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# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES PREVENTION.

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

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

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



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

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

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

19 The legislature further finds that the Hawaii department of  
20 agriculture restricts the importation of many citrus species  
21 from Puerto Rico and parts of south Florida to protect against



1 Caribbean fruit flies. However, these restrictions were last  
2 updated in 1981 and are not sufficient to protect citrus crops  
3 in the State today.

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

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

15 Therefore, the purpose of this Act is to authorize the  
16 department of agriculture to enforce federal quarantines to  
17 prevent the introduction of invasive pests and diseases into the  
18 State.

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



1        "§150A- Federal and state quarantines; enforcement;  
2 cooperative agreements. (a) The department may enter into  
3 cooperative agreements with the United States Department of  
4 Agriculture and other federal, state, or county agencies to  
5 assist in the enforcement of federal quarantines. The  
6 department may seize, destroy, or require treatment of articles  
7 moved from a federally regulated area if the articles were not  
8 moved in accordance with the federal quarantine rules or, if  
9 certified, the articles were found to be infested with the pest.  
10        (b) Interstate shipments for entry into this State shall  
11 be subject to the following:  
12        (1) A regulated or restricted article shall not enter this  
13        State if it is prohibited from interstate movement  
14        pursuant to a federal quarantine; or  
15        (2) The owner or carrier of regulated or restricted  
16        articles that are reportedly originating in  
17        nonregulated areas of a quarantined state shall  
18        provide proof of origin of the regulated or restricted  
19        articles through a waybill, or other shipping  
20        document, unless otherwise required in title 7 Code of  
21        Federal Regulations part 301.



1        (c) As used in this section:

2        "Federal quarantine" means a regulatory action imposed by  
3 the federal government, including the United States Department  
4 of Agriculture or the Animal and Plant Health Inspection  
5 Service, to prevent the introduction, spread, or dissemination  
6 of pests in the United States.

7        "Quarantined state" means any state or any portion thereof,  
8 designated as a quarantined area in accordance with any federal  
9 regulation or order of the United States Secretary of  
10 Agriculture or the Administrator of the Animal and Plant Health  
11 Inspection Service.

12        "Regulated or restricted article" means any article  
13 identified as a regulated article by the Secretary of the United  
14 States Department of Agriculture or the Administrator of the  
15 Animal and Plant Health Inspection Service.

16        "State" means any of the several states of the United  
17 States, the District of Columbia, American Samoa, the  
18 Commonwealth of the Northern Mariana Islands, the Commonwealth  
19 of Puerto Rico, Guam, the Virgin Islands of the United States,  
20 or any other territory or possession of the United States."



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

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



**Report Title:**

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

**Description:**

Authorizes the Department of Agriculture to enforce federal  
quarantines. (CD1)

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