JAN 2 2 2021

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
- Hawaii pesticide law, including timely and routine inspections 2
- 3 and compliance investigations of potential misuse of pesticides,
- are crucial to protecting public health and ensuring public 4
- 5 confidence in the State's oversight of pesticide use.
- 6 Accordingly, the purpose of this Act is to protect the
- 7 State's residents and environment and ensure more stringent
- enforcement of Hawaii pesticide law by increasing monetary fines
- 9 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;

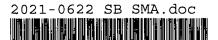


	(2)	Any privace applicator of other person not included in
2		paragraph (1) who violates any provision of this
3		chapter relating to the use of pesticides while on
4		property owned or rented by that person or the
5		person's employer, subsequent to receiving a written
6		warning from the department or following a citation
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		<pre>in paragraph (1);</pre>
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

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
10		penalty or failure of any person to pay all or such
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.



S.B. NO. 499

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

- (2) Any private applicator or other person not included in paragraph (1) who knowingly violates any provision of this chapter shall be guilty of a misdemeanor and shall on conviction be fined not more than [\$1,000,] \$5,000 or imprisoned for not more than one year, or both.
- (3) Any person, who, with intent to defraud, uses or reveals information relative to formulas of products acquired under the authority of section 3, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, shall be fined not more than \$10,000, or 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.

- 1 SECTION 4. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

Report Title:

Pesticides; Violations; Penalty; Fines

Description:

Increases administrative and criminal penalties for those who violate the Hawaii pesticides law.

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