

STAND. COM. REP. NO.

69

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1379
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1379 entitled:

"A BILL FOR AN ACT RELATING TO PENALTIES FOR UNLICENSED CARE HOMES,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the penalty to be assessed on any person who intentionally operates a care facility without a certificate or license by repealing section 321-486.3, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Health and one individual.

Your Committee finds that operating a care home without a certificate or license constitutes a violation of chapter 321, Hawaii Revised Statutes. Section 321-20, Hawaii Revised Statutes, authorizes the assessment of an administrative penalty of up to \$1,000 per day against any person in violation of any provision in chapter 321, Hawaii Revised Statutes. However, section 321-486.3, Hawaii Revised Statutes, authorizes the assessment of an administrative penalty against any person operating a care facility without a certificate or license, in the amount of \$100 for each day of uncertified or unlicensed operation for the first violation, \$500 for each day for the second violation, and \$1,000 for each day for the third violation. Your Committee finds this



dual penalty system unnecessary and confusing. Accordingly, this measure repeals section 321-486.3, Hawaii Revised Statutes, which penalizes any person operating a care facility without a certificate or license to eliminate confusion that the penalty provisions of section 321-20, Hawaii Revised Statutes, shall apply to these violations.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1379, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1379, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



JARRETT KEOHOKALOLE, Chair



