
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 "Pest control operator" means a commercial pesticide
4 applicator who possesses a valid license for pest control under
5 chapter 460J."

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 to, offer for sale
2 to, or solicit or receive orders for the sale of
3 restricted use pesticides from any person certified in
4 structural pest control category 7(a), 7(b), or 7(c),
5 as established by rule, or to any person under the
6 supervision of a person certified in structural pest
7 control category 7(a), 7(b), or 7(c), unless the
8 certified applicator or the person under the
9 supervision of a certified applicator is employed by a
10 pest control operator."

11 SECTION 3. Section 149A-31, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **§149A-31 Prohibited acts.** No person shall:

- 14 (1) Use any pesticide in a manner inconsistent with its
15 label, except that it shall not be unlawful to:
- 16 (A) Apply a pesticide at any dosage, concentration,
17 or frequency less than that specified on the
18 label or labeling; provided that the efficacy of
19 the pesticide is maintained and further provided
20 that, when a pesticide is applied by a commercial
21 applicator, the deviation from the label



- 1 recommendations must be with the consent of the
2 purchaser of the pesticide application services;
- 3 (B) Apply a pesticide against any target pest not
4 specified in the labeling if the application is
5 to a crop, animal, or site specified on the label
6 or labeling; provided that the label or labeling
7 does not specifically prohibit the use on pests
8 other than those listed on the label or labeling;
- 9 (C) Employ any method of application not prohibited
10 by the labeling;
- 11 (D) Mix a pesticide or pesticides with a fertilizer
12 when such mixture is not prohibited by the label
13 or labeling; or
- 14 (E) Use in a manner determined by rule not to be an
15 unlawful act;
- 16 (2) Use, store, transport, or discard any pesticide or
17 pesticide container in any manner which would have
18 unreasonable adverse effects on the environment;
- 19 (3) Use or apply restricted use pesticides unless the
20 person is a certified pesticide applicator or under
21 the direct supervision of a certified pesticide
22 applicator with a valid certificate issued pursuant to



1 rules adopted under section 149A-33(1); provided
2 further that a person certified in structural pest
3 control category 7(a), 7(b), or 7(c), as established
4 by rule, shall not use or apply a restricted use
5 pesticide unless the certified applicator is employed
6 by a pest control operator;

7 (4) Use or apply pesticides in any manner that has been
8 suspended, canceled, or restricted pursuant to section
9 149A-32.5;

10 (5) Falsify any record or report required to be made or
11 maintained by rules adopted pursuant to this chapter;
12 or

13 (6) Fill with water, through a hose, pipe or other similar
14 transmission system, any tank, implement, apparatus,
15 or equipment used to disperse pesticides, unless the
16 tank, implement, apparatus, equipment, hose, pipe or
17 other similar transmission system is equipped with an
18 air gap or a reduced-pressure principle backflow
19 device meeting the requirements under section 340E-2
20 and the rules adopted thereunder."

21 SECTION 4. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Pesticide Dealer; Restricted Use Pesticides; Sales

Description:

Prohibits the sale of restricted use pesticides by a pesticide dealer to a certified pest control applicator or certified structural pest control applicator unless the persons are employed or supervised by a pest control operator validly licensed under chapter 460J (pest control operator law). (HD1)

