

JAN 23 2025

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# A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 PART I

2 SECTION 1. The legislature believes that Hawaii would  
3 benefit from a reorganization of the State's health delivery,  
4 public health, environmental management, and environmental  
5 protection functions. Transferring responsibility for certain  
6 health delivery services from the department of health to the  
7 department of human services would allow the department of  
8 health to operate more efficiently and to prioritize its  
9 administrative roles. The establishment of a department  
10 dedicated to environmental protection and environmental  
11 management is also appropriate. Currently, these functions are  
12 divided among many different state departments.

13 Accordingly, the purpose of this Act is to:

- 14 (1) Establish a new department of environmental  
15 protection;  
16 (2) Rename the department of health as the department of  
17 community health;



- 1 (3) Rename the department of human services as the  
2 department of healthcare services;
- 3 (4) Transfer certain responsibilities from the department  
4 of community health to the department of healthcare  
5 services and the department of environmental  
6 protection;
- 7 (5) Transfer certain responsibilities from the department  
8 of healthcare services to the department of community  
9 health; and
- 10 (6) Administratively attach the Hawaii employer-union  
11 health benefits trust fund to the department of  
12 healthcare services.

13 PART II

14 SECTION 2. The purpose of this part is to establish the  
15 department of environmental protection.

16 SECTION 3. The Hawaii Revised Statutes is amended by  
17 adding a new chapter to be appropriately designated and to read  
18 as follows:

19 "CHAPTER

20 DEPARTMENT OF ENVIRONMENTAL PROTECTION



1           §   **-1 Definitions.** For the purposes of this chapter,  
2 unless the context otherwise requires:

3           "Department" means the department of environmental  
4 protection.

5           "Director" means the director of environmental protection.

6           §   **-2 Administrative matters.** (a) The director shall  
7 determine the duties of the deputy director of environmental  
8 protection.

9           (b) The department shall have a human resources office, an  
10 administrative services office, and an information technology  
11 office.

12          §   **-3 Environmental health service division.** The  
13 department shall have an environmental health service division,  
14 which shall include:

- 15           (1) A food and drug branch;
- 16           (2) An indoor and radiological health branch;
- 17           (3) A sanitation branch; and
- 18           (4) A vector branch.

19          §   **-4 Environmental management division.** The department  
20 shall have an environmental management division, which shall  
21 include:



- 1 (1) A clean air branch;
- 2 (2) A clean water branch;
- 3 (3) A safe drinking water branch; and
- 4 (4) A solid and hazardous waste branch.

5 § -5 **State laboratories division.** The department shall  
6 have a state laboratories division, which shall:

- 7 (1) Administer a statewide program that conducts  
8 analytical testing services in support of  
9 environmental health;
- 10 (2) Certify laboratories involved in environment-related  
11 matters; and
- 12 (3) Participate in environmental health training,  
13 research, exercises, and investigations.

14 § -6 **Hazard evaluation and emergency response office.**

15 The department shall have a hazard evaluation and emergency  
16 response office, which shall:

- 17 (1) Provide risk assessments and respond to the release of  
18 hazardous substances;
- 19 (2) Oversee the cleanup of contaminated sites; and
- 20 (3) Evaluate health effects of air and water pollutants.





1 SECTION 6. (a) Except as provided in subsection (b), the  
2 titles, parts, chapters and sections of the Hawaii Revised  
3 Statutes are amended by:

4 (1) Substituting the phrase "department of community  
5 health," or a similar term, wherever the phrase  
6 "department of health", or a similar term, appears, as  
7 the context requires; and

8 (2) Substituting the phrase "director of community  
9 health", or a similar term, wherever the term  
10 "director of health", or a similar term, appears, as  
11 the context requires.

12 (b) The substitutions described in subsection (a) shall  
13 not apply in any instance in which this Act specifically amends  
14 a chapter or section of the Hawaii Revised Statutes to amend the  
15 term "department of health," or a similar term, or the term  
16 "director of health", or a similar term, to another term.

17 PART IV

18 SECTION 7. The purpose of this part is to rename the  
19 department of human services as the department of healthcare  
20 services.



1 SECTION 8. (a) Except as provided in subsection (b), the  
2 titles, parts, chapters and sections of the Hawaii Revised  
3 Statutes are amended by:

4 (1) Substituting the phrase "department of healthcare  
5 services," or a similar term, wherever the phrase  
6 "department of human services", or a similar term,  
7 appears, as the context requires; and

8 (2) Substituting the phrase "director of healthcare  
9 services", or a similar term, wherever the term  
10 "director of human services", or a similar term,  
11 appears, as the context requires.

12 (b) The substitutions described in subsection (a) shall  
13 not apply in any instance in which this Act specifically amends  
14 a chapter or section of the Hawaii Revised Statutes to amend the  
15 term "department of human services," or a similar term, or the  
16 term "director of human services", or a similar term, to another  
17 term.

18 PART V

19 SECTION 9. The purpose of this part is to transfer certain  
20 duties from the department of community health (formerly the



1 department of health) to the department of healthcare services  
2 (formerly the department of human services).

3 SECTION 10. Section 321-1.4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§321-1.4 Office of health care assurance special fund;  
6 deposits; expenditures.** (a) There is established within the  
7 department of [~~health,~~] healthcare services, to be administered  
8 by the department of [~~health,~~] healthcare services, the office  
9 of health care assurance special fund into which shall be  
10 deposited moneys collected [~~under section 321-11.5(b),~~] from  
11 license fees for the administration of the durable medical  
12 equipment supplier license program collected pursuant to  
13 section 321-544[~~7~~] and all administrative penalties imposed and  
14 collected by the office of health care assurance [~~pursuant to~~  
15 ~~section 321-20~~].

16 (b) Moneys in the special fund shall be expended by the  
17 department of [~~health,~~] healthcare services:

18 (1) To assist in offsetting operating costs and  
19 educational program expenses of the department of  
20 [~~health's~~] healthcare service's office of health care  
21 assurance; and



1 (2) For the purpose of enhancing the capacity of office of  
2 health care assurance programs to:

3 (A) Improve public health outreach efforts, program  
4 and community development, and consultations to  
5 industries regulated;

6 (B) Educate the public, the staff of the department  
7 of [~~health,~~] healthcare services, and other  
8 departments within the State, as well as staff  
9 and providers of all health care facilities and  
10 agencies regulated; and

11 (C) Administer and support the durable medical  
12 equipment supplier license program established  
13 pursuant to part XLIII.

14 (c) The department of [~~health~~] healthcare services shall  
15 submit a report to the legislature concerning the status of the  
16 special fund, including the amount of moneys deposited into and  
17 expended from the special fund, and the sources of receipts and  
18 uses of expenditures, no later than twenty days prior to the  
19 convening of each regular session."

20 SECTION 11. Section 321-16.6, Hawaii Revised Statutes, is  
21 amended by amending subsections (a) and (b) to read as follows:



1           "(a) All therapeutic living programs shall be licensed by  
2 the department of healthcare services to ensure the health,  
3 safety, and welfare of the individuals placed therein.

4           (b) The director of healthcare services shall adopt rules  
5 regarding therapeutic living programs in accordance with  
6 chapter 91 that shall be designed to:

7           (1) Comply with applicable federal laws and regulations;  
8                     and

9           (2) Provide penalties for the failure to comply with any  
10                    rule."

11           SECTION 12. Chapters 323D, 333E, 333F, 334, 334B, 334E,  
12 and 448B; parts XVI, XLIII, and XXXVIII of chapter 321; and  
13 sections 302A-493, 321-1.8, 321-1.9, 321-11.2, 321-11.8,  
14 321-15.2, 321-15.6, 321-15.61, 321-15.62, 321-15.63, 321-15.9,  
15 321-21, 321-482, 321-483, 329-4, and 329-104, Hawaii Revised  
16 Statutes, are amended by:

17           (1) Substituting the phrase "department of healthcare  
18                    services," or a similar term, wherever the phrase  
19                    "department of health", "department", or a similar  
20                    term referring to department of health, appears, as  
21                    the context requires; and



1           (2) Substituting the phrase "director of healthcare  
2           services", or a similar term, wherever the term  
3           "director of health", "director", or a similar term  
4           referring to the director of health, appears, as the  
5           context requires.

6           SECTION 13. Section 321-11.5, Hawaii Revised Statutes, is  
7           repealed.

8           [~~"§321-11.5 Establishment of fees. (a) The department of~~  
9           ~~health, by rules adopted pursuant to chapter 91, may establish~~  
10           ~~reasonable fees for the issuance or renewal of licenses,~~  
11           ~~permits, variances, and various certificates required by law or~~  
12           ~~by the department's rules. The fees may include the cost of~~  
13           ~~related examinations, inspections, investigations, and reviews.~~

14           ~~(b) All fees paid and collected pursuant to this section~~  
15           ~~and rules adopted in accordance with chapter 91 from facilities~~  
16           ~~seeking licensure or certification by the department of health,~~  
17           ~~including hospitals, nursing homes, home health agencies, home~~  
18           ~~care agencies, intermediate care facilities for individuals with~~  
19           ~~intellectual disabilities, freestanding outpatient surgical~~  
20           ~~facilities, adult day health care centers, rural health centers,~~  
21           ~~laboratories, adult residential care homes, expanded adult~~



1 ~~residential care homes, developmental disability domiciliary~~  
2 ~~homes, assisted living facilities, therapeutic living programs,~~  
3 ~~and special treatment facilities, shall be deposited into the~~  
4 ~~office of health care assurance special fund created under~~  
5 ~~section 321-1.4. Any other entities required by law to be~~  
6 ~~licensed by the department of health shall also be subject to~~  
7 ~~reasonable fees established by the department of health by rules~~  
8 ~~adopted in accordance with chapter 91.~~

9 ~~(c) Other than the fees collected under subsection (b),~~  
10 ~~all other fees collected under this section and section 321-15~~  
11 ~~shall be deposited into the sanitation and environmental health~~  
12 ~~special fund established under section 321-27." ]~~

13 SECTION 14. No more than ninety days after the transfer  
14 completion date established pursuant to section 30 of this Act,  
15 all appropriations, records, equipment, machines, files,  
16 supplies, contracts, books, papers, documents, maps, and other  
17 personal property heretofore made, used, acquired, or held by  
18 the department of community health relating to the functions  
19 transferred to the department of healthcare services shall be  
20 transferred with the functions to which they relate.



1 SECTION 15. All rights, powers, functions, and duties of  
2 the department of community health that are assigned to the  
3 department of healthcare services by this Act are transferred to  
4 the department of healthcare services.

5 SECTION 16. (a) The department of community health shall  
6 be responsible for all obligations incurred by the department in  
7 connection with the department's exercise of the authority and  
8 performance of the duties and responsibilities conferred upon it  
9 and the director of community health by the statutory duties  
10 transferred to the department of healthcare services pursuant to  
11 this Act, until the time that the obligations, including any  
12 accounts payable, accrued paid time off, debt, capital leases,  
13 and other obligations incurred before the transfer completion  
14 date established pursuant to section 30 of this Act, have been  
15 assumed by the department of healthcare services, which shall  
16 not occur prior to the transfer completion date.

17 (b) All collective bargaining disputes or claims against  
18 the department of community health grounded in an act or  
19 omission, or an event that occurred prior to the transfer  
20 completion date, shall remain the responsibility of the  
21 department of community health.



1 (c) All liabilities arising out of the department of  
2 healthcare services' exercise of the authority and performance  
3 of the duties and responsibilities conferred upon it and the  
4 director of community health by the statutory duties transferred  
5 to the department of healthcare services pursuant to this Act  
6 after the transfer completion date shall be the responsibility  
7 of the department of healthcare services.

8 (d) The assumption by the department of healthcare  
9 services of any bonds, notes, or other obligations of the  
10 department of community health shall be subject to the terms and  
11 provisions of any certificate, indenture, or resolution securing  
12 those bonds, notes, or other obligations.

13 (e) On the transfer completion date, the department of  
14 healthcare services shall assume responsibility for all rights,  
15 duties, penalties, and proceedings of the department of  
16 community health transferred to the department of healthcare  
17 services by this Act.

18 SECTION 17. All rules, policies, procedures, guidelines,  
19 and other materials adopted or developed by the department of  
20 community health to implement provisions of the Hawaii Revised  
21 Statutes that are reenacted or made applicable to the department



1 of healthcare services by this Act shall remain in full force  
2 and effect on and after the transfer completion date established  
3 pursuant to section 30 of this Act, until amended or repealed by  
4 the department of healthcare services pursuant to chapter 91,  
5 Hawaii Revised Statutes. In the interim, every reference to the  
6 department of community health, department of health, director  
7 of community health, or director of health in those rules,  
8 policies, procedures, guidelines, and other materials, is  
9 amended to refer to the department of healthcare services or  
10 director of healthcare services, as appropriate.

11 SECTION 18. All deeds, executive orders, leases,  
12 contracts, loans, agreements, permits, or other documents  
13 executed or entered into by or on behalf of the department of  
14 community health, pursuant to the provisions of the Hawaii  
15 Revised Statutes, that are reenacted or made applicable to the  
16 department of healthcare services by this Act shall remain in  
17 full force and effect. On the transfer completion date  
18 established pursuant to section 30 of this Act, every reference  
19 to the department of community health, department of health,  
20 director of community health, or director of health, in those  
21 deeds, executive orders, leases, contracts, loans, agreements,



1 permits, or other documents shall be construed as a reference to  
2 the department of healthcare services or director of healthcare  
3 services, as appropriate.

4 PART VI

5 SECTION 19. The purpose of this part is to transfer  
6 certain duties from the department of healthcare services  
7 (formerly the department of human services) to the department of  
8 community health (formerly the department of health).

9 SECTION 20. Chapters 347, 348, 350, 350B, 350C, and 350E;  
10 parts II, III, V, VIII, X, XI, XII, and XIX, of chapter 346; and  
11 sections 40-85, 76-16, 202-1, 235-55.91, 302A-433.5, 302L-1,  
12 346-7, 346-14.5, 346-15, 346-17, 346-17.5, 346-29, 346-37,  
13 346-37.1, 386-25, 394-2, 551E-16, 658G-19, 658H-6, and 658J-12  
14 Hawaii Revised Statutes, are amended by:

15 (1) Substituting the phrase "department of community  
16 health," or a similar term, wherever the phrase  
17 "department of human services", "department", or a  
18 similar term referring to the department of human  
19 services, appears, as the context requires; and

20 (2) Substituting the phrase "director of community  
21 health", or a similar term, wherever the term



1 "director of human services", "director", or a similar  
2 term referring to the director of human services,  
3 appears, as the context requires.

4 SECTION 21. No more than ninety days after the transfer  
5 completion date established pursuant to section 30 of this Act,  
6 all appropriations, records, equipment, machines, files,  
7 supplies, contracts, books, papers, documents, maps, and other  
8 personal property heretofore made, used, acquired, or held by  
9 the department of healthcare services relating to the functions  
10 transferred to the department of community health shall be  
11 transferred with the functions to which they relate.

12 SECTION 22. All rights, powers, functions, and duties of  
13 the department of healthcare services that are assigned to the  
14 department of community health by this Act are transferred to  
15 the department of community health.

16 SECTION 23. (a) The department of healthcare services  
17 shall be responsible for all obligations incurred by the  
18 department in connection with the department's exercise of the  
19 authority and performance of the duties and responsibilities  
20 conferred upon it and the director of healthcare services by the  
21 statutory duties transferred to the department of community



1 health pursuant to this Act, until the time that the  
2 obligations, including any accounts payable, accrued paid time  
3 off, debt, capital leases, and other obligations incurred before  
4 the transfer completion date established pursuant to section 30  
5 of this Act, have been assumed by the department of community  
6 health, which shall not occur prior to the transfer completion  
7 date.

8 (b) All collective bargaining disputes or claims against  
9 the department of healthcare services grounded in an act or  
10 omission, or an event that occurred prior to the transfer  
11 completion date, shall remain the responsibility of the  
12 department of healthcare services.

13 (c) All liabilities arising out of the department of  
14 healthcare services' exercise of the authority and performance  
15 of the duties and responsibilities conferred upon it and the  
16 director of healthcare services by the statutory duties  
17 transferred to the department of community health pursuant to  
18 this Act after the transfer completion date shall be the  
19 responsibility of the department of community health.

20 (d) The assumption by the department of community health  
21 of any bonds, notes, or other obligations of the department of



1 healthcare services shall be subject to the terms and provisions  
2 of any certificate, indenture, or resolution securing those  
3 bonds, notes, or other obligations.

4 (e) On the transfer completion date, the department of  
5 community health shall assume responsibility for all rights,  
6 duties, penalties, and proceedings of the department of  
7 community transferred to the department of community health by  
8 this Act.

9 SECTION 24. All rules, policies, procedures, guidelines,  
10 and other materials adopted or developed by the department of  
11 healthcare services to implement provisions of the Hawaii  
12 Revised Statutes that are reenacted or made applicable to the  
13 department of community health by this Act shall remain in full  
14 force and effect on and after the transfer completion date  
15 established pursuant to section 30 of this Act, until amended or  
16 repealed by the department of community health pursuant to  
17 chapter 91, Hawaii Revised Statutes. In the interim, every  
18 reference to the department of healthcare services, department  
19 of human services, director of healthcare services, or director  
20 of human services in those rules, policies, procedures,  
21 guidelines, and other materials, is amended to refer to the



1 department of community health or director of community health,  
2 as appropriate.

3 SECTION 25. All deeds, executive orders, leases,  
4 contracts, loans, agreements, permits, or other documents  
5 executed or entered into by or on behalf of the department of  
6 healthcare services, pursuant to the provisions of the Hawaii  
7 Revised Statutes, that are reenacted or made applicable to the  
8 department of community health by this Act shall remain in full  
9 force and effect. On the transfer completion date established  
10 pursuant to section 30 of this Act, every reference to the  
11 department of healthcare services, department of human services,  
12 director of healthcare services, or director of human services,  
13 in those deeds, executive orders, leases, contracts, loans,  
14 agreements, permits, or other documents shall be construed as a  
15 reference to the department of community health or director of  
16 community health, as appropriate.

17 PART VII

18 SECTION 26. The purpose of this part is to transfer  
19 certain duties from the department of community health (formerly  
20 the department of health) to the department of environmental  
21 protection.



1 SECTION 27. Section 225P-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) The membership of the greenhouse gas sequestration  
4 task force shall be as follows:

- 5 (1) The director of the office of planning and sustainable  
6 development or the director's designee, who shall  
7 serve as chairperson;
- 8 (2) The chairperson of the board of agriculture or the  
9 chairperson's designee;
- 10 (3) The chairperson of the board of land and natural  
11 resources or the chairperson's designee;
- 12 (4) The director of transportation or the director's  
13 designee;
- 14 (5) [~~The deputy director of the department of health's~~] A  
15 representative from the department of environmental  
16 protection responsible for addressing environmental  
17 health [administration or the deputy director's  
18 designee;] matters;
- 19 (6) The state sustainability coordinator;



- 1           (7) The director of the environmental law program at the  
2           University of Hawaii at Manoa William S. Richardson  
3           school of law;
- 4           (8) The administrator of the division of forestry and  
5           wildlife within the department of land and natural  
6           resources or the administrator's designee;
- 7           (9) One member who is also a member of the climate change  
8           mitigation and adaptation commission;
- 9           (10) One researcher from the college of tropical  
10          agriculture and human resources at the University of  
11          Hawaii at Manoa;
- 12          (11) One extension agent from the college of tropical  
13          agriculture and human resources at the University of  
14          Hawaii at Manoa;
- 15          (12) Four members, one each to be appointed by the  
16          respective mayors of the city and county of Honolulu,  
17          and the counties of Hawaii, Kauai, and Maui; and
- 18          (13) Four members to be jointly selected and invited to  
19          participate by the president of the senate and the  
20          speaker of the house of representatives, of which two  
21          members shall be selected from an environmental



1 nonprofit organization, and two members shall be  
2 selected from an agricultural or ranching association.

3 Task force members may recommend to the task force  
4 additional members with appropriate specialized expertise,  
5 subject to approval by the chairperson."

6 SECTION 28. Section 321-4.5, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "[~~§~~321-4.5~~§~~] **Inspection of food establishments.** (a)  
9 Inspections of food establishments may be performed only by a  
10 registered sanitarian or a food and drug inspector.

11 (b) The department of environmental protection shall  
12 enforce this section."

13 SECTION 29. Chapters 128D, 328, 328D, 339, 339D, 340A,  
14 340B, 340E, 340F, 342B, 342D, 342E, 342G, 342H, 342I, 342J,  
15 342L, 342P, and 508C; and sections 46-1.5, 46-20, 46-20.5,  
16 48E-1, 53-60(i), 103D-1005(b), 150A-6.3, 174C-31, 174C-71,  
17 174C-84, 183C-4, 200-14(c), 205-2, 205-4.5, 200-14, 266-25,  
18 286-225, 321-1.1, 321-4.6, 321-27.5, 321-30.3, 444-7.5, and  
19 708-829, Hawaii Revised Statutes, are amended by:

20 (1) Substituting the phrase "department of environmental  
21 protection," or a similar term, wherever the phrase



1 "department of health", "department", or a similar  
2 term referring to the department of health, appears,  
3 as the context requires; and

4 (2) Substituting the phrase "director of environmental  
5 protection", or a similar term, wherever the term  
6 "director of health", "director", or a similar term  
7 referring to the director of health, appears, as the  
8 context requires.

9 SECTION 30. (a) Within ninety days of the effective date  
10 of this Act, the governor shall designate a representative who  
11 shall facilitate the department of environmental protection's  
12 orderly succession to the jurisdiction, powers, functions,  
13 rights, benefits, obligations, assets, liabilities, funds,  
14 accounts, contracts, and all other things currently held, used,  
15 incurred, or performed by the department of community health  
16 (formerly the department of health), or its director and staff,  
17 in administering and exercising the authority and fulfilling the  
18 responsibilities authorized or conferred upon the department of  
19 environmental protection by this Act.



1 (b) Within one hundred eighty days of the effective date  
2 of this Act, the governor shall appoint a director of  
3 environmental protection.

4 (c) To facilitate the department of environmental  
5 protection's timely assumption of its authority and  
6 responsibilities, the department of community health, department  
7 of accounting and general services, department of human  
8 resources development, state procurement office, and any other  
9 state department or agency shall, if requested by the department  
10 of environmental protection, shall enter into a memorandum of  
11 understanding with the department of environmental protection  
12 to:

13 (1) Provide administrative support services for the  
14 department of environmental protection pending the  
15 transfer of employees to the director of environmental  
16 protection;

17 (2) Develop a policy and set of robust procurement  
18 procedures that foster accountability, transparency,  
19 and oversight of contracts, including compliance with  
20 federal procurement requirements;



- 1           (3) Assist the department of environmental protection with  
2           the organization of its human resources development  
3           functions, including establishing:  
4           (A) A human resources office; and  
5           (B) The department of environmental protection's  
6           civil service and civil service positions; and  
7           the classification system; merit appeals board;  
8           recruitment system; performance appraisal system;  
9           and administrative rules, policies, standards and  
10          procedures, including internal complaint  
11          procedures, adopted to support its civil service;  
12          (4) Assist the department of environmental protection in  
13          establishing accounting, budgeting, fund management,  
14          and communication and electronic information systems,  
15          and creating appropriate interfaces between the  
16          department's accounting, budgeting, fund management,  
17          communication, and electronic information systems, and  
18          those of other departments and state agencies;  
19          (5) Assist the department of environmental protection in  
20          identifying the plans and reports that departments and  
21          agencies are required to prepare for the governor,



1 legislature, or other state department or agency;  
2 determining whether the plans and reports have been  
3 prepared and will be transferred to the department of  
4 environmental protection on the transfer completion  
5 date established pursuant to this section; and  
6 preparing the plans and reports for the department of  
7 environmental protection, if they do not exist; and  
8 (6) Expeditiously transfer to, or otherwise facilitate the  
9 department of environmental protection's acquisition  
10 or assumption of, all of the powers, functions,  
11 rights, benefits, obligations, assets, funds,  
12 accounts, contracts and other things held, used,  
13 incurred, and performed by other departments and  
14 agencies and transferred to the department of  
15 environmental protection by this Act.

16 (d) As soon as feasible, the department of environmental  
17 protection, with the concurrence of the director of community  
18 health, director of healthcare services, and governor, shall  
19 establish the transfer completion date, which shall be no later  
20 than December 31, 2026, and shall publish notice of the transfer  
21 completion date by:



- 1 (1) Publishing the notice in a daily publication of
- 2 statewide circulation pursuant to section 1-28.5,
- 3 Hawaii Revised Statutes;
- 4 (2) Posting a copy of the notice on an electronic calendar
- 5 on a website maintained by the State; and
- 6 (3) Providing a copy of the notice to the head of every
- 7 other state department.

8 SECTION 31. No more than ninety days after the transfer  
9 completion date established pursuant to section 30 of this Act,  
10 all appropriations, records, equipment, machines, files,  
11 supplies, contracts, books, papers, documents, maps, and other  
12 personal property heretofore made, used, acquired, or held by  
13 the department of community health relating to the functions  
14 transferred to the department of environmental protection shall  
15 be transferred with the functions to which they relate.

16 SECTION 32. All rights, powers, functions, and duties of  
17 the department of community health that are assigned to the  
18 department of environmental protection by this Act are  
19 transferred to the department of environmental protection.

20 SECTION 33. (a) The department of community health shall  
21 be responsible for all obligations incurred by the department in



1 connection with the department's exercise of the authority and  
2 performance of the duties and responsibilities conferred upon it  
3 and the director of community health by the statutory duties  
4 transferred to the department of environmental protection  
5 pursuant to this Act, until the time that the obligations,  
6 including any accounts payable, accrued paid time off, debt,  
7 capital leases, and other obligations incurred before the  
8 transfer completion date established pursuant to section 30 of  
9 this Act, have been assumed by the department of environmental  
10 protection, which shall not occur prior to the transfer  
11 completion date.

12 (b) All collective bargaining disputes or claims against  
13 the department of community health grounded in an act or  
14 omission, or an event that occurred prior to the transfer  
15 completion date, shall remain the responsibility of the  
16 department of community health.

17 (c) All liabilities arising out of the department of  
18 environmental protection's exercise of the authority and  
19 performance of the duties and responsibilities conferred upon it  
20 and the director of community health by the statutory duties  
21 transferred to the department of environmental protection



1 pursuant to this Act after the transfer completion date shall be  
2 the responsibility of the department of environmental  
3 protection.

4 (d) The assumption by the department of environmental  
5 protection of any bonds, notes, or other obligations of the  
6 department of community health shall be subject to the terms and  
7 provisions of any certificate, indenture, or resolution securing  
8 those bonds, notes, or other obligations.

9 (e) On the transfer completion date, the department of  
10 environmental protection shall assume responsibility for all  
11 rights, duties, penalties, and proceedings of the department of  
12 community health transferred to the department of environmental  
13 protection by this Act.

14 SECTION 34. All rules, policies, procedures, guidelines,  
15 and other materials adopted or developed by the department of  
16 community health to implement provisions of the Hawaii Revised  
17 Statutes that are reenacted or made applicable to the department  
18 of environmental protection by this Act shall remain in full  
19 force and effect on and after the transfer completion date  
20 established pursuant to section 30 of this Act, until amended or  
21 repealed by the department of environmental protection pursuant



1 to chapter 91, Hawaii Revised Statutes. In the interim, every  
2 reference to the department of community health, department of  
3 health, director of community health, or director of health in  
4 those rules, policies, procedures, guidelines, and other  
5 materials, is amended to refer to the department of  
6 environmental protection or director of environmental  
7 protection, as appropriate.

8 SECTION 35. All deeds, executive orders, leases,  
9 contracts, loans, agreements, permits, or other documents  
10 executed or entered into by or on behalf of the department of  
11 community health, pursuant to the provisions of the Hawaii  
12 Revised Statutes, that are reenacted or made applicable to the  
13 department of environmental protection by this Act shall remain  
14 in full force and effect. On the transfer completion date  
15 established pursuant to section 30 of this Act, every reference  
16 to the department of community health, department of health,  
17 director of community health, or director of health, in those  
18 deeds, executive orders, leases, contracts, loans, agreements,  
19 permits, or other documents shall be construed as a reference to  
20 the department of environmental protection or director of  
21 environmental protection, as appropriate.



## 1 PART VIII

2 SECTION 36. The purpose of this part is to  
3 administratively attach the Hawaii employer-union health  
4 benefits trust fund to the department of healthcare services  
5 (formerly the department of human services).

6 SECTION 37. Section 87A-30, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§87A-30 Hawaii employer-union health benefits trust fund;**  
9 **establishment.** There is established outside the state treasury,  
10 a trust fund to be known as the "Hawaii Employer-Union Health  
11 Benefits Trust Fund". The fund shall consist of contributions,  
12 interest, income, dividends, refunds, rate credits, and other  
13 returns. It is hereby declared that any and all sums  
14 contributed or paid from any source to the fund created by this  
15 part, and all assets of the fund including any and all interest  
16 and earnings on the same, are and shall be held in trust by the  
17 board for the exclusive use and benefit of the employee-  
18 beneficiaries and dependent-beneficiaries and shall not be  
19 subject to appropriation for any other purpose whatsoever. The  
20 fund shall be under the control of the board and placed under



1 the department of [~~budget and finance~~] healthcare services for  
2 administrative purposes."

3 SECTION 38. No more than ninety days after the transfer  
4 completion date established pursuant to section 30 of this Act,  
5 all appropriations, records, equipment, machines, files,  
6 supplies, contracts, books, papers, documents, maps, and other  
7 personal property heretofore made, used, acquired, or held by  
8 the department of budget and finance relating to the functions  
9 transferred to the department of healthcare services shall be  
10 transferred with the functions to which they relate.

11 SECTION 39. All rights, powers, functions, and duties of  
12 the department of budget and finance that are assigned to the  
13 department of healthcare services by this Act are transferred to  
14 the department of healthcare services.

15 SECTION 40. (a) The department of budget and finance  
16 shall be responsible for all obligations incurred by the  
17 department in connection with the department's exercise of the  
18 authority and performance of the duties and responsibilities  
19 conferred upon it and the director of finance by the statutory  
20 duties transferred to the department of healthcare services  
21 pursuant to this Act, until the time that the obligations,



1 including any accounts payable, accrued paid time off, debt,  
2 capital leases, and other obligations incurred before the  
3 transfer completion date established pursuant to section 30 of  
4 this Act, have been assumed by the department of healthcare  
5 services, which shall not occur prior to the transfer completion  
6 date.

7 (b) All collective bargaining disputes or claims against  
8 the department of budget and finance grounded in an act or  
9 omission, or an event that occurred prior to the transfer  
10 completion date, shall remain the responsibility of the  
11 department of budget and finance.

12 (c) All liabilities arising out of the department of  
13 budget and finance's exercise of the authority and performance  
14 of the duties and responsibilities conferred upon it and the  
15 director of finance by the statutory duties transferred to the  
16 department of healthcare services pursuant to this Act after the  
17 transfer completion date shall be the responsibility of the  
18 department of healthcare services.

19 (d) The assumption by the department of healthcare  
20 services of any bonds, notes, or other obligations of the  
21 department of budget and finance shall be subject to the terms



1 and provisions of any certificate, indenture, or resolution  
2 securing those bonds, notes, or other obligations.

3 (e) On the transfer completion date, the department of  
4 healthcare services shall assume responsibility for all rights,  
5 duties, penalties, and proceedings of the department of budget  
6 and finance transferred to the department of healthcare services  
7 by this Act.

8 SECTION 41. All rules, policies, procedures, guidelines,  
9 and other materials adopted or developed by the department of  
10 budget and finance to implement provisions of the Hawaii Revised  
11 Statutes that are reenacted or made applicable to the department  
12 of healthcare services by this Act shall remain in full force  
13 and effect on and after the transfer completion date established  
14 pursuant to section 30 of this Act, until amended or repealed by  
15 the department of healthcare services pursuant to chapter 91,  
16 Hawaii Revised Statutes. In the interim, every reference to the  
17 department of budget and finance or director of finance in those  
18 rules, policies, procedures, guidelines, and other materials, is  
19 amended to refer to the department of healthcare services or  
20 director of healthcare services, as appropriate.



1 SECTION 42. All deeds, executive orders, leases,  
2 contracts, loans, agreements, permits, or other documents  
3 executed or entered into by or on behalf of the department of  
4 budget and finance, pursuant to the provisions of the Hawaii  
5 Revised Statutes, that are reenacted or made applicable to the  
6 department of healthcare services by this Act shall remain in  
7 full force and effect. On the transfer completion date  
8 established pursuant to section 30 of this Act, every reference  
9 to the department of budget and finance or director of finance,  
10 in those deeds, executive orders, leases, contracts, loans,  
11 agreements, permits, or other documents shall be construed as a  
12 reference to the department of healthcare services or director  
13 of healthcare services, as appropriate.

14 PART IX

15 SECTION 43. This purpose of this part to amend various  
16 provisions of the Hawaii Revised Statutes to facilitate the  
17 renaming of departments and transfer of certain duties between  
18 departments as provided by other parts of this Act.

19 SECTION 44. Chapter 321, Hawaii Revised Statutes, is  
20 amended by amending its title to read as follows:

21 "CHAPTER 321



1                            ~~[DEPARTMENT OF]~~ HEALTH MATTERS"

2            SECTION 45. Chapter 346, Hawaii Revised Statutes, is  
3 amended by amending its title to read as follows:

4                            "CHAPTER 346

5                            ~~[DEPARTMENT OF HUMAN]~~ SERVICES"

6            SECTION 46. Section 26-4, Hawaii Revised Statutes, is  
7 amended to read as follows:

8            "**§26-4 Structure of government.** Under the supervision of  
9 the governor, all executive and administrative offices,  
10 departments, and instrumentalities of the state government and  
11 their respective functions, powers, and duties shall be  
12 allocated among and within the following principal departments  
13 that are hereby established:

- 14            (1) Department of human resources development  
15                            (Section 26-5);  
16            (2) Department of accounting and general services  
17                            (Section 26-6);  
18            (3) Department of the attorney general (Section 26-7);  
19            (4) Department of budget and finance (Section 26-8);  
20            (5) Department of commerce and consumer affairs  
21                            (Section 26-9);



- 1 (6) Department of taxation (Section 26-10);
- 2 (7) University of Hawaii (Section 26-11);
- 3 (8) Department of education (Section 26-12);
- 4 (9) Department of community health (Section 26-13);
- 5 (10) Department of [~~human services~~] healthcare services
- 6 (Section 26-14);
- 7 (11) Department of land and natural resources
- 8 (Section 26-15);
- 9 (12) Department of agriculture (Section 26-16);
- 10 (13) Department of Hawaiian home lands (Section 26-17);
- 11 (14) Department of business, economic development, and
- 12 tourism (Section 26-18);
- 13 (15) Department of transportation (Section 26-19);
- 14 (16) Department of labor and industrial relations
- 15 (Section 26-20);
- 16 (17) Department of defense (Section 26-21);
- 17 (18) Department of corrections and rehabilitation
- 18 (Section 26-14.6); [~~and~~]
- 19 (19) Department of law enforcement (Section 26-14.8) [~~and~~];
- 20 and



1        (20) Department of environmental protection  
2                    (Section 26-     )."

3            SECTION 47. Section 76-16, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5            "(b) The civil service to which this chapter applies shall  
6 comprise all positions in the State now existing or hereafter  
7 established and embrace all personal services performed for the  
8 State, except the following:

- 9            (1) Commissioned and enlisted personnel of the Hawaii  
10            National Guard and positions in the Hawaii National  
11            Guard that are required by state or federal laws or  
12            regulations or orders of the National Guard to be  
13            filled from those commissioned or enlisted personnel;
- 14            (2) Positions filled by persons employed by contract where  
15            the director of human resources development has  
16            certified that the service is special or unique or is  
17            essential to the public interest and that, because of  
18            circumstances surrounding its fulfillment, personnel  
19            to perform the service cannot be obtained through  
20            normal civil service recruitment procedures. Any  
21            contract may be for any period not exceeding one year;



- 1           (3) Positions that must be filled without delay to comply  
2           with a court order or decree if the director  
3           determines that recruitment through normal recruitment  
4           civil service procedures would result in delay or  
5           noncompliance, such as the Felix-Cayetano consent  
6           decree;
- 7           (4) Positions filled by the legislature or by either house  
8           or any committee thereof;
- 9           (5) Employees in the office of the governor and office of  
10          the lieutenant governor, and household employees at  
11          Washington Place;
- 12          (6) Positions filled by popular vote;
- 13          (7) Department heads, officers, and members of any board,  
14          commission, or other state agency whose appointments  
15          are made by the governor or are required by law to be  
16          confirmed by the senate;
- 17          (8) Judges, referees, receivers, masters, jurors, notaries  
18          public, land court examiners, court commissioners, and  
19          attorneys appointed by a state court for a special  
20          temporary service;



1 (9) One bailiff for the chief justice of the supreme court  
2 who shall have the powers and duties of a court  
3 officer and bailiff under section 606-14; one  
4 secretary or clerk for each justice of the supreme  
5 court, each judge of the intermediate appellate court,  
6 and each judge of the circuit court; one secretary for  
7 the judicial council; one deputy administrative  
8 director of the courts; three law clerks for the chief  
9 justice of the supreme court, two law clerks for each  
10 associate justice of the supreme court and each judge  
11 of the intermediate appellate court, one law clerk for  
12 each judge of the circuit court, two additional law  
13 clerks for the civil administrative judge of the  
14 circuit court of the first circuit, two additional law  
15 clerks for the criminal administrative judge of the  
16 circuit court of the first circuit, one additional law  
17 clerk for the senior judge of the family court of the  
18 first circuit, two additional law clerks for the civil  
19 motions judge of the circuit court of the first  
20 circuit, two additional law clerks for the criminal  
21 motions judge of the circuit court of the first



1 circuit, and two law clerks for the administrative  
2 judge of the district court of the first circuit; and  
3 one private secretary for the administrative director  
4 of the courts, the deputy administrative director of  
5 the courts, each department head, each deputy or first  
6 assistant, and each additional deputy, or assistant  
7 deputy, or assistant defined in paragraph (16);  
8 (10) First deputy and deputy attorneys general, the  
9 administrative services manager of the department of  
10 the attorney general, one secretary for the  
11 administrative services manager, an administrator and  
12 any support staff for the criminal and juvenile  
13 justice resources coordination functions, and law  
14 clerks;  
15 (11) (A) Teachers, principals, vice-principals, complex  
16 area superintendents, deputy and assistant  
17 superintendents, other certificated personnel,  
18 and no more than twenty noncertificated  
19 administrative, professional, and technical  
20 personnel not engaged in instructional work;



- 1 (B) Effective July 1, 2003, teaching assistants,  
2 educational assistants, bilingual or bicultural  
3 school-home assistants, school psychologists,  
4 psychological examiners, speech pathologists,  
5 athletic health care trainers, alternative school  
6 work study assistants, alternative school  
7 educational or supportive services specialists,  
8 alternative school project coordinators, and  
9 communications aides in the department of  
10 education;
- 11 (C) The special assistant to the state librarian and  
12 one secretary for the special assistant to the  
13 state librarian; and
- 14 (D) Members of the faculty of the University of  
15 Hawaii, including research workers, extension  
16 agents, personnel engaged in instructional work,  
17 and administrative, professional, and technical  
18 personnel of the university;
- 19 (12) Employees engaged in special, research, or  
20 demonstration projects approved by the governor;



- 1           (13)   (A)   Positions filled by inmates, patients of state  
2                                   institutions, and persons with severe physical or  
3                                   mental disabilities participating in the work  
4                                   experience training programs;
- 5                   (B)   Positions filled with students in accordance with  
6                                   guidelines for established state employment  
7                                   programs; and
- 8                   (C)   Positions that provide work experience training  
9                                   or temporary public service employment that are  
10                                  filled by persons entering the workforce or  
11                                  persons transitioning into other careers under  
12                                  programs such as the federal Workforce Investment  
13                                  Act of 1998, as amended, or the Senior Community  
14                                  Service Employment Program of the Employment and  
15                                  Training Administration of the United States  
16                                  Department of Labor, or under other similar state  
17                                  programs;
- 18           (14)   A custodian or guide at Iolani Palace, the Royal  
19                                   Mausoleum, and Hulihee Palace;
- 20           (15)   Positions filled by persons employed on a fee,  
21                                   contract, or piecework basis, who may lawfully perform



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1           their duties concurrently with their private business  
 2           or profession or other private employment and whose  
 3           duties require only a portion of their time, if it is  
 4           impracticable to ascertain or anticipate the portion  
 5           of time to be devoted to the service of the State;

6           (16) Positions of first deputies or first assistants of  
 7           each department head appointed under or in the manner  
 8           provided in section 6, article V, of the Hawaii State  
 9           Constitution; three additional deputies or assistants  
 10          either in charge of the highways, harbors, and  
 11          airports divisions or other functions within the  
 12          department of transportation as may be assigned by the  
 13          director of transportation, with the approval of the  
 14          governor; one additional deputy in the department of  
 15          [human] healthcare services [~~either~~] in charge of  
 16          [~~welfare or other~~] functions within the department as  
 17          may be assigned by the director of [~~human~~] healthcare  
 18          services; [~~four~~] three additional deputies in the  
 19          department of community health, each in charge of one  
 20          of the following: behavioral health, [~~environmental~~  
 21          ~~health,~~] hospitals, and health resources



1 administration, including other functions within the  
2 department as may be assigned by the director of  
3 community health, with the approval of the governor;  
4 two additional deputies in charge of the law  
5 enforcement programs, administration, or other  
6 functions within the department of law enforcement as  
7 may be assigned by the director of law enforcement,  
8 with the approval of the governor; three additional  
9 deputies each in charge of the correctional  
10 institutions, rehabilitation services and programs,  
11 and administration or other functions within the  
12 department of corrections and rehabilitation as may be  
13 assigned by the director of corrections and  
14 rehabilitation, with the approval of the governor; two  
15 administrative assistants to the state librarian; and  
16 an administrative assistant to the superintendent of  
17 education;

18 (17) Positions specifically exempted from this part by any  
19 other law; provided that:

20 (A) Any exemption created after July 1, 2014, shall  
21 expire three years after its enactment unless



- 1                   affirmatively extended by an act of the  
2                   legislature; and
- 3           (B) All of the positions defined by paragraph (9)  
4                   shall be included in the position classification  
5                   plan;
- 6           (18) Positions in the state foster grandparent program and  
7                   positions for temporary employment of senior citizens  
8                   in occupations in which there is a severe personnel  
9                   shortage or in special projects;
- 10          (19) Household employees at the official residence of the  
11                   president of the University of Hawaii;
- 12          (20) Employees in the department of education engaged in  
13                   the supervision of students during meal periods in the  
14                   distribution, collection, and counting of meal  
15                   tickets, and in the cleaning of classrooms after  
16                   school hours on a less than half-time basis;
- 17          (21) Employees hired under the tenant hire program of the  
18                   Hawaii public housing authority; provided that no more  
19                   than twenty-six per cent of the authority's workforce  
20                   in any housing project maintained or operated by the



- 1 authority shall be hired under the tenant hire  
2 program;
- 3 (22) Positions of the federally funded expanded food and  
4 nutrition program of the University of Hawaii that  
5 require the hiring of nutrition program assistants who  
6 live in the areas they serve;
- 7 (23) Positions filled by persons with severe disabilities  
8 who are certified by the state vocational  
9 rehabilitation office that they are able to perform  
10 safely the duties of the positions;
- 11 (24) The sheriff;
- 12 (25) A gender and other fairness coordinator hired by the  
13 judiciary;
- 14 (26) Positions in the Hawaii National Guard youth and adult  
15 education programs;
- 16 (27) In the Hawaii state energy office in the department of  
17 business, economic development, and tourism, all  
18 energy program managers, energy program specialists,  
19 energy program assistants, and energy analysts;
- 20 (28) Administrative appeals hearing officers in the  
21 department of [~~human~~] healthcare services;



- 1           (29) In the Med-QUEST division of the department of [~~human~~  
2           healthcare services, the division administrator,  
3           finance officer, health care services branch  
4           administrator, medical director, and clinical  
5           standards administrator;
- 6           (30) In the director's office of the department of [~~human~~  
7           healthcare services, the enterprise officer,  
8           information security and privacy compliance officer,  
9           security and privacy compliance engineer, security and  
10          privacy compliance analyst, information technology  
11          implementation manager, assistant information  
12          technology implementation manager, resource manager,  
13          community or project development director, policy  
14          director, special assistant to the director, and  
15          limited English proficiency project manager or  
16          coordinator;
- 17          (31) The Alzheimer's disease and related dementia services  
18          coordinator in the executive office on aging;
- 19          (32) In the Hawaii emergency management agency, the  
20          executive officer, public information officer, civil  
21          defense administrative officer, branch chiefs, and



- 1 emergency operations center state warning point  
2 personnel; provided that for state warning point  
3 personnel, the director shall determine that  
4 recruitment through normal civil service recruitment  
5 procedures would result in delay or noncompliance;
- 6 (33) The executive director and seven full-time  
7 administrative positions of the school facilities  
8 authority;
- 9 (34) Positions in the Mauna Kea stewardship and oversight  
10 authority;
- 11 (35) In the office of homeland security of the department  
12 of law enforcement, the statewide interoperable  
13 communications coordinator;
- 14 (36) In the social services division of the department of  
15 [~~human services,~~] community health, the business  
16 technology analyst;
- 17 (37) The executive director and staff of the 911 board;
- 18 [+](38) [+] Senior software developers in the department of  
19 taxation;



1    [+] (39) [+]       In the department of law enforcement, five  
2                    Commission on Accreditation for Law Enforcement  
3                    Agencies, Inc., coordinator positions;

4    [+] (40) [+]       The state fire marshal; ~~and~~

5        + ] (41) [+]       The administrator for the law enforcement  
6                    standards board[-]; and

7        (42)   In the department of environmental protection, the  
8                    deputy director of environmental protection and any  
9                    other positions as provided by law.

10       The director shall determine the applicability of this  
11 section to specific positions.

12       Nothing in this section shall be deemed to affect the civil  
13 service status of any incumbent as it existed on July 1, 1955."

14       SECTION 48. Section 171-64.5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16       "~~§171-64.5~~ **Nonconventional uses; department of**  
17 **health; approval and authorization; Waimano ridge.** The  
18 department of community health, department of healthcare  
19 services, or department of environmental protection, as the case  
20 may be, shall provide at least ninety days notification to the  
21 affected neighborhood boards and legislators that represent the



1 district where Waimano ridge is located, and obtain the approval  
2 of the governor prior to new uses or the expanded use of the  
3 land as a sex offender treatment facility, drug treatment  
4 facility, state laboratory, or other uses."

5 SECTION 49. Section 188-40.7, Hawaii Revised Statutes, is  
6 amended by amending subsection (c) to read as follows:

7 "(c) Prior to July 1, 2011, any restaurant holding a valid  
8 certificate, permit, or license issued by the department of  
9 health [~~under section 321-11~~] may possess, sell, offer for sale,  
10 trade, or distribute shark fins possessed by that restaurant as  
11 of July 1, 2010 which are prepared for consumption."

12 SECTION 50. Section 321-11, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**~~§321-11~~ Subjects of community health rules, generally.**

15 The department of community health pursuant to chapter 91 may  
16 adopt rules that it deems necessary for the public health and  
17 safety respecting:

18 [~~(1) Nuisances, foul or noxious odors, gases, vapors,~~  
19 ~~waters in which mosquitoes breed or may breed, sources~~  
20 ~~of filth, and causes of sickness or disease, within~~



1           ~~the respective districts of the State, and on board~~  
2           ~~any vessel;~~

3           ~~(2) Adulteration and misbranding of food or drugs;~~

4           ~~(3) Location, air space, ventilation, sanitation,~~  
5           ~~drainage, sewage disposal, and other health conditions~~  
6           ~~of buildings, courts, construction projects,~~  
7           ~~excavations, pools, watercourses, areas, and alleys.~~  
8           ~~For purposes of this paragraph, "pool" means a~~  
9           ~~watertight artificial structure containing a body of~~  
10           ~~water that does not exchange water with any other body~~  
11           ~~of water, either naturally or mechanically, and is~~  
12           ~~used for swimming, diving, recreational bathing, or~~  
13           ~~therapy by humans;~~

14           ~~(4) Privy vaults and cesspools;~~

15           ~~(5) Fish and fishing;~~

16           ~~(6) Interments and dead bodies;~~

17           ~~(7) Disinterments of dead human bodies, including the~~  
18           ~~exposing, disturbing, or removing of these bodies from~~  
19           ~~their place of burial, or the opening, removing, or~~  
20           ~~disturbing after due interment of any receptacle,~~  
21           ~~coffin, or container holding human remains or a dead~~



1           ~~human body or a part thereof and the issuance and~~  
2           ~~terms of permits for the aforesaid disinterments of~~  
3           ~~dead human bodies;~~

4           ~~(8) Cemeteries and burying grounds;~~

5           ~~(9) Laundries, and the laundering, sanitation, and~~  
6           ~~sterilization of articles including linen and uniforms~~  
7           ~~used by or in the following businesses and~~  
8           ~~professions: barber shops, manicure shops, beauty~~  
9           ~~parlors, electrology shops, restaurants, soda~~  
10           ~~fountains, hotels, rooming and boarding houses,~~  
11           ~~bakeries, butcher shops, public bathhouses, midwives,~~  
12           ~~masseurs, and others in similar calling, public or~~  
13           ~~private hospitals, and canneries and bottling works~~  
14           ~~where foods or beverages are canned or bottled for~~  
15           ~~public consumption or sale; provided that nothing in~~  
16           ~~this chapter shall be construed as authorizing the~~  
17           ~~prohibiting of laundering, sanitation, and~~  
18           ~~sterilization by those conducting any of these~~  
19           ~~businesses or professions where the laundering or~~  
20           ~~sterilization is done in an efficient and sanitary~~  
21           ~~manner;~~



1       ~~(10)~~ (1) Hospitals, freestanding surgical outpatient  
2       facilities, skilled nursing facilities, intermediate  
3       care facilities, ~~[adult residential care homes, adult~~  
4       ~~foster homes, assisted living facilities, special~~  
5       ~~treatment facilities and programs, home health~~  
6       ~~agencies, home care agencies, hospices, freestanding~~  
7       ~~birthing facilities, adult day health centers,~~  
8       ~~independent group residences, and therapeutic living~~  
9       ~~programs, but excluding] and youth shelter facilities~~  
10       ~~[unless], provided that~~ clinical treatment of mental,  
11       emotional, or physical disease or handicap is a part  
12       of the routine program or constitutes the main purpose  
13       of the facility, as defined in section 346-16 under  
14       "child caring institution"~~[. For the purpose of this~~  
15       ~~paragraph, "adult foster home" has the same meaning as~~  
16       ~~provided in section 321-11.2];~~  
17       ~~(11)~~ ~~Hotels, rooming houses, lodging houses, apartment~~  
18       ~~houses, tenements, and residences for persons with~~  
19       ~~developmental disabilities including those built under~~  
20       ~~federal funding;~~



- 1       ~~(12)~~ (2) Laboratories[+], except those under the
- 2               jurisdiction of the department of environmental
- 3               protection;
- 4       ~~[(13) Any place or building where noisome or noxious trades~~
- 5               ~~or manufacturing is carried on, or intended to be~~
- 6               ~~carried on;~~
- 7       ~~(14) Milk;~~
- 8       ~~(15) Poisons and hazardous substances, the latter term~~
- 9               ~~including any substance or mixture of substances that:~~
- 10              ~~(A) Is corrosive;~~
- 11              ~~(B) Is an irritant;~~
- 12              ~~(C) Is a strong sensitizer;~~
- 13              ~~(D) Is inflammable; or~~
- 14              ~~(E) Generates pressure through decomposition, heat,~~
- 15                      ~~or other means,~~
- 16              ~~if the substance or mixture of substances may cause~~
- 17              ~~substantial personal injury or substantial illness~~
- 18              ~~during or as a proximate result of any customary or~~
- 19              ~~reasonably foreseeable handling or use, including~~
- 20              ~~reasonably foreseeable ingestion by children;~~
- 21       ~~(16) Pig and duck ranches;~~



- 1       ~~(17) Places of business, industry, employment, and~~
- 2       ~~commerce, and the processes, materials, tools,~~
- 3       ~~machinery, and methods of work done therein; and~~
- 4       ~~places of public gathering, recreation, or~~
- 5       ~~entertainment;~~
- 6       ~~(18) Any restaurant, theater, market, stand, shop, store,~~
- 7       ~~factory, building, wagon, vehicle, or place where any~~
- 8       ~~food, drug, or cosmetic is manufactured, compounded,~~
- 9       ~~processed, extracted, prepared, stored, distributed,~~
- 10       ~~sold, offered for sale, or offered for human~~
- 11       ~~consumption or use;~~
- 12       ~~(19) Foods, drugs, and cosmetics, and the manufacture,~~
- 13       ~~compounding, processing, extracting, preparing,~~
- 14       ~~storing, selling, and offering for sale, consumption,~~
- 15       ~~or use of any food, drug, or cosmetic;~~
- 16       ~~(20) Device as defined in section 328-1;~~
- 17       ~~(21) Sources of ionizing radiation;~~
- 18       ~~(22)]~~ (3) Medical examination, vaccination, revaccination,
- 19       and immunization of school children. No child shall
- 20       be subjected to medical examination, vaccination,
- 21       revaccination, or immunization, whose parent or



1 guardian objects in writing thereto on grounds that  
2 the requirements are not in accordance with the  
3 religious tenets of an established church of which the  
4 parent or guardian is a member or adherent, but no  
5 objection shall be recognized when, in the opinion of  
6 the department, there is danger of an epidemic from  
7 any communicable disease;

8 [~~(23)~~ ~~Disinsectization of aircraft entering or within the~~  
9 ~~State as may be necessary to prevent the introduction,~~  
10 ~~transmission, or spread of disease or the introduction~~  
11 ~~or spread of any insect or other vector of~~  
12 ~~significance to health;~~

13 ~~(24)~~ ~~Fumigation, including the process by which substances~~  
14 ~~emit or liberate gases, fumes, or vapors that may be~~  
15 ~~used for the destruction or control of insects,~~  
16 ~~vermin, rodents, or other pests, which, in the opinion~~  
17 ~~of the department, may be lethal, poisonous, noxious,~~  
18 ~~or dangerous to human life,] and~~

19 [~~(25)~~] (4) Ambulances and ambulance equipment[~~+~~

20 ~~(26)~~ ~~Development, review, approval, or disapproval of~~  
21 ~~management plans submitted pursuant to the Asbestos~~



1           ~~Hazard Emergency Response Act of 1986, Public Law~~  
2           ~~99-519; and~~  
3           ~~(27) Development, review, approval, or disapproval of an~~  
4           ~~accreditation program for specially trained persons~~  
5           ~~pursuant to the Residential Lead-Based Paint Hazard~~  
6           ~~Reduction Act of 1992, Public Law 102-550].~~

7           (b) The department of community health may require any  
8 certificates, permits, or licenses that it may deem necessary to  
9 adequately regulate the conditions or businesses referred to in  
10 this section."

11           SECTION 51. Section 321-13, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13           "(a) The department of health, with the approval of the  
14 governor, may adopt rules as it deems necessary for the public  
15 health or safety respecting:

16           (1) The occupations or practices of clinical laboratory  
17 directors, medical technologists (clinical laboratory  
18 scientists), clinical laboratory specialists,  
19 cytotechnologists, medical laboratory technicians  
20 (clinical laboratory technicians), and tattoo  
21 artists [~~, and environmental health professionals~~];



1           (2) The health, education, training, experience, habits,  
2           qualifications, or character of persons to whom  
3           certificates of registration or permits for these  
4           occupations or practices may be issued;

5           (3) The health, habits, character, practices, standards,  
6           or conduct of persons holding these certificates or  
7           permits; and

8           (4) The grounds or causes for revoking or suspending these  
9           certificates or permits.

10 The rules shall have the force and effect of law."

11           SECTION 52. Section 321-15, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13           "(a) Every person holding a license to practice any  
14 occupation specified in section 321-13(a)(1) shall reregister  
15 with the department of health every other year in accordance  
16 with the rules of the department, before February 1 except where  
17 superseded by federal law, and shall pay a reregistration fee.  
18 The failure, neglect, or refusal of any person holding a license  
19 to reregister or pay the reregistration fee, after thirty days  
20 of delinquency, shall constitute a forfeiture of the person's  
21 license; provided that the license shall be restored upon



1 written application therefor together with a payment of all  
2 delinquent fees and an additional late reregistration fee that  
3 may be established by the director of health. [~~All fees~~  
4 ~~collected pursuant to this section shall be deposited into the~~  
5 ~~sanitation and environmental health special fund established~~  
6 ~~under section 321-27.~~]"

7 SECTION 53. Section 321-27, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§321-27 Sanitation and environmental health special fund.**

10 (a) There is established within the department of [~~health~~]  
11 environmental protection the sanitation and environmental health  
12 special fund into which shall be deposited all moneys collected  
13 from fees for permits, licenses, inspections, various  
14 certificates, variances, investigations, and reviews, pursuant  
15 to [~~sections 321-11.5(c) and 321-15.~~] applicable law.

16 (b) Moneys in the fund shall be expended by the department  
17 of environmental protection to partially fund the operating  
18 costs of program activities and functions [~~authorized pursuant~~  
19 ~~to section 321-11~~] to enhance the capacity of sanitation and  
20 environmental health programs to:



- 1 (1) Improve public outreach efforts and consultations to  
2 regulated businesses and industries;
- 3 (2) Educate the public, staff, and regulated businesses  
4 and industries;
- 5 (3) Plan for future growth and expansion to meet emerging  
6 needs;
- 7 (4) Provide training opportunities to ensure the  
8 maintenance of professional competence among  
9 sanitation and environmental health staff and  
10 administrators; and
- 11 (5) Conduct program activities and functions of the  
12 sanitation branch, including permit issuance,  
13 inspections, and enforcement and the hiring of  
14 additional inspectors;
- 15 provided that for environmental health programs, not more than  
16 \$140,000 of the fund may be used during any fiscal year for fund  
17 administration, including the hiring of not more than two  
18 full-time equivalent personnel, and the purchase of office and  
19 electronic equipment.
- 20 (c) Any amount in the fund in excess of \$1,500,000 on  
21 June 30 of each year shall be deposited into the general fund.



1 (d) The department of [~~health~~] environmental protection  
2 shall submit a report to the legislature concerning the status  
3 of the sanitation and environmental health special fund,  
4 including:

5 (1) The amount of moneys taken in by and expended from the  
6 fund; and

7 (2) The sources of receipts and uses of expenditures,  
8 not less than twenty days prior to the convening of each regular  
9 session."

10 SECTION 54. Section 321-171.5, Hawaii Revised Statutes, is  
11 amended by amending subsections (a) and (b) to read as follows:

12 "(a) The department of community health shall develop  
13 procedures for obtaining verifiable background check information  
14 regarding persons who are seeking employment, or seeking to  
15 serve as providers or subcontractors, in positions that place  
16 them in direct contact with adult, child, or youth clients when  
17 providing non-witnessed direct mental health or health care  
18 services. [~~These procedures shall include but not be limited to~~  
19 ~~background checks as defined in section 321-15.2.]~~

20 (b) Except as otherwise specified, any person who seeks  
21 employment with the department of community health, or who is



1 employed or seeks employment with a provider or subcontractor in  
2 a position that necessitates non-witnessed direct contact with  
3 clients when providing non-witnessed direct mental health or  
4 health care services, shall:

5 (1) Be subject to background checks [~~in accordance with~~  
6 ~~section 321-15.2~~];

7 (2) Authorize the disclosure to the department or its  
8 designee of background check information; and

9 (3) Provide to the department of community health or its  
10 designee written consent for the department or its  
11 designee to obtain background check information for  
12 verification.

13 Information obtained pursuant to subsection (a) and this  
14 subsection shall be used exclusively by the department of  
15 community health for purposes of determining whether a person is  
16 suitable for working in a position that necessitates  
17 non-witnessed direct contact with clients when providing  
18 non-witnessed direct mental health or health care services. All  
19 such decisions shall be subject to federal laws and regulations  
20 currently or hereafter in effect."



1 SECTION 55. Section 321-353, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established within the department for  
4 administrative purposes the Hawaii early intervention  
5 coordinating council. Members shall be appointed for three-year  
6 terms by the governor without the necessity of the advice and  
7 consent of the senate. The council shall comprise twenty-five  
8 members as follows:

9 (1) At least twenty per cent of the members shall be  
10 parents of infants or toddlers with special needs, or  
11 children with special needs aged twelve years or  
12 younger, with knowledge of, or experience with,  
13 programs for infants and toddlers with special needs;  
14 provided that at least one parent shall be a parent of  
15 an infant or toddler with special needs, or of a child  
16 with special needs aged six years or younger;

17 (2) At least twenty per cent of the members shall be  
18 public or private providers of early intervention  
19 services;

20 (3) Two members shall be from the legislature, of which  
21 one member shall be selected by the president of the



- 1 senate and one member shall be selected by the speaker  
2 of the house of representatives;
- 3 (4) One member shall be involved in personnel preparation;
- 4 (5) One member shall be from the department of community  
5 health program involved in the provision of, or  
6 payment for, early intervention services to infants  
7 and toddlers with special needs and their families who  
8 has sufficient authority to engage in policy planning  
9 and implementation on behalf of the program;
- 10 (6) One member shall be from the department of community  
11 health program responsible for children's mental  
12 health;
- 13 (7) One member shall be from the department of education  
14 program responsible for preschool services to children  
15 with disabilities who has sufficient authority to  
16 engage in policy planning and implementation on behalf  
17 of the program;
- 18 (8) One member shall be from the department of education  
19 program responsible for the coordination of education  
20 of homeless children and youths;



1           (9) One member shall be from the department of [~~human~~  
2            healthcare services program responsible for the state  
3            medicaid program;

4           (10) One member shall be from the department of [~~human~~  
5            ~~services~~] community health program responsible for  
6            child care;

7           (11) One member shall be from the department of [~~human~~  
8            ~~services~~] community health program responsible for  
9            foster care;

10          (12) One member shall be from the department of commerce  
11          and consumer affairs program responsible for state  
12          regulation of health insurance;

13          (13) One member shall be from a Head Start or Early Head  
14          Start agency or program in the State; and

15          (14) Other members involved in or interested in services to  
16          infants and toddlers with special needs and their  
17          families who are selected by the governor.

18          Any vacancy on the council shall be filled in the same  
19          manner in which the original position was filled."

20          SECTION 56. Section 346-14, Hawaii Revised Statutes, is  
21          amended to read as follows:



1           "**§346-14 Duties generally.** Except as otherwise provided  
2 by law, the department of [~~human~~] healthcare services shall:

3           (1) Establish and administer programs and standards, and  
4           adopt rules as deemed necessary for all public  
5           assistance programs;

6           (2) Establish, extend, and strengthen services for the  
7           protection and care of abused or neglected children  
8           and children in danger of becoming delinquent to make  
9           paramount the safety and health of children who have  
10          been harmed or are in life circumstances that threaten  
11          harm;

12          (3) Establish and administer programs, and adopt rules as  
13          deemed necessary, for the prevention of domestic and  
14          sexual violence and the protection and treatment of  
15          victims of domestic and sexual violence;

16          (4) Assist in preventing family breakdown;

17          (5) Place, or cooperate in placing, abused or neglected  
18          children in suitable private homes or institutions and  
19          place, or cooperate in placing, children in suitable  
20          adoptive homes;



- 1           (6) Have authority to establish, maintain, and operate  
2           receiving homes for the temporary care and custody of  
3           abused or neglected children until suitable plans are  
4           made for their care; and accept from the police and  
5           other agencies, for temporary care and custody, any  
6           abused or neglected child until satisfactory plans are  
7           made for the child;
- 8           (7) Administer the medical assistance programs for  
9           eligible public welfare and other medically needy  
10          individuals by establishing standards, eligibility,  
11          and health care participation rules, payment  
12          methodologies, reimbursement allowances, systems to  
13          monitor recipient and provider compliance, and  
14          assuring compliance with federal requirements to  
15          maximize federal financial participation;
- 16          (8) Cooperate with the federal government [~~in carrying out~~  
17          ~~the purposes of the Social Security Act and in other~~  
18          ~~matters of mutual concern pertaining to public~~  
19          ~~welfare, public assistance, and child welfare~~  
20          ~~services, including the making of reports, the~~  
21          ~~adoption of methods of administration, and the making~~



1 ~~of rules as are found by the federal government, or~~  
2 ~~any properly constituted authority thereunder, to be~~  
3 ~~necessary or desirable for the efficient operation of~~  
4 ~~the plans for public welfare, assistance, and child~~  
5 ~~welfare services or]~~ as may be necessary or desirable  
6 for the receipt of financial assistance from the  
7 federal government;

8 (9) Carry on research and compile statistics relative to  
9 public and private welfare activities throughout the  
10 State, including those dealing with dependence,  
11 defectiveness, delinquency, and related problems;

12 (10) Develop plans in cooperation with other public and  
13 private agencies for the prevention and treatment of  
14 conditions giving rise to public welfare problems;

15 (11) Adopt rules governing the procedure in hearings,  
16 investigations, recording, registration, determination  
17 of allowances, and accounting and conduct other  
18 activities as may be necessary or proper to carry out  
19 this chapter;

20 (12) Supervise or administer any other activities  
21 authorized or required by this chapter, including the



1 development of the staff of the department through  
2 in-service training and educational leave to attend  
3 schools and other appropriate measures, and any other  
4 activities placed under the jurisdiction of the  
5 department by any other law;

6 (13) Make, prescribe, and enforce policies and rules  
7 governing the activities provided for in  
8 section 346-31 it deems advisable, including the  
9 allocation of moneys available for assistance to  
10 persons assigned to work projects among the several  
11 counties or to particular projects where the  
12 apportionment has not been made pursuant to other  
13 provisions of law, if any, governing expenditures of  
14 the funds;

15 (14) Determine the appropriate level for the Hawaii  
16 security net, by developing a tracking and monitoring  
17 system to determine what segments of the population  
18 are not able to afford the basic necessities of life,  
19 and advise the legislature annually regarding the  
20 resources required to maintain the security net at the  
21 appropriate level;



- 1           (15) Subject to the appropriation of state funds and  
2           availability of federal matching assistance, expand  
3           optional health care to low-income persons as follows:  
4           (A) Pregnant women and infants under one year of age  
5           living in families with incomes up to one hundred  
6           eighty-five per cent of the federal poverty level  
7           and without any asset restrictions;  
8           (B) Children under six years of age living in  
9           families with incomes up to one hundred  
10          thirty-three per cent of the federal poverty  
11          level and without any asset restrictions;  
12          (C) Older children to the extent permitted under  
13          optional federal medicaid rules;  
14          (D) Elder persons;  
15          (E) Aliens;  
16          (F) The homeless; and  
17          (G) Other handicapped and medically needy persons;  
18          and  
19          (16) Subject to the appropriation of state funds and  
20          availability of federal matching assistance, establish  
21          the income eligibility level for the medically needy



1           program at one hundred thirty-three per cent of the  
2           assistance allowance."

3           SECTION 57. Section 378-2.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (d) to read as follows:

5           "(d) Notwithstanding subsections (b) and (c), the  
6 requirement that inquiry into and consideration of a prospective  
7 employee's conviction record may take place only after the  
8 individual has received a conditional job offer, and the  
9 limitation to the most recent seven-year period for felony  
10 convictions and the most recent five-year period for misdemeanor  
11 convictions, excluding the period of incarceration, shall not  
12 apply to employers who are expressly permitted to inquire into  
13 an individual's criminal history for employment purposes  
14 pursuant to any federal or state law other than subsection (a),  
15 including:

16           (1) The State or any of its branches, political  
17 subdivisions, or agencies pursuant to sections 78-2.7  
18 and 831-3.1; provided that any state law permitting  
19 the State and any of its branches, political  
20 subdivisions, agencies, or semi-autonomous public  
21 bodies corporate and politic to conduct more extensive



- 1 inquiries into an individual's criminal history for  
2 employment purposes than those permitted under this  
3 section shall prevail;
- 4 (2) The department of education pursuant to  
5 section 302A-601.5;
- 6 (3) The department of community health with respect to  
7 employees, providers, or subcontractors in positions  
8 that place them in direct contact with clients when  
9 providing non-witnessed direct mental health services  
10 pursuant to section 321-171.5;
- 11 (4) The judiciary pursuant to section 571-34;
- 12 (5) The counties pursuant to section 846-2.7(b)(5), (33),  
13 (34), (35), (36), and (38);
- 14 (6) Armed security services pursuant to section 261-17(b);
- 15 (7) Providers of a developmental disabilities domiciliary  
16 home pursuant to section 321-15.2;
- 17 (8) Private schools pursuant to sections 302C-1 and  
18 378-3(8);
- 19 (9) Financial institutions in which deposits are insured  
20 by a federal agency having jurisdiction over the  
21 financial institution pursuant to section 378-3(9);



- 1 (10) Detective agencies and security guard agencies  
2 pursuant to sections 463-6(b) and 463-8(b);
- 3 (11) Employers in the business of insurance pursuant to  
4 section 431:2-201.3;
- 5 (12) Employers of individuals or supervisors of individuals  
6 responsible for screening passengers or property under  
7 title 49 United States Code section 44901 or  
8 individuals with unescorted access to an aircraft of  
9 an air carrier or foreign carrier or in a secured area  
10 of an airport in the United States pursuant to title  
11 49 United States Code section 44936(a);
- 12 (13) The department of [~~human~~] healthcare services pursuant  
13 to sections 346-2.5, 346-97, and 352-5.5;
- 14 (14) The public library system pursuant to  
15 section 302A-601.5;
- 16 (15) The department of law enforcement pursuant to  
17 section 353C-5;
- 18 (16) The board of directors of a cooperative housing  
19 corporation or the manager of a cooperative housing  
20 project pursuant to section 421I-12;



- 1       (17) The board of directors of an association under
- 2             chapter 514B, or the managing agent or resident
- 3             manager of a condominium pursuant to section 514B-133;
- 4       (18) The department of [~~health~~] healthcare services
- 5             pursuant to section 321-15.2; and
- 6       (19) The department of corrections and rehabilitation
- 7             pursuant to section 353-1.5."

8       SECTION 58. Section 431:10H-301, Hawaii Revised Statutes,  
9 is amended by amending subsection (c) to read as follows:

10       "(c) For the purpose of subsection (b) and for the purpose  
11 of describing examples of services typically found in this  
12 State, coverage shall be one or more of the following services  
13 or any combination of services:

- 14       (1) Home health care services, as defined in
- 15             section 431:10H-201;
- 16       (2) Adult day care, as defined in section 431:10H-201;
- 17       (3) Adult residential care home, as defined in
- 18             section 321-15.1;
- 19       (4) Extended care adult residential care home, as defined
- 20             in section 323D-2;
- 21       (5) Nursing home, as defined in section 457B-2;



- 1           (6) Skilled nursing facilities and intermediate care
- 2                   facilities, as referenced in section [~~321-11(10);~~]
- 3                   321-11;
- 4           (7) Hospices [~~as referenced in section 321-11;~~] under the
- 5                   jurisdiction of the department of healthcare services;
- 6           (8) Assisted living facility, as defined in
- 7                   section 323D-2;
- 8           (9) Personal care, as defined in section 431:10H-201;
- 9           (10) Respite care, as defined in section 333F-1; and
- 10          (11) Any other care as provided by rule of the
- 11                   commissioner."

12           SECTION 59. Section 846-2.7, Hawaii Revised Statutes, is

13 amended by amending subsection (b) to read as follows:

- 14           "(b) Criminal history record checks may be conducted by:
- 15           (1) The department of [~~health~~] healthcare services or its
  - 16                   designee on operators of adult foster homes for
  - 17                   individuals with developmental disabilities or
  - 18                   developmental disabilities domiciliary homes and their
  - 19                   employees, as provided by section 321-15.2;
  - 20           (2) The department of community health or its designee on
  - 21                   prospective employees, persons seeking to serve as

1 providers, or subcontractors in positions that place  
2 them in direct contact with clients when providing  
3 non-witnessed direct mental health or health care  
4 services as provided by section 321-171.5;

5 (3) The department of [~~health~~] healthcare services or its  
6 designee on all applicants for licensure or  
7 certification for, operators for, prospective  
8 employees, adult volunteers, and all adults, except  
9 adults in care, at healthcare facilities as defined in  
10 section 321-15.2;

11 (4) The department of education on employees, prospective  
12 employees, and teacher trainees in any public school  
13 in positions that necessitate close proximity to  
14 children as provided by section 302A-601.5;

15 (5) The counties on employees and prospective employees  
16 who may be in positions that place them in close  
17 proximity to children in recreation or child care  
18 programs and services;

19 (6) The county liquor commissions on applicants for liquor  
20 licenses as provided by section 281-53.5;



- 1           (7) The county liquor commissions on employees and  
2           prospective employees involved in liquor  
3           administration, law enforcement, and liquor control  
4           investigations;
- 5           (8) The department of [~~human~~] healthcare services on  
6           operators and employees of child caring institutions,  
7           child placing organizations, and resource family homes  
8           as provided by section 346-17;
- 9           (9) The department of [~~human~~] healthcare services on  
10          prospective adoptive parents as established under  
11          section 346-19.7;
- 12          (10) The department of [~~human~~] healthcare services or its  
13          designee on applicants to operate child care  
14          facilities, household members of the applicant,  
15          prospective employees of the applicant, and new  
16          employees and household members of the provider after  
17          registration or licensure as provided by  
18          section 346-154, and persons subject to  
19          section 346-152.5;
- 20          (11) The department of [~~human~~] healthcare services on  
21          persons exempt pursuant to section 346-152 to be



1 eligible to provide child care and receive child care  
2 subsidies as provided by section 346-152.5;

3 (12) The department of [~~health~~] healthcare services on  
4 operators and employees of home and community-based  
5 case management agencies and operators and other  
6 adults, except for adults in care, residing in  
7 community care foster family homes as provided by  
8 section 321-15.2;

9 (13) The department of [~~human~~] healthcare services on staff  
10 members of the Hawaii youth correctional facility as  
11 provided by section 352-5.5;

12 (14) The department of [~~human~~] healthcare services on  
13 employees, prospective employees, and volunteers of  
14 contracted providers and subcontractors in positions  
15 that place them in close proximity to youth when  
16 providing services on behalf of the office or the  
17 Hawaii youth correctional facility as provided by  
18 section 352D-4.3;

19 (15) The judiciary on employees and applicants at detention  
20 and shelter facilities as provided by section 571-34;



1           (16) The department of corrections and rehabilitation on  
2           employees and prospective employees, volunteers,  
3           contract service providers, and subcontract service  
4           providers who are directly involved with the treatment  
5           and care of, or directly involved in providing  
6           correctional programs and services to, persons  
7           committed to a correctional facility, or placed in  
8           close proximity to persons committed when providing  
9           services on behalf of the department or the  
10          correctional facility, as provided by section 353-1.5  
11          and the department of law enforcement on employees and  
12          prospective employees whose duties involve or may  
13          involve the exercise of police powers including the  
14          power of arrest as provided by section 353C-5;

15          (17) The board of private detectives and guards on  
16          applicants for private detective or private guard  
17          licensure as provided by section 463-9;

18          (18) Private schools and designated organizations on  
19          employees and prospective employees who may be in  
20          positions that necessitate close proximity to  
21          children; provided that private schools and designated



- 1 organizations receive only indications of the states  
2 from which the national criminal history record  
3 information was provided pursuant to section 302C-1;
- 4 (19) The public library system on employees and prospective  
5 employees whose positions place them in close  
6 proximity to children as provided by  
7 section 302A-601.5;
- 8 (20) The State or any of its branches, political  
9 subdivisions, or agencies on applicants and employees  
10 holding a position that has the same type of contact  
11 with children, vulnerable adults, or persons committed  
12 to a correctional facility as other public employees  
13 who hold positions that are authorized by law to  
14 require criminal history record checks as a condition  
15 of employment as provided by section 78-2.7;
- 16 (21) The department of [~~health~~] healthcare services on  
17 licensed adult day care center operators, employees,  
18 new employees, subcontracted service providers and  
19 their employees, and adult volunteers as provided by  
20 section 321-15.2;



- 1           (22) The department of [~~human~~] healthcare services on  
2           purchase of service contracted and subcontracted  
3           service providers and their employees and volunteers,  
4           as provided by sections 346-2.5 and 346-97;
- 5           (23) The department of [~~human~~] healthcare services on  
6           foster grandparent program, senior companion program,  
7           and respite companion program participants as provided  
8           by section 346-97;
- 9           (24) The department of [~~human~~] healthcare services on  
10          contracted and subcontracted service providers and  
11          their current and prospective employees that provide  
12          home and community-based services under section  
13          1915(c) of the Social Security Act, title 42 United  
14          States Code section 1396n(c), or under any other  
15          applicable section or sections of the Social Security  
16          Act for the purposes of providing home and  
17          community-based services, as provided by  
18          section 346-97;
- 19          (25) The department of commerce and consumer affairs on  
20          proposed directors and executive officers of a bank,  
21          savings bank, savings and loan association, trust



1            company, and depository financial services loan  
2            company as provided by section 412:3-201;

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

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

11           (28) The department of commerce and consumer affairs on:

12           (A) Each principal of every non-corporate applicant  
13           for a money transmitter license;

14           (B) Each person who upon approval of an application  
15           by a corporate applicant for a money transmitter  
16           license will be a principal of the licensee; and

17           (C) Each person who upon approval of an application  
18           requesting approval of a proposed change in  
19           control of licensee will be a principal of the  
20           licensee,

21           as provided by sections 489D-9 and 489D-15;



1           (29) The department of commerce and consumer affairs on  
2                    applicants for licensure and persons licensed under  
3                    title 24;

4           (30) The Hawaii health systems corporation on:

- 5                   (A) Employees;
- 6                   (B) Applicants seeking employment;
- 7                   (C) Current or prospective members of the corporation  
8                    board or regional system board; or
- 9                   (D) Current or prospective volunteers, providers, or  
10                    contractors,

11                   in any of the corporation's health facilities as  
12                    provided by section 323F-5.5;

13           (31) The department of commerce and consumer affairs on:

- 14                   (A) An applicant for a mortgage loan originator  
15                    license, or license renewal; and
- 16                   (B) Each control person, executive officer, director,  
17                    general partner, and managing member of an  
18                    applicant for a mortgage loan originator company  
19                    license or license renewal,  
20                    as provided by chapter 454F;



- 1       (32) The state public charter school commission or public  
2           charter schools on employees, teacher trainees,  
3           prospective employees, and prospective teacher  
4           trainees in any public charter school for any position  
5           that places them in close proximity to children, as  
6           provided in section 302D-33;
- 7       (33) The counties on prospective employees who work with  
8           children, vulnerable adults, or senior citizens in  
9           community-based programs;
- 10      (34) The counties on prospective employees for fire  
11           department positions that involve contact with  
12           children or vulnerable adults;
- 13      (35) The counties on prospective employees for emergency  
14           medical services positions that involve contact with  
15           children or vulnerable adults;
- 16      (36) The counties on prospective employees for emergency  
17           management positions and community volunteers whose  
18           responsibilities involve planning and executing  
19           homeland security measures including viewing,  
20           handling, and engaging in law enforcement or



1 classified meetings and assisting vulnerable citizens  
2 during emergencies or crises;

3 (37) The State and counties on employees, prospective  
4 employees, volunteers, and contractors whose position  
5 responsibilities require unescorted access to secured  
6 areas and equipment related to a traffic management  
7 center;

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

11 (39) The State and counties on current and prospective  
12 systems analysts and others involved in an agency's  
13 information technology operation whose position  
14 responsibilities provide them with access to  
15 proprietary, confidential, or sensitive information;

16 (40) The department of commerce and consumer affairs on:

17 (A) Applicants for real estate appraiser licensure or  
18 certification as provided by chapter 466K;

19 (B) Each person who owns more than ten per cent of an  
20 appraisal management company who is applying for



- 1 registration as an appraisal management company,  
2 as provided by section 466M-7; and
- 3 (C) Each of the controlling persons of an applicant  
4 for registration as an appraisal management  
5 company, as provided by section 466M-7;
- 6 (41) The department of community health or its designee on:  
7 (A) Individual applicants or individuals acting on  
8 behalf of applying entities for hemp processor  
9 permits as provided under section 328G-2; and  
10 (B) All license applicants, licensees, employees,  
11 contractors, and prospective employees of medical  
12 cannabis dispensaries, and individuals permitted  
13 to enter and remain in medical cannabis  
14 dispensary facilities as provided under  
15 sections 329D-15(a)(4) and 329D-16(a)(3);
- 16 (42) The department of commerce and consumer affairs on  
17 applicants for nurse licensure or license renewal,  
18 reactivation, or restoration as provided by  
19 sections 457-7, 457-8, 457-8.5, and 457-9;
- 20 (43) The county police departments on applicants for  
21 permits to acquire firearms pursuant to section 134-2,



1 on individuals registering their firearms pursuant to  
2 section 134-3, and on applicants for new or renewed  
3 licenses to carry a pistol or revolver and ammunition  
4 pursuant to section 134-9;

5 (44) The department of commerce and consumer affairs on:

6 (A) Each of the controlling persons of the applicant  
7 for licensure as an escrow depository, and each  
8 of the officers, directors, and principals who  
9 will be in charge of the escrow depository's  
10 activities upon licensure; and

11 (B) Each of the controlling persons of an applicant  
12 for proposed change in control of an escrow  
13 depository licensee, and each of the officers,  
14 directors, and principals who will be in charge  
15 of the licensee's activities upon approval of the  
16 application,

17 as provided by chapter 449;

18 (45) The department of taxation on current or prospective  
19 employees or contractors who have access to federal  
20 tax information in order to comply with requirements



1 of federal law, regulation, or procedure, as provided  
2 by section 231-1.6;

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

8 (47) The department of [~~human~~] healthcare services on  
9 current or prospective employees or contractors who  
10 have access to federal tax information in order to  
11 comply with requirements of federal law, regulation,  
12 or procedure, and on current or prospective employees,  
13 volunteers, contractors, or contractors' employees or  
14 volunteers, subcontractors, or subcontractors'  
15 employees or volunteers, whose position places or  
16 would place them in close proximity to minors, young  
17 adults, or vulnerable adults, as provided by  
18 section 346-2.5;

19 (48) The child support enforcement agency on current or  
20 prospective employees, or contractors who have access  
21 to federal tax information in order to comply with



- 1 federal law, regulation, or procedure, as provided by  
2 section 576D-11.5;
- 3 (49) The department of the attorney general on current or  
4 prospective employees or employees or agents of  
5 contractors who have access to federal tax information  
6 to comply with requirements of federal law,  
7 regulation, or procedure, as provided by  
8 section 28-17;
- 9 (50) The department of commerce and consumer affairs on  
10 each control person, executive officer, director,  
11 general partner, and managing member of an installment  
12 loan licensee, or an applicant for an installment loan  
13 license, as provided in chapter 480J;
- 14 (51) The university of Hawaii on current and prospective  
15 employees and contractors whose duties include  
16 ensuring the security of campus facilities and  
17 persons; and
- 18 (52) Any other organization, entity, or the State, its  
19 branches, political subdivisions, or agencies as may  
20 be authorized by state law."



1 SECTION 60. Sections 302A-493, 321-1.8, 321-1.9, 321-11.2,  
2 321-11.8, 321-15.2, 321-15.6, 321-15.61, 321-15.62, 321-15.63,  
3 321-15.9, 321-482, 321-483, 329-4, and 329-104, Hawaii Revised  
4 Statutes, are amended by substituting the term "section 321-11"  
5 wherever the term "section 321-11(10)" or "section 321-11(12)"  
6 appears, as the context requires.

7 PART X

8 SECTION 61. The purpose of this part is to specify certain  
9 administrative matters that apply to the Act as a whole.

10 SECTION 62. (a) The office of the attorney general shall  
11 identify all administrative rules, accounts, special funds, and  
12 other legal provisions that require amendment to:

- 13 (1) Rename the department of health as the department of  
14 community health;
- 15 (2) Rename the department of human services as the  
16 department of healthcare services;
- 17 (3) Transfer from the department of community health to  
18 the department of healthcare services and the  
19 department of environmental protection the  
20 responsibilities specified in this Act;



1 (4) Transfer from the department of healthcare services to  
2 the department of community health the  
3 responsibilities specified in this Act; and

4 (5) Administratively attach the Hawaii employer-union  
5 health benefits trust fund to the department of  
6 healthcare services.

7 (b) The office of the attorney general shall submit a  
8 report of its findings and recommendations, including any  
9 proposed legislation, to the legislature no later than twenty  
10 days prior to the convening of the regular session of 2026.

11 SECTION 63. (a) All employees who occupy civil service  
12 positions and whose functions are transferred by this Act shall  
13 retain their civil service status, whether permanent or  
14 temporary. Employees shall be transferred without any loss of  
15 salary; seniority (except as prescribed by applicable collective  
16 bargaining agreements); retention points; prior service credit;  
17 any vacation and sick leave credits previously earned; and other  
18 rights, benefits, and privileges, in accordance with state  
19 personnel laws and this Act; provided that the employees possess  
20 the minimum qualifications and public employment requirements  
21 for the class or position to which transferred or appointed;



1 provided further that subsequent changes in status may be made  
2 pursuant to applicable civil service and compensation laws.

3 (b) Any employee who, prior to this Act, is exempt from  
4 civil service and is transferred as a consequence of this Act  
5 may retain the employee's exempt status, but shall not be  
6 appointed to a civil service position as a consequence of this  
7 Act. An exempt employee who is transferred by this Act shall  
8 not suffer any loss of prior service credit, vacation or sick  
9 leave credits previously earned, or other employee benefits or  
10 privileges as a consequence of this Act; provided that the  
11 employees possess legal and public employment requirements for  
12 the position to which transferred or appointed; provided further  
13 that subsequent changes in status may be made pursuant to  
14 applicable employment and compensation laws. The director of  
15 environmental protection may prescribe the duties and  
16 qualifications of these employees and fix their salaries without  
17 regard to chapter 76, Hawaii Revised Statutes.

18 PART XI

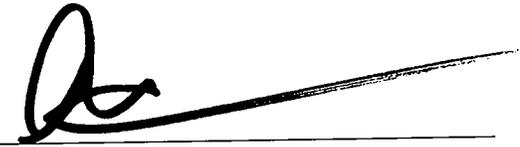
19 SECTION 64. This Act does not affect rights and duties  
20 that matured, penalties that were incurred, and proceedings that  
21 were begun before its effective date.



1 SECTION 65. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 66. This Act shall take effect upon its approval;  
4 provided that the amendments made to section 846-2.7(b), Hawaii  
5 Revised Statutes, by section 59 of this Act shall not be  
6 repealed when that section is reenacted on July 1, 2027,  
7 pursuant to section 4 of Act 110, Session Laws of Hawaii 2024.

8

INTRODUCED BY: 



# S.B. NO. 1292

**Report Title:**

DOH; DHS; EUTF; Environment; Community Health; Healthcare Services

**Description:**

Establishes the Department of Environmental Protection. Renames the Department of Health as the Department of Community Health. Renames the Department of Human Services as the Department of Healthcare Services. Administratively attaches the Hawaii Employer-Union Health Benefits Trust Fund to the Department of Healthcare Services. Transfers certain responsibilities between departments.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

