

ACT 48

S.B. NO. 2151

A Bill for an Act Relating to Plant and Non-Domestic Animal Quarantine.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 150A-6, Hawaii Revised Statutes, is amended to read as follows:

**“§150A-6 Soil, plants, animals, etc., importation or possession prohibited.** (a) No person shall transport, receive for transport, or cause to be transported

to the State, for the purpose of debarkation or entry thereinto, any of the following:

- (1) Soil[.]; provided that limited quantities of soil may be imported into the State for experimental or other scientific purposes under permit with conditions prescribed by the department[.];
- (2) Rocks, plants, plant products, or any article with soil adhering there-to[.];
- (3) Any live snake, flying fox, fruit bat, Gila monster, injurious insect, or eels of the order Anguilliformes, or any other animal in any stage of development that is detrimental or potentially harmful to agriculture, horticulture, animal or public health, or natural resources, including native biota, or has an adverse effect on the environment as determined by the board; provided that a government agency may bring into and maintain in the State not more than two live, nonvenomous snakes of the male sex solely for the purpose of exhibition in a government zoo, but only after [the]:

(A) The board is presented with satisfactory evidence that the sex of the snakes was established to be male prior to the shipment[ and after the]; and

(B) The board gives written approval conditioned upon such terms as the board may deem necessary, which terms shall include the continuing supervision and control by the board, and shall provide that the board may determine the manner in which [such] the snakes shall be disposed of or destroyed.

In case of the death of one or both snakes, the government agency may import and maintain replacements subject to the [above] conditions[.] described in this paragraph; and

- (4) Any live or dead honey bees, or used bee equipment that is not certified by the department to be free of pests; provided that nothing [herein shall] in this paragraph shall be construed to prohibit the importation of bee semen.

[(5)] (b) The board shall maintain [a]:

(1) A list of conditionally approved animals and microorganisms [which] that require a permit for import into the State[, a];

(2) A list of restricted animals and microorganisms [which] that require a permit for both import into the State and possession[, and a]; and

(3) A list of animals and microorganisms [which] that are prohibited entry into the State.

[The] Animals and microorganisms on the lists of conditionally approved and restricted animals and microorganisms shall be imported only by permit issued pursuant to rules, and any violation of the conditions listed on the permit [is] shall be a violation of this section. Any [other] animal or microorganism that is not on the lists of conditionally approved, restricted, or prohibited [lists is] animals and microorganisms shall be prohibited until the board's review and determination for placement on one of these lists[.]; provided that the department may issue a special permit on a case by case basis for the importation and possession of a microorganism that is not on the lists of prohibited, restricted, or conditionally approved microorganisms, for the purpose of conducting medical research, or remediating medical emergencies or agricultural or ecological disasters, if the importer of the microorganism can meet permit requirements consistent with Centers for Disease Control and National Institute of Health guidelines as determined by the board.

[(6)] (c) The board shall [also] maintain a list of restricted plants and a list of prohibited plants. Restricted plants [may] shall not be imported into the State without a permit issued pursuant to rules, and any violation of the conditions listed on the permit [is] shall be a violation of this section.

[(b)] (d) No person shall possess, propagate, sell, transfer, or harbor any plant, animal, or microorganism included on the list or lists of prohibited plants, animals, and microorganisms maintained by the board under this section, except as allowed by the board upon a determination that the species:

- (1) Was initially permitted entry and later prohibited entry into the State; or
- (2) Was continually prohibited but [was] unlawfully introduced and is currently established in the State; and
- (3) Is not significantly harmful to agriculture, horticulture, animal or public health, and the environment. Under the [foregoing] circumstances[,], described in this subsection, the board may permit possession of the individual plant, animal, or microorganism through its registration with the department while still prohibiting the same species of plant, animal, or microorganism from importation, propagation, transfer, and sale.”

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

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 29, 1994.)