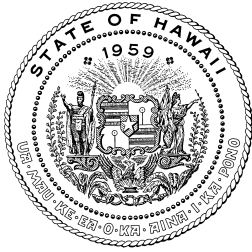


**Small Business Regulatory Review Board Meeting**

**May 21, 2026**

**10:00 a.m.**



## SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)  
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813  
Mailing Address: P.O. Box 2359, Honolulu, HI 96804  
Email: [dbedt.sbrrb.info@hawaii.gov](mailto:dbedt.sbrrb.info@hawaii.gov)  
Website: [sbrrb.hawaii.gov](http://sbrrb.hawaii.gov)

Tel: 808 798-0737

### AGENDA

**Thursday, May 21, 2026 ★ 10:00 a.m.**  
**250 South Hotel Street**  
**No. 1 Capitol District Building Room**  
**436 Honolulu, HI 96813**

As authorized under Act 220, Session Laws of Hawaii 2021, and Section 92-3.7 Hawaii Revised Statutes (HRS), the public can participate in the meeting either:

**A. By attending the in-person meeting at:**  
250 S. Hotel Street, Room 436, Honolulu HI; or

**B. Via Video-audio livestream or via Telephone - to join the Video-audio livestream meeting, go to:**

<https://us06web.zoom.us/j/88400776199?pwd=4wAvlu4if7kz65ioBZWDXgpG4KIKJ8.1>

**C. To Join via Telephone: Dial 1-669-900-6833 with Meeting ID 883 5814 0200 Passcode 066739**

When the Chairperson asks for public testimony during the meeting, you may indicate that you want to provide oral testimony by using the raise hand function or, if calling in by telephone, entering \* and 9 on your phone keypad. When recognized by the Chairperson, you will be unmuted. If you call in by phone, you can unmute and mute yourself by pressing \* and 6 on your keypad.

Members of the public may also submit written testimony via e-mail to: [DBEDT.sbrrb.info@hawaii.gov](mailto:DBEDT.sbrrb.info@hawaii.gov) or mailed to SBRRB, No. 1 Capitol District Building, 250 S. Hotel Street, Room 506, Honolulu, HI 96813, or P.O. Box 2359, Honolulu, HI 96804. The Board requests that written testimony be received by Wednesday, May 20, 2026, so it may be distributed to Board members prior to the meeting. Testimony received after that time will be distributed to the Board members at the meeting.

Copies of the Board Packet will be available on-line for review at: [Agendas & Minutes – Small Business Regulatory Review Board \(hawaii.gov\)](#) and in-person at 250 South Hotel Street, Room 506, Honolulu, HI 96813 during regular business hours. An electronic draft of the minutes for this meeting will also be made available at the same location when completed.

The Board may go into Executive Session under Section 92-5 (a)(4), HRS to Consult with the Board's Attorney on Questions and Issues Concerning the Board's Powers, Duties, Immunities, Privileges and Liabilities.

#### I. Call to Order

**Josh Green, M.D.**  
Governor

**Sylvia Luke**  
Lt. Governor

**James Kunane**  
Tokioka  
DBEDT Director

**Dane K. Wicker**  
DBEDT Deputy  
Director

#### Members

**Jonathan Shick**  
Chairperson  
O'ahu

**Sanford Morioka**  
Vice Chairperson  
O'ahu

**Mary Albitz**  
2nd Vice Chairperson  
Maui

**James (Kimo) Lee**  
Hawai'i

**Leelen Park**  
Hawai'i

**Tessa Gomes**  
O'ahu

**Cynthia Hobson**  
O'ahu

**Nikki Ige**  
Kaua'i

**Dr. Jennifer Salisbury**  
Maui

Director, DBEDT  
Voting Ex Officio

## II. Approval of April 23, 2026 Meeting Minutes

### III. New Business

- A. Discussion and Action on the Pre-Public Hearing Small Business Impact Statement and Proposed Administrative Rule 2-13, **Relating to Disposable Foodware and Serviceware / Relating to Polystyrene Foam Food Container and Food Service Ware Reduction**, promulgated by County of Hawaii – Department of Environmental Management – *Discussion Leader – James Lee*
- B. Discussion and Action on the Pre-Public Hearing Small Business Impact Statement and Proposed Hawaii Administrative Rule, Title 13 Chapter 124, **Rules for Indigenous Wildlife, Endangered and Threatened Wildlife, Injurious Wildlife, Introduced Wild Birds, and Introduced Wildlife**, promulgated by Department of Land and Natural Resources – *Discussion Leader – Jonathan Shick*

### IV. Administrative Matters

- A. Update on the Board’s Upcoming Advocacy Activities and Programs in accordance with the Board’s Powers under Section 201M-5, Hawaii Revised Statutes (HRS)
  1. Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force’s most recent meeting pursuant to Act 133 to identify actions taken challenges encountered, and legislative measures necessary to facilitate, expediate, and coordinate state and intergovernmental permit processes; and appropriate funds
  2. Becker Communications Inc., regarding the Board’s Small Business Outreach
  3. Presentations to Industry Associations
  4. Staff’s Small Business Outreach
  5. Review and Update Board’s “Discussion Leader Assignments” for the State and County Agencies’ Hawaii Administrative Rules
  6. Review and Approval of the Board’s 2026 *Periodic Review; Evaluation Report*, In Compliance with Regulatory Flexibility Act, Section 201M-7, Hawaii Revised Statutes

### V. Legislative Matters

- A. Discussion and Update on the following legislative matters:
  1. **House Bill 2606 HD2 Relating to Off-Site Construction** – Establishes a working group within the State Building Code Council to develop proposals for an off-site construction program. Appropriate funds.

### VI. Election of Board Officers

- A. Discussion and Action on the following:
  1. Chairperson, pursuant to Section 201M-5(c), HRS
  2. Vice Chair
  3. Second Vice Chair

### VII. Next Meeting: Thursday, June 18, 2026 at 10:00 a.m., held via Zoom and at 250 South Hotel Street – No. 1 Capitol District Building, Conference Rm 436, Honolulu, HI 96813

### VIII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Jet’aimé Ariola at 808 798-0737 and [jetaime.k.ariola@hawaii.gov](mailto:jetaime.k.ariola@hawaii.gov) as soon as possible, preferably at least three (3) working days prior to the meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

## **II. Approval of April 23, 2026 Meeting Minutes**

## Small Business Regulatory Review Board

### MEETING MINUTES - **DRAFT**

April 16, 2026

- I. **CALL TO ORDER:** Chair Shick called the meeting to order at 10:01 a.m., with a quorum present.

**MEMBERS PRESENT:**

- Jonathan Shick, Chair
- Sanford Morioka, Vice Chair
- Mary Albitz, Second Vice Chair
- Dr. Jennifer Salisbury
- James (Kimo) Lee
- David Sikkink
- Nicolle Ige
- Leelen Park
- Cynthia Hobson

**ABSENT MEMBERS:**

- Tessa Gomes

**STAFF:** DBEDT

Dori Palcovich  
Jet'aime Ariola

Office of the Attorney General

Alison Kato

### II. **APPROVAL of MARCH 19, 2026, MINUTES**

Second Vice Chair Albitz motioned to approve the March 19, 2026 meeting minutes as amended. Mr. Park seconded the motion and the Board members unanimously agreed.

### III. **OLD BUSINESS**

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to Hawaii Administrative Rules (HAR) Title 12 Chapter 229, General, Administrative, and Legal Provisions promulgated by Department of Labor and Industrial Relations (DLIR)

Discussion leader Albitz noted that the proposed rule changes are to increase fees and improve facilities. Mr. William Kunstman, Deputy Director at DLIR, confirmed and added that many of the changes were for housekeeping measures.

There were no attendees at the public hearing which reflects the hard work performed with the stakeholders in the early stages of the rule amendments. Thus, the finished product was essentially complete with the stakeholders' input, as any problems with the rule changes had previously been addressed. Second Vice Chair Albitz stated that DLIR did a good job with the outreach; Chair Shick added that the hard work and effort made by DLIR with the stakeholders was appreciated and reflected in the public hearing without comments.

Second Vice Chair Albitz moved to send the proposed rules to the Governor for adoption. Dr. Salisbury seconded the motion, and the members unanimously agreed.

#### **IV. REGULATION FOR REVIEW**

##### **A. Re-Discussion on the Small Business Impact Statement Before and After Public Hearings for HAR Title 13 Chapter 146-6, Fees, promulgated by Department of Land and Natural Resources (DLNR)**

Chair Shick provided the board members with an update of these rules, indicating that the rules came before this Board during covid and were specifically related to the imposed fees at Rainbow Falls and other state parks.

Testifier Hector Ortiz owns a small tour company, Fun Tours Hawaii, in Hilo. He is being charged \$50.00 for bringing his tour van into Rainbow Falls state park and \$5.00 per person, with the whole visit lasting approximately less than 10 minutes.

Testifier Mr. John McBride from Home Village Tours, contends that at the time the rules went to public hearings, it was during covid where no one could attend, which was not a good time to go out to public hearing. Thus, he believes the process was skewed. As a small business tour company in Hawaii, he is swamped with so many taxes and is concerned that he must pay another tax to enter Rainbow Falls.

Testifier Alan from Island Odyssey Tours stated that his tour company also brings tourists to Rainbow Falls. He finds the parking attendants are approaching his tour van and demanding fees. The overall fees being charged affect tour companies' survival.

Upon hearing from the testifiers, Mr. Alan Carpenter, Acting Administrator at DLNR's Division of State Parks, stated that he appreciates the concerns of the owners of the tour businesses. It is DLNR's intent to partially manage Hawaii's state parks. Many of the parks are overcrowded because they are over-visited, which affects the resources.

He explained that when the rule changes were made to increase the fees, the fees were to be reassessed and reevaluated every five years; that time is now. He provided the Board with an overview of how the fees were charged; Rainbow Falls' park fees are charged under the state park nomenclature. The fees, at that time, were implemented in 10 state parks. All the fees collected are re-invested in the state parks, which amount to about \$20 million per year.

Mr. Carpenter has currently reevaluated all the state park fees, which are expected to be presented by the Board of Land and Natural Resources (BLNR). He confirmed that the price schedule for state parks must be flexible and varied.

Testifier Daniel, who previously was from Hop On Hop Off Bus Tours and currently has his own business, believes that the current fees being charged are unjustified and too much per vehicle. He temporarily stopped bringing tourists but has since reimplemented going there.

In response to Second Vice Chair Albitz's inquiry regarding the timeframe involved,

Mr. Carpenter stated that his division is currently in the process of reassessing the fees comparatively. Some suggestions include reducing the fees for keiki and kupuna and requiring an “annual fee” for some of the state parks. It will likely be a few months until the proposed packet is taken to BLNR.

In terms of outreach, all known commercial customers/small businesses have been contacted for outreach purposes. Rainbow Falls has a lower price structure due to the limited amount of time it takes to go into the park and look at the falls. It was noted that Parks Division is no longer amending its administrative rules when changing the fees as the pricing has been delegated by the legislature to be in the hands of BLNR. This results in a faster process than when the fee change was introduced five years ago.

In response to Chair’s inquiry about reducing the fees now instead of waiting, Mr. Carpenter responded that because the fees are imbedded in the rules and a contract with the vendor exists, the contract would have to be amended. However, Mr. Carpenter noted that “change will be coming.”

Chair Shick motioned to draft a memorandum to Mr. McBride summarizing the topics of discussion at today’s meeting, including the change in the fee schedule for Rainbow Falls along with the Parks’ Division proposal to reach out to BLNR for approval to reduce the fees with urgency. Mr. Sikkink seconded the motion, and the members unanimously agreed.

## **V. ADMINISTRATIVE MATTERS**

1. Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force’s most recent meeting pursuant to Act 133 to identify actions taken, challenges encountered, and legislative measures necessary to facilitate, expediate, and coordinate state and intergovernmental permit processes; and appropriates funds

Dr. Salisbury stated that there is currently no date set for the next scheduled SPEED taskforce’s meeting, which will be held sometime after the current legislative session. DBEDT will assist with travel arrangements for Dr. Salisbury should it be needed.

2. Becker Communications Inc., regarding the Board’s Small Business Outreach

No updates were discussed; however, it was noted that Becker representative, Ms. Jocelyn Collado, as well as Dr. Salisbury and Second Vice Chair Albitz all helped to make the Maui board meeting a success.

3. Presentation to Industry Associations

No updates were noted.

4. Staff’s Small Business Outreach

Ms. Ariola is looking for more small business outreach opportunities and asked the members to provide her with any suggestions especially when a board member may be unable to attend; Chair Shick concurred.

Second Vice Chair noted that the Maui Chamber of Commerce is sponsoring a small business event, i.e., statewide Small Business Administration awards luncheon, on May 8<sup>th</sup>, which Ms. Ariola was interested in attending and asked that information for the event to be sent to her.

## VI. LEGISLATIVE MATTERS

### A. Update, Discussion and Action on the following legislative matters:

1. House Bill 1964 HD1 Relating to the State Building Code Council – Requires the State Building Code Council to provide annual training to state and county permitting agency employees. Appropriates funds for the training, subject to a matching requirement from the counties.

The status has not changed since March 30<sup>th</sup>.

2. House Bill 1967 HD1 Relating to Permitting – Requires the Department of Business, Economic Development, and Tourism to develop a permitting workforce pipeline in partnership with the University of Hawaii and community colleges and coordinate with state and county permitting agencies on certain tasks related to classification levels, salary and benefits, hiring and responsibilities of employees. Appropriates funds.

The status has not changed since March 10<sup>th</sup>.

3. House Bill 2606 HD2 Relating to Off-Site Construction – Establishes a working group within the State Building Code Council to develop proposals for an off-site construction program. Appropriates funds.

As of April 9<sup>th</sup>, Ways and Means recommended passage of the measure.

4. Governor's Message 612 – Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Leelen Park, for a term to expire June 30, 2029.

Congratulations to Mr. Park for the recommendation to advise and consent for nomination to this Board.

5. Governor's Message 613 – Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Cynthia Hobson, for a term to expire June 30, 2029

Congratulations to Ms. Hobson for the recommendation to advise and consent for nomination to this Board.

6. Governor's Message – Submitted for Consideration and Confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, Denver Coon, for a term to be determined.

The Governor will appoint Mr. Coon, from Maui, for one year until the next legislative session.

- VII. **NEXT MEETING** – Thursday, May 21, 2026, at 10:00 a.m., via Zoom and in person at 250 South Hotel Street, No. 1 Capitol District Building, Room 436, Honolulu, HI 96813.
- VIII. **ADJOURNMENT** – Mr. Park motioned to adjourn the meeting, and Mr. Morioka seconded the motion; the meeting adjourned at 10:56 a.m.

DRAFT

### **III. New Business**

- A. Discussion and Action on the Pre-Public Hearing Small Business Impact Statement and Proposed Administrative Rule 2-13, Relating to Disposable Foodware and Serviceware / Relating to Polystyrene Foam Food Container and Food Service Ware Reduction, promulgated by County of Hawaii – Department of Environmental Management – *Exhibit 1***

**PRE-PUBLIC HEARING SMALL BUSINESS IMPACT STATEMENT  
TO THE  
SMALL BUSINESS REGULATORY REVIEW BOARD**  
(Hawaii Revised Statutes §201M-2)

Date: \_\_\_\_\_

Department or Agency: \_\_\_\_\_

Administrative Rule Title and Chapter: \_\_\_\_\_

Chapter Name: \_\_\_\_\_

Contact Person/Title: \_\_\_\_\_

E-mail: \_\_\_\_\_ Phone: \_\_\_\_\_

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7?

Yes  No

If "Yes," provide details: \_\_\_\_\_

**I. Rule Description:**

New  Repeal  Amendment  Compilation

**II. Will the proposed rule(s) affect small business?**

Yes  No

(If "No," no need to submit this form.)

\* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

\* "Small business" is defined as a "for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii." HRS §201M-1

**III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?**

Yes  No

(If "Yes" no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

**IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))**

Yes  No

(If "Yes" no need to submit this form.)

\* \* \*



4. The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, modification of the fines schedule, performance rather than design standards, exemption, or other mitigating techniques.
  
5. The availability and practicability of less restrictive alternatives that could be implemented in lieu of the proposed rules.
  
6. Consideration of creative, innovative, or flexible methods of compliance for small businesses. The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules.
  
7. How the agency involved small business in the development of the proposed rules.
  - a. If there were any recommendations made by small business, were the recommendations incorporated into the proposed rule? If yes, explain. If no, why not.

8. Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard.

If yes, please provide information comparing the costs and benefits of the proposed rules to the costs and benefits of the comparable federal, state, or county law, including the following:

- a. Description of the public purposes to be served by the proposed rule.
  
- b. The text of the related federal, state, or county law, including information about the purposes and applicability of the law.
  
- c. A comparison between the proposed rule and the related federal, state, or county law, including a comparison of their purposes, application, and administration.
  
- d. A comparison of the monetary costs and benefits of the proposed rule with the costs and benefits of imposing or deferring to the related federal, state, or county law, as well as a description of the manner in which any additional fees from the proposed rule will be used.
  
- e. A comparison of the adverse effects on small business imposed by the proposed rule with the adverse effects of the related federal, state, or county law.

\* \* \*

Small Business Regulatory Review Board / DBEDT  
Phone: (808) 586-2594 / Email: [DBEDT.sbrrb.info@hawaii.gov](mailto:DBEDT.sbrrb.info@hawaii.gov)

This Statement may be found on the SBRRB Website at: <http://dbedt.hawaii.gov/sbrrb/resources/small-business-impact-statements>

## **RULE 2-13 Relating to Disposable Foodware and Serviceware**

2-13-1. Purpose. To establish standards, procedures, and enforcement mechanisms necessary to implement Ordinance 26-03 (Bill 83), relating to the reduction of single-use plastic and polystyrene waste within the County of Hawai'i

### 2-13-2. Prohibitions and Requirements.

- (a) No food provider shall sell, distribute, or provide the following items:
  - a. Disposable plastic or polystyrene foodware including but not limited to cups, lids, bowls, plates, clamshells, trays, utensils, stirrers, straws, and portion cups
  - b. Compostable foodware or serviceware that is not third-party certified compostable (ASTM Standards D6400, D6868, or D8410)
  - c. Biodegradable foodware or serviceware that is not third-party certified biodegradable.
  - d. Reusable foodware or serviceware that does not meet the definition in section 1-1-2 of these rules.
- (b) Food providers, businesses, and County facility users shall only sell, distribute, or provide prepared food to the public using:
  - (a) Disposable foodware and serviceware that is third-party certified compostable (ASTM Standards D6400, D6868, or D8410).
  - (b) Disposable foodware and serviceware that is third-party certified to a technical standard related to biodegradability.
  - (c) Reusable foodware or serviceware that meets the definition in section 1-1-2 of these rules.

2-10-3. Exemptions. This rule shall not apply to the following:

- (a) The following products are exempt from provisions of these rules:
  - a. Pre-packaged foods
  - b. Coolers and ice chests that are intended for reuse
  - c. Food packaging for raw meat, raw poultry, raw sea food, and eggs that have not been further processed.
- (b) Exemptions for food providers and county facility users
  - a. The director may provide exemptions in situations where compliance with these rules would result in undue hardship such as situations unique to food providers and county facility users that generally do not apply to other persons in similar circumstances.
  - b. The director may approve or deny an exemption request in whole or in part and applicants may appeal the director's decision to the commission.
  - c. Exemptions shall be posted on the department's website as a notice

of temporary exemption.

d. Exemptions shall be in place for up to 180 days

2-10-4. Application for Exemption Due to Undue Hardship. County facility users and food providers seeking an exemption from the requirements of this chapter due to undue hardship shall complete the department application and submit it to the director as set forth below. All exemptions granted under this section shall be promptly posted on the County website for the department as a notice of temporary exemption. The director may approve or deny an exemption application for undue hardship in whole or in part.

(a) Application for Exemption Due to Hardship to the County Facility User. A County facility user shall submit a Department application to the director and shall include with specificity the following:

- (1) The name, mailing address, telephone number, and email of the County facility user.
- (2) The name and location of the County facility to be used, submission date of the County facility use permit application, and event date(s) at the County facility.
- (3) A description of the polystyrene foam food service ware(s) at issue, including why the County facility user requires the product(s) and an estimate of the quantity of the product used.

(4) The factual basis to support the requested determination that use of compliant food service ware would cause the County facility user undue hardship and there is no compliant alternative, which, for example, may include packaging necessary for safely containing food that is of significantly high or low temperature; specific transportation requirements or safeguards.

(5) If an exemption is granted under this section, the polystyrene foam food service ware(s) may only be used for the specific food item(s) identified in the application.

(b) Application for Exemption Due to Hardship to the Food Vendor: A Food vendor shall submit a Department application to the director and shall include with specificity the following:

- (1) The name, mailing address, telephone number, email, and a copy of the food vendor's most current business registration certificate (business license).

- (2) The polystyrene foam food service ware(s) at issue, including why the food vendor requires the product(s) and an estimate of the monthly quantity of the product used.
- (3) The factual basis to support the requested determination that use of compliant food service ware(s) would cause the food vendor undue hardship and there is no compliant alternative.
- (4) The director may consider the information provided by the applicant to determine whether an undue hardship exists to justify an exemption.
- (5) If an exemption is granted, the polystyrene foam food service ware(s) may only be used for the specific food item(s) identified in the application.

#### 2-10-5. Duration, Renewal, and Revocation of Exemptions.

- (a) Initial exemptions are valid for a maximum period of one hundred eighty (180) days, except that shorter periods may be approved by the director.
- (b) Applications to renew exemptions shall be submitted to the department no later than thirty (30) days prior to the expiration of the exemptions. Exemption renewals may be granted but shall not exceed one hundred eighty (180) days, including the initial exemption period, upon a showing that the applicant continues to meet all applicable requirements.
- (c) Exemptions may be revoked upon the director's finding that the basis for the exemption is no longer valid or the applicant has otherwise violated this chapter.

#### 2-10-6. Inspections and Records.

- (a) Food providers and county facility users shall maintain invoices, certification documentation, and supplier information for two years
- (b) Records shall be made available to the director or authorized representatives
- (c) The director or authorized representatives may conduct inspections during normal business hours.
- (d) Inspectors may request invoices, product lists, and certification documentation.
- (e) Inspectors may collect samples of foodware for verification.

#### 2-10-7. Administrative Fines.

- (a) A fine may be imposed upon findings made by the director that any food vendor or County facility user has used foodware or serviceware in violation

of this rule. Each day on which any food vendor or County facility user has sold or transferred disposable food service ware made from polystyrene foam shall constitute a separate violation of this article.

- (b) Food vendors shall be subject to an administrative fine for each separate violation as follows:
  - (1) A warning for a first violation;
  - (2) A fine of \$50 for a second violation; and
  - (3) A fine not exceeding \$200 for a third and any subsequent violation.
  
- (c) Food vendors and County facility users who violate this rule in connection with commercial or non-commercial special events shall be assessed fines for each special event as follows:
  - (1) A fine of \$200 for a first violation;
  - (2) A fine of \$400 for a second violation; and
  - (3) For a third and any subsequent violation:
    - (A) A fine not to exceed \$400 for an event of one to 200 persons;
    - (B) A fine not to exceed \$600 for an event of 201 to 400 persons;
    - (C) A fine not to exceed \$800 for an event of 401 to 600 persons; and
    - (D) A fine not to exceed \$1000 for an event of 600 or more persons.
  
- (d) Failure to pay fine. Fines not paid within thirty days from the date appearing on the notice of violation and order or of the notice of determination of the director after the hearing, shall be collected in compliance with chapter 20, HCC.

2-10-8. Appeal. A County facility user or food provider aggrieved by the director's final decision may appeal the decision in accordance with chapter 20, HCC.

2-10-9. Emergency Exemption. The mayor may exempt County facility users and food vendors from the provisions of this chapter in a situation deemed by the mayor to be an emergency that necessitates such exemption in order to preserve the public peace, health, and safety.

The exemption shall remain in place until the mayor determines that the emergency situation has ceased and the exemption is no longer needed to preserve the public peace, health, and safety.

### **III. New Business**

#### **B. Discussion and Action on the Pre-Public Hearing Small Business Impact Statement and Proposed Hawaii Administrative Rule, Title 13 Chapter 124, Rules for Indigenous Wildlife, Endangered and Threatened Wildlife, Injurious Wildlife, Introduced Wild Birds, and Introduced Wildlife, promulgated by Department of Land and Natural Resources – *Exhibit 2***

PRE-PUBLIC HEARING SMALL BUSINESS IMPACT STATEMENT  
TO THE  
SMALL BUSINESS REGULATORY REVIEW BOARD  
(Hawaii Revised Statutes §201M-2)

Date: May 8, 2026

Department or Agency: Department of Land and Natural Resources

Administrative Rule Title and Chapter: Title 13, Chapter 124

Chapter Name: Rules for Indigenous Wildlife, Endangered and Threatened Wildlife, Injurious Wildlife, Introduced Wild Birds and Introduced Wildlife

Contact Person/Title: Kathryn Stanaway / Program Specialist

E-mail: kathryn.e.stanaway@hawaii.gov Phone: 808-348-5835

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor's Website pursuant to HRS §92-7?

Yes  No

If "Yes," provide details: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>. This link

I. Rule Description:

New  Repeal  Amendment  Compilation

II. Will the proposed rule(s) affect small business?

Yes  No

(If "No," no need to submit this form.)

\* "Affect small business" is defined as "any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business." HRS §201M-1

\* "Small business" is defined as a "for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii." HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

Yes  No

(If "Yes" no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))

Yes  No

(If "Yes" no need to submit this form.)

\* \* \*

**If the proposed rule affects small business and are not exempt as noted above, please provide a reasonable determination of the following:**

1. Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected.

See attachment

2. In dollar amounts, the increase in the level of direct costs such as fees or fines, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.

See attachment

If the proposed rule imposes a new or increased fee or fine:

- a. Amount of the current fee or fine and the last time it was increased.

New proposed rule so there is not a current fine under this rule chapter.

- b. Amount of the proposed fee or fine and the percentage increase.

N/A

- c. Reason for the new or increased fee or fine.

N/A

- d. Criteria or methodology used to determine the amount of the fee or fine (i.e., Consumer Price Index, Inflation rate, etc.).

N/A

3. The probable monetary costs and benefits to the agency or other agencies directly affected, including the estimated total amount the agency expects to collect from any additionally imposed fees and the manner in which the moneys will be used.

No additional imposed fees in this proposed rule change.

4. The methods the agency considered or used to reduce the impact on small business such as consolidation, simplification, differing compliance or reporting requirements, less stringent deadlines, modification of the fines schedule, performance rather than design standards, exemption, or other mitigating techniques.  
We expect little to no additional burden to small business activities. There are no reporting requirements, deadlines, or fees associated with these proposed rules.
  
5. The availability and practicability of less restrictive alternatives that could be implemented in lieu of the proposed rules.  
Not applicable. We expect little to no additional burden to small business activities.
  
6. Consideration of creative, innovative, or flexible methods of compliance for small businesses. The businesses that will be directly affected by, bear the costs of, or directly benefit from the proposed rules.  
Not applicable. We do not expect additional costs to be incurred to small business activities.
  
7. How the agency involved small business in the development of the proposed rules.  
We consulted the current Department of Agriculture and Biosecurity pest lists when considering what additional species could be of concern to the Department of Land and Natural Resources. The Department of Agriculture and Biosecurity consults with small businesses when developing their pest lists. Additionally, we consulted the Coordinating Group on Alien Pest Species list of priority pest species when considering additional species of concern not already regulated by the Department of Agriculture and Biosecurity. This list was developed with input from community-facing organizations.
  - a. If there were any recommendations made by small business, were the recommendations incorporated into the proposed rule? If yes, explain. If no, why not.  
Not applicable.

8. Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard.

See attachment

If yes, please provide information comparing the costs and benefits of the proposed rules to the costs and benefits of the comparable federal, state, or county law, including the following:

- a. Description of the public purposes to be served by the proposed rule.
  
- b. The text of the related federal, state, or county law, including information about the purposes and applicability of the law.
  
- c. A comparison between the proposed rule and the related federal, state, or county law, including a comparison of their purposes, application, and administration.
  
- d. A comparison of the monetary costs and benefits of the proposed rule with the costs and benefits of imposing or deferring to the related federal, state, or county law, as well as a description of the manner in which any additional fees from the proposed rule will be used.
  
- e. A comparison of the adverse effects on small business imposed by the proposed rule with the adverse effects of the related federal, state, or county law.

\* \* \*

Small Business Regulatory Review Board / DBEDT  
Phone: (808) 586-2594 / Email: [DBEDT.sbrrb.info@hawaii.gov](mailto:DBEDT.sbrrb.info@hawaii.gov)

This Statement may be found on the SBRRB Website at: <http://dbedt.hawaii.gov/sbrrb/resources/small-business-impact-statements>

**ATTACHMENT: Supplemental to the Pre-Public Hearing Small Business Impact Statement to the Small Business Regulatory Review Board HAR Chapter 13-124 - Indigenous Wildlife, Endangered and Threatened Wildlife, Injurious Wildlife, Introduced Wild Birds, and Introduced Wildlife**

A. Statement of the topic of the proposed rules or a general description of the subjects involved:

The supplemental summaries proposed amendments to Hawaii Administrative Rules (HAR) Chapter 13-124 “Indigenous Wildlife, Endangered and Threatened Wildlife, Injurious Wildlife, Introduced Wild Birds, and Introduced Wildlife”. The purpose of this rule chapter is to conserve, manage, protect, and enhance indigenous wildlife and to manage introduced birds statewide, authorized under Chapters 183D and 195D, Hawaii Revised Statutes (HRS). This chapter was last amended on December 12, 2014, to address impacts from introduced wildlife on indigenous wildlife and their habitats.

The Department of Land and Natural Resources (Department) proposes to amend the purpose of HAR Chapter 13-124 to conserve, manage, protect, and enhance indigenous wildlife and to manage introduced wildlife statewide. The Department recognizes that indigenous wildlife is wildlife deemed in need of conservation and that the Department has authority under section 195D-3, HRS, to adopt rules prohibiting the take of such wildlife. The proposed meaning of “wildlife deemed to be in need of conservation” is any species of wildlife that the Department determines requires protective measures to ensure its continued survival, including, but not limited to, indigenous, threatened, and endangered wildlife. The definition of “take” from section 195D-2, HRS, which would be applied to indigenous wildlife in this chapter, includes harming, harassing, pursuing, hunting, shooting, wounding, killing, trapping, capturing, possessing, or collecting such wildlife. This definition already applies to threatened and endangered wildlife in Chapter 13-124, HAR.

The Department also proposes increased habitat protections for indigenous, threatened, and endangered wildlife, given the potential removal of similar federal protections. On April 17, 2025, the United States Fish and Wildlife Service proposed rescinding the regulatory definition of “harm,” which includes certain habitat modification, for species listed as threatened or endangered under federal law. If adopted, that change could result in reduced habitat protections for federally listed threatened and endangered species. The Department therefore finds it necessary, through administrative rule, to strengthen habitat protections for State-listed threatened and endangered wildlife. The Department also proposes extending habitat protections to indigenous wildlife because such wildlife is deemed in need of conservation. These proposed rules use State-law authority to safeguard against significant habitat modification or degradation that results in the killing or injuring of indigenous, threatened, or endangered wildlife.

Injurious wildlife can be easily transported within the State on plant material, equipment, and other goods. Regulating such movement is important to protect indigenous wildlife and their habitats. The proposed rules would authorize the Department to regulate the

movement within the State of injurious wildlife present on plant material, equipment, and other goods.

The Department also recognizes threats to the health and safety of indigenous, threatened, and endangered wildlife caused by feeding such wildlife or by feeding other animals in areas where protected wildlife occurs. The proposed rules would prohibit feeding indigenous, threatened, or endangered wildlife statewide and would prohibit feeding other wildlife and domestic animals on Department lands.

B.IV. If the proposed rule affects small business and are not exempt as noted above, please provide a reasonable determination of the following:

1. Description of the small businesses that will be required to comply with the proposed rules and how they may be adversely affected.

Proposed section 13-124-3.3(4) is regulating the movement of injurious wildlife within the State. The most likely pathway for distribution of injurious wildlife is plant sales, and those sales are regulated in part by the Department of Agriculture and Biosecurity (DAB). The proposed rule adds a small number of organisms to the injurious wildlife list that are not already regulated by DAB and are found on the Hawai'i Prevention and Priority List. In practice, businesses selling plants should already be checking their products to ensure minimal spread of other organisms to comply with DAB regulations, so there should be minimal to no additional actions required of these businesses.

2. In dollar amounts, the increase in the level of direct costs such as fees or fines, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.

There are no fees associated with this rule change.

If found to be in violation of a rule in this chapter, those fines may be as follows:

For violations of rules promulgated under authority of Chapter 195D, HRS:

Criminal penalties may be:

1<sup>st</sup> offense – misdemeanor and a fine of not less than \$250 or imprisonment of not more than one year.

2<sup>nd</sup> offense or subsequent offense – class C felony and a fine of not more than \$1,000, or imprisonment of no more than two years or rehabilitative community service.

Administrative penalties may be:

1<sup>st</sup> offense – a fine of no less than \$2,500 and no more than \$5,000 or rehabilitative community service, or both.

2<sup>nd</sup> offense - a fine of no less than \$5,000 and no more than \$10,000 or rehabilitative community service, or both.

3<sup>rd</sup> offense - a fine of no less than \$10,000 and no more than \$20,000 or rehabilitative community service, or both.

An administrative fine of up to \$10,000 or rehabilitative community service, or both, may be levied for each specimen of wildlife or plant taken, killed, injured, or damaged in violation of this chapter or any rule adopted thereunder

For violations of rules promulgated under authority of Chapter 183D, HRS:

Criminal penalties may be:

1<sup>st</sup> offense - not less than \$100 or not more than 30 days imprisonment, or both.

2<sup>nd</sup> offense - not less than \$500 or not more than 30 days imprisonment, or both.

3<sup>rd</sup> offense - not less than \$1,000 or not more than 30 days imprisonment, or both.

Administrative penalties may be:

1<sup>st</sup> offense - not more than \$10,000.

2<sup>nd</sup> offense - not more than \$15,000.

3<sup>rd</sup> offense - not more than \$25,000.

8. Whether the proposed rules include provisions that are more stringent than those mandated by any comparable or related federal, state, or county standards, with an explanation of the reason for imposing the more stringent standard.

These proposed rules are not more stringent than current laws. HAR section 4-72-5 currently regulates movement of "pest host material" that is for sale, barter, or donation to the public if determined to be infested with insect disease or pest. The proposed rules add additional organisms to the injurious wildlife list of concern to the Department of Land and Natural Resources.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendment and Compilation of Chapter 13-124  
Hawaii Administrative Rules

December 10, 2025

SUMMARY

1. Chapter 13-124, Hawaii Administrative Rules, entitled "Indigenous Wildlife, Endangered and Threatened Wildlife, Injurious Wildlife, Introduced Wild Birds, and Introduced Wildlife", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 5

FORESTRY AND WILDLIFE

PART 3

WILDLIFE

CHAPTER 124

RULES FOR INDIGENOUS WILDLIFE, ENDANGERED AND  
THREATENED WILDLIFE, INJURIOUS WILDLIFE, INTRODUCED  
WILD BIRDS, AND INTRODUCED WILDLIFE

Subchapter 1 General Provisions

§13-124-1	Purpose
§13-124-2	Definitions
§13-124-2.1	Revocation of permits
§13-124-2.2	Compliance with laws
§13-124-2.3	Exemption
§13-124-2.4	Severability

Subchapter 2 Indigenous, Injurious, Introduced Wild  
Birds, and Introduced Wildlife

§13-124-3	Repealed
§13-124-3.1	Indigenous wildlife, prohibited activities
§13-124-3.2	Introduced wild birds, prohibited activities
§13-124-3.3	Injurious wildlife, prohibited activities
§13-124-3.4	Introduced wildlife, prohibited activities
§13-124-3.5	Exceptions, prohibited activities
§13-124-3.6	Prohibited activities on department lands
§13-124-4	Scientific, propagation, and educational permits
§13-124-5	Repealed
§13-124-6	Permits for keeping indigenous wildlife, introduced wild birds, game birds, and game mammals
§13-124-7	Crop damage, nuisance, and threat to human health and safety permits
§13-124-8	Repealed
§13-124-8.1	Penalty

Subchapter 3 Endangered and Threatened Wildlife

§13-124-11	Repealed
§13-124-11.1	Endangered wildlife or threatened wildlife, prohibited activities
§13-124-12	Scientific, propagation, and educational permits

§13-124-13 Repealed  
§13-124-13.1 Penalty

**Historical Note:** Chapter 13-124, Hawaii Administrative Rules, is based substantially upon Regulation 18 of the Division of Fish and Game, Department of Land and Natural Resources. [Eff 8/10/53; am 10/10/55; am 3/28/58 and ren Regulation 6; am 9/8/73; R 3/22/82]

## SUBCHAPTER 1

### GENERAL PROVISIONS

**§13-124-1 Purpose.** The purpose of this chapter is to conserve, manage, protect, and enhance indigenous wildlife; and manage introduced [~~wild birds.~~] wildlife. These rules are not intended to diminish or abrogate the provisions of article 12, section 7 of the Hawaii State Constitution or section 7-1, Hawaii Revised Statutes, relating to certain traditional and customary Hawaiian practices. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; comp 2/27/2015; am and comp ] (Auth: HRS §§183D-2, 183D-3, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-2, 183D-3, 195D-3, 195D-4, 195D-6)

**§13-124-2 Definitions.** As used in this chapter unless the context requires otherwise:

"Agriculture" means the production of crops [~~which are~~] planted, cultivated, and harvested for food, ornamental, grazing, cultural, medicinal, or forest purposes.

"Aquaculture" means the [~~farming or ranching of aquatic life in a controlled salt, brackish, or fresh~~]

~~water environment, provided that the farm or ranch is on or directly adjacent to land.]~~ propagation, cultivation, or farming of aquatic plants and animals in controlled or selected environments for research purposes, commercial purposes, or stocking purposes.

"Aquatic life" means any species of mammal, fish, mollusk, crustacean, arthropod, invertebrate, coral, or other vertebrate or invertebrate that inhabits the freshwater or marine environment, and includes any part, product, egg, or offspring thereof; or freshwater or marine plants or algae, including seeds, roots, spores, and other parts thereof.

"Board" means the board of land and natural resources.

"Crops" means a plant [~~or animal~~], vertebrate, or invertebrate, or product thereof that can be grown and harvested for profit or subsistence.

"Cultural [~~use~~] activities" means use for traditional native Hawaiian practices.

"Department" means the department of land and natural resources.

"Department lands" means public lands managed, administered, or controlled by the Department of Land and Natural Resources, as in section 171-3, Hawaii Revised Statutes, except such lands leased by the department.

"Domestic animal" means any [~~of various animals which have been domesticated by humans in a condition mainly dependent on humans.]~~ domesticated vertebrate or invertebrate, whether reared in captivity or not, excluding aquatic life. Domestic animals do not include wildlife.

"Endangered wildlife" means any species [~~subspecies, or population of wildlife]~~ whose continued existence as a viable component of Hawaii's indigenous fauna or flora is determined to be in jeopardy, and that has either been officially listed by the federal government as endangered [and any species, subspecies, or population of indigenous wildlife.] or has been so designated pursuant to section 195D-4, Hawaii Revised Statutes. Endangered wildlife are listed in, but not

limited to, the exhibit entitled "Exhibit 2, Chapter 13-124, List of Species of Endangered Wildlife in [~~Hawaii 11/1/14~~] Hawai'i 12/11/25" and as updated, which is located at the end of this chapter and incorporated by reference.

"Export" means shipment to any point outside the State.

"Feed" means to give, place, expose, deposit, distribute, or scatter any food, or any edible material.

"Feral" means having escaped or been released from domestication and reverted to a wild, free-roaming state.

"Game birds" means those birds designated by [~~statute~~] law or rule for hunting[-] in chapter 183D, Hawaii Revised Statutes, or by administrative rule.

"Game mammals" means those mammals designated by [~~statute~~] law or rule for hunting[-] in chapter 183D, Hawaii Revised Statutes, or by administrative rule.

"Harass" means to pursue, torment, or annoy. Harass may include acts that create the likelihood of injury to such wildlife or has the potential to disturb such wildlife by disrupting normal behavior patterns, such as migration, breeding, feeding, or sheltering, even if it does not cause injury.

"Harm" means to cause injury or death to. Harm may include significant habitat modification or degradation where such modification or degradation kills or injures threatened wildlife, endangered wildlife, or indigenous wildlife.

"Haze" means the use of non-lethal methods to deter wildlife.

"Indigenous wildlife" means any species[~~, or subspecies~~] of [~~animal~~] wildlife deemed to be in need of conservation, including migratory forms, occurring or living naturally in Hawaii without having been brought to Hawaii by humans and listed in, but not limited to, the exhibit entitled "Exhibit 1, Chapter 13-124, Indigenous Wildlife of [~~Hawaii, 11/1/14~~] Hawai'i 12/11/25" and as updated, which is located at the end of this chapter and incorporated by reference.

Indigenous wildlife does not include game mammals, game birds, feral species of domesticated animals, introduced wildlife, or aquatic life.

"Injurious wildlife" means any species [~~or subspecies~~] of [~~animal~~] introduced wildlife which is known to be harmful to agriculture, aquaculture, indigenous wildlife or plants, or constitute a nuisance or health hazard and is listed in the exhibit entitled "Exhibit 5, Chapter 13-124, List of Species of Injurious Wildlife in [~~Hawaii, 11/1/14~~] Hawai'i 12/11/25" and as updated, which is located at the end of this chapter and incorporated by reference; and as established and designated by the board as injurious wildlife.

~~["Introduce" means an act of releasing wildlife into a habitat to which it is not indigenous.]~~

"Introduced wild birds" means any [~~non-domesticated~~] species of bird introduced or imported to Hawaii by humans and living in a wild and undomesticated state [~~other than~~] excluding game birds, [~~including~~] and listed in, but not limited to, [~~species listed in~~] the exhibit entitled "Exhibit 4, Chapter 13-124, Introduced Wild Birds Other Than Game Birds Which Have Become Established in the Wild, [~~11/1/14~~] 12/11/25" and as updated, which is located at the end of this chapter and incorporated by reference.

"Introduced wildlife" means any wildlife introduced or imported to Hawaii by humans[~~-~~], except game birds or game mammals.

"Native plant" means any member of the plant kingdom that is endemic or indigenous to Hawaii, excluding aquatic plants.

~~["Non-domesticated animal" means any of various animals that have not been domesticated by humans and that are in a condition mainly independent of humans.]~~

"Plant" means any member of the plant kingdom, including seeds, roots, and other parts thereof.

"Release" means to free an [~~animal~~] vertebrate or invertebrate from confinement or restraint[~~-~~] into the wild.

"Service animal" has the same meaning as defined in section 347-2.4, Hawaii Revised Statutes.

"Species" means and shall include any subspecies, subpopulation, or taxa of aquatic life or wildlife.

"Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, possess, or collect endangered wildlife, ~~[or]~~ threatened ~~[species of]~~ wildlife, or indigenous wildlife, or to attempt to engage in any such conduct.

"Threatened wildlife" means any species~~[, subspecies, or population]~~ of ~~[wildlife that]~~ aquatic life, vertebrate, or invertebrate which appears likely, within the foreseeable future, to become endangered and has been officially listed by the federal government as threatened ~~[and any species, subspecies, or population of indigenous wildlife.]~~ or has been so designated pursuant to section 195D-4, Hawaii Revised Statutes. Threatened wildlife are listed in, but not limited to, the exhibit entitled "Exhibit 3, Chapter 13-124, List of Species of Threatened Wildlife in ~~[Hawaii 11/1/14]~~ Hawai'i 12/11/25" and as updated, which is located at the end of this chapter and incorporated by reference.

"Wildlife" means any member of any non-domesticated species of ~~[the animal kingdom]~~ vertebrate or invertebrate, including reptiles and amphibians, a feral species of any domestic animal, ~~[and]~~ or game mammals and game birds living in a wild and ~~[nondomesticated]~~ unconfined state, whether reared in captivity or not, ~~[including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes]~~ including any part, product, egg, or offspring thereof, or the dead body or parts thereof. Aquatic life are not wildlife in this chapter, unless listed as threatened wildlife or endangered wildlife.

"Wildlife deemed to be in need of conservation" means any species of wildlife determined by the department to require protective measures to ensure its continued survival, which includes, but is not limited to, indigenous wildlife, threatened wildlife, and endangered wildlife. [Eff 3/22/82; am and comp

8/28/86; am and comp 3/2/98; am and comp 2/27/2015; am and comp ] (Auth: HRS §§183D-2, 183D-3, 183D-31, 183D-51, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-2, 183D-3, 183D-31, 183D-51, 183D-61, 195D-3, 195D-4, 195D-6)

**§13-124-2.1 Revocation of permits.** Any permit issued pursuant to this chapter shall be revocable for good cause and shall be [~~nonassignable~~] non-assignable unless otherwise provided by law. Any person whose permit has been revoked shall not be eligible to apply for another permit until the expiration of two years from the [~~date of~~] revocation[.] date. [Eff and comp 2/27/2015; am and comp ] (Auth: HRS §§183D-2, 183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-2, 183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6, 195D-8, 195D-9)

**Historical note:** §13-124-2.1 is based substantially upon §13-124-7.1. [Eff 3/2/98; R 2/27/2015]

**§13-124-2.2 Compliance with laws.** All persons applying for and receiving permits under this chapter shall comply with all federal, state, and county laws, rules, and required permits or licenses. [Eff and comp 2/27/2015; comp ] (Auth: HRS §§183D-3, 183D6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-8, 195D-9)

**Historical note:** §13-124-2.2 is based substantially upon §13-124-7.2. [Eff 3/2/98; R 2/27/2015]

**§13-124-2.3 Exemption.** This chapter shall not apply to any activity involving indigenous, endangered, or threatened wildlife which was held in captivity, or in a controlled environment on May 10, 1975; provided that the purposes of the holding were not contrary to the purposes of chapter 195D, HRS, and that the wildlife were not held for sale or resale. [Eff and comp 2/27/2015; am and comp ] (Auth: HRS §§183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-61, 195D-3, 195D-4, 195D-6)

**Historical note:** §13-124-2.3 is based substantially upon §13-124-9. [Eff and comp 8/28/86; am and comp 3/2/98; R 2/27/2015]

**§13-124-2.4 Severability.** These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected. [Eff and comp 2/27/2015; comp ] (Auth: HRS §§183D-2, 183D-3, 195D6, 195D-10) (Imp: HRS §§183D-2, 183D-3, 195D-6, 195D-10)

**Historical note:** §13-124-2.4 is based substantially upon §13-124-10. [Eff 3/2/98; R 2/27/2015]

SUBCHAPTER 2

INDIGENOUS, INJURIOUS, INTRODUCED WILD BIRDS, AND  
INTRODUCED WILDLIFE

~~§13-124-3 Prohibited activities.~~ (a) ~~With respect to indigenous wildlife and introduced wild birds, and except as provided in subsection (c) or as permitted by the department, no person shall, or attempt to:~~

- ~~(1) Catch, possess, injure, kill, destroy, sell, offer for sale, or transport any such species, or any young or egg, or the dead body or skin thereof; or~~
- ~~(2) Export any such species, or any young or egg, or the dead body or skin thereof from the State. The prohibitions against the destruction of wild birds shall not apply to those introduced wild birds listed as injurious wildlife.~~

~~(b) No person shall remove, damage, or disturb the nest of any indigenous wildlife except as provided in subsection (c) or as permitted by the department.~~

~~(c) With respect to injurious wildlife, except as provided in subsection (c), or as permitted by the department, no person shall, or attempt to:~~

- ~~(1) Release injurious wildlife into the wild;~~
- ~~(2) Transport live injurious wildlife to islands or locations within the State where they are not already established and living in a wild state; or~~
- ~~(3) Export any such species, or the dead body or parts thereof, from the State.~~

~~(d) With respect to introduced wildlife, except as provided in subsection (c) as permitted by the department, no person shall, or attempt to, release introduced wildlife.~~

~~(e) The prohibited activities in this section shall not apply to:~~

- ~~(1) Authorized employees of the department;~~
- ~~(2) Enforcement agents, researchers, and inspectors of the department of agriculture and United States Fish and Wildlife Service when acting in the course of their official duties; or~~
- ~~(3) Persons authorized by the board or its authorized representative and as provided elsewhere in this chapter.] [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp FEB 27 2015 (Auth: HRS §§183D-8, 183D-61, 183D-62, 183D-63, 183D-64, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-2, 183D-8, 183D-61, 183D-62, 183D-63, 183D-64, 195D-3, 195D-4, 195D-6)~~

**§13-124-3.1 Indigenous wildlife, prohibited activities.** (a) With respect to indigenous wildlife, except as authorized in section 13-124-3.5, no person shall or attempt to, intentionally, knowingly, recklessly, or negligently:

- (1) Take, catch, possess, injure, kill, destroy, sell, offer for sale, harass, or transport any such species, or any young or egg, or the dead body, shell, or skin thereof;
- (2) Export any such species, any young or egg, or the dead body, shell, or skin thereof from the State; or
- (3) Significantly modify or degrade habitat such that it kills or injures indigenous wildlife.

(b) No person shall intentionally, knowingly, recklessly, or negligently remove, damage, or disturb an active nest of any indigenous wildlife, except as provided in section 13-124-3.5.

(c) With respect to indigenous wildlife, no person shall intentionally, knowingly, recklessly, or negligently feed, or attempt to, feed indigenous wildlife, except as provided in section 13-124-3.5.

[Eff \_\_\_\_\_ ] (Auth: HRS §§195D-3, 195D-6)  
(Imp: HRS §§195D-3, 195D-6)

**§13-124-3.2 Introduced wild birds, prohibited activities.** With respect to introduced wild birds, except as authorized in section 13-124-3.5, no person shall or attempt to, intentionally, knowingly, recklessly, or negligently:

- (1) Catch, possess, injure, kill, destroy, sell, offer for sale, or transport any such species, or any young or egg, or the dead body or skin thereof. The prohibitions against the destruction of introduced wild birds shall not apply to those introduced wild birds listed as injurious wildlife; or
- (2) Export any such species, any young or egg, or the dead body or skin thereof from the State. [Eff \_\_\_\_\_ ] (Auth: HRS §§183D-3, 183D-8, 183D-61, 183D-62, 183D-63, 183D-64) (Imp: HRS §§183D-2, 183D-3, 183D-8, 183D-61, 183D-62, 183D-63, 183D-64)

**§13-124-3.3 Injurious wildlife, prohibited activities.** With respect to injurious wildlife, except as authorized in section 13-124-3.5, no person shall, or attempt to, intentionally, knowingly, recklessly, or negligently:

- (1) Release any such species into the wild;
- (2) Transport any such species within the State;
- (3) Export any such species, or the dead body or parts thereof, from the State; or
- (4) Distribute or sell plants, equipment, or other goods within the State with such species present. [Eff \_\_\_\_\_ ]  
(Auth: HRS §§183D-3, 183D-8, 183D-61, 183D-62, 183D-63, 183D-64) (Imp: HRS §§183D-2,

183D-3, 183D-8, 183D-61, 183D-62, 183D-63,  
183D-64)

**§13-124-3.4 Introduced wildlife, prohibited activities.** With respect to introduced wildlife, except as authorized in section 13-124-3.5, no person shall, or attempt to, intentionally, knowingly, recklessly, or negligently release introduced wildlife. [Eff ] (Auth: HRS §§183D-3, 183D-8, 183D-61, 183D-62, 183D-63, 183D-64) (Imp: HRS §§183D-2, 183D-3, 183D-8, 183D-61, 183D-62, 183D-63, 183D-64)

**§13-124-3.5 Exceptions, prohibited activities.** The prohibited activities in sections 13-124-3.1, 3.2, 3.3, and 3.4 do not apply to:

- (1) Authorized employees of the department;
- (2) Enforcement agents, researchers, and inspectors of the department of agriculture and biosecurity and United States Fish and Wildlife Service when acting in the course of their official duties; or
- (3) Persons authorized by the board or its authorized representative. [Eff ] (Auth: HRS §§183D-3, 183D-8, 183D-61, 183D-62, 183D-63, 183D-64) (Imp: HRS §§183D-2, 183D-3, 183D-8, 183D-61, 183D-62, 183D-63, 183D-64)

**§13-124-3.6 Prohibited activities on department lands.** (a) No person shall intentionally, knowingly, recklessly, or negligently feed any wildlife or domestic animal on department lands, except where a domestic animal is crated, caged, contained, or leashed according to subsection (c).

(b) No person shall intentionally, knowingly, recklessly, or negligently introduce, place, abandon, or leave any wildlife, domestic animal, plant, or aquatic life on department lands.

(c) Domestic animals are not permitted on department lands, unless crated, caged, contained, or leashed. Any domestic animal or wildlife found running at large on department lands may be impounded or destroyed. This section shall not apply to dogs when authorized by the hunting rules of the department or service animals accompanying their handlers.

(d) No person shall intentionally, knowingly, recklessly, or negligently ride horses on department lands, except in areas designated for this purpose by the board or its authorized representative by other rules of the department.

(e) The board may issue permits for activities otherwise prohibited in this section. [Eff  
] (Auth: HRS §§171-3, 183D-2, 183D-3, 183D-65)  
(Imp: HRS §§183D-2, 183D-3, 183D-65)

**§13-124-4 Scientific, propagation, and educational permits.** Permits for collecting, possessing, killing, selling or offering for sale, and transporting indigenous wildlife, introduced wild birds, game birds, or game mammals may be issued by the board or its authorized representative for scientific or educational purposes including cultural activities, or for activities which will enhance the survival of the wildlife species. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp 2/27/2015; comp ] (Auth: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6)

**§13-124-5 REPEALED.** [R 3/2/98]

**§13-124-6 Permits for keeping indigenous wildlife, introduced wild birds, game birds, and game mammals.** Permits may be issued by the board or its authorized representative to qualified persons who apply in writing to maintain indigenous wildlife, introduced wild birds, game birds, or game mammals in captivity for the protection, treatment for injury or disease, propagation, and other purposes consistent with the preservation, protection, and conservation of ~~the~~ these animals. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp 2/27/2015; am and comp ] (Auth: HRS §§183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-6) (Imp: HRS §§183D-3, 183D-6, 183D-61, 195D-3, 195D-4, 195D-6)

**§13-124-7 Crop damage, nuisance, and threat to human health and safety permits.** (a) ~~[Provided that no such permit shall be required on private land for game mammals when otherwise in compliance with chapter 123 the]~~ The board or its authorized representative may issue permits to destroy or [otherwise control] kill game birds, game mammals, introduced wildlife, or introduced wild birds [causing substantial damage] causing damage or nuisance to agricultural or aquacultural crops, [indigenous] native plants, or indigenous wildlife, or pose a threat to human health and safety under the following conditions[+], provided that no such permit shall be required on private land for game mammals when otherwise in compliance with applicable federal, state, and county laws:

- (1) An authorized agent of the department has investigated the complaint and is satisfied that ~~[substantial damage]~~ damage or nuisance has occurred or is likely to occur;
- (2) Permits shall state the species destroyed or taken and method of control and may specify the number of individuals of each species to be destroyed ~~[and the method of control to be used]~~. The permit may include other terms

and conditions as may seem proper and applicable;

- (3) [~~Permits for restricted use pesticides may be issued only after an~~] For the use of restricted-use pesticides and general use pesticides to destroy or take game birds, game mammals, introduced wildlife, or introduced wild birds, the department may require an integrated animal damage control plan [~~has been~~] be submitted to and approved by an authorized agent of the department; [~~or~~] and
- (4) When species of introduced wildlife are found to be generally [~~harmful or~~] destructive or otherwise harmful to agriculture or aquaculture, native plants, or indigenous wildlife, or constituting a threat to human health or safety, the board or its authorized representative may authorize the destruction or control of [~~the~~] such species in any area for a specified [~~time~~] period without requiring permits or reports.

(b) The board or its authorized representative may issue permits to take or destroy or otherwise control indigenous wildlife, other than threatened and endangered [~~species~~] wildlife, causing [~~substantial damage~~] damage or nuisance to agricultural or aquacultural crops, indigenous plants or wildlife, or posing a threat to human health and safety under the following conditions:

- (1) An authorized agent of the department has investigated the complaint and is satisfied that [~~substantial damage~~] damage or nuisance has occurred or is likely to occur;
- (2) Permits shall state the species to be destroyed or taken[~~+~~], the method of control to be used[~~+~~], the maximum number of individuals of each species to be destroyed or taken[~~+~~], and the disposition of individuals destroyed or taken. The permit

shall include other terms and conditions as may seem proper and applicable; and

- (3) Permits to destroy indigenous wildlife shall be issued only after significant efforts to haze ~~[or non-lethally deter the pest animals]~~ such species have been attempted and proved ineffective.

(c) Permittees shall submit monthly summary reports to the department, unless exempted under section 13-124-7(a) (4), on forms provided or facsimiles that include:

- (1) The common name of the target and nontarget wildlife taken;
- (2) The number of each wildlife species;
- (3) The disposition of the wildlife; and
- (4) Any other information required by the permit.

(d) Failure to submit monthly reports is grounds for cancellation of permits by the board or its authorized representative.

(e) No permit issued pursuant to this section shall be issued or used ~~[for the destruction of]~~ to destroy any endangered or threatened ~~[species of]~~ wildlife.

(f) Permits may only be amended or otherwise altered by the board or its authorized representative. A copy of the amendment and written approval must be attached to the permit.

(g) No permit is required merely to ~~[scare]~~ haze or herd depredating introduced wildlife. ~~[other than endangered or threatened species of wildlife.]~~

(h) This section does not replace rules of the board for destroying or controlling aquatic life.

(i) This section does not apply to injurious wildlife. [Eff 3/22/82; am and comp 8/28/86; am and comp 3/2/98; am and comp 2/27/2015; am and comp ] (Auth: HRS §§183D-21, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-21, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6)

~~[§13-124-8 Penalty. (a) Any person violating any part of this subchapter shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as follows:~~

- ~~(1) For a first conviction, by a mandatory fine of not less than \$100, or imprisonment of not more than thirty days, or both;~~
- ~~(2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than \$500, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State; and~~
- ~~(3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$1,000, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of such violations shall be considered contraband to be forfeited to and disposed of by the State.~~

~~(b) In addition to any other penalty imposed under this section, a mandatory fine of \$100 shall be levied for each bird illegally taken under this chapter and a mandatory fine of \$500 shall be levied for each mammal illegally taken under this chapter.~~

~~(c) The disposition of fines collected for violations of the provisions concerning wildlife conservation shall be subject to HRS section 183D-10.5.~~

~~(d) Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines or bring legal action to recover administrative costs of the department or payment for damages or for the cost to correct damages resulting from a violation of HRS subtitle 4 of title 12 or any rule adopted thereunder. The administrative fines shall be as follows:~~

- ~~(1) For a first violation, by a fine of not more than \$10,000;~~

- ~~(2) For a second violation within five years of a previous violation, by a fine of not more than \$15,000; and~~
- ~~(3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$25,000.~~

~~(c) In addition, an administrative fine of up to \$5,000 may be levied for each specimen of [wildlife] indigenous wildlife or introduced wild bird, except those introduced wild birds listed as injurious wildlife in Exhibit 5 of this chapter, taken, killed, injured, or damaged in violation of HRS subtitle 4 of title 12 or any rule adopted thereunder.~~

~~(f) Any criminal action against a person for any violation of HRS subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of HRS subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person.~~

~~(g) Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by HRS section 199-7 and chapter 712A.] [Eff 3/22/82; am and comp 8/28/86; comp 3/2/98; am and comp 2/27/2015] (Auth: HRS §§183D-3, 183D-5, 183D-10.5, 183D-12, 199-7, 712A-4, 712A-6) (Imp: HRS §§183D-3, 183D-5, 183D-10.5, 183D-12, 199- 7, 712A-4, 712A-6)~~

**§13-124-8.1 Penalty.** (a) Any person who violates any provision of this subchapter or any condition or provision of a permit issued pursuant thereto may be subject to administrative, civil, and criminal penalties, pursuant to sections 195D-9 or

183D-5 and 183D-12, HRS, and as otherwise may be provided in chapter 183D, HRS.

(b) Any criminal action against a person for any violation of HRS subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of HRS subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person.

(c) Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by section 199-7 and chapter 712A, HRS. [Eff \_\_\_\_\_] (Auth: HRS §§183D-3, 183D-5, 183D-10.5, 183D-12, 195D-6, 195D-9, 199-7, 712A-4, 712A-6) (Imp: HRS §§183D-3, 183D-5, 183D-10.5, 183D-12, 195D-6, 195D-9, 199-7, 712A-4, 712A-6)

### SUBCHAPTER 3

#### ENDANGERED AND THREATENED WILDLIFE

~~§13-124-11 Prohibited activities. (a) With respect to endangered and threatened species of wildlife except as provided in subsection (c) or [as permitted by the department, no person shall or attempt to:~~

- ~~(1) Take, possess, process, sell, offer for sale, or transport any such species, any young or egg, or the dead body or skin thereof within the State; or~~
- ~~(2) Export any such species, or any young or egg, or the dead body or parts thereof, from the State.~~

~~—(b) No person shall remove, damage, or disturb the nest of any endangered or threatened species except as provided in subsection (c) or as permitted by the department.~~

~~—(c) The prohibited activities in this section shall not apply to:~~

- ~~(1) Authorized employees of the department;~~
- ~~(2) Enforcement agents, researchers, and inspectors of the department of agriculture and United States Fish and Wildlife Service when acting in the course of their official duties; or~~
- ~~(3) Persons authorized by the board or its authorized representative and as provided elsewhere in this chapter.] [Eff and comp 2/27/2015] (Auth: HRS §§183D-8, 183D-61, 183D64, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-2, 183D-8, 183D-61, 183D-64, 195D-3, 195D-4, 195D-5, 195D-6)~~

**§13-124-11.1 Endangered wildlife or threatened wildlife, prohibited activities.** (a) With respect to endangered or threatened wildlife, no person shall or attempt to intentionally, knowingly, or recklessly:

- (1) Take, haze, possess, process, sell, offer for sale, feed, harass, or transport any such species, any young or egg, or the dead body, shell, or skin thereof, within the State;
- (2) Export any such species, or any young or egg, shell, or the dead body or parts thereof, from the State; or
- (3) Significantly modify or degrade habitat such that it kills or injures such species.

(b) No person shall negligently feed any endangered or threatened wildlife or any young.

(c) No person shall intentionally, knowingly, recklessly, or negligently remove, damage, or disturb the nest of any endangered or threatened wildlife.

(d) The prohibited activities in this section shall not apply to:

- (1) Authorized employees of the department;
- (2) Enforcement agents, researchers, and inspectors of the department of agriculture and United States Fish and Wildlife Service when acting in the course of their official duties; or
- (3) Persons authorized by the board or its authorized representative. [Eff ] (Auth: HRS §§183D-8, 183D-61, 183D-64, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-2, 183D-8, 183D-61, 183D-64, 195D-3, 195D-4, 195D-5, 195D-6)

**§13-124-12 Scientific, propagation, and educational permits.** (a) Permits for taking, collecting, possessing, [killing,] selling or offering for sale, [and] transporting, or exporting threatened wildlife may be issued by the board or its authorized representative for scientific or educational purposes including cultural activities, or for activities which will enhance the propagation or survival of the wildlife species.

(b) Permits ~~[to] for [take, possess, process, sell or offer for sale, transport, or export]~~ taking, collecting, possessing, selling or offering for sale, transporting, or exporting any endangered ~~[species of]~~ wildlife may be issued only for scientific purposes or to enhance the propagation or survival of the wildlife species, except permits to possess legally obtained endangered ~~[species]~~ wildlife may be issued for educational purposes which enhance the survival of that species. [Eff and comp 2/27/2015; am and comp ] (Auth: HRS §§183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6) (Imp: HRS §§183D-6, 183D-6, 183D-61, 195D-3, 195D-4, 195D-5, 195D-6)

~~§13-124-13 Penalty.~~ (a) Any person who violates any of the provisions of this subchapter shall be guilty of a misdemeanor and shall be punished as follows:

- ~~(1) For a first offense by a fine of not less than \$250 or by imprisonment of not more than one year, or both; and~~
- ~~(2) For a second or subsequent offense within five years of a previous conviction by a fine of not less than \$500 or by imprisonment of not more than one year, or both.~~

~~(b) In addition to the above penalties, except for violations under approved habitat conservation plans under section HRS 195D-21 or approved safe harbor agreements under section HRS 195D-22 as determined by the board, a fine of \$5,000 for each specimen of a threatened species and \$10,000 for each specimen of an endangered species intentionally, knowingly, or recklessly killed or removed from its original growing location, shall be levied against the convicted person.~~

~~(c) The disposition of fines collected for violations of the provisions concerning wildlife conservation shall be subject to HRS 183D-10.5.~~

~~(d) Except as otherwise provided by law, the board or its authorized representative by proper delegation is authorized to set, charge, and collect administrative fines or bring legal action to recover administrative fees and costs as documented by receipts or affidavit, including attorneys' fees and costs, or bring legal action to recover administrative fines, fees, and costs, including attorneys' fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of this chapter. The administrative fines shall be as follows:~~

- ~~(1) For a first violation, a fine of not more than \$2,500;~~
- ~~(2) For a second violation within five years of a previous violation, a fine of not more than \$5,000; and~~

~~(3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$10,000.~~

~~(c) In addition, an administrative fine of up to \$5,000 may be levied for each specimen of wildlife or plant taken, killed, injured, or damaged in violation of this chapter.~~

~~(f) Any criminal action against a person for any violation of this chapter shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of this chapter shall not be deemed to preclude the State from pursuing any criminal action against that person.~~

~~(g) Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by HRS section 199-7 and chapter 712A.] [Eff and comp 2/27/2015] (Auth: HRS §§195D-3, 195D-4, 195D-6, 195D-7, 195D-8, 195D-9, 199-7, 712A-4, 712A-6) (Imp: HRS §§195D-3, 195D-4, 195D-6, 195D-7, 195D-8, 195D-9, 199-7, 712A-4, 712A-6)~~

**§13-124-13.1 Penalty.** (a) Any person who violates any provision of this subchapter or any condition of provision of a permit issued pursuant thereto may be subject to administrative, civil, and criminal penalties, pursuant to section 195D-9, HRS, and as otherwise may be provided in chapter 195D, HRS.

(b) Any criminal action against a person for any violation of this chapter shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of this chapter shall not be deemed to

preclude the State from pursuing any criminal action against that person.

(c) Any equipment, article, instrument, aircraft, vehicle, vessel, business record or natural resource used or taken in violation of the provisions of this chapter may be seized and subject to forfeiture as provided by HRS section 199-7 and chapter 712A." [Eff ] (Auth: HRS §§195D-3, 195D-4, 195D-6, 195D-7, 195D-8, 195D-9, 199-7, 712A-4, 712A-6) (Imp: HRS §§195D-3, 195D-4, 195D-6, 195D-7, 195D-8, 195D-9, 199-7, 712A-4, 712A-6)

2. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 13-124, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on xxx, and filed with the Office of the Lieutenant Governor.

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RYAN K.P. KANAKA'OLE  
Acting Chairperson,  
Department of Land and  
Natural Resources

APPROVED AS TO FORM:

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Deputy Attorney General

EXHIBIT 1 - Chapter 13-124

12/11/25

List of Species of Indigenous Wildlife in Hawai'i

Note: This list is demonstrative of this category but shall not be construed as exhaustive.

SCIENTIFIC NAME	STATUS
COMMON NAME	
HAWAIIAN NAME	

- \* Endemic to Hawaiian Islands
- X Breeding population
- R Regular migrant
- R+ Uncommon but regular sightings
- M Regular winter migrant
- O Considered extinct

Indigenous Reptiles

Pelamis platurus Yellow-bellied Sea Snake	R+
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Indigenous Birds

Acrocephalus familiaris familiaris Laysan Millerbird	* O
Anas acuta Northern Pintail Koloa māpu	M
Anas americana American Wigeon	M
Anas clypeata Northern Shoveler Koloa mohā	M
Anas platyrhynchos	M

Mallard Duck * Note that mallards are both migratory and introduced. Status of an individual will be determined as the need arises.	
Anous minutus melanogenys Black (Hawaiian, White-capped) Noddy Noio	X
Anous stolidus pileatus Brown (Common) Noddy Noio kōhā	X
Arenaria interpres Ruddy Turnstone 'Akekeke	M
Asio flammeus sandwichensis Short-eared (Hawaiian) Owl Pueo	* X, endangered on O'ahu
Aythya affinis Lesser Scaup	M
Bulweria bulwerii Bulwer Petrel 'Ou	X
Calidris alba Sanderling Hunakai	M
Chaetoptila angustipluma Kioea	* O
Chasiempis sandwichensis Hawai'i 'Elepaio 'Elepaio	* X
Chasiempis sclateri Kaua'i 'Elepaio 'Elepaio	* X
Chloridops kona Kona (Grosbeak) Finch	* O
Ciridops anna 'Ula'aihāwane	* O
Diomedea immutabilis Laysan Albatross Mōlī	X

Diomedea nigripes Black footed Albatross Ka'upu	X
Drepanis funerea Black Mamo Hoa or 'Ō'ōnukuumu	* O
Drepanis pacifica Hawai'i Mamo	* O
Fregata minor palmerstoni Great Frigatebird 'Iwa	X
Gygis alba White (Fairy) Tern Manuokū	X, endangered on O'ahu
Hemignathus lanaiensis Lāna'i Akialoa 'Akialoa	* O
Hemignathus ellisianus O'ahu 'Akialoa 'Akialoa	* O
Hemignathus flavus O'ahu 'Amakihi 'Amakihi	* X
Hemignathus kauaiensis Kaua'i 'Amakihi 'Amakihi	* X
Hemignathus lucidus lucidus O'ahu Nuku pu'u Nuku pu'u	* O
Hemignathus obscurus Hawai'i 'Akialoa 'Akialoa	* O
Hemignathus parvus 'Anianiau (Lesser 'Amakihi) 'Anianiau	* X
Hemignathus sagittirostris Greater 'Amakihi	* O
Hemignathus stejnegeri Kauai 'Akialoa 'Akialoa	[* <del>X</del> ]
Hemignathus virens virens	* X

Hawai'i 'Amakihi 'Amakihi	
Heteroscelus incanus Wandering Tattler 'Ūlili	M
Himatione sanguinea 'Apapane	* X
Himatione sanguinea freethii Laysan Honeycreeper	* O
Loxops coccineus rufus O'ahu 'Ākepa 'Akepeu'ie	* O
Loxops mana Hawai'i Creeper	* X
Moho apicalis O'ahu 'Ō'ō 'Ō'ō	* O
Moho bishopi Moloka'i 'Ō'ō 'Ō'ō	* O
Moho nobilis Hawai'i 'Ō'ō 'Ō'ō	* O
Myadestes lanaiensis lanaiensis Lāna'i Thrush Oloma'o	* O
Myadestes oahuensis O'ahu Thrush 'Āmaui	* O
Myadestes obscurus Hawai'i Thrush 'Oma'o	* X
Numenius tahitiensis Bristle-thighed Curlew Kioea	M
Nycticorax nycticorax hoactli Black-crowned Night-heron 'Auku'u	X
Oceandroma tristrami Sooty (Tristram's) Storm-petrel 'Akihike'ehi'ale	X

Paroreomyza montana montana Lāna‘i Creeper ‘Alauahio	* O
Paroreomyza montana newtoni Maui Creeper ‘Alauahio	* X
Phaethon lepturus dorotheae White-tailed Tropicbird Koa‘e kea	X
Phaethon rubricuada rothschildi Red-tailed Tropicbird Koa‘e ‘ula	X
Pluvialis dominica Lesser (Pacific, American) Golden Plover Kōlea	M
Pluvialis squatarola Black-bellied Plover	M
Porzana palmeri Laysan Rail	* O
Porzana sandwichensis Hawaiian Rail Moho	* O
Procelsterna cerulea saxatilis Blue-gray Noddy Manuohina	X
Pterodroma hypoleuca hypoleuca Bonin Petrel Nunulu	X
Puffinus nativitatis Christmas Shearwater ‘Ao‘ū	X
Puffinus pacificus chlororhynchus Wedge-tailed Shearwater ‘Ua‘u kani	X
Rhodacanthis flaviceps Lesser Koa Finch	* O
Rhodacanthis palmeri Greater Koa Finch Hōpue	* O
Sterna fuscata oahuensis	X

Sooty tern 'Ewa'ewa	
Sterna lunata Gray-backed Tern Pākalakala	X
Sula dactylatra personata Masked (Blue-faced) Booby 'Ā	X
Sula leucogaster plotus Brown Booby 'Ā	X
Sula sula rubripes Red-footed Booby 'Ā	X
Vestiaria coccinea 'I'iwi 'I'iwi	* X, endangered on O'ahu, Lāna'i, Moloka'i

SCIENTIFIC NAME  
COMMON NAME  
HAWAIIAN NAME

STATUS

- \* Endemic to Hawaiian Islands
- X Breeding population
- R Regular migrant
- R+ Uncommon but regular sightings
- M Regular winter migrant
- O Considered extinct

Indigenous Mammals

Balaenoptera acutorostrata Minke Whale	M
Feresa attenuata Pygmy Killer Whale Nu'ao	R
Globicephala macrorhynchus Pilot Whale Nu'ao	R

Kogia breviceps Pygmy Sperm Whale	R+
Mesoplodon densirostris Densebeaked Whale	R+
Orcinus orca Killer Whale Nu'ao	R+
Peponocephala electra Melon-headed Whale Nu'ao	R
Stenella attenuate Spotted Dolphin Nai'a	X
Stenella coeruleoalba Striped Dolphin Nai'a	R+
Stenella longirostris Spinner Dolphin Nai'a	X
Steno bredanensis Rough-toothed Dolphin Nai'a	X
Tursiops gilli Pacific Bottlenose Dolphin Nai'a	X

**EXHIBIT 2 - Chapter 13-124**

12/11/25

**List of Species of Endangered Wildlife in Hawai'i**

Note: This list is demonstrative of this category but shall not be construed as exhaustive.

SCIENTIFIC NAME  
COMMON NAME  
HAWAIIAN NAME

PORTION OF  
RANGE

WHERE  
ENDANGERED

Endangered Birds

Acrocephalus familiaris kingi Nihoa Millerbird Ulūlu, Ulūlu Niau	Entire
Anas laysanensis Laysan Duck Koloa Pōhaka	Entire
Anas wyvilliana Hawaiian Duck Koloa Maoli	Entire
Asio flammeus sandwichensis Short-eared (Hawaiian) Owl Pueo	[Oahu] O'ahu
Branta sandvicensis Hawaiian Goose Nēnē	Entire
Buteo solitarius Hawaiian Hawk 'Io	Entire
Chasiempis sandwichensis ibidis O'ahu 'Elepaio	Entire
Corvus hawaiiensis Hawaiian Crow 'Alalā	Entire
Fulica alai Hawaiian Coot 'Alae ke'oke'o	Entire
Gallinula chloropus sandvicensis Common Moorhen (Hawaiian Gallinule) 'Alae'ula	Entire
Hemignathus lucidus Maui Nukupu'u Nukupu'u	Entire
Hemignathus lucidus	Entire

Kaua'i Nukupu'u Nukupu'u	
Hemignathus wilsoni 'Akiapōlā'au	Entire
Akialoa stejnegeri Kaua'i 'Akialoa 'Akialoa	Entire
Hemignathus virens wilsoni Maui 'Amakihi 'Amakihi	[Lanai] Lāna'i
Himantopus mexicanus knudseni Black-necked (Hawaiian) Stilt 'Ae'o	Entire
Loxioides bailleui Palila Palila	Entire
Loxops caeruleirostris Kaua'i Akepa 'Akeke'e	Entire
Loxops coccineus coccineus Hawai'i 'Akēpa 'Akepeu'ie	Entire
Loxops coccineus ochraceus Maui 'Akēpa 'Akepeu'ie	Entire
Melamprosops phaeosoma Po'ouli Po'ouli	Entire
Moho braccatus Kaua'i 'Ō'ō 'Ō'ō 'a'a	Entire
Myadestes lanaiensis rutha Moloka'i Thrush Oloma'o	Entire
Myadestes myadestinus Kaua'i Thrush Kāma'o	Entire
Myadestes palmeri Small Kaua'i Thrush Puaiohi	Entire

Oceanodroma castro Band-rumped Storm-petrel 'Akē 'akē	Entire
Oreomystis bairdi Kaua'i Creeper 'Akikiki	Entire
Loxops mana Hawai'i Creeper 'Alawī	Entire
Palmeria dolei Crested Honeycreeper 'Ākohekohe	Entire
Paroreomyza flammea Moloka'i Creeper Kākāwahie	Entire
Paroreomyza maculata O'ahu Creeper 'Alauahio	Entire
Phoebastria albatrus Short-tailed Albatross Makalena, Ka'upu 'ākala	Entire
Pseudonestor xanthophrys Maui Parrotbill Kiwikiu	Entire
Psittirostra psittacea 'Ō'ū 'Ō'ū	Entire
Pterodroma sandwichensis Hawaiian Petrel 'Ua'u	Entire
Telespiza cantans Laysan Finch 'Ekupu'u	Entire
Telespiza ultima Nihoa Finch Palihoa	Entire
Vestiaria coccinea 'I'iwi 'I'iwi	[ <del>Oahu, Lanai,</del> <del>Molokai</del> ] O'ahu, Lāna'i, Moloka'i

Endangered Mammals

Balaenoptera physalus Fin Whale	Entire
Lasiurus cinereus semotus Hawaiian (Hoary) Bat 'Ōpe'ape'a	Entire
Megaptera novaeangliae Humpback Whale Koholā	Entire
Neomonachus schauinslandi Hawaiian Monk Seal 'Īlioholoikauaua	Entire
Physeter macrocephalu Sperm Whale Palaoa, Koholā kepama	Entire
Pseudorca crassidens False Killer Whale (Main Hawaiian Islands Insular DPS) Nu'ao	Entire

Endangered Reptiles

Dermochelys coriacea Pacific Leatherback Sea Turtle	Entire
Eretmochelys imbricata Pacific Hawksbill Turtle Honu'eā	Entire
Caretta caretta Loggerhead Sea Turtle	Entire

Endangered Invertebrates

Achatinella spp.	Entire
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O'ahu (Achatinella) Tree Snails Kāhuli, pūpu kanioe	
Adelocosa anops Kaua'i cave spider Pe'epe'e maka'ole	Entire
Drosophila aglaia Hawaiian picture-wing fly Pōnalo	Entire
Drosophila differens Hawaiian picture-wing fly Pōnalo	Entire
Drosophila digressa Hawaiian picture-wing fly Pōnalo	Entire
Drosophila hemipeza Hawaiian picture-wing fly Pōnalo	Entire
Drosophila heteroneura Hawaiian picture-wing fly Pōnalo	Entire
Drosophila montgomeryi Hawaiian picture-wing fly Pōnalo	Entire
Drosophila musaphilia Hawaiian picture-wing fly Pōnalo	Entire
Drosophila neoclavisetae Hawaiian picture-wing fly Pōnalo	Entire
Drosophila obatai Hawaiian picture-wing fly Pōnalo	Entire
Drosophila ochrobasis Hawaiian picture-wing fly Pōnalo	Entire
Drosophila sharpi Hawaiian picture-wing fly Pōnalo	Entire
Drosophila substenoptera Hawaiian picture-wing fly Pōnalo	Entire

Drosophila tarphytrichia Hawaiian picture-wing fly Pōnalo	Entire
Hylaeus anthracinus Hawaiian Yellow-faced bees Nalo meli maoli	Entire
Hylaeus assimulans Hawaiian Yellow-faced bees Nalo meli maoli	Entire
Hylaeus facilis Hawaiian Yellow-faced bees Nalo meli maoli	Entire
Hylaeus hilaris Hawaiian Yellow-faced bees Nalo meli maoli	Entire
Hylaeus kuakea Hawaiian Yellow-faced bees Nalo meli maoli	Entire
Hylaeus longiceps Hawaiian Yellow-faced bees Nalo meli maoli	Entire
Hylaeus mana Hawaiian Yellow-faced bees Nalo meli maoli	Entire
Manduca blackburni Blackburn's sphinx moth 'Ōka'i	Entire
Megalagrion leptodemas Crimson Hawaiian Damselfly Pinapinao	Entire
Megalagrion nesiotes Flying Earwig Hawaiian Damselfly Pinapinao	Entire
Megalagrion nigrohamatum nigrolineatum Blackline Hawaiian Damselfly Pinapinao	Entire
Megalagrion oceanicum Oceanic Hawaiian Damselfly Pinapinao	Entire

Megalagrion pacificum Pacific Hawaiian Damselfly Pinapinao	Entire
Megalagrion xanthomelas Orangeblack Hawaiian Damselfly Pinapinao	Entire
Newcombia cumingi Newcomb's tree snail Kāhuli	Entire
Partulina semicarinata Lāna'i tree snail Kāhuli	Entire
Partulina variabilis Lāna'i tree snail Kāhuli	Entire
Spelaeorchestia koloana Kaua'i Cave Amphipod	Entire
Vetericaris chaceorum Anchialine pool shrimp 'Ōpae	Entire

**EXHIBIT 3 - Chapter 13-124**

12/11/25

**List of Species of Threatened Wildlife in Hawai'i**

Note: This list is demonstrative of this category but shall not be construed as exhaustive.

SCIENTIFIC NAME	PORTION OF RANGE
COMMON NAME	WHERE THREATENED
HAWAIIAN NAME	

Threatened Birds

Gygis alba White Tern Manuokū	O'ahu
Puffinus auricularis newelli Newell's Shearwater 'A'o	Entire

Threatened Reptiles

Chelonia mydas Pacific Green Sea Turtle Honu	Entire
Lepidochelys olivacea Olive (Pacific) Ridley Sea Turtle	Entire

Threatened Fish

Mobula birostris Oceanic Manta Ray (also giant oceanic manta ray) Hāhālua	Entire
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Threatened Invertebrates

Erinna newcombi Newcomb's snail Kāhuli	Entire
Drosophila mulli Hawaiian picture-wing fly Pōnalo	Entire

**EXHIBIT 4 - Chapter 13-124**

12/11/25

**Introduced Wild Birds Other than Game Birds Which Have  
Become Established in the Wild**

Note: This list is demonstrative of this category but shall not be construed as exhaustive.

SCIENTIFIC NAME	COMMON NAME
ALAUDIDAE	LARKS
<i>Alauda arvensis</i>	Eurasian Skylark
ANATIDAE	GEESE, DUCKS
<i>Anas platyrhynchos</i> * Note that mallards are both migratory and introduced. Status of an individual will be determined as the need arises.	Mallard
ARDEIDAE	HERONS
<i>Bubulcus ibis</i>	Cattle egret
CARDINALIDAE	TANAGERS, GROSBEAKS, ETC.
<i>Cardinalis cardinalis</i>	Northern Cardinal, North American or Kentucky Cardinal
COLUMBIDAE	DOVES
<i>Columba livia</i>	Rock Dove, Common Pigeon, Domestic Pigeon

CETTIDAE, MUSCICAPIDAE & TIMALIIDAE	BUSH-WARBLERS, THRUSHES, ETC.
<i>Cettia diphone</i>	Japanese Bush-Warbler, Uguisu
<i>Copsychus malabaricus</i>	White-rumped Shama, Shama Thrush
<i>Garrulax pectoralis</i>	Greater Necklaced Laughing-thrush
<i>Garrulax caerulatus</i>	Gray-sided Laughing-thrush
<i>Garrulax canorus</i>	Melodius Laughing-thrush, Chinese Thrush, Hwamei
<i>Leiothrix lutea</i>	Red-billed Leiothrix, Pekin Nightingale, Japanese Hill-robin

ESTRILDIDAE	WAXBILLS, MANNIKINS
<i>Uraeginthus bengalus</i>	Red-cheeked Cordonbleu
<i>Etrilda caerulescens</i>	Lavender Waxbill
<i>Etrilda melpoda</i>	Orange-cheeked Waxbill
<i>Etrilda troglodytes</i>	Black-rumped Waxbill, Red-eared Waxbill
<i>Etrilda astrild</i>	Common Waxbill
<i>Amandava amandava</i>	Red Avadavat, Strawberry Finch, Red Munia
<i>Lonchura cantans</i>	African Silverbill
<i>Lonchura punctulata</i>	Nutmeg Mannikin, Ricebird, Spotted Munia
<i>Lonchura malacca</i>	Chestnut Munia or Mannikin, Black-headed Mannikin or Munia
<i>Padda oryzivora</i>	Java Sparrow

EMBERIZIDAE	SPARROWS, ETC.
<i>Tiaris olivaceus</i>	Yellow-faced Grassquit
<i>Sicalis flaveola</i>	Saffron Finch

FRINGILLIDAE	FINCHES
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Haemorhous mexicanus	House Finch, Linnet
Serinus mozambicus	Yellow-fronted Canary, Green Singing-Finch
Serinus canaria	Island Canary, Common Canary
ICTERIDAE	MEADOWLARKS, ETC.
Sternella neglecta	Western Meadowlark
MIMIDAE	MOCKINGBIRDS
Mimus polyglottos	Northern Mockingbird
PASSERIDAE	OLD WORLD SPARROWS
Passer domesticus	House Sparrow, English Sparrow
PSITTACIDAE	PARAKEETS
Psittacula krameri	Rose-ringed Parakeet
Amazona viridigenalis	Red-crowned Amazon
Aratinga mitrata	Mitred Conure
Aratinga erythrogastrus	Red-masked Conure
PYCNONOTIDAE	BULBULS
Pycnonotus cafer	Red-vented Bulbul
Pycnonotus jocosus	Red-whiskered Bulbul
STURNIDAE	STARLINGS, MYNAS
Acridotheres tristis	Common myna
THRAUPIDAE	CARDINALS, ETC.
Paroaria coronata	Red-crested Cardinal, Brazilian Cardinal
Paroaria capitata	Yellow-billed Cardinal
TYTONIDAE	BARN OWLS
Tyto alba	Barn Owl
ZOSTEROPIDAE	WHITE-EYES

Zosterops japonicus	Japanese White-eye, Mejiro
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**EXHIBIT 5 - Chapter 13-124**

12/11/25

**List of Species of Injurious Wildlife in Hawai'i**

SCIENTIFIC NAME

COMMON NAME

**BIRDS**

Bubulcus ibis	Cattle egret
All species in the family CETTIIDAE and associated allies	Warblers
All species in the family COLUMBIDAE. Except the domesticated races of pigeons listed in HAR section 4-71-2, Columba domestica and Columba livia	Doves and pigeons
Lonchura malacca	Mannikin or Munia, Black-headed (Chestnut Mannikin)
All species in the family MUSCICAPIDAE	Old World Flycatchers
Padda oryzivora	Sparrow, Java (Java Rice Finch)
All species in the family PSITTACIDAE	Parrots
All species in the family PYCNONOTIDAE	Bulbuls
All species in the family STURNIDAE	Starlings
All species in the family TIMALIIDAE	Old World Babblers

Tyto alba	Barn Owl
All species in the family ZOSTEROPIDAE	White eyes

### **AMPHIBIANS/REPTILES**

All species in Family Agamidae	Agamid Lizards
All species in Family Anguidae	Anguid Lizards
All species in the genus Anolis	Lizards, Anole
All species in the Order Anura	Frogs
All species in the Family Chamaeleonidae	Chameleons
Gekko gekko	Gecko, Tokay
All species in the Family Iguanidae	Iguana, Green
All species in the genus Phelsuma	Gecko, Day
All Species in Family Scincidae	Skinks
All species in the suborder Serpentes, except Ramphotyphlops braminus and Pelamis platurus	All snakes
All species in Family Teiidae	Whiptails and Tegus
All species in the Order Testudines	All freshwater turtles and tortoises
All species in the subfamily VARANOIDEA	Monitor lizards and Gila monsters

### **INVERTEBRATES**

<i>Acalolepta aesthetica</i>	Longhorned beetle
<i>Anoplophora chinensis</i>	Citrus longhorned beetle
<i>Anoplophora glabripennis</i>	Asian longhorned beetle
<i>Apis cerana</i>	Asian honey bee
All subspecies of <i>Apis mellifera</i>	Any subspecies of European honey bees not known to occur in Hawai'i
<i>Apis mellifera scutellata</i>	Africanized honey bee
<i>Arcte coerula</i>	Ramie moth
<i>Corbicula fluminea</i>	Clam, Asiatic
<i>Cornu aspersum</i>	Snail, brown garden
All species in the genus <i>Euglandia</i>	Snails, Cannibal
All species in the family Formicidae	All ants
<i>Gonaxis kibweziensis</i>	(no common name)
<i>Haplaxius crudus</i>	American palm cixid
<i>Lycorma delicatula</i>	Spotted lanternfly
<i>Lymantria dispar</i> (and all subspecies)	Spongy moths
<i>Oryctes rhinoceros</i>	Coconut Rhinoceros Beetle
<i>Popillia japonica</i>	Japanese beetle
All species in the genera: <i>Pomacea</i> , <i>Pila</i> , and <i>Cipangopaludina</i>	Snails, Apple
<i>Rhynchophorus ferrugineus</i>	Red palm weevil
<i>Rhynchophorus palmarum</i>	South American palm weevil
All species in the genera <i>Vespa</i> and <i>Vespula</i>	Hornets and yellowjackets

#### **MAMMALS**

Small Indian Mongoose	<i>Herpestes javanicus</i>
Even-toed ungulates, except for game mammals	All species in the order ARTIODACTYLA (with paraxonic feet)

## **IV. Administrative Matters**

### **A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)**

1. Simplifying Permitting for Enhanced Economic Development (SPEED) Task Force's most recent meeting pursuant to Act 133 to identify actions taken challenges encountered, and legislative measures necessary to facilitate, expediate, and coordinate state and intergovernmental permit processes; and appropriates funds
2. Becker Communications Inc., regarding the Board's Small Business Outreach
3. Presentations to Industry Associations
4. Staff's Small Business Outreach
5. Review and Update Board's "Discussion Leader Assignments" for the State and County Agencies' Hawaii Administrative Rules
6. Review and Approval of the Board's 2026 *Periodic Review; Evaluation Report*, In Compliance with Regulatory Flexibility Act, Section 201M-7, Hawaii Revised Statutes

# DISCUSSION LEADER ASSIGNMENTS

(SBRRB / SBRRB / Members / DiscussionLeaderAssignments)

## **1. Office of the Governor** ..... <http://governor.hawaii.gov>

Address: Governor Josh Green, M.D.  
Executive Chambers  
State Capitol  
Honolulu, HI 96813

Phone: (808) 586-0034  
Fax: (808) 586-0006

**Discussion Leader: Jonathan Shick**  
**Back-up Discussion Leader: Mary Albitz**

## **2. Office of the Lieutenant Governor** ..... <http://ltgov.hawaii.gov>

Address: Lieutenant Governor Sylvia Luke  
State Capitol, Fifth Floor  
Honolulu, HI 96813

Phone: **Oahu/** (808) 586-0255  
**Maui/** 984-2400 ext. 60255  
**Hawaii/** 974-4000 ext. 60255  
**Kauai/** 274-3141 ext. 60255  
**Molokai/Lanai/** 1(800) 468-4644 ext. 60255  
Fax: (808) 586-0231

**Discussion Leader: Mary Albitz**  
**Back-up Discussion Leader: Sanford Morioka**

## **3. Department of Accounting & General Services** ..... <http://ags.hawaii.gov>

Address: Keith Regan, Comptroller  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, HI 96813

Phone: (808) 586-0400  
Fax: (808) 586-0775  
Email: dags@hawaii.gov

**Discussion Leader: Mary Albitz**  
**Back-up Discussion Leader: David Sikkink**

## **4. Department of Agriculture** ..... <http://hdoa.hawaii.gov>

Address: Sharon Hurd, Chairperson  
Board of Agriculture  
1428 South King Street  
Honolulu, HI 96814

Phone: (808) 973-9550  
Fax: (808) 973-9613  
Email: hdoa.info@hawaii.gov

**Discussion Leader: Nikki Ige**  
**Back-up Discussion Leader: James Kimo Lee**

## **5. Department of the Attorney General** ..... <http://ag.hawaii.gov>

Address: Anne Lopez, Attorney General  
Hale Auhau  
425 Queen Street  
Honolulu, HI 96813

Phone: (808) 586-1282  
Fax: (808) 586-1239

**Discussion Leader: Nikki Ige**  
**Back-up Discussion Leader: Sanford Morioka**

**6. Department of Budget & Finance ..... <http://budget.hawaii.gov>**

Address: Luis Salaveria, Director Phone: (808) 586-1518  
P.O. Box 150 Fax: (808) 586-1976  
Honolulu, HI 96810 Email: HI.BudgetandFinance@hawaii.gov

**Discussion Leader: Jennifer Salisbury**  
**Back-up Discussion Leader: Leelen Park**

**7. Public Utilities Commission..... <http://puc.hawaii.gov>**

Address: Leo R. Asuncion, Jr., Chair Phone: (808) 586-2020  
Kekuanaoa Building Fax: (808)586-2066  
465 South King Street, Room 103 Email: puc@hawaii.gov  
Honolulu, HI 96813

**Discussion Leader: Tessa Gomes**  
**Back-up Discussion Leader: Jonathan Shick**

**8. Department of Business, Eco Dev. & Tourism..... <http://dbedt.hawaii.gov>**

Address: James Kunane Tokioka, Director Phone: (808) 586-2355  
P.O. Box 2359 Fax: (808) 586-2377  
Honolulu, HI 96804 Email: dbedt.director@hawaii.gov

**Discussion Leader: David Sikkink**  
**Back-up Discussion Leader: Tessa Gomes**

**9. Department of Commerce & Consumer Affairs..... <http://cca.hawaii.gov>**

Address: Nadine Ando, Director Phone: (808) 586-2850  
335 Merchant Street Fax: (808) 586-2856  
Honolulu, HI 96813 Email: dcca@dcca.hawaii.gov

**Discussion Leader: Tessa Gomes**  
**Back-up Discussion Leader: Mary Albitz**

**10. Department of Defense..... <http://dod.hawaii.gov>**

Address: Major General Kenneth Hara, Phone: (808) 733-4246  
Office of the Adjutant General Fax: (808) 733-4499  
3949 Diamond Head Road  
Honolulu, HI 96816

**Discussion Leader: Jennifer Salisbury**  
**Back-up Discussion Leader: David Sikkink**

**11. Department of Education..... <http://hawaiipublicschools.org>**

Address: Keith Hayashi, Superintendent  
1390 Miller Street  
Honolulu, HI 96813

Phone: (808) 586-3230  
Fax: (808) 586-3314  
Email: doe\_info@hawaiidoe.org

**Discussion Leader: Jennifer Salisbury**  
**Back-up Discussion Leader: Jonathan Shick**

**12. Department of Hawaiian Home Lands..... <http://dhhl.hawaii.gov>**

Address: Kali Watson, Chairperson  
P.O. Box 1879  
Honolulu, HI 96805

Phone: (808) 620-9501  
Fax: (808) 620-9529  
Email: dhhl.hawaii@gmail.com

**Discussion Leader: James Kimo Lee**  
**Back-up Discussion Leader: Leelen Park**

**13. Department of Health..... <http://health.hawaii.gov>**

Address: Dr. Kenneth Fink, MD, Director  
1250 Punchbowl Street  
Honolulu, HI 96813

Phone: (808) 586-4410  
Fax: (808) 586-4368  
Email: webmail@doh.hawaii.gov

**Discussion Leader: Sanford Morioka**  
**Back-up Discussion Leader: Mary Albitz**

**14. Department of Human Resources Development..... <http://hrd.hawaii.gov>**

Address: Brenna Hashimoto, Director  
235 South Beretania Street, Suite 1400  
Honolulu, HI 96813

Phone: (808) 587-1100  
Fax: (808) 587-1106  
Email: dhrd@hawaii.gov

**Discussion Leader: Sanford Morioka**  
**Back-up Discussion Leader: Jennifer Salisbury**

**15. Department of Human Services..... <http://humanservices.hawaii.gov>**

Address: Ryan Yamane, Director  
P.O. Box 339  
Honolulu, HI 96809-0339

Phone: (808) 586-4993  
Fax: (808) 586-4890  
Email: dhs@dhs.hawaii.gov

**Discussion Leader: Sanford Morioka**  
**Back-up Discussion Leader: Tessa Gomes**

**16. Department of Labor & Industrial Relations..... <http://labor.hawaii.gov>**

Address: Jade Butay, Director  
830 Punchbowl Street  
Honolulu, HI 96813

Phone: (808) 586-8844  
Fax: (808) 586-9099  
Email: [dlir.director@hawaii.gov](mailto:dlir.director@hawaii.gov)

**Discussion Leader: Mary Albitz**  
**Back-up Discussion Leader: Tessa Gomes**

**17. Department of Land and Natural Resources..... <http://dlnr.hawaii.gov>**

Address: Dawn Chang, Chairperson  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, HI 96813

Phone: (808) 587-0401  
Fax: (808) 587-0390  
E-mail: [dlnr@hawaii.gov](mailto:dlnr@hawaii.gov)

**Discussion Leader: Jonathan Shick**  
**Back-up Discussion Leader: Jennifer Salisbury**

**18. Department of Public Safety..... <http://dps.hawaii.gov>**

Address: Tommy Johnson, Director  
919 Ala Moana Boulevard, 4<sup>th</sup> Floor  
Honolulu, HI 96814

Phone: (808) 587-1288  
Fax: (808) 587-1282  
Email: [psd.office.of.the.director@hawaii.gov](mailto:psd.office.of.the.director@hawaii.gov)

**Discussion Leader: Jonathan Shick**  
**Back-up Discussion Leader: Nikki Ige**

**19. Department of Taxation..... <http://tax.Hawaii.gov>**

Address: Gary Suganuma, Director  
P.O. Box 259  
Honolulu, HI 96809-0259

Phone: (808) 587-1540  
Fax: (808) 587-1560  
Email: [Tax.Directors.Office@hawaii.gov](mailto:Tax.Directors.Office@hawaii.gov)

**Discussion Leader: Nikki Ige**  
**Back-up Discussion Leader: David Sikkink**

**20. Department of Transportation..... <http://hidot.hawaii.gov>**

Address: Ed Sniffen, Director  
AliiAIMoku Building  
869 Punchbowl Street, Room 509  
Honolulu, HI 96813

Phone: (808) 587-2150  
Fax: (808) 587-2167

**Discussion Leader: James Kimo Lee**  
**Back-up Discussion Leader: Sanford Morioka**

**21. University of Hawaii..... <http://www.hawaii.edu>**

Address: David Lassner, President  
Bachman Hall, Room 202  
2444 Dole Street  
Honolulu, HI 96822

Phone: (808) 956-7651  
Email: david@hawaii.edu

Address: Lee Putnam, Chair, Board of Regents  
Bachman Hall, Room 209  
2444 Dole Street  
Honolulu, HI 96822

Phone: (808) 956-8213  
Fax: (808) 956-5156  
Email: bor@hawaii.edu

**Discussion Leader: Jonathan Shick**  
**Back-up Discussion Leader: Leelen Park**

**22. City and County of Honolulu..... <http://www.honolulu.gov/>**

Address: **Rick Blangiardi, Mayor**  
530 South King Street, Room 300  
Honolulu, HI 96813

Phone: (808) 768-4141

**Discussion Leader: Jonathan Shick**  
**Back-up Discussion Leader: Tessa Gomes**

**23. County of Maui..... <https://www.mauicounty.gov/>**

Address: **Richard T. Bissen, Jr., Mayor**  
200 S. High St.  
Kalana O Maui Bldg 9th Fl.  
Wailuku, HI 96793

Phone: (808) 270-7855

**Discussion Leader: Jennifer Salisbury**  
**Back-up Discussion Leader: Mary Albitz**

**24. County of Hawai'i..... <https://www.hawaiicounty.gov/>**

Address: **Mitch Roth, Mayor**

Phone: (808) 961-8211

**East Hawai'i**  
25 Aupuni Street  
Hilo, HI 96720

**West Hawai'i**  
74-5044 Ane Keohokalole Highway  
Bldg C  
Kailua-Kona, HI 96740

Phone: (808) 323-4444

**Discussion Leader: James Kimo Lee**  
**Back-up Discussion Leader: Leelen Park**

25. County of Kaua'i.....<https://www.kauai.gov/Mayor>

Address: **Derek S.K. Kawakami, Mayor**  
4444 Rice St., Suite 235  
Lihue, HI 96766

Phone: (808) 241-4900  
Email:mayor@kauai.gov

**Discussion Leader: Nikki Ige**  
**Back-up Discussion Leader: Jonathan Shick**



STATE OF HAWAII • DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM

# HAWAII SMALL BUSINESS REGULATORY REVIEW BOARD

**Periodic Review; Evaluation Report**

**In Compliance with  
Regulatory Flexibility Act  
Section 201M –7,  
Hawaii Revised Statutes**

**2026 - DRAFT**

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## MESSAGE FROM DIRECTOR



As the director of the Department of Business, Economic Development and Tourism, I am pleased to extend my appreciation to the members of the Small Business Regulatory Review Board for their continued hard work and commitment to improve the regulated climate for Hawaii's small business community.

Mahalo!

James Kunane Tokioka  
DBEDT Director



# SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)  
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813  
Mailing Address: P.O. Box 2359, Honolulu, HI 96804  
Email: [dbedt.sbrb.info@hawaii.gov](mailto:dbedt.sbrb.info@hawaii.gov)  
Website: [sbrb.hawaii.gov](http://sbrb.hawaii.gov)

Tel: 808 798-0737

**Josh Green, M.D.**  
*Governor*

**Sylvia Luke**  
*Lt. Governor*

**James Kunane Tokioka**  
*DBEDT Director*

**Dane K. Wicker**  
*DBEDT Deputy Director*

### Members

Jonathan Shick  
Chairperson  
*O'ahu*

Sanford Morioka  
Vice Chairperson  
*O'ahu*

Mary Albitz  
2<sup>nd</sup> Vice Chairperson  
*Maui*

James (Kimo) Lee  
*Hawai'i*

Leelen Park  
*Hawai'i*

Tessa Gomes  
*O'ahu*

Cynthia Hobson  
*O'ahu*

Nikki Ige  
*Kaua'i*

Dr. Jennifer Salisbury  
*Maui*

David Sikkink for  
Director, DBEDT  
*Voting Ex Officio*

## MESSAGE FROM CHAIR



This 2026 Report consists of existing Hawaii Administrative Rules that both the State and County departments have determined to impact small business and the reasons for the rules' continued implementation. It is in accordance with the Board's statutory effort to reduce negative small business impact and to improve rule-making procedures.

Board members continue to donate numerous hours of their valuable time, business acumen, and remain committed to the cause of improving the regulatory climate for small businesses in Hawaii. I am continuously impressed with the thoughtfulness and the thoroughness that the members put forth. I personally thank each member for their tireless effort, teamwork and for keeping the Board's mission front and center.

We extend a special Mahalo to Governor Green, Director Tokioka, Deputy Wicker and all the State and County departments that submitted the requested information to this Board.

*Jonathan Shick, Chair, SBRRB, 2026*

## OVERVIEW

### Section 201M-7 Periodic review; evaluation, Hawaii Revised Statutes (HRS)

*(a) Each agency having rules that affect small business in effect on July 1, 1998 shall submit to the board by June 30 of each odd-numbered year, a list of those rules and a report describing the specific public purpose or interest for adopting the respective rules that affect small business and any other reasons to justify continued implementation of the rules; provided that, by June 30 of each year, each agency shall submit to the board a list of any rules to be amended or repealed, based upon any new, amended, or repealed statute that impacts small business.*

Action Taken: In accordance with Section 201M-7(a), HRS, the SBRRB requested and received from State and County agencies the following:

- 1) A list of any rules to be amended or repealed, based upon any new, amended, or repealed statute; and
- 2) A list of rules adopted during the prior year that affect small business, and a report describing the specific public purpose or interest for adopting the respective rules that affect small business and any other reasons to justify their continued implementation.

Result: The information in this report is a compilation of the responses and justifications received.

*(b) The board shall provide to the head of each agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns, including any rules that the board determines may duplicate, overlap, or conflict with other rules, or exceed statutory authority. Within forty-five days after being notified by the board of the list, the agency shall submit a written report to the board in response to the complaints or concerns. The agency shall also state whether the agency has considered the continued need for the rules and the degree to which technology,*

*economic conditions, and other relevant factors may have diminished or eliminated the need for maintaining the rules.*

Action Taken: In accordance with Section 201M-7(b), HRS, the SBRRB requested and received from State and County agencies the following:

- 1) A list of rules adopted during the prior year that affect small business, and
- 2) A report describing the specific public purpose or interest for adopting the respective rules that affect small business and any other reasons to justify their continued implementation.

Result: The information in this report is a compilation of the responses to these two requests.

*(c) The board may solicit testimony from the public regarding any report submitted by the Agency under this section at a public meeting held pursuant to chapter 92. Upon consideration of any report submitted by an agency under this section and any public testimony, the board shall submit an evaluation report to the legislature each even-numbered year. The evaluation report shall include an assessment as to whether the public interest significantly outweighs a rule's effect on small business and any legislative proposal to eliminate or reduce the effect on small business. The legislature may take any action in response to the report as it finds appropriate.*

Action Taken: In accordance with Section 201M-7(c), HRS, the SBRRB encourages testimony on new and proposed amendments to Hawaii Administrative Rules but did not specifically solicit testimony from the public regarding any report submitted by the Agencies at a public meeting held pursuant to Chapter 92.

Result: The SBRRB receives and reviews testimonies from the public on proposed new and amended Hawaii Administrative Rules submitted by State and County Agencies during monthly board meetings with each testimony handled accordingly.

## ADMINISTRATIVE RULE REVIEW MATRIX

State and Counties Departments	Hawaii Administrative Rules Submitted
<b>STATE DEPARTMENTS</b>	
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES	0
DEPARTMENT OF AGRICULTURE	6
DEPARTMENT OF THE ATTORNEY GENERAL	0
DEPARTMENT OF BUDGET AND FINANCE	0
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM	8
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS	12
PUBLIC UTILITIES COMMISSION	6
DEPARTMENT OF HAWAIIAN HOME LANDS	0
DEPARTMENT OF HEALTH	13
DEPARTMENT OF HUMAN SERVICES	3
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS	2
DEPARTMENT OF LAND AND NATURAL RESOURCES	1
DEPARTMENT OF TAXATION	0 - ?
DEPARTMENT OF TRANSPORTATION	7
UNIVERSITY OF HAWAII	0
<b>COUNTIES</b>	
HAWAII COUNTY	1
MAUI COUNTY	2
KAUAI COUNTY	4
CITY AND COUNTY OF HONOLULU	6

# STATE DEPARTMENTS – JUSTIFICATION OF RULES AND RULES EXPECTED TO BE AMENDED OR REPEALED BASED ON ANY NEW, AMENDED OR REPEALED STATUTE

## *Department of Accounting and General Services (DAGS)*

DAGS reported that no departmental administrative rules were adopted during the prior year that affect small business.

## *Department of Agriculture (HDOA)*

Under Section 201M-7(a), the following outlines a list of rules to be amended or repealed based upon any new, amended or repealed statute:

1. **HAR Title 4 Chapter 157 – Rules Governing Irrigation Water Service to Consumers of Hawaii State Department of Agriculture Irrigation Systems**  
Justification – Irrigation water deliver rates will be amended and rule changes are being reviewed. Most of the participants meet the statutory definition of a small business.

2. **HAR Title 4 Chapter 159 – Rules Governing the Agricultural Enterprise Lands Program – new rules to be implemented based on Act 221 Session Laws of Hawaii (SLH) 2022 Relating to the Agricultural Enterprise Program**

Justification – To support the growth of diverse agriculture by encouraging agricultural enterprises on the Department's agricultural lands. The program authorizes the Department or its lessees to conduct agricultural enterprise activities including the planning, design, construction, operation and management of agricultural enterprises to ensure the economic viability of agricultural operations, promote and support diversified agriculture, and increase agricultural self-sufficiency.

This program is separate and distinct from the Department's agricultural parks and non-agricultural parks programs. Most of the participants would meet the statutory definition of small businesses.

3. **HAR Title 4 Chapter 8 – Agricultural Loan Program Rules – new rules to be implemented based on Act 069 (7/1/2025) Relating to Agricultural Loans**

Justification – Pursuant to Act 069 (7/1/2025), the purpose and scope of the rules is to modify the state agricultural loan program to ensure equitable access to capital for farmers of all scales and help achieve the state's objectives of food security, economic resilience, and self-sufficiency. Most loan recipients would meet the statutory definition of small businesses

4. **HAR Title 4 Chapter 66 – Rules Governing Pesticides**

Justification – Pursuant to Act 220, SLH 2023, the proposed rule change modifies the Hawai'i Pesticide Laws, HRS Chapter 149A, clarifies requirements, provides consistency and amends the classifications of restricted use pesticide applicators to comply with the United States Environmental Protection Agency's approved State Certification Plan.

The proposed changes will codify the statutory increases to the maximum civil and criminal penalties for violations of the Hawai'i Pesticide Laws, HRS Chapter 149A. Small businesses may be affected by the proposed rule changes if they repeatedly violate

Hawai'i Pesticide Laws. Act 220, SLH 2023 only increased the maximum penalties the Department may fine and did not change the minimum fine for HRS Chapter 149A violations. Generally, the Department provides written warning notices to first-time violators with no civil or criminal penalties.

**5. HAR Title 4 Chapter 21 – Plant and Non-Domestic Animal Quarantine Non-Domestic Animal Import Rules**

Justification – Northern largemouth bass, *Micropterus salmonides salmoides*, for research to determine if new releases of this species can successfully augment existing stocks within the Wahiawa Public Fishing Area. This rule change is expected to have a positive impact on small businesses for fishing supplies and equipment, and potential impact on Fishing Guides.

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules' continued implementation:

**6. HAR Title 4 Chapter 72 – Plant and Non-Domestic Animal Quarantine Plant and Pest Host Material Intrastate Rules**

Justification – HAR Chapter 4-72 was amended pursuant to HRS Chapters 141-2 and 150A-9 to implement quarantine restrictions on the Coconut Rhinoceros Beetle (CRB) and CRB host materials; implement fees for inspections and the processing and issuance of permits; establish authority to prohibit the movement of infested materials within the state; include penalties for non-compliance; and make other non-substantive changes. The rules enact restrictions on the intrastate movement of certain items to minimize risk and prevent the spread of pests throughout the state.

### ***Department of the Attorney General***

The Department of the Attorney General has no plans to amend or repeal any rule based upon any new, amended, or repealed statute.

It has not adopted any rules during the prior year that affect small business and, consequently, there is no report describing the specific public purpose or interest for the adoption of rules last year.

### ***Department of Budget and Finance (B & F)***

B & F reported that no departmental administrative rules were adopted during the prior year that affect small business.

### ***Department of Business, Economic Development, and Tourism***

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules' continued implementation:

Hawaii Housing Finance and Development Corporation (HHFDC)

**1. HAR Title 15 Chapter 321 – Affordable Homeownership Revolving Fund**

Justification – to implement the provisions of Section 201H-206, HRS, which establishes the Affordable Homeownership Revolving Fund program. Its purpose is to provide funds for the development of affordable for-sale housing projects by nonprofit community development financial institutions and nonprofit housing development organizations to facilitate greater homeownership opportunities for Hawaii residents.

It included the following fees:

Application fee	\$1,000
Loan origination fee	0.5% to 1% of the loan amount
Loan extension fee	0.5% to 1% of the loan amount
Loan interest rate (fixed)	1% to 2% per annum

The Legislature appropriated \$5 million to implement the program, which includes administrative costs. The fees are necessary to cover the costs of processing AHRF loans. AHRF is a revolving fund and therefore must demonstrate the capacity to be financially self-sustaining.

**2. HAR Title 15 Chapter 309 – Dwelling Unit Revolving Fund Equity Pilot Program**

Justification – Establish the Dwelling Unit Revolving Fund (DURF) Equity Pilot Program to address the high, unmet demand for for-sale units by Hawaii residents. Under the program, which sunsets on June 30, 2028, HHFDC shall enter into an agreement with the developer to purchase equity in for-sale housing development projects, which lowers the amount paid by buyers. HHFDC’s share will be paid back upon the resale of the unit, obtaining additional financing or non-owner occupancy, along with the portion of the appreciation in equity given to the buyer to purchase the unit.

It included the following fees:

Calculation of program payoff amount	\$250
Release of DURF Equity Pilot Program	\$250
Notice of demand	\$250
Notice of non-compliance	\$250

The Legislature authorized the use of up to \$10 million in existing DURF. The fees are necessary to cover the costs of processing the program. DURF is a revolving fund and therefore must demonstrate the capacity to be financially self-sustaining.

Under Section 201M-7(a), the following outlines a list of rules to be amended or repealed based upon any new, amended or repealed statutes in 2025:

3. The enactment of Act 312, SLH 2025, requires an amendment to Chapter 15-321, Hawaii Administrative Rules (HAR), entitled “Affordable Homeownership Revolving Fund.”
4. The enactment of Act 159, SLH 2025, requires an amendment to Chapter 15-311, HAR, entitled “Rental Housing Revolving Fund Program.”
5. The enactment of Act 253, SLH 2025, requires an amendment to Chapter 15-311, HAR, entitled “Rental Housing Revolving Fund Program.”

In 2024, HHFDC neglected to inform the SBRRB about the following rules to be amended based on new or amended statutes:

6. The enactment of Act 34, SLH 2024, requires an amendment to Chapter 15-307, HAR, entitled “State Assisted Land and Housing Development Program,” which HHFDC will work on.
7. The enactment of Act 38, SLH 2024, requires an amendment to Chapter 15-307, HAR, entitled “State Assisted Land and Housing Development Program,” which is currently in progress.
8. The enactment of Act 235, SLH 2024, requires and amend amendment to Chapter 15-307, HAR, entitled “State Assisted Land and Housing Development Program,” which is currently in progress.

### ***Department of Commerce and Consumer Affairs (DCCA)***

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules’ continued implementation:

#### Business Registration Division (BREG)

**1. HAR Title 16 Chapter 39 – Securities**

Requires both state-registered and federal covered investment adviser representatives to complete annual continuing education courses in order to maintain their registration in Hawaii. The adoption of the rules implements continuing education requirements for investment adviser representatives in alignment with those currently in effect for other financial services professionals to ensure continued competency and knowledge regarding industry standards, practices, and products.

#### Cable Television Division (CATV)

**2. HAR Title 16 Chapter 131 – Hawaii Cable Communications Systems**

Rules under review to update chapter. Expect to amend and draft new language for HAR §16-131-70 to conform to HRS §440G-8.3, which allows DCCA Director to designate public, educational, and governmental access organizations exempt from HRS Chapter 103D. And add a new rule to expressly allow DCCA Director discretion regarding the application of the rules regarding cable television providers for consistency with HRS §440G-12(a).

#### Insurance Division (INS)

**3. HAR Title 16 Chapter 23 – Motor Vehicle Insurance Law**

SB2342-SD2-HD3-CD1 (Act 138), Relating to Insurance, amended HRS §431:IOC-301 by increasing certain required motor vehicle insurance minimums and, therefore, requires HAR §16-23 “Motor Vehicle Insurance Law”, to be amended by revising Exhibit 1 to make conforming amendments. (Effective 1/1/2026)

**4. HAR Title 16 Chapter 23 – Motor Vehicle Insurance Law**

HB1686-HD1-SD1-CD1 (Act 92), Relating to Insurance, amended HRS §431:IOC-103.6 by increasing the reimbursement rate for chiropractic treatments for personal injury protection benefits under motor vehicle insurance and, therefore, requires HAR 16-23 Motor Vehicle Insurance Law, to be amended by revising Exhibit 1 to make conforming amendments. (Effective 6/27/2024)

5. **HAR Title 16 Chapter 171 – Miscellaneous Insurance Rules**  
SB1245-SD2-HD2-CD1, Relating to Pharmacists, is currently under review by the Governor, and if signed, could require new administrative rules to be promulgated to effectively enforce the law.

#### Professional and Vocational Licensing Division

6. **HAR Title 16 Chapter 72 – Acupuncture Practitioners**  
Proposed amendments to Chapter 72 were heard at a public hearing held on February 27, 2025. The Board approved amendments to Chapter 72 at its February 27, 2025, meeting following the hearing. Hearing minutes will be e-mailed to the SBRRB.
7. **HAR Title 16 Chapter 76 – Chiropractors**  
The Board is working on a draft to streamline the continuing education review process and require an NPDB self query report for licensure.
8. **HAR Title 16 Chapter 77 – Contractors**  
The Board is working on a draft to update the specialty contractor classifications. The Board is also working on a draft to amend the definition of "incidental and supplemental" work.
9. **HAR Title 16 Chapter 99 – Real Estate Brokers and Salespersons**  
The Commission is working to repeal this chapter, and replace it with three new chapters 99.1, 99.2, and 99.3.
10. **HAR Title 16 Chapter 99.1 through 99.3 – Real Estate Brokers and Salespersons**  
Inclusion of a revision recommended by the DAG to revise the effective periods for examination certificates and equivalency certificates to one (1) year from two (2) years due to Act 21 (2023).
11. **HAR Title 16 Chapter 107 – Horizontal Property Regimes**  
The Commission is working to repeal and replace this chapter with eight new chapters, 16-119.1 through 16-119.8, collectively for condominiums and HRS chapter 514B.
12. **HAR Title 16 Chapter 119.1 through 119.8 (NEW) – Condominiums**  
The Commission held a public hearing on its eight proposed draft rule chapters on November 29, 2024. The new chapters are intended to replace HAR chapter 107 and effectuate HRS chapter 514B. In consideration of public testimony received, the Commission convened a Permitted Interaction (PI) Group to review and further revise its current draft rule package. The PI Group plans to present a proposed revised rule package at the Commission's next meeting on May 30, 2025.

### ***Public Utilities Commission (PUC)***

Hawaii Public Utilities Commission (PUC) reports that they are undergoing an internal staff review of the following administrative rules to determine if updates or amendments are needed:

1. Hawaii Administrative Rules (HAR) Chapter 16-601 – Rules of Practice and Procedure
2. HAR Chapter 16-603 – Motor Carrier Tariffs and Schedules
3. HAR Chapter 16-605 – Water Carriers
4. HAR Chapter 16-62 – Motor Carrier Rules and Classification of Property and Passenger Carriers

5. HAR Chapter 16-610 – Water Service
6. HAR Chapter 16-630 – Wastewater Service

PUC is estimating that they will complete this internal staff review in approximately 6 to 9 months. If a determination is made by the PUC that the abovementioned administrative rules require an update or amendments, the PUC will initiate the administrative rule procedures pursuant to Hawaii Revised Statutes Chapter 91.

PUC reported that no departmental administrative rules were amended or adopted during the prior year that affect small businesses.

### ***Department of Hawaiian Home Lands (DHHL)***

DHHL reported that no rule amendments were necessitated by any new, amended, or repealed statute and did not adopt any rules affecting small business during the period of July 1, 2023 through June 30, 2025.

### ***Department of Health (DOH)***

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules' continued implementation:

#### Solid and Hazardous Waste Branch

##### **1. HAR Title 11 Chapters 280.1 – Underground Storage Tanks**

Justification – Changes pursuant to HRS §201M-2(b) in accordance with updates from US Environmental Protection Agency toxicity factors and regional screening levels. Minimal effect to Small Businesses. Regulated businesses that own and operate underground storage tanks (mainly gasoline service stations and branches of the Department of Defense) are interested in understanding what new requirements will apply to their sites. Chapter 11-280.1, HAR, applies to all owners and operators of UST systems, but the substantive changes will affect only sites with a release from a UST system.

Environmental groups and the public may also be interested in changes to the UST rules because the rules are designed to protect human health and the environment. The department expects the public and environmental groups to be generally supportive of the rule changes.

Chapter 11-280.1, HAR, regulates the installation and operation of underground storage tank (UST) systems and the cleanup of releases from UST systems. Tank system owners and operators are required to clean up releases and remediate contaminated soil, groundwater, and surface water to a level that is protective of human health and the environment.

The Tier 1 screening levels found in Table 1 are the default criteria for the remediation of contaminated soil and groundwater following a release from a UST system. Site-specific action levels may also be approved by the Department if they are deemed to be sufficiently protective of human health and the environment.

The Tier 1 screening levels in §11-280.1-65.3 are based on the Department's Environmental Action Levels (EALs), which are based on toxicological data (dangers of exposure to a specific chemical contaminant) and risk assessments potential pathways of human health and environmental exposure to contaminants.<sup>1</sup> Two new contaminants are being added to Table 1 in §11-280.1- 65.3<sup>2</sup> and the action levels for five of the existing contaminants in that table are being updated.<sup>3</sup> The proposed updates to the Tier 1 screening levels are based on recent updates to the Department's EALs, which are in turn based on new toxicological data and recent updates to the U.S. Environmental Protection Agency's toxicity factors and Regional Screening Levels. Additional minor changes are made to correct typographical errors and to clarify existing requirements and align state regulatory language with the federal language on which it is based.

#### Clean Water Branch

### **2. HAR Title 11 Chapter 55 – Water Pollution Control Appendices C, J and L**

Justification – Readoption of the National Pollutant Discharge Elimination System (NPDES) general permits in HAR 11-55, Appendices C, J and L.

Reissuance of the NPDES general permits:

- C** - Authorizing discharges of storm water associated with construction activities
- J** - Authorizing unintentional discharges from recycled water systems
- L** - Authorizing discharges of circulation water from decorative ponds or tanks

The changes to the NPDES were made to be in line with the Environmental Protection Agency to regulate water quality and pollution control programs in the state of Hawaii. Minimal effect on small businesses as approved by SBRRB.

#### Office of Medical Cannabis Control and Regulation

### **3. HAR Title 11 Chapter 850 – Medical Cannabis Dispensaries**

Justification – Pursuant to Act 230, Session Laws of Hawaii (SLH) 2016 and Act 159 SLH 2018, the DOH requests approval of amendments to interim HAR Title 11, Chapter 850, entitled "Medical Cannabis Dispensaries". These interim rules set forth requirements for medical cannabis dispensaries and laboratories certified to analyze cannabis and manufactured cannabis products to provide for the protection of the health and safety of qualifying patients, qualifying out-of-state patients, and the general public.

Amendments are:

- Add pre-rolled cannabis flower products as an allowed type of manufactured cannabis product in accordance with the changes to section 329D-10, Hawaii Revised Statutes (HRS), made by Act 108 SLH 2023.
- Establish standards for pre-rolled cannabis flower products, including ingredient limitations and testing requirements (in addition to existing requirements applicable to all manufactured cannabis products)
- Clarify that tobacco may not be used as an ingredient in any manufactured cannabis product

Rules effective until:

1. Replaced by subsequent interim rules or rules adopted pursuant to chapter 91, HRS, or
2. Repealed on July 1, 2025, by action of §329D-27(c), HRS, whichever occurs soonest.

## Food and Drug Branch

### **4. HAR Title 11 Chapter 37 – Hemp Processing and Hemp Products**

Justification – Pursuant to section 328G-4, Hawaii Revised Statutes (HRS), Act 230, Session Laws of Hawaii (SLH) 2016 and Act 159 SLH 2018, the Department of Health requests your approval of amendments to interim Hawaii Administrative Rules (HAR), Title 11, chapter 37, entitled "Hemp Processing and Manufactured Hemp Products" and Title 11, chapter 850, entitled "Medical Cannabis Dispensaries". Act 263 SLH 2023, amendments to §328G-3(e), (g), Hawaii Revised Statutes.

Minimal effect to small business. Businesses selling products as there is minor change to labeling 11-37; 11-850 licensees can use crude extract as a component in manufactured cannabis products thus increasing products.

Chapter 11-37 (interim rules) sets forth requirements for the processing of hemp and the sale of manufactured hemp products to provide for the protection of the health and safety of the general public. This chapter regulates hemp processors processing hemp biomass into crude extract or preparing manufactured hemp products, as defined in section 328G-1, HRS.

Chapter 11-850 (interim rules) sets forth requirements for medical cannabis dispensaries and laboratories certified to analyze cannabis and manufactured cannabis products to provide for the protection of the health and safety of qualifying patients, qualifying out-of-state patients and the general public.

The purpose of the amendments is to align the regulations with significant changes to chapter 328G, HRS, adopted in Act 263 SLH 2023. Changes to Chapter 11-37, HAR and 11-850, HAR, align with new hemp-related definitions and to allow medical cannabis licensees to purchase crude extract for use in manufactured cannabis products, which also creates a market for hemp processors to sell crude extract.

Under Section 201M-7(a), the following outlines a list of rules to be amended or repealed, based upon any new, amended or repealed statute:

## Examination and Immunization Branch Disease Outbreak and Control Division

### **5. HAR 11-157 – Examination and Immunization**

Justification – HRS §§ 302A-1162, 321-9, 321-11(22), 325-13, 325-32 Section 11-157-5, HAR, allows religious exemptions to be granted where a parent or guardian certifies their religious beliefs prohibit the practice of immunization. The rules also state that "Requests for religious exemptions based on objections to specific immunizing agents will not be granted." The Department and DOE have interpreted this language to mean that once a child receives one vaccination, that child will lose his/her religious exemption. DOE staff and parents have raised concern that this language discourages parents with religious exemptions from choosing to vaccinate their children for certain diseases.

No effect on Small Businesses.

## Solid and Hazardous Waste Branch

### **6. HAR Title 11 Chapter 260.1 to 279.1 – Relating to Hazardous Waste**

Justification – Hawaii is an authorized state for the U.S. Environmental Protection Agency (EPA)'s national hazardous waste program implementing the Resource Conservation and Recovery Act (RCRA), Subtitle C. To maintain authorization and EPA

funding for this program, Hawaii is required by the Code of Federal Regulations (CFR), Title 40 Part 271 (40 CFR 271) to adopt state rules equivalent to and at least as stringent as the program's federal regulations, which are found in 40 CFR parts 124 and 260 to 279. Status of Rule Effective: July 7, 2025.

The department is not required to prepare a Small Business Impact Statement for these proposed rule changes because they will not affect small businesses, as this is defined in §201M-1, Hawaii Revised Statutes (HRS). Proposed changes in this rulemaking action are in response to changes EPA has made to the federal hazardous waste rules, which are incorporated by reference (with amendments) in the Department's rules. This rulemaking updates the State's incorporation of the federal rules from the July 1, 2022 version of the CFR to the July 1, 2024 version, effectively adopting two new EPA rules.

Proposed additional changes include:

- Update the after-hours phone number for contacting the Department's on-scene coordinators in case of emergency
- Apply emergency preparedness requirements to intermediate or reclamation facilities handling hazardous secondary materials
- Correct typographical errors.

#### Clean Air Branch

##### **7. HAR Title 11 Chapters 60.1 – Air Pollution Control**

Justification – Rules to amend HAR 11-60.1-16.5 repealed to be in accordance with mandate from the U.S. Environmental Protection Agency (EPA). DOH rules 11-60.1-16.5 must be repealed, Emergency provision and amend to remove section. EPA deadline is August 21, 2024. Amendments affect 1) removal of the emergency affirmative defense provision for air pollution control permits; and 2) improvement and clarification of open burning. Hawaii Revised Statutes affected §§342B-3, 342B-12; 42 U.S.C. §§7407, 7416).

No direct or significant economic burden or apply additional restrictions on small businesses. DOH considered all alternatives.

#### Food Safety Branch

##### **8. HAR 11-50 – Food Safety Code**

Final Rules to the Governor's Office 7/31/2025. Pending review August 2025.

#### Alcohol and Drug Abuse Division

##### **9. HAR Title 11 Chapter 177.2 – Certification Standards for Substance Abuse Counselors, Program Administrators, Prevention Specialists, Clinical Supervisors, Criminal Justice Addictions Professionals, and Peer Recovery Specialists**

Justification – The proposed revised Title 11 Chapter 177.2, "Certification Standards for Substance Abuse Counselors, Program Administrators, Prevention Specialists, Clinical Supervisors, Criminal Justice Addictions Professionals, and Peer Recovery Specialists", removes certification standards for an obsolete credential called Co-Occurring Disorders Professional Diplomate, establishes new standards for the certification of Peer Recovery Specialists to help clients who are in treatment and recovery, and updates ethical standards to include Peer Recovery Specialists. HRS §321-196 established the authority of DOH to adopt rules to implement HRS Chapter 321, Part XVI, "Substance Abuse" which includes the revision of rules on certification standards implemented by the DOH.

In the current administrative rules, there are no standards to include credentials with individuals who have lived experiences in recovery from substance use disorders. Peer Recovery Specialists have been adopted by many states according to standards adopted by the International Certification & Reciprocity Consortium (ICRC).

Pending within the DOH for submission to the Governor for approval of Public Hearing November 2023 Hearing (tentative) No activity as of June 2025.

#### Office of Language Access

### **10. HAR Title 11 Chapter 220 – Office of Language Access Rules of Practice and Procedures**

Justification – The purpose and scope of these rules is to establish the practice and procedures for the administration of Chapter 321 C, HRS and to affirmatively address, on account of national origin, the language access needs of limited English proficient persons.

New rules being developed for the Office of Language Access Rules of Practice and Procedures. Tentative Rules for approval for a public hearing January 2024. No activity as of June 2025. Minimal effect on Small Business.

## ***Department of Human Services***

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules' continued implementation:

#### Med-Quest Division (MQD)

### **1. HAR Title 17 Chapter 1747 – Hawaii Child Wellness Care Program**

Justification – The adoption of the Hawaii Child Wellness Care Program implements Act 127, SLH 2022, which establishes the Hawaii Child Wellness Incentive Pilot Program as a temporary pilot program to provide Medicaid parents a \$50.00 incentive for each completed "Well-Child examination" for each child of a Medicaid parent beneficiary within a one-year period. Act 127 is scheduled for repeal on June 30, 2027, and must be extended for the program to continue.

Providing children with access to well-child examinations are an investment in the public health of the state and will help lead to economic benefits to the state by promoting a healthier and productive resident population. This program will help identify early health issues and treat any prolonged illness that may impact the child's health and well-being as they enter adulthood.

Rules to be amended or repealed, based upon any new, amended or repealed statute:

### **2. HAR Title 17 Chapter 1716 – Pregnant Women Group**

Justification - The amendments in this chapter, Pregnant Women Group, include adding and modifying of sections and subsections to make explicit the existing pregnant women requirements. This is based on the approval of State Plan Amendment HI-22-008 to implement Section 9812 of the American Rescue Plan Act of 2021 (PL 117-2), expanding the postpartum care coverage period from sixty days to twelve months. The amended section under "Categorical requirements" changed from sixty days to twelve months so that eligibility under this chapter shall continue throughout the pregnancy and the postpartum period, which begins on the date the pregnancy ends, extends

twelve months and ends on the last day of the month in which the twelve-month period ends. The rules do not adversely affect any small business.

3. **HAR Title 17 Chapter 1745 – Funeral Payments Program**

Justification – Chapter 17-1745, Funeral Payments Program, implements Act 108, SLH 2024, S 2851 which establishes Funeral Payments Program increase from \$800 to \$1600 the amount of death benefits paid by the Department of Human Services to cover the cremation and disposition costs for a deceased person who was eligible for medical or financial assistance at the time of the person’s death and whose body is unclaimed.

The proposed amendments in Chapter 17-1745 included adding and modifying of sections and subsections to codify and make explicit the existing Funeral Payments Program requirements.

### ***Department of Land and Natural Resources***

The following rules, which may affect small businesses, were repealed during the prior year.

#### Division of Aquatic Resources (DAR)

1. **HAR Title 13 Chapter 74 – License and Permit Provisions and Fees for Fishing, Fish and Fish Products**

Effect of Small Business – Various or not at all.

Justification – the proposed rule changes entail the creation of new commercial dealer license fees as well as adding and updating other annual fee requirements. Licenses encompass commercial dealer licenses, commercial dealer vessel licenses, and non-resident recreational fishing licenses.

HAR chapter 13-74, took effect on 5/2/24. It increased the cost for DAR’s commercial licenses to reflect higher administrative costs associated with the licensing program and implemented three new licenses: Nonresident Recreational Marine Fishing License (which indirectly affects fishing charters since their nonresident customers are now required to obtain this license), Commercial Marine Dealer License (which is an added expense on commercial dealers), and Commercial Marine Vessel License (which small business fishers have been asking for so a whole crew could be covered under one commercial marine license).

The justification for continued implementation is that the fee increases continue to support the licensing program and therefore must remain in effect. Additionally, the licensing program plays a crucial role in ensuring compliance with fishery laws keeping fishers and dealers accountable and is an important source of data that informs fishery management.

### ***Department of Labor and Industrial Relations***

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules’ continued implementation:

## Hawai'i Occupational Safety & Health Division (HIOSH)

### **1. HAR Title 12 Subtitle 8 Part 10 – Boiler and Pressure Vessel**

Justification - To reflect the passage of Act 102 (SLH, 2022). Act 102 authorizes owner-user inspectors in the exclusive employment of owner-user inspection organizations to perform inspections on pressure retaining items.

The National Board of Boiler and Pressure Vessel Inspectors permits an Owner-User Inspection Organization (OUIO) to establish and maintain an inspection program if the OUIO's inspection procedures meet the requirements of NB-371, Accreditation of OUIO, NB-381, Quality Program for Inspection Organizations, NB-263, National Board Rules for Commissioned Inspectors, and the jurisdiction's approval.

### **2. HAR Title 12 Subtitle 46 Chapters 1-318 – Relating to Civil Rights Commission**

Justification – Amended to clarify definitions of terms, HCRC administrative procedure, and areas of jurisdiction. Many of the proposed amended definitions are to conform with the statutory definitions/within the administrative rules itself, or to conform to other divisions within the Department of Labor & Industrial Relations (i.e. definition of “employment”) to reduce confusion.

Amended definitions are Ancestry, Employment, Sex, Arrest and Court Record, Conviction, Domestic or sexual violence victim, Final order or Final Decision, Gender identity or expression, Harassment, Protected basis, and Sexual Orientation. The proposed definition of “employment” is nearly identical to definitions used by Temporary Disability Insurance (TDI), Prepaid Healthcare Act (HAR §§ 12-11-1, 12-12-1, respectively), and Unemployment Insurance in HRS § 383-6.

Amended sections for “sex discrimination” to update gender-based terms and to conform with the federal pregnant workers’ fairness act; “ancestry discrimination” for clarification in the language discrimination section; and “disability discrimination section” to add reference to registered cannabis users with a disability.

## ***Department of Taxation (DoTax)***

As of the printing of this report, DoTax has not responded to the three attempts to receive the 201M-7 information for the subject time period.

## ***Department of Transportation (DOT)***

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules’ continued implementation:

### **1. HAR Title 19 Chapter 37 – Relating to Fuel Handling Procedures at Public Airports**

Justification - These amendments did not directly affect any small business as all the fuel handling companies operating at Hawaii Airports are not considered small businesses. Indirectly, these amendments could possibly benefit small businesses, should they want to operate at Hawaii Airports, because the waiver of commercial driver's licenses to operate on the airfield makes hiring personnel easier.

HDOT Airports adopted amendments to HAR Chapter 19-37. The amendments included modifying the requirements for aircraft refueler unit operators when operating a non-license aircraft refueler units or hydrant cart, to possess only an Airport Operational Area motor vehicle operator permit, updating references from the National Fire Code to the National Fire Prevention Association standards, correcting statutory references, and making technical drafting improvements.

The public purpose of these changes is to allow aviation service providers flexibility when hiring operators, align state rules with updated national safety codes, and ensure regulatory consistency. Written testimonies submitted by stakeholders including aviation service providers and airlines uniformly supported the amendments, thereby justifying their continued implementation.

Administrative Rules that were added, amended or repealed after June 30, 2020:

1. Chapter 19-123 - Statewide Motorcycle, Moped, and Motor Scooter Education Courses and Licensing Skill Test Waiver was amended on November 30, 2023.
2. Chapter 19-133.2-22 - Periodic Inspection of Vehicles was amended on April 21, 2021 and will be amended by Act 172, 2025 Session Laws of Hawaii (SLH).
3. Chapter 19-149 - State Civil Identification was amended on September 12, 2023.
4. Chapter 19-152 - State Highway Enforcement Program was added on December 16, 2021 by Act 133, 2021 SLH.
5. Chapter 19-153 - Automated Speed Enforcement Program will be added from Act 212, 2025 SLH.
6. Chapter 19-154 - State Mileage-Based Road Usage Charge was added on June 13, 2025 from Act 222, 2023 SLH.

### ***University of Hawaii (UH)***

UH confirms that it currently has no administrative rules affecting small business, and that it has not amended or repealed any rules in the past year based upon any new, amended, or repealed statute impacting small business.

### **Follow-up on Prior SBRRB Administrative Rule Reviews**

The following Hawaii Administrative Rules were previously reviewed by the SBRRB. Current updates are noted.

## ***Department of Agriculture***

### Division of Measurement Standards

#### **1. HAR Title 4 Chapter 93 – Packaging and Labeling**

Justification - This rule ensures that consumer commodities offered for sale in the State are correctly labeled as to their content identification and unit amount. The rule also defines specific identification regarding the Department of Agriculture's logo, "Island Fresh." The rules were established in 1981 and amended in 1995.

2006 Recommendation - Many products that are represented as Hawaiian-made and Hawaiian-grown are not. Rules need re-analysis and updating.

Response from Agency - A conversation with Mr. William Pierpont, Branch Chief of the Measurement Standards Branch on February 8, 2008 noted that the Review Board's comments that products represented as Hawaiian-made and Hawaiian-grown does not apply. Packaging and labeling requirements are implemented through the National Institute of Standards and Technology Handbook 130, 1993 edition, which are current. Further, the logo "Island Fresh" is completely different than "Hawaiian-made" and "Hawaiian-grown" therefore; no future to amend the rules are expected.

The SBRRB was not in agreement with the Agencies' response and justification. Therefore, a full analysis of this rule with a draft to be provided to the SBRRB by December 2009 is requested. A memorandum will be sent to the Agency outlining this request with a copy sent to the Governor.

Comments - A discussion with DOA in 2018 revealed that the rules are in process of being reviewed and will be updated accordingly; no date for completion was determined.

As of the printing of this 2026 report, there have been no changes or updates to the rules.

### Division of Plant Industry

#### **2. HAR Title 4 Chapter 73 – Plant and Non-Domestic Animal Quarantine Plant Export Rules**

Justification - This rule provides for export plant and plant products inspectional and disinfestation treatment services that meet the requirements of the state or country of destination. Agriculture is an important economic industry to the State of Hawaii.

From the inception of large-scale mono-crop production such as pineapple and sugarcane to the diversification of specialized crops, which include gourmet baby vegetables, exotic cut flowers and tropical fruits, as well as ornamental plants, now include the culture of various aquatic ornamental and food species. This is a far cry from the traditional plant crops grown historically in soil.

Because of this expansion, there has been an increased need to ship plants or plant products out of the State. Presently, this administrative rule provides for export plant and plant products' inspectional and disinfestations treatment services, which is provided by the Plant Quarantine Branch, which meets the requirements of the State or Country of destination; each State or Country has their own requirements that must be met before plants can enter their state or country.

To implement the requirements, the Branch has the authority to impose nursery inspection fees as well as burrowing nematode testing fees, which may seem to impact small business. The necessary fee helps to defray the operational and travel costs borne to the Branch, which may be hampered by general budgetary constraints.

Without this administrative rule in place, the services provided by the Branch to certify plants going out of the state to other states or countries would not be possible. Programs such as the nursery certification program and the origin inspection program for cut flowers are administered through this rule.

Although the rule imposes many restrictions on nurseries and the flower businesses, these requirements must be met, or the destination state or country will not accept the plants or flowers being shipped or taken to the respective state or country. The rule was established in 1981.

2006 Recommendation - Rule amendments were submitted to the SBRRB in 2006; however, the Branch has subsequently pulled the rules for further analysis. The Branch is in the process of updating this rule; the SBRRB agrees the rule should be reviewed and revised.

Response from Agency - This rule provides an amendment to modify the nursery certification program and establish a compliance agreement program for exporting nurseries. The amendments will update rules based on new science and changing industry needs as well as stricter requirements for certifying nurseries.

The Branch's targeted date for transmitting the draft rules to the Board of Agriculture for review is February 2009 with a public hearing has a projected date of June 2009. The SBRRB was in concurrence and will follow-up with the Agency.

Comments - A discussion with DOA in 2018 revealed that the rules are currently "frozen" in terms of modification however because the statute governing these rules reflect a change in fees, proposed amendments regarding the fees may be brought forth in front of this Board within the next few years.

As of the printing of this 2026 report, there have been no changes or updates to the rules.

#### Division of Animal Industry

### **3. HAR Title 4 Chapter 17 – Swine**

Justification - This rule authorizes DoAg to undertake disease control measures intended to control and eradicate certain diseases of local and national economic significance or that may affect public health adversely. Preventing the introduction of diseases reduces the potential for animal losses due to death or poor growth and maintains the general health and welfare of domestic pigs.

The rule is justified due to the importance of disease surveillance, diagnosis, and eradication on the economic viability of the swine industry and in protecting public health from infectious disease transmitted from animals to man. General health and welfare of livestock is enhanced through disease control and eradication activities, resulting in a more wholesome product for the Hawaii market and enhanced consumer confidence in Hawaii products. The rules were established in 1981.

On February 14, 2008, Dr. James Foppoli, Administrator of Animal Industry Division, indicated the rules are in process of being amended.

2006 Recommendation - The rules are 25 years old; the rules are in process of being updated.

On February 14, 2008, Dr. James Foppoli, Administrator of Animal Industry Division, indicated that these rules are still in the process of being amended. The Review Board will continue to monitor the status.

Comments - A discussion with DoAg in 2018 indicated that these rules have been under review and in the process of being updated for several years; a completion of the updates is expected in 2020.

As of the printing of this 2026 report, there have been no changes or updates to the rules.

#### **4. HAR Title 4 Chapter 23 – Horses**

Justification - This rule controls the importation of diseases and pests that affect horses. Preventing the introduction of certain horse diseases and pests into Hawaii is essential to maintain a healthy horse population. In addition, freedom from certain diseases reduces the economic burden for horse owners resulting from illness and death. As most horses in Hawaii are pets, there is little impact on small business by these import requirements.

The rules were established in 1949 and last amended in 1981. On February 14, 2008, Dr. James Foppoli, Administrator of Animal Industry Division, indicated that these rules are still in the process of being amended. The Review Board will continue to monitor the status.

2006 Recommendation - The rules are 25 years old; the Agency has indicated that the rules are in process of being updated.

Comments - A discussion with DoAg in 2018 indicated that these rules have been under review and in the process of being updated for several years; completion of the updates is expected in 2020.

As of the printing of this 2026 report, there have been no changes or updates to the rules.

### ***Department of Commerce and Consumer Affairs***

#### **5. HAR Title 16 Chapter 75 - Cemeteries and Funeral Trusts**

Justification - The purpose of the rules is to implement licensing and regulation of the cemetery and funeral trust industry under the department's regulatory authority. The rules are still needed as they facilitate licensing and enforcement. The rules were established in 1969 and amended in 1991.

2006 Recommendation - This industry has had its share of publicity. Full analysis and update should be performed.

Response from Agency - The SBRRB recommended that a full analysis and update be performed. DCCA plans to amend the rules to: (1) make them consistent with Act 188, SLH 2007; (2) incorporate current practices; and (3) update references to corporations to include limited liability companies. DCCA's targeted date for transmitting the draft rules to the Department of the Attorney General for review is August 2008. The SBRRB is in concurrence with the Agency.

Comments - A discussion with DCCA in 2018 indicated that these rules are, by nature, quite sensitive to change, although changes have been discussed. No date has been determined for final updates.

As of the printing of this 2026 report, there have been no changes or updates to the rules.

#### **6. HAR Title 16 Chapter 117 – Activity Providers and Activity Desks**

Justification - The rules implement licensing and regulate the activity providers and activity desks under the department's regulatory authority. They are necessary as they facilitate licensing and enforcement; the rules were established in 1995.

2006 Recommendation - There is substantial small business impact largely due to fraud in the industry. Full analysis and update should be performed.

Response from Agency - The SBRRB expressed concerns that there is substantial small business impact largely due to fraud in the industry. Consequently, the SBRRB recommended that a full analysis and update be carried out. DCCA has reviewed the rules and determined that no substantive amendments are necessary at this time. DCCA has received an average of 18 complaints a year - there have been approximately 325 registered activity desks over the past four years. Note: in 2007, of the current 54 complaints, six are against licensed activity desks and 48 are for unlicensed activity, mostly against one company.

The SBRRB is in concurrence with DCCA. Although DCCA determined there to be no substantive changes in 2008, due to the noted substantial fraud in the industry, it will again, be approached by the SBRRB.

Comments - A discussion with DCCA in 2018 indicated that these rules are not in the process of being amended. They will be reviewed soon; at that time, a determination will be made if modifications are warranted.

As of the printing of this 2026 report, there have been no changes or updates to the rules.

## ***Department of Health***

### Medical Division

#### **7. Chapter 11-89 – Services for Developmental Disabilities Domiciliary Homes**

Justification - The rules establish minimum requirements for the certification and licensure of developmental disabilities in domiciliary homes for adult individuals with

developmental disabilities. §333 F-2(c) (4), HRS, requires that developmental disabilities domiciliary establish a continuum of residential alternatives in the community which includes the provision of domiciliary homes for adult individuals with developmental disabilities.

These rules set standards and provides for the regulation of such homes through certification and licensure. This is needed to ensure the health and safety of this vulnerable population. The rules were established in 1992.

2006 Recommendation - Standards have changed, and enforcement of the rules has been different since the rules were established in 1992. Therefore, some provisions should be deleted. Reanalysis and update of rules should be performed.

Response from Agency - On March 20, 2008, correspondence from Health Director Fukino, M.D., indicated that Office of Health Care Assurance will continue to keep in mind the SBRRB's recommendations as efforts continue regarding administrative rule analysis and revision.

As the population regarding developmental disabilities domiciliary homes is growing and identified in the community, it is recommended that the Agency address the needs of the population and bring these rules and regulations regarding services to this population current. The SBRRB strongly recommends that these rules are amended with a first draft delivered to this Board by December 2009. A memorandum will be sent to the Agency outlining this request with a copy sent to the Governor.

Comments - As of 2026, DOH's website showsthe rules are "Pending Amendment."

## **8. Chapter 11-95 – Freestanding Surgical Outpatient Facilities**

Justification - The rules establish minimum requirements for the protection of the health, welfare and safety of patients, personnel, and the public in freestanding surgical outpatient facilities; in all instances where other agencies of government have similar regulations, the stricter rules shall apply.

These rules contain state licensure requirements. Such licensure ensures that the federal and medical standards for health facilities are being met. Thus, licensure is a pre-requisite for federal reimbursement. Without licensure, the health and safety of patients, employees and the public will be compromised, and federal reimbursement will not be realized. The rules were established in 1986.

2006 Recommendation - Better defined guidelines and standards are needed, especially with safety standards. The rules are too vague and are 20 years old. Re-analysis and update of rules should be performed.

Response from Agency - On March 20, 2008, correspondence from Health Director Fukino, M.D., indicated that Office of Health Care Assurance will continue to keep in mind the Small Business Regulatory Review Board's recommendations as efforts continue regarding administrative rule analysis and revision.

The SBRRB will monitor these rules for updates from the Agency.

Comments - As of 2026, DOH's website continues show the rules are "pending repeal and replacement by Chapter 92."

## **9. Chapter 11-96 – Freestanding Adult Day Health Centers**

Justification - The rules establish minimum requirements for the protection of health, welfare, and safety of clients and the public in adult day care centers. These rules contain state licensure requirements. Licensures of these settings are critical to ensure provision of care is within current federal and medical standards to ensure the health and safety of patients, employees, and the public. The rules were established in 1991.

2006 Recommendation - The Agency has indicated that the rules need revision; rules are 15 years old. The SBRRB agrees with the Agency that these rules should be reviewed and revised.

Response from Agency - On March 20, 2008, correspondence from Health Director Fukino, M.D., indicated that Office of Health Care Assurance will continue to keep in mind the Small Business Regulatory Review Board's recommendations as efforts continue regarding administrative rule analysis and revision.

These are essential rules and must be clear and separate as well as distinguished from other adult programs because the centers are freestanding; the SBRRB concurs.

Final Commentary - As of 2024, there were no changes or updates to the rules.

## **10. Chapter 11-99 – Intermediate Care Facilities for the Mentally Retarded**

Justification - The rules establish minimum requirements for the protection of the health, welfare, and safety of patients, personnel, and the public in small intermediate care facilities for the mentally retarded. In all instances where other agencies of government have similar regulations, the stricter rules shall apply.

The Intermediate Care Facility/Mentally Retarded population is the most vulnerable of the disabled population. These regulations provide for assurance of their safety and welfare. The state licensure regulations are mandatory to provide at least minimal assurance for safety and oversight of such individuals who otherwise are not able to care for themselves. The rules were established in 1985.

2006 Recommendation - Agency has indicated that the rules need revisions; rules are over 20 years old. The SBRRB agrees with DOH that these rules should be reviewed and revised.

Response from Agency - On March 20, 2008, correspondence from Health Director Fukino, M.D., indicated that Office of Health Care Assurance will continue to keep in mind the SBRRB's recommendations as efforts continue regarding administrative rule analysis and revision.

It is very important that these rules are updated because there is a greater population within the community, so the resources are limited to them. The SBRRB strongly recommends that these rules be reviewed and amended with a first draft delivered to the SBRRB by December 2009. A memorandum will be sent to the Agency outlining this request with a copy sent to the Governor.

Comments - As of 2026, there were no changes or updates to the rules.

## Environmental Division

### Noise, Radiation and Indoor Air Quality Branch

#### **11. Chapter 11-39 – Air Conditioning & Ventilation System**

Justification - The rules are required for core public health. The rules implement §321-11 (13), HRS for the public health and safety respecting any place or building where noisome, noxious trades and manufacturing are carried on, or intended to be carried on by seeking to assure adequate and healthful design, construction, installation and operation of comfort air conditioning and ventilating systems; and provide minimum ventilating requirements.

Public health and safety are adversely impacted in the absence of regulating mechanical ventilation systems providing outside air, supply air, return air, and exhaust air. Inappropriate and inadequate ventilation can lead to carbon monoxide poisoning in parking garages, indoor air problems, and other detrimental health effects. The rules were established in 1983.

Recommendation - The rules need updating. Re-analysis and update of rules should be performed.

Response from Agency - HAR Chapter 11-48, the replacement for HAR Chapter 11-39, has been completed and reviewed by the program's assigned deputy attorney general. An informational meeting on the proposed rule was held on February 8, 2008. Over fifty individuals representing mechanical engineering, architecture, state and county government, property managers, were in attendance. The agency is in the process of implementing a small business review committee for the new rule and expected to complete the small business impact statement by the end of October 2008.

Comments - As of 2026, DOH's website continues to show rules are "Pending repeal/replacement by Chapter 48."

#### **12. Chapter 11-44 – Radiologic Technology Board and Radiologic Technology Rules**

Justification - The purpose of the rules is required for public health and safety. The rules establish minimum state standards of education, training and experience for persons who apply x-rays to human beings for diagnostic purposes or ionizing radiation to human beings for therapeutic purposes, or radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

Unlicensed and untrained personnel can cause unnecessary exposure of ionizing radiation to medical providers, patients, and the public. Ionizing radiation is a known carcinogen. This rule is necessary to ensure only properly trained and qualified individuals practice radiologic technology. The rules were established in 1989.

Recommendation - These rules need updating. Re-analysis and update of rules should be performed.

Response from Agency - A small business committee was created to review proposed revisions for this rule. The SBRRB reviewed these amended rules in June 2008 and recommended that they proceed to a public hearing.

Commentary - As of 2026, there were no changes or updates to the rules.

### 13. Chapter 11-45 – “Radiation Control”

Justification - The rules are required for core public health. The rules set minimum standards for all persons and facilities that receive, possess, use, transfer, own or acquire any source of radiation, all persons who install and service sources of radiation, and all persons who provide radiation services.

Controlling the use of ionizing radiation from x-ray systems and non-NRC radioactive materials is essential in minimizing unnecessary exposure to medical providers, patients, and the public. Ionizing radiation is a known carcinogen. Following the stochastic theory, any amount of ionizing radiation exposure may cause long term effects. The rules were established in 1999.

Recommendation - The rules need updating. Re-analysis and update of rules should be performed.

Response from Agency - This rule is currently being revised to reflect current national standards and the Suggested State Regulations for the Control of Radiation developed by the Conference of Radiation Control Program Directors, Inc. Due to the volume of technical changes, a draft revision is not expected before January 2009.

The SBRRB is in concurrence of the proposed modifications to the rules and will follow-up with the agency.

Comments - As of 2026, DOH’s website continues to show the rules are “pending amendment & compilation.”

## ***Public Utility Commission (PUC)***

Act 108, Session Laws of Hawaii 2014, transferred the Public Utilities Commission (PUC) from Department of Budget and Finance (B&F – Title 6) to Department of Commerce and Consumer Affairs (DCCA – Title 16).

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2021 through June 30, 2023, with reasons for justifying the rules’ continued implementation:

#### 1. HAR Title 16 Chapter 603 – Motor Carrier Tariffs and Schedules

##### **Agency’s Justification**

As required by HRS Chapter 271, the rules are necessary to govern the form and content of tariffs and schedules of common and contract carriers by motor vehicles; specifically, those tariffs and schedules described under HRS §§ 271-20, 271-21, and 271-22. They were established in 1994.

##### **Recommendation**

Rules are more than twelve years old; full analysis and update should be performed.

##### **Response from Agency**

In response to the SBRRB's request, the Commission solicited proposals for amendments to HAR Chapter 6-62, "Motor Carrier Rules and Classification of Property and Passenger Carriers" and HAR Chapter 6-63, "Motor Carrier Tariffs and Schedules," from motor carrier industry professional organizations. Hawaii Tourism Authority (HTA) proposed a change to 6-62-20, Motor Vehicle Marketing.

Under HTA's recommendation, motor carriers that are subject to State and Federal motor carrier safety regulations would mark their motor vehicles pursuant to the federal rules on marking of commercial motor vehicles. Those that are not subject to the motor carrier safety regulations would have the option to follow the Commission's existing rules on motor vehicle marking. No other comments or recommendations were submitted for the Commission's consideration.

Upon review and analysis of HAR chapters 6-62 and 6-63 and the response from HTA, the Commission has decided that: (a) Suggested revisions to HAR Chapter 6-62 are not required at this time but will be considered in any subsequent rulemaking proceedings; and (b) HAR Chapter 6-63 does not currently require any revisions. Except for HTA, the organizations appear to be satisfied with the existing rules.

With respect to HTA's proposed modification, the recommendation is not substantively critical for effective motor carrier regulation currently. The recommendation, as described above, does not call for a substantial change to the existing section except to apply the federal rules on marking of commercial motor vehicles to certain motor carriers.

The SBRRB is not in agreement with the Agencies' response and justification. Therefore, a full analysis of this rule with a draft to be provided to the SBRRB by December 2009 is requested. A memorandum will be sent to the Agency outlining this request with a copy sent to the Governor.

### **Final Commentary**

As of 2020, this rule moved from B&F Title 6 to DCCA Title 16. This transfer required the simultaneous repeal of the existing B&F chapters and adoption of new chapters in the DCCA title.

These rules were transferred with an effective date of 1/01/2019, however, no other modifications or changes were made at the time.

## **2. HAR Title 16 Chapter 605 – Water Carriers**

### **Agency's Justification**

As required by HRS Chapter 271G, the rules are necessary to govern the following: (1) Form and content of tariffs of water carriers of property and passengers, and the information and data to be submitted for the establishment of new or revised rates, fares, or charge; and (2) Filing of financial and statistical information by water carriers of property and passengers. The rules have not been amended since first promulgated in 1976.

### **Recommendation**

Rules are over 30 years old; full analysis and update should be performed.

### **Response from Agency to Review Board's Recommendation**

The Commission has determined that HAR Chapter 6-65, "Water Carriers" does not require revisions at this time, as they were last revised in 1999. Thus, the assumption noted as a concern that the "rules are over 30 years old" is an incorrect assumption. The SBRRB is not in agreement with the Agencies' response and justification. Therefore, a full analysis of this rule with a draft to be provided to the SBRRB by December 2009 is requested. A memorandum will be sent to the Agency outlining this request with a copy sent to the Governor.

### **Final Commentary**

As of 2020, this rule moved from B&F Title 6 to DCCA Title 16. This transfer required the simultaneous repeal of the existing B&F chapters and adoption of new chapters in the DCCA title.

These rules were transferred with an effective date of 1/01/2019, however, no other modifications or changes were made at the time.

Under Section 201M-7(a), the following outlines a list of rules to be amended or repealed, based upon any new, amended or repealed statute:

### **3. HAR Title 6 Chapter 62 – Motor Carrier Rules and Classification of Property and Passenger Carriers Agency's Justification**

Pursuant to HRS Chapter 271, the rules are necessary to administer, execute, and enforce the intent of the motor carrier laws, particularly the policies set forth under HRS Section 271-1. The rules were established in 1992.

### **Recommendation**

Since the rules have been established, there have been many changes to the industry. Full analysis and update should be performed.

### **Response from Agency**

In response to the SBRRB's request, the Commission solicited proposals for amendments to HAR Chapter 6-62, "Motor Carrier Rules and Classification of Property and Passenger Carriers," and HAR Chapter 6-63, "Motor Carrier Tariffs and Schedules" from motor carrier industry professional organizations. Hawaii Tourism Authority (HTA) proposed a change to 6-62-20, Motor Vehicle Marking.

Under HTA's recommendation, motor carriers that are subject to State and Federal motor carrier safety regulations would mark their motor vehicles pursuant to the federal rules on marking of commercial motor vehicles. Those that are not subject to the motor carrier safety regulations would have the option to follow the Commission's existing rules on motor vehicle marking. No other comments or recommendations were submitted for the Commission's consideration.

Upon review and analysis of HAR chapters 6-62 and 6-63 and the response from HTA, the Commission has decided that: (a) Suggested revisions to HAR Chapter 6-62 are not required at this time but will be considered in any subsequent rulemaking proceedings; and (b) HAR Chapter 6-63 does not currently require any revisions. Except for HTA, the organizations appear to be satisfied with the existing rules.

With respect to HTA's proposed modification, the recommendation is not substantively critical for effective motor carrier regulation. The recommendation, as described above,

does not call for a substantial change to the existing section except to apply the federal rules on marking of commercial motor vehicles to certain motor carriers.

The SBRRB is not in agreement with the Agencies' response and justification. Thus, a full analysis of this rule with a draft to be provided to the SBRRB by December 2009 is requested. A memorandum will be sent to the Agency outlining this request with a copy sent to the Governor.

**Comments**

As of 2020, contents moved from Title 6 to Title 16 per Act 108, Session Laws of Hawaii 2014, however, as of the date of this 2024 Report, the chapter remains as 62 and no changes or modifications have been made to the rules.

# COUNTY DEPARTMENTS – JUSTIFICATION OF RULES AND RULES EXPECTED TO BE AMENDED OR REPEALED BASED ON ANY NEW, AMENDED OR REPEALED STATUTE

## Hawaii County

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules' continued implementation:

### Hawai'i Fire Department

#### 1. **Hawaii Revised Statutes Chapter 17 – State Fire Code**

Justification – Article 1, Division 1 & 2. Will be adopting 2021 State Fire Code, estimated completion is June 2025.

## City and County of Honolulu

Pursuant to Section 201M-7, HRS, we have surveyed all our City departments and agencies and hereby affirm that except for the items listed below by department/agency, there were no rules adopted during the prior year that affect small business:

### Department of Planning and Permitting (DPP)

DPP reported that there were no new, amended, or repealed Administrative Rules and that no rules were adopted affecting small business during the period of July 1, 2021 through June 30, 2023

### Department of Transportation Services (DTS)

DTS may amend or repeal Chapter 23-3, Bus Advertising on City Transportation Vehicles (TheBus), withing the next year because of enactment of Ord. 23-21.

DTS has not adopted any rules within the past calendar year.

### Honolulu Board of Water Supply (BWS)

Although no new rules were adopted, BWS presented proposed water rates to the SBRRB on August 17, 2023 and received support to proceed to public hearing. The rates were subsequently adopted by the BWS Board on November 28, 2023 for rates and charges for the furnishing of water and water service for Fiscal Years 2024 to 2029. The rate changes go into effect as of February 1, 2024 and will have an impact on small business.

### Department of Facility Maintenance

For future awareness, Storm Water Quality has existing Administrative Rules in place under Title 14, Chapter 6 that will be revised and updated in accordance with the Revised Ordinances of Honolulu (ROH), placing storm water enforcement authority under Chapter 43, ROH, versus Chapter 14 (ROH). The revised rules are scheduled for adoption in CY2024 and the SBRRB will be advised accordingly.

### Honolulu Liquor Commission

On June 17, 2022, Act 076 (HB137 HD1 SD2, CD1) was signed into law, with an effective date of January 1, 2023. Act 076 made broad revisions to Hawaii Revised Statutes (HRS) Chapter 281, with a particular focus on the license application process and the investigative scope and discretion accorded an investigator in this process. Because the license application process is a core function of the Liquor Commission, the impact of Act 076 is expected to be extensive. Below is a list of existing Rules that may be amended in response to requirements found in Act 076, reserving the right to add to or delete from the list following additional review:

1. Rule §3-80-1.1. Definitions
2. Rule §3-81-19.11 Powers of the Commission in Conducting Hearings
3. Rule §3-81-20. General Right of Inspection
4. Rule §3-82-38.25. Restrictions of Conditions on Licensing
5. Rule §3-82-41.4. Management of Operating Agreements
6. Rule §3-82-45.1. Requirement for Criminal History and Fingerprint Card
7. Rule §3-83-53.1. License Applications; Notice of Hearing; Affidavits
8. Rule §3-83-56. Report by Investigator
9. Rule §3-83-57.1. Affidavits; Forms
10. Rule §3-83-61.1. Renewal of Existing License
11. Rule §3-84-79.1 Obstructing Commission Operations

Although the Honolulu Liquor Commission conducted public hearings on the adoption of proposed new rules on February 10, 2022, due to changes in the Commission and Commission administration, the process was not completed. For awareness, completion of the adoption process is anticipated in CY2024.

#### Department of Parks and Recreation (DPR)

The Department of Parks and Recreation amended the "Rules and Regulations Governing Shore Water Events" in CY2023. The proposed rules went before the SBRRB on July 20, 2023, a public hearing was held on October 23, 2023 and the proposed rules went back before the SBRRB on November 16, 2023. The rules were approved by Mayor Blangiardi and filed with the City Clerk on December 5, 2023.

See; [2023-12-11 fully executed Admin Rules Title 19 DPR Chap 25 Rules and Regulations Governing Shore Water Events.PDF \(honolulu.gov\)](#)

#### Honolulu Fire Department (HFD)

The HFD had no administrative rules or rule changes that would affect small businesses at this time. The public facing rules the HFD has jurisdiction over is the Fire Code of the City and County of Honolulu, of which only clarification changes were made in its recent adoption. Amendments to the Fire Code are under review and have not been adopted.

Adopted amendments affecting small businesses will be included in the next annual report.

#### Mayor's Office of Culture and the Arts (MOCA)

MOCA does not have Administrative Rules and thus this request is not applicable to the department.

#### City and County of Honolulu Office of the Managing Director

The following departments have reported no changes:

Department of Environmental Services (ENV)

Department of Human Services (DHR)

Office of Economic Revitalization (OER)  
Department of the Corporation Counsel (COR)  
Department of Information Technology (DIT),  
Medical Examiner Department (MED)  
Department of Emergency Management (DEM)  
Office of Climate Change, Sustainability and Resiliency (CCSR)  
Honolulu Authority for Rapid Transportation (HART)  
Department of Customer Services (DCS)  
Department of Design and Construction (DDC)  
Office of Housing (HOU)  
Managing Director's Office (MDO)

## County of Maui

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules' continued implementation:

### Department of Planning

**1. Maui County Code 19.29.045 – Private Restrictions on Small-Scale Agricultural Uses and the Keeping of Animals**

Justification – Ordinance No. 5690 made effective August 27, 2024. Any private restriction in any deed, agreement of sale, or other conveyance of land recorded in the bureau of conveyances limiting or prohibiting small-scale agricultural uses and the keeping of animals in any rural district is voidable. This section does not apply to any deed, agreement of sale, or other conveyance of land existing prior to the effective date of the ordinance establishing this section.

**2. Maui County Code 19.30A.050 – Title 19 Zoning Code Amendment – Composting in the Agricultural District**

Justification -- Ordinance 5695: Reflects Section 205-2(s), Hawai'i Revised Statutes, via Act 131 (2022). Specifically, composting and co-composting operations will be permitted "accessory uses" in the Agricultural District on the condition that operations that process their own green waste and do not require permits from the State Department of Health must use the finished compost product only on the operation's own premises. Further, composting and composting may be permitted as a "principal use" provided that a Special Use Permit is approved by the Planning Commission.

## County of Kaua'i

Under 201M-7(a), the following is a list of rules describing the specific public purpose or interest for adopting the respective rules that affect small business, during the period of July 1, 2023 through June 30, 2025, with reasons for justifying the rules' continued implementation:

### Department of Parks and Recreation (DPR)

**1. Rules and Regulations Governing the Operation of Concessionaires at the Spouting Horn Park**

Justification – The Department proposes to establish uniform regulations for the operation of Concessionaires at the Spouting Horn Park and uniform processes to acquire a Contract to operate a Concession at the Spouting Horn Park.

Department of Liquor Control Commission

**2. Rules and Regulations of the Liquor Control Commission of the County of Kaua'i**

Justification – It is anticipated that changes will be required based on pending state legislation. This agency will engage those impacted by potential rules changes and the SBRRB as necessary.

The Planning Department

**3. Special Management Area Rules and Regulations**

Justification – This rule amendment will impact small businesses, and the Planning Department will seek SBRRB review.

The Finance Department

**4. Real Property Tax Classification Rules**

Justification – This is due to amendments of Kaua'i County Code Section 5A-1.1 et seq. as it relates to real property use for tax purposes. The amendment may impact small businesses, and more analysis will occur when drafting begins.



Department of Business, Economic Development & Tourism  
**Small Business Regulatory Review Board**

***No. 1 Capitol District Building  
250 South Hotel Street, 5<sup>th</sup> Floor  
Honolulu, Hawaii 96813  
Telephone (808) 798-0737  
Website: [sbrrb.hawaii.gov](http://sbrrb.hawaii.gov)  
Email: [DBEDT.sbrrb.info@hawaii.gov](mailto:DBEDT.sbrrb.info@hawaii.gov)***

## **V. Legislative Matters**

### **A. Discussion and Update on the following legislative matters:**

- 1. House Bill 2606 HD2 Relating to Off-Site Construction**  
–Establishes a working group within the State Building Code Council to develop proposals for an off-site construction program. Appropriates funds.

# HB2606 HD2 SD1

**Measure Title:** RELATING TO OFF-SITE CONSTRUCTION.

**Report Title:** State Building Code Council; Off-site Construction; Working Group; Report; Appropriation (\$)

**Description:** Implements certain recommendations of the SPEED Task Force. Establishes a working group within the State Building Code Council to develop proposals for an off-site construction program. Requires a report to the Legislature. Appropriates funds. Effective 7/1/2055. (SD1)

**Companion:**

**Package:** None



**Current Referral:** PSM, WAM

**Introducer(s):** KEOHOKAPU-LEE LOY, AMATO, COCHRAN, EVSLIN, HARTSFIELD, HUSSEY, KAHALOA, KILA, LOWEN, MARTEN, MORIKAWA, OLDS, TAKAYAMA, TAM, TARNAS

## Measure Status History

[Sort by Date](#)

Date	Chamber	Status Text
5/1/2026	S	Conference committee meeting to reconvene on 05-01-26 5:49 PM; Conference Room 016.
5/1/2026	S	Conference committee meeting to reconvene on 05-01-26 5:20 PM; Conference Room 016.
5/1/2026	H	Conference Committee Meeting will reconvene on Friday, 05-01-26 at 4:30PM in Conference Room 016.
5/1/2026	H	Conference Committee Meeting will reconvene on Friday, 05-01-26 at 2:41PM in Conference Room 329.

4/30/2026	H	Conference Committee Meeting will reconvene on Friday 05-01-26 10:30AM in conference room 224.
4/29/2026	H	Conference Committee Meeting will reconvene on Thursday 04-30-26 10:30AM in conference room 224.
4/28/2026	H	Conference Committee Meeting will reconvene on Wednesday 04-29-26 10:30AM in conference room 224.
4/27/2026	H	Conference Committee Meeting will reconvene on Tuesday 04-28-26 10:15AM in conference room 224.
4/24/2026	H	Bill scheduled for Conference Committee Meeting on Monday, 04-27-26 10:25AM in conference room 224.
4/23/2026	H	Received notice of Senate conferees (Sen. Com. No. 725).
4/22/2026	S	Senate Conferees Appointed: Fukunaga Chair; Hashimoto Co-Chair; Inouye.
4/20/2026	S	Received notice of appointment of House conferees (Hse. Com. No. 786).
4/20/2026	H	House Conferees Appointed: Evslin, Hashem, Miyake Co-Chairs; Pierick.
4/16/2026	S	Received notice of disagreement (Hse. Com. No. 599).
4/14/2026	H	House disagrees with Senate amendment (s).
4/10/2026	H	Returned from Senate (Sen. Com. No. 563) in amended form (SD 1).
4/10/2026	S	Report Adopted; Passed Third Reading. Ayes, 25; Aye(s) with reservations: none. Noes, 0 (none). Excused, 0 (none). Transmitted to House.
4/9/2026	S	One Day Notice 04-10-26.
4/9/2026	S	Reported from WAM (Stand. Com. Rep. No. 3633) with recommendation of passage on Third Reading.
4/7/2026	S	The committee(s) on WAM recommend(s) that the measure be PASSED, UNAMENDED. The votes in WAM were as follows: 12 Aye(s): Senator(s) Dela Cruz, Moriwaki, DeCoite, Elefante, Hashimoto, Inouye, Kanuha, Kidani, Kim, Richards, Wakai, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Lee, C..
4/2/2026	S	The committee(s) on WAM will hold a public decision making on 04-07-26 10:31AM; Conference Room 211 & Videoconference.



3/30/2026	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.
3/30/2026	S	Reported from PSM (Stand. Com. Rep. No. 3232) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.
3/23/2026	S	The committee(s) on PSM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in PSM were as follows: 4 Aye(s): Senator(s) Fukunaga, Lee, C., Hashimoto, DeCorte; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Inouye.
3/16/2026	S	The committee(s) on PSM has scheduled a public hearing on 03-23-26 3:01PM; Conference Room 016 & Videoconference.
3/10/2026	S	Referred to PSM, WAM.
3/6/2026	S	Passed First Reading.
3/6/2026	S	Received from House (Hse. Com. No. 125).
3/5/2026	H	Passed Third Reading with none voting aye with reservations; none voting no (0) and Representative(s) Perruso excused (1). Transmitted to Senate.
3/5/2026	H	Reported from FIN (Stand. Com. Rep. No. 857-26), recommending passage on Third Reading.
3/2/2026	H	The committee on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 15 Ayes: Representative(s) Todd, Takenouchi, Hartsfield, Hussey, Keohokapu-Lee Loy, Kitagawa, Kusch, Lee, M., Miyake, Morikawa, Perruso, Templo, Yamashita, Gedeon, Reyes Oda; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) Alcos.
2/27/2026	H	Bill scheduled for decision making on Monday, 03-02-26 10:00AM in conference room 308 VIA VIDEOCONFERENCE.
2/27/2026	H	The committee(s) on FIN recommend(s) that the measure be deferred until 03-02-26.
2/24/2026	H	Bill scheduled to be heard by FIN on Friday, 02-27-26 2:00PM in House conference room 308 VIA VIDEOCONFERENCE.
2/20/2026	H	Report adopted; referred to the committee(s) on FIN as amended in HD 2 with none voting aye with reservations; none voting no (0) and Representative(s) Quinlan excused (1).



2/20/2026	H	Reported from WAL (Stand. Com. Rep. No. 703-26) as amended in HD 2, recommending referral to FIN.
2/19/2026	H	The committee on WAL recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 9 Ayes: Representative(s) Hashem, Morikawa, Belatti, Ichiyama, Iwamoto, Poepoe, Woodson, Shimizu, Souza; Ayes with reservations: none; 0 Noes: none; and 0 Excused: none.
2/13/2026	H	Bill scheduled to be heard by WAL on Thursday, 02-19-26 9:00AM in House conference room 411 VIA VIDEOCONFERENCE.
2/11/2026	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on WAL with none voting aye with reservations; none voting no (0) and Representative(s) Holt excused (1).
2/11/2026	H	Reported from HSG (Stand. Com. Rep. No. 137-26) as amended in HD 1, recommending passage on Second Reading and referral to WAL.
2/6/2026	H	The committee on HSG recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 8 Ayes: Representative(s) Evslin, Miyake, Cochran, Grandinetti, Kila, Kitagawa, Muraoka, Pierick; Ayes with reservations: none; 0 Noes: none; and 1 Excused: Representative(s) La Chica.
2/3/2026	H	Bill scheduled to be heard by HSG on Friday, 02-06-26 9:30AM in House conference room 430 VIA VIDEOCONFERENCE.
2/2/2026	H	Referred to HSG, WAL, FIN, referral sheet 6
1/28/2026	H	Introduced and Pass First Reading.



**S** = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.