

JAN 22 2021

A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1 SECTION 1. The legislature finds that enforcement of
2 Hawaii pesticide law, including timely and routine inspections
3 and compliance investigations of potential misuse of pesticides,
4 are crucial to protecting public health and ensuring public
5 confidence in the State's oversight of pesticide use.

6 Accordingly, the purpose of this Act is to protect the
7 State's residents and environment and ensure more stringent
8 enforcement of Hawaii pesticide law by increasing monetary fines
9 for pesticide violations.

10 SECTION 2. Section 149A-41, Hawaii Revised Statutes, is
11 amended by amending subsections (b) and (c) to read as follows:

12 "(b) Administrative penalties.

13 (1) In general, any registrant, commercial applicator,
14 wholesaler, dealer, retailer, or other distributor who
15 violates any provision of this chapter may be assessed
16 an administrative penalty by the board of not more
17 than [~~\$5,000~~] \$10,000 for each offense;



S.B. NO. 499

- 1 (2) Any private applicator or other person not included in
2 paragraph (1) who violates any provision of this
3 chapter relating to the use of pesticides while on
4 property owned or rented by that person or the
5 person's employer, subsequent to receiving a written
6 warning from the department or following a citation
7 for a prior violation, may be assessed an
8 administrative penalty by the board of not more than
9 [~~\$1,000~~] \$5,000 for each offense. Any private
10 applicator or other person not included in paragraph
11 (1) who violates any provision of this chapter
12 relating to licensing, transport, sale, distribution,
13 or application of a pesticide for commercial purposes
14 may be assessed an administrative penalty as provided
15 in paragraph (1);
- 16 (3) No administrative penalty shall be assessed unless the
17 person charged shall have been given notice and an
18 opportunity for a hearing on the specific charge in
19 the county of the residence of the person charged.
20 The administrative penalty and any proposed action
21 contained in the notice of finding of violation shall



1 become a final order unless, within twenty days of
2 receipt of the notice, the person or persons charged
3 make a written request for a hearing. In determining
4 the amount of penalty, the board shall consider the
5 appropriateness of the penalty to the size of the
6 business of the person charged, the effect on the
7 person's ability to continue business, and the gravity
8 of the violation; and

9 (4) In case of inability to collect the administrative
10 penalty or failure of any person to pay all or such
11 portion of the administrative penalty as the board may
12 determine, the board shall refer the matter to the
13 attorney general, who shall recover the amount by
14 action in the appropriate court. For any judicial
15 proceeding to recover the administrative penalty
16 imposed, the attorney general need only show that
17 notice was given, a hearing was held or the time
18 granted for requesting a hearing has expired without
19 such a request, the administrative penalty was
20 imposed, and that the penalty remains unpaid.

21 (c) Criminal penalties.



S.B. NO. 499

1 (1) In general, any registrant, commercial applicator,
2 wholesaler, dealer, retailer, or other distributor who
3 knowingly violates any provision of this chapter shall
4 be guilty of a misdemeanor and shall on conviction be
5 fined not more than [~~\$25,000,~~] \$35,000 or imprisoned
6 for not more than one year, or both.

7 (2) Any private applicator or other person not included in
8 paragraph (1) who knowingly violates any provision of
9 this chapter shall be guilty of a misdemeanor and
10 shall on conviction be fined not more than [~~\$1,000,~~]
11 \$5,000 or imprisoned for not more than one year, or
12 both.

13 (3) Any person, who, with intent to defraud, uses or
14 reveals information relative to formulas of products
15 acquired under the authority of section 3, Federal
16 Insecticide, Fungicide, and Rodenticide Act (FIFRA),
17 as amended, shall be fined not more than \$10,000, or
18 imprisoned for not more than three years, or both."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



S.B. NO. 499

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.

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INTRODUCED BY: 



S.B. NO. 499

Report Title:

Pesticides; Violations; Penalty; Fines

Description:

Increases administrative and criminal penalties for those who violate the Hawaii pesticides law.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

