

BILLS PASSED IN 2016 BY SEN. ESPERO

MEASURE : SB2181 SD2 HD2 (HSCR 1676-16)
TITLE : RELATING TO ACCESS TO TREATMENT FOR TERMINALLY ILL PATIENTS.
INTRO : Espero W (first primary), Green J
DESCRIPT : Establishes provisions relating to access to investigational drugs, biological products for terminally ill patients. Allows a manufacturer of an investigational drug or biological product to make available to an eligible patient. Provides that a manufacturer shall not be required to make available an investigational drug or biological product to an eligible patient. Allows a health insurance carrier to, but is not required to, provide coverage for the cost of an investigation drug or biological product. Provides that if a patient dies while being treated with an investigational drug or biological product, prohibits the patient's heirs to be liable for any outstanding debt related to the treatment or lack of insurance due to the treatment. Prohibits a licensing board to revoke, fail to renew, suspend, or take any action against a health care provider's or against a health care provider's medicare certification based on the recommendations regarding access to or treatment with an investigational drug or biological product that is being developed to treat the type of terminal illness that afflicts the patient. Prohibits state intervention to block an eligible patient's access to investigational drug or biological product. -- SB2181 HD2
STATUS : Apr-29 16 Vetoed

MEASURE : SB2196 SD2 HD1 CD1 (CCR 155-16)
ACT : 161 2016
TITLE : RELATING TO THE LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD.
INTRO : Espero W (first primary), Thielen L
DESCRIPT : Establishes provisions relating to law enforcement officer independent review board; established. Establishes the board within the department of the attorney general for administrative to be responsible for reviewing criminal investigations of incidents of officer involved death conducted by law enforcement agencies and issuing recommendations to the prosecuting attorney of the county in which the incident occurred. Requires each law enforcement agency in the State to have a written policy regarding the investigation of incidents of officer involved death. Provides that in the event of any incident of officer involved death, each law enforcement agency shall be responsible for conducting a criminal investigation of the law enforcement officer or officers involved in the incident. Requires the board to expeditiously make recommendations to the prosecuting attorney of the county in which the officer involved death occurred, however, the prosecuting attorney is not required to wait for the recommendation before making a determination to prosecute or decline prosecution. Requires the board's recommendations to consist of the board's determination that the prosecuting attorney should prosecute, decline prosecution, or conduct further investigation. Requires the board's recommendation to not be binding upon the prosecuting attorney and to have no effect on any determination of probable cause that may be made, at any time. Provides that all matters submitted to the board and all proceedings and recommendations of the board shall be confidential. Provides that the moneys in the criminal forfeiture fund may be expended by the attorney general for the payment of expenses arising in connection with the law enforcement officer independent review board. Report to the legislature. Appropriation for the establishment of the board. (\$\$) -- SB2196 CD1
STATUS : May-09 16 Received by the Governor
Jun-29 16 Approved by Governor (Act 161 2016)

MEASURE : SB2310
ACT : 004 2016
TITLE : RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS.
INTRO : Thielen L (first primary), Baker R, Kidani M, Shimabukuro M, Green J, Espero W, Tokuda J
DESCRIPT : Establishes provisions relating to mutual protective orders. Prohibits a protective order to be entered against the plaintiff in the same petition unless the respondent properly files a separate petition, and the plaintiff has reasonable notice of the filing of the separate petition. -- SB2310
STATUS : Mar-29 16 Received by the Governor
Apr-11 16 Approved by Governor (Act 4 2016)

BILLS PASSED IN 2016 BY SEN. ESPERO

MEASURE : SB2312 SD1 HD1 (HSCR 1124-16)
ACT : 016 2016
TITLE : RELATING TO THE PENAL CODE.
INTRO : Thielen L (first primary), Baker R, Inouye L, Shimabukuro M, Green J, Espero W, Tokuda J
DESCRIPT : Amends provisions relating to promoting child abuse. Redefines sexual conduct to include actual or simulated sexual intercourse, including genital genital contact, oral genital contact, anal genital contact, or oral anal contact, whether between persons of the same or opposite sex. -- Amends provisions relating to prostitution and promoting prostitution. Redefines sexual conduct by repealing acts of homosexuality and lesbianism. -- SB2312 HD1
STATUS : Apr-08 16 Received by the Governor
Apr-26 16 Approved by Governor (Act 16 2016)

MEASURE : SB2317 SD2 HD1 CD1 (CCR 15-16)
ACT : 203 2016
TITLE : RELATING TO HEALTH.
INTRO : Baker R (first primary), Kidani M, Chun Oakland S, Shimabukuro M, Inouye L, Green J, Espero W
DESCRIPT : Establishes provisions relating to child death review; reports under department of health law. Requires the director of health to submit an annual written report to the legislature on the status of child death reviews conducted by the department. Requires the annual report to cover the calendar year immediately prior to the year in which the report is due and describe the total number of child deaths in Hawaii and the causes of those deaths, the number of deaths of children in state custody and the causes of those deaths, any child death review activities conducted by the department, trends in child death, and recommendations for system changes, including any proposed legislation. Provides that upon written request of the director, requires a state or county agency to report deaths of children in the custody of the state or county agency to the department, including any information on the circumstances of the child's death deemed relevant by the director. Report to the legislature. -- Amends provisions relating to access to information by adding use of child death review information; protections. Includes health care and social services providers. Requires all requested disclosures to comply with state and federal privacy statutes and regulations, including the Health Insurance Portability and Accountability Act (HIPA). Allows the department to enter into a memorandum of agreement with hospitals regarding requests for information to be used for child death reviews. Prohibits an individual participating in the review of a child death to be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a multidisciplinary review and the department as a result of child death reviews conducted to be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, except that child death review information otherwise available from other sources shall not be immune from subpoena, discovery, or introduction into evidence through those sources solely because they were provided to the department as required by this law. Repeals provisions relating to use of child death review information and records. -- Establishes provisions relating to multidisciplinary and multiagency reviews. Allow the department to conduct multidisciplinary and multiagency reviews of maternal deaths to reduce the incidence of preventable child deaths. Establishes provisions relating to maternal death review reports under medical research; morbidity and mortality information law. Requires the director of health to submit an annual report to the legislature on the status maternal deaths conducted by the department. Requires the annual report to be cover the calendar year immediately prior to the year in which the report is due and describe the total number of deaths of women while pregnant or within 1 year after a pregnancy in Hawaii, the causes of those deaths and whether the causes of death were pregnancy related, any maternal mortality review activities conducted by the department, trends in maternal death, and recommendations for system changes, including any proposed legislation. Report to the legislature. Amends provisions relating to sources of information protected by changing it to requests for information; sources of information protected. Provides that upon written request from the director of health, requires all providers of health care, social services, and county and state agencies to provide information, reports, statements, memoranda, death and birth records, or other data or material relating to the condition and treatment of any person to the department or its designee, to be used in the course of any study for the purpose of reducing morbidity or mortality. Allows the department of health to request

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information stored in electronic format or in paper copies, or gathered through interviews, subject to certain restrictions. Amends provisions relating to identification of persons studied; restriction. Repeals the maternal and perinatal mortality study committee of the Hawaii medical association. Appropriation to the department of health to implement a program for the performance of maternal death reviews. (\$\$) -- SB2317 CD1

STATUS : May-09 16 Received by the Governor
Jul-05 16 Approved by Governor (Act 203 2016)

MEASURE : SB2630 SD1 HD1 CD1 (CCR 41-16)
ACT : 227 2016

TITLE : RELATING TO PUBLIC SAFETY.

INTRO : Espero W (first primary), Nishihara C

DESCRIPT : Amends the Hawaii industries correctional law. Requires the director of the department of public safety to develop programs assuming responsibility for training qualified, appropriately screened inmates in applicable work and specific training skills that increase their employment prospects after release; and conduct industries or enterprises for the employment of qualified, able bodied inmates in the manufacture or production of articles and products deemed appropriate for sale by the director and the provision of services for sale to the public or that may be needed for the construction, operation, maintenance, or use of any office, department, institution, or agency supported in whole or in part by a state and its political subdivisions or the federal government. Repeals provisions relating to sale of goods. Requires the department of business, economic development, and tourism's Hawaii community based economic development technical and financial assistance program to conduct a study to determine the feasibility of establishing a training and mentoring program for qualified prison inmates, to be called the reentry academy for training and entrepreneurial resources (RAFTER), to facilitate their reentry into society. Provides that in conducting the study, requires the department to cooperate with the visitor and resort industries, labor unions, the construction industry, community colleges, and the university of Hawaii, to identify the kinds of training and mentoring required to succeed in various professions, industries, vocations, and trades and develop a component to offer inmates training in life skills such as personal hygiene and grooming, dressing for success, exercise, healthy diets, time management, dealing with family relationships, responsible finances, and basic reading, writing, and arithmetic skills. Report to the legislature. Appropriation to the department of business, economic development, and tourism to carry out the purposes of this act. (\$\$) -- SB2630 CD1

STATUS : May-09 16 Received by the Governor
Jul-07 16 Approved by Governor (Act 227 2016)

MEASURE : SB2660 HD2 (HSCR 1307-16)
ACT : 039 2016

TITLE : RELATING TO BUREAU OF CONVEYANCES.

INTRO : Baker R (first primary), Kidani M, Keith-Agaran G, Espero W, English J, Tokuda J

DESCRIPT : Amends Act 119, session laws of 2013, as amended by Act 47, session laws of 2014, relating to deregistration of fee non time share interests by repealing the sunset date. -- SB2660 HD2

STATUS : Apr-15 16 Received by the Governor
Apr-29 16 Approved by Governor (Act 39 2016)

MEASURE : SB2675 SD1 HD2 (HSCR 1692-16)
ACT : 038 2016

TITLE : RELATING TO LICENSING.

INTRO : Baker R (first primary), Tokuda J, Ruderman R, Inouye L, Espero W, Shimabukuro M

DESCRIPT : Establishes provisions relating to discipline based on action taken by another state or federal agency; conditions; prohibition on practice. Allows the boards under dentistry law, medical and surgery law, nurses, pharmacists and pharmacy, upon receipt of evidence of revocation, suspension, or other disciplinary action against a licensee by another state or federal agency, to issue an order imposing the same disciplinary action upon the licensee under certain conditions. Provides that a certified copy of the disciplinary action by another state or federal agency shall constitute prima facie evidence of the disciplinary action. Requires that the final order of discipline taken is to be a matter of public record. -- Amends provisions relating to refusal, revocation, suspension, and administrative penalties. Requires the board to refuse to issue a

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license to any applicant who fails to meet all of the requirements imposed by this law and may refuse to issue a license to any applicant who has been disciplined by another state or federal agency. Requires that a final order denying the issuance of a license to any applicant based on the applicant's discipline by another state or federal agency is to be a matter of public record. -- SB2675 HD2

STATUS : Apr-15 16 Received by the Governor
Apr-29 16 Approved by Governor (Act 38 2016)

MEASURE : SB2954 SD2 HD1 (HSCR 1451-16)

ACT : 108 2016

TITLE : RELATING TO FIREARMS.

INTRO : Espero W (first primary)

DESCRIPT : Amends provisions relating to permits to acquire under the firearms, ammunition and dangerous weapons law. Requires the issuing authority to perform a criminal history record check on an applicant using the International Justice and Public Safety Network, including the US Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System before any determination to issue a permit or deny an application is made. -- Amends provisions relating to criminal history records check. Allows criminal history record checks to be conducted by the county police departments on applicants for permits to acquire firearms and on individuals registering their firearms. -- SB2954 HD1

STATUS : Apr-25 16 Received by the Governor
Jun-22 16 Approved by Governor (Act 108 2016)

MEASURE : SB3077 SD1 HD1 CD1 (CCR 83-16)

ACT : 130 2016

TITLE : RELATING TO STATEWIDE COMMUNITY PLANNING.

INTRO : Harimoto B (first primary), Espero W, Galuteria B, Green J, Chun Oakland S, Nishihara C, Inouye L

DESCRIPT : Establishes provisions relating to Hawaii interagency council for transit oriented development. Establishes the Hawaii interagency council for transit oriented development within the department of business, economic development, and tourism. Requires the council to serve as the State's transit-oriented development planning and policy development entity with representation from state and county government and the community; formulate and advise the governor on the implementation of a strategic plan to address transit-oriented development projects, including mixed use and affordable and rental housing projects, on state lands in each county; facilitate the acquisition of funding and resources for state and county transit-oriented development programs, including affordable and rental housing projects, on state lands; monitor the preparation and conduct of plans and studies to facilitate implementation of state transit-oriented development plans prepared pursuant to this section, including but not limited to the preparation of site or master plans and implementation plans and studies; review all capital improvement project requests to the legislature for transit-oriented development projects, including mixed use and affordable and rental housing projects, on state lands within county-designated transit-oriented development zones or within a one-half-mile radius of public transit stations, if a county has not designated transit-oriented development zones; recommend policy, regulatory, and statutory changes, and identify resource strategies for the successful execution of the strategic plan; assemble accurate fiscal and demographic information to support policy development and track outcomes; and consider collaborative transit-oriented development initiatives of other states that have demonstrated positive outcomes. Annual report to the legislature and governor. -- Amends provisions relating to office of planning, establishment; responsibilities. Provides a smart growth and transit oriented development acting as the lead agency to coordinate and advance smart growth and transit oriented development planning within the State. -- Provides that fee in lieu funds from projects within a county-designated transit oriented development zone may also be used to purchase completed construction, construct new school facilities in new or existing school sites, improve or renovate existing structures for school use, or lease land or facilities for school use within a county designated transit oriented

BILLS PASSED IN 2016 BY SEN. ESPERO

development zone. Appropriation. (\$\$) -- SB3077 CD1
STATUS : May-09 16 Received by the Governor
Jun-29 16 Approved by Governor (Act 130 2016)

MEASURE : SB3109 SD1 HD1 CD1 (CCR 22-16)
ACT : 065 2016
TITLE : RELATING TO MANUFACTURING.
INTRO : Wakai G (first primary), Chun Oakland S, Espero W, Galuteria B, Inouye L, Shimabukuro M, Harimoto B, Nishihara C
DESCRIPT : Amends Act 215, session laws of 2015, which establishes provisions relating to manufacturing development program commercialization by adding that the appropriation shall lapse as of June 30, 2017. Appropriation. (\$\$) -- SB3109 CD1
STATUS : May-09 16 Received by the Governor
Jun-06 16 Approved by Governor (Act 65 2016)

MEASURE : SB3110 SD1 HD1 CD1 (CCR 21-16)
ACT : 066 2016
TITLE : RELATING TO TECHNOLOGY.
INTRO : Wakai G (first primary), Chun Oakland S, Inouye L, Espero W, Shimabukuro M, Galuteria B, Baker R, Keith-Agaran G, English J, Harimoto B, Nishihara C
DESCRIPT : Amends Act 216, session laws of 2015, which allows the high technology development corporation to provide grants to any business in Hawaii that receives a federal small business innovation research award or contract for prototyping or commercialization by adding that the appropriation shall not lapse as of June 30, 2017. Appropriation. (\$\$) -- SB3110 CD1
STATUS : May-09 16 Received by the Governor
Jun-06 16 Approved by Governor (Act 66 2016)