
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "~~§127A-~~ Face covering mandate; airborne pathogen. (a)
5 Whenever the governor declares a state of emergency pursuant to
6 section 127A-14, and the emergency involves an illness or
7 disease that is spread by an airborne pathogen, the governor
8 shall concurrently mandate that all persons in the State wear a
9 face mask or other specified face covering when outside the
10 person's home; provided that the mandate may exempt certain
11 categories of persons, including persons for whom the wearing of
12 a face mask or other specified face covering may pose a health
13 or safety risk due to the person's medical condition or
14 disability.

15 (b) The governor shall specify the details of the face
16 covering mandate through the adoption of rules having the force
17 and effect of law, pursuant to section 127A-25."



1 SECTION 2. Section 127A-29, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~{}~~§127A-29~~}~~ ~~Misdemeanors.~~ Penalties. [Any] (a)

4 Except as provided in subsection (b), any person violating any
5 rule of the governor or mayor prescribed and promulgated
6 pursuant to this chapter and having the force and effect of law,
7 shall, if it shall be so stated in the rule, be guilty of a
8 misdemeanor. Upon conviction, the person shall be fined not
9 more than \$5,000, or imprisoned not more than one year, or both.

10 (b) Any person violating the face covering mandate
11 specified in section 127A- who is not exempt from that section
12 shall be guilty of a violation and fined a maximum of \$;
13 provided that a person who fraudulently obtains an exemption
14 under that section by intentionally or knowingly providing false
15 information with respect to a medical condition or disability
16 shall be guilty of a misdemeanor and subject to the penalties
17 set forth in subsection (a).

18 (c) Any person who intentionally, knowingly, or recklessly
19 destroys, damages, or loses any shelter, protective device, or
20 warning or signal device, shall if the same was installed or
21 constructed by the United States, the State, or a county, or is



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1 the property of the United States, the State, or a county, be
2 fined the cost of replacement, or imprisoned not more than one
3 year, or both. The governor or mayor, may, by rule, make
4 further provisions for the protection from misuse of shelters,
5 protective devices, or warning and signal devices."

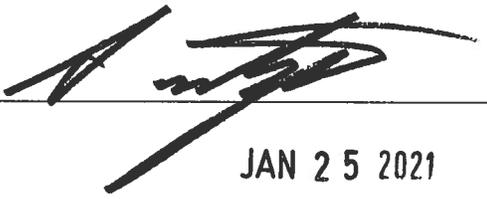
6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

12

INTRODUCED BY:



A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be the name of the bill's sponsor.

JAN 25 2021



H.B. NO. 815

Report Title:

Governor; Emergency Powers; Airborne Pathogen; Face Coverings

Description:

Requires the Governor to mandate, when declaring a state of emergency involving an airborne pathogen, the wearing of face masks or other specified face coverings under certain circumstances. Specifies that the penalty for violation of the mandate shall be a monetary fine, unless an exemption was fraudulently obtained.

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