
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 321-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§321-11 Subjects of health rules, generally.** The
4 department of health pursuant to chapter 91 may adopt rules that
5 it deems necessary for the public health and safety respecting:

- 6 (1) Nuisances, foul or noxious odors, gases, vapors,
7 waters in which mosquitoes breed or may breed, sources
8 of filth, and causes of sickness or disease, within
9 the respective districts of the State, and on board
10 any vessel;
- 11 (2) Adulteration and misbranding of food or drugs;
- 12 (3) Location, air space, ventilation, sanitation,
13 drainage, sewage disposal, and other health conditions
14 of buildings, courts, construction projects,
15 excavations, pools, watercourses, areas, and alleys;
- 16 (4) Privy vaults and cesspools;
- 17 (5) Fish and fishing;



- 1 (6) Interments and dead bodies;
- 2 (7) Disinterments of dead human bodies, including the
- 3 exposing, disturbing, or removing of these bodies from
- 4 their place of burial, or the opening, removing, or
- 5 disturbing after due interment of any receptacle,
- 6 coffin, or container holding human remains or a dead
- 7 human body or a part thereof and the issuance and
- 8 terms of permits for the aforesaid disinterments of
- 9 dead human bodies;
- 10 (8) Cemeteries and burying grounds;
- 11 (9) Laundries, and the laundering, sanitation, and
- 12 sterilization of articles including linen and uniforms
- 13 used by or in the following businesses and
- 14 professions: barber shops, manicure shops, beauty
- 15 parlors, electrology shops, restaurants, soda
- 16 fountains, hotels, rooming and boarding houses,
- 17 bakeries, butcher shops, public bathhouses, midwives,
- 18 masseurs, and others in similar calling, public or
- 19 private hospitals, and canneries and bottling works
- 20 where foods or beverages are canned or bottled for
- 21 public consumption or sale; provided that nothing in



1 this chapter shall be construed as authorizing the
2 prohibiting of laundering, sanitation, and
3 sterilization by those conducting any of these
4 businesses or professions where the laundering or
5 sterilization is done in an efficient and sanitary
6 manner[+]. For the purpose of this paragraph,
7 "medical director" shall mean a physician or an
8 advanced practice registered nurse as defined in
9 section 457-2.7, and "medical staff" shall include
10 physicians, advanced practice registered nurses as
11 defined in section 457-2.7, dentists, podiatrists, and
12 other individuals licensed by the State, who are
13 permitted by law and who have been authorized by the
14 applicable governing body to provide patient care
15 services within the public or private hospital;

- 16 (10) Hospitals, freestanding surgical outpatient
17 facilities, skilled nursing facilities, intermediate
18 care facilities, adult residential care homes, adult
19 foster homes, assisted living facilities, special
20 treatment facilities and programs, home health
21 agencies, home care agencies, hospices, freestanding



1 birthing facilities, adult day health centers,
2 independent group residences, and therapeutic living
3 programs, but excluding youth shelter facilities
4 unless clinical treatment of mental, emotional, or
5 physical disease or handicap is a part of the routine
6 program or constitutes the main purpose of the
7 facility, as defined in section 346-16 under "child
8 [+]caring[+] institution". For the purpose of this
9 paragraph, "adult foster home" has the same meaning as
10 provided in section 321-11.2; "medical director" shall
11 mean a physician or an advanced practice registered
12 nurse as defined in section 457-2.7, including with
13 respect to freestanding birthing facilities; and
14 "medical staff" shall include physicians, advanced
15 practice registered nurses as defined in section 457-
16 2.7, dentists, podiatrists, and other individuals
17 licensed by the State, who are permitted by law and
18 who have been authorized by the applicable governing
19 body to provide patient care services within the
20 medical or health facility;



- 1 (11) Hotels, rooming houses, lodging houses, apartment
2 houses, tenements, and residences for persons with
3 developmental disabilities including those built under
4 federal funding;
- 5 (12) Laboratories;
- 6 (13) Any place or building where noisome or noxious trades
7 or manufacturing is carried on, or intended to be
8 carried on;
- 9 (14) Milk;
- 10 (15) Poisons and hazardous substances, the latter term
11 including any substance or mixture of substances that:
- 12 (A) Is corrosive;
- 13 (B) Is an irritant;
- 14 (C) Is a strong sensitizer;
- 15 (D) Is inflammable; or
- 16 (E) Generates pressure through decomposition, heat,
17 or other means,
- 18 if the substance or mixture of substances may cause
19 substantial personal injury or substantial illness
20 during or as a proximate result of any customary or



- 1 reasonably foreseeable handling or use, including
2 reasonably foreseeable ingestion by children;
- 3 (16) Pig and duck ranches;
- 4 (17) Places of business, industry, employment, and
5 commerce, and the processes, materials, tools,
6 machinery, and methods of work done therein; and
7 places of public gathering, recreation, or
8 entertainment;
- 9 (18) Any restaurant, theater, market, stand, shop, store,
10 factory, building, wagon, vehicle, or place where any
11 food, drug, or cosmetic is manufactured, compounded,
12 processed, extracted, prepared, stored, distributed,
13 sold, offered for sale, or offered for human
14 consumption or use;
- 15 (19) Foods, drugs, and cosmetics, and the manufacture,
16 compounding, processing, extracting, preparing,
17 storing, selling, and offering for sale, consumption,
18 or use of any food, drug, or cosmetic;
- 19 (20) [†]Device[†] as defined in section 328-1;
- 20 (21) Sources of ionizing radiation;



1 (22) Medical examination, vaccination, revaccination, and
2 immunization of school children. No child shall be
3 subjected to medical examination, vaccination,
4 revaccination, or immunization, whose parent or
5 guardian objects in writing thereto on grounds that
6 the requirements are not in accordance with the
7 religious tenets of an established church of which the
8 parent or guardian is a member or adherent, but no
9 objection shall be recognized when, in the opinion of
10 the department, there is danger of an epidemic from
11 any communicable disease;

12 (23) Disinsectization of aircraft entering or within the
13 State as may be necessary to prevent the introduction,
14 transmission, or spread of disease or the introduction
15 or spread of any insect or other vector of
16 significance to health;

17 (24) Fumigation, including the process by which substances
18 emit or liberate gases, fumes, or vapors that may be
19 used for the destruction or control of insects,
20 vermin, rodents, or other pests, which, in the opinion



1 of the department, may be lethal, poisonous, noxious,
2 or dangerous to human life;

3 (25) Ambulances and ambulance equipment;

4 (26) Development, review, approval, or disapproval of
5 management plans submitted pursuant to the Asbestos
6 Hazard Emergency Response Act of 1986, Public Law 99-
7 519; and

8 (27) Development, review, approval, or disapproval of an
9 accreditation program for specially trained persons
10 pursuant to the Residential Lead-Based Paint Hazard
11 Reduction Act of 1992, Public Law 102-550.

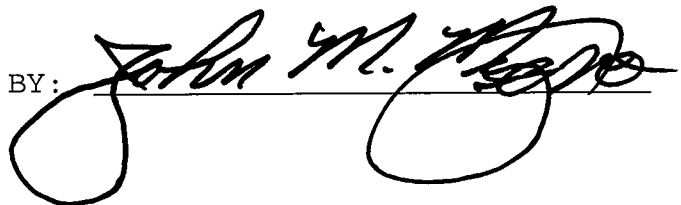
12 The department of health may require any certificates,
13 permits, or licenses that it may deem necessary to adequately
14 regulate the conditions or businesses referred to in this
15 section."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

19

INTRODUCED BY:



JAN 18 2019



H.B. NO. 658

Report Title:

Advanced Practice Registered Nurses

Description:

Requires that advanced practice registered nurses be included within certain rules adopted by the Department of Health.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

