

ACT 153

S.B. NO. 2682

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

“§150A- User fees. Fees may be assessed for the processing and issuance of import permits issued by the department and for inspections related to import permit conditions as established by rule.”

SECTION 2. Section 150A-2, Hawaii Revised Statutes, is amended by amending the definitions of “algae”, “bacteria”, “fungus”, and “import” to read as follows:

““Algae” means any plant containing chlorophyll, which lacks true roots, stems, and leaves, and typically inhabits moist habitats, except those algae on or in humans or animals in Hawaii and those in or on processed foods, beverages, or pharmaceuticals, and those in certain microbial products or used as food or for food preparation as specified by rule.

“Bacteria” means any prokaryotic or archaebacterial organism, except those bacteria on or in humans or animals in Hawaii, those in or on processed foods, beverages, or pharmaceuticals, and those in certain microbial products or used as food or for food preparation as specified by rule.

“Fungus” means all nonchlorophyll-bearing thallophytes, except those fungi on or in humans or animals in Hawaii, those on or in processed foods, beverages, or pharmaceuticals, and those in certain microbial products or used as food or for food preparation as specified by rule.

“Import” means shipment to the State [for the purpose of entry] from any point outside of the State.”

SECTION 3. Section 150A-5.5, Hawaii Revised Statutes, is amended to read as follows:

“§150A-5.5 What constitutes importation. (a) The landing of any article for the purpose of inspection or quarantine [is not, nor] shall [it] not be construed to [be, an importation in the sense of giving] give the article any status or the owner any right incident to articles which have actually been passed and allowed into the State.

(b) In legal effect, articles landed for the purpose of inspection or quarantine shall be construed to be still [without] outside the State seeking entry, and shall not, in whole or in part, be considered suitable for [importation] entry into the State unless a tag, label, or stamp has been affixed to the article, its container, or its delivery order by the inspector as provided in section 150A-5(9)[.], except that articles quarantined in the biocontrol containment facilities of the department or of other government agencies engaged in joint projects with the department may be released upon issuance of a permit approved by the board.

(c) Notwithstanding subsections (a) and (b), the import of articles in violation of this chapter or rules adopted under this chapter may subject the importer to penalty although the articles have not been passed for entry.”

SECTION 4. Section 150A-6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(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 thereto;
- (3) Any live snake, flying fox, fruit bat, Gila monster, injurious insect, or eels of the order Anguilliformes, or any other animal, plant, or micro-organism 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:
 - (A) The board is presented with satisfactory evidence that the sex of the snakes was established to be male prior to the shipment; 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 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 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 in this paragraph shall be construed to prohibit the importation of bee semen.
- (b) The board shall maintain:
 - (1) A list of conditionally approved animals and microorganisms that require a permit for import into the State;
 - (2) A list of restricted animals and microorganisms that require a permit for both import into the State and possession; and
 - (3) A list of animals and microorganisms that are prohibited entry into the State.

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 shall be a violation of this section. Any animal or microorganism that is not on the lists of conditionally approved, restricted, or prohibited 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 an animal or a microorganism that is not on the lists of prohibited, restricted, or conditionally approved animals or microorganisms¹ for the purpose of conducting [medical research, or remediating medical emergencies or agricultural or ecological disasters,] scientific research in a manner that the animal or microorganism will not be detrimental to agriculture, the environment, or humans if the importer of the animal or microorganism can meet permit requirements consistent with Centers for Disease Control and National Institute of Health guidelines or other guidelines as determined by the board[.]; and provided further that the department may issue a short-term special permit on a case by case basis not to exceed ninety days for the importation and possession of an animal that is not on the list of prohibited, restricted, or conditionally-approved animals for the

purpose of filming, performance, or exhibition if the importer of the animal can meet permit and bonding requirements as determined by the board.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 6. This Act shall take effect upon its approval.

(Approved June 12, 1996.)

Notes

1. Prior to amendment “,” appeared here.
2. Edited pursuant to HRS §23G-16.5.