Honolulu, Hawaii February 15, 2019

RE: H.B. No. 303 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 303 entitled:

"A BILL FOR AN ACT RELATING TO OCCUPATIONAL HEALTH AND SAFETY,"

begs leave to report as follows:

The purpose of this measure is to require acute care hospitals to establish policies for the lifting and transportation of patients by health care workers including:

- (1) Identifying patients that require the appropriate use of lift teams, and lifting devices and equipment; and
- (2) Establishing teaching and training protocols for lift team members.

The United Public Workers, AFSCME, Local 646, AFL-CIO, Hawaii Nurses Association, OPEIU, Local 50, and several individuals testified in support of this measure. The Department of Labor and Industrial Relations (DLIR) testified in opposition to this measure. The Health Care Association of Hawaii and Hawaii Pacific Health provided comments.

Your Committee has amended this measure by:

- (1) Deleting its substantive language;
- (2) Inserting new language creating a Patient Lift Task
 Force to develop legislation to increase employee health
 and safety during the lifting and transportation of
 patients in a hospital setting;
- (3) Changing the effective date to July 1, 2050, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes DLIR's concerns that the Occupational Safety and Health Division (HIOSH) lacks jurisdiction over any disciplinary policies. Your Committee further notes HIOSH's statement that neither HIOSH nor the federal Occupational Safety and Health Administration (OSHA) have specific standards for "broad service hospitals", and as such any complaints would be subject to a breach of the OSHA general duty clause. Finally, your Committee notes the Department's concern that this measure may conflict with the enabling chapter for the Department, and particularly with section 371-7, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 303, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 303, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committee on Health,

JOHN M. MIZUNO Chair

State of Hawaii House of Representatives The THIRTIETH Legislature



Record of Votes of the Committee on Health

Bill/Resolution No.: JB 303	Committee Referral: HLT, CPC		Date: 2-12-19	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)				
A MODAWACHI D. A. LAWO				
2. KOBAYASHI, Bertrand (VC)				
3. BELATTI, Della Au				
4. NAKAMURA, Nadine K.		Come do illustrativos autorialistas (Come do illustrativos de illustrativo		
5. SAN BUENAVENTURA, Joy A.				The state of the s
6. SAY, Calvin K.Y.				
7. TOKIOKA, James Kunane				
8. WARD, Gene		http://www.nain.com/institutio		
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TOTAL (8)				
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				