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# A BILL FOR AN ACT

RELATING TO VESSELS.

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

1           SECTION 1. The legislature finds that it is important to  
2 address the negative impacts of boat fumigation, a practice used  
3 for pest control that has significant consequences for human  
4 health and the environment. The chemicals used are also harmful  
5 to non-target species, including wildlife and aquatic life. The  
6 release of these toxins into the air and water can have long-  
7 lasting negative effects on the ecosystems in which they are  
8 used.

9           The purpose of this Act is to protect human and marine  
10 health and the environment by requiring boats to be placed on  
11 dry land before fumigation or, if it is necessary to fumigate a  
12 boat while it remains on the ocean, to obtain an exemption that  
13 requires the boat to be fully covered and sealed.

14           SECTION 2. Chapter 200, Hawaii Revised Statutes, is  
15 amended by adding a new section to part I to be appropriately  
16 designated and to read as follows:



1        "§200-        **Fumigation of vessels; prohibition; exemption.**

2        (a) No vessel shall be fumigated on ocean waters; provided that  
3        the owner of a vessel that requires fumigation on ocean waters  
4        may apply to the division for an exemption.

5        (b) In evaluating a request for an exemption, the division  
6        may consider various circumstances, including an inability to  
7        dock the vessel on dry land.

8        (c) Any vessel granted an exemption shall be fully covered  
9        and sealed while being fumigated and for any period of time  
10       thereafter needed to prevent fumigant or other chemicals from  
11       entering ocean waters.

12       (d) The division may adopt rules pursuant to chapter 91 to  
13       implement this section.

14       (e) As used in this section:

15       "Division" means the division of boating and ocean  
16       recreation of the department of land and natural resources.

17       "Fumigate" or "fumigation" means the use of any substance  
18       or substances that emit or liberate gases, fumes, or vapors that  
19       may be used for the destruction or control of insects, vermin,  
20       rodents, or other pests, which, in the opinion of the board, may



1 be lethal, poisonous, noxious, or dangerous to human or marine  
2 life, and is typically accomplished by tenting.

3 "Vessel" has the same meaning as in section 200-6(b)."

4 SECTION 3. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on June 30, 3000.

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**Report Title:**

Vessels; Fumigation; Prohibition; Exemption

**Description:**

Prohibits a vessel from being fumigated on ocean waters. Allows an owner whose vessel is required to be fumigated on ocean waters to apply for an exemption from the division of boating and ocean recreation. Requires any vessel granted an exemption to be fully covered and sealed while being fumigated and for any period of time thereafter needed to prevent fumigant or other chemicals from entering ocean waters. Effective 6/30/3000.  
(HD1)

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

