

JAN 23 2025

A BILL FOR AN ACT

RELATING TO NUISANCES.

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

1 SECTION 1. The legislature finds that the department of
2 health's responsibility to protect both public and environmental
3 health is essential, especially as climate change increases
4 pressures on resources and communities. The recognition that
5 the health of a community is closely tied to environmental
6 conditions underscores the importance of preventing threats to
7 the environment. Therefore, it is critical that the department
8 of health has the clear legal authority and mandate to act not
9 only in response to direct threats of disease but also when
10 nuisances pose a risk to public or environmental health of a
11 community.

12 Accordingly, the purpose of this Act is to clarify the
13 legal authority of the department of health to prevent and
14 address nuisances that threaten public or environmental health,
15 both of which affect the overall health and well-being of the
16 people of Hawaii as a whole.

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

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1 "PART I. PREVENTION AND ABATEMENT OF NUISANCES"

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

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

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

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

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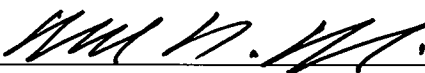
1 (2) Odors and filth resulting from a person feeding feral
2 birds."

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.

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INTRODUCED BY: 

8

BY REQUEST

S.B. NO. 1439

Report Title:

DOH; Nuisance Prevention; Environmental Health; Public Health

Description:

Clarifies that the Department of Health has the legal authority and obligation to prevent and address nuisances that affect environmental health or public health, or both.

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

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO NUISANCES.

PURPOSE: To clarify that the jurisdiction of the Department of Health (DOH) includes the prevention and abatement of nuisances that threaten public or environmental health.

MEANS: Amend section 322-1, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The current statute that establishes the scope of nuisances overseen by DOH is overly broad as it encompasses all "health." The proposed amendments clarify that DOH's oversight is specific to nuisances that threaten public health. This is consistent with DOH's mission to protect public health pursuant to section 321-1, HRS. The proposed amendments also include nuisances that threaten environmental health because newly emerging threats from climate change, such as vector-borne diseases, flooding, and wildfires, have the potential to adversely affect human health. Protecting environmental health is also consistent with DOH's mission pursuant to section 321-1.1, HRS.

Impact on the public: The proposed amendments recognize the connection between environmental health and public health on the overall wellness of the community and mandates DOH remove or prevent nuisance threats thereto.

Impact on the department and other agencies: This bill will likely require greater coordination with environmental and public health stakeholders.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION:

HTH 610.

OTHER AFFECTED
AGENCIES:

Department of Land and Natural Resources;
Department of Business, Economic
Development, and Tourism; and Department of
Agriculture; and counties.

EFFECTIVE DATE:

Upon approval.