

Honolulu, Hawaii

JUL 02 2020

RE: H.B. No. 2502
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 2502, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to ensure the State is able to respond to outbreaks of communicable or dangerous diseases.

Specifically, this measure:

- (1) Authorizes the Director of Health, upon consultation with and authorization from the Governor, to declare a public health emergency and require the screening, testing, and monitoring of travelers entering the State;
- (2) Provides penalties for noncompliance;
- (3) Amends and adds definitions and procedural and administrative provisions to chapter 325, Hawaii Revised Statutes;
- (4) Establishes a travelers screening special fund and appropriates funds into and out of that special fund; and



- (5) Repeals statutory prohibitions on the use of telephone services as part of telehealth coverage.

Your Committee received written comments in support of this measure from the Department of Health, Hawaii Primary Care Association, and five individuals.

Your Committee received written comments in opposition to this measure from a Kauai County Council member; Conscious Riddims Records; Spectra Analytical Laboratory; Hawaii Association of Health Plans; Hawaiian Sustainability Foundation; Hawaii for Informed Consent; Hardknocks, Inc.; Sacred Healing Arts, LLC; National Coalition for a Civil Right to Counsel; Activities and Attractions Association of Hawaii; Berean Beacon; For Our Rights; Austin Watersports, LLC; Hawaii Autism Foundation; Lei Papahi; Soul Surfing Maui, LLC; wesource.us; ALOHA Kauai Yoga and Peace Festival; Aloha Aina Adaptogenics; Soul Surfer and Company, LLC; Hawaii Cannabis Care; True Pilates Maui; Native Hawaiian Gathering Rights Association; Kingdom Convoy; Seeds of Truth; Lifetime Family Wellness Centers; Sprouts Therapy; and numerous individuals.

Your Committee received written comments on this measure from the Department of Human Services, Department of the Attorney General, Insurance Division of the Department of Commerce and Consumer Affairs, The Queen's Health Systems, Tax Foundation of Hawaii, Hawaii Medical Service Association, Grassroot Institute of Hawaii, and one individual.

Your Committee finds that the State's experience with the coronavirus disease 2019, or COVID-19, pandemic demonstrates the need for preparation, flexibility, and quick action in the face of ongoing or new risks presented by outbreaks of communicable or dangerous diseases in the State or in other parts of the world. Your Committee further finds that a screening process for incoming travelers is a key component in the containment or mitigation of the spread of disease.

Your Committee has amended this measure by:

- (1) Deleting the requirement that the Department of Health establish interim rules pursuant to chapter 91;



- (2) Requiring the Department of Health to consult with or receive authorization or approval from the Governor before taking certain actions under chapter 325, Hawaii Revised Statutes;
- (3) Requiring that a judicial hearing take place within seven calendar days, rather than ten days, of the date a request is filed with a court;
- (4) Clarifying that the judicial decisions pursuant to chapter 325, Hawaii Revised Statutes, with respect to whether an individual should be quarantined shall be based on clear and convincing evidence; provided that, in hearings to contest the individual's treatment or the terms and conditions of the quarantine or isolation, judicial decisions shall be based on a preponderance of the evidence;
- (5) Adding the term "health care provider" to the list of definitions in a new section of chapter 325, Hawaii Revised Statutes;
- (6) Deleting provisions that would repeal the statutory prohibitions on the use of telephone services as part of telehealth coverage;
- (7) Allocating \$5,200,000 of funds allocated to the State by the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, to be used for purposes of health assurance for the period from July 1, 2020, to December 28, 2020;
- (8) Allocating \$18,000,000 of revenues collected by the transient accommodations tax pursuant to chapter 237D, Hawaii Revised Statutes, to the travelers screening special fund, and appropriating the same amount out of the travelers screening special fund to be used for purposes of health assurance for the period from January 1, 2021, to June 30, 2021;
- (9) Allocating \$5,000,000 of funds allocated to the State by the Coronavirus Aid, Relief, and Economic Security Act,

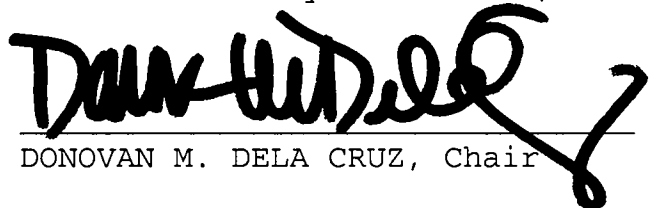


Public Law 116-136, to be used to provide grants for qualifying hotels to provide COVID-19 testing for employees;

- (10) Adding a savings clause;
- (11) Changing the sunset provisions by:
 - (A) Changing the sunset date from June 30, 2025, to June 30, 2022;
 - (B) Clarifying that the repeal provisions shall apply only to section 325-J, Hawaii Revised Statutes, and the amendments made to section 325-8(e) to (n), Hawaii Revised Statutes, instead of parts III and IV of the measure; and
 - (C) Providing that upon repeal, section 325-8(e) to (n) shall be reenacted in the form in which it read on the day prior to the effective date of this measure;
- (12) Changing the effective date to July 1, 2020; and
- (13) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2502, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2502, H.D. 1, S.D. 2.

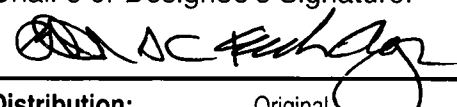
Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2502, HD1, SD1	CPH, WAM	7/2/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
HARIMOTO, Breene				
INOUE, Lorraine R.	X			
KAHELE, Kaiali'i			X	
KANUHA, Dru Mamo		X		
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil		X		
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.	X			
FEVELLA, Kurt		X		
TOTAL	8	3	1	
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes