



May 5, 2017

2017 - Employment Bills After Sine Die

Employment Practices and Employee Rights

- HB 208 CD1 **Workers' Compensation Injunctions; Payment of Wages Penalties** – Provides that the Department of Labor and Industrial Relations (“DLIR”) can seek a circuit court order enjoining an employer from continuing its business when the employer is in default of its requirement to provide workers’ compensation insurance to its employees for 14 days (shortened from 30 days). Also grants the DLIR authority to issue an order of wage payment violation, which shall be enforceable through a circuit court order, upon a violation of Hawaii’s payment of wages laws. Adds fines of not less than \$500 or \$100 for each violation, whichever is greater, to the current penalties for violation of wage and hour laws. *Effective upon approval.*
- HB 213 CD1 **Hawaii Family Leave Law (“HFLL”); Sibling** – Expands the HFLL to include siblings as a family member for whom an employee can take leave. Clarifies notice and certification requirements. *Effective upon approval.*
- HB 1114 CD1 **Increased HIOSH Penalties** – Increases the maximum fine amounts for Hawaii Occupational Safety and Health violations pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015, which requires state penalties to be “as effective” as federal OSHA penalties. Also provides that the DLIR shall adjust the penalties and file a report to the legislature each year. *Effective January 1, 2018.*

Workers' Compensation (“WC”)

- SB 859 CD1 **Independent Medical Examinations; Chaperones; Recording Devices** – Allows an employee to (1) bring a chaperone to a WC independent medical examination and (2) record the examination, at the employee’s expense, upon approval of the examining physician or surgeon. *Effective upon approval; sunsets on June 30, 2019.*
- SB 984 CD1 **WC Physicians; Advanced Practice Registered Nurses** – Amends the definition of "physician" in workers' compensation law to include advanced practice registered nurses. *Effective upon approval.*

Healthcare and Insurance

- HB 552 CD1 **ACA Working Group** – Establishes the affordable health insurance working group to address the complexities of the health care system in Hawaii and the related uncertainty over the future of the Affordable Care Act. The working group shall examine the (1) minimum standard coverage requirements for individuals; (2) essential health care benefits; (3) rate setting; (4) Medicaid expansion; (5) financial requirements and financing options; and (6) other issues that may arise, pursuant to the discretion of the working group. *Effective July 1, 2017.*

Medical Marijuana

- HB 1488 CD1 **Medical Marijuana; Debilitating Condition** – Amends the definition of debilitating medical condition to include lupus, epilepsy, multiple sclerosis, and rheumatoid arthritis as conditions that qualify for the legal use of medical marijuana. *Effective June 29, 2017.*

Contractors

- SB 865 CD1 **Electrical Work** – Permits persons licensed as an electrical or plumbing contractor under this chapter to enter into contracts to perform electrical or plumbing work; provided that if a contractor's responsible managing employee, which includes a sole proprietor, is not licensed in accordance with chapter 448E, HRS, then the contractor shall employ individuals licensed in accordance with chapter 448E, HRS, to actually perform the electrical or plumbing work. Exempts employees of public utilities and community antennae television companies. *Effective July 1, 2017.*

Public Works Contracts

- HB 1382 CD1 **Procurement; Small Business Assistance Initiative** – Assists small business in the state procurement process by establishing a temporary small business assistance initiative, small business advisory group, small business office, and small business procurement coordinator position within the State Procurement Office. Appropriates funds. *Effective July 1, 2017; sunsets on June 30, 2020.*

Government Agencies

- HB 627 CD1 **Department of Business, Economic Development and Tourism (“DBEDT”); Public-Private Partnerships** – Authorizes establishment of a State Public-Private Partnership Coordinator position within DBEDT to manage public-private partnerships entered into by the State and associated contracts, proposals, and negotiations, except public-private partnerships entered into by Hawaii Public Housing Authority. Establishes an Office of Public-private Partnership within DBEDT. Appropriates funds. *Effective July 1, 2017.*
- HB 1031 CD1 **Criminal History Record Checks; Various State Departments** – Adds the Child Support Enforcement Agency and the Departments of Taxation, Human Services, and Labor and Industrial Relations to the list of agencies that are authorized to conduct criminal history record checks on employees, prospective employees, and contractors who have access to federal tax information. *Effective upon approval.*
- HB 1115 CD1 **Hawaii Labor Relations Board (“HLRB”); Electronic Notices** – Allows the HLRB to send notices of hearing electronically. Requires the party seeking judicial review to bear the cost of preparing a transcript, except as provided by law, in which case the Board shall bear the cost of preparing the transcript. *Effective upon approval.*

Miscellaneous

- HB 1027 SD2 **Nonprofit Corporations** – Amends Hawaii law regarding nonprofit corporations to restore procedures that allow nonprofit corporations to convert into and out of domestic nonprofit corporations; impose a duty of loyalty on directors and officers of nonprofit corporations; and

increase the length of time the attorney general has to review proposed dissolutions of public benefit corporations from 20 days to 20 business days. *Effective upon approval.*

SB 1171 CD1 **Health Care Privacy; Medical Information** – Identifies the circumstances in which the State has a compelling interest in the use and disclosure of de-identified protected health information to include quality assessment, patient protection and safety, improving health or reducing health care costs, fraud and abuse detection and compliance, and employment actions. *Effective July 1, 2017.*