



GOV. MSG. NO. 1354

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 7, 2023

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

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

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

This is to inform you that on July 7, 2023, the following bill was signed into law:

HB1081 HD1 SD1

RELATING TO PENALTIES FOR
UNLICENSED CARE HOMES.
ACT 251

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

JUL 7 2023

on _____

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 1081
H.D. 1
S.D. 1

A BILL FOR AN ACT

RELATING TO PENALTIES FOR UNLICENSED CARE HOMES.

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

1 SECTION 1. The legislature finds that the department of
2 health has conducted investigations on two hundred twenty-one
3 alleged unlicensed care homes during the past forty-eight months
4 and has closed eleven homes and assessed \$2,489,800 in
5 administrative penalties. Investigations on eighty-nine
6 unlicensed homes are underway or pending. Meanwhile, unlicensed
7 care homes continue to operate and pose a danger to the public
8 and frail, elderly, and vulnerable populations.

9 The legislature further finds that under existing law,
10 there are two provisions that assess administrative penalties
11 that can be imposed on care home operators. Under section
12 321-486.3, Hawaii Revised Statutes, the fine for each day of
13 uncertified or unlicensed operation of a care home is only \$100
14 for the first violation, up to a maximum of \$1,000 for
15 subsequent violations. The legislature notes that unlicensed
16 care homes charge as much as \$8,000 per month per client for
17 multiple clients. A penalty under section 321-20(1), Hawaii



1 Revised Statutes, of up to \$1,000 per day regardless of the
2 number of prior violations would be a better remedial penalty to
3 prevent operators from financially benefiting from operating a
4 care home without a certificate or license.

5 SECTION 2. Section 321-486.3, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§321-486.3] Penalty. Any person who intentionally~~
8 ~~operates a care facility without a certificate or license shall~~
9 ~~be guilty of a misdemeanor and shall be fined no more than:~~

10 ~~(1) \$100 for each day of uncertified or unlicensed~~
11 ~~operation for the first violation;~~

12 ~~(2) \$500 for each day of uncertified or unlicensed~~
13 ~~operation for the second violation; and~~

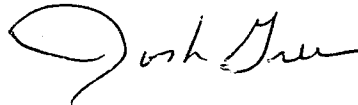
14 ~~(3) \$1,000 for each day of uncertified or unlicensed~~
15 ~~operation for the third and each succeeding~~
16 ~~violation."]~~

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken.

19 SECTION 4. This Act shall take effect upon its approval.



APPROVED this **7th** day of **July**, 2023

A handwritten signature in black ink, appearing to read "Josh Green". The signature is written in a cursive style with a large initial "J".

GOVERNOR OF THE STATE OF HAWAII

HB No. 1081, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

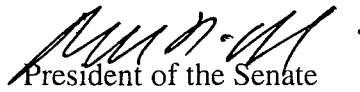


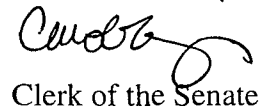
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 11, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate