

STAND. COM. REP. NO. 578

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 1337  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 1337, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH WELLNESS PROGRAMS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the definitions of "gambling" and "something of value" to clarify that participation in health wellness programs is not considered gambling or lottery participation under the Hawaii Penal Code.

Your Committee received testimony in support of this measure from the Hawaii Medical Service Association and The Chamber of Commerce of Hawaii. Testimony in opposition to this measure was submitted by the Department of the Attorney General and Police Department, City and County of Honolulu.

Your Committee finds that preventative health care is important not only for individuals' personal wellbeing, but also for the health care system of the State as a whole. Preventative health care assists health consumers in maintaining good health and helps them avoid debilitating and costly diseases and conditions that might otherwise affect them. Your Committee notes that while these goals are laudable, there have been concerns that such programs run afoul of the State's statutes prohibiting gambling or lotteries. Because wellness programs promote the health of Hawaii's citizens and save the health care system significant sums of money annually, your Committee finds it



necessary to amend the Hawaii Penal Code to clarify that wellness programs do not constitute gambling or lottery participation.

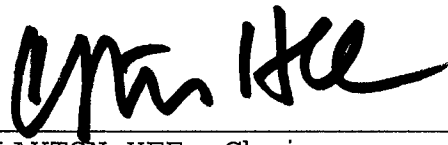
Your Committee notes the concerns raised by the Department of the Attorney General that this measure is unnecessary and could potentially carve out an excessively broad exception to the State's gambling laws. However, your Committee finds that this measure is necessary to ensure that state gambling and lottery laws do not hinder health wellness programs that encourage healthy behavior.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language to clarify that participation in health wellness programs is excluded from the definition of "something of value" only if the wellness program does not constitute gambling, as defined in section 712-1220(4), Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1337, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1337, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



