

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



GOV. MSG. NO. 1141

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

May 26, 2026

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

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

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

This is to inform you that on May 26, 2026, the following bill was signed into law:

S.B. NO. 3144, S.D. 1, H.D. 2      RELATING TO THE HAWAII OCCUPATIONAL  
SAFETY AND HEALTH LAW.  
**ACT 041**

Mahalo,

A handwritten signature in black ink that reads "Josh Green M.D.".

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

# A BILL FOR AN ACT

RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW.

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

1           SECTION 1. Section 396-3, Hawaii Revised Statutes, is  
2 amended by repealing the definitions of "hoisting machine" and  
3 "hoisting machine operator".

4           [~~"Hoisting machine" means a machine with a hoist line,~~  
5 ~~sling, or hydraulic lifting mechanism used in construction,~~  
6 ~~demolition, or excavation work.~~

7           ~~"Hoisting machine operator" means any individual who~~  
8 ~~operates a hoisting machine in the State."]~~

9           SECTION 2. Section 396-4, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11           "(a) Administration. The department shall be responsible  
12 for administering occupational safety and health standards  
13 throughout the State.

14           (1) The department shall prescribe and enforce rules under  
15 chapter 91 as may be necessary for carrying out the  
16 purposes and provisions of this chapter. The  
17 department shall make reports to the United States



1 Secretary of Labor in the form and containing the  
2 information that the Secretary from time to time shall  
3 require pursuant to federal law;

4 (2) The department shall adopt, amend, or repeal  
5 occupational safety and health standards in the manner  
6 prescribed by rules adopted hereunder. Emergency  
7 temporary standards may be adopted without conforming  
8 to chapter 91 and without hearings to take immediate  
9 effect upon giving a statewide public notice of the  
10 emergency temporary standard or upon any other date  
11 that may be specified in the notice. An emergency  
12 temporary standard may be adopted if the director  
13 determines:

14 (A) That employees are exposed to grave danger from  
15 exposure to substances or agents determined to be  
16 toxic or physically harmful or from new hazards;  
17 and

18 (B) That the emergency temporary standard is  
19 necessary to protect employees from danger.

20 The emergency temporary standard shall be effective  
21 until superseded by a standard adopted in accordance



1 with the procedures set forth in chapter 91, but in  
2 any case shall be effective no longer than six months;

3 (3) Variances from occupational safety and health

4 standards adopted under this chapter may be granted  
5 upon application of an employer or employers.

6 Application for variances [~~must~~] shall correspond to  
7 procedures set forth in the rules of this chapter.

8 The director may issue an order for variance if the  
9 director determines that the proponent of the variance

10 has demonstrated that the conditions, practices,  
11 means, methods, operations, or processes used or  
12 proposed to be used by the employer will provide

13 employment and places of employment to the employer's  
14 employees [~~which~~] that are as safe and healthful as  
15 those [~~which~~] that would prevail if the employer

16 complied with the standard. The employer shall also  
17 notify the employer's employees upon each application

18 for variance and the employees shall be given an

19 opportunity to request and participate in hearings or  
20 other proceedings relating to applications for

21 variance. No inference of admission of violation of a



1 standard shall be made against the employer by reason  
2 of the employer's application for variance; and

3 (4) The department, upon the application of any employer  
4 or other person affected thereby, may grant any time  
5 that may reasonably be necessary for compliance with  
6 any order. Any person affected by an order may  
7 petition the department for an extension of time,  
8 which may be granted if the department finds it  
9 necessary [~~and~~

10 ~~(5) The department shall regulate hoisting machines and~~  
11 ~~shall certify their operators]."~~

12 SECTION 3. Section 396-8, Hawaii Revised Statutes, is  
13 amended by amending subsection (e) to read as follows:

14 "(e) Discharge or discrimination against employees for  
15 exercising any right under this chapter is prohibited. In  
16 consideration of this prohibition:

17 (1) No person shall discharge, suspend or otherwise  
18 discriminate in terms and conditions of employment  
19 against any employee by reason of:

20 (A) The employee's failure or refusal to operate or  
21 handle any machine, device, apparatus, or



1 equipment [~~which~~] that is in any unsafe  
2 condition; or

3 (B) The employee's failure or refusal to engage in  
4 unsafe practices in violation of this chapter or  
5 of any standard, rule, regulation, citation, or  
6 order issued under the authority of this chapter;

7 (2) Upon discretion of the director or request, names of  
8 complainants may be withheld from the employer;

9 (3) No person shall discharge or in any manner  
10 discriminate against any employee because the employee  
11 has filed any complaint or instituted or caused to be  
12 instituted any proceeding under or related to this  
13 chapter, or has testified or intends to testify in any  
14 [~~sueh~~] proceeding, or is acting to exercise or has  
15 exercised on behalf of the employee or others any  
16 right afforded by this chapter;

17 (4) Any employee who believes that there has been a  
18 discharge or discrimination against the employee by  
19 any person in violation of this subsection may, within  
20 sixty days after the violation occurs, file a  
21 complaint with the director alleging unlawful



1 discharge or discrimination and setting forth the  
2 circumstances thereof;

3 (5) Upon receipt of the complaint, the director shall  
4 investigate to determine if a discharge or  
5 discrimination in violation of this subsection has  
6 occurred;

7 (6) If upon investigation the director determines that the  
8 provisions of this subsection have been violated, the  
9 director shall order the employer to provide all  
10 appropriate relief to the employee, including rehiring  
11 or reinstating the employee to the former position  
12 with back pay and restoration of seniority;

13 (7) Within ninety days of receipt of a complaint filed  
14 under this subsection, [~~unless extended by the~~  
15 ~~director,~~] the director shall notify the employee of  
16 the final determination and any subsequent action the  
17 department will take to resolve the complaint[~~+~~],  
18 unless the investigation cannot be completed within  
19 that period, in which case up to ninety additional  
20 days shall be allowed without notice. Any further  
21 extension may be granted by the director with notice



1           to the employee of the additional time required and  
2           the expected date of the final determination; and

3           (8) Nothing in this subsection shall preclude any employee  
4           or representative of an employee from simultaneously  
5           pursuing a cause of action for injunctive relief or  
6           any other remedy provided by law."

7           SECTION 4. Section 396-19, Hawaii Revised Statutes, is  
8           repealed.

9           ~~["§396-19 Hoisting machine operators advisory board. (a)~~

10          ~~There is created a hoisting machine operators advisory board,~~  
11          ~~which shall be placed in the department for administrative~~  
12          ~~purposes, to be composed of five members to serve without~~  
13          ~~compensation and without reimbursement for expenses. Members~~  
14          ~~shall be appointed by the governor under section 26-34.~~

15          ~~The board shall adopt rules pursuant to chapter 91 for the~~  
16          ~~certification of hoisting machine operators.~~

17          ~~(b) The hoisting machine operators advisory board may~~  
18          ~~employ a 0.5 full-time equivalent office assistant, without~~  
19          ~~regard to chapters 76 and 89 and may dismiss such person as it~~  
20          ~~finds necessary for the performance of its function and duties.~~



1 ~~The board shall have the authority to fix the office assistant's~~  
2 ~~compensation." ]~~

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2026.



S.B. NO. 3144  
S.D. 1  
H.D. 2

APPROVED this 26th day of May, 2026

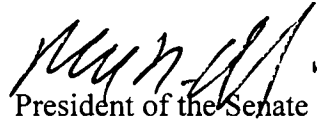
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GOVERNOR OF THE STATE OF HAWAII


**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 22, 2026  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2026.



President of the Senate



Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE  
STATE OF HAWAII

Date: April 8, 2026  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2026.



Nadine K. Nakamura  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives