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# A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1           SECTION 1. The legislature finds that the 2020 outbreak of  
2 the novel coronavirus, SARS-CoV-2, has brought renewed scrutiny  
3 to the State's emergency management laws. The rapid worldwide  
4 expansion of the coronavirus triggered its characterization as a  
5 pandemic by the World Health Organization on March 11, 2020.  
6 The State's emergency management laws require updating to  
7 explicitly include pandemics and the related preparedness,  
8 response, and mitigation of the social and economic  
9 consequences.

10           Additionally, the legislature finds that the pandemic has  
11 given rise to a multitude of essential workers in various job  
12 sectors who, through the course of their work are required to  
13 relay and impose emergency rules and orders that have been  
14 enacted by the appropriate governmental authority. Emergency  
15 response measures to reduce the spread of SARS-CoV-2 through,  
16 for example, the use of face coverings or masks has placed great  
17 responsibility and risk on essential workers who have



1 experienced harassment, intimidation, verbal abuse, and physical  
2 assault from members of the public who disagree with the  
3 government's order. While emergency workers are offered some  
4 statutory protections, essential workers are generally not  
5 protected under these provisions and specific statutory  
6 protection for this category of worker needs to be included in  
7 the State's emergency management laws.

8 The purpose of this Act is to:

- 9 (1) Establish the offense of harassment against an  
10 essential worker during an emergency; and
- 11 (2) Amend various definitions in the emergency management  
12 laws to address pandemics.

13 SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 **"§711- Harassment against an essential worker during an**  
17 **emergency.** (1) A person commits the offense of harassment  
18 against an essential worker during an emergency if, during a  
19 state of emergency proclaimed by the governor or mayor pursuant  
20 to chapter 127A, a person has the intent to harass, annoy, or  
21 alarm any essential worker, and that person:



- 1        (a) Strikes, shoves, kicks, or otherwise touches an
- 2                    essential worker in an offensive manner or subjects
- 3                    the essential worker to offensive physical contact;
- 4        (b) Insults, taunts, or challenges an essential worker in
- 5                    a manner likely to provoke an immediate violent
- 6                    response or that would cause the essential worker to
- 7                    reasonably believe that the actor intends to cause
- 8                    bodily injury to the essential worker or another or
- 9                    damage to the property of the essential worker or
- 10                   another;
- 11        (c) Repeatedly makes telephone calls, facsimile
- 12                    transmissions, or any form of electronic communication
- 13                    as defined in section 711-1111(2), including
- 14                    electronic mail transmissions, without purpose of
- 15                    legitimate communication;
- 16        (d) Repeatedly makes a communication anonymously or at an
- 17                    extremely inconvenient hour;
- 18        (e) Repeatedly makes communications, after being advised
- 19                    by the essential worker to whom the communication is
- 20                    directed that further communication is unwelcome; or



1        (f) Makes a communication using offensively coarse  
2            language that would cause the essential worker to  
3            reasonably believe that the actor intends to cause  
4            bodily injury to the essential worker or another or  
5            damage to the property of the essential worker or  
6            another.

7        (2) Harassment against an essential worker during an  
8        emergency is a misdemeanor.

9        (3) For purposes of this section, "essential worker" means  
10       any person employed by a business or service in the air and  
11       ground transportation, construction, defense and law  
12       enforcement, energy, food and agriculture, grocery, healthcare,  
13       hospitality, information technology systems, telecommunications,  
14       retail, or water sectors. "Essential worker" includes any other  
15       person deemed essential by the governor or mayor during an  
16       emergency period as that term is defined in section 127A-2."

17       SECTION 3. Section 127A-2, Hawaii Revised Statutes, is  
18       amended as follows:

19       1. By amending the definition of "disaster relief" to  
20       read:



1           ""Disaster relief" means any physical or financial  
2 assistance provided to individuals or areas in the aftermath of  
3 an emergency or disaster[-] and includes efforts to mitigate the  
4 social and economic consequences of the disaster."

5           2. By amending the definition of "emergency" to read:

6           ""Emergency" means any occurrence, or imminent threat  
7 thereof, [~~which~~] that results or may likely result in  
8 substantial injury or harm to the population or substantial  
9 damage to or loss of property[-] and includes a pandemic."

10           3. By amending the definition of "hazard" to read:

11           ""Hazard" means an event or condition of the physical  
12 environment, including a pandemic, that results or may likely  
13 result in damage to property or injuries or death to individuals  
14 and which may result in an emergency or disaster."

15           4. By amending the definition of "materials" to read:

16           ""Materials" includes medicines, supplies, personal  
17 protective equipment, products, commodities, articles,  
18 equipment, machinery, and component parts."

19           SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21           SECTION 5. This Act shall take effect on July 1, 2050.



# H.B. NO. 643 H.D. 2

**Report Title:**

Emergency Management; Pandemic; Essential Workers; Harassment;  
Misdemeanor

**Description:**

Makes harassment against an essential worker during an emergency a misdemeanor. Defines essential worker. Amends various definitions in the emergency management laws to address pandemics. Effective 7/1/2050. (HD2)

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

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