
A BILL FOR AN ACT

RELATING TO NUISANCE PREVENTION.

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

1 SECTION 1. The legislature finds that the department of
2 health is charged with protecting both public and environmental
3 health, with the understanding that the health of a community
4 requires the prevention of both diseases and threats to the
5 environment. With climate change and the increasing pressures
6 on resources and communities, existing law needs to be clarified
7 to specify that the department of health has the legal authority
8 and obligation to act when there are nuisances that threaten
9 public or environmental health.

10 Accordingly, the purpose of this Act is to clarify the
11 legal authority of the department of health to prevent nuisances
12 that threaten public health or environmental health, both of
13 which affect the health of a community and the people of the
14 State as a whole.

15 SECTION 2. Chapter 322, Hawaii Revised Statutes, is
16 amended by amending the title of part I to read as follows:

17 "PART I. ~~[ABATEMENT]~~ PREVENTION OF NUISANCES"



1 SECTION 3. Section 322-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§322-1 [~~Removal, prevention.~~] Prevention. The department
4 of health and its agents shall examine into all nuisances, such
5 as foul or noxious odors, gases or vapors, water in which
6 mosquito larvae exist, sources of filth, and all causes of
7 sickness or disease, on shore, and in any vessel, which may be
8 known to them or brought to their attention, which in their
9 opinion are dangerous or injurious to public or environmental
10 health, and into any and all conditions created or existing
11 [~~which~~] that cause or tend to cause sickness or disease or to be
12 dangerous or injurious to public or environmental health, and
13 shall cause the same to be [~~abated, destroyed, removed, or~~
14 ~~prevented.~~] prevented, which may include abatement, destruction,
15 or removal of the nuisance.

16 For purposes of this part, a nuisance shall include:

17 (1) Toxic materials that are used in or by-products of the
18 manufacture or conversion of methamphetamine, and
19 clandestine drug labs that manufacture
20 methamphetamine; and



1 (2) Odors and filth resulting from a person feeding feral
2 birds."

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 Statutory material to be repealed is bracketed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

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



Report Title:

DOH; Nuisance Prevention; Environmental Health; Public Health

Description:

Clarifies that the Department of Health has the legal authority and obligation to prevent nuisances that affect environmental health and public health. (SD1)

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