
A BILL FOR AN ACT

RELATING TO TRAVEL.

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

1 SECTION 1. The legislature finds that on March 17, 2020,
2 in response to the COVID-19 pandemic, Governor David Y. Ige took
3 the unprecedented step of requiring a fourteen-day quarantine
4 for all travelers to Hawaii. During the lockdown of the
5 following months, Hawaii went from the lowest unemployment rate
6 in the country to one of the highest, at one point reaching
7 twenty-three per cent. Business closures as a result of the
8 COVID-19 pandemic resulted in the loss of thousands of local
9 jobs, many of them in Hawaii's robust tourism and food service
10 industries, which makes up more than twenty per cent of the
11 economy.

12 After several false starts, on October 15, 2020, Hawaii
13 launched the safe travels program, allowing visitors to avoid a
14 fourteen-day quarantine if they tested negative for COVID-19
15 prior to arriving in the State. Any travelers who tested
16 positive or chose not to take a test would still be subject to
17 the fourteen-day quarantine.



1 A little over a month later, on November 19, 2020, the
2 State changed the safe travels program to require travelers to
3 upload their negative test results prior to boarding the last
4 leg of their trip to Hawaii. Travelers who did not have their
5 negative test result prior to departure would be subject to the
6 fourteen-day quarantine, even if they received a negative result
7 after they arrived. At the same time, demand for COVID-19 tests
8 on the continental United States were skyrocketing and "trusted
9 testing partners" were increasingly unable to deliver test
10 results to travelers within the required seventy-two hour
11 timeframe.

12 That same month, Governor Ige allowed a county to opt out
13 of the safe travels program entirely, requiring all travelers to
14 that county to follow a fourteen-day quarantine. This has
15 ultimately resulted in a patchwork of requirements across all
16 counties that are difficult to navigate for visitors and
17 residents alike and, as such, is compounding the economic impact
18 of the pandemic on the State.

19 The legislature also finds that the State is facing a
20 historic budget shortfall and tourism revenue is not likely to
21 return to pre-2020 levels for several years. State revenue in



1 the form of the general excise tax and income taxes are
 2 essential to continuing core government services such as
 3 education, public health and safety, corrections, and
 4 infrastructure. When a county decides whether to reopen to
 5 visitors, it has far reaching fiscal impacts across the State.
 6 Furthermore, many neighbor island counties receive more than a
 7 per capita share of state financial resources. This is in large
 8 part due to subsidization by the State's largest county, the
 9 city and county of Honolulu.

10 The legislature further finds that public health is
 11 inextricably entwined with economic health, the two cannot be
 12 separated. When residents lose their jobs, they also lose
 13 health care coverage and access to services. Poverty is the
 14 single largest determinant of health.

15 Therefore, the purpose of this Act is to create a statewide
 16 approach to the safe travels program while still allowing the
 17 department of health to take necessary action to protect public
 18 health as supported by risk-based and scientific approaches to
 19 contagion mitigation.

20 SECTION 2. (a) Notwithstanding chapter 127A, Hawaii
 21 Revised Statutes, or any other law to the contrary, this Act



1 shall take precedence over all conflicting statutes concerning
2 this subject matter and shall preempt all contrary laws,
3 ordinances, rules, orders, or proclamations adopted by the
4 State, a county, or any department or agency thereof.

5 (b) Any person entering the State or traveling between any
6 islands within the State shall be exempt from a post-arrival
7 mandatory self-quarantine if the person:

8 (1) Has a negative test result upon arrival from a state
9 approved-COVID-19 test administered within seventy-two
10 hours before departing from the final leg of
11 departure; provided that if a person has not received
12 a test result upon arrival from the final leg of
13 departure due to unforeseen circumstances through no
14 fault of the person, that person shall be subject to
15 and remain in a post-arrival mandatory self-quarantine
16 upon arrival unless and until the person:

17 (A) Submits to and obtains a negative test result
18 from a state-approved rapid COVID-19 test upon
19 arrival; and

20 (B) Obtains a negative test result from a state
21 approved-COVID-19 test administered within



1 seventy-two hours from the final leg of
2 departure; or

3 (2) Is under the age of five and accompanied by a person
4 who is exempt under paragraph (1).

5 (c) In addition to the exemptions provided for under
6 subsection (b), the incident commander shall establish
7 conditions under which persons may be deemed automatically
8 exempt from the pre-travel testing requirements and mandatory
9 self-quarantine, taking into consideration recommendations
10 provided by the department of health.

11 (d) Any person who does not obtain a negative test result
12 prior to arrival shall be responsible for securing and paying
13 all costs associated with that person's mandatory
14 self-quarantine and isolation, including transport, lodging,
15 food, medical care, and any other expenses to sustain the person
16 during the mandatory self-quarantine period.

17 (e) The post-arrival mandatory self-quarantine exemption
18 provided by this Act shall not affect or in any way impede or
19 supersede the authority of the United States Centers for Disease
20 Control and Prevention or department of health pursuant to
21 sections 321-1 and 325-8, Hawaii Revised Statutes, to require



1 persons to quarantine if they subsequently test positive for
2 COVID-19 or if they are a close contact of a person confirmed
3 positive for COVID-19.

4 (f) For the purposes of this Act, "state approved-COVID-19
5 test" means a test to determine the presence of active COVID-19
6 infection that is administered through an entity approved by the
7 safe travels program.

8 SECTION 3. This Act shall take effect on July, 1, 2050,
9 and shall be repealed on December 31, 2021, or upon termination
10 of the State's emergency order for COVID-19 and mandatory
11 self-quarantine requirement for travelers, whichever occurs
12 first.



Report Title:

Statewide Safe Travels Program Exemption; COVID-19; Quarantine

Description:

Exempts any person from the post-arrival mandatory self-quarantine if the person receives a negative test result prior to arrival. Allows the incident commander to establish conditions for exemption. Requires certain COVID-19 tests for travelers who do not have a test result upon arrival to avoid mandatory self-quarantine. Requires any person who does not obtain a negative test result for COVID-19 pre-arrival to be responsible for all costs associated with that person's mandatory self-quarantine. Repeals on 12/31/2021. Effective 7/1/2020. (HD1)

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