



GOV. MSG. NO. 1115

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

April 10, 2025

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on April 10, 2025, the following bill was signed into law:

SB1447

**RELATING TO ADMINISTRATIVE ORDERS.
ACT 015**

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

Approved by the Governor
on APR 10 2025

ACT 015
S.B. NO. 1447

JAN 23 2025

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE ORDERS.

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

1 SECTION 1. Section 321-20, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+] §321-20 [+] Remedies. Notwithstanding other penalties,
4 the director may enforce this chapter in either administrative
5 or judicial proceedings:

6 (1) Administrative. If the director determines that any
7 person is violating any provision of this chapter, any
8 rule adopted thereunder, or any variance or exemption
9 or waiver issued pursuant thereto, the director may
10 have that person served with a notice of violation and
11 an order. The notice shall specify the alleged
12 violation. The order may require that the alleged
13 violator do any or all of the following: cease and
14 desist from the violation, pay an administrative
15 penalty not to exceed \$1,000 for each day of
16 violation, correct the violation at the alleged
17 violator's own expense, or appear before the director
18 at a time and place specified in the order and answer

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1 the charges complained of. The order shall become
2 final twenty days after service unless within those
3 twenty days the alleged violator requests in writing a
4 hearing before the director. Upon such request the
5 director shall specify a time and place for the
6 alleged violator to appear. When the director issues
7 an order for immediate action to protect the public
8 health from an imminent and substantial danger, the
9 department shall provide an opportunity for a hearing
10 within twenty-four hours after service of the order.
11 Any hearing before the director shall not stay any
12 order to cease and desist issued pursuant to this
13 paragraph. After a hearing pursuant to this
14 [~~subsection,~~] paragraph, the director may affirm,
15 modify, or rescind the order as appropriate. The
16 director may institute a civil action in any court of
17 appropriate jurisdiction for the enforcement of any
18 order issued pursuant to this [~~subsection,~~] paragraph.

19 Factors to be considered in imposing the
20 administrative penalty include the nature and history
21 of the violation and any prior violation and the
22 opportunity, difficulty, and history of corrective

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1 action. It is presumed that the violator's economic
2 and financial conditions allow payment of the penalty
3 and the burden of proof to the contrary is on the
4 violator. In any judicial proceeding to enforce the
5 administrative penalty imposed pursuant to this
6 chapter, the director need only show that notice was
7 given, a hearing was held or the time granted for
8 requesting a hearing had expired without such a
9 request, the administrative penalty imposed, and that
10 the penalty imposed remains unsatisfied.

11 This section does not supersede specific
12 administrative penalties provided elsewhere.

13 (2) Judicial. The director may institute a civil action
14 in any court of appropriate jurisdiction for
15 injunctive relief to prevent violation of any order
16 issued or rule adopted pursuant to this chapter, in
17 addition to any other remedy or penalty provided for
18 under this chapter."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that
21 began before its effective date.

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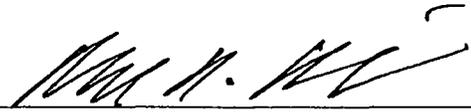
1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4

5

INTRODUCED BY:



6

BY REQUEST

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APPROVED this 10th day of April, 2025

A handwritten signature in black ink, appearing to read "James I. Holohan", written in a cursive style.

GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: March 4, 2025
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2025.


President of the Senate


Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAI'I**

Date: **APR 02 2025**
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2025.


Speaker, House of Representatives


Clerk, House of Representatives