
A BILL FOR AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES.

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

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

4 "§46- Regulation of ambulance service. (a) The
5 authority to regulate ambulance service, including the
6 certification of vehicles, equipment, supplies, and
7 communication systems, shall rest with the respective county.

8 (b) Any person who provides emergency medical service as
9 an employee of any emergency ambulance service shall be subject
10 to chapter 453.

11 (c) Each county shall require that ambulance service
12 providers licensed by the respective county establish and
13 maintain an alcohol and substance abuse policy for employees
14 that is equivalent to, or exceeds the provisions of, the safety
15 and health standards established by the United States Department
16 of Transportation for holders of commercial driver's licenses.



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1 (d) Ambulance service made available under the authority
2 of this section shall not be denied to any person on the basis
3 of the person's ability to pay therefor or because of the lack
4 of prepaid health care coverage or proof of either ability to
5 pay or of coverage.

6 (e) The use of latex gloves by personnel providing
7 ambulance services is prohibited."

8 SECTION 2. Section 237D-6.5, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Revenues collected under this chapter shall be
11 distributed in the following priority, with the excess revenues
12 to be deposited into the general fund:

13 (1) \$1,500,000 shall be allocated to the Turtle Bay
14 conservation easement special fund beginning July 1,
15 2015, for the reimbursement to the state general fund
16 of debt service on reimbursable general obligation
17 bonds, including ongoing expenses related to the
18 issuance of the bonds, the proceeds of which were used
19 to acquire the conservation easement and other real
20 property interests in Turtle Bay, Oahu, for the
21 protection, preservation, and enhancement of natural



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1 resources important to the State, until the bonds are
2 fully amortized;

3 (2) \$26,500,000 shall be allocated to the convention
4 center enterprise special fund established under
5 section 201B-8;

6 (3) \$82,000,000 shall be allocated to the tourism special
7 fund established under section 201B-11; provided that:

8 (A) Beginning on July 1, 2012, and ending on June 30,
9 2015, \$2,000,000 shall be expended from the
10 tourism special fund for development and
11 implementation of initiatives to take advantage
12 of expanded visa programs and increased travel
13 opportunities for international visitors to
14 Hawaii;

15 (B) Of the \$82,000,000 allocated:

16 (i) \$1,000,000 shall be allocated for the
17 operation of a Hawaiian center and the
18 museum of Hawaiian music and dance at the
19 Hawaii convention center; and

20 (ii) 0.5 per cent of the \$82,000,000 shall be
21 transferred to a sub-account in the tourism



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1 special fund to provide funding for a safety
2 and security budget, in accordance with the
3 Hawaii tourism strategic plan 2005-2015; and
4 (C) Of the revenues remaining in the tourism special
5 fund after revenues have been deposited as
6 provided in this paragraph and except for any sum
7 authorized by the legislature for expenditure
8 from revenues subject to this paragraph,
9 beginning July 1, 2007, funds shall be deposited
10 into the tourism emergency special fund,
11 established in section 201B-10, in a manner
12 sufficient to maintain a fund balance of
13 \$5,000,000 in the tourism emergency special fund;
14 (4) \$103,000,000 for fiscal year 2014-2015, \$103,000,000
15 for fiscal year 2015-2016, \$103,000,000 for fiscal
16 year 2016-2017, and \$93,000,000 for each fiscal year
17 thereafter shall be allocated as follows: Kauai
18 county shall receive 14.5 per cent, Hawaii county
19 shall receive 18.6 per cent, city and county of
20 Honolulu shall receive 44.1 per cent, and Maui county



1 shall receive 22.8 per cent; provided that

2 [~~commencing~~]:

3 (A) Commencing with fiscal year 2017-2018, each
4 county shall expend a portion of the tax revenues
5 allocated to it pursuant to this paragraph to
6 establish, operate, maintain, and regulate
7 ambulance services in their respective county;
8 and

9 (B) Commencing with fiscal year 2018-2019, a sum that
10 represents the difference between a county public
11 employer's annual required contribution for the
12 separate trust fund established under section
13 87A-42 and the amount of the county public
14 employer's contributions into that trust fund
15 shall be retained by the state director of
16 finance and deposited to the credit of the county
17 public employer's annual required contribution
18 into that trust fund in each fiscal year, as
19 provided in section 87A-42, if the respective
20 county fails to remit the total amount of the



1 county's required annual contributions, as
2 required under section 87A-43; and
3 (5) \$3,000,000 shall be allocated to the special land and
4 development fund established under section 171-19;
5 provided that the allocation shall be expended in
6 accordance with the Hawaii tourism authority strategic
7 plan for:

- 8 (A) The protection, preservation, maintenance, and
9 enhancement of natural resources, including
10 beaches, important to the visitor industry;
- 11 (B) Planning, construction, and repair of facilities;
12 and
- 13 (C) Operation and maintenance costs of public lands,
14 including beaches, connected with enhancing the
15 visitor experience.

16 All transient accommodations taxes shall be paid into the
17 state treasury each month within ten days after collection and
18 shall be kept by the state director of finance in special
19 accounts for distribution as provided in this subsection.



1 As used in this subsection, "fiscal year" means the twelve-
2 month period beginning on July 1 of a calendar year and ending
3 on June 30 of the following calendar year."

4 SECTION 3. Section 321-11, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§321-11 Subjects of health rules, generally.** The
7 department of health pursuant to chapter 91 may adopt rules that
8 it deems necessary for the public health and safety respecting:

- 9 (1) Nuisances, foul or noxious odors, gases, vapors,
10 waters in which mosquitoes breed or may breed, sources
11 of filth, and causes of sickness or disease, within
12 the respective districts of the State, and on board
13 any vessel;
- 14 (2) Adulteration and misbranding of food or drugs;
- 15 (3) Location, air space, ventilation, sanitation,
16 drainage, sewage disposal, and other health conditions
17 of buildings, courts, construction projects,
18 excavations, pools, watercourses, areas, and alleys;
- 19 (4) Privy vaults and cesspools;
- 20 (5) Fish and fishing;
- 21 (6) Interments and dead bodies;



- 1 (7) Disinterments of dead human bodies, including the
2 exposing, disturbing, or removing of these bodies from
3 their place of burial, or the opening, removing, or
4 disturbing after due interment of any receptacle,
5 coffin, or container holding human remains or a dead
6 human body or a part thereof and the issuance and
7 terms of permits for the aforesaid disinterments of
8 dead human bodies;
- 9 (8) Cemeteries and burying grounds;
- 10 (9) Laundries, and the laundering, sanitation, and
11 sterilization of articles including linen and uniforms
12 used by or in the following businesses and
13 professions: barber shops, manicure shops, beauty
14 parlors, electrology shops, restaurants, soda
15 fountains, hotels, rooming and boarding houses,
16 bakeries, butcher shops, public bathhouses, midwives,
17 masseurs, and others in similar calling, public or
18 private hospitals, and canneries and bottling works
19 where foods or beverages are canned or bottled for
20 public consumption or sale; provided that nothing in
21 this chapter shall be construed as authorizing the



1 prohibiting of laundering, sanitation, and
2 sterilization by those conducting any of these
3 businesses or professions where the laundering or
4 sterilization is done in an efficient and sanitary
5 manner;

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



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- 1 (11) Hotels, rooming houses, lodging houses, apartment
- 2 houses, tenements, and residences for persons with
- 3 developmental disabilities including those built under
- 4 federal funding;
- 5 (12) Laboratories;
- 6 (13) Any place or building where noisome or noxious trades
- 7 or manufacturing is carried on, or intended to be
- 8 carried on;
- 9 (14) Milk;
- 10 (15) Poisons and hazardous substances, the latter term
- 11 including any substance or mixture of substances that:
- 12 (A) Is corrosive;
- 13 (B) Is an irritant;
- 14 (C) Is a strong sensitizer;
- 15 (D) Is inflammable; or
- 16 (E) Generates pressure through decomposition, heat,
- 17 or other means,
- 18 if the substance or mixture of substances may cause
- 19 substantial personal injury or substantial illness
- 20 during or as a proximate result of any customary or



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- 1 reasonably foreseeable handling or use, including
2 reasonably foreseeable ingestion by children;
- 3 (16) Pig and duck ranches;
- 4 (17) Places of business, industry, employment, and
5 commerce, and the processes, materials, tools,
6 machinery, and methods of work done therein; and
7 places of public gathering, recreation, or
8 entertainment;
- 9 (18) Any restaurant, theater, market, stand, shop, store,
10 factory, building, wagon, vehicle, or place where any
11 food, drug, or cosmetic is manufactured, compounded,
12 processed, extracted, prepared, stored, distributed,
13 sold, offered for sale, or offered for human
14 consumption or use;
- 15 (19) Foods, drugs, and cosmetics, and the manufacture,
16 compounding, processing, extracting, preparing,
17 storing, selling, and offering for sale, consumption,
18 or use of any food, drug, or cosmetic;
- 19 (20) [Device] as defined in section 328-1;
- 20 (21) Sources of ionizing radiation;



- 1 (22) Medical examination, vaccination, revaccination, and
2 immunization of school children. No child shall be
3 subjected to medical examination, vaccination,
4 revaccination, or immunization, whose parent or
5 guardian objects in writing thereto on grounds that
6 the requirements are not in accordance with the
7 religious tenets of an established church of which the
8 parent or guardian is a member or adherent, but no
9 objection shall be recognized when, in the opinion of
10 the department, there is danger of an epidemic from
11 any communicable disease;
- 12 (23) Disinsectization of aircraft entering or within the
13 State as may be necessary to prevent the introduction,
14 transmission, or spread of disease or the introduction
15 or spread of any insect or other vector of
16 significance to health;
- 17 (24) Fumigation, including the process by which substances
18 emit or liberate gases, fumes, or vapors that may be
19 used for the destruction or control of insects,
20 vermin, rodents, or other pests, which, in the opinion



1 of the department, may be lethal, poisonous, noxious,
2 or dangerous to human life;

3 [~~25~~] ~~Ambulances and ambulance equipment;~~

4 ~~26~~] (25) Development, review, approval, or disapproval of
5 management plans submitted pursuant to the Asbestos
6 Hazard Emergency Response Act of 1986, Public Law 99-
7 519; and

8 [~~27~~] (26) Development, review, approval, or disapproval of
9 an accreditation program for specially trained persons
10 pursuant to the Residential Lead-Based Paint Hazard
11 Reduction Act of 1992, Public Law 102-550.

12 The department of health may require any certificates,
13 permits, or licenses that it may deem necessary to adequately
14 regulate the conditions or businesses referred to in this
15 section."

16 SECTION 4. Section 321-224, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) In addition to other functions and duties assigned
19 under this part, the department shall:

20 [~~1~~] ~~Regulate ambulances and ambulance services;~~



1 ~~(2)~~ (1) Establish emergency medical services throughout
2 the State, including emergency aeromedical services,
3 which shall meet the requirements of this part,
4 subject to section 321-228;

5 ~~(3)~~ (2) Review and approve the curricula and syllabi of
6 training courses offered to emergency medical services
7 personnel who provide basic, intermediate, and
8 advanced life support, consult and coordinate with the
9 University of Hawaii, or any other accredited
10 community college, college, or university, or any
11 professional organization that provides emergency
12 medical services training, regarding the training for
13 basic, intermediate, and advanced life support
14 personnel, as provided in section 321-229;

15 ~~(4)~~ (3) Collect and evaluate data for the continued
16 evaluation of the state system, subject to section
17 321-230;

18 ~~(5)~~ (4) Coordinate emergency medical resources and the
19 allocation of the state system's services and
20 facilities in the event of mass casualties, natural
21 disasters, national emergencies, and other



1 emergencies, ensuring linkage to local, state, and
2 national disaster plans, and participation in
3 exercises to test these plans;

4 [~~(6)~~] (5) Establish, administer, and maintain a
5 communication system for the state system;

6 [~~(7)~~] (6) Assist each county in the development of a "911"
7 emergency telephone system;

8 [~~(8)~~] (7) Secure technical assistance and other assistance
9 and consultation necessary for the implementation of
10 this part, subject to section 321-230;

11 [~~(9)~~] (8) Implement public information and education
12 programs to inform the public of the state system and
13 its use, and disseminate other emergency medical
14 information, including appropriate methods of medical
15 self-help and first-aid, and the availability of
16 first-aid training programs in the State;

17 [~~(10)~~] (9) Establish standards and provide training for
18 dispatchers in the state system, and maintain a
19 program of quality assurance for dispatch equipment
20 and operations;



- 1 ~~[(11)]~~ (10) Establish a program that will enable emergency
2 service personnel to provide early defibrillation;
- 3 ~~[(12)]~~ (11) Establish within the department the emergency
4 medical service system for children;
- 5 ~~[(13)]~~ (12) Consult with the advisory committee on matters
6 relating to the implementation of this part; and
- 7 ~~[(14)]~~ (13) Establish and maintain standards for emergency
8 medical services course instructor qualifications and
9 requirements for emergency medical services training
10 facilities."

11 SECTION 5. Section 321-226, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§321-226 Emergency medical services and systems,**
14 **standards.** The department of health shall establish standards
15 for emergency medical services and for emergency medical service
16 systems consistent with the state system and applicable federal
17 guidelines for such services [~~, including a requirement that~~
18 ~~ambulance service providers licensed by the State establish and~~
19 ~~maintain an alcohol and substance abuse policy for employees~~
20 ~~that the department of health deems is equivalent to, or exceeds~~
21 ~~the provisions of, the safety and health standards established~~



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1 ~~by the federal Department of Transportation for holders of~~
2 ~~commercial driver's licenses~~]. In the event the standards are
3 determined or regulated by any other law, or by applicable
4 federal guidelines, standards required to be set by this section
5 shall be at least equivalent to or exceed the other state and
6 federal standards."

7 SECTION 6. Section 321-228, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§321-228 **Emergency medical services; counties.** The
10 department shall determine, in consultation with the advisory
11 committee under section 321-225, the levels of emergency medical
12 services that shall be implemented in each county. The
13 department may contract to provide emergency medical services,
14 including emergency aeromedical services, or any necessary
15 component of a county emergency services system in conformance
16 with the state system. [~~In the event any county shall apply to~~
17 ~~the department to operate emergency medical ambulance services~~
18 ~~within the respective county, the department may contract with~~
19 ~~the county for the provision of those services. The department~~
20 ~~shall operate emergency medical ambulance services or contract~~
21 ~~with a private agency in those counties which do not apply to it~~



1 ~~under this section. Any county or private agency contracting to~~
2 ~~provide emergency medical ambulance services under this section~~
3 ~~shall be required by the department to implement those services~~
4 ~~in a manner and at a level consistent with the levels determined~~
5 ~~under this section.] "~~

6 SECTION 7. Section 321-232, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) No ~~[ambulance services, or any other]~~ emergency
9 medical services available from or under the authority of this
10 chapter shall be denied to any person on the basis of the
11 ability of the person to pay therefor or because of the lack of
12 prepaid health care coverage or proof of such ability or
13 coverage."

14 SECTION 8. Section 321-236, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[+]§321-236[+] **Emergency medical services; use of latex**
17 **gloves prohibited.** The use of latex gloves by personnel
18 providing ~~[ambulance services or]~~ emergency medical services
19 pursuant to this part shall be prohibited."

20 SECTION 9. Section 321-227, Hawaii Revised Statutes, is
21 repealed.



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1 [~~§321-227 Regulation of ambulances. The department of~~
 2 ~~health shall adopt, amend, and repeal rules under chapter 91 for~~
 3 ~~the regulation of ambulances within the State, including but not~~
 4 ~~limited to the certification of vehicles, equipment, supplies,~~
 5 ~~and communications systems. Any person who provides emergency~~
 6 ~~medical service as an employee of any emergency ambulance~~
 7 ~~service shall be subject to chapter 453.~~"]

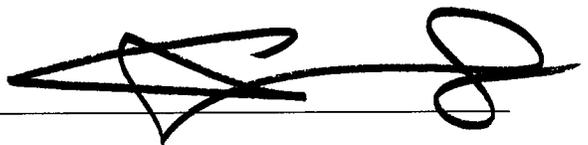
8 SECTION 10. The legislature declares that the amendments
 9 made to section 237D-6.5(b), Hawaii Revised Statutes, by section
 10 2 of this Act satisfy the requirements of article VIII, section
 11 5 of the Hawaii State Constitution.

12 SECTION 11. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 12. This Act shall take effect on July 1, 2017;
 15 provided that the department of health shall continue to provide
 16 for the regulation of ambulances until December 31, 2017, and on
 17 January 1, 2018, the respective counties shall assume the duty
 18 to regulate ambulance service.

19

INTRODUCED BY:



JAN 24 2017



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Report Title:

Ambulances; Counties

Description:

Transfers the regulation of ambulance services from the DOH to the counties. Allocates a portion of the transient accommodations tax to the counties for ambulance regulation and operation. Effective 7/1/2017.

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

