



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 240, RELATING TO MASK AND QUARANTINE VIOLATIONS.

BEFORE THE:

SENATE COMMITTEE ON HEALTH

DATE: Monday, February 8, 2021 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lance Goto,
Deputy Attorney General, at 586-1160)

Chair Keohokalole and Members of the Committee:

The Department of the Attorney General (Department) opposes this bill.

The purpose of this bill is to mandate certain penalties for two specific violations of a governor's proclamation related to a COVID-19 emergency, as follows:

- (1) Limit the punishment for a first-time violation of a governor's face covering order to a fine not to exceed \$500; and
- (2) Limit the punishment for a first-time violation of a governor's self-quarantine order for out-of-state travelers entering the state to a fine not to exceed \$500, except for:
 - (a) Violators who post photos, videos, or other media depicting their violation on social media, internet platforms, or otherwise publicize their violation; and
 - (b) Violators who have symptoms of COVID-19 or have a positive test result for COVID-19.

The Department's main concern is that this bill would establish penalties for offenses that are not legislated, but established by executive order in emergencies and are subject to change from proclamation order to proclamation order, depending on the circumstances. It is difficult to establish penalties for offenses that are not established by statute, and whose elements may change over time. Under the authority of chapter 127A, Hawaii Revised Statutes (HRS), the governor and county mayors are authorized to establish misdemeanor offenses during an emergency in response to different situations that may arise during the emergency. Chapter 127A, HRS, provides them

with the flexibility and discretion to respond quickly and appropriately under emergency situations.

Sections 2 and 3 of the bill, on page 2, line 10 through page 3, line 15, provide:

Section 2. A first-time violation of a governor's proclamation related to the COVID-19 emergency, requiring all persons in the State to wear a face covering over their nose and mouth when in public, notwithstanding Section 127A-29, Hawaii Revised Statutes, shall be limited to a fine of not more than \$500; provided that a second violation shall be a misdemeanor as provided in section 127A-29, Hawaii Revised Statutes.

Section 3. A first-time violation of a governor's proclamation related to the COVID-19 emergency, requiring all persons entering the State to self-quarantine for an established period of days, notwithstanding Section 127A-29, Hawaii Revised Statutes, shall be limited to a fine of not more than \$500; provided that:

- (1) Section 127A-29, Hawaii Revised Statutes, shall apply to violators who post photos, videos, or other media depicting their violation of the governor's proclamation on social media, internet platforms, or otherwise publicize their violation;
- (2) Section 127A-29, Hawaii Revised Statutes, shall apply to violators of a governor's proclamation related to the COVID-19 emergency, who have symptoms of COVID-19 or have a positive test result for COVID-19; and
- (3) A second violation of this section of a governor's proclamation as described in paragraphs (1) or (2) shall be a misdemeanor as provided in section 127A-29, Hawaii Revised Statutes.

Both sections give general descriptions of the offenses meant to be affected. And those descriptions may be difficult to apply to the different proclamation orders. While section 2 addresses an emergency rule that requires all persons to wear masks in public, a proclamation may not require all persons to do so, and may have exceptions for certain persons or situations. It may also not require mask wearing in all public situations. While section 3 addresses an emergency rule that requires all persons entering the State to self-quarantine, a proclamation may not require all persons to self-quarantine, but may create exceptions or special conditions for travelers to avoid quarantine. It may be difficult to apply the sentencing provisions in this bill to actual emergency rules.

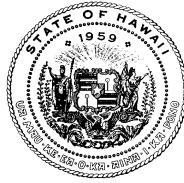
The first two misdemeanor exceptions to the \$500 fine provision in section 3 of the bill at page 3, lines 3 through 11, could create problems of proof for prosecutors. For subsection (1), prosecutors would have to lay the foundation for and introduce evidence of the depictions of the quarantine violations on social media, and prove that they were actually posted by the defendants themselves. For subsection (2), they would have to prove that the defendants exhibited symptoms of COVID-19 at the time of the violations, or prove positive test results, for tests that may have been taken out-of-state.

It should be noted that these lesser penalty provisions do not apply to emergency orders issued by county mayors under chapter 127A, HRS, possibly resulting in inconsistent penalties between out-of-state travelers and inter-island travelers..

Sections 2 and 3 of this bill may need to be revised to more accurately reflect the intent to downgrade the first offenses to violations, rather than full misdemeanor offenses, such that sentencing for the violations would be limited to fines and no terms of imprisonment. As currently written, the sections read, "A first-time violation . . . shall be limited to a fine"

Finally, as written, sections 2 and 3 of the bill do not establish laws that will be codified in the HRS. They do not provide for the amendment or addition of any sections into the HRS. And they do not appear to be temporary provisions. If these amendments are intended to be permanent law regarding mask and quarantine violations, the amendments should be made directly to chapter 127A, HRS, to avoid any confusion as to the intended effect of this bill and to facilitate finding and keeping track of the latest penalties.

The Department is concerned that the bill may further complicate the enforcement of the current COVID-19 pandemic face-covering mandate and self-quarantine requirement for out-of-state travelers. For the above reasons, the Department respectfully requests that the Committee hold this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of S.B. 240
RELATING TO MASK AND QUARANTINE VIOLATIONS**

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: 2/8/2021

Room Number: VIA VIDEO CONFERENCE

1 **Department Testimony:** The Department of Health supports the intent of SB240 that sets limits
2 to the fines for violations of a governor's emergency proclamations requiring wearing cloth face
3 coverings and requiring persons traveling from out of state to quarantine.

4 DOH defers to the Department of the Attorney General on matters of enforcement and provides
5 subject matter expertise on the efficacy of face coverings.

6 There is evidence that consistent use of cloth face coverings reduces the risk of transmission of
7 COVID-19. (*The following examples are taken directly from the CDC page: Scientific Brief:
8 Community Use of Cloth Masks to Control the Spread of SARS-CoV-2¹*)

- 9 • An investigation of a high-exposure event, in which 2 symptomatically ill hair stylists
10 interacted for an average of 15 minutes with each of 139 clients during an 8-day
11 period, found that none of the 67 clients who subsequently consented to an interview
12 and testing developed infection. The stylists and all clients universally wore masks in
13 the salon as required by local ordinance and company policy at the time.²

¹ Scientific Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2:
<https://www.cdc.gov/coronavirus/2019-ncov/more/masking-science-sars-cov2.html>

² Hendrix MJ, Walde C, Findley K, Trotman R. Absence of Apparent Transmission of SARS-CoV-2 from Two Stylists After Exposure at a Hair Salon with a Universal Face Covering Policy – Springfield, Missouri, May 2020. MMWR Morb Mortal Wkly Rep. 2020;69(28):930-932.10.15585/mmwr.mm6928e2.
<https://www.ncbi.nlm.nih.gov/pubmed/32673300>

- 1 • In a study of 124 Beijing households with > 1 laboratory-confirmed case of SARS-
2 CoV-2 infection, mask use by the index patient and family contacts before the index
3 patient developed symptoms reduced secondary transmission within the households
4 by 79%.³
- 5 • Investigations involving infected passengers aboard flights longer than 10 hours
6 strongly suggest that masking prevented in-flight transmissions, as demonstrated by
7 the absence of infection developing in other passengers and crew in the 14 days
8 following exposure.^{4,5}

9 Additionally, implementation of mask-wearing mandates has been temporally associated with
10 reduced incidence of new COVID-19 infections in some jurisdictions.¹

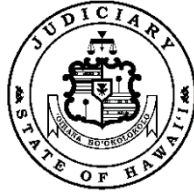
11 Clarification of the penalty for violators of the Governor's emergency proclamation masking
12 requirement will aid in enforcement of the mandate and hence is anticipated to reduce disease
13 transmission in Hawaii.

14 Thank you for the opportunity to testify on this measure

³ Wang Y, Tian H, Zhang L, et al. Reduction of secondary transmission of SARS-CoV-2 in households by face mask use, disinfection and social distancing: a cohort study in Beijing, China. *BMJ Glob Health*. 2020;5(5).10.1136/bmjgh-2020-002794. <https://www.ncbi.nlm.nih.gov/pubmed/32467353>

⁴ Schwartz KL, Murti M, Finkelstein M, et al. Lack of COVID-19 transmission on an international flight. *Cmaj*. 2020;192(15):E410.10.1503/cmaj.75015. <https://www.ncbi.nlm.nih.gov/pubmed/32392504>

⁵ Freedman DO, Wilder-Smith A. In-flight Transmission of SARS-CoV-2: a review of the attack rates and available data on the efficacy of face masks. *J Travel Med*. 2020.10.1093/jtm/taaa178. <https://www.ncbi.nlm.nih.gov/pubmed/32975554>



The Judiciary, State of Hawai'i

Testimony to the Thirty-First State Legislature, 2021 Regular Session

Senate Committee on Health
Senator Jarrett Keohokalole, Chair
Senator Rosalyn H. Baker, Vice Chair

February 8, 2021, 1:00 p.m.
State Capitol, Via Videoconference

WRITTEN TESTIMONY ONLY

By:

Mark M. Santoki
Acting Deputy Chief Court Administrator
First Circuit

Bill No. and Title: Senate Bill No. 240, Relating to Mask and Quarantine Violations.

Purpose: Limits first offense violations of a governor's emergency proclamation requiring wearing cloth face coverings to a fine of not more than \$500. Limits first offense violations of a governor's emergency proclamation requiring persons traveling from out of state to quarantine to a fine of not more than \$500, except for those violators who post media of themselves violating the governor's order on social media or who travel to the State with symptoms or a positive test result for COVID-19.

Judiciary's Position:

The Judiciary takes NO POSITION on this measure providing the following comments.

The proposed bill indicates that a first offense violation of the governor's emergency proclamation requiring wearing cloth face coverings or a first offense of the governor's emergency proclamation requiring persons traveling from out of state to quarantine would result in a \$500 fine. If the intention is for the fine to be criminal then the Judiciary would suggest language that clearly establishes that a person not complying with this mandate would be subject to a violation as defined by Hawaii Revised Statute § 701-107(5). A violation is a criminal

Testimony on Senate Bill No. 240, Relating to Mask And Quarantine Violations
Senate Committee on Health
Monday, February 8, 2021
Page 2

offense in which the penalty would result in only a fine and does not create a criminal record. A violation is processed by the courts as other criminal penalties and requires the defendant to appear in court.

If however, the proposed bill intends to create a non-criminal infraction similar to a traffic infraction, the Judiciary would suggest SB 540, proposed SD 1 or SB 1119 as those measures include the framework needed by the courts to create a new case type and properly adjudicate these infractions. If such a framework is created, persons cited for not wearing a face covering or violating quarantine could pay their fines online without appearing in court.

The Judiciary anticipates that creating this new case type in the Judiciary Information Management System (JIMS) will require an appropriation of \$40,000 for the development, testing and software changes needed. The Judiciary would also respectfully request an amendment to HRS § 607-4 to add an administrative fee of \$20 to be assessed by the court for administrative costs associated with processing emergency period infractions with one half of the assessment to be directed to the judiciary computer system special fund, consistent with the fees for processing traffic citations under HRS § 607-4.

Thank you for the opportunity to testify on this measure.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Health**

February 8, 2021

S.B. No. 240: RELATING TO MASK AND QUARANTINE VIOLATIONS.

Chair Keohokalole, Vice Chair Baker, and Members of the Committee:

The Office of the Public Defender supports the intent of S.B. No. 240 and offers comments.

There were over 60,000 emergency order violations issued last year on the island of Oahu, each one punishable as a misdemeanor. While not all of those were issued for mask violations, this has proven to be a heavy burden for both the Office of the Public Defender and the court system at large. While reducing the penalty to a criminal violation will reduce the burden on our office, it will do little to reduce the volume of defendants at District Court because a criminal violation still requires a court appearance. Furthermore, requiring that the penalty for a second violation be increased to a misdemeanor offense does not make sense given the demographics of those receiving the bulk of these citations – namely, houseless individuals.

Some individuals have received over 20 emergency order citations, sometimes receiving up to 9 citations in the same day. According to court records, these individuals also received citations for other crimes of houselessness during this time period (i.e., Unpermitted Sidewalk Structures, Park Closure Violations, etc.). Prosecuting subsequent violations as misdemeanors will have a disproportionate impact on houseless individuals who already lack adequate access to masks, hygienic facilities, and shelter.

Judicial efficiency would be better served by creating a *civil infraction*, similar to jaywalking or a parking/traffic violation. Rather than setting mandatory court hearings for these citations, the onus would be on the individual to request a hearing if they wanted to challenge a citation. The majority of the civil infraction citations will be unchallenged; the cited individuals will simply pay the amount of the fine written on the citation either by mail, in person, by phone, or online. And for those who disregard the citations, their unpaid citations will be turned into default

judgments rather than bench warrants. This would also reduce law enforcement resources spent on tracking down individuals with a bench warrant for failing to wear a mask properly. The financial hit caused by subsequent citations would be a sufficient deterrent for most individuals.

Mahalo and thank you for the opportunity to comment on this measure.



For Our Rights a non-profit organization

P.O. Box 1633
Kapa'a, Hi. 96746
levana@forourrights.org

February 5, 2021

TESTIMONY ON SENATE BILL 240: A BILL RELATING TO MASK AND QUARANTINE VIOLATIONS

PRESENTATION TO THE SENATE COMMITTEE ON HEALTH and SENATE
COMMITTEE ON JUDICIARY

STRONGLY OPPOSED

BY LEVANA LOMMA, CEO OF FOR OUR RIGHTS INC. February 5, 2021

Senate Bill 240 must not be passed due to its unconstitutional nature. As it stands, any section within the current Hawai'i Statutes pertaining to emergency management must not allow for unilateral, unbound authority for governments to impose quarantine restrictions upon healthy individuals. This is blatantly unlawful and must be addressed. Hawai'i Revised Statutes Chapter 325 Section 8 has already clearly established a procedure for the handling of quarantine of

individuals found to be carrying a communicable disease, which involves that person being afforded their right to due process and also involves a process which *proves* said person is in fact ill. Under the pretense of an emergency all rights to due process concerning quarantine have been thrown to the wind through the suspension of this law and now perfectly healthy people are being treated as criminals and forced into house arrest with no right to contest.

We have already witnessed an ongoing violation to the provision within our emergency statute which declares a 60 day limitation on the governor's emergency powers. (HRS 127A-14(d)) For as long as this provision continues to be misinterpreted, ongoing violations to the rights of the people can be maintained indefinitely under the color of law. Until the critical flaws within the emergency statute are addressed we risk compounding the problem by adding additional legislation which erodes civil liberties.

Senate Bill 240 must not be passed until these very important issues concerning HRS 127A are addressed as there are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an "emergency" is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.

To add injury to insult, this bill also acts to violate the people's rights to free speech, by imposing a greater penalty for those who attempt to publicize their violation on social media or by other means. This bill is a subversive attempt to mandate favored speech through coercive threats and may as well have been derived directly from the Communist Manifesto.

I am urging you, on behalf of our organization and the thousands of supporters who are desperately grappling with the deconstruction of freedom in America, to kill this bill and protect the fundamental rights of your constituents.

Sincerely,

A handwritten signature in black ink, appearing to read 'L Lomma', with a stylized flourish at the end.

Levana Lomma

Chief Executive Officer

State of Hawaii House of Representatives
SB 240 RELATING TO MASK AND QUARANTINE VIOLATIONS
TESTIMONY IN OPPOSITION

TESTIFIER: Craig Dansie
DATE: February 6, 2021

Good afternoon,

My name is Craig Dansie and I am a man currently domiciled in Hawaii in the County of Honolulu My address is 150 Hamakua Drive #304, Kailua, HI. After reading SB 240 and current testimony, I am writing my testimony in **STRONG OPPOSITION** of SB 240 related to mask and quarantine violations.

I OPPOSE SB 240 because the whole narrative surrounding this alleged pandemic last year has been a hoax.

The statistics are in! Have you looked up the death rate in America from all causes for 2019 and 2020?

<https://www.macrotrends.net/countries/USA/united-states/death-rate>

They are about the same at 8 deaths per 1000 people. Don't you think if there was a real pandemic, the death rate in 2020 should have been much higher than in 2019?

How many people do you know personally that have died of covid?

How many people do you know that have lost their jobs or businesses due to the use of "emergency" powers?

A cloth face mask cannot protect you from covid-19. Mask manufacturers even put this disclaimer on the box.

The use of a mask can reduce the users oxygen intake and lead to other health problems. People should have the right to decide for themselves if they want to use a medical device. Otherwise, the forced use of a medical device over a contrived pandemic would amount to medical tyranny.

Senate Bill 240 must not be passed due to its unconstitutional nature. As it stands, any section within the current Hawai`i Statutes pertaining to emergency management must not allow for unilateral, unbound authority for governments to impose quarantine restrictions upon healthy individuals. This is blatantly

unlawful and must be addressed. Hawai'i Revised Statutes Chapter 325 Section 8 has already clearly established a procedure for the handling of quarantine of individuals found to be carrying a communicable disease, which involves that person being afforded their right to due process and also involves a process which *proves* said person is in fact ill. Under the pretense of an emergency all rights to due process concerning quarantine have been thrown to the wind through the suspension of this law and now perfectly healthy people are being treated as criminals and forced into house arrest with no right to contest.

We have already witnessed an ongoing violation to the provision within our emergency statute which declares a 60 day limitation on the governor's emergency powers. (HRS 127A-14(d)) For as long as this provision continues to be misinterpreted, ongoing violations to the rights of the people can be maintained indefinitely under the color of law. Until the critical flaws within the emergency statute are addressed we risk compounding the problem by adding additional legislation which erodes civil liberties.

Senate Bill 240 must not be passed until these very important issues concerning HRS 127A are addressed as there are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an "emergency" is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.

To add injury to insult, this bill also acts to violate the people's rights to free speech, by imposing a greater penalty for those who attempt to publicize their violation on social media or by other means. This bill is a subversive attempt to mandate favored speech through coercive threats and may as well have been derived directly from the Communist Manifesto.

I am urging you, on behalf of our organization and the thousands of supporters who are desperately grappling with the deconstruction of freedom in America, to kill this bill and protect the fundamental rights of your constituents.

Please vote NO on SB 240.

SB-240

Submitted on: 2/5/2021 3:38:56 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Yulia Muzychenko | Individual | Oppose | No |

Comments:

There is no scientific evidence that masks protect people from COVID 19. In fact, on the boxes of single use masks and on every package of cloth masks there is disclaimer that the masks do not protect from COVID 19. In addition, in most cases masks themselves can lead to respiratory bacterial diseases since person is inhaling his or her own CO2 which is unhealthy for prolonged periods of time. Fining people for choosing to breath fresh air instead of CO2 is unconstitutional and against human rights. Often, people who have exemptions are still fined. This bill will make it harder especially on people with exemption, for they will be mistreated and fined unlawfully. That had happened a lot last year when people would get citation left and right with and without cause. The fines were already abused last year. Bill SB 240 will only create more mess and frustration among Hawaiian residents and tourists. Stop overreaching your power!

SB-240

Submitted on: 2/5/2021 11:51:02 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Duane Sosa | Individual | Oppose | No |

Comments:

Aloha,

I stand firmly opposed to SB 240. Or any other current and future "Requirements of Facemasks" public mandates and legislation. Masks are totally unnecessary given the FACT that this "COVID-19 Virus" has a 99.97% survivability rate. I urge the Government of the State of Hawaii to stop all this propaganda and fear porn that the State is pushing upon the people of Hawaii.

Mahalo

SB-240

Submitted on: 2/6/2021 4:20:08 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Michelle Kerr | Individual | Oppose | No |

Comments:

Please quit trying to micromanage every aspect of our lives -especially with the emergency proclamations. We're already under enough stress and to now want to impose fines, it's too much.

Leave us alone! Many of us have lost jobs and are struggling because of the emergency proclamation. Please don't add to our stress. We know you're searching high and low for ways to curb our freedoms and generate some badly needed cash at the same time, but please just stop. We have this thing called the Bill of Rights and we used to be a free people. It's slipping, don't add to it please.

SB-240

Submitted on: 2/6/2021 4:25:34 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kyle Kaiser | Individual | Oppose | No |

Comments:

I strongly oppose the implementation of SB 240 because it's a waste of money and Human Resources and will be nearly impossible to enforce! Have we learned anything from the failed prohibition law? That criminalizing a humans natural inclination to breathe in oxygen while there's no chance of infecting anyone around them is senseless and completely unnecessary! Instead of keeping people safe you will create resentment with your police state, further kill tourism, and allow much more serious matters and crime to occur while cops are distracted arbitrarily giving people excessive fines for wanting to breathe freely.

It didn't work the first time! Despite having the covid task force, the number of cases did not go down. This only led to a police audit and clogged up court system.

Excessive laws lead to excessive force. This bill will open the gate for more police brutality on folks that are opposed to such a ridiculous law including folks of a lower socioeconomic standing and this bill will further oppressive homeless and people of color.

please stop with these oppressive good for nothing laws that lead to nothing but police brutality, corruption, and arbitrary unfair targeting of poor people.

SB-240

Submitted on: 2/6/2021 9:07:49 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Alice Abellanida | Individual | Oppose | No |

Comments:

I strongly oppose this bill. It is an egregious violation of our Constitutional rights.

Please do not go forward with this draconian legislation.

Alice Abellanida

SB-240

Submitted on: 2/6/2021 10:40:47 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Amber Tranetzki | Individual | Oppose | No |

Comments:

I oppose this bill. It is a continued infringement on our rights to post on our social media platforms. Posting does not solidify a time stamp either so someone could post something they filmed days ago. And to obtain time stamps would be a breach of data. It also creates disunity in the community furthermore. We already have a lack of trust in our leadership and this creates further division. You spent tax payer dollars on the covid tattle hotline. Where is the money going to come from to pay for this new added extra unlawful surveillance? We're already in debt. Why are we continuing to focus on minut issues that cause more division within the community you've sworn to serve and protect?

Oppose oppose oppose!

SB-240

Submitted on: 2/7/2021 11:46:44 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Claire L Ortega | Individual | Oppose | No |

Comments:

Senate Bill 240 must not be passed due to its unconstitutional nature. As it stands, any section within the current Hawai`i Statutes pertaining to emergency management must not allow for unilateral, unbound authority for governments to impose quarantine restrictions upon healthy individuals. This is blatantly unlawful and must be addressed.

We have already witnessed an ongoing violation to the provision within our emergency statute which declares a 60 day limitation on the governor's emergency powers. (HRS 127A-14(d)) For as long as this provision continues to be misinterpreted, ongoing violations to the rights of the people can be maintained indefinitely under the color of law. Until the critical flaws within the emergency statute are addressed we risk compounding the problem by adding additional legislation which erodes civil liberties.

Senate Bill 240 must not be passed until these very important issues concerning HRS 127A are addressed as there are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an "emergency" is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.

SB-240

Submitted on: 2/7/2021 7:37:11 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Adam Lipka | Individual | Oppose | No |

Comments:

The government is not responsible for an individuals choices related to their own health. I'm all for encouraging people to participate in good health practices but criminalizing that choice is unacceptable. This legislation offers no exemption for those with medical conditions that make regular wearing of face masks either in appropriate or otherwise a health risk.

SB-240

Submitted on: 2/7/2021 8:23:23 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Stephanie Austin | Individual | Support | No |

Comments:

Please support this important bill! The island of Maui has disproportionately high Covid-19 number of infections, and number of visitors, compared to Oahu. We need massive, effective enforcement of mask regulations, with immediate, enforceable consequences!

(Particularly - though not entirely - in visitor areas)

Thank you from Maui resident, kupuna, who has not yet received her first dose of vaccine!

SB-240

Submitted on: 2/7/2021 8:33:05 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Rasa Fournier | Individual | Oppose | No |

Comments:

Senate Bill 240 must not be passed until very important issues are addressed. There are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an “emergency” is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.

To add injury to insult, this bill also acts to violate the people’s rights to free speech, by imposing a greater penalty for those who attempt to publicize their violation on social media or by other means. This bill is a subversive attempt to mandate favored speech through coercive threats and may as well have been derived directly from the Communist Manifesto.

I am urging you, as someone desperately grappling with the deconstruction of freedom in America, to kill this bill and protect the fundamental rights of your constituents.

February 7, 2021

TESTIMONY ON SENATE BILL 240: A BILL RELATING TO MASK AND QUARANTINE VIOLATIONS

PRESENTATION TO THE SENATE COMMITTEE ON HEALTH and SENATE COMMITTEE ON JUDICIARY

STRONGLY OPPOSED

BY Cameron Hewines

Senate Bill 240 must NOT be passed due to its unconstitutional nature. As it stands, any section within the current Hawai'i Statutes pertaining to emergency management must not allow for unilateral, unbound authority for governments to impose quarantine restrictions upon healthy individuals. This is blatantly unlawful and must be addressed. Hawai'i Revised Statutes Chapter 325 Section 8 has already clearly established a procedure for the handling of quarantine of individuals found to be carrying a communicable disease, which involves that person being afforded their right to due process and also involves a process which *proves* said person is in fact ill. Under the pretense of an emergency all rights to due process concerning quarantine have been thrown to the wind through the suspension of this law and now perfectly healthy people are being treated like criminals and forced into house arrest with no right to contest.

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Senate Bill 240 must not be passed until these very important issues concerning HRS 127A are addressed as there are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an "emergency" is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.

To add injury to insult, this bill also acts to violate the people's rights to free speech, by imposing a greater penalty for those who attempt to publicize their violation on social media or by other means. This bill is a subversive attempt to mandate favored speech through coercive threats and may as well have been derived directly from the Communist Manifesto.

I am urging you, on behalf of myself, a twenty-eight-year resident of Waikoloa, Hawaii and the thousands of Big Island supporters who are desperately grappling with the deconstruction of freedom in America, to kill this bill and protect the fundamental rights of your constituents.

Sincerely,

Cameron Hewines

68-3560 W. Makuahine St., Waikoloa, HI 96738 email: cameron56@gmail.com

SB-240

Submitted on: 2/7/2021 11:49:17 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Kevin R Ortega | Individual | Oppose | No |

Comments:

Senate Bill 240 must not be passed due to its unconstitutional nature. As it stands, any section within the current Hawai`i Statutes pertaining to emergency management must not allow for unilateral, unbound authority for governments to impose quarantine restrictions upon healthy individuals. This is blatantly unlawful and must be addressed. Hawai`i Revised Statutes Chapter 325 Section 8 has already clearly established a procedure for the handling of quarantine of individuals found to be carrying a communicable disease, which involves that person being afforded their right to due process and also involves a process which *proves* said person is in fact ill. Under the pretense of an emergency all rights to due process concerning quarantine have been thrown to the wind through the suspension of this law and now perfectly healthy people are being treated as criminals and forced into house arrest with no right to contest.

We have already witnessed an ongoing violation to the provision within our emergency statute which declares a 60 day limitation on the governor's emergency powers. (HRS 127A-14(d)) For as long as this provision continues to be misinterpreted, ongoing violations to the rights of the people can be maintained indefinitely under the color of law. Until the critical flaws within the emergency statute are addressed we risk compounding the problem by adding additional legislation which erodes civil liberties.

Senate Bill 240 must not be passed until these very important issues concerning HRS 127A are addressed as there are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an "emergency" is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.



LATE

Testimony of
Mufi Hannemann
President & CEO
Hawai'i Lodging & Tourism Association

Committee on Health
Senate Bill 240: Relating to Mask and Quarantine Violations

Chair Keohokalole and members of the Committee, mahalo for the opportunity to submit testimony on behalf of the Hawai'i Lodging & Tourism Association, the state's largest private sector visitor industry organization.

The Hawai'i Lodging & Tourism Association—nearly 700 members strong, representing more than 50,000 hotel rooms and nearly 40,000 lodging workers—has long pushed for a measure that would fine individuals who flout public health mandates meant to slow the spread of COVID-19. In the earliest days of the pandemic, thousands of citations were handed out to those observed without a proper face covering in public spaces. Unfortunately, these were classified as misdemeanors and required a court appearance. This ultimately resulted in countless cases being dismissed for a variety of reasons, rendering mask mandates all but unenforceable.

HLTA has gone on the record multiple times to advocate for the adoption of a measure similar to HB726 which would impose a fine upon those that are skirting regulations that require a mask. This bill would not only make public health policies enforceable, but also serve as a deterrent for those individuals who would otherwise put the health and safety of their neighbors at risk. **For these reasons, HLTA strongly supports Senate Bill 240.**

Mahalo for the opportunity to provide this testimony.

LATE

SB-240

Submitted on: 2/7/2021 6:47:04 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|--|---------------------------|---------------------------|
| Julia M. Yano | Testifying for Aloha Freedom Coalition | Oppose | No |

Comments:

Honorable Senate Committee Chair,

SB240 - Related to Mask and Quarantine Violators - Hearing on Feb 8th-1pm

I am testifying in opposition to SB240.

Under current U.S. Supreme Court law, in order to mandate any medical intervention, including mandatory mask wearing and quarantines, there must be an epidemic that imperils the entire population. For people under 70, the survival rate after Covid infection ranges from 99.5 percent to 99.9 percent. Furthermore, numerous studies have shown masks to be ineffective to prevent the spread of COVID19.

Additionally, violations against social media posting is against the fundamental First Amendment right to freedom of speech.

If these measures are not challenged with scientific data, common sense and logic, medical tyranny is inevitable.

I ask you to listen to our voices, the people entrusted into your care and protection.

Oppose this Bill, for the sake of us all.

With Sincerity and Respect,

Julia Yano, Aloha Freedom Coalition

339C Kawainui St, Kailua, HI-808.386.2100



TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
February 8, 2021

Re: SB 240 Relating to Mask & Quarantine Violations

Good afternoon Chair Keohokalole and members of the Senate Committee on Health. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

While we understand the intent of SB 240 Relating to Mask & Quarantine Violations, we want to offer some comments. This measure limits first offense violations of a governor's emergency proclamation requiring wearing cloth face coverings to a fine of not more than \$500; and limits first offense violations of a governor's emergency proclamation requiring persons traveling from out of state to quarantine to a fine of not more than \$500, except for those violators who post media of themselves violating the governor's order on social media or who travel to the State with symptoms or a positive test result for COVID-19.

Retailers early on has recognized the importance of wearing a mask and almost since the onset of this pandemic has made mandatory mask wearing policies for both the customers and the employees to adhere to. What we have found is that many customers who enter our store are wearing their masks. However, after entering and a few steps into the store, some customers have been known to pull their masks down to expose their nose or under their chin, unhook the mask from one ear and allow the mask to dangle from the other ear to name a few. While retail employees and our concerned customers have been trying to remind customers about proper mask wearing – the violators have fought back becoming verbally and sometimes physically abusive to the staff and other customers.

It is hard to “police” all our customers who come into the store if they are wearing their mask correctly the entire time they shop in the store. We are unable to assign a store employee to each customer entering the store. This is not an option as stores would not be able to afford this type of monitoring.

We would like to see language in the measure that holds ONLY the person who refuses to or incorrectly wears a mask be responsible for their actions and be fined. The retailers and other businesses should NOT be held liable for customers actions and should not receive a fine.

Mahalo again for this opportunity to testify.

LATE

February 8, 2021

Aloha Honorable chair Senator Keohokalole, Vice Chair Senator Baker and members of the Senate Committee on Health,

I am testifying in support of Senate Bill 240 Relating to Mask and Quarantine Violations on behalf of the Hawai'i Quarantine Kapu Breakers. My name is Angela Keen, I'm a resident of Mo'ili'ili for 27 years. I am the owner, co-founder and administrator for the group. We have 6,700 members across the state with lead teams in each county. We even have members on Lana'i and Moloka'i.

As you know, my community action group spent the past 10 months in the Covid-19 violation trenches as unpaid volunteers. I am also a survivor of Coronavirus. I was hit with it the first week of March 2020. It lasted for 8 weeks. Covid took my breath, it took my job and it almost took my life.

My group works with assisting authorities in tracking quarantine breakers. This resulted in more than 75 arrests across the state, 53 of them were arrested on O'ahu with the help of the Attorney General's special investigators.

As we approached the pre-testing phase of the reopen, we realized one of the biggest issues for those who were not tested and would sneak out of quarantine was the risk of passing the virus on to others. We all know that according to science — masks work.

You probably saw my statements of concern in the many news stories that I've spoken in over the past few months. The enforcement of the mask mandate has been and still is non-existent. While we've worked closely and effortlessly with the Attorney Generals Office, I'm sorry to say the assistance with the county police departments has been dismal. There needs to be a separate Covid Enforcement team of some sort, responsible for following through with reports of violations.

We started doing weekend surveillance of mask wearing across the state a few months ago. Our members found and continue to find that while local rate of mask compliance is about 80 to 95 percent, once you venture into tourist areas, you'll find 50-percent to 60-percent mask compliance. Take a walk in Waikiki, Ko 'Olina or Lahaina or Kona town and you'll see visitor after visitor with no mask. The misdemeanor makes it almost impossible for officers to ticket them.

My members often hand out masks and kindly remind visitors to mask up. They have been spat on, yelled at and told where to go and how to get there. SB240 gives us hope, the modifications to the mask mandate will save lives. I commend you for taking action so quickly. As you know the UK variant is here, it's easier to catch and who knows what the future holds for Hawai'i and this virus. If this bill passes, it has the potential to keep our numbers low, help keep the no maskers compliant and it will save lives.

In addition to a Covid enforcement team, I would like to ask that you also consider removing the 6 foot rule for masks. Every person who is asked to mask up complains that they can just keep their distance and not wear a mask. That's not realistic, especially for our workers in the

hospitality and tourism industry. It leaves too much wiggle room. We ask that people put on their mask any time they leave their home except for traversing to the beach and in the ocean or pool. This makes it more enforceable with no wiggle room or excuses with the distance.

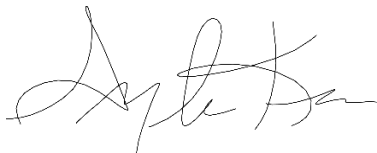
Every day — every single day — I receive reports from our members many of whom — work in the hospitality and tourism industry — they share with me that locals will gladly comply and apologize for forgetting their mask. However, time after time — it is the tourists who refuse to wear their mask. They tell us they don't have to wear a mask because they tested negative. Or, they say they can stand 6 feet away. This leaves too much wiggle room. We can be the state that serves as an example of how to do things right. We are the most isolated land mass with the most precious people places and things that are found nowhere else.

I also commend you for adding the clause that allows for larger fines for those who use social media while violating the order or those who test positive for Covid-19. We've witnessed social media influencers make thousands of dollars off of their posts, from the trampoline at Haiku Stairs to the rogue frat boys who shot feral chickens with a spear gun — all of them earned thousands of dollars off of their viral quarantine breaking videos.

We would like to see a coordinated effort with the tourism industry and the state using Cares Act Funds to help pay for mask mandate educational campaigns, with videos, handouts and hang tags from the airline booking to flights and the hotels. There is no reason for otherwise healthy people to not wear a mask while outside of their room.

Honorable chair and vice chair, senators Moriwaki, San Buenaventura, Fevella and those who signed on to this bill — I want to personally thank you for your time and effort in making changes to the mask mandate and quarantine. It shows that you care about our neighbors, our kupuna and community. With an enforceable mask mandate in place, it's our hope that Hawai'i can get back to work and back to business.

Mahalo Palena 'Ole,

A handwritten signature in black ink, appearing to read 'Angela Keen', written in a cursive style.

Angela Keen
Owner, Co-founder and Administrator
Hawai'i Quarantine Kapu Breakers

HQKB is a 100% volunteer community action group keeping Hawai'i Nei safe from COVID-19.

TESTIMONY to Senate Committee on Health

Monday, February 8, 2021

1 PM -- State Conference Room via Zoom

Submitted in **OPPOSITION** by: Mary Smart, Mililani, HI 96789

I most strongly oppose SB 240.

The Governor's over-reach needs to be terminated, not institutionalized by this legislative action. COVID – 19 is not sufficiently deadly to be classified as a “pandemic” since there is a 99% recovery rate in most age groups. The initial high death rate was caused by mistakes made when the disease was not fully understood such as sending COVID patients to nursing homes and putting people on ventilators when it wasn’t truly warranted. A high percentage of Covid deaths have been in nursing homes. We are experiencing more deaths from cancer, heart attacks, and [suicide](#) because of the draconian measures that have been implemented in our state and the imposed difficulty in obtaining routine medical services. Many of the Covid deaths were attributed to people who were suffering from other life-threatening diseases and had a weakened immune system. CDC director Robert Redfield stated: “We’re seeing, sadly, far greater suicides now than we are deaths from Covid. We’re seeing far greater deaths from drug overdose, that are above excess, than we had as background, than we are seeing deaths from Covid.” This statement is evidence that government mandates are harming the population more than the Covid disease.

Only in a totalitarian state could something so contrary to constitutional rights be considered. The discriminatory nature of the shut-down of people’s businesses must end. It is no more dangerous to shop at a “mom and pop” store than Walmart. People should be allowed to open their shops and customers should be allowed to use their services – with or without masks as the owners’ specify. Travelers within the state definitely shouldn’t be quarantined, but neither should people who travel out of state. We have serious crimes that need police attention. The legislature should work to make its resident’s quality of life better, not impose a police state. Contact tracers are an invasion of our privacy and a complete waste of taxpayer funds. The police should not be mandated to enforce mask or quarantine mandates. Residents should not be penalized for exercising their Constitutional rights and taking measures they deem most beneficial to their own health.

The CDC only recently acknowledged what has been known for months, their testing has produced too many false positives either because of [faulty test-kits](#) or [too high a cycle](#) requirement. That can explain the high number of “cases”. CDC and the American Medical Association now admit after months of denial that some therapeutics have been successful in curing the disease and they are readily available, with minor side effects at

low cost. The mask and quarantine mandates are unnecessary and a violation of our Constitutionally protected freedoms.

It has been very revealing to watch politicians around the country demand that citizens wear masks and stay locked down while those same politicians travel to Hawaii for a “conference” (Californians), vacation in a foreign resort for a wedding or vacation, getting their hair done, or dining in a crowded expensive restaurant without a mask. The hypocrisy has been loud and clear. Masks and lock-downs are imposed on us little people (and exorbitant fines and threats of imprisonment) but our “rulers” can hob-knob around the globe at will without masks.

This bill continues the criminalization of healthy people who only want to breathe freely and avoid the respiratory harm caused by wearing a mask that has been documented in many reports including one [here](#).

Do not pass SB 240 and immediately take action to terminate the Governor’s emergency order. The emergency is over – and truly never existed.

SB-240

Submitted on: 2/7/2021 3:25:44 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Sandra C. Castell | Individual | Support | No |

Comments:

I strongly support S.B. 240 to change the penalty for not wearing a mask from a misdemeanor to a penalty not to exceed \$500, with the exceptions as written in the Bill as (2) (A) and (B). Further, I support all other provisions in Section (1) through (5).

Sandra Castell, 'Ewa Beach

LATE

SB-240

Submitted on: 2/7/2021 1:13:48 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Hiinae Tajon | Individual | Oppose | No |

Comments:

This bill is wholly unconstitutional and is an egregious violation of a person's right to privacy and free speech both in their personal and social media life. Wearing a mask is for the purposes of an emergency. To write this into law normalizes an order that is only in effect for a time of emergency. It also polices the personal lives of the citizens which is an infringement on our right to free speech.

I strongly oppose this bill. An emergency order should NOT be made into a law.

Thank you,

Hi'inae Tajon

LATE

SB-240

Submitted on: 2/7/2021 1:44:17 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Robert Abell | Individual | Oppose | No |

Comments:

P.O. Box 1168

Kilauea, Hawaii 96754

drrobertabell@hushmail.com

February 5 , 2021

TESTIMONY ON SENATE BILL 240: A BILL RELATING TO MASK AND QUARANTINE VIOLATIONS

PRESENTATION TO THE SENATE COMMITTEE ON HEALTH and SENATE COMMITTEE ON JUDICIARY

February 7, 2021

Senate Bill 240 is unconstitutional. As it stands, any section within the current Hawai`i Statutes pertaining to emergency management must not allow for unilateral, unbound authority for governments to impose quarantine restrictions upon healthy individuals. This is blatantly unlawful and must be addressed. Hawai`i Revised Statutes Chapter 325 Section 8 has already clearly established a procedure for the handling of quarantine of individuals found to be carrying a communicable disease, which involves that person being afforded their right to due process and also involves a process which proves said person is in fact ill. Under the pretense of an emergency all rights to due process concerning quarantine have been thrown to the wind through the suspension of this law and now perfectly healthy people are being treated as criminals and forced into house arrest with no right to contest.

We have already witnessed an ongoing violation to the provision within our emergency statute which declares a 60 day limitation on the governor's emergency powers. (HRS 127A-14(d)) For as long as this provision continues to be misinterpreted, ongoing violations to the rights of the people can be maintained indefinitely under the color of law. Until the critical flaws within the emergency statute are addressed we risk compounding the problem by adding additional legislation which erodes civil liberties.

Senate Bill 240 must not be passed due to important issues concerning HRS 127A which must be addressed as there are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an "emergency" is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.

To add injury to insult, this bill also acts to violate the people's rights to free speech, by imposing a greater penalty for those who attempt to publicize their violation on social media or by other means.

I am urging you to kill this bill and protect the fundamental rights of your constituents.

Sincerely,

Dr. Robert Abell

LATE

SB-240

Submitted on: 2/7/2021 1:47:15 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------|--------------|--------------------|--------------------|
| Cheryl Nakamura | Individual | Support | No |

Comments:

On November 21st, 2020 at 20:00, 5 days before Thanksgiving, my Mom, Nora Nakamura passed away at Adventist Health Castle from COVID-19. My Mom suffered the vile effects of this unrelenting virus for more than a month. She laid in isolation, alone in the hospital for all of this time, none of which our family was allowed to visit her, because Oahu was in the midst of a spike in COVID cases. Imagine, your 71-year-old parent, without the capability to have their loved ones to be there to comfort, to give company and to reassure that he/she would be okay. Imagine being a 39-year-old child, of such parent, unable to accept the fact that you will not see another day with your parent; knowing that you were shorted so many more years; knowing that you are responsible for every decision of care for your parent, whether it being palliative care or continuing life extending care, which may bring more pain for your parent. Imagine being a grandchild, not having the capability to say good-bye to a person that was supported you through 17 years of your life and was supposed to watch you graduate 6 months later--celebrating one of the most important milestones. Now imagine being a physician, working for the same hospital that your mother-in-law lay in, knowing that mortality is right around the corner, but you avoid expressing the ill-fated reality that you have to explain to their loved one's children, spouse and siblings. Imagine being the spouse of such loved one, being married for 46 years, and being housed in a hotel, because you had contact with your loved one right before they tested positive for COVID-19, unable to leave or find away to bring comfort to your child who is having panic attacks. Finally, imagine having to fight anti-science, non-believers that the virus is able to take the life of your loved one; having your loved one's death minimalized (even by a virologist that works for the State of Hawaii Department of Health), having your loved one being statistic to add to the total of victims in Hawaii, in the US, in the world.

My Mom and my family did not need walk this ill-fated path. We believed science, we believed the reality of the virus both risk and mortality, we believed that more needed to be done then and more needs to be done now. Please pass this law, protect our kupuna, our children, and all in between from having to be put into the same isolation that my family and I have dealt with. Please place importance on humanity, on doing what is right to protect everyone young and old, so that no one else has to bury their loved one. Let grandchildren have their grandparents, their parents and siblings see them mark all of their milestones. Let them live to give their long-awaited "honis", and

able to celebrate all the milestones that they didn't celebrate to keep their loved ones safe.

My family may have lost the matriarch, but I don't want her death to be in vain. I want it to be remembered, not forgotten. Our stories of loss need to be told, because we don't want someone else to feel this frustrating, lonely and aggravating pain that sometime succumbs my father, my sister, my brother, my children, my aunties, my uncles, and me. Please pass this mask mandate, it would mean a lot to all of us who lost our loved ones. Thank you.

LATE

SB-240

Submitted on: 2/7/2021 2:16:18 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| jessica dias | Individual | Oppose | No |

Comments:

I completely OPPOSE this bill. There should not be enforcement nor fines for an indefinite emergency proclamation that is not codified law. Also, Citizens of the United States have a first amendment right to free speech, which this bill violates. Finally, it is NOT a crime to be sick.

OPPOSE OPPOSE OPPOSE. Thank you.

SB-240

Submitted on: 2/7/2021 2:42:56 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Maata Tukuafu | Individual | Oppose | No |

Comments:

My name is Ma'ata Tukuafu and I strongly oppose this bill. It acts to violate the people's rights to free speech, by imposing a greater penalty for those who attempt to publicize their violation on social media or by other means. This bill is a subversive attempt to mandate favored speech through coercive threats. Senate Bill 240 must not be passed due to its unconstitutional nature.

Mahalo.

LATE

SB-240

Submitted on: 2/7/2021 3:00:18 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| Brandon Wiygul | Individual | Oppose | No |

Comments:

My name is Brandon Wiygul and I am a resident of Honolulu, Oahu writing in objection to SB240.

This bill directly violates Constitutional Freedomes.

Senate Bill 240 must not be passed due to its unconstitutional nature. As it stands, any section within the current Hawai`i Statutes pertaining to emergency management must not allow for unilateral, unbound authority for governments to impose quarantine restrictions upon healthy individuals. This is blatantly unlawful and must be addressed. Hawai`i Revised Statutes Chapter 325 Section 8 has already clearly established a procedure for the handling of quarantine of individuals found to be carrying a communicable disease, which involves that person being afforded their right to due process and also involves a process which proves said person is in fact ill. Under the pretense of an emergency all rights to due process concerning quarantine have been thrown to the wind through the suspension of this law and now perfectly healthy people are being treated as criminals and forced into house arrest with no right to contest.

We have already witnessed an ongoing violation to the provision within our emergency statute which declares a 60 day limitation on the governor's emergency powers. (HRS 127A-14(d)) For as long as this provision continues to be misinterpreted, ongoing violations to the rights of the people can be maintained indefinitely under the color of law. Until the critical flaws within the emergency statute are addressed we risk compounding the problem by adding additional legislation which erodes civil liberties.

Senate Bill 240 must not be passed until these very important issues concerning HRS 127A are addressed as there are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an "emergency" is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.

To add injury to insult, this bill also acts to violate the people's rights to free speech, by imposing a greater penalty for those who attempt to publicize their violation on social media or by other means. This bill is a subversive attempt to

mandate favored speech through coercive threats and may as well have been derived directly from the Communist Manifesto.

I am urging you, on behalf of our organization and the thousands of supporters who are desperately grappling with the deconstruction of freedom in America, to kill this bill and protect the fundamental rights of your constituents.

Sincerely,

Brandon M Wiygul

LATE

SB-240

Submitted on: 2/7/2021 3:00:56 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| Lauren Wiygul | Individual | Oppose | No |

Comments:

My name is Lauren Wiygul and I am a resident of Oahu writing to **strongly oppose** SB 240.

Senate Bill 240 must not be passed due to its unconstitutional nature. As it stands, any section within the current Hawai`i Statutes pertaining to emergency management must not allow for unilateral, unbound authority for governments to impose quarantine restrictions upon healthy individuals. This is blatantly unlawful and must be addressed. Hawai`i Revised Statutes Chapter 325 Section 8 has already clearly established a procedure for the handling of quarantine of individuals found to be carrying a communicable disease, which involves that person being afforded their right to due process and also involves a process which proves said person is in fact ill. Under the pretense of an emergency all rights to due process concerning quarantine have been thrown to the wind through the suspension of this law and now perfectly healthy people are being treated as criminals and forced into house arrest with no right to contest.

We have already witnessed an ongoing violation to the provision within our emergency statute which declares a 60 day limitation on the governor’s emergency powers. (HRS 127A-14(d)) For as long as this provision continues to be misinterpreted, ongoing violations to the rights of the people can be maintained indefinitely under the color of law. Until the critical flaws within the emergency statute are addressed we risk compounding the problem by adding additional legislation which erodes civil liberties.

Senate Bill 240 must not be passed until these very important issues concerning HRS 127A are addressed as there are grave concerns by voters that future deprivation of rights and false imprisonment will become a regular exploit for as long as an “emergency” is perceived. Being that there are no criteria which must be met in order for the governor to declare an emergency, this carte blanche power is incredibly disturbing.

To add injury to insult, this bill also acts to violate the people’s rights to free speech, by imposing a greater penalty for those who attempt to publicize their violation on social media or by other means. This bill is a subversive attempt to mandate favored speech through coercive threats and may as well have been derived directly from the Communist Manifesto.

I am urging you, on behalf of our organization and the thousands of supporters who are desperately grappling with the deconstruction of freedom in America, to kill this bill and protect the fundamental rights of your constituents.

Sincerely,

Lauren Wiygul

LATE

February 7, 2021

Senate Committee on Health
Senate Committee on Judiciary

Testimony on Senate Bill 240

Position: **Strongly Opposed**

Dear Senators,

I strongly oppose Senate Bill 240 for a few reasons:

1. This bill ignores the fact that the continuous implementation of HRS 127A-14(d) in response to Covid-19 has been in violation of the 60 day limitation on the governor's emergency powers. The misinterpretation of this provision continues to undermine the balance in our government system and overrides the established legislative process at the cost of civil liberties, making this bill unconstitutional.
2. There continues to be no conclusive studies that prove the wearing of masks to be 100% effective in preventing the spread of Covid-19. The mask mandate downplays the negative effect that masks have on individuals with respiratory illnesses and removes individual responsibility from citizens to make their own educated health decisions.
3. This bill not only violates individual liberties on health decisions, it also dangerously violates the individual right of the freedom of speech by regulating personal expressions on internet platforms. Legislating coercive threats to demand favored speech is a tactic only used in communist countries.

This bill threatens to be far more dangerous to the freedoms of your constituents than to aid in the protection of a virus. I urge you to do your duty and kill Senate Bill 240.

Respectfully,
Anuhea Maeda
P.O. Box 4821
Hilo, HI 96720

LATE

SB-240

Submitted on: 2/7/2021 3:47:43 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Aimee Yoshioka | Individual | Oppose | No |

Comments:

I oppose this Mask mandate As it goes against everything that I believe. I don't believe there should be people getting fined for not wearing mask in public. It clearly should be an individual choice as there's no proven scientific reason that wearing a mask prevents the spread of Covid or any other virus.

LATE

SB-240

Submitted on: 2/7/2021 3:54:38 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jonathan Yoshioka | Individual | Oppose | No |

Comments:

I believe this bill is unconstitutional and there is no evidence to back up it's claim!! I feel the leaders are taking advantage of the people and that this mask mandate should be thrown out.

SB-240

Submitted on: 2/7/2021 5:04:13 PM

Testimony for HTH on 2/8/2021 1:00:00 PM



| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| Sai Sooriyakumar | Individual | Oppose | No |

Comments:

I oppose this bill. Mayor Caldwell and Governor Ige have had clear emergency orders since the beginning of this pandemic. Wear a mask when you are indoors or outdoors and are not able to social distance. I am disappointed with the continued emphasis on “enforcement” rather than “education”. The science is clear that wearing a mask is not a substitute for social distancing. Also wearing a mask while running, walking, or exerting physical exercise is not recommended. Wearing a mask improperly, touching mask without washing hands, re-using mask etc. all lead to an increased risk of catching or spreading covid-19. We seem to only focus on wearing a mask. Our cases and covid deaths in the State have not dropped since we mandated masks in our state. What effect mask wearing has on the continued spread of covid 19 us also hotly debated by many “experts.” Mandating mask wearing in all public spaces indoors and outdoors is not going to stop the spread of covid-19. It may well lead to an increase in transmission and increase in improper mask use, rendering the mask useless. People that are exercising or gathering outdoors and are not wearing masks because they are able to keep 6ft distance may also face undue scrutiny.

I also oppose using social media to “convict” people of “publicizing” their violations. It would be difficult to prove the intent of the person “posting/publicizing their mask violation”. An example would be a person who is 6ft away from others outdoors or indoors taking a self photo mask less but then putting the mask back on. People have the right to freely express themselves. Assuming all people posting media without a mask are “publicizing” their intent to violate orders is foolish and will lead to more confusion and another “enforcement” issue that will end up costing tax payers in the end. Our law enforcement is already strained and does not need more people policing to distract them from catching real criminals and focusing on preventing real crime.

In my opinion some questions that need to be answered or clarified if this bill continues are:

What difference is this law going to make?

Who or how would this enforce this?

Who or how would these postings be monitored?

How would HPD enforce these rules fairly?

Would people be able to contest these fines in court?

What are “public places” that masks would be mandatory?

Would this apply to outdoors if social distancing is possible?

What happens when we are no longer deemed in a state of emergency?

Mahalo!

LATE

SB-240

Submitted on: 2/7/2021 5:26:11 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Tara Aumau | Individual | Oppose | No |

Comments:

I oppose this bill due to the constitutional rights of the people that are continuously being violated. We are not in a pandemic and we have unalienable rights given to us from GOD. We have a right to choose and act as we see fit as long as it does not violate laws. This "mandate" through this "emergency" is unconstitutional. No governor or mayor can make a law. Please think of the citizens and especially our children. These masks do more harm than good. Thank you and God bless.

LATE

SB-240

Submitted on: 2/7/2021 5:38:22 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Elizabeth Diamond | Individual | Oppose | No |

Comments:

Dear Legislators,

I and my family and friends STRONGLY OPPOSE SB 240. Please, hear your constituents and vote against it. We will repeat Germany 1935 if bills of this nature shredding our constitutional rights are passed. Why would we want to limit personal responsibility, personal expressions, opinions, healthy exchange of ideas/ dialogue that often brings light to solutions, if we are to remain free People in a free nation? It may sound like a good idea to penalize outliers (even if no specific scientific study has been done on the efficacy of masks that we religiously wore in our state for months and data facts show that mortality rate for 2020 remained consistent with previous years) but this bill opens the door to persecution elsewhere.

Please, consider Patrick Henry words: Give me liberty or give me death. It is so important for gov to serve the We the People to retain pursuit of happiness and all that our Constitution graciously warrants making us the most free and desirable to be nation in the world.

Mahalo!

"Give me liberty, or give

LATE

SB-240

Submitted on: 2/7/2021 5:45:42 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Theresa Sharman | Individual | Oppose | No |

Comments:

As a Hawaii resident and patriot, I strongly oppose SB240.

LATE

SB-240

Submitted on: 2/7/2021 5:54:11 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| jennifer noel | Individual | Oppose | No |

Comments:

I am totally opposed to SB240 because it is a violation of our medical freedom, to have the government make it mandtory to wear a mask, as well as a violation of our First Amendment. The state can not provide any studies that prove that masks work but there are many, many studies that say masks not only do not work but they can actually cause more health issues. Since when is our government suppose to act like our medical doctors and dictate to Americans what they have to wear on their face and what they get to inject into our bodies. Americans can take care of their own health. Six hundred "covid deaths" is hardly a pandemic and when you have therapeutics, which the government has tried to withhold from the public, there is no need for all of these draconian measures. The bill does not just mandate wearing masks but if you post on social media an opposing narrative to the government's then you can be arrested for a misdemeanor. Where are we? In Communist China? Government officials forget that they work for the people and are not to be dictators but since March 2020 our freedom has been quickly taken from the American people and this needs to stop. We The People are no longer asleep and we are watching what our legislature is doing. Remember your oath to protect the consitution and to protect the people of Hawaii. This bill fails to do either. Do the right thing and vote NO!

LATE

SB-240

Submitted on: 2/7/2021 7:06:37 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Karlán Osorio | Individual | Oppose | No |

Comments:

I am opposed to this bill. This is a violation of our constitutional rights and there is NO evidence that masking up will protect anyone from the virus. It should be our CHOICE whether we want to mask up or not. By taking this choice away from us, you are no better than a communist country. If vaccines are so effective then what is the purpose of even mandating masks?
in addition, this bill reaches too far by tracking people's actions online and silencing FREEDOM OF SPEECH.

LATE

SB-240

Submitted on: 2/7/2021 7:08:37 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Suzan Danforth | Individual | Oppose | No |

Comments:

Senators,

You have no right to legislate people's faces. Or penalize what they say in their private lives or on social media. That is not what would be an extreme overreach by government and an affront to the Constitution of the United States and the Constitution of the State of Hawaii to which you swore an oath.

LATE

SB-240

Submitted on: 2/7/2021 7:47:00 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| gary cordery | Individual | Oppose | No |

Comments:

I strongly oppose this bill, it is a Trojan horse, the lowering of rediculas fines somehow seems

more resealable, but they are outrageous standing alone. The core of this bill, establishing laws to

control free speech via any platform is a direct assault on the constitutional right of free speech.

That this is even be considered is another effort to take away the liberties of the citizens of the United States.

LATE

SB-240

Submitted on: 2/7/2021 8:14:22 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------|--------------|--------------------|--------------------|
| Alana Sooriyakumar | Individual | Oppose | No |

Comments:

Aloha,

I strongly oppose this bill. This bill states “The legislature finds that the lack of uniform messaging regarding mask-wearing during the coronavirus disease 2019 (COVID-19) pandemic has led to wide spread confusion as to what constitutes a violation of the governor's emergency order...”; however, this bill does nothing to clarify what is or isn't a violation. The only thing it does is establish the Governor's emergency order into a codified law with a reduced fine. To use the reasoning that this is required because of confusion among the public demonstrates an attitude toward the public as naïve children rather than competent citizens with agency. The public should not be punished for government mismanagement (in this case, the mismanaged the messaging).

Furthermore, I disagree with the messaging being a problem. Mayor Caldwell and Governor Ige have had clear emergency orders since the beginning of this pandemic: wear a mask when you are indoors or if outdoors and are not able to social distance. I am disappointed with the continued emphasis on “enforcement” rather than “education.” The science is clear that wearing a mask is not a substitute for social distancing. Also wearing a mask while running, walking, or exerting physical exercise is not recommended. Wearing a mask improperly, touching your mask without washing hands, re-using mask etc. all lead to an increased risk of catching or spreading Covid-19. We seem to only focus on wearing a mask. Our cases and Covid deaths in the State have not dropped since we mandated masks in our state. The effect mask wearing has on the continued spread of Covid-19 is also hotly debated by many “experts.” Mandating mask wearing in all public spaces indoors and outdoors is not going to stop the spread of Covid-19. It may well lead to an increase in transmission due to improper mask use, rendering the mask useless. People that are exercising or gathering outdoors and are not wearing masks because they are able to keep 6ft distance may also face undue scrutiny.

I also oppose using social media to “convict” people of “publicizing” their violations. It would be difficult to prove the intent of the person “posting/publicizing their mask violation.” An example would be a person who is 6ft away from others outdoors or indoors taking a self-photo mask less but then putting the mask back on. People have the right to freely express themselves. Assuming all people posting media without a mask are “publicizing” their intent to violate orders is foolish and will lead to more

confusion and another “enforcement” issue that will end up costing tax payers in the end. Our law enforcement is already strained and does not need more people policing to distract them from catching real criminals and focusing on preventing real crime.

In addition, some questions that need to be answered or clarified if this bill continues are:

What difference is this law going to make?

Who or how would this be enforced?

Who or how would these postings be monitored?

How would HPD enforce these rules fairly?

Would people be able to contest these fines in court?

What are “public places” that masks would be mandatory?

Would this apply to outdoors if social distancing is possible?

When does this end? The series of Covid related measures being introduced this session will not eliminate Covid-19...so what is the real goal of these legislations and what doors are we opening for setting up the furtherance of a police state here in Hawaii?

The initial call from government officials was to implement a temporary emergency order in an effort to slow the spread so that our hospitals don't get overwhelmed, this was an understandable motive. However, somewhere along the way the message changed to stop the spread, which is not a reality, nor is it the government's responsibility. Our hospitals are not close to being overrun, we are not in an emergency state, there is treatment available, and now we have the vaccine. By all intents, the virus is and will continue to decline. We shouldn't be using our time and money in writing and hearing legislature to codify the emergency proclamations into law as well as the time and money that will be needed for the additional manpower to enforce said law. I strongly oppose this bill.

Mahalo for your time and consideration in reading this.

Alana

LATE

SB-240

Submitted on: 2/7/2021 8:20:11 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelsey | Individual | Oppose | No |

Comments:

I strongly oppose SB 240 on the grounds that it violates our freedom. We the people have the right to decline wearing a mask that the "science" keeps changing about. Please vote NO on SB 240.

LATE

SB-240

Submitted on: 2/7/2021 8:33:43 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Gabriel Osorio | Individual | Oppose | No |

Comments:

This proposed mandating of masks is a violation of the Constitution of the United States of America. There is no evidence that wearing a mask significantly reduces the risk of getting said virus. Furthermore, this bill is an abuse of our freedom of speech and first amendment rights. This is 1893 all over again, not just for Hawaiians but for everyone, foreigners included

LATE

SB-240

Submitted on: 2/7/2021 8:41:03 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Aaron Yount | Individual | Oppose | No |

Comments:

Since when was it ever a crime to be sick.

This bill violates our constitutional rights. Privacy, bodily autonomy and free speech.

I strongly oppose this bill.

LATE

SB-240

Submitted on: 2/7/2021 8:56:53 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lois J Young | Individual | Oppose | No |

Comments:

Dear Chairman and Committee Members,

I STRONGLY OPPOSE this draconian bill whose intent is to control the population over a "pandemic" that has a 99.9% recovery rate. Masks should not be mandated nor fines implemented. Kill this bill!

Thank you,
Lois

LATE

SB-240

Submitted on: 2/7/2021 9:06:37 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| BERNARD MENDONCA | Individual | Oppose | No |

Comments:

I This bill Violates my constitutional rights

No fines should be administered in any way shape or form

No Mask should should be mandatory. It does not stop

this Virus. All of you need to wake Up !

LATE

SB-240

Submitted on: 2/7/2021 9:21:00 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Marichris Diga-Lazo | Individual | Oppose | No |

Comments:

I OPPOSE this bill. What happened to free speech? You can't tell us what we can say on our social media; that's not what your job role is. This is too much government overreach. You all act like Gods. What happened to the constitution you're supposed to uphold for the people you work for? I pray you actually listen to the cries of your people instead of the money you all get bribed with.

LATE

SB-240

Submitted on: 2/7/2021 9:35:00 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Keke Manera | Individual | Support | No |

Comments:

I fully support this bill and thank everyone who is keeping Hawaii safe and a BIG MAHALO TO ANGELA KEEN 🙌❤️🙌

LATE

SB-240

Submitted on: 2/7/2021 9:38:03 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Tihane Lopez | Individual | Oppose | No |

Comments:

Aloha,

I am writing in regards to SB240. I strongly oppose this bill as it is written for the infringement on our country's first amendment. The language used in this bill suggests that the state can monitor what citizens post online regarding covid-19 and should the state find that a citizen is violating the governor's orders, citizens can be punished for a social media post. We must protect each individual's right to free speech, to ask questions and to express their concerns. These are basic principles our country was founded on. It's been a trying year for everyone and I see that the people of Hawaii are truly doing their best. We must not punish people for navigating this in their own way and expressing their views online -- which is protecting by our United States Constitution. I strongly oppose this bill.

Thank you

Tihane Lopez

LATE

SB-240

Submitted on: 2/7/2021 10:05:36 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Julie King | Individual | Oppose | No |

Comments:

I am writing to oppose this bill, SB 240. I agree that the penalty of violating the governor's mask order has congested the courts, and the fee is too high, but do not agree with the proposed lower fee of \$500. I do not believe there should even be a mask order at this time. Enough time has passed and much research has been done about COVID-19 and believe we should have autonomy over choosing to wear a mask or not. My body, my choice.

I am a recovering quadriplegic; I walk with a walker or use a wheelchair for long distances, so breathing is highly important for me to function. Sometimes I need to use my mouth to hold items, so wearing a mask does not allow me to use my mouth as an extension of my body. I will wear a mask over my mouth to comply to get into stores, and I realize this is an improper way to wear it, but I take that chance so I can complete my tasks.

I humbly ask for your consideration to oppose this bill.

LATE

SB-240

Submitted on: 2/7/2021 10:06:37 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Isabel Espiritu | Individual | Oppose | No |

Comments:

I do not support this bill

LATE

SB-240

Submitted on: 2/7/2021 10:14:08 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|------------------|--------------|--------------------|--------------------|
| Kaimanu Takayama | Individual | Oppose | No |

Comments:

I am wholly opposed to any continuing mask mandates for the following reasons:

- 1) There is no peer reviewed study that proves the most common masks worn by most provide any protection against viral transmission for either the wearer or people nearby. Viruses are so miniscule that only a mask rated N-95 or higher offers any effective barrier against pathogens. Masks worn by the majority of people are just cloth and wearing multiple layers does not improve impermeability.
- 2) There is a mountain of evidence demonstrating that wearing of masks on a continual basis has severe long-term physical and mental health effects, especially in children.
- 3) We were told we would only need to wear the masks and undergo social distancing until a vaccine was made available. Well, you have your vaccine so stop trying to control people.
- 4) Case counts and deaths continue to plummet, especially with the World Health Organization admitting that the primary Covid-19 test, the PCR, was being cycled too many times, resulting in a high rate of false positives. So the "case counts" used to justify the draconian and tyrannical imposition of unnecessary restrictions and lockdown are bogus and not a trustworthy measure of rate of infection NOR actual viral load.
- 5) Prior to the availability of a vaccine, we were told by the media and politicians that there were no other safe and reliable alternatives. That has now been proven a lie as Hydroxychloriquine (HCQ) has been proven both domestically and internationally at being extremely effective in curing AND preventing reinfection of Covid-19 (as well as the regular flu and other illnesses).

I have voluntarily complied with requirements to wear a mask within a place of business in order to avoid conflict with people who believe the lies being told to them and fall victim to the fearmongering. I social distance from people so they will feel safer and not view me as a threat and NOT because I believe that I will "catch" something from them or that me standing 6 feet away from them in a line provides any protection. I will NOT however comply with requirements to wear a mask anytime I am out in public and you have no legal or Constitutional standing to require me to acquiesce.

LATE

SB-240

Submitted on: 2/7/2021 10:16:10 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Leilani Diga | Individual | Oppose | No |

Comments:

THIS BILL IS AN OUTRAGE.

MASKS DON'T WORK. I DENY THE RIGHT OF THE GOVERNMENT TO LOCK DOWN HEALTHY PEOPLE. I DENY TRAVEL BANS AND BUSINESS CLOSURES. I DENY SHUTTERED CHURCHES. I DENY DYING ALONE. I DENY CRUELTY TO CHILDREN. I DENY FORCED FAMILY SEPARATION.

LATE

SB-240

Submitted on: 2/7/2021 10:25:39 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Maly Gella | Individual | Oppose | No |

Comments:

As a Registered Nurse Strongly Oppose this bill. This bill gives No exceptions for 6 foot distancing, it just states while in public! People need fresh air! I don't know how that is not basic common sense anymore! If we are out running, riding a bike, playing in the park, walking our dog, or at the beach we need to be free to breath! Our homeless population, suicide rates, domestic abuse, thefts, amongst so many other things need the attention of our Police Officers and Not this type of petty, tyrannical government overreach. Everywhere you go in large crowds people are wearing mask. We do Not Need a Bill to codify this.

LATE

SB-240

Submitted on: 2/7/2021 10:31:24 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Darrell Gella | Individual | Oppose | No |

Comments:

I strongly oppose any mask mandate.

LATE

SB-240

Submitted on: 2/7/2021 10:51:11 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Teresa Ocampo | Individual | Comments | No |

Comments:

This bill demonstrates how the Governor's emergency proclamation relating to fines and masks are so excessive, even the legislature believes the Governor is wrong. This is such a sad thing to see how both the legislature and the governor seem to be at odds. Perhaps the legislature should consider reviewing HRS 127 and 128 and amending the Governor's unilateral authority to control everything in the state under the guise of an "emergency" that seems to have no end date?

After all, the non action of the legislature in all of 2020 was because it passed HRS 127/128 giving the governor sole authority to make all decisions for the state.

LATE

SB-240

Submitted on: 2/7/2021 10:53:00 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------|--------------|--------------------|--------------------|
| Renee Dieperink | Individual | Oppose | No |

Comments:

I STRONGLY OPPOSE SB240!!!!

Problems:

1) People should be allowed to BREATHE in fresh air when walking outside and at least 6 feet away from others. I can't see myself going on my daily run with a mask on while there's nobody in sight. This is just ridiculous.

2) There is NO METRIC that describes when we can all go without masks again.

3) This bill REMOVES FREE SPEECH which is a constitutional right! I may not like what some people say, but I will defend the right for them to say it.

4) HEALTHY PEOPLE DON'T SPREAD ILLNESS

• Leung, Nancy., et al. (2020) "Respiratory virus shedding in exhaled breath and efficacy of face masks." Nature Medicine 26, 676-680. <https://www.nature.com/articles/s41591-020-0843-2> § "

...Among the samples collected without a face mask, we found that the majority of

participants with influenza virus and coronavirus infection did not shed detectable virus in

respiratory droplets or aerosols... given that each exhaled breath collection was conducted

for 30 min, this might imply that prolonged close contact would be required for transmission to occur, even if transmission was primarily via aerosols.."

• Gao, Ming. et al. "A Study of infectivity of asymptomatic SARS-CoV2 carriers." Respiratory Medicine. 2020. Aug: 169:106026

<https://pubmed.ncbi.nlm.nih.gov/32513410/> §

455 contacts who were exposed to the asymptomatic COVID-19 virus carrier: 35 patients,

196 family members and 224 hospital staffs. NONE of the 455 contacts contracted the

SARS-CoV-2 infection

5) The SARS-CoV-2 virus particles go straight through masks! Masks don't work! Most people in Hawaii (including me!) HAVE been wearing masks for a long time, and we still have more cases and new strains.

• Zhu, Na, et al. (2020). "A Novel Coronavirus from Patients with Pneumonia in China, 2019" N Engl J Med 2020; 382:727-733.

<https://www.nejm.org/doi/full/10.1056/nejmoa2001017> §

Scientists were at a consensus that the diameter of the 2019-nCoV particles were 0.06 to

0.14 microns in size. Most N95 and N99 face masks can filter out 0.30 microns. Airborne

coronavirus particle (<0.125 micron) will pass directly through a N95 face mask.

• Balazy, Anna, et al. (2006). "Do N95 respirators provide 95% protection level against airborne viruses, and how adequate are surgical masks?" Am J Infect Control. 2006 Mar;34(2):51-7. §

The N95 filtering face piece respirators may not provide the expected protection level

against small virions. As anticipated, the tested surgical masks showed a much higher

particle penetration because they are known to be less efficient than the N95 respirators.

Some surgical masks may let a significant fraction of airborne viruses penetrate through their filters, providing very low protection against aerosolized infectious agents in the size range of 10 to 80 nm.

6) No scientific studies that show masks slow down spread of a virus in society. SHOW THIS AND WE WILL COMPLY! Spoiler: There are NO such studies.

7) And last, I am ABSOLUTELY AGAINST MASK FOR KIDS!!!!

I can quote more research and links but I know you won't even look at it. So I just say NO!

LATE

SB-240

Submitted on: 2/7/2021 11:10:17 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|---------------------|---------------------------|---------------------------|
| Corinne Makahilahila | Individual | Oppose | No |

Comments:

I find the wording of this bill. to be vague and could allow for an abuse of authority or power. It is borderline dangerous to violating the right of private citizens, and it violates a citizens right to free and uncensored speech.

LATE

SB-240

Submitted on: 2/7/2021 11:58:36 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Mark White | Individual | Oppose | No |

Comments:

Aloha Committee Chair and Membmbers,

I strongly oppose SB240 and ask that you vote no on this measure. This bill is unconsititutional on many levels and needs to be defeated. It violates our freedom of speach, our freedom of assembly, and our protections against disparate treatment under the 5th and 14th amendments. This measure discriminates against certain groups of people, while creating a special class of protected citizens. This is not only anti-American but also violates unalienable rights of life, liberty and pursuit of happiness.

I urge your "no" vote.

Mark White

Waipahu

LATE

SB-240

Submitted on: 2/8/2021 12:17:24 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Karyn Hopper | Individual | Oppose | No |

Comments:

The government has overstepped its bounds in mandating the long-term use of masks. Masks pose long-term health risks, especially in children, affecting children with asthma, allergies, and causing long-term dental issues. I have 4 keiki, and to require masks is causing harm. When appropriate, we wear masks when in close contact with others. However, mask-wearing should be optional. We have already "flattened the curve" in Hawaii. Extending emergency orders is unnecessary and harmful to our keiki who have already suffered because of the unnecessary proclamations to close schools and limit freedoms.

LATE

SB-240

Submitted on: 2/8/2021 1:17:56 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Brett Kulbis | Individual | Oppose | No |

Comments:

STRONGLY OPPOSE SB-240

We have been misled and harassed about wearing masks, even though there is not one single, solitary, random controlled study that shows that they have ever worked. Not one!

Unlike mandating seat belt use in vehicles which is often used to compare to mask mandates. Wearing seat belts has been proven to save lives, protective-mask mandates aimed at combating the spread of COVID-19 has not been proven successful* and may have the opposite effect.

***Comprehensive analysis of 50 states shows greater spread with mask mandates**

| Daniel Horowitz

https://www.theblaze.com/op-ed/horowitz-comprehensive-analysis-of-50-states-shows-greater-spread-with-mask-mandates?utm_source=theblaze-breaking&utm_medium=email&utm_campaign=20201221Trending-HorowitzMaskMandates&utm_term=ACTIVE%20LIST%20-%20TheBlaze%20Breaking%20News

***After nine months, we still know masks don't work** | Rational Ground

<https://rationalground.com/after-nine-months-we-still-know-masks-dont-work/>

Additionally, a mask mandate is a violation of the constitution. The State of Hawaii cannot interfere with a person's freedom of movement or freedom to wear or not to wear a mask, the government's authority is limited no matter how aggressive the pandemic may become.

Brett Kulbis

LATE

SB-240

Submitted on: 2/8/2021 6:04:30 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nichole A. | Individual | Oppose | No |

Comments:

This bill violates out constitutionally defended right to free speech. I am strongly opposed to this bill, medical science has stated that masks do not protect and infact increase bacterial pneumonia as well as a multitude of other illness caused by rebreathing your exhalation. This does not benefit nor protect the people you represent and we do not want it.

LATE

SB-240

Submitted on: 2/8/2021 6:38:36 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Crystal Valencia | Individual | Oppose | No |

Comments:

This is our body which was created by God not you! Our God created us to love and support each other! This bill will continue to further divide our people and create hate and violence over something that can be prevented with proper nutritional education. How bout you spend the funds on educating proper nutrition and mandate proper nutrition instead of wasting funds mandating masks. The mask has NO nutritional value to our body! NO TO MANDATING MASKS!!!

LATE

SB-240

Submitted on: 2/8/2021 7:01:01 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Lorii Febo-Santiago | Individual | Oppose | No |

Comments:

I oppose this bill I think that we could do better things than harassing people. Let's make laws that make life for the people that is great for Hawaii than trying to control the people. We live in America so let's start acting like that is where we live than in a place like Venezuela. I think people can be responsible for there own lives let's concentrate on Human trafficking I think your time would be more better spent there. The people elected you not to control them but represent them by protecting their freedom. Come on we can do better than this.

LATE

SB-240

Submitted on: 2/8/2021 8:05:41 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Vanessa MacDonald | Individual | Oppose | No |

Comments:

I oppose SB240, because we've been wearing masks for almost a year now. I comply, and wear it, when I'm indoors, or can't social distance. There's ABSOLUTELY no need to wear one, when you're able to social distance.

LATE

SB-240

Submitted on: 2/8/2021 8:21:34 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nelly Paekukui | Individual | Oppose | No |

Comments:

Totally oppose.

LATE

SB-240

Submitted on: 2/8/2021 8:27:26 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| tiana lolotai | Individual | Oppose | No |

Comments:

Aloha,

Im here as a local citizen of Hawaii to say that I oppose this bill. This violates our constitutional right, as well as our freedom of speech. Going on for almost a year in Hawaii this pandemic along with all "mandates" has done more harm to Hawaii, it's people, it's state. I kindly ask to please not pass this bill. If you think it's protecting us it's not. From a virus that simple won't go away because of mask. We've been wearing mask for a year and it has done nothing. We can't get rid of the flu we can't get rid of this. We need to find healthier options that don't restrict our oxygen levels.
rhank you for reading!

SB-240

Submitted on: 2/8/2021 8:42:22 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| sondra may | Individual | Oppose | No |

Comments:

You can still get covid WITH or without the mask. Look at Josh Green for example. With vaccines coming, mask should not be necessary.

LATE

SB-240

Submitted on: 2/8/2021 8:55:07 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kim Haine | Individual | Oppose | No |

Comments:

I OPPOSE anything that codifies covering our oxygen intake, CO2 outflow, and human expression. We don't need a law to enact a penalty change - Speaker Saiki was quoted in the paper explaining this truth! Is COVID ever going away? Are we to suffocate our children's faces indefinitely? Not one scientific entity has proven there are not DANGERS to prolonged mask wearing.

The final section of bill says those that break quarantine with "symptoms of Covid" will suffer \$5000 fine and misdemeanor - this is insane due to fact that MANY illnesses have the exact same symptoms as Covid. What if your child develops a fever and sore throat while on a plane flight? Will you next move to forced testing? Where does this invasion into our bodies stop?

LATE

SB-240

Submitted on: 2/8/2021 9:17:02 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| SCOTT BYERS | Individual | Oppose | No |

Comments:

My wife and I strongly oppose this bill. We do not want freedom of speech sensorred.

LATE

SB-240

Submitted on: 2/8/2021 9:39:32 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Kelly Crace | Individual | Oppose | No |

Comments:

I stand in strong opposition as I believe this is a government overreach, an abuse of power, and should it be challenged, shown to be unconstitutional.

LATE

SB-240

Submitted on: 2/8/2021 1:01:27 PM

Testimony for HTH on 2/8/2021 1:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| roslyn | Individual | Oppose | No |

Comments:

Aloha,

Im writing in regards to bill SB 240, I am a human being and I have a past that I unfortunately had no control over as a child. Now I am sharing this with you not to feel any pity but to put yourself in my shoes to better understand how this is unfair to people like me. As a child I was sexually, physically, mentally, and emotionally abused from as far as I could remember. I am a person who aged out the foster system in Hawaii. I had gotten all the therapy & help needed to teach myself how to heal and move forward but since this pandemic has happened and mask are enforced it has caused me to have really bad anxiety attacks and to top it off I am claustrophobic I was fine until being forced to wear a mask which has caused my past to come back and haunt me do you know what its like for someone to cover your mouth and suffocate you. Imagine every store you have to shop in you have to have that feeling again & again. Im not asking for any sympathy but to have consideration for my health and people like me who suffer from these types of health problems. Especially when trying to enforce something to protect people's health remember how you could be potentially hurting many of others health.

Mahalo