
A BILL FOR AN ACT

RELATING TO NEONICOTINOIDS.

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 two new definitions to be appropriately
3 inserted and to read as follows:

4 "Neonicotinoid pesticide" means a pesticide containing
5 acetamiprid, clothianidin, dinotefuran, imidacloprid,
6 thiamethoxam, or any other chemical designated by the department
7 as belonging to the neonicotinoid class of chemicals.

8 "Rapid response" means immediate action taken by state or
9 authorized personnel to prevent, contain, or eradicate invasive
10 or destructive species that pose a significant threat to
11 agriculture, natural resources, or public health."

12 SECTION 2. Section 149A-31, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§149A-31 Prohibited acts.** No person shall:

15 (1) Use any pesticide in a manner inconsistent with its
16 label, except that it shall not be unlawful to:



- 1 (A) Apply a pesticide at any dosage, concentration,
2 or frequency less than that specified on the
3 label or labeling; provided that the efficacy of
4 the pesticide is maintained; provided further
5 that when a pesticide is applied by a commercial
6 applicator, the deviation from the label
7 recommendations shall be with the consent of the
8 purchaser of the pesticide application services;
- 9 (B) Apply a pesticide against any target pest not
10 specified in the labeling if the application is
11 to a crop, animal, or site specified on the label
12 or labeling; provided that the label or labeling
13 does not specifically prohibit the use on pests
14 other than those listed on the label or labeling;
- 15 (C) Employ any method of application not prohibited
16 by the labeling;
- 17 (D) Mix a pesticide or pesticides with a fertilizer
18 when the mixture is not prohibited by the label
19 or labeling; or
- 20 (E) Use in a manner determined by rule not to be an
21 unlawful act;



- 1 (2) Use, store, transport, or discard any pesticide or
2 pesticide container in any manner that would have
3 unreasonable adverse effects on the environment;
- 4 (3) Use or apply restricted use pesticides unless the
5 person is a certified pesticide applicator or under
6 the direct supervision of a certified pesticide
7 applicator with a valid certificate issued pursuant to
8 rules adopted under section 149A-33(1); provided that
9 it shall be prohibited to use or apply a restricted
10 use pesticide for structural pest control uses for a
11 fee or trading of services, unless the user or
12 applicator is a pest control operator or is employed
13 by a pest control operator licensed under chapter
14 460J;
- 15 (4) Use or apply pesticides in any manner that has been
16 suspended, canceled, or restricted pursuant to section
17 149A-32.5;
- 18 (5) Falsify any record or report required to be made or
19 maintained by rules adopted pursuant to this chapter;
- 20 (6) Fill with water, through a hose, pipe, or other
21 similar transmission system, any tank, implement,



1 apparatus, or equipment used to disperse pesticides,
2 unless the tank, implement, apparatus, equipment,
3 hose, pipe, or other similar transmission system is
4 equipped with an air gap or a reduced-pressure
5 principle backflow device meeting the requirements
6 under section 340E-2 and the rules adopted thereunder;

7 [~~or~~]

8 (7) Beginning January 1, 2019, use or apply any pesticide
9 containing chlorpyrifos as an active ingredient;
10 provided that:

11 (A) The department shall grant to any person, upon
12 request, a temporary permit authorizing the
13 person, until December 31, 2022, to use or apply
14 a pesticide containing chlorpyrifos as an active
15 ingredient; and

16 (B) Any person who violates this paragraph shall be
17 subject to a penalty pursuant to section 149A-
18 41[~~-~~]; or

19 (8) Beginning January 1, 2027, sell, possess, or use a
20 pesticide containing one or more neonicotinoid
21 pesticides, with the exception of use and possession



1 by certified pesticide applicators; sale by pest
2 control operators licensed under chapter 460J; use by
3 the department or other authorized state agency when
4 engaged in rapid response efforts to control invasive
5 or destructive species; and sale, distribution,
6 possession, or use of seeds treated with neonicotinoid
7 pesticides; provided that the department shall:

8 (A) Evaluate, at a minimum, the potential impacts of
9 the neonicotinoid pesticide use authorized by
10 this paragraph on pollinating insects, native
11 migratory and resident birds, aquatic organisms,
12 and human health, taking into account relevant
13 routes of exposure, including ingestion of
14 neonicotinoid-pesticide coated seeds and any
15 depletion of beneficial insects resulting from
16 their use, as follows:

17 (i) On or before January 1, 2028, the department
18 shall issue a draft human health risk
19 assessment of imidacloprid;

20 (ii) On or before July 1, 2028, the department
21 shall initiate a reevaluation of



- 1 neonicotinoid pesticides related to
2 pollinating insects, aquatic organisms, and
3 human health, taking into account relevant
4 routes of exposure;
- 5 (iii) On or before January 1, 2028, the department
6 shall issue a final human health risk
7 assessment for imidacloprid;
- 8 (iv) On or before January 1, 2028, the department
9 shall issue draft human health risk
10 assessments for acetamiprid, clothianidin,
11 dinotefuran, thiamethoxam, or any other
12 chemical designated by the department as
13 belonging to the neonicotinoid class of
14 chemicals other than imidacloprid;
- 15 (v) On or before July 1, 2028, the department
16 shall issue an evaluation of the impact of
17 neonicotinoid pesticides on aquatic
18 organisms;
- 19 (vi) On or before January 1, 2029, the department
20 shall issue final human health risk
21 assessments for acetamiprid, clothianidin,



1 dinotefuran, thiamethoxam, or any other
2 chemical designated by the department as
3 belonging to the neonicotinoid class of
4 chemicals other than imidacloprid; and
5 (vii) On or before July 1, 2030, the department
6 shall issue a determination with respect to
7 the reevaluation of neonicotinoid pesticides
8 on their impacts to pollinating insects,
9 aquatic organisms, and human health;
10 (B) On or before July 1, 2032, adopt any necessary
11 control measures for the use of neonicotinoid
12 pesticides that are determined by the department
13 to be necessary, based on the evaluations
14 pursuant to subparagraph (A);
15 (C) If the department is unable to meet any deadline
16 required pursuant to subparagraph (A) or (B),
17 submit a report to the appropriate standing
18 committees of the legislature setting forth the
19 reasons the deadline or deadlines have not been
20 met;



1 (D) In performing the evaluations pursuant to
2 subparagraph (A), consider the cumulative impacts
3 of exposure to multiple neonicotinoid pesticides,
4 unless the department can demonstrate with
5 substantial evidence that one or more
6 neonicotinoid pesticides do not share a common
7 mechanism of toxicity and do not present risk of
8 cumulative harm; provided further that the
9 synergistic impacts of exposure to two or more
10 neonicotinoid pesticides not sharing a method of
11 action shall be considered in lieu of the
12 cumulative impacts.

13 For the purposes of this subparagraph:

14 "Cumulative impacts of exposure" means the
15 collective impact of exposure to two or more
16 neonicotinoid pesticides.

17 "Synergistic impacts of exposure" means the
18 collective impact of exposure to two or more
19 neonicotinoid pesticides that do not share a
20 common mechanism of toxicity; and



1 (E) Not be required to conduct a reevaluation of any
2 use of neonicotinoid pesticides for the
3 protection of agricultural commodities as defined
4 in section 145-21, excluding the use of
5 neonicotinoid pesticides as seed coatings for
6 commodity and specialty crops."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Neonicotinoid Pesticides; Prohibition; Department of Agriculture and Biosecurity; Evaluations

Description:

Beginning 1/1/2027, prohibits the sale, possession, or use of a pesticide containing one or more neonicotinoid pesticides, under certain conditions. Requires the Department of Agriculture and Biosecurity to evaluate the potential impacts of and adopt any necessary control measures for neonicotinoid pesticide use on pollinating insects, native migratory and resident birds, aquatic organisms, and human health. Effective 7/1/2050. (SD1)

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