
A BILL FOR AN ACT

RELATING TO NUISANCES.

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

1 SECTION 1. The legislature finds that the department of
2 health's responsibility to protect both public and environmental
3 health is essential, especially as climate change increases
4 pressures on resources and communities. The recognition that
5 the health of a community is closely tied to environmental
6 conditions underscores the importance of preventing threats to
7 the environment. Therefore, it is critical that the department
8 of health has the clear legal authority and mandate to act not
9 only in response to direct threats of disease but also when
10 nuisances pose a risk to the public or environmental health of a
11 community.

12 Accordingly, the purpose of this Act is to clarify the
13 legal authority of the department of health to prevent and
14 address nuisances that threaten public or environmental health,
15 both of which affect the overall health and well-being of the
16 people of the State as a whole.



SECTION 2. Chapter 322, Hawaii Revised Statutes, is amended by amending the title of part I to read as follows:

"PART I. PREVENTION AND ABATEMENT OF NUISANCES"

SECTION 3. Section 322-1, Hawaii Revised Statutes, is amended to read as follows:

"§322-1 ~~[Removal, prevention.]~~ Prevention; abatement; destruction; removal. The department of health and its agents shall examine into all nuisances, such as foul or noxious odors, gases or vapors, water in which mosquito larvae exist, sources of filth, and all causes of sickness or disease, on shore, and in any vessel, which may be known to them or brought to their attention, ~~[which]~~ that in their opinion are dangerous or injurious to public health or environmental health, or both, and into any and all conditions created or existing ~~[which]~~ that cause or tend ~~[to cause sickness or disease or]~~ to be dangerous or injurious to public health or environmental health, or both, and shall ~~[cause the same to be abated, destroyed, removed, or prevented.]~~

~~For purposes of this part, a nuisance shall include:~~

- ~~(1) Toxic materials that are used in or by products of the manufacture or conversion of methamphetamine, and~~



1 ~~elandestine drug labs that manufacture~~
2 ~~methamphetamine; and~~
3 ~~(2) Odors and filth resulting from a person feeding feral~~
4 ~~birds.]~~

5 prevent, abate, destroy, or remove the nuisance or condition
6 that causes a nuisance."

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

9 SECTION 5. This Act shall take effect upon its approval.



Report Title:

DOH; Nuisance Prevention; Environmental Health; Public Health

Description:

Clarifies that the Department of Health has the legal authority and obligation to prevent and address nuisances that affect public health or environmental health, or both. Repeals definition of "nuisance" to include toxic materials used in or by-products of methamphetamine drug labs and odors and filth resulting from feeding feral birds. (SD2)

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