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# A BILL FOR AN ACT

RELATING TO PESTICIDES.

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

1 SECTION 1. Chapter 149A, Hawaii Revised Statutes, is amended by  
2 adding two new sections to be appropriately designated and to  
3 read as follows:

4

5 § 149A. Findings and purpose. The legislature finds that  
6 restricted use pesticides have the potential to cause  
7 unreasonably adverse human and environmental effects and that a  
8 correlation may exist between the use of restricted use  
9 pesticides and early childhood development issues. The  
10 establishment of a synthetic pesticide fee and synthetic  
11 pesticide special fund to provide funding for services  
12 benefiting families of children who have suffered negative  
13 health impacts and funding for research on the negative health  
14 impacts of restricted use pesticides is a matter of compelling  
15 state interest, to protect and preserve the health of the people  
16 of the State.

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§ 149A. Synthetic pesticide fee. (a) In addition to any fee provided by section 149A-13 and section 149A-13.5, there is imposed a synthetic pesticide fee on each gallon or fractional part of a gallon of synthetic pesticide manufactured in or imported into the State. The fee shall be \$1 on each gallon or fractional part of a gallon of synthetic pesticide and shall be paid to the department; provided that the fee collected pursuant to this subsection:

- (1) 70 cents of the fee shall be deposited into the synthetic pesticide special fund established under section 149A;
- (2) 10 cents of the fee shall be deposited into the environmental response revolving fund established under section 128D-2; and
- (3) 10 cents of the fee shall be deposited into the agricultural development and food security special fund established under section 141-10.

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(4) Interest accrued on the synthetic pesticide fee shall be deposited into the synthetic pesticide special fund.

(b) No county shall impose or collect any assessment or fee on synthetic pesticide for the same or similar purpose that is the subject of this chapter.

(c) The department shall make immediately available any changes in the synthetic pesticide fee amount.

**§ 149A. Synthetic pesticide special fund.** (a) There is established in the state treasury a special fund to be known as the synthetic pesticide special fund also known as the I ola mau special fund, to be administered and expended by the department of health. The fund shall consist of:

(1) Moneys raised pursuant to the synthetic pesticide fee levied under section 149A;

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1       (2)     Federal funds granted by Congress or executive order,  
2             for the purpose of this chapter; provided that the  
3             acceptance and use of federal funds shall not commit  
4             state funds for services and shall not place an  
5             obligation upon the legislature to continue the  
6             purpose for which the federal funds are made  
7             available; and

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10       (3)     Funds appropriated by the legislature for the purpose  
11             of this chapter.

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14     (b) Moneys in the special fund shall be used for the following  
15     purposes:

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17       (1)     Granting assistance to private and public  
18             organizations that serve families of children who  
19             suffer from cancer and leukemia;

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- 1       (2)     Granting assistance to private and public  
2             organizations that serve families of children who  
3             suffer from autism and other neurological disorders;  
4
- 5       (3)     Necessary administrative expenses to carry out this  
6             chapter not to exceed two per cent of the total amount  
7             collected;  
8
- 9       (4)     Administering a statewide pesticide and negative  
10            environmental and human health impact awareness  
11            program to be established by the director and that  
12            comports with the purposes of the synthetic pesticide  
13            special fund;  
14
- 15   (c) In administering the fund, the director and the director of  
16   the department of health shall maintain records of all  
17   expenditures and disbursements made from the synthetic pesticide  
18   special fund.  
19
- 20   (d) The director and director of the department of health shall  
21   submit to the legislature an annual report on the activities

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1 under the synthetic pesticide special fund no later than twenty  
2 days prior to the convening of each regular session.

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4 (e) The director and director of the department of health shall  
5 submit to the legislature an annual report of the environmental  
6 and human health impact awareness program no later than twenty  
7 days prior to the convening of each regular session.

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10 SECTION 2. Chapter 149A-2, Hawaii Revised Statutes, is amended  
11 by amending the definition of "synthetic pesticide" to read as  
12 follows:

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14 "Synthetic pesticide" means:

15  
16 (1) Any non-naturally occurring manufactured pesticides  
17 produced artificially through chemical synthesis,  
18 which include organochlorines, organophosphates,  
19 carbamates, and pyrethroids; and

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21 (2) Is a restricted use pesticide.

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SECTION 3. Chapter 149A-4, Hawaii Revised Statutes, is amended to read as follows:

With the exception of section 149A-25, nothing ~~[Nothing]~~ in this chapter shall be construed to amend or alter the functions, duties, and powers of the department of health relative to chapters 321, 322, 328, and 330.

SECTION 4. Chapter 149A-37, Hawaii Revised Statutes, is amended to read as follows:

(a) Exemption from this chapter may be granted by the department to the University of Hawaii and other state and federal agencies for experimental or research work directed toward obtaining knowledge of the characteristics and proper usage of unspecified or experimental pesticides with the exception of the fee established in section 149A.~~[ ]~~ Research and experimental work conducted by private agencies with adequate research facilities

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1 may also be similarly exempted upon approval by the department  
2 with the exception of the fee established in section 149A.~~[↔]~~  
3 Approval shall be in writing stating the specific exemptions and  
4 conditions.

5  
6 (b) Any pesticide exempted by the Administrator of the EPA  
7 pursuant to Title 7, United States Code, section 136w(b), shall  
8 be exempt from this chapter, if the pesticide product meets the  
9 terms and conditions of the EPA's exemption, except for  
10 pesticides that the department has determined by rule may cause  
11 unreasonable adverse effects on the environment.

12  
13 (c) No exemption shall be granted pursuant to section 149A-24.

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15 SECTION 5. Chapter 141, Hawaii Revised Statutes, is amended to  
16 read as follows:

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18 § 141-10. Agricultural development and food security special  
19 fund; establishment. (a) There is established within the state  
20 treasury the agricultural development and food security special  
21 fund.



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2 (b) The following moneys shall be deposited into the special  
3 fund:

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5 (1) The portion of the environmental response, energy, and  
6 food security tax specified under section 243-3.5;

7

8 (2) The portion of the synthetic pesticide fee under  
9 section 149A;

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11 (3) [~~2~~] Any appropriation by the legislature into the  
12 special fund;

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14 (4) [~~3~~] Any grant or donation made to the special fund;  
15 and

16

17 (5) [~~4~~] Any interest earned on the balance of the  
18 special fund.

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20 SECTION 6. Statutory material to be repealed is bracketed and  
21 stricken. New statutory material is underscored.

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**2** SECTION 7. This Act shall take effect on July 1, 2016.

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INTRODUCED BY: \_\_\_\_\_

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