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## A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. The legislature finds that glyphosate-based  
2 pesticides, including Bayer AG's "Roundup," have been linked to  
3 increased risks of leukemia and non-Hodgkin's lymphoma. In  
4 2015, the World Health Organization's International Agency for  
5 Research on Cancer declared glyphosate a probable human  
6 carcinogen. Based on this declaration, thousands of consumers  
7 sued Bayer AG and its subsidiary, Monsanto, attributing their  
8 cancer diagnoses to the long-term use of Roundup and other  
9 glyphosate-based pesticides. Juries have awarded several  
10 multimillion- and one multibillion-dollar judgments against  
11 Monsanto and Bayer AG.

12           The legislature recognizes that multiple court rulings have  
13 held that Monsanto was aware of the substantial health risks of  
14 glyphosate and that the company failed to warn consumers. In  
15 2018, a jury awarded Dwayne Johnson more than \$289,000,000,  
16 holding Monsanto liable for his non-Hodgkin's lymphoma.  
17 Johnson, a groundskeeper and pest-control manager, had used



1 Roundup regularly for decades. Johnson was granted an expedited  
2 trial because he was so close to death. In March 2019, Edwin  
3 Hardeman was awarded \$80,000,000 by a federal jury who found  
4 that Roundup use was a substantial factor in his diagnosis of  
5 non-Hodkin's lymphoma. Hardeman used Roundup for more than  
6 thirty years, on multiple properties, to control poison oak. In  
7 May 2019, Alva and Alberta Pilliod were awarded a judgment of  
8 more than \$2,000,000,000 against Monsanto after both spouses  
9 developed non-Hodgkin's lymphoma. The jury found both Alva and  
10 Alberta's cancer diagnoses were linked to long-term Roundup use.

11 The purpose of this Act is to prohibit the use of  
12 glyphosate-based pesticides in the State, based on the  
13 substantial risks glyphosate poses to human health.

14 SECTION 2. Section 149A-31, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§149A-31 Prohibited acts.** No person shall:

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

19 (A) Apply a pesticide at any dosage, concentration,  
20 or frequency less than that specified on the  
21 label or labeling; provided that the efficacy of



1 the pesticide is maintained; provided further  
2 that when a pesticide is applied by a commercial  
3 applicator, the deviation from the label  
4 recommendations shall be with the consent of the  
5 purchaser of the pesticide application services;  
6 (B) Apply a pesticide against any target pest not  
7 specified in the labeling if the application is  
8 to a crop, animal, or site specified on the label  
9 or labeling; provided that the label or labeling  
10 does not specifically prohibit the use on pests  
11 other than those listed on the label or labeling;  
12 (C) Employ any method of application not prohibited  
13 by the labeling;  
14 (D) Mix a pesticide or pesticides with a fertilizer  
15 when the mixture is not prohibited by the label  
16 or labeling; or  
17 (E) Use in a manner determined by rule not to be an  
18 unlawful act;  
19 (2) Use, store, transport, or discard any pesticide or  
20 pesticide container in any manner that would have  
21 unreasonable adverse effects on the environment;



- 1           (3) Use or apply restricted use pesticides unless the  
2           person is a certified pesticide applicator or under  
3           the direct supervision of a certified pesticide  
4           applicator with a valid certificate issued pursuant to  
5           rules adopted under section 149A-33(1); provided that  
6           it shall be prohibited to use or apply a restricted  
7           use pesticide for structural pest control uses for a  
8           fee or trading of services, unless the user or  
9           applicator is a pest control operator or is employed  
10          by a pest control operator licensed under chapter  
11          460J;
- 12          (4) Use or apply pesticides in any manner that has been  
13          suspended, canceled, or restricted pursuant to section  
14          149A-32.5;
- 15          (5) Falsify any record or report required to be made or  
16          maintained by rules adopted pursuant to this chapter;
- 17          (6) Fill with water, through a hose, pipe, or other  
18          similar transmission system, any tank, implement,  
19          apparatus, or equipment used to disperse pesticides,  
20          unless the tank, implement, apparatus, equipment,  
21          hose, pipe, or other similar transmission system is



1 equipped with an air gap or a reduced-pressure  
2 principle backflow device meeting the requirements  
3 under section 340E-2 and the rules adopted thereunder;  
4 [~~or~~]

5 (7) Beginning January 1, 2019, use or apply any pesticide  
6 containing chlorpyrifos as an active ingredient;  
7 provided that:

8 (A) The department shall grant to any person, upon  
9 request, a temporary permit authorizing the  
10 person, until December 31, 2022, to use or apply  
11 a pesticide containing chlorpyrifos as an active  
12 ingredient; and

13 (B) Any person who violates this paragraph shall be  
14 subject to a penalty pursuant to section  
15 149A-41[-]; or

16 (8) Use or apply any pesticide containing glyphosate as an  
17 active ingredient; provided that any person who  
18 violates this paragraph shall be subject to a penalty  
19 pursuant to section 149A-41."



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

4 SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.  
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INTRODUCED BY:

*John M. [Signature]*  
*Kida Catorull-Arakawa* *Calvin [Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

JAN 13 2020



# H.B. NO. 1665

**Report Title:**

Pesticide; Glyphosate; Prohibition

**Description:**

Prohibits the use of any pesticide containing glyphosate as an active ingredient.

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

