 recommendation that a licensed pest control  
 8 operator be contracted for further assessment or  
 9 treatment."

10 SECTION 17. Sections 6E-61, 23-12, 26-4, 26-16(d), 46-67,  
 11 141-1, 141-3, 141-3.6, 141-4, 141-5, 141-6, 141-7, 141-9, 141-  
 12 12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17, 141-43,  
 13 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2, 142-3, 142-3.5,  
 14 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12, 142-13,  
 15 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1, 142-23.5, 142-  
 16 29, 142-31, 142-41, 142-43, 142-49, 142-92, 142-93, 142-98, 142-  
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 19 147-51, 147-54, 147-55, 147-56, 147-58, 147-59, 147-60, 147-73,  
 20 147-75, 147-76, 147-78, 147-80, 147-91, 147-92, 147-94, 147-95,  
 21 147-96, 147-97, 147-101, 147-102, 147-111, 147-116, 147-122,



1 148-1, 148-2, 148-61, 148-62, 148-63, 148-64, 148-66, 149A-2,  
2 150-21, 150A-2, 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4,  
3 155-5, 155-5.5, 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11,  
4 155-12, 155-13, 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3,  
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6 166E-2, 166E-3, 167-22, 167-23, 169-1, 171-2, 171-3, 171-37.5,  
7 171-55.5, 171-59, 171-64.7, 171-112, 171-117, 173A-4, 173A-5,  
8 174C-31, 187A-6.5, 194-2, 205-6, 205-44.5, 205-45, 205-45.5,  
9 205-48, 205-49, 205-50, 205A-62, 206E-34, 219-2, 219-4, 219-7,  
10 219-9, 235-110.93, 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6,  
11 421-21.6, 460J-21, 460J-24.5, and 486-1, Hawaii Revised  
12 Statutes, and the title of chapter 141, Hawaii Revised Statutes,  
13 are amended by substituting the term "department of agriculture  
14 and biosecurity", or similar term, wherever the term "department  
15 of agriculture", or similar term, appears, except within the  
16 term "United States Department of Agriculture", as the context  
17 requires.

18 SECTION 18. Sections 10-41, 26-34, 84-17, 84-18, 128E-2,  
19 141-6, 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6, 142-  
20 23.1, 142-28.5, 142-29, 142-31, 144-10, 145-22, 145-27, 147-9,  
21 147-24, 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2, 149A-



1 32.5, 150A-2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13, 155-14,  
2 155-33, 157-1, 157-14, 157-15, 157-18, 157-22, 157-23, 157-24,  
3 157-25, 157-26, 157-27, 157-29, 157-41, 157-42, 159-3, 161-3,  
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9 219-3, 219-4, 220-1, 225P-3, 225P-4, 279A-4, 330C-3, 371-19,  
10 460J-2, and 486-1, Hawaii Revised Statutes, are amended by  
11 substituting the term "board of agriculture and biosecurity", or  
12 similar term, wherever the term "board of agriculture", or  
13 similar term, appears, as the context requires.

14 SECTION 19. Sections 26-52 and 194-2(b), Hawaii Revised  
15 Statutes, are amended by substituting the words "agriculture and  
16 biosecurity", or similar term, wherever the word "agriculture",  
17 or similar term, appears, as the context requires.

18 PART II

19 SECTION 20. The purpose of this part is to establish a new  
20 deputy chairperson position within the department of agriculture



1 and biosecurity, to be known as the deputy chairperson for  
2 biosecurity.

3 SECTION 21. Chapter 141, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§141- Deputy chairperson for biosecurity; established.

7 (a) There is established within the department a deputy  
8 chairperson for biosecurity. The deputy chairperson for  
9 biosecurity shall oversee all of the department's biosecurity  
10 initiatives, including programs under chapters 142 and 150A and  
11 sections 141-5, 261-4.5, and 266-21.5.

12 (b) The deputy chairperson for biosecurity shall be a  
13 deputy to the chairperson of the board of agriculture and  
14 biosecurity and be appointed, without regard to chapter 76, by  
15 the governor. The salary of the deputy chairperson for  
16 biosecurity shall be as provided in section 26-53 for first  
17 deputies or first assistants to the head of any department."

18 PART III

19 SECTION 22. Chapter 150A, Hawaii Revised Statutes, is  
20 amended by adding a new section to part VI to be appropriately  
21 designated and to read as follows:



1        "§150A-        Biosecurity emergency. (a) The department,  
2 with the approval of the governor, may declare a biosecurity  
3 emergency if:

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

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

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

18       (b) A biosecurity emergency shall automatically terminate  
19 one hundred calendar days after its declaration, unless the  
20 declaration is extended by the department with the approval of  
21 the governor.



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

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

3        (2) The Hawaii invasive species council shall work with  
4        the chairperson; and

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

7        (d) The governor may requisition and take control of any  
8        goods, real property, or watercraft required for the purposes of  
9        this section, or requisition and take control of the temporary  
10       use thereof; provided that:

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

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

13       (B) Does not discharge ballast water, uses freshwater  
14       for ballasting, or is equipped with ultraviolet  
15       filtration systems for ballast water;

16       (2) The requisition shall be made by serving notice upon  
17       any person found in occupation of the premises or

18       having the property in the person's custody,  
19       possession, or control, and a like notice shall also

20       be served upon any person who has filed with the

21       governor, or with a person the governor designates for



1 the purpose, a request for notice with respect to the  
2 property; provided further that if any person entitled  
3 to compensation for the property is unable to be  
4 served, the governor shall publish a notice of the  
5 requisition at the earliest practicable date; and

6 (3) A requisition shall terminate automatically one  
7 hundred calendar days after the declaration of a  
8 biosecurity emergency, or by a separate proclamation  
9 of the governor, whichever occurs first.

10 (e) If the governor requisitions and takes control of any  
11 property or the temporary use thereof, the owner, or other  
12 person entitled thereto, shall be paid a sum, determined by the  
13 governor to be fair and just compensation for the property or  
14 use, within twenty days after the property has been  
15 requisitioned and taken, or in monthly or lesser installments if  
16 the property is taken for temporary use.

17 If any person is unwilling to accept the sum determined by  
18 the governor as full and complete compensation for the property  
19 or use, the person shall be paid seventy-five per cent of that  
20 sum and may sue the State for an additional sum that, when added  
21 to the sum already received by the person, the person may



1 consider fair and just compensation for the property or use, in  
2 the manner provided by chapter 661 for actions against the  
3 State; provided that:

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

10       (2) No more than six months shall be allowed for the  
11           bringing of a suit after the appointment of a  
12           conservator of a person under disability, or the  
13           removal of the disability, or after the appointment of  
14           personal representatives; and

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

19       If the owner of property, or other person entitled to  
20 compensation for the requisitioning of property or use thereof,  
21 is under a disability, or has died, and no conservator or



1 personal representative has been appointed, the State, acting  
2 through the attorney general, may apply for the appointment of a  
3 conservator or for the appointment of a personal representative.

4 (f) The governor shall appoint a board of three  
5 disinterested certified appraisers with whom may be filed any  
6 claim for damages arising out of any failure to return private  
7 property, the temporary use of which was requisitioned, or which  
8 was leased, or any claim for damages arising out of the  
9 condition in which the private property is returned. No claim  
10 may be filed for deterioration of property resulting from  
11 ordinary wear and tear and not for any deterioration or damage,  
12 except any that is shown to have resulted from the taking or use  
13 of the property; provided that any claim shall be filed within  
14 thirty days after the return of the property or after the  
15 governor proclaims that all private property has been returned  
16 to the owners, whichever is earlier. The decision of the  
17 appraisers shall be final and binding upon the governor and the  
18 claimant. Either party may file a petition in the circuit court  
19 within sixty days after the rendering of a decision of the board  
20 of appraisers, praying for the decision of the court upon the  
21 claim. The petition, if filed by the State, shall be entitled



1 in the name of the State by the attorney general and shall be  
2 heard and decided by the circuit court without the intervention  
3 of a jury. If filed by any other party, the petition shall be  
4 filed, heard, and decided in the manner provided for suits  
5 against the State. Appellate review may be had, subject to  
6 chapter 602, in the manner provided for civil appeals from the  
7 circuit courts. The court may order the joinder of other  
8 parties or may allow other parties to intervene. Any award that  
9 has become final shall be paid out of any funds available under  
10 this chapter and, if not sufficient, out of the general revenues  
11 of the State as appropriated."

12 SECTION 23. Section 150A-52, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**§150A-52 Objectives of biosecurity program.** The  
15 objectives of the biosecurity program shall be to:

- 16 (1) Establish a multi-dimensional system to survey for and  
17 prevent the entry into the State and interisland  
18 movement of pests and prohibited or restricted  
19 organisms without a permit;  
20 (2) Respond effectively to eradicate, control, reduce, and  
21 suppress incipient pest populations and established



1 pests and seize and dispose of prohibited or  
 2 restricted organisms without a permit; and  
 3 (3) Coordinate with partner agencies and organizations to  
 4 direct the control and eradication of [~~invasive~~  
 5 ~~species.~~] pests."

6 SECTION 24. Section 150A-53, Hawaii Revised Statutes, is  
 7 amended to read as follows:

8 "**§150A-53 General actions to achieve objectives.** (a) To  
 9 achieve the objectives of the biosecurity program, the  
 10 department shall plan for and, within available legislative  
 11 appropriations or through funding from other sources, implement  
 12 the following:

13 (1) Work with government agencies and agricultural  
 14 commodity exporters of other states and countries to  
 15 establish pre-entry inspection programs under which  
 16 inbound cargo into the State is inspected at the ports  
 17 of departure or other points outside the State;

18 (2) Establish, operate, or participate in operating port-  
 19 of-entry facilities where multiple government agencies  
 20 may inspect, quarantine, fumigate, disinfect, destroy,  
 21 or exclude as appropriate, articles that may harbor



1 pests or prohibited or restricted organisms or exclude  
2 articles that are prohibited or restricted without a  
3 permit, with the goals of:

4 (A) Performing inspections in an efficient,  
5 effective, and expeditious manner for the  
6 government agencies involved and for cargo  
7 owners, carriers, and importers; and

8 (B) Providing for the proper and safe storage and  
9 handling of cargo, especially agricultural and  
10 food commodities, awaiting inspection;

11 (3) Develop, implement, and coordinate post-entry measures  
12 to eradicate, control, reduce, and suppress pests and,  
13 as appropriate, eradicate or seize and dispose of  
14 prohibited or restricted organisms without a permit  
15 that have entered the State;

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

20 (5) Improve cargo inspection capabilities and methods,  
21 including enhancement of the content and submission



- 1 requirements for cargo manifests and agricultural
- 2 commodity ownership and movement certificates;
- 3 (6) Promote the production of agricultural commodities in
- 4 the State to reduce cargo shipments of imported
- 5 commodities into the State; and
- 6 (7) Provide public education on [~~the~~]:
- 7 (A) The negative effects of pests and prohibited or
- 8 restricted organisms without a permit, to the
- 9 environment and economy of the State[-];
- 10 (B) Reporting pests and prohibited or restricted
- 11 organisms without a permit that are discovered or
- 12 suspected to be present in imported products; and
- 13 (C) Protecting imported products to prevent pest
- 14 infestation.
- 15 (b) For purposes of the biosecurity program, the
- 16 department may:
- 17 (1) Subpoena any necessary documentation from importers
- 18 relating to a discovered or suspected infestation of a
- 19 pest or prohibited or restricted organism; and
- 20 (2) Declare a biosecurity emergency pursuant to section
- 21 150A- .





1 ensuring that all relevant goods are properly inspected before  
2 delivery to their destination.

3 The purpose of this part is to enhance Hawaii's biosecurity  
4 measures by authorizing the establishment of similar  
5 transitional facilities in the State along with licenses for  
6 private individuals to inspect the imported goods.

7 SECTION 26. Chapter 150A, Hawaii Revised Statutes, is  
8 amended by adding five new sections to part II to be  
9 appropriately designated and to read as follows:

10 "§150A-A Transitional facilities; uses. (a) Upon  
11 notification by the department, items at a pier, airport, or  
12 other place where the items are first received may be  
13 transported to a transitional facility suitable for the items.

14 (b) Items transported pursuant to subsection (a) shall be  
15 transported in a manner that they will not spread or be likely  
16 to spread any infestation or infection of insects or diseases  
17 that may be present.

18 (c) All costs and expenses incident to the use of a  
19 transitional facility shall be borne by the importer or the  
20 importer's agent. For the purposes of this subsection, "import"  
21 (and any nounal, verbal, adjectival, adverbial, and other



1 equivalent for the term used interchangeably in this subsection)  
2 means to bring or attempt to bring goods or products into the  
3 State, and includes items labeled or designated as samples, even  
4 if not intended for retail sale, subject to this chapter.

5 (d) No items shall be transported out of a transitional  
6 facility unless:

7 (1) Authorized by the department; or

8 (2) Certified by a biosecurity compliance auditor that the  
9 items are free of diseases, infections, infestations,  
10 and other items that the department deems relevant.

11 **§150A-B Transitional facilities; established.** The  
12 department shall establish standards for transitional  
13 facilities, including standards for the construction,  
14 maintenance, and operation of transitional facilities. The  
15 department may establish standards for transitional facilities  
16 pursuant to the types of items stored by those facilities, and  
17 corresponding classes of licensure.

18 **§150A-C Transitional facility license.** (a) No person  
19 shall operate a transitional facility without a transitional  
20 facility license and under the terms of a signed compliance  
21 agreement.



1        (b) A person may apply to the department for a  
2 transitional facility license. The application shall be made  
3 under oath on forms provided by the department and shall contain  
4 information as prescribed by the department, including the  
5 following:

6        (1) The name, business address, telephone number, social  
7 security number, and, where applicable, the federal  
8 tax identification number of the applicant;

9        (2) The proposed location of the transitional facility;  
10 and

11        (3) The type of items the transitional facility will hold.

12        (c) The department shall establish standards for  
13 transitional facilities, including:

14        (1) Standards for construction, maintenance, security, and  
15 operation; and

16        (2) Quarterly inspections; provided that the department  
17 may perform periodic random inspections to ensure  
18 compliance.

19        (d) The department may suspend or revoke a transitional  
20 facility license if the transitional facility does not satisfy  
21 the standards established by the department under subsection (c)



1 or the department determines that the transitional facility is  
2 not in compliance under the terms of the compliance agreement.

3 **§150A-D Biosecurity compliance auditor; certification.**

4 (a) The department shall certify biosecurity compliance  
5 auditors and offer training to individuals seeking a biosecurity  
6 compliance auditor certification.

7 (b) The training shall include:

8 (1) The identification of diseases, infections,  
9 infestations, and other subjects that the department  
10 deems relevant; and

11 (2) Procedures following the identification of a disease,  
12 infection, infestation, or other subject that the  
13 department deems relevant.

14 (c) Upon completion of the training and satisfaction of  
15 other requirements under the compliance agreement, the  
16 department shall issue a biosecurity compliance auditor  
17 certification to the individual. The certification shall be  
18 valid for one year, shall identify the specific transitional  
19 facility where the biosecurity compliance auditor is authorized  
20 to conduct compliance audits, and may be renewed under  
21 requirements established by the department.



1        (d) The department may require each biosecurity compliance  
2 auditor to complete additional training as needed, including any  
3 emergency training in the interests of biosecurity.

4        (e) The department may revoke or suspend any biosecurity  
5 compliance auditor certification for good cause.

6        (f) A biosecurity compliance auditor may be employed by  
7 the owner of a transitional facility.

8        (g) The department may charge reasonable fees for the  
9 training, certification, and certification renewal under this  
10 section.

11        **§150A-E Biosecurity compliance auditor; powers.** (a)

12 Subject to the terms of the compliance agreement, a certified  
13 biosecurity compliance auditor may certify items located in a  
14 transitional facility as free of diseases, infections,  
15 infestations, and other items that the department deems  
16 relevant.

17        (b) Unless authorized by the department, a certified  
18 biosecurity compliance auditor shall not certify any items  
19 located outside a transitional facility where the certified  
20 biosecurity compliance auditor is authorized to conduct  
21 inspections to ensure compliance."



1 SECTION 27. Section 150A-2, Hawaii Revised Statutes, is  
2 amended by adding two new definitions to be appropriately  
3 inserted and to read as follows:

4 "Biosecurity compliance auditor" means an individual with  
5 a valid biosecurity compliance auditor certification issued  
6 under section 150A-D.

7 "Transitional facility" means a facility with a valid  
8 transitional facility license issued under section 150A-C."

9 SECTION 28. Section 150A-5, Hawaii Revised Statutes, is  
10 amended to read as follows:

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



1 chapter 142); box, vehicle, baggage, or any other container in  
2 which the articles have been transported or any packing material  
3 used in connection therewith shall be made in the manner  
4 hereinafter set forth:

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



1 infestation or infection of insects or diseases that  
2 may be present until inspection and examination can be  
3 made by the inspector or a certified biosecurity  
4 compliance auditor to determine whether [~~or not~~] any  
5 article, or any portion thereof, is infested or  
6 infected with or contains any pest. The department  
7 may adopt rules to require identification of specific  
8 articles on negotiable and non-negotiable warehouse  
9 receipts, bills of lading, or other documents of title  
10 for inspection of pests. In addition, the department  
11 shall adopt rules to designate restricted articles  
12 that shall require:

13 (A) A permit from the department in advance of  
14 importation; or

15 (B) A department letter of authorization or  
16 registration in advance of importation.

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



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



1           ~~section,~~] gives false information, fails to  
2           declare restricted articles in the person's  
3           possession or baggage, or fails to declare in  
4           cargo manifests is in violation of this section;  
5           (B) ~~[Completed paper forms shall be collected by the~~  
6           ~~transportation company and be delivered,~~  
7           ~~immediately upon arrival, to the inspector at the~~  
8           ~~first airport or seaport of arrival. Completed~~  
9           ~~electronic forms shall be transmitted to the~~  
10           ~~inspector before passengers depart the first~~  
11           ~~airport or seaport of arrival. Failure to~~  
12           ~~distribute or collect paper declaration forms,~~  
13           ~~immediately deliver completed paper forms, or~~  
14           ~~transmit completed electronic forms before~~  
15           ~~passengers depart the first airport or seaport of~~  
16           ~~arrival is a violation of this section; and] All~~  
17           passengers, officers, and crew members who are  
18           bringing or causing to be brought for entry into  
19           the State domestic and other animals cited in  
20           chapter 142, in addition to the articles  
21           enumerated in this chapter, shall immediately



1           upon arrival or prior to arrival notify the  
2           department of the arrival of any restricted  
3           article. The department may adopt rules  
4           necessary to effectuate this subparagraph; and

5           (C) It shall be the responsibility of the officers  
6           and crew of an aircraft or vessel originating in  
7           the continental United States or its possessions  
8           or from any other area not under the jurisdiction  
9           of the appropriate federal agency to immediately  
10          report all sightings of any plants and animals to  
11          the plant quarantine branch. Failure to comply  
12          with this requirement is a violation of this  
13          section;

14          ~~[(3) Plant and animal declaration form. The form shall~~  
15          ~~include directions for declaring domestic and other~~  
16          ~~animals cited in chapter 142, in addition to the~~  
17          ~~articles enumerated in this chapter;~~

18          ~~(4)]~~ (3) Labels. Each container in which any of the  
19          above-mentioned articles are imported into the State  
20          shall be plainly and legibly marked, in a conspicuous  
21          manner and place, with the name and address of the



1 shipper or owner forwarding or shipping the same, the  
 2 name or mark of the person to whom the same is  
 3 forwarded or shipped or the person's agent, the name  
 4 of the country, state, or territory and locality  
 5 therein where the product was grown or produced, and a  
 6 statement of the contents of the container. Upon  
 7 failure to comply with this paragraph, the importer or  
 8 carrier is in violation of this section;

9 [-5+] (4) Authority to inspect. Whenever the inspector has  
 10 good cause to believe that the provisions of this  
 11 chapter are being violated, the inspector may:

12 (A) Enter and inspect any aircraft, vessel, or other  
 13 carrier at any time after its arrival within the  
 14 boundaries of the State, whether offshore, at the  
 15 pier, or at the airport, for the purpose of  
 16 determining whether any of the articles or pests  
 17 enumerated in this chapter or rules adopted  
 18 thereto, is present;

19 (B) Enter into or upon any pier, warehouse, airport,  
 20 or any other place in the State where any of the  
 21 above-mentioned articles are moved or stored, for



1           the purpose of ascertaining, by inspection and  
2           examination, whether [~~or not~~] any of the articles  
3           is infested or infected with any pest or disease  
4           or contaminated with soil or contains prohibited  
5           plants or animals; and  
6           (C) Inspect any baggage or personal effects of  
7           disembarking passengers, officers, and crew  
8           members on aircraft or vessels arriving in the  
9           State to ascertain if they contain any of the  
10          articles or pests enumerated in this chapter. No  
11          baggage or other personal effects of the  
12          passengers or crew members shall be released  
13          until the baggage or effects have been passed.  
14          Baggage or cargo inspection shall be made at the  
15          discretion of the inspector, on the pier, vessel, or  
16          aircraft or in any quarantine or inspection area.  
17          Whenever the inspector has good cause to believe  
18          that the provisions of this chapter are being  
19          violated, the inspector may require that any box,  
20          package, suitcase, or any other container carried as  
21          ship's stores, cargo, or otherwise by any vessel or



1 aircraft moving between the continental United States  
2 and Hawaii or between the [~~Hawaiian Islands,~~] islands  
3 of the State, be opened for inspection to determine  
4 whether any article or pest prohibited by this chapter  
5 or by rules adopted pursuant thereto is present. It  
6 is a violation of this section if any prohibited  
7 article or any pest or any plant, fruit, or vegetable  
8 infested with plant pests is found;

9 [+6>] (5) Request for importation and inspection. In  
10 addition to requirements of the United States customs  
11 authorities concerning invoices or other formalities  
12 incident to importations into the State, the importer  
13 shall be required to file a written statement with the  
14 department, signed by the importer or the importer's  
15 agent, setting forth the importer's desire to import  
16 certain of the above-mentioned articles into the State  
17 and:

18 (A) Giving the following additional information:

19 (i) The kind (scientific name), quantity, and  
20 description;



- 1                   (ii) The locality where same were grown or
- 2                                   produced;
- 3                   (iii) Certification that all animals to be
- 4                                   imported are the progeny of captive
- 5                                   populations or have been held in captivity
- 6                                   for a period of one year immediately before
- 7                                   importation or have been specifically
- 8                                   approved for importation by the board;
- 9                   (iv) The port from which the same were last
- 10                                   shipped;
- 11                   (v) The name of the shipper; and
- 12                   (vi) The name of the consignee; and
- 13                   (B) Containing:
- 14                                   (i) A request that the department, by its duly
- 15                                   authorized agent, examine the articles
- 16                                   described;
- 17                                   (ii) An agreement by the importer to be
- 18                                   responsible for all costs, charges, or
- 19                                   expenses; and
- 20                   (iii) A waiver of all claims for damages incident
- 21                                   to the inspection or the fumigation,



1 disinfection, quarantine, or destruction of  
2 the articles, or any of them, as hereinafter  
3 provided, if any treatment is deemed  
4 necessary.

5 Failure or refusal to file a statement, including  
6 the agreement and waiver, is a violation of this  
7 section and may, in the discretion of the department,  
8 be sufficient cause for refusing to permit the entry  
9 of the articles into the State;

10 [~~7~~] (6) Place of inspection. If, in the judgment of the  
11 [~~inspector,~~] department, it is deemed necessary or  
12 advisable to move any of the above-mentioned articles,  
13 or any portion thereof, to a transitional facility or  
14 another place more suitable for inspection than the  
15 pier, airport, or any other place where they are first  
16 received or discharged, the [~~inspector~~] department is  
17 authorized to do so[ ~~or order the importer or~~  
18 importer's agent to do so. All costs and expenses  
19 incident to the movement and transportation of the  
20 articles to any other place shall be borne by the  
21 importer or the importer's agent. If the importer,



1 importer's agent, or transportation company requests  
2 inspection of sealed containers of the above-mentioned  
3 articles at locations other than where the articles  
4 are first received or discharged or a transitional  
5 facility and the department determines that inspection  
6 at the other place is appropriate, the department may  
7 require payment of costs necessitated by these  
8 inspections, including overtime costs;

9 ~~[(8)]~~ (7) Disinfection or quarantine. If, upon inspection,  
10 any article received or brought into the State for the  
11 purpose of debarkation or entry therein is found to be  
12 infested or infected or there is reasonable cause to  
13 presume that it is infested or infected and the  
14 infestation or infection can, in the judgment of the  
15 inspector, be eradicated, a treatment shall be given  
16 ~~[such]~~ to the article. The treatment shall be at the  
17 expense of the owner or the owner's agent, and the  
18 treatment shall be as prescribed by the department.  
19 The article shall be held in quarantine at the expense  
20 of the owner or the owner's agent at a satisfactory  
21 place approved by the department for a sufficient



1 length of time to determine that eradication has been  
 2 accomplished. If the infestation or infection is of  
 3 the nature or extent that it cannot be effectively and  
 4 completely eradicated, or if it is a potentially  
 5 destructive pest or it is not widespread in the State,  
 6 or after treatment it is determined that the  
 7 infestation or infection is not completely eradicated,  
 8 or if the owner or the owner's agent refuses to allow  
 9 the article to be treated or to be responsible for the  
 10 cost of treatment and quarantine, the article, or any  
 11 portion thereof, together with all packing and  
 12 containers, may, at the discretion of the inspector,  
 13 be destroyed or sent out of the State at the expense  
 14 of the owner or the owner's agent. The destruction or  
 15 exclusion shall not be made the basis of a claim  
 16 against the department or the inspector for damage or  
 17 loss incurred;

18 [~~(9)~~] (8) Disposition. Upon completion of inspection,  
 19 either at the time of arrival or at any time  
 20 thereafter should any article be held for inspection,  
 21 treatment, or quarantine, the inspector shall affix to



1 the article or the container or to the delivery order  
2 in a conspicuous place thereon, a tag, label, or stamp  
3 to indicate that the article has been inspected and  
4 passed. This action shall constitute a permit to  
5 bring the article into the State; and  
6 ~~[-(10)]~~ (9) Ports of entry. None of the articles mentioned  
7 in this section shall be allowed entry into the State  
8 except through the airports and seaports in the State  
9 designated and approved by the board."

10 SECTION 29. Section 150A-5.5, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

12 "(b) In legal effect, articles landed for the purpose of  
13 inspection or quarantine shall be construed to be still outside  
14 the State seeking entry, and shall not, in whole or in part, be  
15 considered suitable for entry into the State unless a tag,  
16 label, or stamp has been affixed to the article, its container,  
17 or its delivery order by the inspector as provided in section  
18 ~~[150A-5(9),]~~ 150A-5(8), except that articles quarantined in the  
19 biocontrol containment facilities of the department or of other  
20 government agencies engaged in joint projects with the



1 department may be released upon issuance of a permit approved by  
2 the board."

3 SECTION 30. Section 150A-8, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§150A-8 Transporting in State.** (a) Flora and fauna  
6 specified by rules and regulations of the department shall not  
7 be moved from one island to another island within the State or  
8 from one locality to another on the same island except by a  
9 permit issued by the department.

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



1 or any packing material used in connection therewith shall be  
2 made in the manner hereinafter set forth:

3 (1) Inspectional requirements. Any person who receives  
4 for transport, or brings or causes movement between  
5 the islands of the State, as freight, air freight,  
6 baggage, as ship's stores, or otherwise, any of the  
7 foregoing articles, shall ensure that the articles  
8 comply with inspectional requirements pursuant to  
9 rules and shall provide upon the inspector's request  
10 the waybill number, container number, name and address  
11 of the consignor, name and address of the consignee or  
12 the consignee's agent, marks, number of packages,  
13 description of contents of each package, and any other  
14 information that may be necessary to inspect, locate,  
15 or identify the same. If the articles are not  
16 inspected pursuant to rules, the articles shall be  
17 held in a manner that they will not spread or be  
18 likely to spread any infestation or infection of  
19 insects, diseases, or pests that may be present until  
20 an inspection can be made by the inspector to  
21 determine whether any article, or any portion thereof,



1           is infested or infected with insects or diseases, or  
2           contains any pest. The department may adopt rules to  
3           define inspectional requirements of specific articles.  
4           Failure to obtain certification that the articles have  
5           met the inspectional requirements prior to movement  
6           between the islands of the State is a violation of  
7           this section;

8           (2) Labels. Each container in which any of the  
9           above-mentioned articles are transported between the  
10           islands of the State shall be plainly and legibly  
11           marked, in a conspicuous manner and place, with the  
12           name and address of the shipper or owner forwarding or  
13           shipping the same, the name or mark of the person to  
14           whom the same is forwarded or shipped or the person's  
15           agent, and a statement of the contents of the  
16           container. Failure to comply with this paragraph is a  
17           violation of this section;

18           (3) Authority to inspect. Whenever the inspector has good  
19           cause to believe that the provisions of this chapter  
20           are being violated, the inspector shall:



- 1           (A) Enter and inspect any aircraft, vessel, or other  
2                                   carrier at any time whether offshore, at the  
3                                   pier, or at the airport, for the purpose of  
4                                   determining whether any of the articles or pests  
5                                   enumerated in this chapter or rules adopted  
6                                   thereto, is present;
  
- 7           (B) Enter into or upon any pier, warehouse, airport,  
8                                   or any other place in the State where any of the  
9                                   above-mentioned articles are moved or stored, for  
10                                  the purpose of ascertaining, by inspection and  
11                                  examination, whether or not any of the articles  
12                                  is infested or infected with any pest or disease  
13                                  or contaminated with soil or contains prohibited  
14                                  plants or animals;
  
- 15           (C) Inspect any baggage or personal effects of  
16                                  passengers, officers, and crew members on  
17                                  aircraft or vessels moving between the islands of  
18                                  the State to ascertain if they contain any of the  
19                                  articles or pests enumerated in this chapter;
  
- 20           (D) Baggage or cargo inspection shall be made at the  
21                                  discretion of the inspector, on the pier, vessel,



1           or aircraft or in any quarantine or inspection  
2           area; and  
3       (E) Whenever the inspector has good cause to believe  
4           that the provisions of this chapter are being  
5           violated, the inspector shall require that any  
6           box, package, suitcase, or any other container  
7           carried as ship's stores, cargo, or otherwise by  
8           any vessel or aircraft moving between the islands  
9           of the State, be opened for inspection to  
10          determine whether any article or pest prohibited  
11          by this chapter or by rules adopted pursuant  
12          thereto is present. It is a violation of this  
13          section if any prohibited article, pest, or any  
14          article infested with an insect or disease is  
15          found;  
16       (4) Place of inspection. The inspector shall make a  
17          determination whether it is necessary or advisable to  
18          move any of the above-mentioned articles, or any  
19          portion thereof, to a place more suitable for  
20          inspection than the pier, airport, or any other place  
21          where they are initially presented for inspection.



1 All costs and expenses incident to the movement and  
2 transportation of the articles to such place shall be  
3 borne by the consignee or the consignee's agent;

4 (5) Disinfection or quarantine. If, upon inspection, any  
5 article intended for movement between the islands of  
6 the State is found to be infested or infected with an  
7 insect, disease, or pest, or there is reasonable cause  
8 to presume that it is infested or infected and the  
9 infestation or infection can, in the judgment of the  
10 inspector, be eradicated, a treatment shall be given  
11 such article prior to movement between the islands of  
12 the State. The treatment shall be at the expense of  
13 the owner or the owner's agent, and the treatment  
14 shall be as prescribed by the department. The article  
15 shall be quarantined at the expense of the owner or  
16 the owner's agent at a satisfactory place approved by  
17 the department for a sufficient length of time to  
18 determine that eradication has been accomplished. If  
19 the infestation or infection is of such nature or  
20 extent that it cannot be effectively and completely  
21 eradicated, or after treatment it is determined that



1           the infestation or infection is not completely  
2           eradicated, or if the owner or the owner's agent  
3           refuses to allow the article to be treated or to be  
4           responsible for the cost of treatment and quarantine,  
5           the shipment, article, or any portion thereof,  
6           together with all packing and containers, shall not be  
7           certified for movement between the islands of the  
8           State. An article infested or infected with an  
9           insect, disease, or pest that is not widespread in the  
10           State shall be destroyed at the expense of the owner  
11           or the owner's agent; provided that no treatment  
12           exists that would eradicate the insect, disease, or  
13           pest to the satisfaction of the department. Such  
14           destruction shall not be made the basis of a claim  
15           against the department or the inspector for damage or  
16           loss incurred; and  
17           (6) Disposition. Upon completion of inspection, the  
18           inspector shall conspicuously affix to the article,  
19           container, or to the delivery order or other similar  
20           document, a tag, label, or stamp to indicate that the



1 article has been inspected and can be moved between  
2 the islands of the State."

3 SECTION 31. Section 150A-14, Hawaii Revised Statutes, is  
4 amended by amending subsections (b) through (g) to read as  
5 follows:

6 "(b) Any person who violates section 150A-5 or 150A-F  
7 shall be [~~guilty of a petty misdemeanor and~~] fined [~~not~~] no less  
8 than [~~\$50~~] \$100 and [~~not~~] no more than [~~\$5,000.~~] \$10,000. For a  
9 second [~~offense~~] violation committed within five years of a  
10 prior [~~offense,~~] violation, the person may be fined [~~not~~] no  
11 less than [~~\$250~~] \$500 and [~~not~~] no more than [~~\$15,000.~~] \$25,000.

12 (c) Any person who:

13 (1) Violates section 150A-6(3) or [~~150A-6(4),~~] (4), or  
14 owns or intentionally transports, possesses, harbors,  
15 transfers, or causes the importation of any snake or  
16 other prohibited animal seized under section  
17 150A-7(b), or whose violation involves an animal that  
18 is prohibited [~~or~~], a plant[~~]~~ that is restricted, or  
19 an animal[~~]~~ or microorganism that is restricted[~~]~~ or  
20 unlisted, without a permit, shall be guilty of a



- 1           misdemeanor and subject to a fine of [~~not~~] no less  
2           than \$5,000, but [~~not~~] no more than \$20,000;
- 3           (2) Intentionally transports, transfers, possesses,  
4           harbors, or imports with the intent to propagate,  
5           sell, or release any animal that is prohibited [~~or any~~  
6           plant, animal], a plant that is restricted, or an  
7           animal or microorganism that is restricted[~~7~~] or  
8           unlisted, without a permit, shall be guilty of a class  
9           C felony and subject to a fine of [~~not~~] no less than  
10          \$50,000, but [~~not~~] no more than \$200,000; or
- 11          (3) Intentionally imports, possesses, harbors, transfers,  
12          or transports, including through interisland or  
13          intraisland movement, with the intent to propagate,  
14          sell, or release, any pest designated by statute or  
15          rule, unless otherwise allowed by law, shall be guilty  
16          of a class C felony and subject to a fine of [~~not~~] no  
17          less than \$50,000, but [~~not~~] no more than \$200,000.
- 18          (d) Whenever a court sentences a person or organization  
19          pursuant to subsection (a) or (c) for an offense [~~which~~] that  
20          has resulted in the escape or establishment of any pest or  
21          animal or microorganism that is restricted or unlisted and



1 caused the department to initiate a program to capture, control,  
2 or eradicate that pest~~[7]~~ or animal or microorganism that is  
3 restricted or unlisted, the court shall also require that the  
4 person or organization pay to the state general fund an amount  
5 of money to be determined in the discretion of the court upon  
6 advice of the department, based upon the cost of the development  
7 and implementation of the program.

8 (e) The department may, at its discretion, refuse entry,  
9 confiscate, or destroy any prohibited [~~articles or~~], restricted,  
10 or unlisted articles that are brought into the State without a  
11 permit issued by the department, or order the return of any  
12 plant, fruit, vegetable, or any other article infested with  
13 insects, diseases, or pests to its place of origin or otherwise  
14 dispose of it or such part thereof as may be necessary to comply  
15 with this chapter. Any expense or loss in connection therewith  
16 shall be borne by the owner or the owner's agent.

17 (f) Any person or organization that voluntarily surrenders  
18 any pest, prohibited animal, or any restricted plant, animal, or  
19 microorganism without a permit issued by the department, prior  
20 to the initiation of any seizure action by the department, shall  
21 be exempt from the penalties of this section.



1 (g) For purposes of this section, "intent to propagate"  
2 shall be presumed when the person in question is found to  
3 possess, transfer, transport, harbor, or import:

4 (1) Any two or more animal specimens of the opposite sex  
5 that are prohibited, unlisted, or restricted, without  
6 a permit, or are a pest designated by statute or rule;

7 (2) Any three or more animal specimens of either sex that  
8 are prohibited, unlisted, or restricted, without a  
9 permit, or are a pest designated by statute or rule;

10 (3) Any plant that is restricted or microorganism that is  
11 restricted or unlisted, having the inherent capability  
12 to reproduce [~~and that is restricted~~], without a  
13 permit; or

14 (4) Any specimen that is in the process of reproduction."

15 SECTION 32. Section 150A-54, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) The department shall set and impose charges for the  
18 inspection, quarantine, and eradication of pests in accordance  
19 with this chapter and chapter 141[-], including imposing charges  
20 on an importer for using a transitional facility. The  
21 department shall deposit the charges into the pest inspection,



1 quarantine, and eradication fund established pursuant to  
2 section 150A-4.5."

3 PART V

4 SECTION 33. The purpose of this part is to:

5 (1) Authorize the department of agriculture and  
6 biosecurity to enter into agreements with private  
7 industries for readiness and response to prevent and  
8 address unwanted organisms; and

9 (2) Establish a pest dashboard.

10 SECTION 34. Chapter 150A, Hawaii Revised Statutes, is  
11 amended by adding two new sections to part VI to be  
12 appropriately designated and to read as follows:

13 "§150A-F Government-industry agreements for readiness and  
14 response. (a) The department may enter into readiness and  
15 response agreements with businesses and representatives of  
16 businesses in the plant and animal industries of the State,  
17 including businesses that grow, harvest, or produce animals and  
18 plants or products from animals and plants.

19 (b) The agreements shall include:

20 (1) Readiness activities that:



- 1           (A) Prevent unwanted organisms from entering the
- 2                   State; and
- 3           (B) Detect unwanted organisms; and
- 4       (2) Response activities that:
- 5           (A) Facilitate the immediate investigation of an
- 6                   unwanted organism after detection, including
- 7                   timely reporting of the unwanted organism's
- 8                   detection to the department;
- 9           (B) Minimize the impact of the unwanted organism on
- 10                   natural and physical resources, human health, and
- 11                   overseas market access for Hawaii products;
- 12           (C) Control the spread of an unwanted organism;
- 13           (D) Reduce the geographical distribution of an
- 14                   unwanted organism;
- 15           (E) Eradicate the unwanted organism; and
- 16           (F) Include providing the department with relevant
- 17                   information for posting to the pest dashboard
- 18                   pursuant to section 141-3.5.
- 19       (c) A violation of an applicable readiness plan shall be
- 20       subject to penalties under section 150A-14.



- 1        §150A-G Biosecurity and pest management plans. (a) Any  
2        person, including any unit of state or local government, may  
3        submit to the board a proposed biosecurity or pest management  
4        plan. The proposed biosecurity or pest management plan shall  
5        include:
- 6            (1) The name of the person or organization submitting the  
7            proposed biosecurity or pest management plan;
- 8            (2) The organism proposed to be classified as a pest;  
9            provided that a proposed biosecurity or pest  
10           management plan may encompass a category of organisms  
11           proposed to be classified as pests;
- 12           (3) A description of the organism's adverse effects;
- 13           (4) A description of the region of the proposed plan or  
14           whether the proposed plan will be implemented  
15           statewide;
- 16           (5) The reason for the proposed plan;
- 17           (6) Objectives of the proposed plan;
- 18           (7) The principal measures to achieve the objectives and  
19           alternative measures, if any;
- 20           (8) An allocation of the costs, if applicable;
- 21           (9) Proposed funding; and



- 1        (10) Other information as required by the department.
- 2        (b) The board shall review the proposed plan, taking into  
3 consideration:
- 4        (1) Whether the implementation of the proposed plan is  
5 likely to eradicate or effectively manage the organism  
6 proposed to be declared a pest;
- 7        (2) Whether the proposed plan is inconsistent with any  
8 federal or state requirement, activity, or policy;
- 9        (3) Any harmful effects of denying the proposed  
10 biosecurity or pest management plan;
- 11        (4) Whether the benefits of the proposed plan would  
12 outweigh the costs; and
- 13        (5) Other considerations established by the department.
- 14        (c) At a public hearing, the board shall approve the  
15 proposed plan, deny the proposed plan, or approve the proposed  
16 plan with modifications.
- 17        (d) The department may negotiate with the person who  
18 submitted the proposed plan or any other person before taking  
19 action.



1        (e) The board shall publish each proposed plan it approves  
2 and each proposed plan it approves with modifications. These  
3 shall be known as "approved plans".

4        (f) The department may enter into contracts to implement  
5 approved plans.

6        (g) A pest management plan that was previously disapproved  
7 may be resubmitted to the board upon the chairperson's  
8 determination that the proposed management plan is significantly  
9 different from the previously disapproved request."

10        SECTION 35. Section 141-3.5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12        "**§141-3.5 Control or eradication programs.** (a) The  
13 department of agriculture and biosecurity shall develop and  
14 implement a detailed control or eradication program for any pest  
15 designated in section 141-3, using the best available technology  
16 in a manner consistent with state and federal law.

17        (b) The department of agriculture and biosecurity shall:

18        (1) Lead and coordinate the State's invasive pest control  
19 and eradication biosecurity efforts;

20        (2) Engage in memorandums of understanding with  
21 interagency partners and private organizations;



- 1 (3) Approve of memorandums of understanding with submitted  
2 working plans to execute control and eradication  
3 programs; and
- 4 (4) Include in its annual report to the legislature  
5 pursuant to section 150A-57 any memorandums of  
6 understanding and partnerships pursuant to paragraphs  
7 (2) and (3) to advance the State's invasive pest  
8 control and eradication biosecurity efforts.
- 9 (c) For any pest designated by emergency rule as provided  
10 in section 141-3, the department of agriculture and biosecurity  
11 shall implement an emergency program using the best available  
12 technology in a manner consistent with state and federal law.
- 13 (d) The department of agriculture[+] and biosecurity:
- 14 (1) In conjunction with the department of land and natural  
15 resources; department of health; department of  
16 transportation; department of business, economic  
17 development, and tourism; university of Hawaii system;  
18 or state and privately organized agencies and  
19 programs, as applicable, shall identify best practices  
20 for the treatment of pests designated in section 141-  
21 3;



- 1           (2) Shall post on its website [~~any~~] infestation updates  
2           and data, including [~~any~~] real-time geographic  
3           information system map data, and best practices  
4           identified for the treatment of pests designated in  
5           section 141-3, as prioritized by the department[~~+~~].  
6           No later than December 1, 2025, the department shall  
7           establish a pest dashboard to provide real-time data  
8           and information for treatment areas of pests  
9           designated in section 141-3 to the public. The  
10          dashboard shall be updated regularly and be hosted and  
11          managed by the department;
- 12          (3) Shall, along with contracted parties, document past  
13          responses in the department's geographic information  
14          system database; provided that the information shall  
15          include date, location, names of individual  
16          participants, organization, activities performed, and  
17          presence and absence of pests; provided further that  
18          the disclosure of information shall be under the  
19          jurisdiction of the department; and
- 20          (4) Shall, along with contracted parties, provide notice  
21          to the department's pesticides branch prior to usage



1 of pesticides in the course of controlling pests.  
2 Upon receipt of notification, pesticide inspectors may  
3 perform random inspections to ensure compliance with  
4 pesticide laws and regulations. The department of  
5 agriculture and biosecurity, department of land and  
6 natural resources, and contracted parties pursuant to  
7 section 150A-F shall regularly and timely post  
8 treatment area information to the pest dashboard.

9 (e) Any state department, agency, political subdivision,  
10 or contracted party pursuant to section 150A-F that does not  
11 provide information for the pest dashboard in compliance with  
12 this section shall not receive or expend public funds. The  
13 deputy chairperson for biosecurity shall be responsible for  
14 ensuring compliance with this section."

15 PART VI

16 SECTION 36. The legislature finds that treating plant care  
17 components, which includes any quantity of wood chips, compost,  
18 or filter socks, reduces potential pests and increases the  
19 State's overall biosecurity. Act 197, Session Laws of Hawaii  
20 2024 (Act 197), requires the department of agriculture to  
21 certify plant care component treatments performed within the



1 State. The purpose of this part is to expressly provide the  
2 department of agriculture and biosecurity with the rulemaking  
3 authority to adopt administrative rules and to assess  
4 administrative penalties to fully effectuate Act 197.

5 SECTION 37. Section 141-2, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§141-2 Rules.** Subject to chapter 91, the department of  
8 agriculture and biosecurity shall adopt, amend, and repeal rules  
9 not inconsistent with law, for and concerning:

- 10 (1) The introduction, transportation, and propagation of  
11 trees, shrubs, herbs, and other plants;
- 12 (2) The quarantine, inspection, fumigation, disinfection,  
13 destruction, or exclusion, either upon introduction  
14 into the State, or at any time or place within the  
15 State, of any nursery-stock, tree, shrub, herb, vine,  
16 cut-flower, cut-foilage, cutting, graft, scion, bud,  
17 seed, leaf, root, or rhizome; any nut, fruit, or  
18 vegetable; any grain, cereal, or legume in the natural  
19 or raw state; any moss, hay, straw, dry-grass, or  
20 other forage; any unmanufactured log, limb, or timber;  
21 or any other plant growth or plant product unprocessed



1 or in the raw state; any sand, soil, or earth; any  
2 live bird, reptile, insect, or other animal, in any  
3 stage of development, that is in addition to the so-  
4 called domestic animals, which are provided for in  
5 section 142-2; and any box, barrel, crate, or other  
6 containers in which the articles, substances, or  
7 objects have been transported or contained, and any  
8 packing material used in connection therewith, that is  
9 or may be diseased or infested with insects or likely  
10 to assist in the transmission or dissemination of any  
11 insect or plant disease injurious, harmful, or  
12 detrimental, or likely to become injurious, harmful,  
13 or detrimental to the agricultural or horticultural  
14 industries or the forests of the State, or that is or  
15 may be in itself injurious, harmful, or detrimental to  
16 the same; provided that included therein may be rules  
17 governing the transportation of any of the articles,  
18 substances, or objects enumerated above in this  
19 section between different localities on any one of the  
20 islands within the State;



- 1           (3) The prohibition of importation into the State, from  
2           any or all foreign countries or from other parts of  
3           the United States, or the shipment from one island  
4           within the State to another island therein, or the  
5           transportation from one part or locality of any island  
6           to another part or locality of the same island, of any  
7           specific article, substance, or object or class of  
8           articles, substances, or objects, among those  
9           enumerated above in this section, that is diseased or  
10          infested with insects or likely to assist in the  
11          transmission or dissemination of any insect or plant  
12          disease injurious, harmful, or detrimental or likely  
13          to be injurious, harmful, or detrimental to the  
14          agricultural or horticultural industries, or the  
15          forests of the State, or that is or may be in itself  
16          injurious, harmful, or detrimental to the same;
- 17          (4) The preparation by cargo carriers of manifests of  
18          cargo transported into the State or between islands of  
19          the State and the submission of the manifests to the  
20          department;



- 1           (5) The establishment, maintenance, and enforcement of  
2           compliance agreements with federal or state  
3           departments of agriculture authorizing agriculture  
4           inspectors from the state of origin in the case of  
5           imports to the State, or state agricultural inspectors  
6           in the case of state exports, to monitor the growing  
7           and packing of plant commodities and any treatment  
8           procedures to ensure compliance with quarantine laws,  
9           and further authorizing the assessment of fees for  
10          conducting inspections required under the compliance  
11          agreement; [~~and~~]
- 12          (6) The manner in which agricultural product promotion and  
13          research activities may be undertaken, after  
14          coordinating with the agribusiness development  
15          corporation[~~-~~];
- 16          (7) The establishment, fee schedule, appropriate  
17          treatments, certification requirements, restrictions,  
18          and enforcement of or for a plant care component  
19          program; and
- 20          (8) Any other purpose within this part.



1 All rules adopted under this section shall have the force  
2 and effect of law."

3 SECTION 38. Section 141-18, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§141-18[+] **Plant care components; fumigation;**  
6 **treatment; certification; fees; restrictions.** (a) The  
7 department of agriculture[+] and biosecurity:

8 (1) Shall certify plant care component treatments  
9 performed within the State;

10 (2) May certify and permit entities to conduct plant care  
11 component treatments before shipment; and

12 (3) Shall deposit any fees collected for certifications of  
13 plant care component treatment pursuant to section  
14 150A-21 into the pest inspection, quarantine, and  
15 eradication fund established pursuant to section  
16 150A-4.5.

17 (b) No person shall distribute within the State any plant  
18 care component that originated outside the State, unless [~~the~~]:

19 (1) The plant care component was subject to a treatment  
20 before entering the State; or



1        (2) The plant care component has been treated immediately  
2            after ~~[entering]~~ arriving in the State, as certified  
3            by the department of agriculture~~[-]~~ and biosecurity.

4        (c) No person shall transport any plant care component:  
5            (1) Between the islands of the State; or  
6            (2) From a location within the State to a location outside  
7            the State,

8 without prior certification from the department of agriculture  
9 and biosecurity that the component has been treated pursuant to  
10 this section; provided that the component shall be stored in a  
11 manner to prohibit infestation post-treatment.

12        (d) Any person who violates any provision of this section  
13 or rules adopted under this section may be assessed an  
14 administrative penalty by the board of not more than \$10,000 for  
15 each offense. No administrative penalty shall be assessed  
16 unless the person charged has been given notice and an  
17 opportunity for a hearing on the specific charge. The  
18 administrative penalty and any proposed action contained in the  
19 notice of finding of violation shall become a final order  
20 unless, within twenty days of receipt of the notice, the person  
21 or persons charged make a written request for a hearing. In



1 determining the amount of penalty, the board shall consider the  
2 appropriateness of the penalty to the size of the business of  
3 the person charged, the effect on the person's ability to  
4 continue business, and the gravity of the violation.

5 (e) In case of inability to collect the administrative  
6 penalty or failure of any person to pay all or a portion of the  
7 administrative penalty as the board may determine, the board  
8 shall refer the matter to the attorney general, who shall  
9 recover the amount by action in the appropriate court. For any  
10 judicial proceeding to recover the administrative penalty  
11 imposed, the attorney general need only show that notice was  
12 given, a hearing was held or the time granted for requesting a  
13 hearing has expired without such a request, the administrative  
14 penalty was imposed, and the penalty remains unpaid.

15 (f) When construing and enforcing this section, the act,  
16 omission, or failure of any officer, agent, or other person  
17 acting for or employed by any person shall in every case be also  
18 deemed to be the act, omission, or failure of such person as  
19 well as that of the person employed.

20 [~~d~~] (g) For the purposes of this section:

21 "Board" means board of agriculture and biosecurity.



1 "Filter sock" means a mesh tube that contains organic plant  
2 material, which is used for erosion control.

3 "Person" means an individual, firm, corporation,  
4 association, or partnership or any organized group of persons  
5 whether incorporated or not.

6 "Plant care component" or "component" means any quantity of  
7 wood chips~~[r]~~ or compost~~[r]~~ that is used in the propagation of  
8 plants or in a filter ~~[socks.]~~ sock.

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

10 PART VII

11 SECTION 39. All rights, powers, functions, and duties of  
12 the Hawaii invasive species council are transferred from the  
13 department of land and natural resources to the department of  
14 agriculture and biosecurity.

15 All officers and employees whose functions are transferred  
16 by this Act shall be transferred with their functions and shall  
17 continue to perform their regular duties upon their transfer,  
18 subject to the state personnel laws and this Act.

19 No officer or employee of the State having tenure shall  
20 suffer any loss of salary, seniority, prior service credit,  
21 vacation, sick leave, or other employee benefit or privilege as



1 a consequence of this Act, and such officer or employee may be  
2 transferred or appointed to a civil service position without the  
3 necessity of examination; provided that the officer or employee  
4 possesses the minimum qualifications for the position to which  
5 transferred or appointed; and provided that subsequent changes  
6 in status may be made pursuant to applicable civil service and  
7 compensation laws.

8 An officer or employee of the State who does not have  
9 tenure and who may be transferred or appointed to a civil  
10 service position as a consequence of this Act shall become a  
11 civil service employee without the loss of salary, seniority,  
12 prior service credit, vacation, sick leave, or other employee  
13 benefits or privileges and without the necessity of examination;  
14 provided that such officer or employee possesses the minimum  
15 qualifications for the position to which transferred or  
16 appointed.

17 If an office or position held by an officer or employee  
18 having tenure is abolished, the officer or employee shall not  
19 thereby be separated from public employment, but shall remain in  
20 the employment of the State with the same pay and classification  
21 and shall be transferred to some other office or position for



1 which the officer or employee is eligible under the personnel  
2 laws of the State as determined by the head of the department or  
3 the governor.

4 SECTION 40. All appropriations, records, equipment,  
5 machines, files, supplies, contracts, books, papers, documents,  
6 maps, and other personal property heretofore made, used,  
7 acquired, or held by the department of land and natural  
8 resources relating to the functions of the Hawaii invasive  
9 special council that are transferred to the department of  
10 agriculture and biosecurity shall be transferred with the  
11 functions to which they relate.

12 PART VIII

13 SECTION 41. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$4,250,000 or much  
15 thereof as may be necessary for fiscal year 2025-2026 for the  
16 operations of the Hawaii invasive species council.

17 The sum appropriated shall be expended by the department of  
18 land and natural resources for the purposes of this Act.

19 SECTION 42. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$4,250,000 or so much



1 thereof as may be necessary for fiscal year 2026-2027 for the  
2 operations of the Hawaii invasive species council.

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

5 SECTION 43. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$500,000 or much  
7 thereof as may be necessary for the fiscal year 2025-2026 and  
8 the same sum or so much thereof as may be necessary for fiscal  
9 year 2026-2027 for the operations of the Hawaii Ant Lab.

10 The sums appropriated shall be expended by the department  
11 of land and natural resources for the purposes of this Act.

12 SECTION 44. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$500,000 or so much  
14 thereof as may be necessary for fiscal year 2025-2026 and the  
15 same sum or so much thereof as may be necessary for fiscal year  
16 2026-2027 for the operations of the coconut rhinoceros beetle  
17 response under the university of Hawaii.

18 The sums appropriated shall be expended by the university  
19 of Hawaii for the purposes of this Act.

20 PART IX



1 SECTION 45. In codifying the new sections added by  
2 sections 26 and 34 of this Act, the revisor of statutes shall  
3 substitute appropriate section numbers for the letters used in  
4 designating the new sections in this Act.

5 SECTION 46. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 47. This Act shall take effect as follows:

8 (1) Part I shall take effect upon approval of this Act;  
9 provided that if part I takes effect before June 30,  
10 2025, the amendments made to section 167-6, Hawaii  
11 Revised Statutes, by section 18 of this Act shall not  
12 be repealed when that section is repealed and  
13 reenacted on June 30, 2025, pursuant to Act 223,  
14 Session Laws of Hawaii 2014;

15 (2) Part II shall take effect on January 1, 2027;

16 (3) Part III and sections 25, 26, 27, and 32 shall take  
17 effect on January 1, 2028;

18 (4) Sections 30 and 31 and parts V and VIII shall take  
19 effect on July 1, 2025;

20 (5) Part VI shall take effect upon approval of this Act;

21 (6) Part VII shall take effect on January 1, 2030; and



1           (7) Sections 28 and 29 and Part IX shall take effect upon  
2           approval of this Act.



**Report Title:**

DOA; Biosecurity Emergency Declaration; Quarantine; Transitional Facilities; Certified Biosecurity Compliance Auditors; Penalties; Readiness and Response Agreements; Pest Dashboard; Biosecurity and Pest Management Plans; Plant Care Component Program; Hawaii Invasive Species Council; Rules; Appropriations

**Description:**

Part I: Renames the Department of Agriculture as the Department of Agriculture and Biosecurity (Department) and the Board of Agriculture as the Board of Agriculture and Biosecurity. Part II: Establishes a Deputy Chairperson for Biosecurity. Part III: Authorizes and specifies conditions under which the Department 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 IV: Authorizes the Department to establish transitional facilities. Requires the Department to certify and train biosecurity compliance auditors to inspect imported plants and animals. Requires inspection of various items transported interisland. Increases penalties for illegally transporting plants, animals, and microorganisms. Part V: Authorizes the Department to enter into government-industry agreements for readiness and response to unwanted organisms in the State. Authorizes biosecurity and pest management plans to address, contain, or eradicate pests. Requires the Department to establish a pest dashboard by 12/1/2025. Part VI: Authorizes the Department to adopt rules to establish and enforce the Plant Care Component Program. Authorizes the Department to assess administrative penalties for the enforcement of the Plant Care Component Program. Part VII: Transfers the Hawaii Invasive Species Council from the Department of Land and Natural Resources to the Department. Part VIII: Appropriates funds. (CD1)

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

