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# 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 State has spent  
2 millions of dollars to control certain invasive species but that  
3 control efforts are often too late to stop their spread across  
4 the Hawaiian islands. As a result, invasive species now infest  
5 hundreds of thousands of acres and affect Hawaii's export  
6 industry, tourism revenues, property values, residents' quality  
7 of life, and the environment.

8           The legislature further finds that the department of  
9 agriculture has designated invasive species such as the coqui  
10 frog (*Eleutherodactylus coqui*), little fire ant (*Wasmannia*  
11 *auropunctata*), nettle caterpillar, and coconut rhinoceros beetle  
12 as pests and has targeted them for control or eradication.  
13 These pests continue to move to new areas within the State and  
14 are often transported and spread through various commodities  
15 that are sourced from infested areas, and the commodities may or  
16 may not be subject to inspection for pests or subject to  
17 treatment.



1           The legislature additionally finds that the burden of pest  
2 prevention falls primarily on plant quarantine inspectors.  
3 Therefore, it is necessary to require the department of  
4 agriculture to identify pathways and areas infested with  
5 priority pests, provide information to business owners about  
6 best management practices for controlling pest populations at  
7 the source, and mitigate the chances that designated pests will  
8 enter transportation networks and work cooperatively with  
9 commercial entities to implement these practices.

10           The purpose of this Act is to reduce the movement of  
11 invasive pests between islands by allowing for the inspection of  
12 goods moving between islands, prohibiting the transportation of  
13 infested material between islands, authorizing the department to  
14 designate quarantine areas as needed to isolate infested areas,  
15 and creating a compliance agreement program to ensure that  
16 quarantines will not adversely affect agricultural businesses in  
17 the quarantine areas.

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





1 harmful, or detrimental to the agricultural, horticultural, and  
2 aquacultural industries, forestry, environment, public health,  
3 or animal or plant health is prohibited, except pursuant to  
4 rules adopted by the department that contain requirements  
5 determined by the department to be adequate to prevent pest or  
6 disease spread, including, for articles that are infested with a  
7 pest, appropriate treatment that eliminates the disease or  
8 destroys the pest.

9 (c) The department may allow the interisland or  
10 intrainland transportation of a non-designated pest and any  
11 article that is diseased or infested with a non-designated pest  
12 to an island or locality within an island where the non-  
13 designated pest is known to be established; provided that the  
14 department has issued an inspection certificate for that  
15 purpose.

16 (d) Possession, harboring, transport, rearing, breeding,  
17 distribution, or release of a pest is prohibited, except  
18 pursuant to a permit issued by the department for scientific  
19 research and testing and related purposes under appropriate  
20 safeguards.



1           **§150A- Quarantine areas.** The department may designate,  
2 by rule, an island or locality within the State that the  
3 department has determined is infested with a designated pest as  
4 an infested area subject to quarantine restrictions. The  
5 transportation of articles from one island or locality  
6 designated as a quarantine area for a designated pest to another  
7 area of the island or a different island not subject to  
8 quarantine for the pest is prohibited except as provided by rule  
9 or pursuant to a compliance agreement administered by the  
10 department.

11           **§150A- Compliance agreement.** The interisland or  
12 intraisland transportation of articles from a quarantined area  
13 may be permitted as provided by rule if the consignor and  
14 consignee of the articles are participants in the department's  
15 compliance agreement program for interisland or intraisland  
16 movement of agricultural commodities by commercial entities.  
17 Qualification for compliance agreement shall be based on the  
18 department's determination that the commercial entity is in  
19 compliance with requirements the department has determined are  
20 adequate to prevent pests or disease spread, as provided by



1 rule. Any violation of the compliance agreement is a violation  
2 of this section.

3 **§150A- Enforcement; penalties; proceedings.** (a) The  
4 department shall administer and enforce this part and rules  
5 adopted pursuant to this part.

6 (b) After providing notice of and an opportunity for a  
7 hearing regarding a violation of this part or a rule adopted  
8 pursuant to this part, the department may fine any person who  
9 violates this part or any rule adopted under this part, not less  
10 than \$50 and not more than \$3,000 for each separate violation.  
11 The fine and any proposed action contained in the notice of  
12 violation, including suspension or cancellation of a compliance  
13 agreement or permit for scientific research and testing, shall  
14 be a final order, unless a written request for a hearing is  
15 submitted within twenty days of receipt of the notice of  
16 violation.

17 (c) If the department is unable to collect a fine or a  
18 person fails to pay the fine, the board shall refer the matter  
19 to the attorney general, who shall recover the amount by civil  
20 action. For any judicial proceeding to recover the fine  
21 imposed, the attorney general need only show that a notice of



1 violation was given, a hearing was held or the time granted for  
2 requesting a hearing expired without a request, the fine was  
3 imposed, and the fine remains unpaid.

4 (d) Notwithstanding the provisions of section 150A-14 or  
5 section 706-640, any person who intentionally violates any  
6 provision of this part shall be guilty of a petty misdemeanor  
7 and upon conviction may be fined up to \$3,000.

8 **§150A- Employer liability.** The act, omission, or  
9 failure of an officer, agent, or other person acting for or  
10 employed by any person shall be deemed to be the act, omission,  
11 or failure of the person as well as that of the person  
12 employed."

13 SECTION 3. This Act, upon its approval, shall take effect  
14 on July 1, 2015.



**Report Title:**

Invasive Pests; Interisland Movement; Quarantine and Compliance Agreements

**Description:**

Authorizes inspection and treatment of regulated goods moving between islands and intrainland, prohibits transportation of infested material between islands and intrainland, authorizes the department to designate quarantine areas to isolate infested areas, and authorizes a compliance agreement program to ensure that qualifying agricultural businesses in quarantine areas may transport their commodities with minimal risk of pest or disease spread. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

