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## A BILL FOR AN ACT

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RELATING TO EMPLOYMENT.

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

1       SECTION 1. Chapter 378, Hawaii Revised Statutes, is  
2       amended by adding a new part to be appropriately designated and  
3       to read as follows:

4                       **"PART       .   REPRODUCTIVE LOSS LEAVE**

5       **§378-       Definitions.** As used in this part:

6       "Assisted reproduction" means a method of achieving a  
7       pregnancy through artificial insemination or an embryo transfer  
8       and includes gamete and embryo donation. "Assisted  
9       reproduction" does not include any pregnancy achieved through  
10      sexual intercourse.

11      "Employee" means any individual in the employment of an  
12      employer.

13      "Employer" does not include any person, other than the  
14      State or any of its political subdivisions, having fewer than  
15      five employees.

16      "Failed adoption" means the dissolution or breach of an  
17      adoption agreement with the birth mother or legal guardian, or



1 an adoption that is not finalized because the adoption is  
2 contested by another party.

3 "Failed surrogacy" means the dissolution or breach of a  
4 surrogacy agreement, or a failed embryo transfer to the  
5 surrogate.

6 "Miscarriage" means a miscarriage by a person, by the  
7 person's current spouse or domestic partner, or by another  
8 individual if the person would have been a parent of a child  
9 born as a result of the pregnancy.

10 "Reproductive loss event" means the day or, for a  
11 multiple-day event, the final day of a failed adoption, a failed  
12 surrogacy, a miscarriage, a stillbirth, or an unsuccessful  
13 assisted reproduction.

14 "Stillbirth" means a stillbirth resulting from a person's  
15 pregnancy, the pregnancy of the person's current spouse or  
16 domestic partner, or another individual, if the person would  
17 have been a parent of a child born as a result of the pregnancy  
18 that ended in stillbirth.

19 "Unsuccessful assisted reproduction" means an unsuccessful  
20 round of intrauterine insemination or an assisted reproductive  
21 technology procedure.



1       **§378-       Leave of absence for reproductive loss.**   (a)   An  
2   employer shall not refuse to grant a request by any employee for  
3   up to five days of reproductive loss leave following a  
4   reproductive loss event; provided that:

5       (1)   The reproductive loss leave shall be completed within  
6             three months of the reproductive loss event; provided  
7             further that if, prior to or immediately following a  
8             reproductive loss event, an employee is on or chooses  
9             to go on leave from work pursuant to this chapter,  
10            chapter 398, or any other leave entitlement under  
11            state or federal law, the employee shall complete the  
12            reproductive loss leave within three months of the end  
13            date of the other leave;

14       (2)   Each employer shall allow the days that an employee  
15             takes for reproductive loss leave to be  
16             nonconsecutive;

17       (3)   If an employee experiences more than one reproductive  
18             loss event within a twelve-month period, the employer  
19             shall not be obligated to grant a total amount of  
20             reproductive loss leave time exceeding twenty days  
21             within a twelve-month period; and



1       (4) The reproductive loss leave shall be taken pursuant to  
2       any existing applicable leave policy of the employer;  
3       provided further that if there is no existing  
4       applicable leave policy, reproductive loss leave may  
5       be unpaid, except that an employee may use vacation,  
6       personal leave, accrued and available sick leave, or  
7       compensatory time off that is otherwise available to  
8       the employee.

9       (b) An employer shall not:

10      (1) Interfere with, restrain, or deny the exercise of, or  
11      the attempt to exercise, any right provided under this  
12      section;

13      (2) Retaliate against an individual, including refusing to  
14      hire, discharging, demoting, fining, suspending,  
15      expelling, or discriminating against an individual,  
16      because of:

17      (A) An individual's exercise of the right to  
18      reproductive loss leave; and

19      (B) An individual's giving information or testimony  
20      as to their reproductive loss leave, or another  
21      person's reproductive loss leave, in an inquiry



1 or proceeding related to rights guaranteed under  
2 this section; and

3 (c) Each employer shall maintain the confidentiality of  
4 any employee requesting leave under this section. Any  
5 information provided to the employer pursuant to this section  
6 shall be maintained as confidential and shall not be disclosed  
7 except to internal personnel or counsel, as necessary, or as  
8 required by law."

9 SECTION 2. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

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

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INTRODUCED BY:

  
JAN 21 2025



# H.B. NO. 822

**Report Title:**

Employment; Reproductive Loss Leave

**Description:**

Requires certain employers in the State to offer reproductive loss leave for employees.

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

