
A BILL FOR AN ACT

RELATING TO THE HEALTH IMPACT OF PESTICIDES.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . PESTICIDE BUFFER ZONES AROUND SCHOOLS

5 §321-A Definitions. As used in this part, unless the
6 context clearly requires otherwise:

7 "Certified pesticide applicator" has the same meaning as
8 defined in section 149A-2.

9 "Commercial pesticide applicator" has the same meaning as
10 defined in section 149A-2.

11 "Department" means the department of health.

12 "Experimental use pesticide" means a pesticide whose use is
13 authorized by an experimental use permit by either the
14 Environmental Protection Agency or the department.

15 "General use pesticide" has the same meaning as defined in
16 section 149A-2.

17 "Health" means physical and mental health.



1 "Outdoor application" means an application of a pesticide
2 made outside of a building or enclosed structure. The term
3 excludes indoor applications of pesticides and structural or
4 termite application of pesticides, regardless of whether such
5 applications are applied inside or outside of a building or
6 enclosed structure.

7 "Pest control operator" has the same meaning as defined in
8 section 149A-2.

9 "Pesticide" has the same meaning as defined in section
10 149A-2.

11 "Restricted use pesticide" has the same meaning as defined
12 in section 149A-2.

13 **§321-B Pesticide buffer zones for schools.** (a) Beginning
14 on July 1, 2018, any entity or person that uses or purchases in
15 excess of _____ pounds or _____ gallons of restricted use
16 pesticides annually shall restrict the outdoor application of
17 all pesticides, including restricted use, general use, or
18 experimental use pesticides, to no closer than _____ feet from the
19 property line of any school.

20 (b) If a more restrictive standard is set forth in the
21 information contained on the label of the pesticide, or by other



1 regulations, including county ordinances or rules, the more
2 restrictive standard shall apply.

3 (c) Any entity or person subject to this section shall
4 ensure that prior to any outdoor application of pesticides
5 pursuant to subsection (a), the application site is positively
6 identified using a unique and verifiable method, including:

7 (1) An onboard, geo-referenced electronic mapping and
8 navigation system, such as the Global Positioning
9 System;

10 (2) Effective site markings visible to the pesticide
11 applicator; or

12 (3) Other methods approved by the department.

13 (d) Any entity or person that is subject to this section,
14 prior to any application of pesticides, shall provide the
15 certified pesticide applicator, commercial pesticide applicator,
16 or pest control operator with a site plan that includes a site
17 map that:

18 (1) Delineates the boundaries of the application area and
19 the property lines;

20 (2) Depicts the location of schools within feet of
21 the application areas; and



1 (3) Depicts the pesticide buffer zones for schools where
2 no pesticide application is allowed, as provided in
3 subsection (a).

4 **§321-C Exemptions.** Notwithstanding the provisions of this
5 part, any entity or person subject to section 321-B may obtain
6 from the department a single-use exemption from the prohibition
7 on outdoor applications of pesticides in pesticide buffer zones
8 for schools, as provided in subsection (a). The department
9 shall issue a single-use exemption if it determines that:

10 (1) The pest situation poses an immediate threat to human
11 health and the environment; and

12 (2) There is no viable alternative to the use of the
13 proposed pesticide.

14 **§321-D Rules.** The department of health shall adopt rules
15 pursuant to chapter 91 necessary to effectuate this part.

16 **§321-E County authority.** Nothing in this part shall be
17 construed to prohibit or preempt the authority of a unit of
18 local government in the State of Hawaii, including counties and
19 any other political subdivisions created under article VIII,
20 section 1, of the Hawaii State Constitution, to regulate
21 pesticide disclosure, notification, and use in a manner that is



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1 equivalent to or more restrictive than the provisions contained
2 in this part."

3 SECTION 2. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 3. In codifying the new sections added by section
10 1 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY:

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Report Title:

Pesticides; Buffer Zones; Schools

Description:

Establishes buffer zones around schools that restrict pesticide use by any entity or person.

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