

A Bill for an Act Relating to Statutory Revision: Amending or Repealing Various Provisions of the Hawaii Revised Statutes or the Session Laws of Hawaii for the Purposes of Correcting Errors and References, Clarifying Language, or Deleting Obsolete or Unnecessary Provisions.

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

SECTION 1. Section 124B-116, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The governor or adjutant general shall adopt rules with limitations as the governor or adjutant general considers appropriate governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial [is] sentence is set aside or disapproved.”

SECTION 2. Section 124B-171, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any person subject to this chapter[?] who:

- (1) [~~Who takes~~] Takes an oath or affirmation that[?] is administered:
 - (A) [~~Is administered in~~] In a matter in which the oath or affirmation is required or authorized by law; and
 - (B) [~~Is administered by~~] By a person with authority to do so; and
- (2) [~~Who, upon~~] Upon the oath or affirmation, makes or subscribes to a statement,

if the statement is false and at the time of taking the oath or affirmation, the person does not believe the statement to be true, shall be punished as directed by a court-martial.”

SECTION 3. Section 141-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established the farmer apprentice mentoring program, to be administered by the department of agriculture to support [~~former~~] farmer mentors in training apprentices.”

SECTION 4. Section 144-2, Hawaii Revised Statutes, is amended to read as follows:

“**§144-2 Definitions.** When used in this chapter:

- [(1) The term “person” includes individual, partnership, corporation, and association.
- (2) The term “distribute” means to offer for sale, sell, barter, or otherwise supply feed, commercial feeds or custom-mixed feeds. The term “distributor” means any person who distributes.
- (3) The term “sell” or “sale” includes exchange.
- (4) The term “official name” of a feed ingredient means the name of a feed ingredient which is defined in the current official publication of the Association of American Feed Control Officials, Incorporated.
- (5) The term “feed” means all edible materials consumed by animals, other than dogs, cats, or other domestic pets, which contribute energy or nutrients to the animal’s diet, and which are distributed or imported.
- (6) The term “commercial feed” means all feed except:

- (A) ~~Whole seeds unmixed or physically altered entire unmixed seeds, when not adulterated within the meaning of section 144-6, which are distributed for use as feed or for mixing in feed.~~
- (B) ~~Hay, straw, stover, silage, cobs, husks, and hulls (i) when unground or (ii) when unmixed with other materials.~~
- (C) ~~Wet garbage.~~
- (D) ~~Individual chemical compound when not mixed with other materials.~~
- (E) ~~Unmixed feeding cane molasses, unmixed pineapple pulp, unmixed pineapple hay, and unmixed sugarcane hay.~~
- (7) The term “feed ingredient” means each of the constituent materials making up a feed.
- (8) The term “mineral feed” means a substance or mixture of substances designed or intended to supply primarily mineral elements or inorganic nutrients.
- (9) The term “drug” means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than human and articles other than feed intended to affect the structure or any function of the animal body.
- (10) The term “manufacture” means to grind, mix, or blend, or further process a commercial feed for distribution.
- (11) The term “custom-mixed feed” means a special commercial mixture which is formulated by the manufacturer or processor in accordance with the specific instructions of the final purchaser and contains feed material or materials wholly or partly supplied by such manufacturer or processor.
- (12) The term “toll-milled feed” means a special feed which is processed by the processor (A) from materials entirely delivered by the owner thereof or the owner’s authorized agent, and (B) in accordance with the specific instructions of such owner, and which is not distributed.
- (13) The term “commercial mixed feed” means a commercial feed which is a mixture or blend of more than one feed ingredient.
- (14) The term “commercial simple feed” means a commercial feed that consists of only one feed ingredient.
- (15) The term “brand name” means any word, name, symbol, or device or any combination thereof identifying the commercial feed of a distributor and distinguishing it from that of others.
- (16) The term “product name” means the name of the commercial feed which identifies it as to kind, class, or specific use.
- (17) The term “label” means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed or imported, or on the invoice or delivery slip with which a commercial feed or custom-mixed feed is distributed or imported.
- (18) The term “ton” means a net weight of two thousand pounds avoirdupois.
- (19) The term “per cent” or “percentage” means percentage by weight.
- (20) The term “official sample” means any sample of feed taken by the department or its agent and designated as “official” by the department.]

“Brand name” means any word, name, symbol, or device or any combination thereof identifying the commercial feed of a distributor and distinguishing it from that of others.

“Commercial feed” means all feed except:

- (1) Whole seeds unmixed or physically altered entire unmixed seeds, when not adulterated within the meaning of section 144-6, that are distributed for use as feed or for mixing in feed;
- (2) Hay, straw, stover, silage, cobs, husks, and hulls when:
 - (A) Unground; or
 - (B) Unmixed with other materials;
- (3) Wet garbage;
- (4) Individual chemical compounds when not mixed with other materials; and
- (5) Unmixed feeding cane molasses, unmixed pineapple pulp, unmixed pineapple hay, and unmixed sugarcane hay.

“Custom-mixed feed” means a special commercial mixture that is formulated by the manufacturer or processor in accordance with the specific instructions of the final purchaser and contains feed material or materials wholly or partly supplied by the manufacturer or processor.

“Distribute” means to offer for sale, sell, barter, or otherwise supply feed, commercial feeds, or custom-mixed feeds.

“Distributor” means any person who distributes.

“Drug” means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than human and articles other than feed intended to affect the structure or any function of the animal body.

“Feed” means all edible materials consumed by animals, other than dogs, cats, or other domestic pets, that contribute energy or nutrients to the animal’s diet and are distributed or imported.

“Feed ingredient” means each of the constituent materials making up a feed.

“Label” means a display of written, printed, or graphic matter:

- (1) Upon or affixed to the container in which a commercial feed is distributed or imported; or
- (2) On the invoice or delivery slip with which a commercial feed or custom-mixed feed is distributed or imported.

“Manufacture” means to grind, mix, or blend or further process a commercial feed for distribution.

“Official name” of a feed ingredient means the name of a feed ingredient that is defined in the current official publication of the Association of American Feed Control Officials, Incorporated.

“Official sample” means any sample of feed taken by the department or its agent and designated as “official” by the department.

“Person” includes individual, partnership, corporation, and association.

“Product name” means the name of the commercial feed that identifies it as to kind, class, or specific use.

“Sell” or “sale” includes exchange.

“Toll-milled feed” means a special feed that is processed by the processor:

- (1) From materials entirely delivered by the owner thereof or the owner’s authorized agent; and
- (2) In accordance with the specific instructions of the owner, and that is not distributed.”

SECTION 5. Section 144-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) If a commercial, custom-mixed, or toll-milled feed contains a:

- (1) ~~[a nonnutritive]~~ Nonnutritive substance ~~[which] that~~ is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or ~~[which]~~ is intended to affect the structure or any function of the animal body; or
- (2) ~~[a food]~~ Food additive,

the department may require the label of the commercial or toll-milled feed^[-] or the invoice of the custom-mixed feed to show the amount present, directions for use, or warnings against misuse.”

SECTION 6. Section 279L-1, Hawaii Revised Statutes, is amended by amending the definition of “peer-to-peer car-sharing program” to read as follows:

““Peer-to-peer car-sharing program” means:

- (1) Any person who enables a shared car driver to identify, reserve, or use a shared car owned by a shared car owner; or
- (2) Any person who enables a shared car owner to describe, list, or make available a shared car for identification, reservation, or use by a shared car driver.

“Peer-to-peer car-sharing program” does not include^[-]:

- (1) ~~A]~~ a transportation network company as defined in section 431:10C-701^[-];
- (2) ~~A]~~ a car-sharing organization as defined in section 251-1^[-];
- (3) ~~Any]~~ any person registered and acting as a travel agency pursuant to chapter 468L^[-]; ~~or~~
- (4) ~~Any]~~ or any person registered and acting as an activity desk pursuant to chapter 468M.”

SECTION 7. Section 291C-32, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

- (A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless prohibited by a sign at the place ~~[prohibits either such turn]~~. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time ~~[such] the~~ signal is exhibited.
- (B) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by ~~[such] the~~ arrow^[-] or ~~[such] to make~~ other movement ~~[as] that~~ is permitted by other indications shown at the same time. ~~[Such] The~~ vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (C) Unless otherwise directed by a pedestrian-control signal~~[.]~~ as provided in section 291C-33, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (2) Steady yellow indication:
 - (A) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (B) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (3) Steady red indication:
 - (A) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line~~[, but]~~ or, if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided in ~~[the next succeeding paragraphs.]~~ subparagraphs (B) and (C).
 - (B) The driver of a vehicle ~~[which]~~ that is stopped in obedience to a steady red indication may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at ~~[said]~~ the intersection, except that counties by ordinance may prohibit any ~~[such]~~ right turn against a steady red indication, which ordinance shall be effective when a sign is erected at ~~[such]~~ the intersection giving notice thereof.
 - (C) The driver of a vehicle on a one-way street ~~[which]~~ that intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red indication but may then make a left turn into ~~[said]~~ the one-way street, but shall yield right-of-way to pedestrians~~[.]~~ proceeding as directed by the signal at ~~[said]~~ the intersection, except that counties by ordinance may prohibit any ~~[such]~~ left turn ~~[as above described]~~ against a steady red indication, which ordinance shall be effective when a sign is erected at ~~[such]~~ the intersection giving notice thereof.
 - (D) Unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, pedestrians facing a steady red signal alone shall not enter the roadway.”

2. By amending subsection (c) to read:

“(c) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, and actively monitored by an official photo red light imaging detector system, all registered owners of all motor vehicles in vehicular traffic at the intersection shall be held strictly liable for the motor vehicle’s compliance with the traffic-control signal, to the extent that registered owners may be cited and held accountable for non-compliance via civil traffic infractions pursuant to chapter 291J. The traffic-control signal lights shall apply to the registered owners of motor vehicles as follows:

- (1) Steady red indication:
 - (A) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line~~[, but]~~ or, if none, before entering the

crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided in [~~the next succeeding paragraphs.~~] subparagraphs (B) and (C).

- (B) Vehicular traffic that is stopped in obedience to a steady red indication may make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at [~~said~~] the intersection, except that counties by ordinance may prohibit any [~~such~~] right turn against a steady red indication, which ordinance shall be effective when a sign is erected at [~~such~~] the intersection giving notice thereof.
- (C) Vehicular traffic on a one-way street that intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red indication but may then make a left turn into [~~said~~] the one-way street, but shall yield right-of-way to pedestrians[;] proceeding as directed by the signal at [~~said~~] the intersection, except that counties by ordinance may prohibit any [~~such~~] left turn [~~as above described~~] against a steady red indication, which ordinance shall be effective when a sign is erected at [~~such~~] the intersection giving notice thereof.
- (2) To the extent a registered owner's motor vehicle fails to comply with any other law or ordinance related to traffic-control signals, including subsection (a)(1) or (2), the registered owner of a motor vehicle shall not be held strictly liable unless otherwise provided by law."

SECTION 8. Section 327-38, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) As used in this section:

"Dead human body" means:

- (1) An individual who has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem; provided that the determination of death be made in accordance with accepted medical standards; and
- (2) Includes plastinated human bodies or remains, including tissue, organs, and other body parts, that are preserved from decay by replacing the water and fats in the human remains with a polymer.

"Museum facility" means a public or private nonprofit institution that:

- (1) Is accredited by the American [~~Association~~] Alliance of Museums or is part of an accredited college or university;
- (2) Is organized on a permanent basis for essentially educational or aesthetic purposes; and
- (3) Owns or uses tangible objects, cares for those objects, and exhibits them to the general public on a regular basis."

SECTION 9. Section 328-19.1, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Wherever the director determines that rules or regulations containing prohibitions or requirements other than those prescribed by subsection (a) [~~of this section~~] are necessary to prevent the deception of consumers or to facilitate value comparisons as to any consumer commodity, the director shall [~~promulgate~~] adopt rules or regulations with respect to that commodity [~~regulations~~ effective] to:

- (1) Establish and define standards for the characterization of the size of a package enclosing any consumer commodity, which may be used to supplement the label statement of net quantity of contents of packages containing ~~[such] that~~ commodity ~~[but]~~; provided that this paragraph shall not be construed as authorizing any limitation on the size, shape, weight, dimensions, or number of packages ~~[which] that~~ may be used to enclose any commodity;
- (2) Regulate the placement upon any package containing any commodity, or upon any label affixed to ~~[such] that~~ commodity, of any printed matter stating or representing by implication that ~~[such] the~~ commodity is offered for retail sale at a price lower than the ordinary and customary retail sale price or that a retail sale price advantage is accorded to purchasers thereof by reason of the size of that package or the quantity of its contents;
- (3) Require that the label on each package of a consumer commodity bear:
 - (A) ~~[the]~~ The common or usual name of ~~[such] the~~ consumer commodity, if any~~[-]~~; and
 - (B) ~~[in]~~ In case ~~[such] the~~ consumer commodity consists of two or more ingredients, the common or usual name of each ~~[such]~~ ingredient listed in order of decreasing predominance~~[-but]~~; provided that nothing in this paragraph shall be deemed to require that any trade secret be divulged; or
- (4) Prevent the nonfunctional slack-fill of packages containing consumer commodities.

For the purposes of ~~[clause] paragraph~~ (4) ~~[of this subsection]~~, a package shall be deemed to be nonfunctionally slack-filled if it is filled to substantially less than its capacity for reasons other than ~~[(A)]~~ protection of the contents of ~~[such] the~~ package or ~~[(B)]~~ the requirements of machines used for enclosing the contents in ~~[such packages.] that type of package.”~~

SECTION 10. Section 342L-30, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Subsections (a) to (c) shall not apply to tanks or tank systems for which notice was given pursuant to section 103(c) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law ~~[96-516;]~~ 96-510, as amended.”

SECTION 11. Section 421J-16, Hawaii Revised Statutes, is amended to read as follows:

“**§421J-16 Medical cannabis; discrimination.** A provision in any association document allowing for any of the discriminatory practices listed in ~~[paragraphs (1) to (7) of]~~ section ~~[515-3] 515-3(a)(1) to (7)~~ against a person residing in a unit who has a valid certificate for the medical use of cannabis as provided in section 329-123 in any form is void, unless the association document prohibits the smoking of tobacco and the medical cannabis is used by means of smoking. Nothing ~~[herein]~~ in this section shall be construed to diminish the obligation of a planned community association to provide reasonable accommodations for persons with disabilities pursuant to section ~~[515-3(9);]~~ 515-3(a)(9).”

SECTION 12. Section 514B-113, Hawaii Revised Statutes, is amended to read as follows:

“§514B-113 Medical cannabis; discrimination. A provision in any articles of incorporation, declaration, bylaws, administrative rules, house rules, or association documents of a condominium allowing for any of the discriminatory practices listed in ~~[paragraphs (1) to (7) of]~~ section ~~[515-3]~~ 515-3(a)(1) to (7) against a person residing in a unit who has a valid certificate for the medical use of cannabis as provided in section 329-123 in any form is void, unless the documents prohibit the smoking of tobacco and the medical cannabis is used by means of smoking. Nothing ~~[herein]~~ in this section shall be construed to diminish the obligation of a condominium association to provide reasonable accommodations for persons with disabilities pursuant to section ~~[515-3(9).]~~ 515-3(a)(9).”

SECTION 13. Act 250, Session Laws of Hawaii 2022, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect upon its approval~~[-and shall be repealed]; provided that on June 30, 2027[-], this Act shall be repealed and section 346-7.5(e), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.~~”

SECTION 14. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval.

(Approved April 19, 2023.)