

JAN 23 2025

A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 PART I

2 SECTION 1. The legislature believes that Hawaii would
3 benefit from a reorganization of the State's health delivery,
4 public health, environmental management, and environmental
5 protection functions. Transferring responsibility for certain
6 health delivery services from the department of health to the
7 department of human services would allow the department of
8 health to operate more efficiently and to prioritize its
9 administrative roles. The establishment of a department
10 dedicated to environmental protection and environmental
11 management is also appropriate. Currently, these functions are
12 divided among many different state departments.

13 Accordingly, the purpose of this Act is to:

14 (1) Establish a new department of environmental
15 protection;

16 (2) Rename the department of health as the department of
17 community health;



(3) Rename the department of human services as the department of healthcare services;

(4) Transfer certain responsibilities from the department of community health to the department of healthcare services and the department of environmental protection;

(5) Transfer certain responsibilities from the department of healthcare services to the department of community health; and

(6) Administratively attach the Hawaii employer-union health benefits trust fund to the department of healthcare services.

PART II

SECTION 2. The purpose of this part is to establish the department of environmental protection.

SECTION 3. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

DEPARTMENT OF ENVIRONMENTAL PROTECTION



1 § **-1 Definitions.** For the purposes of this chapter,
2 unless the context otherwise requires:

3 "Department" means the department of environmental
4 protection.

5 "Director" means the director of environmental protection.

6 § **-2 Administrative matters.** (a) The director shall
7 determine the duties of the deputy director of environmental
8 protection.

9 (b) The department shall have a human resources office, an
10 administrative services office, and an information technology
11 office.

12 § **-3 Environmental health service division.** The
13 department shall have an environmental health service division,
14 which shall include:

- 15 (1) A food and drug branch;
16 (2) An indoor and radiological health branch;
17 (3) A sanitation branch; and
18 (4) A vector branch.

19 § **-4 Environmental management division.** The department
20 shall have an environmental management division, which shall
21 include:



- 1 (1) A clean air branch;
- 2 (2) A clean water branch;
- 3 (3) A safe drinking water branch; and
- 4 (4) A solid and hazardous waste branch.

5 § -5 **State laboratories division.** The department shall
6 have a state laboratories division, which shall:

- 7 (1) Administer a statewide program that conducts
8 analytical testing services in support of
9 environmental health;
- 10 (2) Certify laboratories involved in environment-related
11 matters; and
- 12 (3) Participate in environmental health training,
13 research, exercises, and investigations.

14 § -6 **Hazard evaluation and emergency response office.**

15 The department shall have a hazard evaluation and emergency
16 response office, which shall:

- 17 (1) Provide risk assessments and respond to the release of
18 hazardous substances;
- 19 (2) Oversee the cleanup of contaminated sites; and
- 20 (3) Evaluate health effects of air and water pollutants.



1 § -7 **Environmental planning office.** The department
2 shall have an environmental planning office that shall develop
3 strategic plans, support land use reviews, and facilitate new
4 programs.

5 § -8 **Rules.** The department shall adopt rules pursuant
6 to chapter 91 necessary for the purposes of this chapter."

7 SECTION 4. Chapter 26, Hawaii Revised Statutes, is amended
8 by adding a new section to part I to be appropriately designated
9 and to read as follows:

10 "§26- Department of environmental protection. (a) The
11 department of environmental protection shall be headed by a
12 single executive to be known as the director of environmental
13 protection. The director shall appoint, without regard to
14 chapter 76, a deputy director of environmental protection.

15 (b) The department shall be responsible for exercising
16 regulatory functions and coordinating responsibilities to manage
17 the State's environment."

18 PART III

SECTION 5. The purpose of this part is to rename the
department of health as the department of community health.



SECTION 6. (a) Except as provided in subsection (b), the titles, parts, chapters and sections of the Hawaii Revised Statutes are amended by:

(1) Substituting the phrase "department of community health," or a similar term, wherever the phrase "department of health", or a similar term, appears, as the context requires; and

(2) Substituting the phrase "director of community health", or a similar term, wherever the term "director of health", or a similar term, appears, as the context requires.

(b) The substitutions described in subsection (a) shall not apply in any instance in which this Act specifically amends a chapter or section of the Hawaii Revised Statutes to amend the term "department of health," or a similar term, or the term "director of health", or a similar term, to another term.

PART IV

SECTION 7. The purpose of this part is to rename the department of human services as the department of healthcare services.



1 SECTION 8. (a) Except as provided in subsection (b), the
2 titles, parts, chapters and sections of the Hawaii Revised
3 Statutes are amended by:

4 (1) Substituting the phrase "department of healthcare
5 services," or a similar term, wherever the phrase
6 "department of human services", or a similar term,
7 appears, as the context requires; and

8 (2) Substituting the phrase "director of healthcare
9 services", or a similar term, wherever the term
10 "director of human services", or a similar term,
11 appears, as the context requires.

12 (b) The substitutions described in subsection (a) shall
13 not apply in any instance in which this Act specifically amends
14 a chapter or section of the Hawaii Revised Statutes to amend the
15 term "department of human services," or a similar term, or the
16 term "director of human services", or a similar term, to another
17 term.

18 PART V

19 SECTION 9. The purpose of this part is to transfer certain
20 duties from the department of community health (formerly the



1 department of health) to the department of healthcare services
2 (formerly the department of human services).

3 SECTION 10. Section 321-1.4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§321-1.4 Office of health care assurance special fund;**
6 **deposits; expenditures.** (a) There is established within the
7 department of [~~health,~~] healthcare services, to be administered
8 by the department of [~~health,~~] healthcare services, the office
9 of health care assurance special fund into which shall be
10 deposited moneys collected [~~under section 321-11.5(b),~~] from
11 license fees for the administration of the durable medical
12 equipment supplier license program collected pursuant to
13 section 321-544[~~7~~] and all administrative penalties imposed and
14 collected by the office of health care assurance [~~pursuant to~~
15 ~~section 321-20~~].

16 (b) Moneys in the special fund shall be expended by the
17 department of [~~health,~~] healthcare services:

- 18 (1) To assist in offsetting operating costs and
19 educational program expenses of the department of
20 [~~health's~~] healthcare service's office of health care
21 assurance; and



(2) For the purpose of enhancing the capacity of office of health care assurance programs to:

(A) Improve public health outreach efforts, program and community development, and consultations to industries regulated;

(B) Educate the public, the staff of the department of ~~[health]~~ healthcare services, and other departments within the State, as well as staff and providers of all health care facilities and agencies regulated; and

(C) Administer and support the durable medical equipment supplier license program established pursuant to part XLIII.

(c) The department of ~~[health]~~ healthcare services shall submit a report to the legislature concerning the status of the special fund, including the amount of moneys deposited into and expended from the special fund, and the sources of receipts and uses of expenditures, no later than twenty days prior to the convening of each regular session."

SECTION 11. Section 321-16.6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:



1 "(a) All therapeutic living programs shall be licensed by
2 the department of healthcare services to ensure the health,
3 safety, and welfare of the individuals placed therein.

4 (b) The director of healthcare services shall adopt rules
5 regarding therapeutic living programs in accordance with
6 chapter 91 that shall be designed to:

7 (1) Comply with applicable federal laws and regulations;
8 and

9 (2) Provide penalties for the failure to comply with any
10 rule."

11 SECTION 12. Chapters 323D, 333E, 333F, 334, 334B, 334E,
12 and 448B; parts XVI, XLIII, and XXXVIII of chapter 321; and
13 sections 302A-493, 321-1.8, 321-1.9, 321-11.2, 321-11.8,
14 321-15.2, 321-15.6, 321-15.61, 321-15.62, 321-15.63, 321-15.9,
15 321-21, 321-482, 321-483, 329-4, and 329-104, Hawaii Revised
16 Statutes, are amended by:

17 (1) Substituting the phrase "department of healthcare
18 services," or a similar term, wherever the phrase
19 "department of health", "department", or a similar
20 term referring to department of health, appears, as
21 the context requires; and



1 (2) Substituting the phrase "director of healthcare
2 services", or a similar term, wherever the term
3 "director of health", "director", or a similar term
4 referring to the director of health, appears, as the
5 context requires.

6 SECTION 13. Section 321-11.5, Hawaii Revised Statutes, is
7 repealed.

8 ~~["§321-11.5 Establishment of fees. (a) The department of~~
9 ~~health, by rules adopted pursuant to chapter 91, may establish~~
10 ~~reasonable fees for the issuance or renewal of licenses,~~
11 ~~permits, variances, and various certificates required by law or~~
12 ~~by the department's rules. The fees may include the cost of~~
13 ~~related examinations, inspections, investigations, and reviews.~~

14 ~~(b) All fees paid and collected pursuant to this section~~
15 ~~and rules adopted in accordance with chapter 91 from facilities~~
16 ~~seeking licensure or certification by the department of health,~~
17 ~~including hospitals, nursing homes, home health agencies, home~~
18 ~~care agencies, intermediate care facilities for individuals with~~
19 ~~intellectual disabilities, freestanding outpatient surgical~~
20 ~~facilities, adult day health care centers, rural health centers,~~
21 ~~laboratories, adult residential care homes, expanded adult~~



~~1 residential care homes, developmental disability domiciliary
2 homes, assisted living facilities, therapeutic living programs,
3 and special treatment facilities, shall be deposited into the
4 office of health care assurance special fund created under
5 section 321-1.4. Any other entities required by law to be
6 licensed by the department of health shall also be subject to
7 reasonable fees established by the department of health by rules
8 adopted in accordance with chapter 91.~~

~~9 (c) Other than the fees collected under subsection (b),
10 all other fees collected under this section and section 321-15
11 shall be deposited into the sanitation and environmental health
12 special fund established under section 321-27."]~~

13 SECTION 14. No more than ninety days after the transfer
14 completion date established pursuant to section 30 of this Act,
15 all appropriations, records, equipment, machines, files,
16 supplies, contracts, books, papers, documents, maps, and other
17 personal property heretofore made, used, acquired, or held by
18 the department of community health relating to the functions
19 transferred to the department of healthcare services shall be
20 transferred with the functions to which they relate.



1 SECTION 15. All rights, powers, functions, and duties of
2 the department of community health that are assigned to the
3 department of healthcare services by this Act are transferred to
4 the department of healthcare services.

5 SECTION 16. (a) The department of community health shall
6 be responsible for all obligations incurred by the department in
7 connection with the department's exercise of the authority and
8 performance of the duties and responsibilities conferred upon it
9 and the director of community health by the statutory duties
10 transferred to the department of healthcare services pursuant to
11 this Act, until the time that the obligations, including any
12 accounts payable, accrued paid time off, debt, capital leases,
13 and other obligations incurred before the transfer completion
14 date established pursuant to section 30 of this Act, have been
15 assumed by the department of healthcare services, which shall
16 not occur prior to the transfer completion date.

17 (b) All collective bargaining disputes or claims against
18 the department of community health grounded in an act or
19 omission, or an event that occurred prior to the transfer
20 completion date, shall remain the responsibility of the
21 department of community health.



1 (c) All liabilities arising out of the department of
2 healthcare services' exercise of the authority and performance
3 of the duties and responsibilities conferred upon it and the
4 director of community health by the statutory duties transferred
5 to the department of healthcare services pursuant to this Act
6 after the transfer completion date shall be the responsibility
7 of the department of healthcare services.

8 (d) The assumption by the department of healthcare
9 services of any bonds, notes, or other obligations of the
10 department of community health shall be subject to the terms and
11 provisions of any certificate, indenture, or resolution securing
12 those bonds, notes, or other obligations.

13 (e) On the transfer completion date, the department of
14 healthcare services shall assume responsibility for all rights,
15 duties, penalties, and proceedings of the department of
16 community health transferred to the department of healthcare
17 services by this Act.

18 SECTION 17. All rules, policies, procedures, guidelines,
19 and other materials adopted or developed by the department of
20 community health to implement provisions of the Hawaii Revised
21 Statutes that are reenacted or made applicable to the department



1 of healthcare services by this Act shall remain in full force
2 and effect on and after the transfer completion date established
3 pursuant to section 30 of this Act, until amended or repealed by
4 the department of healthcare services pursuant to chapter 91,
5 Hawaii Revised Statutes. In the interim, every reference to the
6 department of community health, department of health, director
7 of community health, or director of health in those rules,
8 policies, procedures, guidelines, and other materials, is
9 amended to refer to the department of healthcare services or
10 director of healthcare services, as appropriate.

11 SECTION 18. All deeds, executive orders, leases,
12 contracts, loans, agreements, permits, or other documents
13 executed or entered into by or on behalf of the department of
14 community health, pursuant to the provisions of the Hawaii
15 Revised Statutes, that are reenacted or made applicable to the
16 department of healthcare services by this Act shall remain in
17 full force and effect. On the transfer completion date
18 established pursuant to section 30 of this Act, every reference
19 to the department of community health, department of health,
20 director of community health, or director of health, in those
21 deeds, executive orders, leases, contracts, loans, agreements,



1 permits, or other documents shall be construed as a reference to
2 the department of healthcare services or director of healthcare
3 services, as appropriate.

4 PART VI

5 SECTION 19. The purpose of this part is to transfer
6 certain duties from the department of healthcare services
7 (formerly the department of human services) to the department of
8 community health (formerly the department of health).

9 SECTION 20. Chapters 347, 348, 350, 350B, 350C, and 350E;
10 parts II, III, V, VIII, X, XI, XII, and XIX, of chapter 346; and
11 sections 40-85, 76-16, 202-1, 235-55.91, 302A-433.5, 302L-1,
12 346-7, 346-14.5, 346-15, 346-17, 346-17.5, 346-29, 346-37,
13 346-37.1, 386-25, 394-2, 551E-16, 658G-19, 658H-6, and 658J-12
14 Hawaii Revised Statutes, are amended by:

15 (1) Substituting the phrase "department of community
16 health," or a similar term, wherever the phrase
17 "department of human services", "department", or a
18 similar term referring to the department of human
19 services, appears, as the context requires; and

20 (2) Substituting the phrase "director of community
21 health", or a similar term, wherever the term



1 "director of human services", "director", or a similar
2 term referring to the director of human services,
3 appears, as the context requires.

4 SECTION 21. No more than ninety days after the transfer
5 completion date established pursuant to section 30 of this Act,
6 all appropriations, records, equipment, machines, files,
7 supplies, contracts, books, papers, documents, maps, and other
8 personal property heretofore made, used, acquired, or held by
9 the department of healthcare services relating to the functions
10 transferred to the department of community health shall be
11 transferred with the functions to which they relate.

12 SECTION 22. All rights, powers, functions, and duties of
13 the department of healthcare services that are assigned to the
14 department of community health by this Act are transferred to
15 the department of community health.

16 SECTION 23. (a) The department of healthcare services
17 shall be responsible for all obligations incurred by the
18 department in connection with the department's exercise of the
19 authority and performance of the duties and responsibilities
20 conferred upon it and the director of healthcare services by the
21 statutory duties transferred to the department of community



1 health pursuant to this Act, until the time that the
2 obligations, including any accounts payable, accrued paid time
3 off, debt, capital leases, and other obligations incurred before
4 the transfer completion date established pursuant to section 30
5 of this Act, have been assumed by the department of community
6 health, which shall not occur prior to the transfer completion
7 date.

8 (b) All collective bargaining disputes or claims against
9 the department of healthcare services grounded in an act or
10 omission, or an event that occurred prior to the transfer
11 completion date, shall remain the responsibility of the
12 department of healthcare services.

13 (c) All liabilities arising out of the department of
14 healthcare services' exercise of the authority and performance
15 of the duties and responsibilities conferred upon it and the
16 director of healthcare services by the statutory duties
17 transferred to the department of community health pursuant to
18 this Act after the transfer completion date shall be the
19 responsibility of the department of community health.

20 (d) The assumption by the department of community health
21 of any bonds, notes, or other obligations of the department of



1 healthcare services shall be subject to the terms and provisions
2 of any certificate, indenture, or resolution securing those
3 bonds, notes, or other obligations.

4 (e) On the transfer completion date, the department of
5 community health shall assume responsibility for all rights,
6 duties, penalties, and proceedings of the department of
7 community transferred to the department of community health by
8 this Act.

9 SECTION 24. All rules, policies, procedures, guidelines,
10 and other materials adopted or developed by the department of
11 healthcare services to implement provisions of the Hawaii
12 Revised Statutes that are reenacted or made applicable to the
13 department of community health by this Act shall remain in full
14 force and effect on and after the transfer completion date
15 established pursuant to section 30 of this Act, until amended or
16 repealed by the department of community health pursuant to
17 chapter 91, Hawaii Revised Statutes. In the interim, every
18 reference to the department of healthcare services, department
19 of human services, director of healthcare services, or director
20 of human services in those rules, policies, procedures,
21 guidelines, and other materials, is amended to refer to the



1 department of community health or director of community health,
2 as appropriate.

3 SECTION 25. All deeds, executive orders, leases,
4 contracts, loans, agreements, permits, or other documents
5 executed or entered into by or on behalf of the department of
6 healthcare services, pursuant to the provisions of the Hawaii
7 Revised Statutes, that are reenacted or made applicable to the
8 department of community health by this Act shall remain in full
9 force and effect. On the transfer completion date established
10 pursuant to section 30 of this Act, every reference to the
11 department of healthcare services, department of human services,
12 director of healthcare services, or director of human services,
13 in those deeds, executive orders, leases, contracts, loans,
14 agreements, permits, or other documents shall be construed as a
15 reference to the department of community health or director of
16 community health, as appropriate.

17 PART VII

18 SECTION 26. The purpose of this part is to transfer
19 certain duties from the department of community health (formerly
20 the department of health) to the department of environmental
21 protection.



SECTION 27. Section 225P-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The membership of the greenhouse gas sequestration task force shall be as follows:

(1) The director of the office of planning and sustainable development or the director's designee, who shall serve as chairperson;

(2) The chairperson of the board of agriculture or the chairperson's designee;

(3) The chairperson of the board of land and natural resources or the chairperson's designee;

(4) The director of transportation or the director's designee;

(5) ~~[The deputy director of the department of health's]~~ A representative from the department of environmental protection responsible for addressing environmental health [administration or the deputy director's designee,] matters;

(6) The state sustainability coordinator;



- (7) The director of the environmental law program at the University of Hawaii at Manoa William S. Richardson school of law;
- (8) The administrator of the division of forestry and wildlife within the department of land and natural resources or the administrator's designee;
- (9) One member who is also a member of the climate change mitigation and adaptation commission;
- (10) One researcher from the college of tropical agriculture and human resources at the University of Hawaii at Manoa;
- (11) One extension agent from the college of tropical agriculture and human resources at the University of Hawaii at Manoa;
- (12) Four members, one each to be appointed by the respective mayors of the city and county of Honolulu, and the counties of Hawaii, Kauai, and Maui; and
- (13) Four members to be jointly selected and invited to participate by the president of the senate and the speaker of the house of representatives, of which two members shall be selected from an environmental



nonprofit organization, and two members shall be
selected from an agricultural or ranching association.

Task force members may recommend to the task force
additional members with appropriate specialized expertise,
subject to approval by the chairperson."

SECTION 28. Section 321-4.5, Hawaii Revised Statutes, is
amended to read as follows:

"[~~§~~321-4.5(~~§~~)] Inspection of food establishments. (a)

Inspections of food establishments may be performed only by a
registered sanitarian or a food and drug inspector.

(b) The department of environmental protection shall
enforce this section."

SECTION 29. Chapters 128D, 328, 328D, 339, 339D, 340A,
340B, 340E, 340F, 342B, 342D, 342E, 342G, 342H, 342I, 342J,
342L, 342P, and 508C; and sections 46-1.5, 46-20, 46-20.5,
48E-1, 53-60(i), 103D-1005(b), 150A-6.3, 174C-31, 174C-71,
174C-84, 183C-4, 200-14(c), 205-2, 205-4.5, 200-14, 266-25,
286-225, 321-1.1, 321-4.6, 321-27.5, 321-30.3, 444-7.5, and
708-829, Hawaii Revised Statutes, are amended by:

(1) Substituting the phrase "department of environmental
protection," or a similar term, wherever the phrase



1 "department of health", "department", or a similar
2 term referring to the department of health, appears,
3 as the context requires; and

4 (2) Substituting the phrase "director of environmental
5 protection", or a similar term, wherever the term
6 "director of health", "director", or a similar term
7 referring to the director of health, appears, as the
8 context requires.

9 SECTION 30. (a) Within ninety days of the effective date
10 of this Act, the governor shall designate a representative who
11 shall facilitate the department of environmental protection's
12 orderly succession to the jurisdiction, powers, functions,
13 rights, benefits, obligations, assets, liabilities, funds,
14 accounts, contracts, and all other things currently held, used,
15 incurred, or performed by the department of community health
16 (formerly the department of health), or its director and staff,
17 in administering and exercising the authority and fulfilling the
18 responsibilities authorized or conferred upon the department of
19 environmental protection by this Act.



1 (b) Within one hundred eighty days of the effective date
2 of this Act, the governor shall appoint a director of
3 environmental protection.

4 (c) To facilitate the department of environmental
5 protection's timely assumption of its authority and
6 responsibilities, the department of community health, department
7 of accounting and general services, department of human
8 resources development, state procurement office, and any other
9 state department or agency shall, if requested by the department
10 of environmental protection, shall enter into a memorandum of
11 understanding with the department of environmental protection
12 to:

13 (1) Provide administrative support services for the
14 department of environmental protection pending the
15 transfer of employees to the director of environmental
16 protection;

17 (2) Develop a policy and set of robust procurement
18 procedures that foster accountability, transparency,
19 and oversight of contracts, including compliance with
20 federal procurement requirements;



(3) Assist the department of environmental protection with the organization of its human resources development functions, including establishing:

(A) A human resources office; and

(B) The department of environmental protection's civil service and civil service positions; and the classification system; merit appeals board; recruitment system; performance appraisal system; and administrative rules, policies, standards and procedures, including internal complaint procedures, adopted to support its civil service;

(4) Assist the department of environmental protection in establishing accounting, budgeting, fund management, and communication and electronic information systems, and creating appropriate interfaces between the department's accounting, budgeting, fund management, communication, and electronic information systems, and those of other departments and state agencies;

(5) Assist the department of environmental protection in identifying the plans and reports that departments and agencies are required to prepare for the governor,



1 legislature, or other state department or agency;
2 determining whether the plans and reports have been
3 prepared and will be transferred to the department of
4 environmental protection on the transfer completion
5 date established pursuant to this section; and
6 preparing the plans and reports for the department of
7 environmental protection, if they do not exist; and

8 (6) Expeditiously transfer to, or otherwise facilitate the
9 department of environmental protection's acquisition
10 or assumption of, all of the powers, functions,
11 rights, benefits, obligations, assets, funds,
12 accounts, contracts and other things held, used,
13 incurred, and performed by other departments and
14 agencies and transferred to the department of
15 environmental protection by this Act.

16 (d) As soon as feasible, the department of environmental
17 protection, with the concurrence of the director of community
18 health, director of healthcare services, and governor, shall
19 establish the transfer completion date, which shall be no later
20 than December 31, 2026, and shall publish notice of the transfer
21 completion date by:



- 1 (1) Publishing the notice in a daily publication of
- 2 statewide circulation pursuant to section 1-28.5,
- 3 Hawaii Revised Statutes;
- 4 (2) Posting a copy of the notice on an electronic calendar
- 5 on a website maintained by the State; and
- 6 (3) Providing a copy of the notice to the head of every
- 7 other state department.

8 SECTION 31. No more than ninety days after the transfer
9 completion date established pursuant to section 30 of this Act,
10 all appropriations, records, equipment, machines, files,
11 supplies, contracts, books, papers, documents, maps, and other
12 personal property heretofore made, used, acquired, or held by
13 the department of community health relating to the functions
14 transferred to the department of environmental protection shall
15 be transferred with the functions to which they relate.

16 SECTION 32. All rights, powers, functions, and duties of
17 the department of community health that are assigned to the
18 department of environmental protection by this Act are
19 transferred to the department of environmental protection.

20 SECTION 33. (a) The department of community health shall
21 be responsible for all obligations incurred by the department in



1 connection with the department's exercise of the authority and
2 performance of the duties and responsibilities conferred upon it
3 and the director of community health by the statutory duties
4 transferred to the department of environmental protection
5 pursuant to this Act, until the time that the obligations,
6 including any accounts payable, accrued paid time off, debt,
7 capital leases, and other obligations incurred before the
8 transfer completion date established pursuant to section 30 of
9 this Act, have been assumed by the department of environmental
10 protection, which shall not occur prior to the transfer
11 completion date.

12 (b) All collective bargaining disputes or claims against
13 the department of community health grounded in an act or
14 omission, or an event that occurred prior to the transfer
15 completion date, shall remain the responsibility of the
16 department of community health.

17 (c) All liabilities arising out of the department of
18 environmental protection's exercise of the authority and
19 performance of the duties and responsibilities conferred upon it
20 and the director of community health by the statutory duties
21 transferred to the department of environmental protection



1 pursuant to this Act after the transfer completion date shall be
2 the responsibility of the department of environmental
3 protection.

4 (d) The assumption by the department of environmental
5 protection of any bonds, notes, or other obligations of the
6 department of community health shall be subject to the terms and
7 provisions of any certificate, indenture, or resolution securing
8 those bonds, notes, or other obligations.

9 (e) On the transfer completion date, the department of
10 environmental protection shall assume responsibility for all
11 rights, duties, penalties, and proceedings of the department of
12 community health transferred to the department of environmental
13 protection by this Act.

14 SECTION 34. All rules, policies, procedures, guidelines,
15 and other materials adopted or developed by the department of
16 community health to implement provisions of the Hawaii Revised
17 Statutes that are reenacted or made applicable to the department
18 of environmental protection by this Act shall remain in full
19 force and effect on and after the transfer completion date
20 established pursuant to section 30 of this Act, until amended or
21 repealed by the department of environmental protection pursuant



1 to chapter 91, Hawaii Revised Statutes. In the interim, every
2 reference to the department of community health, department of
3 health, director of community health, or director of health in
4 those rules, policies, procedures, guidelines, and other
5 materials, is amended to refer to the department of
6 environmental protection or director of environmental
7 protection, as appropriate.

8 SECTION 35. All deeds, executive orders, leases,
9 contracts, loans, agreements, permits, or other documents
10 executed or entered into by or on behalf of the department of
11 community health, pursuant to the provisions of the Hawaii
12 Revised Statutes, that are reenacted or made applicable to the
13 department of environmental protection by this Act shall remain
14 in full force and effect. On the transfer completion date
15 established pursuant to section 30 of this Act, every reference
16 to the department of community health, department of health,
17 director of community health, or director of health, in those
18 deeds, executive orders, leases, contracts, loans, agreements,
19 permits, or other documents shall be construed as a reference to
20 the department of environmental protection or director of
21 environmental protection, as appropriate.



1 PART VIII

2 SECTION 36. The purpose of this part is to
3 administratively attach the Hawaii employer-union health
4 benefits trust fund to the department of healthcare services
5 (formerly the department of human services).

6 SECTION 37. Section 87A-30, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§87A-30 Hawaii employer-union health benefits trust fund;**
9 **establishment.** There is established outside the state treasury,
10 a trust fund to be known as the "Hawaii Employer-Union Health
11 Benefits Trust Fund". The fund shall consist of contributions,
12 interest, income, dividends, refunds, rate credits, and other
13 returns. It is hereby declared that any and all sums
14 contributed or paid from any source to the fund created by this
15 part, and all assets of the fund including any and all interest
16 and earnings on the same, are and shall be held in trust by the
17 board for the exclusive use and benefit of the employee-
18 beneficiaries and dependent-beneficiaries and shall not be
19 subject to appropriation for any other purpose whatsoever. The
20 fund shall be under the control of the board and placed under



1 the department of [~~budget and finance~~] healthcare services for
2 administrative purposes."

3 SECTION 38. No more than ninety days after the transfer
4 completion date established pursuant to section 30 of this Act,
5 all appropriations, records, equipment, machines, files,
6 supplies, contracts, books, papers, documents, maps, and other
7 personal property heretofore made, used, acquired, or held by
8 the department of budget and finance relating to the functions
9 transferred to the department of healthcare services shall be
10 transferred with the functions to which they relate.

11 SECTION 39. All rights, powers, functions, and duties of
12 the department of budget and finance that are assigned to the
13 department of healthcare services by this Act are transferred to
14 the department of healthcare services.

15 SECTION 40. (a) The department of budget and finance
16 shall be responsible for all obligations incurred by the
17 department in connection with the department's exercise of the
18 authority and performance of the duties and responsibilities
19 conferred upon it and the director of finance by the statutory
20 duties transferred to the department of healthcare services
21 pursuant to this Act, until the time that the obligations,



1 including any accounts payable, accrued paid time off, debt,
2 capital leases, and other obligations incurred before the
3 transfer completion date established pursuant to section 30 of
4 this Act, have been assumed by the department of healthcare
5 services, which shall not occur prior to the transfer completion
6 date.

7 (b) All collective bargaining disputes or claims against
8 the department of budget and finance grounded in an act or
9 omission, or an event that occurred prior to the transfer
10 completion date, shall remain the responsibility of the
11 department of budget and finance.

12 (c) All liabilities arising out of the department of
13 budget and finance's exercise of the authority and performance
14 of the duties and responsibilities conferred upon it and the
15 director of finance by the statutory duties transferred to the
16 department of healthcare services pursuant to this Act after the
17 transfer completion date shall be the responsibility of the
18 department of healthcare services.

19 (d) The assumption by the department of healthcare
20 services of any bonds, notes, or other obligations of the
21 department of budget and finance shall be subject to the terms



1 and provisions of any certificate, indenture, or resolution
2 securing those bonds, notes, or other obligations.

3 (e) On the transfer completion date, the department of
4 healthcare services shall assume responsibility for all rights,
5 duties, penalties, and proceedings of the department of budget
6 and finance transferred to the department of healthcare services
7 by this Act.

8 SECTION 41. All rules, policies, procedures, guidelines,
9 and other materials adopted or developed by the department of
10 budget and finance to implement provisions of the Hawaii Revised
11 Statutes that are reenacted or made applicable to the department
12 of healthcare services by this Act shall remain in full force
13 and effect on and after the transfer completion date established
14 pursuant to section 30 of this Act, until amended or repealed by
15 the department of healthcare services pursuant to chapter 91,
16 Hawaii Revised Statutes. In the interim, every reference to the
17 department of budget and finance or director of finance in those
18 rules, policies, procedures, guidelines, and other materials, is
19 amended to refer to the department of healthcare services or
20 director of healthcare services, as appropriate.



1 SECTION 42. All deeds, executive orders, leases,
2 contracts, loans, agreements, permits, or other documents
3 executed or entered into by or on behalf of the department of
4 budget and finance, pursuant to the provisions of the Hawaii
5 Revised Statutes, that are reenacted or made applicable to the
6 department of healthcare services by this Act shall remain in
7 full force and effect. On the transfer completion date
8 established pursuant to section 30 of this Act, every reference
9 to the department of budget and finance or director of finance,
10 in those deeds, executive orders, leases, contracts, loans,
11 agreements, permits, or other documents shall be construed as a
12 reference to the department of healthcare services or director
13 of healthcare services, as appropriate.

14 PART IX

15 SECTION 43. This purpose of this part to amend various
16 provisions of the Hawaii Revised Statutes to facilitate the
17 renaming of departments and transfer of certain duties between
18 departments as provided by other parts of this Act.

19 SECTION 44. Chapter 321, Hawaii Revised Statutes, is
20 amended by amending its title to read as follows:

21 "CHAPTER 321



[DEPARTMENT OF] HEALTH MATTERS

SECTION 45. Chapter 346, Hawaii Revised Statutes, is amended by amending its title to read as follows:

"CHAPTER 346

[DEPARTMENT OF HUMAN] SERVICES"

SECTION 46. Section 26-4, Hawaii Revised Statutes, is amended to read as follows:

"§26-4 Structure of government. Under the supervision of the governor, all executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers, and duties shall be allocated among and within the following principal departments that are hereby established:

(1) Department of human resources development

(Section 26-5);

(2) Department of accounting and general services

(Section 26-6);

(3) Department of the attorney general (Section 26-7);

(4) Department of budget and finance (Section 26-8);

(5) Department of commerce and consumer affairs

(Section 26-9);



- 1 (6) Department of taxation (Section 26-10);
- 2 (7) University of Hawaii (Section 26-11);
- 3 (8) Department of education (Section 26-12);
- 4 (9) Department of community health (Section 26-13);
- 5 (10) Department of [~~human services~~] healthcare services
- 6 (Section 26-14);
- 7 (11) Department of land and natural resources
- 8 (Section 26-15);
- 9 (12) Department of agriculture (Section 26-16);
- 10 (13) Department of Hawaiian home lands (Section 26-17);
- 11 (14) Department of business, economic development, and
- 12 tourism (Section 26-18);
- 13 (15) Department of transportation (Section 26-19);
- 14 (16) Department of labor and industrial relations
- 15 (Section 26-20);
- 16 (17) Department of defense (Section 26-21);
- 17 (18) Department of corrections and rehabilitation
- 18 (Section 26-14.6); [~~and~~]
- 19 (19) Department of law enforcement (Section 26-14.8) [~~and~~];
- 20 and



1 (20) Department of environmental protection

2 (Section 26-)."

3 SECTION 47. Section 76-16, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The civil service to which this chapter applies shall
6 comprise all positions in the State now existing or hereafter
7 established and embrace all personal services performed for the
8 State, except the following:

9 (1) Commissioned and enlisted personnel of the Hawaii
10 National Guard and positions in the Hawaii National
11 Guard that are required by state or federal laws or
12 regulations or orders of the National Guard to be
13 filled from those commissioned or enlisted personnel;

14 (2) Positions filled by persons employed by contract where
15 the director of human resources development has
16 certified that the service is special or unique or is
17 essential to the public interest and that, because of
18 circumstances surrounding its fulfillment, personnel
19 to perform the service cannot be obtained through
20 normal civil service recruitment procedures. Any
21 contract may be for any period not exceeding one year;



1 (3) Positions that must be filled without delay to comply
2 with a court order or decree if the director
3 determines that recruitment through normal recruitment
4 civil service procedures would result in delay or
5 noncompliance, such as the Felix-Cayetano consent
6 decree;

7 (4) Positions filled by the legislature or by either house
8 or any committee thereof;

9 (5) Employees in the office of the governor and office of
10 the lieutenant governor, and household employees at
11 Washington Place;

12 (6) Positions filled by popular vote;

13 (7) Department heads, officers, and members of any board,
14 commission, or other state agency whose appointments
15 are made by the governor or are required by law to be
16 confirmed by the senate;

17 (8) Judges, referees, receivers, masters, jurors, notaries
18 public, land court examiners, court commissioners, and
19 attorneys appointed by a state court for a special
20 temporary service;



(9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first



1 circuit, and two law clerks for the administrative
2 judge of the district court of the first circuit; and
3 one private secretary for the administrative director
4 of the courts, the deputy administrative director of
5 the courts, each department head, each deputy or first
6 assistant, and each additional deputy, or assistant
7 deputy, or assistant defined in paragraph (16);

8 (10) First deputy and deputy attorneys general, the
9 administrative services manager of the department of
10 the attorney general, one secretary for the
11 administrative services manager, an administrator and
12 any support staff for the criminal and juvenile
13 justice resources coordination functions, and law
14 clerks;

15 (11) (A) Teachers, principals, vice-principals, complex
16 area superintendents, deputy and assistant
17 superintendents, other certificated personnel,
18 and no more than twenty noncertificated
19 administrative, professional, and technical
20 personnel not engaged in instructional work;



1 (B) Effective July 1, 2003, teaching assistants,
2 educational assistants, bilingual or bicultural
3 school-home assistants, school psychologists,
4 psychological examiners, speech pathologists,
5 athletic health care trainers, alternative school
6 work study assistants, alternative school
7 educational or supportive services specialists,
8 alternative school project coordinators, and
9 communications aides in the department of
10 education;

11 (C) The special assistant to the state librarian and
12 one secretary for the special assistant to the
13 state librarian; and

14 (D) Members of the faculty of the University of
15 Hawaii, including research workers, extension
16 agents, personnel engaged in instructional work,
17 and administrative, professional, and technical
18 personnel of the university;

19 (12) Employees engaged in special, research, or
20 demonstration projects approved by the governor;



- 1 (13) (A) Positions filled by inmates, patients of state
- 2 institutions, and persons with severe physical or
- 3 mental disabilities participating in the work
- 4 experience training programs;
- 5 (B) Positions filled with students in accordance with
- 6 guidelines for established state employment
- 7 programs; and
- 8 (C) Positions that provide work experience training
- 9 or temporary public service employment that are
- 10 filled by persons entering the workforce or
- 11 persons transitioning into other careers under
- 12 programs such as the federal Workforce Investment
- 13 Act of 1998, as amended, or the Senior Community
- 14 Service Employment Program of the Employment and
- 15 Training Administration of the United States
- 16 Department of Labor, or under other similar state
- 17 programs;
- 18 (14) A custodian or guide at Iolani Palace, the Royal
- 19 Mausoleum, and Hulihee Palace;
- 20 (15) Positions filled by persons employed on a fee,
- 21 contract, or piecework basis, who may lawfully perform



1 their duties concurrently with their private business
2 or profession or other private employment and whose
3 duties require only a portion of their time, if it is
4 impracticable to ascertain or anticipate the portion
5 of time to be devoted to the service of the State;

6 (16) Positions of first deputies or first assistants of
7 each department head appointed under or in the manner
8 provided in section 6, article V, of the Hawaii State
9 Constitution; three additional deputies or assistants
10 either in charge of the highways, harbors, and
11 airports divisions or other functions within the
12 department of transportation as may be assigned by the
13 director of transportation, with the approval of the
14 governor; one additional deputy in the department of
15 [human] healthcare services [~~either~~] in charge of
16 [~~welfare or other~~] functions within the department as
17 may be assigned by the director of [human] healthcare
18 services; [~~four~~] three additional deputies in the
19 department of community health, each in charge of one
20 of the following: behavioral health, [~~environmental~~
21 ~~health,~~] hospitals, and health resources



1 administration, including other functions within the
2 department as may be assigned by the director of
3 community health, with the approval of the governor;
4 two additional deputies in charge of the law
5 enforcement programs, administration, or other
6 functions within the department of law enforcement as
7 may be assigned by the director of law enforcement,
8 with the approval of the governor; three additional
9 deputies each in charge of the correctional
10 institutions, rehabilitation services and programs,
11 and administration or other functions within the
12 department of corrections and rehabilitation as may be
13 assigned by the director of corrections and
14 rehabilitation, with the approval of the governor; two
15 administrative assistants to the state librarian; and
16 an administrative assistant to the superintendent of
17 education;

18 (17) Positions specifically exempted from this part by any
19 other law; provided that:

20 (A) Any exemption created after July 1, 2014, shall
21 expire three years after its enactment unless



1 affirmatively extended by an act of the
2 legislature; and

3 (B) All of the positions defined by paragraph (9)
4 shall be included in the position classification
5 plan;

6 (18) Positions in the state foster grandparent program and
7 positions for temporary employment of senior citizens
8 in occupations in which there is a severe personnel
9 shortage or in special projects;

10 (19) Household employees at the official residence of the
11 president of the University of Hawaii;

12 (20) Employees in the department of education engaged in
13 the supervision of students during meal periods in the
14 distribution, collection, and counting of meal
15 tickets, and in the cleaning of classrooms after
16 school hours on a less than half-time basis;

17 (21) Employees hired under the tenant hire program of the
18 Hawaii public housing authority; provided that no more
19 than twenty-six per cent of the authority's workforce
20 in any housing project maintained or operated by the



1 authority shall be hired under the tenant hire
2 program;

3 (22) Positions of the federally funded expanded food and
4 nutrition program of the University of Hawaii that
5 require the hiring of nutrition program assistants who
6 live in the areas they serve;

7 (23) Positions filled by persons with severe disabilities
8 who are certified by the state vocational
9 rehabilitation office that they are able to perform
10 safely the duties of the positions;

11 (24) The sheriff;

12 (25) A gender and other fairness coordinator hired by the
13 judiciary;

14 (26) Positions in the Hawaii National Guard youth and adult
15 education programs;

16 (27) In the Hawaii state energy office in the department of
17 business, economic development, and tourism, all
18 energy program managers, energy program specialists,
19 energy program assistants, and energy analysts;

20 (28) Administrative appeals hearing officers in the
21 department of [~~human~~] healthcare services;



1 (29) In the Med-QUEST division of the department of [~~human~~]
2 healthcare services, the division administrator,
3 finance officer, health care services branch
4 administrator, medical director, and clinical
5 standards administrator;

6 (30) In the director's office of the department of [~~human~~]
7 healthcare services, the enterprise officer,
8 information security and privacy compliance officer,
9 security and privacy compliance engineer, security and
10 privacy compliance analyst, information technology
11 implementation manager, assistant information
12 technology implementation manager, resource manager,
13 community or project development director, policy
14 director, special assistant to the director, and
15 limited English proficiency project manager or
16 coordinator;

17 (31) The Alzheimer's disease and related dementia services
18 coordinator in the executive office on aging;

19 (32) In the Hawaii emergency management agency, the
20 executive officer, public information officer, civil
21 defense administrative officer, branch chiefs, and



1 emergency operations center state warning point
2 personnel; provided that for state warning point
3 personnel, the director shall determine that
4 recruitment through normal civil service recruitment
5 procedures would result in delay or noncompliance;

6 (33) The executive director and seven full-time
7 administrative positions of the school facilities
8 authority;

9 (34) Positions in the Mauna Kea stewardship and oversight
10 authority;

11 (35) In the office of homeland security of the department
12 of law enforcement, the statewide interoperable
13 communications coordinator;

14 (36) In the social services division of the department of
15 [~~human services,~~] community health, the business
16 technology analyst;

17 (37) The executive director and staff of the 911 board;

18 [†] (38) [†] Senior software developers in the department of
19 taxation;



[+](39)[+] In the department of law enforcement, five
Commission on Accreditation for Law Enforcement
Agencies, Inc., coordinator positions;

[+](40)[+] The state fire marshal; ~~and~~

[+](41)[+] The administrator for the law enforcement
standards board[-]; and

(42) In the department of environmental protection, the
deputy director of environmental protection and any
other positions as provided by law.

The director shall determine the applicability of this
section to specific positions.

Nothing in this section shall be deemed to affect the civil
service status of any incumbent as it existed on July 1, 1955."

SECTION 48. Section 171-64.5, Hawaii Revised Statutes, is
amended to read as follows:

**"[+]§171-64.5[+] Nonconventional uses; department of
health; approval and authorization; Waimano ridge. The
department of community health, department of healthcare
services, or department of environmental protection, as the case
may be, shall provide at least ninety days notification to the
affected neighborhood boards and legislators that represent the**



1 district where Waimano ridge is located, and obtain the approval
2 of the governor prior to new uses or the expanded use of the
3 land as a sex offender treatment facility, drug treatment
4 facility, state laboratory, or other uses."

5 SECTION 49. Section 188-40.7, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) Prior to July 1, 2011, any restaurant holding a valid
8 certificate, permit, or license issued by the department of
9 health [~~under section 321-11~~] may possess, sell, offer for sale,
10 trade, or distribute shark fins possessed by that restaurant as
11 of July 1, 2010 which are prepared for consumption."

12 SECTION 50. Section 321-11, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§321-11 Subjects of community health rules, generally.**

15 The department of community health pursuant to chapter 91 may
16 adopt rules that it deems necessary for the public health and
17 safety respecting:

18 [~~(1) Nuisances, foul or noxious odors, gases, vapors,~~
19 ~~waters in which mosquitoes breed or may breed, sources~~
20 ~~of filth, and causes of sickness or disease, within~~



1 ~~the respective districts of the State, and on board~~
2 ~~any vessel;~~

3 ~~(2) Adulteration and misbranding of food or drugs;~~

4 ~~(3) Location, air space, ventilation, sanitation,~~
5 ~~drainage, sewage disposal, and other health conditions~~
6 ~~of buildings, courts, construction projects,~~
7 ~~excavations, pools, watercourses, areas, and alleys.~~

8 ~~For purposes of this paragraph, "pool" means a~~
9 ~~watertight artificial structure containing a body of~~
10 ~~water that does not exchange water with any other body~~
11 ~~of water, either naturally or mechanically, and is~~
12 ~~used for swimming, diving, recreational bathing, or~~
13 ~~therapy by humans;~~

14 ~~(4) Privy vaults and cesspools;~~

15 ~~(5) Fish and fishing;~~

16 ~~(6) Interments and dead bodies;~~

17 ~~(7) Disinterments of dead human bodies, including the~~
18 ~~exposing, disturbing, or removing of these bodies from~~
19 ~~their place of burial, or the opening, removing, or~~
20 ~~disturbing after due interment of any receptacle,~~
21 ~~coffin, or container holding human remains or a dead~~



1 ~~human body or a part thereof and the issuance and~~
2 ~~terms of permits for the aforesaid disinterments of~~
3 ~~dead human bodies;~~

4 ~~(8) Cemeteries and burying grounds;~~

5 ~~(9) Laundries, and the laundering, sanitation, and~~
6 ~~sterilization of articles including linen and uniforms~~
7 ~~used by or in the following businesses and~~
8 ~~professions: barber shops, manicure shops, beauty~~
9 ~~parlors, electrology shops, restaurants, soda~~
10 ~~fountains, hotels, rooming and boarding houses,~~
11 ~~bakeries, butcher shops, public bathhouses, midwives,~~
12 ~~masseurs, and others in similar calling, public or~~
13 ~~private hospitals, and canneries and bottling works~~
14 ~~where foods or beverages are canned or bottled for~~
15 ~~public consumption or sale; provided that nothing in~~
16 ~~this chapter shall be construed as authorizing the~~
17 ~~prohibiting of laundering, sanitation, and~~
18 ~~sterilization by those conducting any of these~~
19 ~~businesses or professions where the laundering or~~
20 ~~sterilization is done in an efficient and sanitary~~
21 ~~manner;~~



1 ~~(10)~~] (1) Hospitals, freestanding surgical outpatient
2 facilities, skilled nursing facilities, intermediate
3 care facilities, ~~[adult residential care homes, adult~~
4 ~~foster homes, assisted living facilities, special~~
5 ~~treatment facilities and programs, home health~~
6 ~~agencies, home care agencies, hospices, freestanding~~
7 ~~birthing facilities, adult day health centers,~~
8 ~~independent group residences, and therapeutic living~~
9 ~~programs, but excluding]~~ and youth shelter facilities
10 ~~[unless],~~ provided that clinical treatment of mental,
11 emotional, or physical disease or handicap is a part
12 of the routine program or constitutes the main purpose
13 of the facility, as defined in section 346-16 under
14 "child caring institution"~~[. For the purpose of this~~
15 ~~paragraph, "adult foster home" has the same meaning as~~
16 ~~provided in section 321-11.2];~~

17 ~~[(11) Hotels, rooming houses, lodging houses, apartment~~
18 ~~houses, tenements, and residences for persons with~~
19 ~~developmental disabilities including those built under~~
20 ~~federal funding;~~



1 ~~(12)~~ (2) Laboratories[+], except those under the
2 jurisdiction of the department of environmental
3 protection;

4 ~~[(13) Any place or building where noisome or noxious trades~~
5 ~~or manufacturing is carried on, or intended to be~~
6 ~~carried on;~~

7 ~~(14) Milk;~~

8 ~~(15) Poisons and hazardous substances, the latter term~~
9 ~~including any substance or mixture of substances that:~~

10 ~~(A) Is corrosive;~~

11 ~~(B) Is an irritant;~~

12 ~~(C) Is a strong sensitizer;~~

13 ~~(D) Is inflammable; or~~

14 ~~(E) Generates pressure through decomposition, heat,~~
15 ~~or other means,~~

16 ~~if the substance or mixture of substances may cause~~
17 ~~substantial personal injury or substantial illness~~
18 ~~during or as a proximate result of any customary or~~
19 ~~reasonably foreseeable handling or use, including~~
20 ~~reasonably foreseeable ingestion by children;~~

21 ~~(16) Pig and duck ranches;~~



~~(17) Places of business, industry, employment, and
commerce, and the processes, materials, tools,
machinery, and methods of work done therein; and
places of public gathering, recreation, or
entertainment;~~

~~(18) Any restaurant, theater, market, stand, shop, store,
factory, building, wagon, vehicle, or place where any
food, drug, or cosmetic is manufactured, compounded,
processed, extracted, prepared, stored, distributed,
sold, offered for sale, or offered for human
consumption or use;~~

~~(19) Foods, drugs, and cosmetics, and the manufacture,
compounding, processing, extracting, preparing,
storing, selling, and offering for sale, consumption,
or use of any food, drug, or cosmetic;~~

~~(20) Device as defined in section 328-1;~~

~~(21) Sources of ionizing radiation;~~

~~(22)]~~ (3) Medical examination, vaccination, revaccination,
and immunization of school children. No child shall
be subjected to medical examination, vaccination,
revaccination, or immunization, whose parent or



1 guardian objects in writing thereto on grounds that
2 the requirements are not in accordance with the
3 religious tenets of an established church of which the
4 parent or guardian is a member or adherent, but no
5 objection shall be recognized when, in the opinion of
6 the department, there is danger of an epidemic from
7 any communicable disease;

8 ~~[(23) Disinsectization of aircraft entering or within the~~
9 ~~State as may be necessary to prevent the introduction,~~
10 ~~transmission, or spread of disease or the introduction~~
11 ~~or spread of any insect or other vector of~~
12 ~~significance to health;~~

13 ~~(24) Fumigation, including the process by which substances~~
14 ~~emit or liberate gases, fumes, or vapors that may be~~
15 ~~used for the destruction or control of insects,~~
16 ~~vermin, rodents, or other pests, which, in the opinion~~
17 ~~of the department, may be lethal, poisonous, noxious,~~
18 ~~or dangerous to human life,] and~~

19 ~~[(25)]~~ (4) Ambulances and ambulance equipment[~~+~~

20 ~~(26) Development, review, approval, or disapproval of~~
21 ~~management plans submitted pursuant to the Asbestos~~



1 ~~Hazard Emergency Response Act of 1986, Public Law~~

2 ~~99-519, and~~

3 ~~(27) Development, review, approval, or disapproval of an~~

4 ~~accreditation program for specially trained persons~~

5 ~~pursuant to the Residential Lead-Based Paint Hazard~~

6 ~~Reduction Act of 1992, Public Law 102-550].~~

7 (b) The department of community health may require any
8 certificates, permits, or licenses that it may deem necessary to
9 adequately regulate the conditions or businesses referred to in
10 this section."

11 SECTION 51. Section 321-13, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) The department of health, with the approval of the
14 governor, may adopt rules as it deems necessary for the public
15 health or safety respecting:

16 (1) The occupations or practices of clinical laboratory
17 directors, medical technologists (clinical laboratory
18 scientists), clinical laboratory specialists,
19 cytotechnologists, medical laboratory technicians
20 (clinical laboratory technicians), and tattoo
21 artists[, ~~and environmental health professionals~~];



(2) The health, education, training, experience, habits, qualifications, or character of persons to whom certificates of registration or permits for these occupations or practices may be issued;

(3) The health, habits, character, practices, standards, or conduct of persons holding these certificates or permits; and

(4) The grounds or causes for revoking or suspending these certificates or permits.

The rules shall have the force and effect of law."

SECTION 52. Section 321-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Every person holding a license to practice any occupation specified in section 321-13(a)(1) shall reregister with the department of health every other year in accordance with the rules of the department, before February 1 except where superseded by federal law, and shall pay a reregistration fee. The failure, neglect, or refusal of any person holding a license to reregister or pay the reregistration fee, after thirty days of delinquency, shall constitute a forfeiture of the person's license; provided that the license shall be restored upon



1 written application therefor together with a payment of all
2 delinquent fees and an additional late reregistration fee that
3 may be established by the director of health. ~~[All fees~~
4 ~~collected pursuant to this section shall be deposited into the~~
5 ~~sanitation and environmental health special fund established~~
6 ~~under section 321-27.]~~"

7 SECTION 53. Section 321-27, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§321-27 Sanitation and environmental health special fund.**

10 (a) There is established within the department of ~~[health]~~
11 environmental protection the sanitation and environmental health
12 special fund into which shall be deposited all moneys collected
13 from fees for permits, licenses, inspections, various
14 certificates, variances, investigations, and reviews, pursuant
15 to ~~[sections 321-11.5(c) and 321-15.]~~ applicable law.

16 (b) Moneys in the fund shall be expended by the department
17 of environmental protection to partially fund the operating
18 costs of program activities and functions ~~[authorized pursuant~~
19 ~~to section 321-11]~~ to enhance the capacity of sanitation and
20 environmental health programs to:



(1) Improve public outreach efforts and consultations to regulated businesses and industries;

(2) Educate the public, staff, and regulated businesses and industries;

(3) Plan for future growth and expansion to meet emerging needs;

(4) Provide training opportunities to ensure the maintenance of professional competence among sanitation and environmental health staff and administrators; and

(5) Conduct program activities and functions of the sanitation branch, including permit issuance, inspections, and enforcement and the hiring of additional inspectors;

provided that for environmental health programs, not more than \$140,000 of the fund may be used during any fiscal year for fund administration, including the hiring of not more than two full-time equivalent personnel, and the purchase of office and electronic equipment.

(c) Any amount in the fund in excess of \$1,500,000 on June 30 of each year shall be deposited into the general fund.



(d) The department of [~~health~~] environmental protection shall submit a report to the legislature concerning the status of the sanitation and environmental health special fund, including:

(1) The amount of moneys taken in by and expended from the fund; and

(2) The sources of receipts and uses of expenditures, not less than twenty days prior to the convening of each regular session."

SECTION 54. Section 321-171.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The department of community health shall develop procedures for obtaining verifiable background check information regarding persons who are seeking employment, or seeking to serve as providers or subcontractors, in positions that place them in direct contact with adult, child, or youth clients when providing non-witnessed direct mental health or health care services. [~~These procedures shall include but not be limited to background checks as defined in section 321-15.2.]~~

(b) Except as otherwise specified, any person who seeks employment with the department of community health, or who is



1 employed or seeks employment with a provider or subcontractor in
2 a position that necessitates non-witnessed direct contact with
3 clients when providing non-witnessed direct mental health or
4 health care services, shall:

5 (1) Be subject to background checks [~~in accordance with~~
6 ~~section 321-15.2~~];

7 (2) Authorize the disclosure to the department or its
8 designee of background check information; and

9 (3) Provide to the department of community health or its
10 designee written consent for the department or its
11 designee to obtain background check information for
12 verification.

13 Information obtained pursuant to subsection (a) and this
14 subsection shall be used exclusively by the department of
15 community health for purposes of determining whether a person is
16 suitable for working in a position that necessitates
17 non-witnessed direct contact with clients when providing
18 non-witnessed direct mental health or health care services. All
19 such decisions shall be subject to federal laws and regulations
20 currently or hereafter in effect."



1 SECTION 55. Section 321-353, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established within the department for
4 administrative purposes the Hawaii early intervention
5 coordinating council. Members shall be appointed for three-year
6 terms by the governor without the necessity of the advice and
7 consent of the senate. The council shall comprise twenty-five
8 members as follows:

9 (1) At least twenty per cent of the members shall be
10 parents of infants or toddlers with special needs, or
11 children with special needs aged twelve years or
12 younger, with knowledge of, or experience with,
13 programs for infants and toddlers with special needs;
14 provided that at least one parent shall be a parent of
15 an infant or toddler with special needs, or of a child
16 with special needs aged six years or younger;

17 (2) At least twenty per cent of the members shall be
18 public or private providers of early intervention
19 services;

20 (3) Two members shall be from the legislature, of which
21 one member shall be selected by the president of the



senate and one member shall be selected by the speaker
of the house of representatives;

(4) One member shall be involved in personnel preparation;

(5) One member shall be from the department of community
health program involved in the provision of, or
payment for, early intervention services to infants
and toddlers with special needs and their families who
has sufficient authority to engage in policy planning
and implementation on behalf of the program;

(6) One member shall be from the department of community
health program responsible for children's mental
health;

(7) One member shall be from the department of education
program responsible for preschool services to children
with disabilities who has sufficient authority to
engage in policy planning and implementation on behalf
of the program;

(8) One member shall be from the department of education
program responsible for the coordination of education
of homeless children and youths;



1 (9) One member shall be from the department of [~~human~~
2 healthcare services program responsible for the state
3 medicaid program;

4 (10) One member shall be from the department of [~~human~~
5 services] community health program responsible for
6 child care;

7 (11) One member shall be from the department of [~~human~~
8 services] community health program responsible for
9 foster care;

10 (12) One member shall be from the department of commerce
11 and consumer affairs program responsible for state
12 regulation of health insurance;

13 (13) One member shall be from a Head Start or Early Head
14 Start agency or program in the State; and

15 (14) Other members involved in or interested in services to
16 infants and toddlers with special needs and their
17 families who are selected by the governor.

18 Any vacancy on the council shall be filled in the same
19 manner in which the original position was filled."

20 SECTION 56. Section 346-14, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§346-14 Duties generally.** Except as otherwise provided
2 by law, the department of [~~human~~] healthcare services shall:

3 (1) Establish and administer programs and standards, and
4 adopt rules as deemed necessary for all public
5 assistance programs;

6 (2) Establish, extend, and strengthen services for the
7 protection and care of abused or neglected children
8 and children in danger of becoming delinquent to make
9 paramount the safety and health of children who have
10 been harmed or are in life circumstances that threaten
11 harm;

12 (3) Establish and administer programs, and adopt rules as
13 deemed necessary, for the prevention of domestic and
14 sexual violence and the protection and treatment of
15 victims of domestic and sexual violence;

16 (4) Assist in preventing family breakdown;

17 (5) Place, or cooperate in placing, abused or neglected
18 children in suitable private homes or institutions and
19 place, or cooperate in placing, children in suitable
20 adoptive homes;



1 (6) Have authority to establish, maintain, and operate
2 receiving homes for the temporary care and custody of
3 abused or neglected children until suitable plans are
4 made for their care; and accept from the police and
5 other agencies, for temporary care and custody, any
6 abused or neglected child until satisfactory plans are
7 made for the child;

8 (7) Administer the medical assistance programs for
9 eligible public welfare and other medically needy
10 individuals by establishing standards, eligibility,
11 and health care participation rules, payment
12 methodologies, reimbursement allowances, systems to
13 monitor recipient and provider compliance, and
14 assuring compliance with federal requirements to
15 maximize federal financial participation;

16 (8) Cooperate with the federal government [~~in carrying out~~
17 ~~the purposes of the Social Security Act and in other~~
18 ~~matters of mutual concern pertaining to public~~
19 ~~welfare, public assistance, and child welfare~~
20 ~~services, including the making of reports, the~~
21 ~~adoption of methods of administration, and the making~~



1 ~~of rules as are found by the federal government, or~~
2 ~~any properly constituted authority thereunder, to be~~
3 ~~necessary or desirable for the efficient operation of~~
4 ~~the plans for public welfare, assistance, and child~~
5 ~~welfare services or]~~ as may be necessary or desirable
6 for the receipt of financial assistance from the
7 federal government;

8 (9) Carry on research and compile statistics relative to
9 public and private welfare activities throughout the
10 State, including those dealing with dependence,
11 defectiveness, delinquency, and related problems;

12 (10) Develop plans in cooperation with other public and
13 private agencies for the prevention and treatment of
14 conditions giving rise to public welfare problems;

15 (11) Adopt rules governing the procedure in hearings,
16 investigations, recording, registration, determination
17 of allowances, and accounting and conduct other
18 activities as may be necessary or proper to carry out
19 this chapter;

20 (12) Supervise or administer any other activities
21 authorized or required by this chapter, including the



1 development of the staff of the department through
2 in-service training and educational leave to attend
3 schools and other appropriate measures, and any other
4 activities placed under the jurisdiction of the
5 department by any other law;

6 (13) Make, prescribe, and enforce policies and rules
7 governing the activities provided for in
8 section 346-31 it deems advisable, including the
9 allocation of moneys available for assistance to
10 persons assigned to work projects among the several
11 counties or to particular projects where the
12 apportionment has not been made pursuant to other
13 provisions of law, if any, governing expenditures of
14 the funds;

15 (14) Determine the appropriate level for the Hawaii
16 security net, by developing a tracking and monitoring
17 system to determine what segments of the population
18 are not able to afford the basic necessities of life,
19 and advise the legislature annually regarding the
20 resources required to maintain the security net at the
21 appropriate level;



1 (15) Subject to the appropriation of state funds and
2 availability of federal matching assistance, expand
3 optional health care to low-income persons as follows:

4 (A) Pregnant women and infants under one year of age
5 living in families with incomes up to one hundred
6 eighty-five per cent of the federal poverty level
7 and without any asset restrictions;

8 (B) Children under six years of age living in
9 families with incomes up to one hundred
10 thirty-three per cent of the federal poverty
11 level and without any asset restrictions;

12 (C) Older children to the extent permitted under
13 optional federal medicaid rules;

14 (D) Elder persons;

15 (E) Aliens;

16 (F) The homeless; and

17 (G) Other handicapped and medically needy persons;

18 and

19 (16) Subject to the appropriation of state funds and
20 availability of federal matching assistance, establish
21 the income eligibility level for the medically needy



1 program at one hundred thirty-three per cent of the
2 assistance allowance."

3 SECTION 57. Section 378-2.5, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) Notwithstanding subsections (b) and (c), the
6 requirement that inquiry into and consideration of a prospective
7 employee's conviction record may take place only after the
8 individual has received a conditional job offer, and the
9 limitation to the most recent seven-year period for felony
10 convictions and the most recent five-year period for misdemeanor
11 convictions, excluding the period of incarceration, shall not
12 apply to employers who are expressly permitted to inquire into
13 an individual's criminal history for employment purposes
14 pursuant to any federal or state law other than subsection (a),
15 including:

16 (1) The State or any of its branches, political
17 subdivisions, or agencies pursuant to sections 78-2.7
18 and 831-3.1; provided that any state law permitting
19 the State and any of its branches, political
20 subdivisions, agencies, or semi-autonomous public
21 bodies corporate and politic to conduct more extensive



1 inquiries into an individual's criminal history for
2 employment purposes than those permitted under this
3 section shall prevail;

4 (2) The department of education pursuant to
5 section 302A-601.5;

6 (3) The department of community health with respect to
7 employees, providers, or subcontractors in positions
8 that place them in direct contact with clients when
9 providing non-witnessed direct mental health services
10 pursuant to section 321-171.5;

11 (4) The judiciary pursuant to section 571-34;

12 (5) The counties pursuant to section 846-2.7(b)(5), (33),
13 (34), (35), (36), and (38);

14 (6) Armed security services pursuant to section 261-17(b);

15 (7) Providers of a developmental disabilities domiciliary
16 home pursuant to section 321-15.2;

17 (8) Private schools pursuant to sections 302C-1 and
18 378-3(8);

19 (9) Financial institutions in which deposits are insured
20 by a federal agency having jurisdiction over the
21 financial institution pursuant to section 378-3(9);



- 1 (10) Detective agencies and security guard agencies
2 pursuant to sections 463-6(b) and 463-8(b);
- 3 (11) Employers in the business of insurance pursuant to
4 section 431:2-201.3;
- 5 (12) Employers of individuals or supervisors of individuals
6 responsible for screening passengers or property under
7 title 49 United States Code section 44901 or
8 individuals with unescorted access to an aircraft of
9 an air carrier or foreign carrier or in a secured area
10 of an airport in the United States pursuant to title
11 49 United States Code section 44936(a);
- 12 (13) The department of [~~human~~] healthcare services pursuant
13 to sections 346-2.5, 346-97, and 352-5.5;
- 14 (14) The public library system pursuant to
15 section 302A-601.5;
- 16 (15) The department of law enforcement pursuant to
17 section 353C-5;
- 18 (16) The board of directors of a cooperative housing
19 corporation or the manager of a cooperative housing
20 project pursuant to section 421I-12;



- (17) The board of directors of an association under chapter 514B, or the managing agent or resident manager of a condominium pursuant to section 514B-133;
- (18) The department of [~~health~~] healthcare services pursuant to section 321-15.2; and
- (19) The department of corrections and rehabilitation pursuant to section 353-1.5."

SECTION 58. Section 431:10H-301, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) For the purpose of subsection (b) and for the purpose of describing examples of services typically found in this State, coverage shall be one or more of the following services or any combination of services:

- (1) Home health care services, as defined in section 431:10H-201;
- (2) Adult day care, as defined in section 431:10H-201;
- (3) Adult residential care home, as defined in section 321-15.1;
- (4) Extended care adult residential care home, as defined in section 323D-2;
- (5) Nursing home, as defined in section 457B-2;



(6) Skilled nursing facilities and intermediate care facilities, as referenced in section ~~[321-11(10),]~~ 321-11;

(7) Hospices~~[, as referenced in section 321-11,]~~ under the jurisdiction of the department of healthcare services;

(8) Assisted living facility, as defined in section 323D-2;

(9) Personal care, as defined in section 431:10H-201;

(10) Respite care, as defined in section 333F-1; and

(11) Any other care as provided by rule of the commissioner."

SECTION 59. Section 846-2.7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Criminal history record checks may be conducted by:

(1) The department of ~~health~~ healthcare services or its designee on operators of adult foster homes for individuals with developmental disabilities or developmental disabilities domiciliary homes and their employees, as provided by section 321-15.2;

(2) The department of community health or its designee on prospective employees, persons seeking to serve as



1 providers, or subcontractors in positions that place
2 them in direct contact with clients when providing
3 non-witnessed direct mental health or health care
4 services as provided by section 321-171.5;

5 (3) The department of [~~health~~] healthcare services or its
6 designee on all applicants for licensure or
7 certification for, operators for, prospective
8 employees, adult volunteers, and all adults, except
9 adults in care, at healthcare facilities as defined in
10 section 321-15.2;

11 (4) The department of education on employees, prospective
12 employees, and teacher trainees in any public school
13 in positions that necessitate close proximity to
14 children as provided by section 302A-601.5;

15 (5) The counties on employees and prospective employees
16 who may be in positions that place them in close
17 proximity to children in recreation or child care
18 programs and services;

19 (6) The county liquor commissions on applicants for liquor
20 licenses as provided by section 281-53.5;



- 1 (7) The county liquor commissions on employees and
2 prospective employees involved in liquor
3 administration, law enforcement, and liquor control
4 investigations;
- 5 (8) The department of [~~human~~] healthcare services on
6 operators and employees of child caring institutions,
7 child placing organizations, and resource family homes
8 as provided by section 346-17;
- 9 (9) The department of [~~human~~] healthcare services on
10 prospective adoptive parents as established under
11 section 346-19.7;
- 12 (10) The department of [~~human~~] healthcare services or its
13 designee on applicants to operate child care
14 facilities, household members of the applicant,
15 prospective employees of the applicant, and new
16 employees and household members of the provider after
17 registration or licensure as provided by
18 section 346-154, and persons subject to
19 section 346-152.5;
- 20 (11) The department of [~~human~~] healthcare services on
21 persons exempt pursuant to section 346-152 to be



1 eligible to provide child care and receive child care
2 subsidies as provided by section 346-152.5;

3 (12) The department of [~~health~~] healthcare services on
4 operators and employees of home and community-based
5 case management agencies and operators and other
6 adults, except for adults in care, residing in
7 community care foster family homes as provided by
8 section 321-15.2;

9 (13) The department of [~~human~~] healthcare services on staff
10 members of the Hawaii youth correctional facility as
11 provided by section 352-5.5;

12 (14) The department of [~~human~~] healthcare services on
13 employees, prospective employees, and volunteers of
14 contracted providers and subcontractors in positions
15 that place them in close proximity to youth when
16 providing services on behalf of the office or the
17 Hawaii youth correctional facility as provided by
18 section 352D-4.3;

19 (15) The judiciary on employees and applicants at detention
20 and shelter facilities as provided by section 571-34;



1 (16) The department of corrections and rehabilitation on
2 employees and prospective employees, volunteers,
3 contract service providers, and subcontract service
4 providers who are directly involved with the treatment
5 and care of, or directly involved in providing
6 correctional programs and services to, persons
7 committed to a correctional facility, or placed in
8 close proximity to persons committed when providing
9 services on behalf of the department or the
10 correctional facility, as provided by section 353-1.5
11 and the department of law enforcement on employees and
12 prospective employees whose duties involve or may
13 involve the exercise of police powers including the
14 power of arrest as provided by section 353C-5;

15 (17) The board of private detectives and guards on
16 applicants for private detective or private guard
17 licensure as provided by section 463-9;

18 (18) Private schools and designated organizations on
19 employees and prospective employees who may be in
20 positions that necessitate close proximity to
21 children; provided that private schools and designated



1 organizations receive only indications of the states
2 from which the national criminal history record
3 information was provided pursuant to section 302C-1;

4 (19) The public library system on employees and prospective
5 employees whose positions place them in close
6 proximity to children as provided by
7 section 302A-601.5;

8 (20) The State or any of its branches, political
9 subdivisions, or agencies on applicants and employees
10 holding a position that has the same type of contact
11 with children, vulnerable adults, or persons committed
12 to a correctional facility as other public employees
13 who hold positions that are authorized by law to
14 require criminal history record checks as a condition
15 of employment as provided by section 78-2.7;

16 (21) The department of [~~health~~] healthcare services on
17 licensed adult day care center operators, employees,
18 new employees, subcontracted service providers and
19 their employees, and adult volunteers as provided by
20 section 321-15.2;



1 (22) The department of [~~human~~] healthcare services on
2 purchase of service contracted and subcontracted
3 service providers and their employees and volunteers,
4 as provided by sections 346-2.5 and 346-97;

5 (23) The department of [~~human~~] healthcare services on
6 foster grandparent program, senior companion program,
7 and respite companion program participants as provided
8 by section 346-97;

9 (24) The department of [~~human~~] healthcare services on
10 contracted and subcontracted service providers and
11 their current and prospective employees that provide
12 home and community-based services under section
13 1915(c) of the Social Security Act, title 42 United
14 States Code section 1396n(c), or under any other
15 applicable section or sections of the Social Security
16 Act for the purposes of providing home and
17 community-based services, as provided by
18 section 346-97;

19 (25) The department of commerce and consumer affairs on
20 proposed directors and executive officers of a bank,
21 savings bank, savings and loan association, trust



company, and depository financial services loan

company as provided by section 412:3-201;

(26) The department of commerce and consumer affairs on

proposed directors and executive officers of a

nondepository financial services loan company as

provided by section 412:3-301;

(27) The department of commerce and consumer affairs on the

original chartering applicants and proposed executive

officers of a credit union as provided by section

412:10-103;

(28) The department of commerce and consumer affairs on:

(A) Each principal of every non-corporate applicant

for a money transmitter license;

(B) Each person who upon approval of an application

by a corporate applicant for a money transmitter

license will be a principal of the licensee; and

(C) Each person who upon approval of an application

requesting approval of a proposed change in

control of licensee will be a principal of the

licensee,

as provided by sections 489D-9 and 489D-15;



1 (29) The department of commerce and consumer affairs on
2 applicants for licensure and persons licensed under
3 title 24;

4 (30) The Hawaii health systems corporation on:

5 (A) Employees;

6 (B) Applicants seeking employment;

7 (C) Current or prospective members of the corporation
8 board or regional system board; or

9 (D) Current or prospective volunteers, providers, or
10 contractors,

11 in any of the corporation's health facilities as
12 provided by section 323F-5.5;

13 (31) The department of commerce and consumer affairs on:

14 (A) An applicant for a mortgage loan originator
15 license, or license renewal; and

16 (B) Each control person, executive officer, director,
17 general partner, and managing member of an
18 applicant for a mortgage loan originator company
19 license or license renewal,

20 as provided by chapter 454F;



1 (32) The state public charter school commission or public
2 charter schools on employees, teacher trainees,
3 prospective employees, and prospective teacher
4 trainees in any public charter school for any position
5 that places them in close proximity to children, as
6 provided in section 302D-33;

7 (33) The counties on prospective employees who work with
8 children, vulnerable adults, or senior citizens in
9 community-based programs;

10 (34) The counties on prospective employees for fire
11 department positions that involve contact with
12 children or vulnerable adults;

13 (35) The counties on prospective employees for emergency
14 medical services positions that involve contact with
15 children or vulnerable adults;

16 (36) The counties on prospective employees for emergency
17 management positions and community volunteers whose
18 responsibilities involve planning and executing
19 homeland security measures including viewing,
20 handling, and engaging in law enforcement or



classified meetings and assisting vulnerable citizens during emergencies or crises;

(37) The State and counties on employees, prospective employees, volunteers, and contractors whose position responsibilities require unescorted access to secured areas and equipment related to a traffic management center;

(38) The State and counties on employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes;

(39) The State and counties on current and prospective systems analysts and others involved in an agency's information technology operation whose position responsibilities provide them with access to proprietary, confidential, or sensitive information;

(40) The department of commerce and consumer affairs on:

(A) Applicants for real estate appraiser licensure or certification as provided by chapter 466K;

(B) Each person who owns more than ten per cent of an appraisal management company who is applying for



- 1 registration as an appraisal management company,
- 2 as provided by section 466M-7; and
- 3 (C) Each of the controlling persons of an applicant
- 4 for registration as an appraisal management
- 5 company, as provided by section 466M-7;
- 6 (41) The department of community health or its designee on:
- 7 (A) Individual applicants or individuals acting on
- 8 behalf of applying entities for hemp processor
- 9 permits as provided under section 328G-2; and
- 10 (B) All license applicants, licensees, employees,
- 11 contractors, and prospective employees of medical
- 12 cannabis dispensaries, and individuals permitted
- 13 to enter and remain in medical cannabis
- 14 dispensary facilities as provided under
- 15 sections 329D-15(a)(4) and 329D-16(a)(3);
- 16 (42) The department of commerce and consumer affairs on
- 17 applicants for nurse licensure or license renewal,
- 18 reactivation, or restoration as provided by
- 19 sections 457-7, 457-8, 457-8.5, and 457-9;
- 20 (43) The county police departments on applicants for
- 21 permits to acquire firearms pursuant to section 134-2,



1 on individuals registering their firearms pursuant to
2 section 134-3, and on applicants for new or renewed
3 licenses to carry a pistol or revolver and ammunition
4 pursuant to section 134-9;

5 (44) The department of commerce and consumer affairs on:

6 (A) Each of the controlling persons of the applicant
7 for licensure as an escrow depository, and each
8 of the officers, directors, and principals who
9 will be in charge of the escrow depository's
10 activities upon licensure; and

11 (B) Each of the controlling persons of an applicant
12 for proposed change in control of an escrow
13 depository licensee, and each of the officers,
14 directors, and principals who will be in charge
15 of the licensee's activities upon approval of the
16 application,

17 as provided by chapter 449;

18 (45) The department of taxation on current or prospective
19 employees or contractors who have access to federal
20 tax information in order to comply with requirements



1 of federal law, regulation, or procedure, as provided
2 by section 231-1.6;

3 (46) The department of labor and industrial relations on
4 current or prospective employees or contractors who
5 have access to federal tax information in order to
6 comply with requirements of federal law, regulation,
7 or procedure, as provided by section 383-110;

8 (47) The department of [~~human~~] healthcare services on
9 current or prospective employees or contractors who
10 have access to federal tax information in order to
11 comply with requirements of federal law, regulation,
12 or procedure, and on current or prospective employees,
13 volunteers, contractors, or contractors' employees or
14 volunteers, subcontractors, or subcontractors'
15 employees or volunteers, whose position places or
16 would place them in close proximity to minors, young
17 adults, or vulnerable adults, as provided by
18 section 346-2.5;

19 (48) The child support enforcement agency on current or
20 prospective employees, or contractors who have access
21 to federal tax information in order to comply with



1 federal law, regulation, or procedure, as provided by
2 section 576D-11.5;

3 (49) The department of the attorney general on current or
4 prospective employees or employees or agents of
5 contractors who have access to federal tax information
6 to comply with requirements of federal law,
7 regulation, or procedure, as provided by
8 section 28-17;

9 (50) The department of commerce and consumer affairs on
10 each control person, executive officer, director,
11 general partner, and managing member of an installment
12 loan licensee, or an applicant for an installment loan
13 license, as provided in chapter 480J;

14 (51) The university of Hawaii on current and prospective
15 employees and contractors whose duties include
16 ensuring the security of campus facilities and
17 persons; and

18 (52) Any other organization, entity, or the State, its
19 branches, political subdivisions, or agencies as may
20 be authorized by state law."



1 SECTION 60. Sections 302A-493, 321-1.8, 321-1.9, 321-11.2,
2 321-11.8, 321-15.2, 321-15.6, 321-15.61, 321-15.62, 321-15.63,
3 321-15.9, 321-482, 321-483, 329-4, and 329-104, Hawaii Revised
4 Statutes, are amended by substituting the term "section 321-11"
5 wherever the term "section 321-11(10)" or "section 321-11(12)"
6 appears, as the context requires.

7 PART X

8 SECTION 61. The purpose of this part is to specify certain
9 administrative matters that apply to the Act as a whole.

10 SECTION 62. (a) The office of the attorney general shall
11 identify all administrative rules, accounts, special funds, and
12 other legal provisions that require amendment to:

13 (1) Rename the department of health as the department of
14 community health;

15 (2) Rename the department of human services as the
16 department of healthcare services;

17 (3) Transfer from the department of community health to
18 the department of healthcare services and the
19 department of environmental protection the
20 responsibilities specified in this Act;



(4) Transfer from the department of healthcare services to the department of community health the responsibilities specified in this Act; and

(5) Administratively attach the Hawaii employer-union health benefits trust fund to the department of healthcare services.

(b) The office of the attorney general shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2026.

SECTION 63. (a) All employees who occupy civil service positions and whose functions are transferred by this Act shall retain their civil service status, whether permanent or temporary. Employees shall be transferred without any loss of salary; seniority (except as prescribed by applicable collective bargaining agreements); retention points; prior service credit; any vacation and sick leave credits previously earned; and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed;



1 provided further that subsequent changes in status may be made
2 pursuant to applicable civil service and compensation laws.

3 (b) Any employee who, prior to this Act, is exempt from
4 civil service and is transferred as a consequence of this Act
5 may retain the employee's exempt status, but shall not be
6 appointed to a civil service position as a consequence of this
7 Act. An exempt employee who is transferred by this Act shall
8 not suffer any loss of prior service credit, vacation or sick
9 leave credits previously earned, or other employee benefits or
10 privileges as a consequence of this Act; provided that the
11 employees possess legal and public employment requirements for
12 the position to which transferred or appointed; provided further
13 that subsequent changes in status may be made pursuant to
14 applicable employment and compensation laws. The director of
15 environmental protection may prescribe the duties and
16 qualifications of these employees and fix their salaries without
17 regard to chapter 76, Hawaii Revised Statutes.


18 PART XI

19 SECTION 64. This Act does not affect rights and duties
20 that matured, penalties that were incurred, and proceedings that
21 were begun before its effective date.



1 SECTION 65. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 66. This Act shall take effect upon its approval;
4 provided that the amendments made to section 846-2.7(b), Hawaii
5 Revised Statutes, by section 59 of this Act shall not be
6 repealed when that section is reenacted on July 1, 2027,
7 pursuant to section 4 of Act 110, Session Laws of Hawaii 2024.

8
INTRODUCED BY: 



S.B. NO. 1292

Report Title:

DOH; DHS; EUTF; Environment; Community Health; Healthcare Services

Description:

Establishes the Department of Environmental Protection. Renames the Department of Health as the Department of Community Health. Renames the Department of Human Services as the Department of Healthcare Services. Administratively attaches the Hawaii Employer-Union Health Benefits Trust Fund to the Department of Healthcare Services. Transfers certain responsibilities between departments.

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

