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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 "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        Hawaii Administrative Rules, or to any person under  
6        the supervision of a person certified in structural  
7        pest control category 7(a), 7(b), or 7(c), Hawaii  
8        Administrative Rules, unless the certified applicator  
9        or the person under the supervision of a certified  
10       applicator is employed by a 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 that  
2 a person certified in structural pest control category  
3 7(a), 7(b), or 7(c), Hawaii Administrative Rules,  
4 shall not use or apply a restricted use pesticide  
5 unless the certified applicator is employed by a pest  
6 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."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect July 1, 2020.



**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).  
(HB1641 HD2)

