

STAND. COM. REP. NO.

751

Honolulu, Hawaii

FEB 17 , 2023

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1409, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Extend the family leave period to 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; 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 Committee received testimony in support of this measure from the Department of Labor and Industrial Relations, Early Childhood Action Strategy, Hawai'i Children's Action Network Speaks!, and five individuals.

Your Committee finds that in 2020, one in ten babies born in the State was preterm, which is a birth that occurs before thirty-seven completed weeks of gestation. These babies spend extended

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time in neonatal intensive care units, resulting in parents spending weeks or months in the care units to care for their children. This measure provides parents in these situations with up to eight weeks of family leave during a calendar year to take care of their children.

Your Committee has amended this measure by:

- (1) Clarifying that an employee who suffers from a total inability to perform the duties of the employee's employment resulting from the birth of a child who is required to stay in a neonatal intensive care unit, is entitled to additional family leave for up to eight weeks; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1409, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 1409, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,


MARK M. NAKASHIMA, Chair



HB 751

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <i>HB 1409 HD1</i>	Committee Referral: <i>LG6, CPC, FIN</i>	Date: <i>02-15-23</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. SAYAMA, Jackson D. (VC)	/			
3. AMATO, Terez	/			
4. BELATTI, Della Au	/			
5. HASHEM, Mark J.	/			
6. HUSSEY-BURDICK, Natalia	/			
7. GATES, Cedric Asuega				/
8. LOWEN, Nicole E.	/			
9. ONISHI, Richard H.K.	/			
10. TAM, Adrian K.	/			
11. PIERICK, Elijah	/			
TOTAL (11)	<i>10</i>			<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: <i>Juan B. [Signature]</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				