HOUSE OF REPRESENTATIVES THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII

H.B. NO. ⁶⁹² H.D. 1 S.D. 1 C.D. 1

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 the 2 Hawaii pesticides 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 State's residents and environment and ensure more stringent 7 8 enforcement of the Hawaii pesticides law by increasing monetary

9 fines 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;

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1 Any private applicator or other person not included in (2) 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 warning from the department or following a citation 6 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

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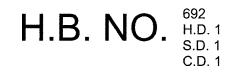
1 become a final order unless, within twenty days of 2 receipt of the notice, the person or persons charged 3 make a written request for a hearing. In determining 4 the amount of penalty, the board shall consider the 5 appropriateness of the penalty to the size of the 6 business of the person charged, 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 penalty or failure of any person to pay all or such 10 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.

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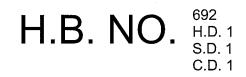
1 In general, any registrant, commercial applicator, (1)wholesaler, dealer, retailer, or other distributor who 2 3 knowingly violates any provision of this chapter shall 4 be guilty of a misdemeanor and shall on conviction be fined not more than [\$25,000,] \$35,000 or imprisoned 5 for not more than one year, or both. 6 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 $[\frac{1}{2},000,7]$ 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.

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SECTION 4. Statutory material to be repealed is bracketed
 and stricken. New statutory material is underscored.
 SECTION 5. This Act shall take effect on July 1, 2023.





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Report Title: Pesticides; Violations; Penalty; Fines

Description: Increases the maximum administrative and criminal penalties for violators of the Hawaii pesticides law. (CD1)

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