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# A BILL FOR AN ACT

RELATING TO PAID MEAL PERIODS.

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

1           SECTION 1. Chapter 387, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§387-    Paid meal periods. (a) No employer shall employ  
5 any person for a work period in excess of five consecutive hours  
6 without providing the employee a meal period of not less than  
7 thirty minutes; provided that when the employee's full workday  
8 is not more than six consecutive hours, the meal period may be  
9 waived by mutual consent of the employer and employee. A meal  
10 period shall be considered as time worked unless the employee is  
11 relieved of all duties during the meal period; provided that a  
12 meal period considered as time worked shall be permitted only  
13 when:

14           (1) The nature of the employee's work prevents the  
15           employee from being relieved of all duties during the  
16           work period; and



1       (2) There is a written agreement between the employer and  
2       employee stating:

3       (A) The terms and conditions of the meal period  
4       considered as time worked that the parties have  
5       agreed to; and

6       (B) That the employee may, in writing, terminate the  
7       agreement at any time.

8       (b) Any employer that fails to provide an employee with a  
9       meal period in accordance with this section shall pay the  
10       employee an additional one hour of pay at the employee's regular  
11       rate of compensation for each workday that the meal period was  
12       not provided.

13       (c) All employers that require their employees to remain  
14       on the premises of the business establishment during their meal  
15       periods shall designate a suitable place for employees to spend  
16       their meal periods.

17       (d) Notwithstanding any other provision of this section,  
18       an employee in the health care industry who works shifts that  
19       are in excess of eight total hours in a workday may voluntarily  
20       waive their right to one of their two meal periods; provided  
21       that the waiver shall be documented by a written agreement

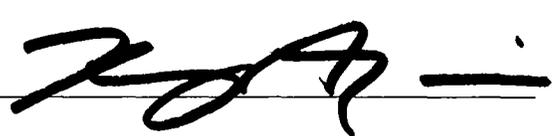


1 voluntarily signed by the employee and the employer; provided  
 2 further that the employee shall be fully compensated for all  
 3 time worked, including any meal period, while the agreement to  
 4 waive the meal period is in effect. An employee who waives the  
 5 right to a meal period pursuant to this subsection may revoke  
 6 their waiver at any time by giving the employer at least one-day  
 7 written notice.

8 (e) For purposes of this section, "employer" means a  
 9 person who, directly, indirectly, or through an agent or any  
 10 other similar person, including a third-party employer,  
 11 temporary services company, staffing agency, independent  
 12 contractor, or any similar entity, at any time in the prior  
 13 twelve months, employs or exercises control over the wages,  
 14 hours, or working conditions of fifty or more employees at a  
 15 single business establishment."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

18 INTRODUCED BY: 



# S.B. NO. 2713

**Report Title:**

Employment Practices; Paid Meal Periods; Waiver

**Description:**

Requires certain employers to provide paid meal periods to certain employees under certain circumstances. Establishes conditions for waivers of the paid meal periods.

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

