

DAVID Y. IGE
GOVERNOR



CLARE E. CONNORS
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
HONOLULU, HAWAII 96813
(808) 586-1500

HOLLY T. SHIKADA
FIRST DEPUTY ATTORNEY GENERAL

September 8, 2021

The Honorable Donovan Dela Cruz, Chair
and Members of the Senate Special Committee
on COVID-19
Hawaii State Capitol
235 South Beretania Street, Room 208
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Committee Members:

To follow up on matters discussed during last Friday's Senate Special Committee on COVID-19 Informational Briefing, please find the following responses to specific questions from the Committee:

1. Safe Travels

Our office continues to evaluate, in consultation with DOH, whether the State of Hawai'i should require all travelers, including those using the vaccination exception to the 10-day travel quarantine, to take a pretravel test. The CDC's guidelines for travel are available at:

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-during-covid19.html>

Presently, the CDC recommends that all persons should delay travel until they are fully vaccinated, at which point, they "can travel safely within the United States." For travelers who are fully vaccinated, the CDC recommends that during travel, they wear masks and follow "all state and local recommendations and requirements, including mask wearing and social distancing." For travelers who are fully vaccinated, the CDC recommends that after travel, they "self-monitor for COVID-19 symptoms; isolate and get tested if [they] develop symptoms;" and also follow "all state and local recommendations or requirements." The CDC expressly says: "You do NOT need to get tested or self-quarantine if you are fully vaccinated or have recovered from COVID-19 in the past 3 months. You should still follow all other travel recommendations." Thus, if travelling domestically, the CDC does not recommend that fully vaccinated persons get tested either prior to travel or after travel. The CDC does note, generally, that state, local and territorial governments may have travel restrictions in place, including testing requirements, state-at-home orders, and quarantine requirements upon arrival. Hawai'i,

for example, has both testing and quarantine requirements in place, and both have been determined lawful by federal and state courts.

Our current understanding from DOH is that most disease spread is community spread, i.e., transmission from activities occurring within the State. If disease spread is tied to travel in some way, DOH notes it is from travelers who choose not to test and opt for the 10-day travel self-quarantine. Travelers who opt for quarantine do so for many reasons, including in some cases because they have received a positive test result but wish to travel anyway. These folks bypass both the pretravel testing and vaccination exceptions to the mandatory travel self-quarantine, so requiring additional testing of vaccinated travelers would not help. Unless and until we see disease spreading from vaccinated persons into the community, it would be challenging to defend a policy that requires additional requirements of vaccinated travelers beyond those identified above. We need to ensure our policies remain tailored to the public challenges we are encountering, and as of now, most disease spread is happening within the community and not clearly tied to travel by vaccinated persons.

As I mentioned, I am in daily conversations with Dr. Char, and if we see any changes in the data, we will respond accordingly. Also, additional safety measures can be implemented in workplaces, including testing of vaccinated travelers prior to their return to work, as traveling to the State and returning to work implicate different concerns.

2. Investigation of Illegal Gathering

Senator Keohokalole asked for follow up information from DOCARE on the status of the investigation into the Alan Davis Beach event. Following the hearing on Friday, we reached out to DOCARE to convey this request.

3. Department of Attorney General Support of COVID-19 Enforcement

I have confirmed that we presently have 46 special agents in our Investigations Division, all of whom are supporting the additional COVID-19 duties on a rotation basis. As you know, our Investigations Division has established a compliance program on Oahu for persons subject to the travel self-quarantine order. The program has 13 dedicated agents and every day, we have three compliance teams, each comprised of one supervisor and at least three agents making random compliance checks on Oahu. To date, they have performed nearly 5,000 compliance checks on persons quarantined in hotels and in residences. Staffing on these teams is increased as needed. Recently, we also established a 24/7 dedicated email notification system for the hotels on Oahu, which allows them to notify our compliance teams of any quarantine violations. If an immediate response is needed, the hotels are advised to contact 911.

The Honorable Donovan Dela Cruz, Chair
and Members of the Senate Special Committee
on COVID-19
September 8, 2021
Page 3

In addition, our special agents continue to investigate reports of travel self-quarantine violations as well as fraud related to the Safe Travels program, including false vaccination cards and fraudulent test results. Our investigators have arrested nearly 70 persons for various criminal violations related to our State's COVID-19 emergency measures and our department's Criminal Justice Division is prosecuting them. Given the data available on the spread of the disease, and the fact is it is primarily community spread from large gatherings and other activities occurring within the State, our efforts to ensure the integrity of the Safe Travels program appear effective.

Regarding additional efforts to support enforcement of emergency measures within the community, our investigators assist local law enforcement when asked, and usually when the State Law Enforcement Coalition is activated. Our Department also works directly with county emergency management and corporation counsel to support the ability of local law enforcement to address illegal social gatherings, mask violations and other violations of state and local emergency rules and orders. For example, on Friday, every county implemented rules that now allow for enforcement of emergency measures through the issuance of infractions. We worked closely with the counties and the Governor to roll these out prior to Labor Day weekend and will continue to support their efforts to enforce COVID measures in the community more effectively.

Should you have any further questions, please do not hesitate to contact me.

Respectfully,



Clare E. Connors
Attorney General