

STAND. COM. REP. NO. 1322

Honolulu, Hawaii

MAR 23 2023

RE: H.B. No. 1409  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Labor and Technology and Health and Human Services, to which was referred H.B. No. 1409, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYEE BENEFITS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Extend the family leave period from four weeks to eight weeks for employees who are unable to perform their employment duties because the employee has given birth to a child who is required to stay in a neonatal intensive care unit; provided that during the additional period of family leave, the employee:
  - (A) Provides kangaroo care to the child; or
  - (B) Expresses breast milk for the child; and
- (2) Require the Department of Health to amend its administrative rules to ensure that neonatal care is included as a related medical condition on par with pregnancy, childbirth, or related medical conditions.



Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations and two individuals.

Your Committees find that in 2020, one in ten babies born in the State were born preterm or before thirty-seven completed weeks of gestation. These babies need extended time in neonatal intensive care units (NICU), which requires their parents to also spend additional time at the NICU to support the babies' care. This measure seeks to prioritize the health of preterm babies and to maintain the employment status of parents of a preterm baby by extending the family leave period of these employees by an additional time period equivalent to the duration of their baby's stay at the NICU for up to eight weeks.

Your Committees have amended this measure by inserting an effective date of June 30, 2032, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Labor and Technology and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1409, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1409, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Labor and  
Technology and Health and Human  
Services,



JOY A. SAN BUENAVENTURA, Chair



SHARON MORIWAKI, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Labor and Technology**  
**LBT**

Bill / Resolution No.:* <b>HB1409 HD2</b>	Committee Referral: <b>LBT/HHS, WAIM</b>	Date: <b>3/20/23</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
MORIWAKI, Sharon Y. (C)	X			
LEE, Chris (VC)	X			
IHARA, Jr., Les				X
KEITH-AGARAN, Gilbert S.C.				X
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>3</b>			<b>2</b>

Recommendation:    
 Adopted    
 Not Adopted

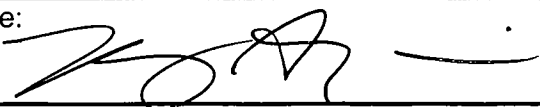
Chair's or Designee's Signature:  


**Distribution:**    
 Original     Yellow     Pink     Goldenrod  
 File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy

\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

Bill / Resolution No.:*	Committee Referral:	Date:		
<b>HB 1409 HD2</b>	<b>LBT/HHS, WAM</b>	<b>3/20/23</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
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