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## A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1           SECTION 1. Section 149A-2, Hawaii Revised Statutes, is  
2 amended by adding a new definition to read as follows:

3           "Structural pesticide applicator" means a commercial  
4 pesticide applicator that is validly certified for structural  
5 fumigation by the department of agriculture."

6           SECTION 2. Section 149A-11, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8           "(b) It shall be unlawful to:

9           (1) Detach, alter, deface, or destroy, in whole or in  
10 part, any label or alter any labeling of a pesticide  
11 unless it is approved by the department to correct an  
12 improper label or labeling under section 24(c),  
13 FIFRA[-];

14           (2) Add any substance to, or take any substance from, a  
15 pesticide in a manner that may defeat the purpose of  
16 this chapter[-];

17           (3) Use for a person's own advantage or to reveal any  
18 information relative to formulas of products acquired



1 in the administration of this chapter, to persons  
2 other than to the chairperson or proper officials or  
3 employees of the State or the federal government; to  
4 the courts of this State or the federal government in  
5 response to a subpoena; to physicians; or, in  
6 emergencies, to pharmacists and other qualified  
7 persons for use in the preparation of antidotes[-];  
8 (4) For any pesticide dealer, wholesaler, or retailer to  
9 expose or to offer for sale or to solicit or receive  
10 orders for the sale of restricted use pesticides  
11 unless the dealer, wholesaler, or retailer has applied  
12 for and has obtained a license from the department[-];  
13 (5) For any pesticide dealer, wholesaler, or retailer to  
14 expose or to offer for sale or to solicit or receive  
15 orders for the sale of restricted use pesticides to  
16 any person other than a certified pesticide  
17 applicator[-];  
18 (6) For any pesticide dealer, wholesaler, or retailer to  
19 make any verbal or written claim or representation  
20 relating to any pesticide product that is inconsistent  
21 with the specific pesticide product label[-]; and



1        (7) For any pesticide dealer to expose or to offer for  
 2        sale or to solicit or receive orders for the sale of  
 3        restricted use pesticides to a structural pesticide  
 4        applicator unless the applicator is directly employed  
 5        or supervised by a pest control operator licensed  
 6        under chapter 460J; provided that the pesticide dealer  
 7        shall be required to confirm the validity of the pest  
 8        control operator's license no less than once every one  
 9        hundred twenty days."

10        SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

Tom Blower

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**Report Title:**

Pesticide dealer; sale to structural pesticide applicator

**Description:**

Prohibits the sale of restricted use pesticides by a pesticide dealer to a structural pesticide applicator unless the applicator is directly employed or supervised by a pest control operator validly licensed under Chapter 460J.

