

JAN 15 2025

A BILL FOR AN ACT

RELATING TO LABOR.

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

1 SECTION 1. The legislature finds that upholding labor laws
2 and the minimum wage requirements are of the highest priority in
3 the State. The legislature recognizes that in 2018, the United
4 States Department of Labor put forth additional guidelines to
5 ensure individuals are not being taken advantage of by
6 for-profit companies under the guise of offering unpaid
7 internships. However, these guidelines have not yet been
8 codified in the United States Code, nor have they been
9 incorporated into the Hawaii Revised Statutes. The legislature
10 further finds that unpaid internships at for-profit companies or
11 institutions must be carefully regulated.

12 Accordingly, the purpose of this Act is to create clear
13 program criteria for unpaid student internships in the State.

14 SECTION 2. Chapter 388, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 "§388- Unpaid student internships; program criteria.

2 (a) All unpaid internships are prohibited except student
3 internships. To be classified as an unpaid student internship,
4 an internship program shall meet the following criteria:

5 (1) The training shall be similar to training provided in
6 an educational program;

7 (2) The training shall be for the benefit of the student;

8 (3) The student shall work under close supervision and
9 shall not displace regular employees;

10 (4) The student shall not be entitled to or obligated to
11 accept a paid job at the conclusion of the internship
12 period, and may take a job elsewhere in the same
13 field;

14 (5) The student shall be notified in writing that the
15 student shall not receive any wages and is not
16 considered an employee for minimum wage purposes;

17 (6) Any clinical training shall be performed under the
18 supervision and direction of a person who is
19 knowledgeable and experienced in the activity;

20 (7) The student shall not receive employee benefits;



1 (8) The training shall be general and qualify the student
2 to work in any similar business; provided that the
3 training shall not be designed exclusively for a job
4 with the employer who offers the internship program;

5 (9) The screening process for the internship program
6 shall:

7 (A) Not be the same as for employment and shall not
8 have the appearance of being for that purpose;
9 and

10 (B) Only use criteria relevant for admission into an
11 independent educational program; and

12 (10) Advertisements, postings, or solicitations for the
13 internship program shall clearly discuss education or
14 training rather than employment; provided that
15 employers may indicate that qualified graduates may be
16 considered for employment.

17 (b) For the purposes of this section, "student" means any
18 person enrolled at least part-time in a course of instruction
19 leading to a degree, certificate, or diploma at a secondary or
20 post-secondary educational institution, or who is completing
21 residence requirements for a degree. A person shall be deemed



S.B. NO. 357

Report Title:

Labor; Unpaid Internships; Students; Guidelines

Description:

Establishes clear criteria for unpaid student internship programs under the state wage laws.

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

