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# A BILL FOR AN ACT

RELATING TO HEMP.

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

1           SECTION 1. Section 846-2.7, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) Criminal history record checks may be conducted by:

4           (1) The department of health or its designee on operators  
5           of adult foster homes for individuals with  
6           developmental disabilities or developmental  
7           disabilities domiciliary homes and their employees, as  
8           provided by section 321-15.2;

9           (2) The department of health or its designee on  
10           prospective employees, persons seeking to serve as  
11           providers, or subcontractors in positions that place  
12           them in direct contact with clients when providing  
13           non-witnessed direct mental health or health care  
14           services as provided by section 321-171.5;

15           (3) The department of health or its designee on all  
16           applicants for licensure or certification for,  
17           operators for, prospective employees, adult



- 1 volunteers, and all adults, except adults in care, at  
2 healthcare facilities as defined in section 321-15.2;
- 3 (4) The department of education on employees, prospective  
4 employees, and teacher trainees in any public school  
5 in positions that necessitate close proximity to  
6 children as provided by section 302A-601.5;
- 7 (5) The counties on employees and prospective employees  
8 who may be in positions that place them in close  
9 proximity to children in recreation or child care  
10 programs and services;
- 11 (6) The county liquor commissions on applicants for liquor  
12 licenses as provided by section 281-53.5;
- 13 (7) The county liquor commissions on employees and  
14 prospective employees involved in liquor  
15 administration, law enforcement, and liquor control  
16 investigations;
- 17 (8) The department of human services on operators and  
18 employees of child caring institutions, child placing  
19 organizations, and resource family homes as provided  
20 by section 346-17;



- 1           (9)    The department of human services on prospective  
2                    adoptive parents as established under section 346-  
3                    19.7;
- 4           (10)   The department of human services or its designee on  
5                    applicants to operate child care facilities, household  
6                    members of the applicant, prospective employees of the  
7                    applicant, and new employees and household members of  
8                    the provider after registration or licensure as  
9                    provided by section 346-154, and persons subject to  
10                   section 346-152.5;
- 11          (11)   The department of human services on persons exempt  
12                    pursuant to section 346-152 to be eligible to provide  
13                    child care and receive child care subsidies as  
14                    provided by section 346-152.5;
- 15          (12)   The department of health on operators and employees of  
16                    home and community-based case management agencies and  
17                    operators and other adults, except for adults in care,  
18                    residing in community care foster family homes as  
19                    provided by section 321-15.2;



1           (13) The department of human services on staff members of  
2                   the Hawaii youth correctional facility as provided by  
3                   section 352-5.5;

4           (14) The department of human services on employees,  
5                   prospective employees, and volunteers of contracted  
6                   providers and subcontractors in positions that place  
7                   them in close proximity to youth when providing  
8                   services on behalf of the office or the Hawaii youth  
9                   correctional facility as provided by section 352D-4.3;

10          (15) The judiciary on employees and applicants at detention  
11                   and shelter facilities as provided by section 571-34;

12          (16) The department of corrections and rehabilitation on  
13                   employees and prospective employees who are directly  
14                   involved with the treatment and care of persons  
15                   committed to a correctional facility as provided by  
16                   section 353-1.5 and the department of law enforcement  
17                   on employees and prospective employees whose duties  
18                   involve or may involve the exercise of police powers  
19                   including the power of arrest as provided by section  
20                   353C-5;



- 1           (17) The board of private detectives and guards on  
2                    applicants for private detective or private guard  
3                    licensure as provided by section 463-9;
- 4           (18) Private schools and designated organizations on  
5                    employees and prospective employees who may be in  
6                    positions that necessitate close proximity to  
7                    children; provided that private schools and designated  
8                    organizations receive only indications of the states  
9                    from which the national criminal history record  
10                  information was provided pursuant to section 302C-1;
- 11          (19) The public library system on employees and prospective  
12                  employees whose positions place them in close  
13                  proximity to children as provided by section 302A-  
14                  601.5;
- 15          (20) The State or any of its branches, political  
16                  subdivisions, or agencies on applicants and employees  
17                  holding a position that has the same type of contact  
18                  with children, vulnerable adults, or persons committed  
19                  to a correctional facility as other public employees  
20                  who hold positions that are authorized by law to



1 require criminal history record checks as a condition  
2 of employment as provided by section 78-2.7;

3 (21) The department of health on licensed adult day care  
4 center operators, employees, new employees,  
5 subcontracted service providers and their employees,  
6 and adult volunteers as provided by section 321-15.2;

7 (22) The department of human services on purchase of  
8 service contracted and subcontracted service providers  
9 and their employees and volunteers, as provided by  
10 sections 346-2.5 and 346-97;

11 (23) The department of human services on foster grandparent  
12 program, senior companion program, and respite  
13 companion program participants as provided by section  
14 346-97;

15 (24) The department of human services on contracted and  
16 subcontracted service providers and their current and  
17 prospective employees that provide home and community-  
18 based services under section 1915(c) of the Social  
19 Security Act, title 42 United States Code section  
20 1396n(c), or under any other applicable section or  
21 sections of the Social Security Act for the purposes



1 of providing home and community-based services, as  
2 provided by section 346-97;

3 (25) The department of commerce and consumer affairs on  
4 proposed directors and executive officers of a bank,  
5 savings bank, savings and loan association, trust  
6 company, and depository financial services loan  
7 company as provided by section 412:3-201;

8 (26) The department of commerce and consumer affairs on  
9 proposed directors and executive officers of a  
10 nondepository financial services loan company as  
11 provided by section 412:3-301;

12 (27) The department of commerce and consumer affairs on the  
13 original chartering applicants and proposed executive  
14 officers of a credit union as provided by section  
15 412:10-103;

16 (28) The department of commerce and consumer affairs on:

17 (A) Each principal of every non-corporate applicant  
18 for a money transmitter license;

19 (B) Each person who upon approval of an application  
20 by a corporate applicant for a money transmitter  
21 license will be a principal of the licensee; and



1 (C) Each person who upon approval of an application  
2 requesting approval of a proposed change in  
3 control of licensee will be a principal of the  
4 licensee,

5 as provided by sections 489D-9 and 489D-15;

6 (29) The department of commerce and consumer affairs on  
7 applicants for licensure and persons licensed under  
8 title 24;

9 (30) The Hawaii health systems corporation on:

10 (A) Employees;

11 (B) Applicants seeking employment;

12 (C) Current or prospective members of the corporation  
13 board or regional system board; or

14 (D) Current or prospective volunteers, providers, or  
15 contractors,

16 in any of the corporation's health facilities as  
17 provided by section 323F-5.5;

18 (31) The department of commerce and consumer affairs on:

19 (A) An applicant for a mortgage loan originator  
20 license, or license renewal; and





- 1           (B) Each control person, executive officer, director,  
2                    general partner, and managing member of an  
3                    applicant for a mortgage loan originator company  
4                    license or license renewal,  
5            as provided by chapter 454F;
- 6       (32) The state public charter school commission or public  
7            charter schools on employees, teacher trainees,  
8            prospective employees, and prospective teacher  
9            trainees in any public charter school for any position  
10           that places them in close proximity to children, as  
11           provided in section 302D-33;
- 12       (33) The counties on prospective employees who work with  
13            children, vulnerable adults, or senior citizens in  
14            community-based programs;
- 15       (34) The counties on prospective employees for fire  
16            department positions that involve contact with  
17            children or vulnerable adults;
- 18       (35) The counties on prospective employees for emergency  
19            medical services positions that involve contact with  
20            children or vulnerable adults;



- 1           (36) The counties on prospective employees for emergency  
2                   management positions and community volunteers whose  
3                   responsibilities involve planning and executing  
4                   homeland security measures including viewing,  
5                   handling, and engaging in law enforcement or  
6                   classified meetings and assisting vulnerable citizens  
7                   during emergencies or crises;
- 8           (37) The State and counties on employees, prospective  
9                   employees, volunteers, and contractors whose position  
10                  responsibilities require unescorted access to secured  
11                  areas and equipment related to a traffic management  
12                  center;
- 13          (38) The State and counties on employees and prospective  
14                  employees whose positions involve the handling or use  
15                  of firearms for other than law enforcement purposes;
- 16          (39) The State and counties on current and prospective  
17                  systems analysts and others involved in an agency's  
18                  information technology operation whose position  
19                  responsibilities provide them with access to  
20                  proprietary, confidential, or sensitive information;
- 21          (40) The department of commerce and consumer affairs on:



- 1 (A) Applicants for real estate appraiser licensure or  
2 certification as provided by chapter 466K;
- 3 (B) Each person who owns more than ten per cent of an  
4 appraisal management company who is applying for  
5 registration as an appraisal management company,  
6 as provided by section 466L-7; and
- 7 (C) Each of the controlling persons of an applicant  
8 for registration as an appraisal management  
9 company, as provided by section 466L-7;
- 10 (41) The department of health or its designee on [~~all~~]:
- 11 (A) Individual applicants or individuals acting on  
12 behalf of applying entities for hemp processor  
13 permits as provided under section 328G-2; and
- 14 (B) All license applicants, licensees, employees,  
15 contractors, and prospective employees of medical  
16 cannabis dispensaries, and individuals permitted  
17 to enter and remain in medical cannabis  
18 dispensary facilities as provided under sections  
19 329D-15(a) (4) and 329D-16(a) (3);
- 20 (42) The department of commerce and consumer affairs on  
21 applicants for nurse licensure or license renewal,



1 reactivation, or restoration as provided by sections  
2 457-7, 457-8, 457-8.5, and 457-9;

3 (43) The county police departments on applicants for  
4 permits to acquire firearms pursuant to section 134-2,  
5 on individuals registering their firearms pursuant to  
6 section 134-3, and on applicants for new or renewed  
7 licenses to carry a pistol or revolver and ammunition  
8 pursuant to section 134-9;

9 (44) The department of commerce and consumer affairs on:

10 (A) Each of the controlling persons of the applicant  
11 for licensure as an escrow depository, and each  
12 of the officers, directors, and principals who  
13 will be in charge of the escrow depository's  
14 activities upon licensure; and

15 (B) Each of the controlling persons of an applicant  
16 for proposed change in control of an escrow  
17 depository licensee, and each of the officers,  
18 directors, and principals who will be in charge  
19 of the licensee's activities upon approval of the  
20 application,

21 as provided by chapter 449;



- 1           (45) The department of taxation on current or prospective  
2           employees or contractors who have access to federal  
3           tax information in order to comply with requirements  
4           of federal law, regulation, or procedure, as provided  
5           by section 231-1.6;
- 6           (46) The department of labor and industrial relations on  
7           current or prospective employees or contractors who  
8           have access to federal tax information in order to  
9           comply with requirements of federal law, regulation,  
10          or procedure, as provided by section 383-110;
- 11          (47) The department of human services on current or  
12          prospective employees or contractors who have access  
13          to federal tax information in order to comply with  
14          requirements of federal law, regulation, or procedure,  
15          and on current or prospective employees, volunteers,  
16          contractors, or contractors' employees or volunteers,  
17          subcontractors, or subcontractors' employees or  
18          volunteers, whose position places or would place them  
19          in close proximity to minors, young adults, or  
20          vulnerable adults, as provided by section 346-2.5;



1           (48) The child support enforcement agency on current or  
2                   prospective employees, or contractors who have access  
3                   to federal tax information in order to comply with  
4                   federal law, regulation, or procedure, as provided by  
5                   section 576D-11.5;

6           (49) The department of the attorney general on current or  
7                   prospective employees or employees or agents of  
8                   contractors who have access to federal tax information  
9                   to comply with requirements of federal law,  
10                  regulation, or procedure, as provided by section 28-  
11                  17;

12          (50) The department of commerce and consumer affairs on  
13                  each control person, executive officer, director,  
14                  general partner, and managing member of an installment  
15                  loan licensee, or an applicant for an installment loan  
16                  license, as provided in chapter 480J;

17          (51) The University of Hawaii on current and prospective  
18                  employees and contractors whose duties include  
19                  ensuring the security of campus facilities and  
20                  persons; and



1 (52) Any other organization, entity, or the State, its  
2 branches, political subdivisions, or agencies as may  
3 be authorized by state law."

4 SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY: \_\_\_\_\_



JAN 18 2024



**Report Title:**

DOH; Criminal History Record Checks; Hemp Processors

**Description:**

Makes a conforming amendment to allow the Department of Health, or its designee, to conduct criminal history record checks on applicants for hemp processor permits.

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

