



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB3127
RELATING TO NUISANCE PREVENTION.**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
HOUSE/SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: 2/2/2024

Room Number: 225

- 1 **Fiscal Implications:** This measure will not impact the priorities identified in the Governor's
- 2 Executive Budget Request for the Department of Health's (Department) appropriations and
- 3 personnel priorities.

- 4 **Department Testimony:** The Department supports SB3127, which adds clarifying language to
- 5 Hawaii Revised Statutes (HRS), Chapter 322-1, Removal, prevention (of nuisances).

- 6 HRS, Chapter 322, Part I, pertains to the abatement of nuisances. HRS, Chapter 322-1, directs
- 7 the Department to examine all nuisances, including foul or noxious odors, gases or vapors, water
- 8 in which mosquito larvae exist, sources of filth, and all causes of sickness or disease, on shore
- 9 and in any vessel, which the Department determines are dangerous or injurious to health.
- 10 Further, HRS, Chapter 322-1, authorizes the Department to cause the dangerous or injurious
- 11 nuisance to be abated, destroyed, removed or prevented. However, as currently written, the
- 12 language in HRS. Chapter 322-1, directs the Department to act when a nuisance is dangerous or
- 13 injurious to "health", which leaves ambiguity whether "health" does or does not broadly include
- 14 environmental health or whether "health" only includes an individual's health and not public
- 15 health.

- 16 The changes to HRS, Chapter 322-1, proposed in SB3127 adds language that clarifies the
- 17 Department shall act when nuisances endanger and potentially injure "public and environmental

1 health". This change is needed to clarify the Department's mandate and authority to act in the
2 interest of both public and environmental health.

3 Further, the proposed changes to the language in HRS 322-1 clarifies Department authority to
4 prevent nuisances that are dangerous or injurious to public or environmental health through
5 abatement, destruction or removal. The proposed language adds clarity and readability to the
6 statute.

7 Thank you for the opportunity to testify.

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9 **Offered Amendments:** None

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