

Honolulu, Hawaii

MAR 21 2024

RE: H.B. No. 2552
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Labor and Technology and Health and Human Services, to which was referred H.B. No. 2552, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFITS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Extend, under certain conditions, the family leave period under state law for up to eight additional weeks for employees who are unable to perform their employment duties due to the birth of a child who is required to stay in a neonatal intensive care unit; and
- (2) Require the Civil Rights Commission to amend its administrative rules to include neonatal care as a related medical condition wherever the phrase "pregnancy, childbirth, or related medical condition" or any similar phrase is used.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, Disability and Communication Access Board, Department of Human Services, Hawaii State Teachers Association, Hawai'i Children's Action Network Speaks!, Hawai'i Civil Rights Commission, Breastfeeding Hawaii, Save Medicaid Hawaii, and four individuals.



Your Committees find that one in ten babies in Hawaii are born preterm, requiring them to spend weeks or months in neonatal intensive care units (NICU). This, in turn, requires the babies' parents to also spend weeks or months at the NICU in support of their babies' care, making it nearly impossible for many to maintain full-time employment. Added to this time, expense, and stress, parents caring for their NICU child may not necessarily qualify for financial assistance through temporary disability insurance or protection from job loss under the federal Family and Medical Leave Act. Therefore, this measure provides additional support to employees who may otherwise find themselves faced with the untenable choice between preserving their employment and supporting the health of their newborn child.

Your Committees note the concern raised in the testimony of the Hawaii Civil Rights Commission that amending its administrative rules to include neonatal care is misplaced without an amendment to chapter 378, Hawaii Revised Statutes, the Commission's enabling statute. Therefore, it is necessary to amend this measure to address this concern.

Accordingly, your Committees have amended this measure by:

- (1) Inserting language that amends the definition of "because of sex" under chapter 378-1, Hawaii Revised Statute, that governs discriminatory employment practices, to include neonatal care;
- (2) Amending section 1 to reflect its amended purpose;
- (3) Inserting an effective date of July 1, 2024; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Labor and Technology and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2552, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2552, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Labor and
Technology and Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



HENRY J.C. AQUINO, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* HB 2552, HD 1	Committee Referral: LBT/HHS, WAM	Date: 3/18/24
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
KEOHOKALOLE, Jarrett	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton				✓
TOTAL	4			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:

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***Only one measure per Record of Votes**