



GOV. MSG. NO. 1437

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 12, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 12, 2022, the following bill was signed into law:

HB1787 HD2 SD2 CD1

RELATING TO PERSONS WITH DISABILITIES.
ACT 308

Sincerely,

A handwritten signature in black ink, reading "David Y. Ige".

DAVID Y. IGE
Governor, State of Hawai'i

ORIGINAL

Approved by the Governor
on JUL 12 2022

ACT 308

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

H.B. NO. 1787
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO PERSONS WITH DISABILITIES.

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

1 SECTION 1. Chapter 78, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:
4 "\$78- Employment first; persons with disabilities. (a)
5 Employment first shall be a policy of the State and the
6 counties. Employment services are the first choice of services
7 that are offered for persons with disabilities receiving
8 assistance from publicly funded systems. State and county
9 agencies shall ensure that employment first is effectively
10 implemented in hiring practices and all programs and services
11 administered or funded by the State and counties, including
12 programs and services that help persons with disabilities obtain
13 employment. All state and county agencies shall coordinate
14 efforts and collaborate to ensure that programs, policies,
15 procedures, and funding support competitive employment in an
16 integrated setting for persons with disabilities. All state and



1 county agencies, when feasible, may share data and information
2 to track progress toward full implementation of this section.

3 (b) Nothing in this section shall be construed to require
4 any employer to give preference to hiring a person with a
5 disability.

6 (c) Nothing in this section shall be construed as
7 eliminating any other appropriate supported employment service.

8 (d) As used in this section:

9 "Competitive employment" means work in the competitive
10 labor market that is performed on a full-time or part-time basis
11 in an integrated setting, and for which a person with a
12 disability is compensated at or above the minimum wage, but not
13 less than the customary wage and level of benefits paid by the
14 employer for the same or similar work performed by a person
15 without a disability.

16 "Employment first" means the competitive employment and
17 full inclusion of persons with a disability in an integrated
18 setting as a first and preferred option for employment services.

19 "Integrated setting" means an employment setting in which
20 persons with disabilities interact with persons without
21 disabilities, other than persons without disabilities who are



1 providing services to those persons with disabilities, to the
2 same extent that persons without disabilities interact with
3 other persons in comparable positions.

4 "Person with a disability" means a person who has a
5 physical or mental impairment that substantially limits one or
6 more major life activities."

7 SECTION 2. Section 346D-4, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§346D-4 Provision of services.** (a) Services that
10 maximize the individual's independence shall be provided in the
11 individual's home, the home of a responsible relative or other
12 adult, or a residential alternative setting.

13 (b) The program shall provide the services in the most
14 economic manner feasible [~~which~~] that is compatible with
15 preserving quality of care through:

16 (1) Informal care providers, such as family members,
17 friends, or neighbors who regularly provide specific
18 services without remuneration and not as a part of any
19 organized volunteer activity;



- 1 (2) Individual providers hired and directed by the waiver
- 2 program individual to provide specific approved
- 3 services;
- 4 (3) Contracts with agency providers, such as home care
- 5 agencies and public or private health and social
- 6 service organizations;
- 7 (4) Contracts with individual providers, such as
- 8 counselors, nurses, therapists, and residential
- 9 alternative program operators who provide services for
- 10 the waiver program; and
- 11 (5) Program personnel, such as social workers and nurses
- 12 who are hired by the waiver program to provide
- 13 specific services.
- 14 (c) The department of human services shall:
- 15 (1) Practice employment first principles, as described in
- 16 section 78- , with respect to waiver program
- 17 personnel; and
- 18 (2) Ensure that contracted agency providers that provide
- 19 services for the waiver program follow employment
- 20 first principles, as described in section 78- ."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2022;
7 provided that section 2 shall take effect on June 30, 2023.

APPROVED this 12th day of July , 2022



GOVERNOR OF THE STATE OF HAWAII



HB No. 1787, HD 2, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives

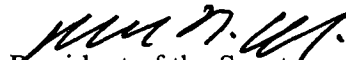



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.


President of the Senate


Clerk of the Senate