
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 less



1 than \$1,000 and not more than [~~\$5,000~~ \$10,000 for
2 each offense;

3 (2) Any private applicator or other person not included in
4 paragraph (1) who violates any provision of this
5 chapter relating to the use of pesticides while on
6 property owned or rented by that person or the
7 person's employer, subsequent to receiving a written
8 warning from the department or following a citation
9 for a prior violation, may be assessed an
10 administrative penalty by the board of not less than
11 \$250 and not more than [~~\$1,000~~ \$5,000 for each
12 offense. Any private applicator or other person not
13 included in paragraph (1) who violates any provision
14 of this chapter relating to licensing, transport,
15 sale, distribution, or application of a pesticide for
16 commercial purposes may be assessed an administrative
17 penalty as provided in paragraph (1);

18 (3) No administrative penalty shall be assessed unless the
19 person charged shall have been given notice and an
20 opportunity for a hearing on the specific charge in
21 the county of the residence of the person charged.



1 The administrative penalty and any proposed action
2 contained in the notice of finding of violation shall
3 become a final order unless, within twenty days of
4 receipt of the notice, the person or persons charged
5 make a written request for a hearing. In determining
6 the amount of penalty, the board shall consider the
7 appropriateness of the penalty to the size of the
8 business of the person charged, the effect on the
9 person's ability to continue business, and the gravity
10 of the violation; and

11 (4) In case of inability to collect the administrative
12 penalty or failure of any person to pay all or such
13 portion of the administrative penalty as the board may
14 determine, the board shall refer the matter to the
15 attorney general, who shall recover the amount by
16 action in the appropriate court. For any judicial
17 proceeding to recover the administrative penalty
18 imposed, the attorney general need only show that
19 notice was given, a hearing was held or the time
20 granted for requesting a hearing has expired without



1 such a request, the administrative penalty was
2 imposed, and that the penalty remains unpaid.

3 (c) Criminal penalties.

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

10 (2) Any private applicator or other person not included in
11 paragraph (1) who knowingly violates any provision of
12 this chapter shall be guilty of a misdemeanor and
13 shall on conviction be fined not more than [~~\$1,000,~~]
14 \$5,000 or imprisoned for not more than one year, or
15 both.

16 (3) Any person, who, with intent to defraud, uses or
17 reveals information relative to formulas of products
18 acquired under the authority of section 3, Federal
19 Insecticide, Fungicide, and Rodenticide Act (FIFRA),
20 as amended, shall be fined not more than \$10,000, or
21 imprisoned for not more than three years, or both."

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 on June 30, 3000.

7



Report Title:

Pesticides; Violations; Penalty; Fines

Description:

Increases administrative and criminal penalties for violators of the Hawaii pesticides law. Provides for minimum administrative penalties for violators of the Hawaii pesticides law. Effective 6/30/3000. (SD1)

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