

ACT 167

H.B. NO. 2526

A Bill for an Act Relating to Domestic and Sexual Violence.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 346-14, Hawaii Revised Statutes, is amended to read as follows:

**“§346-14 Duties generally.** Except as otherwise provided by law, the department of human services shall:

- (1) Establish and administer programs and standards, and adopt rules as deemed necessary for all public assistance programs;
- (2) Establish, extend, and strengthen services for the protection and care of neglected children and children in danger of becoming delinquent;
- (3) Establish and administer programs, and adopt rules as deemed necessary, for the prevention of domestic and sexual violence and the protection and treatment of victims of domestic and sexual violence;
- [(3)] (4) Assist in preventing family breakdown;
- [(4)] (5) Place, or cooperate in placing, neglected children in suitable private homes or institutions and place, or cooperate in placing, children in suitable adoptive homes;
- [(5)] (6) Have authority to establish, maintain, and operate receiving homes for the temporary care and custody of neglected children until suitable plans are made for their care; and accept from the police and other agencies, for temporary care and custody, any neglected child until satisfactory plans are made for the child;
- [(6)] (7) Administer the medical assistance programs for eligible public welfare and other medically needy individuals by establishing standards, eligibility, and health care participation rules, payment methodologies, reimbursement allowances, systems to monitor recipient and provider compliance, and assuring compliance with federal requirements in order to maximize federal financial participation;
- [(7)] (8) Cooperate with the federal government in carrying out the purposes of the Social Security Act and in other matters of mutual concern pertaining to public welfare, public assistance, and child welfare services, including the making of reports, the adoption of methods of administration, and the making of rules as are found by the federal government, or any properly constituted authority thereunder, to be necessary or desirable for the efficient operation of the plans for public welfare, assistance, and child welfare services or as may be necessary or desirable for the receipt of financial assistance from the federal government;
- [(8)] (9) Carry on research and compile statistics relative to public and private welfare activities throughout the State, including those dealing with dependence, defectiveness, delinquency, and related problems;
- [(9)] (10) Develop plans in cooperation with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare problems;

- [(10)] (11) Adopt rules governing the procedure in hearings, investigations, recording, registration, determination of allowances, and accounting and conduct other activities as may be necessary or proper to carry out this chapter;
- [(11)] (12) Supervise or administer any other activities authorized or required by this chapter, including the development of the staff of the department through in-service training and educational leave to attend schools and other appropriate measures, and any other activities placed under the jurisdiction of the department by any other law;
- [(12)] (13) Make, prescribe, and enforce policies and rules governing the activities provided for in section 346-31 it deems advisable, including the allocation of moneys available for assistance to persons assigned to work projects among the several counties or to particular projects where the apportionment has not been made pursuant to other provisions of law, if any, governing expenditures of the funds;
- [(13)] (14) Determine the appropriate level for the Hawaii security net, by developing a tracking and monitoring system to determine what segments of the population are not able to afford the basic necessities of life, and advise the legislature annually regarding the resources required to maintain the security net at the appropriate level;
- [(14)] (15) Subject to the appropriation of state funds and availability of federal matching assistance, expand optional health care to low-income persons as follows: pregnant women and infants under one year of age living in families with incomes up to one hundred eighty-five per cent of the federal poverty level and without any asset restrictions, children under six years of age living in families with incomes up to one hundred thirty-three per cent of the federal poverty level and without any asset restrictions, older children to the extent permitted under optional federal medicaid rules, elder persons, aliens, the homeless, and other handicapped and medically needy persons; and
- [(15)] (16) Subject to the appropriation of state funds and availability of federal matching assistance, establish the income eligibility level for the medically needy program at one hundred thirty-three per cent of the assistance allowance.’’

SECTION 2. Section 321-1, Hawaii Revised Statutes, is amended to read as follows:

**“§321-1 General powers and duties of the department.** (a) The department of health shall have general charge, oversight, and care of the health and lives of the people of the State.

(b) The department shall have authority in matters of quarantine and other health matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established.

(c) When it is determined that there is imminent danger of epidemic or serious outbreak of communicable disease, the department may refuse, modify, or limit attendance at any school in the State.

(d) When in the judgment of the director, there is deemed to be a potential health hazard, the department, through the director, may take precautionary measures to protect the public through the imposition of an embargo or the detention of products regulated by the department, or the removal of products regulated by the department from the market, or the declaration of quarantine; provided that the director must find evidence of a health hazard within seventy-two hours of the action taken or rescind the action. The director shall make public the findings.

(e) All county health authorities, sheriffs, police officers, and all other officers and employees of the State, and every county thereof, shall enforce the rules of the department. All such powers in health matters as have been or may be conferred upon any county shall be concurrent with those of the department.

(f) The department may establish charges and collect fees for any of its services; provided that the department shall not refuse to provide services to any person due to the person's inability to pay the fee for the service. The department, through the director, shall make an annual report to the governor, showing in detail all its expenditures and transactions, and such other information regarding the public health as the department may deem of special interest.

(g) The department, during the prevalence of any severe pestilence or epidemic, shall publish a weekly report of the public health.

(h) The department shall establish and administer programs, and adopt rules as deemed necessary, for the prevention of domestic and sexual violence and the protection and treatment of victims of domestic and sexual violence."

SECTION 3. There is hereby created an ad hoc committee on domestic and sexual violence, to be convened and chaired by the executive director of the state commission on the status of women. The committee shall be composed of the director of human services, the director of health, and the attorney general, or their designees, and the administrators of private provider organizations having contracts with the judiciary in the area of domestic or sexual violence.

The chief justice shall continue all existing programs, under the judiciary's auspices, for the prevention of domestic and sexual violence and the protection and treatment of victims of domestic and sexual violence. The chief justice, in consultation with the ad hoc committee on domestic and sexual violence, shall develop a transition plan for the continuation of these programs under the auspices of the executive branch. The chief justice shall submit the transition plan, along with proposed legislation necessary to implement the plan, to the legislature no later than twenty days prior to the convening of the 1997 regular session. No existing judiciary program for the prevention of domestic and sexual violence and the protection and treatment of victims of domestic and sexual violence shall be terminated, transferred, or diminished in any manner in the absence of the enactment of legislation to such effect. The ad hoc committee on domestic and sexual violence shall be repealed on June 30, 1997.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 1996.)