

ACT 197

S.B. NO. 3365

A Bill for an Act Relating to Plant Care Components.

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

SECTION 1. Chapter 141, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§141- Plant care components; fumigation; treatment; certification; fees; restrictions. (a) The department of agriculture:

- (1) Shall certify plant care component treatments performed within the State;
- (2) May certify and permit entities to conduct plant care component treatments before shipment; and
- (3) Shall deposit any fees collected for certifications of plant care component treatment pursuant to section 150A-21 into the pest inspection, quarantine, and eradication fund established pursuant to section 150A-4.5.

(b) No person shall distribute within the State any plant care component that originated outside the State, unless the plant care component has been treated immediately after entering the State, as certified by the department of agriculture.

(c) No person shall transport any plant care component:

- (1) Between the islands of the State; or
- (2) From a location within the State to a location outside the State,

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

(d) For the purposes of this section:

“Filter sock” means a mesh tube that contains organic plant material, which is used for erosion control.

“Plant care component” or “component” means any quantity of wood chips, compost, or filter socks.

“Treat” or “treatment” means fumigation or heat treatment.”

SECTION 2. Section 150A-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established in the state treasury the pest inspection, quarantine, and eradication fund, into which shall be deposited:

- (1) Legislative appropriations for biosecurity and inspection, quarantine, and eradication services;
- (2) Fees collected pursuant to section 141- (a)(3):
- ~~[(2)]~~ (3) Service fees, charges, and penalties collected under section 150A-5.3;
- ~~[(3)]~~ (4) Fees imposed for services pursuant to this chapter or rules adopted under this chapter;
- ~~[(4)]~~ (5) Fines for violations of this chapter;
- ~~[(5)]~~ (6) Federal funds received for biosecurity, pest inspection, control, management, quarantine, and eradication programs;
- ~~[(6)]~~ (7) Grants and gifts;
- ~~[(7)]~~ (8) All interest earned or accrued on moneys deposited in the fund; and
- ~~[(8)]~~ (9) Any other moneys made available to the fund.”

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

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 3, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.