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# A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY RECORD CHECKS.

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

1           SECTION 1. The purpose of this Act is to authorize the  
2 department of health to conduct fingerprinting and criminal  
3 history record checks on applicants for permits to process hemp  
4 biomass or prepare a manufactured hemp product.

5           SECTION 2. Section 846-2.7, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7           "(b) Criminal history record checks may be conducted by:

8           (1) The department of health or its designee on operators  
9           of adult foster homes for individuals with  
10           developmental disabilities or developmental  
11           disabilities domiciliary homes and their employees, as  
12           provided by section 321-15.2;

13           (2) The department of health or its designee on  
14           prospective employees, persons seeking to serve as  
15           providers, or subcontractors in positions that place  
16           them in direct contact with clients when providing



- 1 non-witnessed direct mental health or health care  
2 services as provided by section 321-171.5;
- 3 (3) The department of health or its designee on all  
4 applicants for licensure or certification for,  
5 operators for, prospective employees, adult  
6 volunteers, and all adults, except adults in care, at  
7 healthcare facilities as defined in section 321-15.2;
- 8 (4) The department of education on employees, prospective  
9 employees, and teacher trainees in any public school  
10 in positions that necessitate close proximity to  
11 children as provided by section 302A-601.5;
- 12 (5) The counties on employees and prospective employees  
13 who may be in positions that place them in close  
14 proximity to children in recreation or child care  
15 programs and services;
- 16 (6) The county liquor commissions on applicants for liquor  
17 licenses as provided by section 281-53.5;
- 18 (7) The county liquor commissions on employees and  
19 prospective employees involved in liquor  
20 administration, law enforcement, and liquor control  
21 investigations;



- 1           (8) The department of human services on operators and  
2           employees of child caring institutions, child placing  
3           organizations, and resource family homes as provided  
4           by section 346-17;
- 5           (9) The department of human services on prospective  
6           adoptive parents as established under section  
7           346-19.7;
- 8           (10) The department of human services or its designee on  
9           applicants to operate child care facilities, household  
10          members of the applicant, prospective employees of the  
11          applicant, and new employees and household members of  
12          the provider after registration or licensure as  
13          provided by section 346-154, and persons subject to  
14          section 346-152.5;
- 15          (11) The department of human services on persons exempt  
16          pursuant to section 346-152 to be eligible to provide  
17          child care and receive child care subsidies as  
18          provided by section 346-152.5;
- 19          (12) The department of health on operators and employees of  
20          home and community-based case management agencies and  
21          operators and other adults, except for adults in care,



- 1           residing in community care foster family homes as  
2           provided by section 321-15.2;
- 3       (13) The department of human services on staff members of  
4           the Hawaii youth correctional facility as provided by  
5           section 352-5.5;
- 6       (14) The department of human services on employees,  
7           prospective employees, and volunteers of contracted  
8           providers and subcontractors in positions that place  
9           them in close proximity to youth when providing  
10          services on behalf of the office or the Hawaii youth  
11          correctional facility as provided by section 352D-4.3;
- 12       (15) The judiciary on employees and applicants at detention  
13          and shelter facilities as provided by section 571-34;
- 14       (16) The department of corrections and rehabilitation on  
15          employees and prospective employees who are directly  
16          involved with the treatment and care of persons  
17          committed to a correctional facility as provided by  
18          section 353-1.5 and the department of law enforcement  
19          on employees and prospective employees whose duties  
20          involve or may involve the exercise of police powers



- 1 including the power of arrest as provided by section  
2 353C-5;
- 3 (17) The board of private detectives and guards on  
4 applicants for private detective or private guard  
5 licensure as provided by section 463-9;
- 6 (18) Private schools and designated organizations on  
7 employees and prospective employees who may be in  
8 positions that necessitate close proximity to  
9 children; provided that private schools and designated  
10 organizations receive only indications of the states  
11 from which the national criminal history record  
12 information was provided pursuant to section 302C-1;
- 13 (19) The public library system on employees and prospective  
14 employees whose positions place them in close  
15 proximity to children as provided by section  
16 302A-601.5;
- 17 (20) The State or any of its branches, political  
18 subdivisions, or agencies on applicants and employees  
19 holding a position that has the same type of contact  
20 with children, vulnerable adults, or persons committed  
21 to a correctional facility as other public employees



- 1           who hold positions that are authorized by law to  
2           require criminal history record checks as a condition  
3           of employment as provided by section 78-2.7;
- 4       (21) The department of health on licensed adult day care  
5           center operators, employees, new employees,  
6           subcontracted service providers and their employees,  
7           and adult volunteers as provided by section 321-15.2;
- 8       (22) The department of human services on purchase of  
9           service contracted and subcontracted service providers  
10          and their employees and volunteers, as provided by  
11          sections 346-2.5 and 346-97;
- 12       (23) The department of human services on foster grandparent  
13          program, senior companion program, and respite  
14          companion program participants as provided by section  
15          346-97;
- 16       (24) The department of human services on contracted and  
17          subcontracted service providers and their current and  
18          prospective employees that provide home and community-  
19          based services under section 1915(c) of the Social  
20          Security Act, title 42 United States Code section  
21          1396n(c), or under any other applicable section or



1 sections of the Social Security Act for the purposes  
2 of providing home and community-based services, as  
3 provided by section 346-97;

4 (25) The department of commerce and consumer affairs on  
5 proposed directors and executive officers of a bank,  
6 savings bank, savings and loan association, trust  
7 company, and depository financial services loan  
8 company as provided by section 412:3-201;

9 (26) The department of commerce and consumer affairs on  
10 proposed directors and executive officers of a  
11 nondepository financial services loan company as  
12 provided by section 412:3-301;

13 (27) The department of commerce and consumer affairs on the  
14 original chartering applicants and proposed executive  
15 officers of a credit union as provided by section  
16 412:10-103;

17 (28) The department of commerce and consumer affairs on:  
18 (A) Each principal of every non-corporate applicant  
19 for a money transmitter license;



- 1 (B) Each person who upon approval of an application
- 2 by a corporate applicant for a money transmitter
- 3 license will be a principal of the licensee; and
- 4 (C) Each person who upon approval of an application
- 5 requesting approval of a proposed change in
- 6 control of licensee will be a principal of the
- 7 licensee,
- 8 as provided by sections 489D-9 and 489D-15;
- 9 (29) The department of commerce and consumer affairs on
- 10 applicants for licensure and persons licensed under
- 11 title 24;
- 12 (30) The Hawaii health systems corporation on:
- 13 (A) Employees;
- 14 (B) Applicants seeking employment;
- 15 (C) Current or prospective members of the corporation
- 16 board or regional system board; or
- 17 (D) Current or prospective volunteers, providers, or
- 18 contractors,
- 19 in any of the corporation's health facilities as
- 20 provided by section 323F-5.5;
- 21 (31) The department of commerce and consumer affairs on:





- 1           (A) An applicant for a mortgage loan originator
- 2                   license, or license renewal; and
- 3           (B) Each control person, executive officer, director,
- 4                   general partner, and managing member of an
- 5                   applicant for a mortgage loan originator company
- 6                   license or license renewal,
- 7           as provided by chapter 454F;
- 8       (32) The state public charter school commission or public
- 9           charter schools on employees, teacher trainees,
- 10           prospective employees, and prospective teacher
- 11           trainees in any public charter school for any position
- 12           that places them in close proximity to children, as
- 13           provided in section 302D-33;
- 14       (33) The counties on prospective employees who work with
- 15           children, vulnerable adults, or senior citizens in
- 16           community-based programs;
- 17       (34) The counties on prospective employees for fire
- 18           department positions that involve contact with
- 19           children or vulnerable adults;



1 (35) The counties on prospective employees for emergency  
2 medical services positions that involve contact with  
3 children or vulnerable adults;

4 (36) The counties on prospective employees for emergency  
5 management positions and community volunteers whose  
6 responsibilities involve planning and executing  
7 homeland security measures including viewing,  
8 handling, and engaging in law enforcement or  
9 classified meetings and assisting vulnerable citizens  
10 during emergencies or crises;

11 (37) The State and counties on employees, prospective  
12 employees, volunteers, and contractors whose position  
13 responsibilities require unescorted access to secured  
14 areas and equipment related to a traffic management  
15 center;

16 (38) The State and counties on employees and prospective  
17 employees whose positions involve the handling or use  
18 of firearms for other than law enforcement purposes;

19 (39) The State and counties on current and prospective  
20 systems analysts and others involved in an agency's  
21 information technology operation whose position



- 1           responsibilities provide them with access to  
2           proprietary, confidential, or sensitive information;
- 3       (40) The department of commerce and consumer affairs on:
- 4           (A) Applicants for real estate appraiser licensure or  
5           certification as provided by chapter 466K;
- 6           (B) Each person who owns more than ten per cent of an  
7           appraisal management company who is applying for  
8           registration as an appraisal management company,  
9           as provided by section 466L-7; and
- 10          (C) Each of the controlling persons of an applicant  
11          for registration as an appraisal management  
12          company, as provided by section 466L-7;
- 13       (41) The department of health or its designee on ~~all~~ :
- 14           (A) Individual applicants or individuals acting on  
15           behalf of applying entities for hemp processor  
16           permits as provided under section 328G-2; and
- 17           (B) All license applicants, licensees, employees,  
18           contractors, and prospective employees of medical  
19           cannabis dispensaries, and individuals permitted  
20           to enter and remain in medical cannabis



1                   dispensary facilities as provided under sections  
2                   329D-15(a)(4) and 329D-16(a)(3);

3       (42) The department of commerce and consumer affairs on  
4           applicants for nurse licensure or license renewal,  
5           reactivation, or restoration as provided by sections  
6           457-7, 457-8, 457-8.5, and 457-9;

7       (43) The county police departments on applicants for  
8           permits to acquire firearms pursuant to section 134-2,  
9           on individuals registering their firearms pursuant to  
10          section 134-3, and on applicants for new or renewed  
11          licenses to carry a pistol or revolver and ammunition  
12          pursuant to section 134-9;

13       (44) The department of commerce and consumer affairs on:  
14           (A) Each of the controlling persons of the applicant  
15           for licensure as an escrow depository, and each  
16           of the officers, directors, and principals who  
17           will be in charge of the escrow depository's  
18           activities upon licensure; and

19           (B) Each of the controlling persons of an applicant  
20           for proposed change in control of an escrow  
21           depository licensee, and each of the officers,



1 directors, and principals who will be in charge  
2 of the licensee's activities upon approval of the  
3 application,

4 as provided by chapter 449;

5 (45) The department of taxation on current or prospective  
6 employees or contractors who have access to federal  
7 tax information in order to comply with requirements  
8 of federal law, regulation, or procedure, as provided  
9 by section 231-1.6;

10 (46) The department of labor and industrial relations on  
11 current or prospective employees or contractors who  
12 have access to federal tax information in order to  
13 comply with requirements of federal law, regulation,  
14 or procedure, as provided by section 383-110;

15 (47) The department of human services on current or  
16 prospective employees or contractors who have access  
17 to federal tax information in order to comply with  
18 requirements of federal law, regulation, or procedure,  
19 and on current or prospective employees, volunteers,  
20 contractors, or contractors' employees or volunteers,  
21 subcontractors, or subcontractors' employees or



- 1 volunteers, whose position places or would place them  
2 in close proximity to minors, young adults, or  
3 vulnerable adults, as provided by section 346-2.5;
- 4 (48) The child support enforcement agency on current or  
5 prospective employees or contractors who have access  
6 to federal tax information in order to comply with  
7 federal law, regulation, or procedure, as provided by  
8 section 576D-11.5;
- 9 (49) The department of the attorney general on current or  
10 prospective employees or employees or agents of  
11 contractors who have access to federal tax information  
12 to comply with requirements of federal law,  
13 regulation, or procedure, as provided by section  
14 28-17;
- 15 (50) The department of commerce and consumer affairs on  
16 each control person, executive officer, director,  
17 general partner, and managing member of an installment  
18 loan licensee, or an applicant for an installment loan  
19 license, as provided in chapter 480J;
- 20 (51) The University of Hawaii on current and prospective  
21 employees and contractors whose duties include



1           ensuring the security of campus facilities and  
2           persons; and  
3       (52) Any other organization, entity, or the State, its  
4           branches, political subdivisions, or agencies as may  
5           be authorized by state law."

6       SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8       SECTION 4. This Act shall take effect on December 31,  
9 2050.



**Report Title:**

DOH; Hemp Processors; Hemp; Fingerprinting; Criminal History  
Record Checks

**Description:**

Authorizes the Department of Health to conduct fingerprinting  
and criminal history record checks on applicants who apply for a  
permit to operate as a hemp processor. Takes effect 12/31/2050.  
(SD1)

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not legislation or evidence of legislative intent.*

