
A BILL FOR AN ACT

RELATING TO BEACHES.

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

1 SECTION 1. The legislature finds that the State's beaches
2 are important to the environmental, economic, and cultural well-
3 being of the State and its residents. The State's beaches are
4 internationally admired for their crystal blue waters and white
5 sands.

6 The legislature further finds that to maintain the State's
7 beaches' status as a popular destination for tourists and
8 residents to partake in recreational activities, the State's
9 beaches should be monitored to ensure the health and safety of
10 persons that use the beaches. Pursuant to the federal Clean
11 Water Act, as amended by the Beaches Environmental Assessment
12 and Coastal Health Act of 2000, the department of health
13 monitors and tests for fecal indicator bacteria; specifically,
14 the department tests for *Enterococcus* and *Clostridium*
15 *perfringens*. The department also prioritizes the beaches and
16 the frequency with which they are tested depending on the usage
17 by persons and the likely threat by some type of pollution.



1 The legislature also finds that the State has the highest
2 level of community acquired staph infections in the country.
3 The bacteria most associated with staph infections,
4 *Staphylococcus aureus* and methicillin-resistant *Staphylococcus*
5 *aureus*, are known to be present in the waters and sands of the
6 State's beaches.

7 The purpose of this Act is to better protect the health and
8 safety of persons enjoying the State's beaches by requiring the
9 department of health to conduct a two-year pilot project to test
10 certain State's beaches for the bacteria that causes staph
11 infections not less than monthly.

12 SECTION 2. (a) The department of health shall establish a
13 Staph testing pilot project to test all Tier 1 beaches in the
14 State for the bacteria *Staphylococcus aureus* and methicillin-
15 resistant *Staphylococcus aureus* not less than monthly.

16 (b) The department of health shall conduct tests of the
17 waters and the sand. The department of health shall follow the
18 same procedures and actions under the routine monitoring program
19 in response to exceedances of recreational water quality
20 standards if the tests conducted pursuant to this pilot project
21 necessitate such procedures and actions, including the issuance



1 of advisories, follow-up sampling, and communicating with risk
2 communication partners to inform the public of the risks. The
3 department of health shall ensure that signs are posted, either
4 by the department or through a risk communication partner, to
5 communicate the risks when test results necessitate such action.

6 (c) The department of health shall submit a report of its
7 findings and recommendations, including any proposed
8 legislation, to the legislature no later than twenty days prior
9 to the convening of the regular sessions of 2024, 2025, and
10 2026. The report shall include, but not be limited to:

- 11 (1) The schedule of testing, including which beaches were
12 tested and the days on which they were tested;
- 13 (2) Whether the results necessitated response actions;
- 14 (3) The response actions taken; and
- 15 (4) Whether the testing should continue, based on the
16 findings, beyond the two-year period.

17 (d) The pilot project shall cease on June 30, 2025.

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2023-2024 and
21 the same sum or so much thereof as may be necessary for fiscal



1 year 2024-2025 to establish and operate the two-year pilot
2 project required by this Act.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 SECTION 4. This Act shall take effect on July 1, 2023.

6

INTRODUCED BY: 
JAN 19 2023



H.B. NO. 303

Report Title:

Pilot Project; Tier 1 Beaches; DOH; Staphylococcus Aureus;
Testing; Appropriation

Description:

Requires the department of health to establish a two-year pilot project to test Tier 1 beaches for *Staphylococcus aureus* and methicillin-resistant *Staphylococcus aureus* not less than monthly. Requires a report to the legislature before the regular sessions of 2024, 2025, and 2026. Appropriates funds.

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