
A BILL FOR AN ACT

RELATING TO WORKFORCE HEALTH.

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

1 SECTION 1. The legislature finds that the State of Hawaii
2 needs to implement mandatory testing of workers who handle
3 restricted use pesticides. Health risks may be reduced through
4 early recognition and reporting of suspected pesticide-related
5 illnesses.

6 The purpose of this Act is to implement a requirement that
7 all workers who handle restricted use pesticides undergo
8 mandatory medical checks by the department of health.

9 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
10 amended by adding a new part to be appropriately designated and
11 to read as follows:

12 **"PART . WORKFORCE HEALTH**

13 **§321- Definitions.** As used in this part, the following
14 words have the following meanings:

15 "Employment" means any worker on a full-time basis with a
16 normal workweek of twenty hours or more.



1 "Worker" means commercial pesticide applicator, certified
2 pesticide applicator, pest control operator, private pesticide
3 applicator, or any other individual that handles the application
4 of restricted use pesticides.

5 **§321- Medical checks for at-risk workers.** (a) The
6 department shall mandate medical testing for workers who handle
7 restricted use pesticides in accordance with the principles
8 stated in this section.

9 (b) Testing shall be covered by insurance under section
10 87A-15, or through insurers issuing comprehensive medical plans
11 under part I of article 10A of chapter 431 or mutual benefit
12 societies under article 1 of chapter 432.

13 (c) Testing shall be performed in accordance with
14 protocols for healthcare providers and shall include, but is not
15 limited to:

- 16 (1) Performing a test prior to the commencement of
17 employment;
- 18 (2) Testing each year for the duration of a worker's
19 employment as part of the worker's yearly medical
20 examination; and,
- 21 (3) Performing a test upon termination of employment.



1 (d) The department shall submit an annual report to the
2 legislature no later than twenty days prior to the convening of
3 each regular session, beginning with the regular session of
4 2018. The annual report shall not include any personally
5 identifiable information of any participant, but shall include:

- 6 (1) The total number of workers;
- 7 (2) The geographic radius of workers;
- 8 (3) Demographics of workers;
- 9 (4) Length of time workers have been in their employment
10 position; and
- 11 (5) Levels of pesticide exposure found in workers.

12 (e) Workers' information and test results shall remain
13 anonymous and confidential, notwithstanding that the information
14 shall be subject to health surveillance pursuant to chapter 324;
15 provided that all information transmitted and reported be in
16 compliance with The Health Insurance Portability and
17 Accountability Act of 1996, P.L. 104-191.

18 (f) A worker may be exempt from testing on the grounds
19 that it conflicts with that person's bona fide religious tenets
20 and practices.



1 (g) The department may adopt rules pursuant to chapter 91
2 to effectuate this section."

3 SECTION 3. This Act shall take effect upon its approval.

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H.B. NO. 1503

Report Title:

Pesticides; Medical Testing; Health; Pesticide spraying;
Pesticide workers.

Description:

Establishes a requirement that all workers who handle restricted use pesticides are to undergo mandatory medical checks by the department of health.

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