
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 **PART I**

2 SECTION 1. The State's experience with the COVID-19
3 pandemic demonstrates the need for preparation, flexibility, and
4 quick action in the face of ongoing or new risks presented by
5 outbreaks of communicable or dangerous diseases in the State or
6 in other parts of the world. The State has learned from
7 experience that a screening process for travelers is a key
8 component in the containment or mitigation of the spread of
9 disease. This Act serves to enhance the tools available to the
10 State in its effort to contain or mitigate the spread of
11 communicable or dangerous diseases, to enable the use of these
12 tools without a governor's emergency proclamation, and to make
13 the containment or mitigation effort more efficient and flexible
14 in protecting the public health and safety.

15 This Act authorizes a screening process applicable to
16 travelers at any port of entry to the State whenever it is
17 determined by the director of health to be necessary to prevent



1 the spread of communicable or dangerous diseases in order to
2 protect the public health and safety, including the health and
3 safety of the traveling public, and to ensure a positive visitor
4 experience, which is critical to sustaining the State's tourism
5 industry.

6 The screening may apply to any and all travelers, including
7 interisland, domestic, and international travelers, and it may
8 apply to both arrival and departure points within the State of
9 Hawaii. Benefits include the determination of whether
10 quarantine or isolation is necessary for the wellbeing of the
11 public, including travelers, travelers' households, and
12 traveling companions, as well as the opportunity for timely
13 treatment to prevent or lessen symptoms or to shorten the
14 duration of the disease. To further enhance the effectiveness
15 of the screening process, and from experience, we also find it
16 necessary to establish penalties to address individuals who are
17 uncooperative or seek to evade the screening process. This
18 screening process will also authorize the department of health
19 to take certain actions upon completion of traveler screening,
20 including testing, investigating, monitoring, quarantining, and



1 isolating travelers, as determined necessary by the director of
2 health to protect the public health and safety.

3 This Act also amends existing law to work more efficiently
4 in conjunction with any emergency proclamation issued to respond
5 to the spread of a communicable or dangerous disease and gives
6 the director of health authority to declare a public health
7 emergency if there is, or there is a potential for, an epidemic
8 or serious outbreak of communicable or dangerous disease.

9 **PART II**

10 SECTION 2. Chapter 325, Hawaii Revised Statutes, is
11 amended by adding a new part to be appropriately designated and
12 to read as follows:

13 **"PART . DETECTION, PREVENTION, AND CONTROL OF DISEASE**
14 **TRANSMISSION**

15 **§325-A Director's authority to declare public health**
16 **emergency; powers.** (a) Except when otherwise expressly
17 addressed by the governor or the Hawaii emergency management
18 agency under chapter 127A, when in the judgment of the director
19 there is a potential for an epidemic or serious outbreak of
20 communicable or dangerous disease, notwithstanding any other
21 laws, the director may declare a public health emergency, by



1 written declaration, which shall set forth the reasons
2 therefore, and exercise the following powers:

- 3 (1) Require provider reporting, screening, testing,
4 contact tracing, quarantine, and isolation of persons
5 deemed by the department to be infected, at higher
6 risk of infection, or at risk for spreading infection;
- 7 (2) Require declarations of health status, travel history,
8 and intended lodging or residence plans from
9 travelers;
- 10 (3) Require first responders and part or all of the public
11 to implement safeguards designed to prevent
12 infections, including but not limited to physical
13 distancing, temporary closure of schools, temporary
14 closure of businesses and operations, hygiene
15 procedures, and wearing of personal protective
16 equipment;
- 17 (4) Release otherwise confidential information if the
18 director determines that the disclosure is necessary
19 to protect the public health, safety, and welfare from
20 imminent harm; and



1 (5) Take other action as deemed necessary by the director
2 to prevent, prepare for, respond to, mitigate, and
3 recover from a serious outbreak of communicable or
4 dangerous disease.

5 (b) Quarantine and isolation pursuant to this section
6 shall not be subject to the requirements pursuant to section
7 325-8(a).

8 (c) Every police officer or state law enforcement officer
9 and the Hawaii emergency management agency shall aid and assist
10 the department in the enforcement of a declaration of a public
11 health emergency.

12 (d) The director's declaration of a public health
13 emergency shall be posted on the department's website and shall
14 terminate automatically ninety days after the declaration,
15 unless earlier terminated or extended or revoked by the director
16 or the governor. Any extension shall terminate automatically
17 after ninety days, unless further extended by the director or
18 the governor.

19 **§325-B Detection of communicable or dangerous diseases in**
20 **travelers; screening, investigating, monitoring, quarantining,**
21 **isolating, data-sharing, and other actions to protect the public**



1 **health and safety.** (a) Whenever the director determines it is
2 necessary to detect, prevent, prepare for, respond to, mitigate,
3 or recover from the transmission of communicable or dangerous
4 diseases by traveling members of the public, the department may,
5 by order of the director:

6 (1) Screen interisland, domestic, or international
7 travelers for evidence of communicable or dangerous
8 diseases by using a screening method approved by the
9 department;

10 (2) Investigate interisland, domestic, or international
11 travelers and persons in contact with those travelers
12 as determined by the director to be necessary to
13 detect, prevent, or control the transmission of a
14 communicable or dangerous disease;

15 (3) Monitor interisland, domestic, or international
16 travelers after their arrival as determined by the
17 department to be necessary to detect, prevent, prepare
18 for, respond to, mitigate, or recover from the
19 transmission of a communicable or dangerous disease;

20 (4) Quarantine interisland, domestic, or international
21 travelers after their arrival as determined by the



1 department to be necessary to detect, prevent, prepare
2 for, respond to, mitigate, or recover from the
3 transmission of a communicable or dangerous disease
4 pursuant to section 325-8;

5 (5) Isolate interisland, domestic, or international
6 travelers after their arrival as determined by the
7 department to be necessary to detect, prevent, prepare
8 for, respond to, mitigate, or recover from the
9 transmission of a communicable or dangerous disease
10 pursuant to section 325-8; and

11 (6) Enlist the services or collaboration of any other
12 federal, state, county, or private entity to assist
13 with any of the activities in this section.

14 (b) Travelers arriving in a Hawaii port of entry may be
15 required to provide a completed State of Hawaii traveler
16 questionnaire on a form, or in a manner, approved by the
17 department. Failure to provide a completed State of Hawaii
18 travel questionnaire as directed by the department is a
19 violation of this section.

20 **§325-C Communicable or dangerous diseases, screening,**
21 **treatment, and isolation.** Upon entry to the State, all persons



1 may be required to submit to a screening for communicable or
2 dangerous diseases as deemed appropriate by the department. The
3 diseases screened for shall include those deemed a public health
4 and safety risk by the department at the time of the screening.
5 If the department deems it necessary for the public health,
6 treatment, quarantine, and isolation may be required, at the
7 expense of the person entering the State.

8 **§325-D Administrative rules.** (a) The department may
9 adopt rules pursuant to chapter 91 to effectuate the purposes of
10 this part.

11 (b) No later than October 1, 2020, the department shall
12 adopt interim rules, which shall be exempt from the requirements
13 of chapter 91 and the requirements of chapter 201M, to
14 effectuate the purposes of this part; provided that the interim
15 rules shall remain in effect until December 31, 2026, or until
16 rules are adopted pursuant to subsection (a), whichever occurs
17 sooner.

18 (c) The department may amend the interim rules, and the
19 amendments shall be exempt from the requirements of chapter 91
20 and from the requirements of chapter 201M, to effectuate the
21 purposes of this chapter; provided that any amended interim



1 rules shall remain in effect until December 31, 2026, or until
2 rules are adopted pursuant to subsection (a), whichever occurs
3 sooner.

4 (d) The department shall make the adoption, amendment, or
5 repeal of interim rules known to the public by:

6 (1) Giving public notice of the substance of the proposed
7 rules at least once statewide; and

8 (2) Posting the full text of the proposed rulemaking
9 action on the Internet as provided pursuant to section
10 91-2.6.

11 **§325-E Environmental impact statements not required.** No
12 action taken by the department to implement this part shall be
13 subject to the provisions of or any requirement in chapter 343.

14 **§325-F Procurement exemption.** Contracts for the purchase
15 of goods and services to effectuate the purposes of this part
16 shall be exempt from chapters 103D and 103F.

17 **§325-G Travelers screening special fund.** (a) There is
18 established in the state treasury the travelers screening
19 special fund that shall be administered by the department, into
20 which shall be deposited:



- 1 (1) Transient accommodations taxes collected and allocated
- 2 to the fund;
- 3 (2) Fines collected as penalties pursuant to section
- 4 325-H;
- 5 (3) Appropriations made by the legislature to the fund;
- 6 (4) All moneys received by the fund from any other source;
- 7 and
- 8 (5) Interest earned on any moneys in the fund.

9 (b) Moneys in the travelers screening special fund shall
10 be used for the purposes of set forth in sections 325-B and
11 325-C regarding the detection of communicable or dangerous
12 diseases in travelers, and related screening, investigating,
13 monitoring, quarantining, isolating, data-sharing, other related
14 actions, and the related costs of operating the fund.

15 **§325-H Penalties.** Any person who violates any provision
16 of this part or who violates any rules adopted pursuant to this
17 part shall be guilty of a misdemeanor and fined not more than
18 \$5,000. All fines shall be deposited into the travelers
19 screening special fund."

20 **PART III**



1 SECTION 3. Chapter 325, Hawaii Revised Statutes, is
2 amended by adding four new sections to be appropriately
3 designated and to read as follows:

4 "§325-I Definitions. As used in this chapter:

5 "Communicable disease" means an illness due to a specific
6 infectious agent or its toxic products that arises through
7 transmission of that agent or its products from an infected
8 person or animal or a reservoir to a susceptible host, either
9 directly, or indirectly through an intermediate animal host,
10 vector, or the inanimate environment. "Communicable disease"
11 includes "infectious disease" and any disease declared to be
12 "communicable" by the director.

13 "Dangerous disease" means any illness or health condition
14 that might pose a substantial risk of a significant number of
15 human fatalities or incidents of permanent or long-term
16 disability.

17 "Department" means the department of health.

18 "Director" means the director of health.

19 "Epidemic" means the occurrence of cases of an illness
20 clearly in excess of normal expectancy, as determined by the
21 director.



1 "Health care facility" means a facility as defined in
2 section 323D-2.

3 "Infectious disease" means a disease that spreads from
4 person to person, directly or indirectly, that poses a
5 significant public health risk.

6 "Isolation" means the physical separation, including the
7 restriction of movement or confinement of individuals or groups
8 confirmed by the department to have been infected with a
9 communicable or dangerous disease, from individuals who are
10 believed not to have been exposed or infected, by order of the
11 director, the governor, or a court of competent jurisdiction.
12 Conditions of isolation may be more restrictive than as for
13 quarantine.

14 "Quarantine" means the physical separation, including the
15 restriction of movement or confinement of individuals or groups
16 believed to have been exposed to a communicable or dangerous
17 disease, or who otherwise have or create a potential risk of
18 transmitting a communicable or dangerous disease to others from
19 individuals who are believed not to have been exposed or
20 infected, by order of the director, the governor, or a court of



1 competent jurisdiction, based on information collected and
2 reviewed by the department.

3 "Screening" means a diagnostic tool administered to detect
4 the presence of a communicable or dangerous disease in an
5 individual and may include the measuring of a person's
6 temperature. "Screening" also includes the administration of
7 one or more questionnaires used to conduct surveillance of
8 disease activity or to determine to whom a test or diagnostic
9 tool is to be administered.

10 §325-J Right to contest. (a) An individual subject to
11 quarantine or isolation pursuant to this chapter may request a
12 hearing in the courts of this State to contest the order of
13 quarantine or isolation, the individual's treatment, or the
14 terms and conditions of the quarantine or isolation. The
15 request shall be in writing and shall be filed as a civil
16 proceeding with the circuit court in the circuit in which the
17 individual is quarantined or isolated. Upon receiving a
18 request, the court shall fix a date for a hearing. The hearing
19 shall take place within ten days of the filing of the request
20 with the court. The request for a hearing shall not alter or
21 stay the order of quarantine or isolation. The department shall



1 be notified of the request for a hearing at least seven days
2 before the hearing by the individual requesting the hearing.
3 If, after a hearing, the court finds that the quarantine or
4 isolation of the individual is not in compliance with this part,
5 the court may fashion remedies reasonable under the
6 circumstances and consistent with this chapter.

7 (b) Judicial decisions shall be based upon clear and
8 convincing evidence; provided that in hearings to contest the
9 individual's screening, treatment, or the terms or conditions of
10 the quarantine or isolation, judicial decisions shall be based
11 upon a preponderance of the evidence. A written record of the
12 disposition of the case shall be made and retained. If the
13 personal appearance before the court of a quarantined or
14 isolated individual is determined by the director to pose a
15 threat to individuals at the proceeding and the quarantined or
16 isolated individual does not waive the right to attend the
17 proceeding, the court shall appoint a guardian ad litem, to
18 represent the quarantined or isolated individual throughout the
19 proceeding or shall hold the hearing via any means that allow
20 all parties to participate as fully and safely as is reasonable
21 under the circumstances.



1 (c) Upon written request, the court may, in its
2 discretion, appoint counsel to represent individuals or groups
3 of individuals who are or who are about to be quarantined or
4 isolated pursuant to this section and who are not otherwise
5 represented by counsel. Adequate means of communication between
6 those individuals or groups and their counsel or their guardian
7 ad litem shall be provided by the department, if adequate means
8 of communication is not otherwise available to them.

9 (d) In any proceeding brought pursuant to this section, in
10 consideration of the protection of the public's health, the
11 severity of the emergency, and the availability of necessary
12 witnesses and evidence, the court may order the consolidation of
13 claims where:

- 14 (1) The number of individuals involved or to be affected
15 by an order of quarantine or isolation is so large as
16 to render individual participation impractical;
17 (2) There are questions of law or fact common to the
18 individual claims or rights to be determined;
19 (3) The group claims or rights to be determined are
20 typical of the affected individuals' claims or rights;
21 and



1 (4) The entire group will be adequately represented in the
2 consolidation.

3 §325-K Collection, receipt, and use of information;

4 disclosure; confidentiality of information. (a)

5 Notwithstanding any other law to the contrary, the department,
6 other governmental agencies, or private entities under contract
7 with the department, who act pursuant to this section, may
8 collect, receive, and use information for the purposes of
9 detecting, preventing, preparing for, responding to, mitigating,
10 or recovering from the transmission of communicable or dangerous
11 diseases. Collection, receipt, and use of the information may
12 include the sharing of the information between or among the
13 department, other governmental agencies, and private entities
14 under contract with the department. Collection, receipt, and
15 use shall not include disclosure of the information to other
16 departments, entities, or individuals except as provided in
17 subsection (b).

18 (b) The information to be collected, received, and used
19 pursuant to this section may be disclosed by the department to
20 the public only as necessary to prevent or lessen a serious and
21 imminent threat to the health or safety of a person or the



1 public, including the transmission of communicable or dangerous
2 diseases to others.

3 (c) All information collected, received, or used, pursuant
4 to this section shall be confidential and shall not be used or
5 disclosed, except as allowed by this section or as required by
6 law. Any governmental agency or private entity that collects,
7 receives, or uses information pursuant to this section shall be
8 subject to the same restrictions on collection, receipt, and use
9 of that information as the department.

10 §325-L Construction and severability. (a) This chapter
11 shall be liberally construed to effectuate its purposes;
12 provided that this chapter shall not be construed as conferring
13 any power or permitting any action that is inconsistent with the
14 Constitution and laws of the United States, but, in so
15 construing this chapter, due consideration shall be given to the
16 circumstances as they exist from time to time.

17 (b) If any provision of this chapter or its application to
18 any person or circumstance is held invalid, the invalidity shall
19 not affect other provisions or applications of this chapter."

20 **PART IV**



1 SECTION 4. Section 237D-6.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Except for the revenues collected pursuant to section
4 237D-2(e), revenues collected under this chapter shall be
5 distributed in the following priority, with the excess revenues
6 to be deposited into the general fund:

7 (1) \$ _____ shall be allocated to the travelers
8 screening special fund established under section 325-G
9 beginning on August 1, 2020, and ending on June 30,
10 2022;

11 ~~[(1)]~~ (2) \$1,500,000 shall be allocated to the Turtle Bay
12 conservation easement special fund beginning July 1,
13 2015, for the reimbursement to the state general fund
14 of debt service on reimbursable general obligation
15 bonds, including ongoing expenses related to the
16 issuance of the bonds, the proceeds of which were used
17 to acquire the conservation easement and other real
18 property interests in Turtle Bay, Oahu, for the
19 protection, preservation, and enhancement of natural
20 resources important to the State, until the bonds are
21 fully amortized;



1 ~~[(2)]~~ (3) \$16,500,000 shall be allocated to the convention
2 center enterprise special fund established under
3 section 201B-8;
4 ~~[(3)]~~ (4) \$79,000,000 shall be allocated to the tourism
5 special fund established under section 201B-11;
6 provided that:
7 (A) Beginning on July 1, 2012, and ending on June 30,
8 2015, \$2,000,000 shall be expended from the
9 tourism special fund for development and
10 implementation of initiatives to take advantage
11 of expanded visa programs and increased travel
12 opportunities for international visitors to
13 Hawaii;
14 (B) Of the \$79,000,000 allocated:
15 (i) \$1,000,000 shall be allocated for the
16 operation of a Hawaiian center and the
17 museum of Hawaiian music and dance; and
18 (ii) 0.5 per cent of the \$79,000,000 shall be
19 transferred to a sub-account in the tourism
20 special fund to provide funding for a safety



1 and security budget, in accordance with the
2 Hawaii tourism strategic plan 2005-2015; and
3 (C) Of the revenues remaining in the tourism special
4 fund after revenues have been deposited as
5 provided in this paragraph and except for any sum
6 authorized by the legislature for expenditure
7 from revenues subject to this paragraph,
8 beginning July 1, 2007, funds shall be deposited
9 into the tourism emergency special fund,
10 established in section 201B-10, in a manner
11 sufficient to maintain a fund balance of
12 \$5,000,000 in the tourism emergency special fund;
13 [~~4~~] (5) \$103,000,000 shall be allocated as follows:
14 Kauai county shall receive 14.5 per cent, Hawaii
15 county shall receive 18.6 per cent, city and county of
16 Honolulu shall receive 44.1 per cent, and Maui county
17 shall receive 22.8 per cent; provided that commencing
18 with fiscal year 2018-2019, a sum that represents the
19 difference between a county public employer's annual
20 required contribution for the separate trust fund
21 established under section 87A-42 and the amount of the



1 county public employer's contributions into that trust
 2 fund shall be retained by the state director of
 3 finance and deposited to the credit of the county
 4 public employer's annual required contribution into
 5 that trust fund in each fiscal year, as provided in
 6 section 87A-42, if the respective county fails to
 7 remit the total amount of the county's required annual
 8 contributions, as required under section 87A-43; and

9 ~~(5)~~ (6) \$3,000,000 shall be allocated to the special land
 10 and development fund established under section 171-19;
 11 provided that the allocation shall be expended in
 12 accordance with the Hawaii tourism authority strategic
 13 plan for:

- 14 (A) The protection, preservation, maintenance, and
 15 enhancement of natural resources, including
 16 beaches, important to the visitor industry;
- 17 (B) Planning, construction, and repair of facilities;
 18 and
- 19 (C) Operation and maintenance costs of public lands,
 20 including beaches, connected with enhancing the
 21 visitor experience.



1 All transient accommodations taxes shall be paid into the
2 state treasury each month within ten days after collection and
3 shall be kept by the state director of finance in special
4 accounts for distribution as provided in this subsection.

5 As used in this subsection, "fiscal year" means the twelve-
6 month period beginning on July 1 of a calendar year and ending
7 on June 30 of the following calendar year."

8 **PART V**

9 SECTION 5. Section 325-2.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[+]§325-2.5[+] **Health care-associated infection**
12 **reporting.** (a) Each health care facility in the State that is
13 certified by the Centers for Medicare and Medicaid Services
14 shall report information about health care-associated infections
15 to the Centers for Disease Control and Prevention's national
16 healthcare safety network, as specified in the rules of the
17 Centers for Medicare and Medicaid Services.

18 (b) Health care facilities subject to this section shall
19 authorize the Centers for Disease Control and Prevention to
20 allow the department to access health care-associated infection



1 data reported by those health care facilities to the national
2 healthcare safety network.

3 (c) The department may adopt rules pursuant to chapter 91
4 to require that health care-associated infections that are
5 multidrug-resistant be reported to the department through the
6 national healthcare safety network. The rules shall specify
7 which health care facilities are required to report those health
8 care-associated infections that are multidrug-resistant through
9 the national healthcare safety network, as well as the patient
10 populations that are to be targeted in the reports. The first
11 year of reporting required under this subsection shall be a
12 pilot test of the reporting system and shall not be reported or
13 disclosed to the public.

14 (d) The department shall preserve patient confidentiality
15 and shall not disclose to the public any patient-level data
16 obtained from any health care facility.

17 (e) The department may issue reports to the public
18 regarding health care-associated infections in aggregate data
19 form to protect individual patient identity. The reports may
20 identify individual health care facilities. The reports shall
21 use the methodology or any part of the methodology developed by



1 the Centers for Disease Control and Prevention and the Centers
2 for Medicare and Medicaid Services for national reporting of
3 health care-associated infections.

4 (f) Health care-associated infection information held by
5 the department as a result of reporting under this section is
6 not subject to subpoena, discovery, or introduction into
7 evidence in any civil or criminal proceeding; provided that
8 health care-associated infection information otherwise available
9 from other sources is not immune from subpoena, discovery, or
10 introduction into evidence through those sources solely because
11 the information was reported as required by this section.

12 (g) Beginning on June 30, 2013, and no later than June 30
13 of each year, thereafter, the department shall prepare a public
14 report, in accordance with this section, containing information
15 pertaining to health care-associated infections in the State for
16 the previous calendar year.

17 [~~(h) For the purposes of this section:~~

18 ~~"Department" means the department of health.~~

19 ~~"Health care facility" means the same as in section~~

20 ~~323D-2.] "~~



1 SECTION 6. Section 325-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§325-8 Infected persons and quarantine.** (a) [~~As used in~~
4 ~~this section:~~

5 ~~"Communicable disease" means any disease declared to be~~
6 ~~"communicable" by the director of health.~~

7 ~~"Dangerous disease" means a disease as defined in section~~
8 ~~325-20.~~

9 ~~"Quarantine" means the compulsory physical separation,~~
10 ~~including the restriction of movement or confinement of~~
11 ~~individuals or groups believed to have been exposed to or known~~
12 ~~to have been infected with a contagious disease, from~~
13 ~~individuals who are believed not to have been exposed or~~
14 ~~infected, by order of the department or a court of competent~~
15 ~~jurisdiction.] By order of the director, the department may~~
16 quarantine or isolate an individual if:

17 (1) Any delay in the quarantine or isolation of the
18 individual would pose an immediate threat to the
19 public health;



1 (2) The individual is reasonably believed to have been
2 exposed to or known to have been infected with a
3 communicable or dangerous disease; and

4 (3) A quarantine or isolation is the least restrictive
5 means by which the public's health, safety, and
6 welfare can be protected, due to the transmittable
7 nature of the communicable or dangerous disease and
8 the lack of preventive measures, or due to the failure
9 by the individual quarantined or isolated to accept or
10 practice less restrictive measures to prevent disease
11 transmission.

12 (b) In implementing a quarantine~~[7]~~ or isolation, the
13 dignity of the individual quarantined or isolated shall be
14 respected at all times and to the greatest extent possible,
15 consistent with the objective of preventing or limiting the
16 transmission of the disease to others. The needs of individuals
17 quarantined or isolated shall be addressed in as systematic and
18 competent a fashion as is reasonable under the circumstances.
19 To the greatest extent possible, the premises in which
20 individuals are quarantined or isolated shall be maintained in a
21 safe and hygienic manner, designed to minimize the likelihood of



1 further transmission of infection or other harm to individuals
2 subject to quarantine[~~-. Adequate~~] or isolation; provided that,
3 if an individual is quarantined or isolated in the individual's
4 own home or in a rented premises, the individual shall be
5 responsible for maintaining the premises in a safe and hygienic
6 manner. Access to adequate food, clothing, medication, and
7 other necessities, access to counsel, means of communication
8 with [~~those in and outside these settings,~~] others, and
9 [~~competent~~] adequate medical care shall [~~be provided~~] not be
10 denied to the person quarantined[~~-~~] or isolated, at the person's
11 expense.

12 To the greatest extent possible, cultural and religious
13 beliefs shall be considered in addressing the needs of
14 quarantined or isolated individuals. The department may
15 establish and maintain places of quarantine and isolation and
16 quarantine or isolate any individual by the least restrictive
17 means necessary to protect the public health.

18 The department shall take all reasonable means to prevent
19 the transmission of infection between or among quarantined or
20 isolated individuals. The quarantine or isolation of any
21 individual shall be terminated when the director determines that



1 the quarantine or isolation of that individual is no longer
2 necessary to protect the public health.

3 (c) An individual subject to quarantine or isolation shall
4 obey the department's rules and orders, shall not go beyond the
5 quarantined or isolated premises, and shall not put the
6 individual's self in contact with any individual not subject to
7 quarantine or isolation other than a physician, health care
8 provider, or individual authorized to enter a quarantined or
9 isolated premises by the department. Violation of any of the
10 provisions of this subsection is a misdemeanor.

11 (d) No individual, other than an individual authorized by
12 the department, shall enter a quarantined or isolated premises.
13 Any individual entering a quarantined or isolated premises
14 without permission of the department shall be guilty of a
15 misdemeanor. If, by reason of an unauthorized entry into a
16 quarantined or isolated premises, the individual poses a danger
17 to public health, the individual may be subject to [the]
18 quarantine or isolation pursuant to this section.

19 ~~[(c) Before quarantining an individual, the department~~
20 ~~shall obtain a written, ex parte order from a court of this~~
21 ~~State authorizing such action. A petition for an ex parte order~~



1 ~~shall be filed with the circuit court of the circuit in which~~
2 ~~the individual resides, is suspected of residing, or is~~
3 ~~quarantined under subsection (f). Proceedings on or related to~~
4 ~~a petition for an ex parte order shall be a civil action. The~~
5 ~~court shall grant an ex parte order upon finding that probable~~
6 ~~cause exists to believe a quarantine is warranted pursuant to~~
7 ~~this section. A copy of the ex parte order shall be given to~~
8 ~~the individual quarantined, along with notification that the~~
9 ~~individual has a right to a hearing under this section.~~

10 ~~(f) Notwithstanding subsection (e), the department may~~
11 ~~quarantine an individual without first obtaining a written, ex~~
12 ~~parte order from the court if any delay in the quarantine of the~~
13 ~~individual would pose an immediate threat to the public health.~~
14 ~~Following such a quarantine, the department shall promptly~~
15 ~~obtain a written, ex parte order from the court authorizing the~~
16 ~~quarantine.~~

17 ~~(g) An individual quarantined pursuant to subsection (e)~~
18 ~~or (f) shall have the right to a court hearing to contest the ex~~
19 ~~parte order. If the individual, the individual's guardian ad~~
20 ~~litem, or the individual's counsel requests a hearing, the~~
21 ~~hearing shall be held within fourteen days of filing of the~~



1 ~~request. The request shall be in writing and shall be filed~~
2 ~~with the circuit court in the circuit in which the individual is~~
3 ~~quarantined. A request for a hearing shall not alter or stay~~
4 ~~the quarantine of the individual. The department shall be~~
5 ~~notified of the request for a hearing at least ten days before~~
6 ~~the hearing. At the hearing, the department shall show that the~~
7 ~~quarantine is warranted pursuant to this section. If, after~~
8 ~~hearing all relevant evidence, the court finds that the criteria~~
9 ~~for quarantine under subsection (i) have been met by clear and~~
10 ~~convincing evidence, the court shall authorize the continued~~
11 ~~quarantine of the individual.~~

12 ~~(h) On or after thirty days following the issuance of an~~
13 ~~ex parte order or a hearing as provided for in this section, an~~
14 ~~individual quarantined pursuant to this section may request in~~
15 ~~writing a court hearing to contest the continued quarantine.~~
16 ~~The hearing shall be held within fourteen days of the filing of~~
17 ~~the request. The request shall be in writing and shall be filed~~
18 ~~with the circuit court for the circuit in which the individual~~
19 ~~is quarantined. A request for a hearing shall not alter or stay~~
20 ~~the order of quarantine. The department shall be notified of~~
21 ~~the request for a hearing at least ten days before the hearing.~~



1 ~~At the hearing, the department shall show that continuation of~~
2 ~~the quarantine is warranted pursuant to this section. If, after~~
3 ~~hearing all relevant evidence, the court finds that the criteria~~
4 ~~for the quarantine under subsection (i) have been met by clear~~
5 ~~and convincing evidence, the court shall authorize the continued~~
6 ~~quarantine of the individual.~~

7 ~~(i) A court may order an individual to be quarantined if~~
8 ~~the court finds that:~~

9 ~~(1) The individual is reasonably believed to have been~~
10 ~~exposed to or known to have been infected with a~~
11 ~~communicable or dangerous disease; and~~

12 ~~(2) A quarantine is the least restrictive means by which~~
13 ~~the public's health, safety, and welfare can be~~
14 ~~protected, due to the transmittable nature of the~~
15 ~~communicable or dangerous disease and the lack of~~
16 ~~preventive measures, or due to the failure by the~~
17 ~~individual quarantined to accept or practice less~~
18 ~~restrictive measures to prevent disease transmission.~~

19 ~~(j) An individual quarantined pursuant to this section may~~
20 ~~request a hearing in the courts of this State regarding the~~
21 ~~individual's treatment and the terms and conditions of the~~



1 ~~quarantine. Upon receiving a request, the court shall fix a~~
2 ~~date for a hearing. The hearing shall take place within~~
3 ~~fourteen days of the filing of the request with the court. The~~
4 ~~request for a hearing shall not alter or stay the order of~~
5 ~~quarantine. The department shall be notified of the request for~~
6 ~~a hearing at least ten days before the hearing. If, upon a~~
7 ~~hearing, the court finds that the quarantine of the individual~~
8 ~~is not in compliance with subsection (b), the court may fashion~~
9 ~~remedies reasonable under the circumstances and consistent with~~
10 ~~this chapter.~~

11 ~~(k) Judicial decisions shall be based upon clear and~~
12 ~~convincing evidence, and a written record of the disposition of~~
13 ~~the case shall be made and retained. If the personal appearance~~
14 ~~before the court of a quarantined individual is determined by~~
15 ~~the director to pose a threat to individuals at the proceeding~~
16 ~~and the quarantined individual does not waive the right to~~
17 ~~attend the proceeding, the court shall appoint a guardian ad~~
18 ~~litem as provided in article V of chapter 560, to represent the~~
19 ~~quarantined individual throughout the proceeding or shall hold~~
20 ~~the hearing via any means that allow all parties to participate~~
21 ~~as fully and safely as is reasonable under the circumstances.~~



1 ~~(l) Upon written request, the court shall appoint counsel~~
2 ~~at state expense to represent individuals or groups of~~
3 ~~individuals who are or who are about to be quarantined pursuant~~
4 ~~to this section and who are not otherwise represented by~~
5 ~~counsel. Adequate means of communication between those~~
6 ~~individuals or groups and their counsel and guardians ad litem~~
7 ~~shall be provided.~~

8 ~~(m) In any proceeding brought pursuant to this section, in~~
9 ~~consideration of the protection of the public's health, the~~
10 ~~severity of the emergency, and the availability of necessary~~
11 ~~witnesses and evidence, the court may order the consolidation of~~
12 ~~claims by individuals involved or to be affected by a quarantine~~
13 ~~where:~~

14 ~~(1) The number of individuals involved or to be affected~~
15 ~~by a quarantine is so large as to render individual~~
16 ~~participation impractical;~~
17 ~~(2) There are questions of law or fact common to the~~
18 ~~individual claims or rights to be determined;~~
19 ~~(3) The group claims or rights to be determined are~~
20 ~~typical of the affected individuals' claims or rights;~~
21 ~~and~~



1 ~~(4) The entire group will be adequately represented in the~~
2 ~~consolidation.~~

3 ~~(n)]~~ (e) Each individual quarantined shall be responsible
4 for the costs of food, lodging, and medical care, except for
5 those costs covered and paid by the individual's health plan.

6 (f) By order of the director, the department may inspect,
7 quarantine, or isolate persons, property, places, cities, or
8 counties, and take measures as are necessary to ascertain the
9 nature of the disease and prevent its spread whenever in its
10 judgment the action is necessary to protect or preserve the
11 public health."

12 SECTION 7. Section 325-20, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~+~~§325-20~~+~~ **Agreements; collaborative assistance in**
15 **control of disease outbreaks.** (a) The director may enter into
16 agreements for collaborative assistance with licensed health
17 care facilities and health care providers in the State to
18 control an epidemic of a dangerous disease~~[, which]~~ that
19 requires more physical facilities, materials, or personnel than
20 the department has available.



1 ~~[(b) Whenever used in this section, unless a different~~
2 ~~meaning clearly appears from the context:~~

3 ~~"Dangerous disease" means any illness or health condition~~
4 ~~that might pose a substantial risk of a significant number of~~
5 ~~human fatalities or incidents of permanent or long-term~~
6 ~~disability.~~

7 ~~"Department" means the department of health.~~

8 ~~"Director" means the director of health.~~

9 ~~"Epidemic" means the occurrence of cases of an illness~~
10 ~~clearly in excess of normal expectancy, as determined by the~~
11 ~~director.~~

12 ~~"Health care facility" means a facility as defined in~~
13 ~~section 323D-2.~~

14 ~~"Health care provider" means a provider as defined in~~
15 ~~section 323D-2.~~

16 ~~(e)]~~ (b) Under collaborative agreements, health care
17 facilities or health care providers shall provide prophylactic
18 and treatment services for the epidemic disease in collaboration
19 with and under the general direction of the department and shall
20 seek reimbursement from the individuals who receive medical
21 care, the parties responsible for their care, or their health



1 plans. Persons having health plan benefits shall be responsible
2 for any copayments to the facilities or health care providers.

3 ~~(d)~~ (c) The agreements may provide that the department
4 shall use reasonable efforts to seek legislative appropriations
5 to reimburse health care facilities and health care providers
6 for the use of physical facilities, professional services, and
7 materials provided to persons without health plan coverage.

8 ~~(e)~~ (d) Except in cases of wilful misconduct, the
9 following persons shall not be liable for the death of or injury
10 to any person who is provided care pursuant to this section or
11 for damage to property when resulting from any act or omission
12 in the performance of such services:

- 13 (1) The State or any political subdivision;
- 14 (2) A health care facility or health care provider acting
15 at the direction of the department under an agreement
16 as provided in this section; and
- 17 (3) Persons engaged in disease prevention and control
18 functions pursuant to this section or sections 325-8
19 and 325-9, including volunteers whose services are
20 accepted by any authorized person."

21 **PART VI**



1 SECTION 8. Section 706-643, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) All fines and other final payments received by a
4 clerk or other officer of a court shall be accounted for, with
5 the names of persons making payment, and the amount and date
6 thereof, being recorded. All such funds shall be deposited with
7 the director of finance to the credit of the general fund of the
8 State. With respect to fines and bail forfeitures that are
9 proceeds of the wildlife revolving fund under section 183D-10.5,
10 and fines that are proceeds of the compliance resolution fund
11 under sections 26-9(o) and 431:2-410, and fines that are
12 proceeds of the travelers screening special fund under sections
13 325-G and 325-H, the director of finance shall transmit the
14 fines and forfeitures to the respective funds."

15 **PART VII**

16 SECTION 9. Section 87A-42, Hawaii Revised Statutes, is
17 amended by amending subsection (d) to read as follows:

18 "(d) In any fiscal year subsequent to the 2017-2018 fiscal
19 year in which a county public employer's contributions into the
20 fund are less than the amount of the annual required
21 contribution, the amount that represents the excess of the



1 annual required contribution over the county public employer's
2 contributions shall be deposited into the fund from a portion of
3 all transient accommodations tax revenues collected by the
4 department of taxation under section [~~237D-6.5(b)(4)~~].
5 237D-6.5(b)(5). The director of finance shall deduct the amount
6 necessary to meet the county public employer's annual required
7 contribution from the revenues derived under section
8 [~~237D-6.5(b)(4)~~] 237D-6.5(b)(5) and transfer the amount to the
9 board for deposit into the appropriate account of the separate
10 trust fund."

11 SECTION 10. Section 171-19, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There is created in the department a special fund to
14 be designated as the "special land and development fund".
15 Subject to the Hawaiian Homes Commission Act of 1920, as
16 amended, and section 5(f) of the Admission Act of 1959, all
17 proceeds of sale of public lands, including interest on deferred
18 payments; all moneys collected under section 171-58 for mineral
19 and water rights; all rents from leases, licenses, and permits
20 derived from public lands; all moneys collected from lessees of
21 public lands within industrial parks; all fees, fines, and other



1 administrative charges collected under this chapter and chapter
 2 183C; a portion of the highway fuel tax collected under chapter
 3 243; all moneys collected by the department for the commercial
 4 use of public trails and trail accesses under the jurisdiction
 5 of the department; transient accommodations tax revenues
 6 collected pursuant to section [~~237D-6.5(b)(5),~~] 237D-6.5(b)(6);
 7 and private contributions for the management, maintenance, and
 8 development of trails and accesses shall be set apart in the
 9 fund and shall be used only as authorized by the legislature for
 10 the following purposes:

- 11 (1) To reimburse the general fund of the State for
 12 advances made that are required to be reimbursed from
 13 the proceeds derived from sales, leases, licenses, or
 14 permits of public lands;
- 15 (2) For the planning, development, management, operations,
 16 or maintenance of all lands and improvements under the
 17 control and management of the board pursuant to title
 18 12, including but not limited to permanent or
 19 temporary staff positions who may be appointed without
 20 regard to chapter 76; provided that transient
 21 accommodations tax revenues allocated to the fund



- 1 shall be expended as provided in section
2 [~~237D-6.5(b)(5);~~] 237D-6.5(b)(6);
- 3 (3) To repurchase any land, including improvements, in the
4 exercise by the board of any right of repurchase
5 specifically reserved in any patent, deed, lease, or
6 other documents or as provided by law;
- 7 (4) For the payment of all appraisal fees; provided that
8 all fees reimbursed to the board shall be deposited in
9 the fund;
- 10 (5) For the payment of publication notices as required
11 under this chapter; provided that all or a portion of
12 the expenditures may be charged to the purchaser or
13 lessee of public lands or any interest therein under
14 rules adopted by the board;
- 15 (6) For the management, maintenance, and development of
16 trails and trail accesses under the jurisdiction of
17 the department;
- 18 (7) For the payment to private land developers who have
19 contracted with the board for development of public
20 lands under section 171-60;



1 (8) For the payment of debt service on revenue bonds
2 issued by the department, and the establishment of
3 debt service and other reserves deemed necessary by
4 the board;

5 (9) To reimburse the general fund for debt service on
6 general obligation bonds issued to finance
7 departmental projects, where the bonds are designated
8 to be reimbursed from the special land and development
9 fund;

10 (10) For the protection, planning, management, and
11 regulation of water resources under chapter 174C; and

12 (11) For other purposes of this chapter."

13 PART VIII

14 SECTION 11. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2020-2021 to be
17 deposited into the travelers screening special fund established
18 pursuant to section 325-G, Hawaii Revised Statutes.

19 SECTION 12. There is appropriated out of the travelers
20 screening special fund the sum of \$ or so much thereof



1 as may be necessary for fiscal year 2020-2021 to carry out the
2 purposes of this Act.

3 The sum appropriated shall be expended by the department of
4 health for the purposes of this Act.

5 SECTION 13. In codifying the new sections added by
6 sections 2 and 3 of this Act, the revisor of statutes shall
7 substitute appropriate section numbers for the letters used in
8 designating the new sections in this Act.

9 SECTION 14. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 15. This Act shall take effect upon its approval.



Report Title:

DOH; Communicable or Dangerous Diseases; Screening; Monitoring; Penalties; Quarantine; Isolation; Appropriation

Description:

Authorizes the Department of Health to screen, test, and monitor travelers. Provides for penalties for noncompliance. Amends and adds definitions and procedural and administrative provisions in chapter 325, Hawaii Revised Statutes. Establishes a travelers screening special fund. Allocates funds from transient accommodations tax revenues. Provides an appropriation. (Proposed SD1)

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

