

Honolulu, Hawaii

February 15, 2019

RE: H.B. No. 303  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 303  
entitled:

"A BILL FOR AN ACT RELATING TO OCCUPATIONAL HEALTH AND  
SAFETY,"

begs leave to report as follows:

The purpose of this measure is to require acute care  
hospitals to establish policies for the lifting and transportation  
of patients by health care workers including:

- (1) Identifying patients that require the appropriate use of  
lift teams, and lifting devices and equipment; and
- (2) Establishing teaching and training protocols for lift  
team members.

The United Public Workers, AFSCME, Local 646, AFL-CIO, Hawaii  
Nurses Association, OPEIU, Local 50, and several individuals  
testified in support of this measure. The Department of Labor and  
Industrial Relations (DLIR) testified in opposition to this  
measure. The Health Care Association of Hawaii and Hawai'i Pacific  
Health provided comments.




Your Committee has amended this measure by:

- (1) Deleting its substantive language;
- (2) Inserting new language creating a Patient Lift Task Force to develop legislation to increase employee health and safety during the lifting and transportation of patients in a hospital setting;
- (3) Changing the effective date to July 1, 2050, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes DLIR's concerns that the Occupational Safety and Health Division (HIOSH) lacks jurisdiction over any disciplinary policies. Your Committee further notes HIOSH's statement that neither HIOSH nor the federal Occupational Safety and Health Administration (OSHA) have specific standards for "broad service hospitals", and as such any complaints would be subject to a breach of the OSHA general duty clause. Finally, your Committee notes the Department's concern that this measure may conflict with the enabling chapter for the Department, and particularly with section 371-7, Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 303, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 303, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
JOHN M. MIZUNO Chair



