

ACT 120

H.B. NO. 1664

A Bill for an Act Relating to Health.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§321- Hospital and medical facilities special fund; deposits; expenditures.** (a) There is established within the department of health, to be administered by the department of health, the hospital and medical facilities special fund into which shall be deposited all moneys collected under section 321-11.5(b).

(b) Moneys in the special fund shall be expended by the department to assist in offsetting program expenses of the department’s hospital and medical facilities branch.”

SECTION 2. Chapter 323D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§323D- State health planning and development special fund; created; deposits; expenditures; fees.** (a) There is established within the state treasury, to be administered by the state health planning and development agency, the state health planning and development special fund into which shall be deposited all moneys collected under chapter 323D.

(b) Moneys in the special fund shall be expended by the state health planning and development agency to assist in offsetting program expenses of the agency.

(c) The agency shall adopt rules in accordance with chapter 91 to establish reasonable fees for the purposes of this chapter.”

SECTION 3. Section 321-11.5, Hawaii Revised Statutes, is amended to read as follows:

**“§321-11.5 Establishment of fees.** (a) The department of health, by rules adopted pursuant to chapter 91, may establish reasonable fees for [facilities seeking licensure or certification by the department for] the issuance or renewal of licenses, permits, variances, and various certificates required by law or by the department’s rules. The fees may include the cost of related examinations, inspections, investigations, and reviews.

(b) All fees paid and collected [under] pursuant to this section and rules adopted in accordance with chapter 91 from facilities seeking licensure or certification by the department, including hospitals, nursing homes, home health agencies, intermediate care facilities for the mentally retarded, freestanding outpatient surgical facilities, laboratories, adult residential care homes, developmental disability domiciliary homes, and special treatment facilities, shall be deposited into the hospital and medical facilities special fund created under section 321- . Any other entities required by law to be licensed by the department shall also be subject to reasonable fees established by the department by rules adopted in accordance with chapter 91.

(c) Other than the fees collected under subsection (b), all other fees collected under this section and section 321-15 shall be deposited into the environmental health education fund established under section 321-27.”

SECTION 4. Section 321-27, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established within the department of health an environmental health education fund into which shall be deposited all moneys collected from fees for permits, licenses, inspections, various certificates, variances, investigations, and reviews, pursuant to sections [321-11.5] 321-11.5(c) and 321-15.”

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect upon its approval.

(Approved June 25, 1999.)

**Note**

1. Edited pursuant to HRS §23G-16.5.