

ACT 31

H.B. NO. 2793-78

A Bill for an Act Relating to the Regulation of the Sale of Nonchemical Pest Control Devices in the State of Hawaii.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that in the past few years there has been an abundance of nonchemical pest control devices sold in the State. Many of these devices have not been objectively tested to determine whether the device is effective or poses actual or potential threats to human health and safety.

The purpose of this Act is to protect the public by requiring the manufacturers of such devices or their representatives to submit efficacy data for examination and review; provided such examination and review may require the furnishing of specimen material or samples as may be necessary for efficacy and safety determination and approval prior to the authorization for the sale of such devices in the State.

SECTION 2. Chapter 460J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 460J- Nonchemical pest control devices efficacy and safety data examination and testing; approval prior to sale of devices in the State.** (a) All manufacturers or their representatives intending to sell a nonchemical pest control device in the State shall submit efficacy and safety data prior to sale to the department of agriculture; provided such requirement for submission of efficacy

and safety data may include the furnishing of specimen devices or samples. The department or its designated representative shall conduct such examination and testing as may be necessary to ascertain the reliability, efficacy and safety data and actual or potential adverse effects upon human health and safety of such device. The department shall adopt and enforce rules pursuant to chapter 91 to carry out this section.

(b) Any person including a wholesaler, retailer, or pest control operator who sells a device which has not been approved for sale in the State as provided in subsection (a) shall be subject to penalty as provided in section 460J-27.

SECTION [3.]† 460J-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

- “( ) “Efficacy and safety data” means data from experiments conducted by qualified scientists to determine the efficacy and safety of a non-chemical pest control device.
- ( ) “Nonchemical pest control device” means any device that purports to eliminate or control pests by attracting, repelling, or killing pests without the use of chemicals. Such a device shall include, but not be limited to, electromagnetic waves, sound and ultrasound, cosmic, and other waves.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved April 17, 1978.)

†Bracketed matter added by Revisor to supply omission.

\*Edited accordingly.