



GOV. MSG. NO. 586

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 20, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 20, 2010, the following bill was signed into law:

HB1684 HD2 SD2 CD1

A BILL FOR AN ACT
RELATING TO INVASIVE SPECIES.
ACT 128 (10)

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 20 2010

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 128

H.B. NO. 1684
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

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

1 SECTION 1. The legislature finds that the unchecked spread
2 of invasive species is one of the greatest threats to Hawaii's
3 economy, natural environment, and the health and lifestyle of
4 Hawaii's people. Invasive pests can cause millions of dollars
5 in crop losses, the extinction of native species, the
6 destruction of native forests, the spread of disease, and the
7 quarantine of exported agricultural crops.

8 Despite ongoing efforts to detect and eradicate invasive
9 species, Hawaii's fragile island ecosystems are constantly at
10 risk from insects, disease-bearing organisms, weeds, and other
11 invasive pests. The coqui frog, giant salvinia, miconia, ohia
12 rust, nettle caterpillar, and little fire ant are all present in
13 Hawaii, disrupting the delicate balance of Hawaii's ecosystems,
14 crowding out native species, and reducing the biodiversity of
15 the islands. Other harmful species like the papaya mealybug,
16 erythrina gall wasp, Asian citrus psyllid, and the varroa mite
17 have the potential to devastate Hawaii's environment and



1 agriculture if allowed to become widespread and remain unchecked
2 by natural predators.

3 The purpose of this Act is to prevent and reduce the
4 intentional introduction and spread of invasive species by
5 establishing and revising penalties appropriate to the harm to
6 the economy, natural environment, and the health and lifestyle
7 of Hawaii's people caused by the intentional introduction and
8 spread of such pests.

9 SECTION 2. Section 150A-14, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsections (b) and (c) to read:

12 "(b) Any person who violates section 150A-5 shall be
13 guilty of a petty misdemeanor and fined not less than [\$100 and
14 not more than \$10,000.] \$50 and not more than \$5,000. For a
15 second [~~violation~~] offense committed within five years of a
16 prior [~~violation,~~] offense, the person may be fined not less
17 than [~~\$500~~] \$250 and not more than [~~\$25,000-~~] \$15,000.

18 (c) [~~Notwithstanding section 706-640:~~

19 ~~(1)] Any person [or organization that violates] who:~~

20 (1) Violates section 150A-6(3) or 150A-6(4), or owns or
21 intentionally transports, possesses, harbors,
22 transfers, or causes the importation of any snake or



1 other prohibited animal seized under section 150A-
2 7(b), or whose violation involves an animal that is
3 prohibited or a plant, animal, or microorganism that
4 is restricted, without a permit, shall be guilty of a
5 misdemeanor and subject to a fine of not less than
6 \$5,000, but not more than \$20,000; [and]

7 (2) [~~Any person or organization who intentionally~~]
8 Intentionally transports, harbors, or imports with the
9 intent to propagate, sell, or release any animal that
10 is prohibited or any plant, animal, or microorganism
11 that is restricted, without a permit, shall be guilty
12 of a class C felony and subject to a fine of not less
13 than \$50,000, but not more than \$200,000[-]; or

14 (3) Intentionally imports, possesses, harbors, transfers,
15 or transports, including through interisland or
16 intraisland movement, with the intent to propagate,
17 sell, or release, any pest designated by statute or
18 rule, unless otherwise allowed by law, shall be guilty
19 of a class C felony and subject to a fine of not less
20 than \$50,000, but not more than \$200,000."

21 2. By amending subsection (g) to read:



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

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

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

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

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

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

APPROVED this 20 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII

