

STAND. COM. REP. NO.

245

Honolulu, Hawaii

FEB 09 , 2023

RE: H.B. No. 1409  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Labor & Government Operations, to which was referred H.B. No. 1409 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the State's temporary disability insurance coverage to employees who are unable to perform their employment duties because the employee has given birth to a child or is providing kangaroo care to, or expressing breast milk for, the employee's child who is required to stay in a neonatal intensive care unit;
- (2) Extend, under certain conditions, the temporary disability benefit payment period and family leave period for employees who are unable to perform their employment duties due to:
  - (A) Preterm birth of a child who is required to stay in a neonatal intensive care unit; or
  - (B) Birth of a child who is required to stay in a neonatal intensive care unit for more than eight weeks; and

2023-1308 HB1409 HD1 HSCR HMSO



- (3) Define "kangaroo care" and "preterm birth".

Your Committee received testimony in support of this measure from Early Childhood Action Strategy; Hawai'i Children's Action Network Speaks!; and one individual. Your Committee received comments on this measure from the Department of Labor and Industrial Relations.

Your Committee finds that preterm babies in particular spend weeks or months in neonatal intensive care units, requiring their parents to also spend weeks or months at neonatal intensive care units in support of their babies' care. Medical research has shown that parental "kangaroo care", or continual skin-to-skin contact, reduces infant mortality, lowers risk of sepsis or major infection, and reduces the length of stay at the unit, among other benefits. This measure supports employees who might otherwise find themselves faced with the untenable choice between preserving their employment and supporting the health of their newborn child.

Your Committee has amended this measure by:


- (1) Deleting the proposed changes to temporary disability insurance benefit provisions;
- (2) Providing for additional family leave equivalent to the duration the child is in a neonatal intensive care unit starting from the date the child is discharged from the unit; provided that during the additional period of family leave, the employee provides kangaroo care to the child or expresses breast milk for the child;
- (3) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (4) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1409, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No.



1409, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Government  
Operations,



---

SCOT Z. MATAYOSHI, Chair



