

---

---

**A BILL FOR AN ACT**

RELATING TO NUISANCE PREVENTION.

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

1           SECTION 1. The purpose of this Act is to clarify the legal  
2 authority of the department of health to prevent nuisances that  
3 threaten public health or environmental health, both of which  
4 affect the health of a community and the people of Hawaii as a  
5 whole. The department of health is charged with protecting both  
6 public and environmental health. This recognizes that the  
7 health of a community requires the prevention of both of  
8 diseases as well as threats to the environment. With climate  
9 change and the increasing pressures on resources and  
10 communities, there needs to be clarity that the department of  
11 health has the legal authority and obligation to act when there  
12 are nuisances that threaten public or environmental health and  
13 not just when there is a threat of disease or impacts to an  
14 individual or party.

15           SECTION 2. Chapter 322, Hawaii Revised Statutes, is  
16 amended by amending the title of part I to read as follows:

17                           "PART I. [~~ABATEMENT~~] PREVENTION OF NUISANCES"

H.B. NO. 2438

1 SECTION 3. Section 322-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§322-1 [~~Removal, prevention.~~] Prevention. The department  
4 of health and its agents shall examine into all nuisances, such  
5 as foul or noxious odors, gases or vapors, water in which  
6 mosquito larvae exist, sources of filth, and all causes of  
7 sickness or disease, on shore, and in any vessel, which may be  
8 known to them or brought to their attention, which in their  
9 opinion are dangerous or injurious to public or environmental  
10 health, and into any and all conditions created or existing  
11 [~~which~~] that cause or tend to cause sickness or disease or to be  
12 dangerous or injurious to public or environmental health, and  
13 shall cause the same to be [~~abated, destroyed, removed, or~~  
14 ~~prevented.~~] prevented, which may include abatement, destruction,  
15 or removal of the nuisance.

16 For purposes of this part, a nuisance shall include:

- 17 (1) Toxic materials that are used in or by-products of the  
18 manufacture or conversion of methamphetamine, and  
19 clandestine drug labs that manufacture  
20 methamphetamine; and  
21 (2) Odors and filth resulting from a person feeding feral  
22 birds."

H.B. NO. 2438

1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

4

5

INTRODUCED BY: \_\_\_\_\_



6

BY REQUEST

JAN 22 2024

# H.B. NO. 2438

**Report Title:**

Nuisance Prevention; Environmental Health; Public Health

**Description:**

Clarifies that the Department of Health has the legal authority and obligation to prevent nuisances that affect environmental health and public health.

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

JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO NUISANCE PREVENTION.

PURPOSE: To clarify that the jurisdiction of the Department of Health (DOH) includes the prevention of nuisances that threaten both public health or environmental health.

MEANS: Amend section 322-1, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The current section that establishes DOH's scope over nuisances that threaten health is too broad.

The proposed amendment specifies oversight of nuisances that threaten public health or environmental health, which is in line with DOH's mission to protect public health, pursuant to section 321-1, HRS, and environmental health, pursuant to section 321-1.1, HRS. This clarification is important because newly emerging threats resulting from climate change such as wildfires, flooding, and vector-borne diseases have the potential to adversely impact human health.

Impact on the public: The proposed amendment recognizes the connection between environmental health and public health on the overall wellness of the community and mandates DOH remove or prevent nuisance threats thereto.

Impact on the department and other agencies: This bill will likely require greater coordination with environmental and human health stakeholders.

GENERAL FUND: None.

OTHER FUNDS: None.

**H.B. No. 2438**

PPBS PROGRAM  
DESIGNATION:

HTH 610.

OTHER AFFECTED  
AGENCIES:

Department of Land and Natural Resources,  
Department of Business, Economic  
Development, and Tourism, Department of  
Agriculture, and counties.

EFFECTIVE DATE:

Upon approval.