

JAN 18 2023

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# A BILL FOR AN ACT

RELATING TO LABOR.

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

1           SECTION 1. The legislature finds that upholding labor laws  
2 and the minimum wage requirements are of the highest priority in  
3 the State. The legislature recognizes that in 2018, the United  
4 States Department of Labor put forth additional guidelines to  
5 ensure individuals are not being taken advantage of by  
6 for-profit companies under the guise of offering unpaid  
7 internships. However, these guidelines have not yet been  
8 codified in the United States Code, nor have they been  
9 incorporated into the Hawaii Revised Statutes. The legislature  
10 further finds that unpaid internships at for-profit companies or  
11 institutions must be carefully regulated.

12           Accordingly, the purpose of this Act is to create clear  
13 program criteria for unpaid student internships in the state.

14           SECTION 2. Chapter 388, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:



1           "§388-    Unpaid student internships; program criteria.

2    (a) All unpaid internships are prohibited except student  
3 internships. To be classified as an unpaid student internship  
4 under this chapter, an internship program shall meet the  
5 following criteria:

6           (1) The training shall be similar to training provided in  
7           an educational program;

8           (2) The training shall be for the benefit of the student;

9           (3) The student shall work under close supervision and  
10           shall not displace regular employees;

11           (4) The student shall not be entitled to a paid job at the  
12           conclusion of the internship period and may take a job  
13           elsewhere in the same field;

14           (5) The student shall be notified in writing that the  
15           student shall not receive any wages and is not  
16           considered an employee for minimum wage purposes;

17           (6) Any clinical training shall be performed under the  
18           supervision and direction of a person who is  
19           knowledgeable and experienced in the activity;

20           (7) The student shall not receive employee benefits;



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1       (8) The training shall be general and qualifies the  
2       student to work in any similar business; provided that  
3       the training shall not be designed exclusively for a  
4       job with the employer who offers the internship  
5       program;

6       (9) The screening process for the internship program  
7       shall:

8       (A) Not be the same as for employment and shall not  
9       have the appearance of being for that purpose;  
10       and

11       (B) Only use criteria relevant for admission into an  
12       independent educational program; and

13       (10) Advertisements, postings, or solicitations for the  
14       internship program shall clearly discuss education or  
15       training rather than employment; provided that  
16       employers may indicate that qualified graduates may be  
17       considered for employment.

18       (b) For the purposes of this section, "student" means any  
19       person enrolled at least part-time in a course of instruction  
20       leading to a degree, certificate, or diploma at a secondary or  
21       post-secondary educational institution, or who is completing



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1 residence requirements for a degree. A person shall be deemed  
2 to be a student during the time that school is not in session if  
3 the person was a student during the preceding semester."

4 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: Kul Nhand



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**Report Title:**

Labor; Unpaid Internships; Students; Guidelines

**Description:**

Establishes clear criteria for unpaid student internship programs under the state wage laws.

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

