

THIRTY-EIGHTH DAY

Friday, May 15, 2020

The House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020, convened at 12:06 p.m., with Speaker Saiki presiding.

The invocation was delivered by Representative Ty J.K. Cullen, after which the Roll was called showing all members present with the exception of Representatives D. Kobayashi and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Sixth and Thirty-Seventh Days was deferred.

ORDER OF THE DAY

REPORTS OF STANDING COMMITTEES

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1192-20) recommending that S.B. No. 3080, SD 3, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 3080, SD 3, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morikawa.

Representative Ward rose to speak in support of the measure, stating:

"I stand in strong support, Mr. Speaker, because I hope this bill is a signal to the Judiciary that if they continue to let people, violent criminals, out of their jail, out of the prisons, that they will know that this body does not necessarily agree with that or approve of it. So, I think it's a great gesture. And I'm still shocked from the announcement that came over this floor yesterday, that sex offenders were now included in those that were being released. And hopefully this will be a great shot across the bow for a little bit of we exercising, also as the third branch of government, that some of that stuff allows them to make policy rather than we, the policy makers, in this particular body. So, thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3080, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading, with Representatives D. Kobayashi and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1193-20) recommending that S.B. No. 75, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Belatti moved that the report of the Committee be adopted, and that S.B. No. 75, SD 2, HD 1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Morikawa.

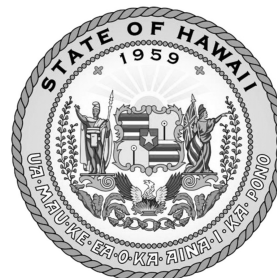
Representative McDermott rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative McDermott submitted the following:

[Note: The full document is available online in the House Select Committee on COVID-19 Economic and Financial Preparedness Documents section: www.capitol.hawaii.gov/specialcommittee.aspx?comm=cov&year=2020]

MAKING HAWAII SAFE FOR TRAVEL

RECOMMENDATIONS TO REOPEN HAWAII'S VISITOR INDUSTRY



Presented to the House Select COVID-19 Committee
for adoption by

REPRESENTATIVE BOB MCDERMOTT

Minority Committee Member

With participation from Representative Gene Ward, Minority Leader

May 18, 2020

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Monday, May 18, 2020

The Honorable Scott K. Saiki
Speaker of the House of Representatives
House Select Committee on COVID-19 Co-Chair
State Capitol Room 431
Honolulu, Hawaii 96813

Chief Executive Officer Peter Ho
Chairman, President and CEO of Bank of Hawaii
House Select Committee on COVID-19 Co-Chair
111 South King Street
Honolulu, Hawaii 96813

RE: RECOMMENDATIONS TO HOUSE SELECT COMMITTEE ON COVID-19

Aloha Gentlemen:

Thank you for leading this committee. The opportunity to listen to the many distinguished members share their wisdom, ideas and concerns has been quite illuminating.

In this regard, I have prepared a set of recommendations for re-opening the visitor industry; it is a policy framework as a departure point for implementation. While many ideas have been floated, I have not yet seen a plan; specifically, a set of ideas to protect our local residents from importation of the virus.

As an island state, we have options and opportunities that can keep the incoming viral load at bay (literally and figuratively). We must aggressively insist on the testing of all travelers within 72 hours of their departure to Hawaii. Great Britain has announced they are going to require testing of air travelers. Taiwan requires testing of travelers from risk areas. Although these are countries, they are also islands like our State.

In my view, not requiring tests, when we can, is neglecting the duty we owe to the people of Hawaii. I submit this to you both and the committee, with the utmost respect.

With much aloha,

Rep. Bob McDermott

MAKING HAWAII SAFE FOR TRAVEL
3**EXECUTIVE SUMMARY
KEEPING HAWAII SAFE FOR TRAVEL**

Representative Bob McDermott

We cannot re-open tourism without COVID-19 tests for ALL arrivals.

The purpose of this document is to provide recommendations to the House Select COVID-19 Committee and the Executive Branch as a starting point for bringing the visitor industry back to strength and Keeping Hawaii Virus Free.

Representative Gene Ward and I have had private conversations with Airline and Hospitality Industry leaders. We have implored them to "take the lead" about safety measures and testing. They are talented and can develop a system far better than a government mandate developed by non-business folks. To date, none have expressed a desire to get out in front and lead.

Hawaii has a huge marketing advantage by being geographically isolated. By implementing this plan, we can advertise Hawaii as essentially COVID-19 free. Travelers will gladly pay a premium for airfare and accommodations knowing that a rigorous testing system is in place. We owe it to our employees in the visitor industry to keep them, and their families, infection free.

As a member of the committee, I have had a front row seat to observe some of the best minds in the state of Hawaii discussing the challenges their various industries are facing. Through it all, I have yet to see anyone address the elephant in the room *in detail* - how do we bring visitors back without having a surge of new COVID-19 cases? Fully one-third of our economy has evaporated. We need to rectify this, at least partially, immediately.

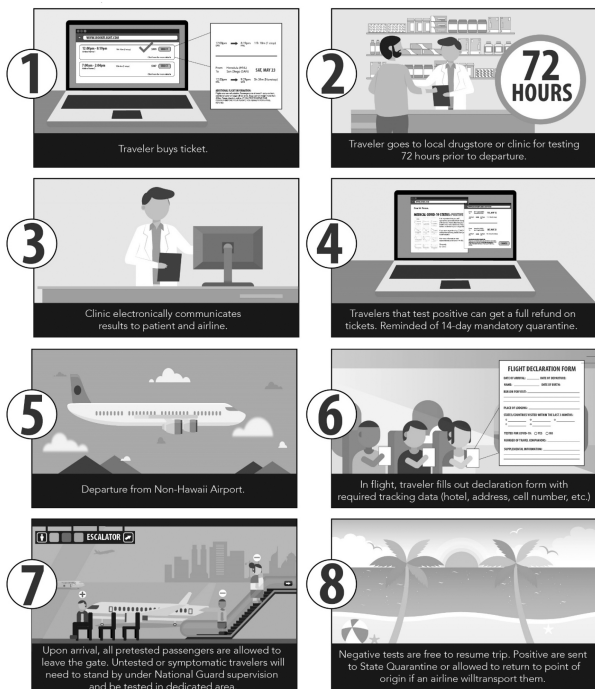
The House Select COVID-19 Committee is a policy committee, generating ideas, suggestions and formulations that the Legislative and Executive branches may or may not implement. The Ige Administration's participation in these meetings has been inconsistent. This, combined with some obvious friction, leads me to believe we need a more clear and concise voice to chart the path forward.

The Minority recommendations are a simple framework. We do not go into the mechanics of each implementation, nor too much detail into cost or other issues. We believe the implementors are in the best position to figure those out. This is a policy outline to present the vision that it can be done. While we have been working on this since early April, we have seen a groundswell of support building through public comments. We only get one chance to reopen the visitor industry. Let's do it correctly!

MAKING HAWAII SAFE FOR TRAVEL
4**COVID-19 TESTING FRAMEWORK**

- 1) Governor David Ige must petition the Federal Government to require all Hawaii bound passengers be tested within 72 hours prior to arrival. Until then we will implement the following steps.
- 2) Request ALL travelers be tested up to 72 hours prior to their departure to Hawaii. Travelers can get a rapid test and have the negative results electronically transmitted to the airline with an identifying record number. Travelers that test positive shall receive a full refund of airfare and not travel to Hawaii.
- 3) All travelers receive a temperature screen and board the airplane with negative COVID-19 test results bound for Hawaii.
- 4) While we cannot legally mandate testing nor infringe one's right to travel, we can ensure travelers are aware of the consequences of not being tested prior to arrival. We shall inform travelers they have a final chance to obtain a COVID-19 test at the airport or they will quarantine for 14 days. Testing at the airport will be cumbersome and could take up to 12 hours. If the traveler tests positive, they will be quarantined.¹
- 5) The first preference is for travelers to be tested prior to departing for Hawaii but back up airport testing will be available for those who arrive without being tested. The National Guard shall oversee this effort. We suggest they use Abbott Rapid test machines. A sufficient quantity (100 Machines @ 4 tests per hour/ 400 *24 = 9600 per day capacity) should be available within 30 to 60 days to meet the residual demand of arrivals who are not already tested.
- 6) National Guard shall assist in the enforcement of the quarantine of ALL non-tested or positive testing arrivals. Quarantine must be strict as outlined in our letters to the Governor (attached) and must include returning Hawaii residents. The state shall designate a safe location for the quarantine. We suggest that this be run by MG Hara and the National Guard. Gov. Ige said the 14 Day-Quarantine was a huge success. It was a success in the sense of keeping visitors away, but in tracking visitors and returning residents, it has proven unenforceable and ultimately useless.
- 7) In addition to predeparture testing, the airline shall ensure travel declaration forms are submitted, accurate and verified. This is critical in case contact tracing is required. The Department of Health (DOH) shall oversee the contact tracing efforts when needed.
- 8) Visitors shall be tested every seven calendar days by a local testing facility approved by the DOH during their stay.
- 9) To ensure the safety of airport, airline and travel-related employees all departures require testing.
- 10) All visitor industry employees shall be tested once a week. Testing shall be free to employees and coordinated by the employer and respective labor groups.

¹ *State and Local Travel Restrictions or Orders.* It is possible that some state and local governments may put in place travel restrictions, stay-at-home or shelter-in-place orders, mandated quarantines upon arrival, or even state border closures while you are traveling. Darice L. Johnston, Director, Intergovernmental Affairs, U.S. Department of Health and Human Services, Office of the Secretary

MAKING HAWAII SAFE FOR TRAVEL
5**PRE-DEPARTURE TESTING**

COVID-19 TESTING FEASIBILITY

Abbott and other manufacturers are quickly ramping up production of COVID-19 tests to make widespread testing available as early as July 2020. The public's ability to access tests is key to reopening Hawaii for tourists. Those who can show that they have a negative COVID-19 test within 72 hours of arriving in Hawaii will not have to quarantine for 14-days upon arrival.

Abbott ID NOW is the only rapid testing technology currently available for use in the state of Hawaii. Abbott recently announced they have increased the manufacturing and shipping of their testing products to all fifty states including Washington D.C., Puerto Rico, and the Pacific Islands. Abbott's ID NOW system yields quick results with positive results detected in as little as five minutes and negative results in 13 minutes. Abbott is currently manufacturing 50,000 ID NOW tests per day, with a plan to increase its capacity to 2 million a month by June 2020.

The Hawaii Department of Health State Laboratories has distributed a total of 12 Abbott ID NOW COVID-19 machines to all counties. Six have been sent to county medical systems (two each to DOH District Health Office laboratories on Kauai, Maui and Hawaii) and six to clinical laboratories and health systems on Oahu (two each to Diagnostic Laboratory Services, Clinical Laboratories of Hawaii, and Kaiser Permanente).

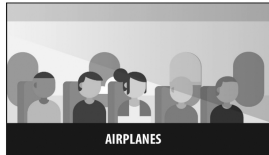
Bosch Healthcare Solutions has also developed a rapid testing instrument, known as a Bosch Vivalytic Analyzer for COVID-19, which can detect a COVID-19 infection along with nine other respiratory viruses in under 2.5 hours. Like the ID NOW test, samples are taken from a patient's nose or throat with a swab, then inserted into a cartridge containing all the essential elements required to identify the virus. Analyzers can perform up to 10 tests in the span of 24 hours.

BioMedomics has developed one of the world's first rapid antibody testing kits to detect IgM and IgG antibodies by a finger prick (capillary) or by venous (vein) blood, serum, and plasma samples. Results can be detected in 10 to 15 minutes per test, and no special equipment is needed. On May 4th, 2020 the FDA authorized the distribution of this product for use in laboratories that are capable of processing high-complexity testing, so distribution is just beginning. Because this is only an antibody test, suspected infected patients would be required to get a COVID-19 test.

Sources and More Information

Abbott: <https://www.abbott.com/corpnewsroom/product-and-innovation/an-update-on-abbotts-work-on-covid-19-testing.html>
Hawaii Department of Health: <https://health.hawaii.gov/news/newsroom/hawaii-department-of-health-distributes-covid-19-rapid-test-equipment-and-supplies-to-public-health-and-clinical-laboratories-in-all-counties/>
Bosch Healthcare Solutions: <https://www.bosch.com/stories/vivalytic-rapid-test-for-covid-19/>
BioMedomics: <https://www.biomedomics.com/products/infectious-disease/covid-19-rt/>
World Health Organization: https://www.who.int/news-room/commentaries/detail/advice-on-the-use-of-point-of-care-immunodiagnostic-tests-for-covid-19#Xo_1gJscUUKtwitter

THE RISKS OF NOT TESTING BEFORE ARRIVAL



AIRPLANES

Breathing in the same air for hours at a time and being in such close proximity, untested passengers in airplanes pose a potential risk of transmitting the virus to crew members and other passengers.



AIRPORT DEPARTURE/ARRIVAL LOUNGE AREA

With hundreds of passengers, crew members, and airport workers frequently passing through, the virus can easily be transferred onto lounge seats, escalators, and other surfaces.



OUR LOCAL WORKFORCE

Upon arrival, untested passengers are in direct contact with our local workforce – airport, transportation, hotel and restaurant staff.



OUR LOCAL RESIDENTS

Untested residents returning home from other states or other countries could spread the virus within their local communities.

SUMMARY AND CONCLUSION

By Representative Gene Ward

The goal behind these recommendations is to safely open Hawaii's economy.

Hawaii must establish procedures to become a safer place to visit. We must overcome the psychological barrier of the fear of contracting COVID-19 felt by those returning to work in the visitor industry or visiting Hawaii.

The saying, "if we build it – they will come" is now more applicable as "if they don't feel safe – they won't come."² Testing all visitors within 72 hours of traveling to Hawaii, with no exceptions, is imperative. To reestablish Hawaii as a safe place to visit, we must first assure safe air travel. Likewise, our airport and hotel and rental car employees must feel safe when travelers exit our airports for lodging, working, or playing. Any break in the chain of safety will slow the recovery of our economy both domestically and internationally.

The framework we are suggesting starts with the psyche of people trying to decide when, if, and where they will travel. A recent study of Americans indicates a small number of people will be traveling between now and the end 2020, with the year 2021 as the only time a majority felt that they would likely travel or begin vacationing again.

Hawaii scores high on safety compared to other places around the world. Hawaii has enjoyed one of the lowest infections and death rates of the COVID-19 virus, but so have places like Thailand, New Zealand, Taiwan and American Samoa – where not a single case has appeared. Though these virus-safe destinations are not major visitor destinations, they will attract a certain number of visitors because they are "safe."

Our goal is to keep Hawaii at the top of the list of safe places to visit. To do so will require a scientific approach heavily based on psychology to let people know of the safety precautions Hawaii has put in place. Naysayers will try to promote a type of "null hypothesis" that testing or not testing will make no difference to our visitor industry or our local workers. They will also claim that a COVID-19 test taken before boarding the plane could also expose passengers to the virus because of possible re-exposure in the interim 72 hours after the test.

This opposition against testing will endanger the entire reopening of the Hawaii economy because:

- It assumes the task is too massive, impossible to implement, and even contact tracing is already too difficult for our state agencies to manage; and
- Not testing passengers allows people to board a plane with no health considerations or stipulations and discount prices will continue to reign supreme; and
- Not testing also sends the message that our residents are not important because they will be exposed to infected tourists; or
- Local hotel and other visitor industry workers will feel threatened by tourists who may be virus carriers; and
- If a second wave of COVID-19 is caused by untested tourists will create an anti-tourist sentiment in the community.

Hawaii already knows about the dangers that can tear at its social fabric. One need only recall the history of diseases brought to Hawaii in the past when the whaling ships and the cargo boats of sandalwood visited our shores and devastated the native population. This memory though dormant, could resurface if this virus is not stopped at our shores. We have already seen signs of this type of backlash to COVID-19 on the island of Molokai where locals have protested the arrival of visitors who might possibly be COVID-19 infected.³ Magnify the Molokai situation and you have a very volatile Hawaii with a backlash against visitors because of the suspicion that they are the carriers and none of them have been tested.

While testing will not be 100 percent effective, it has the best probability of protecting us against outside carriers to our shores. The testing requirements outlined in this roadmap are the best and most viable solution to reopening a tourism economy that is vulnerable, volatile and could result in a serious backlash from our community – which in turn will cause visitors to turn away.

The bottom line is this: the health of our economy depends on COVID-19 testing. If we are serious about restarting the visitor industry, all incoming travelers must be tested within 72 hours of arrival. Our future economic prosperity as well as civil tranquility depend on it. On May 11th during a House committee hearing Maj. Gen. Kenneth Hara, incident commander for Hawaii's coronavirus response, warned about the possibility of rioting in Hawaii if "we let the economy go the way it's going."⁴ Hawaii has lived off its beauty in the past, and if we are wise about reopening, we will have to lean heavily on public health and safety.

³ ** Source: Molokai Protesters at Airport: Mar 18, 2020; www.hawaiinewsnow.com

⁴ <https://www.staradvertiser.com/2020/05/12/hawaii-news/delay-in-reopening-economy-could-lead-to-rioting/>

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 75, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representatives D. Kobayashi and Thielen being excused.

Representative Luke, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1194-20) recommending that S.B. No. 3139, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Belatti, seconded by Representative Morikawa and carried, the report of the Committee was adopted and S.B. No. 3139, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading, with Representatives D. Kobayashi and Thielen being excused.

ANNOUNCEMENTS

Representative Ward: "Mr. Speaker, I feel strongly enough to make an announcement about a speech that I was going to give about we are doing \$36 million worth of budgeting for testing of contact tracing, but there's nowhere in that particular area where, in effect, we have COVID-19 testing. If we're going to open up and be an economy with a visitor industry, we've got to put some of that testing money into that area, otherwise we are never going to open up.

"I know I am using, and I hope not abusing this, but I feel very strongly. If we don't do that, it's going to be, if they're not safe, they're not going to come. It's not going to be if we build it they will come. It's not going to work out. And that testing, \$36 million is huge for contact tracing, but we need to do it for the sake of testing people before they get on the airplane, so our people here are not endangered as well as those people who are, in effect, in the airplane, circulating all the air directly.

"My apologies to anybody, but this is a big issue. This is about a trillion-dollar economy, that if we don't get it right, the state is not going to open up and put our workers back to work. Thank you, Mr. Speaker."

The Chair addressed Representative Ward, stating:

"Representative, Senate Bill 3139 will be up on the floor on Monday for third reading, so you'll have an opportunity there to make remarks."

Representative Cabanilla Arakawa: "Mr. Speaker, I just wanted my colleagues to know that there are five places, whereby they received \$2 million grant from the Federal Government, the five different places that their constituents who are uninsured can go to for free testing. Waikiki Health Center, Waimanalo Health Center, Kokua Kalihi Valley Health Center, Kalihi-Palama Health Center, and Waianae Coast Comprehensive Health Center. Anybody that has no insurance that would like to have free testing, those are the places they can go."

ADJOURNMENT

At 12:16 p.m., on motion by Representative Morikawa, seconded by Representative Matsumoto and carried, the House of Representatives adjourned until noon Monday, May 18, 2020. (Representatives D. Kobayashi, Quinlan, and Thielen were excused.)