

JAN 15 2025

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# A BILL FOR AN ACT

RELATING TO NEONICOTINOIDS.

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

1           SECTION 1. The legislature finds that neonicotinoid  
2 insecticides are neurotoxic insecticides that permanently bind  
3 to, and subsequently overstimulate and destroy, insect nerve  
4 cells. Neonicotinoids are the most widely used class of  
5 insecticides worldwide.

6           The legislature further finds that research overwhelmingly  
7 shows that neonicotinoid pesticides have destructive impacts on  
8 essential pollinator populations, killing bees, butterflies, and  
9 birds, and pose a serious threat to food systems, ecosystems,  
10 and public health. Growing scientific evidence also suggests  
11 that exposure to neonicotinoids can cause serious negative  
12 health consequences for humans.

13           Accordingly, the purpose of this Act is to:

14           (1) Classify neonicotinoid pesticides as restricted use  
15                 pesticides;



1 (2) Establish a non-exhaustive list of chemicals that  
2 shall belong to the neonicotinoid class of chemicals  
3 to be included under this classification;

4 (3) Prohibit the sale or use of any seed coated or treated  
5 with a neonicotinoid pesticide; and

6 (4) Require the department of agriculture to adopt rules  
7 that identify and regulate the most harmful  
8 neonicotinoid pesticide formulations and develop  
9 guidelines for safer alternatives to neonicotinoid  
10 pesticides.

11 SECTION 2. Section 149A-2, Hawaii Revised Statutes, is  
12 amended as follows:

13 1. By adding a new definition to be appropriately inserted  
14 and to read:

15 "Neonicotinoid pesticide" means any pesticide containing a  
16 chemical belong to the neonicotinoid class of chemicals,  
17 including but not limited to acetamiprid, clothianidin,  
18 dinotefuran, imidacloprid, nitenpyram, nithiazine, thiacloprid,  
19 thiamethoxam, or any other chemical designated by the EPA as  
20 belonging to the neonicotinoid class of chemicals.

21 "Neonicotinoid pesticide" does not include any wood preservative



1 pesticides or wood preservative products that contain  
2 neonicotinoid, other similar pesticides used to treat wood  
3 products, or pesticides used by the structural pest control  
4 industry for household pests in and around residences."

5 2. By amending the definition of "restricted use  
6 pesticide" to read:

7 "'Restricted use pesticide" means:

8 (1) A pesticide or pesticide use classified by [the]:

9 (A) The Administrator[7] of the EPA[7] for use by  
10 certified applicators or competent persons under  
11 their direct supervision and so designated on its  
12 label; or

13 (B) The board for use by certified applicators or  
14 competent persons under their direct supervision;  
15 or

16 (2) A [~~pesticide or pesticide use classified by the board~~  
17 ~~for use by certified applicators or competent persons~~  
18 ~~under their direct supervision.] neonicotinoid  
19 pesticide."~~

20 SECTION 3. Section 149A-31, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       "§149A-31 **Prohibited acts.** No person shall:

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

4       (A) Apply a pesticide at any dosage, concentration,  
5       or frequency less than that specified on the  
6       label or labeling; provided that the efficacy of  
7       the pesticide is maintained; provided further  
8       that when a pesticide is applied by a commercial  
9       applicator, the deviation from the label  
10      recommendations shall be with the consent of the  
11      purchaser of the pesticide application services;

12      (B) Apply a pesticide against any target pest not  
13      specified in the labeling if the application is  
14      to a crop, animal, or site specified on the label  
15      or labeling; provided that the label or labeling  
16      does not specifically prohibit the use on pests  
17      other than those listed on the label or labeling;

18      (C) Employ any method of application not prohibited  
19      by the labeling;



1 (D) Mix a pesticide or pesticides with a fertilizer  
2 when the mixture is not prohibited by the label  
3 or labeling; or

4 (E) Use in a manner determined by rule not to be an  
5 unlawful act;

6 (2) Use, store, transport, or discard any pesticide or  
7 pesticide container in any manner that would have  
8 unreasonable adverse effects on the environment;

9 (3) Use or apply restricted use pesticides unless the  
10 person is a certified pesticide applicator or under  
11 the direct supervision of a certified pesticide  
12 applicator with a valid certificate issued pursuant to  
13 rules adopted under section 149A-33(1); provided that  
14 it shall be prohibited to use or apply a restricted  
15 use pesticide for structural pest control uses for a  
16 fee or trading of services, unless the user or  
17 applicator is a pest control operator or is employed  
18 by a pest control operator licensed under chapter  
19 460J;



- 1           (4) Use or apply pesticides in any manner that has been  
2                   suspended, canceled, or restricted pursuant to section  
3                   149A-32.5;
- 4           (5) Falsify any record or report required to be made or  
5                   maintained by rules adopted pursuant to this chapter;
- 6           (6) Fill with water, through a hose, pipe, or other  
7                   similar transmission system, any tank, implement,  
8                   apparatus, or equipment used to disperse pesticides,  
9                   unless the tank, implement, apparatus, equipment,  
10                  hose, pipe, or other similar transmission system is  
11                  equipped with an air gap or a reduced-pressure  
12                  principle backflow device meeting the requirements  
13                  under section 340E-2 and the rules adopted thereunder;  
14                  [~~or~~]
- 15          (7) Beginning January 1, 2019, use or apply any pesticide  
16                  containing chlorpyrifos as an active ingredient;  
17                  provided that:
- 18                  (A) The department shall grant to any person, upon  
19                          request, a temporary permit authorizing the  
20                          person, until December 31, 2022, to use or apply



1 a pesticide containing chlorpyrifos as an active  
2 ingredient; and

3 (B) Any person who violates this paragraph shall be  
4 subject to a penalty pursuant to section 149A-  
5 41[-]; or

6 (8) Beginning January 1, \_\_\_\_\_, sell or use in the State  
7 any seed coated or treated with a neonicotinoid  
8 pesticide."

9 SECTION 4. Section 149A-33, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§149A-33 Rules.** The department shall have the authority  
12 to carry out and effectuate the purpose of this chapter by  
13 rules, including but not limited to the following:

14 (1) To establish fees, procedures, conditions, and  
15 standards to certify persons for the use of restricted  
16 use pesticides under section 4 of FIFRA;

17 (2) To establish limitations and conditions for the  
18 application of pesticides by aircraft, power rigs,  
19 mist blowers, and other equipment;

20 (3) To establish, as necessary, specific standards and  
21 guidelines which specify those conditions which



- 1           constitute unreasonable adverse effects on the
- 2           environment;
- 3           (4) To establish, as necessary, record keeping
- 4           requirements for pesticide use by applicators; and
- 5           (5) To establish, as necessary, procedures for the
- 6           issuance of guidelines to specify those conditions
- 7           that constitute use of a pesticide in a manner
- 8           inconsistent with its label.

9   The department shall adopt rules that identify and regulate the  
10 most harmful neonicotinoid pesticide formulations and develop  
11 guidelines for safer alternatives to neonicotinoid pesticides."

12           SECTION 5. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14           SECTION 6. This Act shall take effect upon its approval.

15

INTRODUCED BY: Josmaria R. Anonuevo



# S.B. NO. 12

**Report Title:**

DOA; Neonicotinoid Pesticides; Restricted Use Pesticides;  
Prohibition; Seeds; Rules

**Description:**

Classifies neonicotinoid pesticides as restricted use pesticides and establishes a list of chemicals that shall belong to the neonicotinoid class of chemicals. Prohibits the sale or use of seeds coated or treated with neonicotinoid pesticides. Requires the Department of Agriculture to adopt rules that identify and regulate the most harmful neonicotinoid pesticide formulations and develop guidelines for safer alternatives.

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

