



GOV. MSG. NO. 675

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

April 28, 2008

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

Dear Madam President and Members of the Senate:

This is to inform you that on April 28, 2008, the following bill was signed into law:

HB2517 HD1 SD1

A BILL FOR AN ACT RELATING TO INVASIVE  
SPECIES.  
(ACT 40)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

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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 agriculture and  
2 conservation interests in the State are fighting to slow the  
3 invasion of alien species that are spreading from residential  
4 and commercial settings into agricultural areas and native  
5 forests.

6           Under section 150A-6.1, Hawaii Revised Statutes, the  
7 department of agriculture is responsible for maintaining a list  
8 of restricted plants. The department is currently in the  
9 process of updating its restricted plant list pursuant to this  
10 section. Under section 152-4, Hawaii Revised Statutes, the  
11 department of agriculture may designate certain plant species as  
12 noxious weeds. Section 150A-6.1, Hawaii Revised Statutes,  
13 provides that plants designated as noxious weeds are also  
14 considered to be restricted plants.

15           However, although the law allows the department of  
16 agriculture to regulate the importation and movement of  
17 restricted plants, it gives the department no authority to  
18 regulate the sale of restricted plants.



1           The legislature finds that to prevent further introductions  
2 of invasive species into the State, the statutory provisions  
3 authorizing the creation of the restricted plant list should be  
4 amended to regulate the sale of restricted plants. In addition,  
5 the law needs to be amended to recognize that a plant may be  
6 restricted either because the plant itself is a pest, or because  
7 the plant may be a host to pests like insects or pathogens.

8           The purpose of this Act is to, among other things:

- 9           (1) Allow the department of agriculture to regulate or  
10 prohibit the sale in Hawaii of specific plants  
11 designated as restricted plants;
- 12           (2) Allow the importation of noxious weeds only for  
13 research, by permit, and prohibit the sale of noxious  
14 weeds in the State; and
- 15           (3) Clarify that plants can be placed on the restricted-  
16 plant list because the plant itself may be detrimental  
17 or potentially harmful to agriculture, horticulture,  
18 the environment, or animal or public health.

19           SECTION 2. Section 150A-6.1, Hawaii Revised Statutes, is  
20 amended to read as follows:

21           "**§150A-6.1 Plant import.** (a) The board shall maintain a  
22 list of restricted plants that require a permit for entry into



1 the State. Restricted plants or any portion thereof shall not  
2 be imported into the State without a permit issued pursuant to  
3 rules.

4 (b) The department shall designate, by rule, as restricted  
5 plants, specific plants that may be detrimental or potentially  
6 harmful to agriculture, horticulture, the environment, or animal  
7 or public health, or that spread or may be likely to spread an  
8 infestation or infection of an insect, pest, or disease that is  
9 detrimental or potentially harmful to agriculture, horticulture,  
10 the environment, or animal or public health. In addition, plant  
11 species designated by rule as noxious weeds are designated as  
12 restricted plants.

13 (c) The department may regulate or prohibit the sale of  
14 specific plants on the list of restricted plants by rule.

15 (d) Noxious weeds may be imported only for research, by  
16 permit, and shall not be offered for sale or sold in the State.

17 [~~e~~] (e) No person shall import, offer for sale, or sell  
18 within the State any plant or propagative portion of *Salvinia*  
19 *molesta* or *Salvinia minima* and [~~pistia~~] *Pistia* *stratiotes*  
20 [~~plants or portion thereof within the State~~]. "



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

APPROVED this 28 day of APR, 2008



GOVERNOR OF THE STATE OF HAWAII

