

GOV. MSG. NO. 1323

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 5, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2023, the following bill was signed into law:

HB692 HD1 SD1 CD1

RELATING TO PESTICIDES.  
**ACT 220**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUL 5 2023

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  
7 State's residents and environment and ensure more stringent  
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;



1           (2) Any private applicator or 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          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



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.



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.

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 [~~\$1,000,~~]  
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."

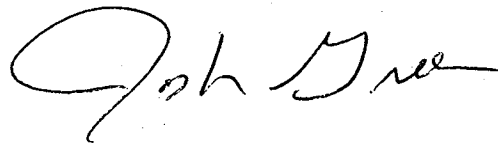
19 SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



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 on July 1, 2023.  
4

APPROVED this 5th day of July , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 692, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives

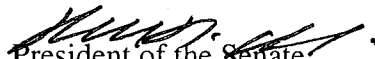



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 2, 2023  
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.

  
President of the Senate

  
Clerk of the Senate