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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 is required to possess a valid license for pest  
5 control under 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[-]; or



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 to any pest control operator  
4        or to an employee of the pest control operator acting  
5        on the pest control operator's behalf without  
6        satisfactory proof that the pest control operator  
7        holds, or has held within the previous one hundred  
8        twenty days, a pest control license and, when  
9        applicable, without satisfactory proof that the  
10       employee is employed by the 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           it shall be prohibited to use or apply a restricted  
3           use pesticide for structural pest control uses for a  
4           fee or trading of services, unless the user or  
5           applicator is a pest control operator or is employed  
6           by a pest control operator licensed under chapter  
7           460J;

8           (4) Use or apply pesticides in any manner that has been  
9           suspended, canceled, or restricted pursuant to section  
10          149A-32.5;

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

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



**Report Title:**

Pesticide Dealer; Restricted Use Pesticides; Sales

**Description:**

Prohibits the sale, solicitation, or receipt of orders for restricted use pesticides to an unlicensed pest control applicator or employee of the applicator. (SD2)

