

ACT 105

H.B. NO. 673

A Bill for an Act Relating to Pesticides.

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

SECTION 1. The purpose of this Act is to better address the potential public health and environmental issues related to pesticides by requiring: the on-line publishing of certain restricted use pesticide records, reports, or forms; and a study of other states' reporting requirements for certain pesticides.

SECTION 2. Chapter 149A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§149A- Pesticide use; posting online. (a) The department shall publish on its website the public information contained in all restricted use pesticide records, reports, or forms submitted to the department, except those records, reports, or forms required by the department for restricted use pesticides used for structural pest control; provided that the department shall not post information on its website protected by section 92F-13.

(b) The department may prepare any forms necessary to meet the requirements of this section. In addition to any other administrative requirements, the department may also require the persons or entities filing pesticide records, reports, or forms to furnish an additional form that shall be suitable for posting online in response to requests pursuant to chapter 92F or title 5 United States Code section 552; provided that the additional form shall not require the disclosure of information protected by section 92F-13.

(c) For the purposes of this section, “structural pest control” means the control of wood-destroying organisms or household pests, including but not limited to moths, cockroaches, ants, beetles, flies, mosquitoes, ticks, wasps, bees, fleas, mites, silverfish, millipedes, centipedes, sowbugs, crickets, termites, or wood borers, including through any one or combination of the following:

- (1) The identification of infestations or infections; conducting of inspections; or use of pesticides, including insecticides, repellents, attractants, rodenticides, fungicides, fumigants, and all other substances, mechanical devices, or structural modifications under whatever name known for the purposes of preventing, controlling, and eradicating insects, vermin, rodents, and other pests in household structures, commercial buildings, other structures including household structures, commercial buildings, and other structures in all stages of construction, and outside areas;

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- (2) All phases of fumigation, including treatment of products by vacuum fumigation; or
- (3) The fumigation of railroad cars, trucks, ships, and airplanes.”

SECTION 3. (a) To the extent of any available information, the legislative reference bureau shall conduct a study on pesticides that includes: whether other states impose any type of reporting requirements on pesticides that do not fall within the definition of a restricted use pesticide; and if so, the details of the reporting requirement and any other relevant information, to the extent ascertainable.

(b) For purposes of this section, the term “restricted use pesticide” has the same meaning as in section 149A-2, Hawaii Revised Statutes.

(c) The legislative reference bureau shall submit a report to the legislature, no later than twenty days prior to the convening of the regular session of 2014, on its findings pursuant to subsection (a).

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2013.

(Approved June 14, 2013.)

Note

1. Edited pursuant to HRS §23G-16.5.