

January 27, 2017

2017 - Employment Bills Introduced

Employment Practices and Employee Rights

- HB 4
SB 638 **Paid Sick Leave** – Requires employers to provide paid sick leave to employees. Applies to employers who are covered by the FLSA and to all employees who work over 80 hours a year. Requires accrual of one hour of paid sick leave for every 30 hours of work, and allows employees to accrue up to 56 hours per calendar year unless the employer provides a higher limit. Provides that an employer’s current paid leave policy may be satisfy the requirements of this bill if the leave may be used for the same purposes and under the same conditions. Permits use of paid sick leave for (1) employee’s mental or physical illness, injury or health condition; (2) care of a family member with a mental or physical illness, injury or health condition; and (3) closure of the employee’s place of business by order of a public official due to a public health emergency. Provides notice and posting requirements.
- HB 213 **Family Leave; Sibling; Death of Family Member**– Permits an employee to take family leave in order to care for the employee’s sibling with a serious health condition or upon the death of an employee’s child, spouse, reciprocal beneficiary, sibling, or parent. Specifies notice and certification requirements.
- HB 347
SB 345 **Independent Contractor Definition; Unemployment Insurance** – Clarifies the definition of an independent contractor for purposes of Hawaii’s employment insurance law. Includes twenty factors to be used as guidelines when determining whether an individual could be an independent contractor. Retains the ability of the Department of Labor and Industrial Relations (“DLIR”) to determine if an individual is an independent contractor. Requires the Director of Labor and Industrial Relations to report to the legislature prior to the regular session of 2018 regarding guidelines developed by the unemployment insurance coverage committee. Requires an annual report to the legislature regarding covered employment determinations.
- HB 671
SB 509 **Employee Discussions About Pay; Retaliation and Discrimination Prohibited** – Provides that an employer shall not retaliate or discriminate against an employee for, nor prohibit an employee from, disclosing the employee’s wages, discussing and inquiring about the wages of other employees, or aiding or encouraging any other employee to exercise such rights.
- HB 678
SB 516 **Family Leave; Domestic and Sexual Violence** – Allows an employee to take family leave in addition to victim leave when the leave is related to domestic or sexual violence against the employee or the employee’s minor child. Requires an employee to submit certification related to domestic or sexual violence of the employee or the employee’s minor child. Requires employer confidentiality of information related to domestic or sexual violence against the employee or the employee’s minor child.

- HB 809 **Employment Actions; Discrimination** – Clarifies that an employer may take employment action without committing a discriminatory practice if the action is unrelated to a discriminatory purpose as codified by Hawaii Revised Statutes (“HRS”) Chapter 378.
SB 675
- HB 814 **Online Privacy; Social Media Privacy** – Adopts uniform laws to protect the online accounts of employees and students from employers and educational institutions. Prohibits employers from requiring, coercing, or requesting an employee to disclose login credentials or content from an online account or to access the account in front of the employer.
SB 429
- HB 966 **Family Leave; Independent Contractors** – Amends the definition of employee for purposes of the Hawaii Family Leave Law to include independent contractors who have been providing services for at least six consecutive months.
- HB 986 **Paid Sick Leave; Service Workers** – Requires certain employers to provide sick leave to service workers with one hour of paid leave for every 40 hours of work, up to at least 40 hours per year. HB 986 and SB 425 apply to employers with 50 or more workers and HB 1434 applies to employers with 25 or more workers. Allows worker to use accrued leave for (1) own medical reasons; (2) medical reasons for worker’s child or spouse; or (3) certain reasons related to being a victim of family violence or sexual assault. Defines the terms "service worker" as one who works in a company where (1) any place or portion thereof is used for the purpose of storing, preparing, serving, manufacturing, packaging, transporting, or otherwise handling food at the retail or wholesale level; (2) any place used for cleaning food equipment or utensils in support of another food establishment; and (3) any operation where food is served or provided to the public with or without charge.
HB 1434
SB 425
- HB 1010 **Medical Marijuana Discrimination** – Makes it unlawful for any employer to suspend, discharge, or discriminate against any of the employer’s employees based on the individual’s status as a registered qualifying patient under the Medical Use of Marijuana Law or an employee’s positive drug test for marijuana components or metabolites if the employee is a registered qualifying patient under certain conditions.
- HB 1011 **Familial Status Discrimination** – Prohibits employment discrimination based on familial status. Defines familial status as status of a parent having legal custody of and domiciled with a minor child or children, a person who is domiciled with a minor child or children and who has written or unwritten permission from the legal parent, a person who is pregnant, or any person who is in the process of securing legal custody of a minor child or children.
- HB 1025 **Income Withholding for Child Support; Employer Violations** – Amends the income withholding requirements to impose a fine against any employer who (a) discharges from employment, refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding or (b) fails to withhold support from income or pay the amounts to the Child Support Enforcement Agency.
SB 891
- HB 1114 **Increased HIOSH Penalties** – Increases fines for Hawaii Occupational and Safety violations pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015, which requires state occupational and safety penalties to be “as effective” as OSHA penalties.
SB 980
- HB 1362 **Family Leave Trust Fund; Increased Leave** – Establishes a family leave insurance program, which requires employees to make contributions into a trust fund that can be used to provide employees with family leave insurance benefits to care for a designated person. Expands the number of weeks of family leave from four to twelve weeks under the family leave law. Appropriates funds to the
SB 408

DLIR to implement the family leave insurance program. Requires a study to be performed by the DLIR and an actuarial study to be performed by the Department of Budget and Finance.

Minimum Wage; Wage and Hour Law

- HB 5
SB 544 **Minimum Wage Increase; Tip Credit Repeal** – Increases the minimum wage to \$10.50 per hour on January 1, 2018; \$12.00 per hour on January 1, 2019; \$13.50 per hour on January 1, 2020; and \$15.00 per hour on January 1, 2021. Thereafter, requires DLIR to adjust the minimum wage according to Consumer Price Index (“CPI”). Deletes tip credit.
- HB 409
SB 854 **Stop-Work Order; Payment of Wages** – Authorizes the Director of Labor and Industrial Relations or the Director’s designee to issue a stop-work order to an employer, until the employer complies with HRS Chapter 388 relating to the payment of wages and other compensation. Provides civil and criminal penalties for failure to comply with the stop-work order.
- HB 441 **Minimum Wage Increase; Tip Credit Repeal** – Increases the minimum wage to \$12.50 per hour on January 1, 2018; \$15.00 per hour on January 1, 2019; \$19.00 per hour on January 1, 2020; \$21.00 per hour on January 1, 2021; and \$22.00 per hour on January 1, 2022. Thereafter, requires DLIR to adjust the minimum wage according to CPI. Deletes tip credit.
- HB 442 **Counties’ Minimum Wage** – Authorizes the counties to establish a higher minimum wage than the state minimum wage.
- HB 935
SB 1117 **Salary Exemption Threshold** – Increases the amount of guaranteed monthly compensation required to exempt an individual from minimum wage, overtime, and record keeping requirements under the Hawaii wage and hour law from \$2,000 to 292 times the current minimum wage. Removes exemptions for automobile salespersons and golf caddies from the wage and hour law.
- HB 1433 **Minimum Wage and Consumer Price Index** – Requires DLIR to adjust the hourly minimum wage in accordance with the Honolulu region consumer price index.
- SB 14 **Minimum Wage Increase; Living Wage Assessment** – Increases the minimum wage to \$11.00 per hour on January 1, 2019; \$12.00 per hour on January 1, 2020; \$13.00 per hour on January 1, 2021; \$14.00 per hour on January 1, 2021; and \$15.00 per hour on January 1, 2022. Also directs the Department of Business, Economic Development and Tourism (“DBEDT”) to conduct an assessment of the living wage for Hawaii and submit a report of findings to the legislature by January 1, 2020.
- SB 107 **Minimum Wage Increase ; Tip Credit Repeal** – Increases the minimum wage to \$12.25 per hour on January 1, 2018 and \$15 per hour on January 1, 2019. For January 1, 2020 and thereafter, directs the DLIR to adjust the minimum wage based on the CPI. Repeals tip credit.
- SB 267 **Minimum Wage Increase** – Increases the minimum wage to \$12.00 per hour on January 1, 2020 and \$14.00 per hour on January 1, 2022.
- SB 1165 **Minimum Wage Increase; Counties’ Minimum Wage** – Increases the minimum wage to \$11.10 on January 1, 2019; \$12.10 on January 1, 2020; \$13.10 on January 1, 2021; \$14.10 on January 1, 2022; and \$15.10 on January 1, 2023. Allows the counties to set a county minimum wage at a rate higher than the state minimum wage rate and a reduced county minimum wage rate for minors under eighteen that is at least 80 percent of the county minimum wage rate. Increases the minimum wage by \$1.00 each year until 2023 to reach \$15.10 per hour.

Workers' Compensation ("WC"); Temporary Disability Insurance

- HB 208 **Stop-Work Order; WC** – Authorizes the Director of Labor and Industrial Relations or the Director's
SB 858 designee to issue and serve on an employer a stop-work order prohibiting the use of employee labor
by the employer until the employer complies with the provisions of HRS section 386-121. Establishes
penalties, enforcement, and protest procedure related to stop-work orders.
- HB 377 **County Building Permits; WC Coverage** – Requires building permit applicants and their
SB 1131 subcontractors to have and verify workers' compensation coverage or an exemption from coverage.
Requires coordinated communication between county building permitting agencies and the Director
of Labor and Industrial Relations to ensure compliance.
- HB 705 **WC Prescription Drugs; Average Wholesale Price** – Reduces repackaged, relabeled, and
SB 330 compounded prescription drug payments under workers' compensation from 140% to 90% of the
average wholesale price. Requires physician dispensed prescription drugs to only be prescribed
within 90 days of the injury.
- HB 706 **WC Prescription Drugs; Price Adjustment** – Adjusts the payment for workers' compensation
SB 338 prescription drugs from 140% to -10% of the average wholesale price.
- HB 808 **WC Medical Fee Schedule** - Requires the Director of Labor and Industrial Relations to set workers'
SB 413 compensation medical charges that correspond to the United States Department of Labor Office of
Workers' Compensation Programs fee schedule instead of the Medicare Resource Based Relative
Value Scale applicable to Hawaii. Requires the DLIR to submit a report to the legislature. Makes an
appropriation for analysis of the Act's impact on injured worker's access to treatment. Repeals on
12/31/2024.
- HB 977 **WC Medical Examinations; Definition of Physician; Chaperones; Recording Devices** – Defines
duly qualified physician or surgeon as one who is duty qualified to treat the injury being examined;
possesses medical malpractice insurance; and owes the same duty of care to the injured employee as
would be owed to a traditional patient. Allows an employee to record medical examinations of the
employee that are ordered by the Director of Labor and Industrial Relations. Allows employees to
have a chaperone present at medical examinations.
- HB 978 **WC Medical Examinations; Duly Qualified Physician; Chaperones; Recording Devices** –
SB 859 Allows an employee to have a chaperone present and use a recording device during the medical
examination relating to a work injury under workers' compensation. Clarifies that the employee's
right to have a physician or surgeon present at the medical examination applies to the right to have a
duly qualified physician or duly qualified surgeon present and defines "duly qualified physician" and
"duly qualified surgeon" as one who is duty qualified to treat the injury being examined; possesses
medical malpractice insurance; and owes the same duty of care to the injured employee as would be
owed to a traditional patient.
- HB 979 **WC Payment of Benefits; Billings; Resolution of Disputes** – Establishes that employers shall pay
SB 857 all workers compensation claims for compensable injuries and shall not deny claims without
reasonable cause or during a pending investigation. Establishes that employers shall notify providers
of service of any billing disagreements and allows providers to charge an additional rate to employers
who fail to adhere to the notification requirements. Establishes resolution procedures for employers

and providers who have a reasonable disagreement over liability for services provided an injured worker.

- HB 980 **WC Independent Medical Examination** – Provides that an independent medical examination and
SB 731 permanent impairment rating examination shall be conducted by a qualified physician selected by
SB 1116 the mutual agreement of the parties. Provides a process for appointment in the event that there is no
mutual agreement. HB 980 and SB 1116 contain same language as SB 731 but also adds same
requirements for chiropractors.
- HB 1117 **WC Prescription Drugs** – Limits reimbursements for compounded prescription drugs to \$1,000 in
SB 983 a thirty-day period. Limits reimbursements for any schedule II drug under HRS Chapter 329 (the
Uniform Controlled Substances Act) dispensed by a physician to a one-time thirty-day supply upon
the first visit.
- HB 1118 **WC; Advanced Practice Registered Nurses** – Amends the definition of "physician" in workers'
SB 984 compensation law to include advanced practice registered nurses.
- HB 1181 **WC; Prescription Drugs; Reimbursement; Limitation** - Amends the reimbursement rate for
prescription drugs in the workers' compensation system to be 10% below average wholesale price.
Restricts the provision of physician-dispensed prescription drugs to the first ninety days following
injury.
- HB 1207 **Stop-Work Order; TDI** – Establishes procedures and penalties related to the issuance of stop-work
orders by the DLIR for employer violations of temporary disability insurance requirements.
- HB 1540 **WC Closed Claims Study** – Stipulates that the auditor will contract with a suitable entity to conduct
SB 1236 of study of closed claims in the workers' compensation system that includes the study of processing
time for closed claims. Extends the deadline for the study to 11/30/2018 and the deadline for the
legislative report to twenty days prior to the regular session of 2019. Makes an appropriation for the
study.
- HB 1592 **WC Medical Examinations; Mutual Agreement** – Provides for workers' compensation claims that
an employer may appoint, at the employer's expense, a qualified physician selected by the mutual
agreement of the parties to conduct an independent medical examination or permanent impairment
rating examination. Provides a process for appointment in the event that there is no mutual
agreement.
- SB 253 **WC Medical Examinations; Mutual Agreement; Out-of-State Physicians** – Requires, among
other things, independent medical examinations and permanent impairment rating examinations for
workers' compensation claims to be performed by physicians mutually agreed upon by employers
and employees or appointed by the director of labor and industrial relations. Allows for the use of an
out-of-state physician under certain conditions. Appropriates funds for positions to assist with
workers' compensation claims. Effective January 1, 2018. Repeals on June 30, 2023.
- SB 741 **WC Impartial Examination** – Requires a workers' compensation impartial exam to be conducted
by a doctor whose specialty is appropriate for the injury to be examined in cases where the director
of labor and industrial relations appoints a doctor to conduct an exam. Appropriates funds for the
purpose of this measure.

Health and Insurance; Prescription Drugs

- HB 62 **Colorectal Cancer Screening and Awareness Pilot Program; Department of Health** – Creates
SB 398 the colorectal cancer screening and awareness pilot program within the Department of Health
 (“DOH”) and appropriates funds for the program.
- HB 92 **Long-Term Care Facilities; Medicaid; Cost Increase** – Provides for an annual inflationary
SB 308 adjustment in the methodology used to reimburse facilities for the long-term care of Medicaid
 recipients. Appropriates funds for the inflationary adjustment for fiscal years 2017-2018 and 2018-
 2019.
- HB 93 **Medicaid; Add-On Payment** – Establishes an add-on payment of 40% to the Medicaid base rate for
SB 374 Medicaid enrollees at long-term care facilities that have medically complex conditions requiring
 higher level of care. Appropriates funds for fiscal years 2018 and 2019 to cover increased costs.
- HB 392 **Cognitive Rehabilitation; Brain Injury; Mandated Coverage** – Requires certain insurance
SB 225 contracts and plans to provide coverage beginning 1/1/2017 for treatment of brain injuries, including
 cognitive and neurocognitive therapy, neurobehavioral and neuropsychological testing or treatment,
 and necessary post-acute transition services or community reintegration activities for a period of at
 least twenty years from the date the injury occurred and up to a lifetime cap per person of \$300,000.
 Defines "cognitive rehabilitation therapy".
- HB 407 **High Deductible Health Plans; Health Savings Accounts** – Authorizes insurers, mutual benefit
SB 385 societies, and health maintenance organizations to offer, sell, or renew, on or after January 1, 2018,
 a high deductible health plan in conjunction with a health savings account to an employer subject to
 the Prepaid Health Care Act together with a prepaid health care plan insurance policy. Specifies
 limitations for high deductible health plans and health savings accounts.
- HB 552 **Individual Mandate; Essential Benefits; Covered Services; Extended Coverage; Preexisting**
SB 403 **Conditions** – Ensures certain benefits under the federal Affordable Care Act are preserved under
 Hawaii law, including: preserving the individual health insurance mandate for taxpayers; requiring
 all health insurance entities, including health benefits plans under HRS Chapter 87A to include ten
 essential health care benefits, plus additional contraception and breastfeeding coverage benefits;
 extending dependent coverage for adult children until the children turn twenty-six years of age;
 prohibiting health insurance entities from imposing a preexisting condition exclusion; and
 prohibiting health insurance entities from using an individual's gender to determine premiums or
 contributions.
- HB 664 **In Vitro Fertilization; Coverage** – Removes discriminatory requirements for mandatory insurance
SB 502 coverage of in vitro fertilization procedures to create parity of coverage for same-sex couples,
 unmarried women, and male-female couples for whom male infertility is the relevant factor.
- HB 665 **Mental Health Coverage** – Requires health insurance coverage for case management services by
SB 503 licensed mental health providers for victims of sexual violence.
- HB 666 **Opioids; Benzodiazepines; Initial Prescription** – Limits initial prescriptions for opioids and
SB 504 benzodiazepines to a maximum of seven consecutive days.
- HB 677 **In Vitro Fertilization; Coverage** – Amends insurance coverage requirements for IVF to allow for
SB 515 expanded applicability.

- HB 687 **Dependent Children; Preexisting Conditions** – Adopts provisions from the federal Patient Protection and Affordable Care Act relating to the extension of dependent coverage and the prohibition of preexisting condition exclusions. Takes effect upon the repeal of the federal act. New provisions added to Insurance Code at HRS Chapter 431.
- HB 965 **Prepaid Health Care Act; Independent Contractors** – Extends Hawaii's prepaid health care law to cover qualified independent contractors. Includes criteria to be used in determining whether a person is classified as a qualified independent contractor.
- HB 1289 **Prescription Drugs; Step Therapy Protocol** – Establishes requirements for step therapy protocols to ensure patient access to the particular prescription drugs prescribed by health care providers. Establishes insurance coverage requirements and standards for appeal of coverage determinations.
- HB 1573 **Reproductive Health** – Requires health insurers to provide coverage for reproductive health.
- SB 295 **High Deductible Health Plans; Health Savings Accounts** – Authorizes insurers, mutual benefit societies, and health maintenance organizations to offer, sell, or renew, on or after January 1, 2018, a high deductible health plan in conjunction with a health savings account to an employer subject to the Prepaid Health Care Act together with a prepaid health care plan insurance policy, which is not a high deductible health plan, that has been sold to the employer.
- SB 535 **Hearing Aids; Mandated Coverage** – Requires health insurance policies and contracts issued after 12/31/18 to provide coverage for the cost of hearing aids at a minimum of \$1,500 per hearing aid for each hearing-impaired ear every thirty-six months.
- SB 823 **Naturopathic Physicians; Coverage** – Requires insurers, mutual benefit societies, fraternal benefit societies, and health maintenance organizations to provide coverage for health care services provided by a naturopathic physician.
- SB 1120 **Single-payer Universal Health Care Insurance System** – Establishes the single-payer universal health care insurance system to provide the same high-quality level of medically necessary health care to all Hawaii citizens. Prohibits private health care insurers from duplicating the coverages provided by the system. Establishes the state health care insurance planning and financing authority within the DOH to operate the system. Provides the structure and duties of the authority. Requires that the functions, rights, powers, duties, and appropriations of the Hawaii health authority, DLIR as they relate to the Hawaii Prepaid Health Care Act, and Hawaii employer union health benefits trust fund be transferred to the state health care insurance planning and financing authority. Repeals the Hawaii health authority. Appropriates funds to the state health care insurance planning and financing authority to establish and operate the single-payer universal health care insurance system.
- SB 1315 **Native Hawaiian Culture-based Activities; Insurance Coverage** - Requires all health benefits plans to include coverage for Native Hawaiian culture-based activities, including but not limited to canoe paddling, hula, and lua, that have empirically shown to be effective in the management of weight, cardiovascular health, diabetes, and chronic kidney disease.

Legalization or Decriminalization of Marijuana

- HB 107 **Marijuana; Decriminalization** – Decriminalizes and establishes civil adjudicatory proceedings at the district court level for the possession of one ounce or less of marijuana.

- HB 170 **Medical Marijuana Reclassification** – Requires the Department of Public Safety to reassess the classification of marijuana as a Schedule I drug under state law and to report its findings to the Legislature.
SB 120
- HB 205 **Personal Use of Marijuana** – Authorizes persons 21 years of age or older to consume or possess limited amounts of marijuana for personal use. Provides for the licensing of marijuana cultivation facilities, product manufacturing facilities, safety testing facilities, and retail stores. Applies an excise tax on transactions between marijuana establishments.
- HB 251 **Legalization of Marijuana; County Authorization** – Authorizes the counties to adopt ordinances to legalize marijuana cultivation, possession, sale, transfer, and use, for persons over the age of twenty-one. Clarifies that penal code provisions pertaining to drug and intoxicating compounds offenses do not apply to counties that have adopted ordinances legalizing marijuana and adopted administrative rules to regulate marijuana.
SB 814
- HB 344 **Medical Marijuana Penalties** – Amends penalties pertaining to certain medical marijuana prohibitions. Repeals certain medical marijuana prohibitions. Makes conforming amendments.
- HB 449 **Legalization of Marijuana** – Legalizes under state law the growing, processing, possession, transfer, and personal use of marijuana in a specified quantity to persons at least twenty-one years of age. Requires licensing to operate marijuana establishments. Specifies the application and non-application of the Internal Revenue Code to expenses related to the production and sale of marijuana and marijuana products for state income tax purposes. Specifies that amounts received for the sale of marijuana or marijuana products are not exempt from the state general excise tax. Establishes a tax on the sale of marijuana, marijuana products, and manufactured marijuana products. Establishes an education special fund, into which marijuana tax revenues are to be deposited.
- HB 1358 **Personal Use of Medical Marijuana** – Allows the possession and distribution of marijuana or marijuana concentrate for personal use; provided that the amount of marijuana or marijuana concentrate does not exceed one ounce and is used for private, personal, or recreational purposes by persons twenty-one years of age or older. Creates a defense to a marijuana-related offense if the marijuana or marijuana concentrate was for personal use, except for possession by or distribution to a minor.
SB 169
- HB 1463 **Legalization of Marijuana; Possession** – Repeals criminal penalties for possession of marijuana, but retains penalties for marijuana cultivation and distribution. Specifies that the crime of promoting a detrimental drug in the first degree includes the selling or bartering of more than one ounce of marijuana.
- HB 1464 **Legalization of Marijuana; 21 Years or Older** – Authorizes persons 21 years of age or older to consume or possess limited amounts of marijuana for personal use. Provides for and requires the licensing of marijuana cultivation facilities, product manufacturing facilities, safety testing facilities, and retail stores. Subjects marijuana establishments to excise taxes and income taxes.
- HB 1538 **Marijuana; Minors; Legalization** – Prohibits the provision of marijuana and related compounds to minors under 18. Prohibits minors under 18 to purchase marijuana or related compounds. Prohibits cultivation of marijuana on state or county property. Authorizes cultivation of marijuana on private property under certain conditions. Prohibits sharing proceeds from marijuana cultivation with criminal groups. Establishes fines for violations. Repeals other criminal penalties related to possession, cultivation, distribution, and use of marijuana and related compounds.

- HB 1539 **Marijuana; Legalization** - Creates a criminal penalty with respect to the selling or furnishing of intoxicating compounds created from marijuana or marijuana concentrates to minors. Allows the growing of marijuana plants for personal use on lands zoned for residential use or agriculture. Prohibits marijuana use and distribution in conjunction with certain illegal activities. Removes marijuana and tetrahydrocannabinols from the Uniform Controlled Substances Act. Removes certain references to and criminal penalties under the penal code related to marijuana and marijuana concentrates.
- SB 1219
- SB 16 **Decriminalization of Marijuana; School Zones** – Decriminalizes the possession of one ounce or less of marijuana. Creates a civil penalty for possession of marijuana on school property or in open possession in a school zone.
- SB 168 **Medical Marijuana Penalties** – Amends certain penalties with regards to possession of marijuana from a felony to misdemeanor or petty misdemeanor. Repeals language regarding unlawful access to medical marijuana dispensaries.
- SB 173 **Medical Marijuana; Primary Caregivers; Employment** – Clarifies that an adequate supply of medical marijuana authorized for possession by a qualifying patient and the primary caregiver includes seven marijuana plants that are at least twelve inches in height or width, and seven marijuana seedlings that are less than twelve inches in height and width. Authorizes primary caregivers to continue cultivating marijuana for qualifying patients after December 31, 2018. Allows a felon to work in the medical marijuana industry if the individual has not served time in prison for a felony conviction in the five years immediately preceding the employment. Defines edible cannabis products as manufactured cannabis that is intended to be used, in whole or in part, for human consumption. Authorizes licensed medical marijuana dispensaries to manufacture and distribute edible cannabis products beginning July 1, 2018.
- SB 174 **Medical Marijuana; Debilitating Condition** – Amends the definition of debilitating medical condition to include lupus, epilepsy, multiple sclerosis, arthritis, autism, anxiety, depression, insomnia, and stress as conditions that qualify for the legal use of medical marijuana.
- SB 548 **Legalization of Marijuana** – Legalizes the personal use, possession, and sale of marijuana in a specified quantity. Requires licensing to operate marijuana establishments. Subjects marijuana establishments to excise taxes and income taxes.
- SB 575 **Marijuana; LRB Study** – Requires the Legislative Reference Bureau to study various effects that the legalization of marijuana have had on other states. Appropriates funds.

Contractors

- HB 204 **Contractors License Board; Residency and Domiciliary Requirements** – Increases and amends the membership of the contractors license board. Establishes residency and domiciliary requirements for membership.
- HB 378 **Unlicensed Activity; Citations** - Requires an investigator to issue a citation to any person acting in the capacity of or engaging in the business of a contractor within the State of Hawaii without having a required license.
- SB 1130

- HB 770 **Contractors License Board** - Alters the makeup of the contractors license board to include fifteen members, eight of which to have been engaged in contracting in the State for at least five years and seven of which shall be members of the public who are not licensed contractors.
SB 685
- HB 976 **Electrical Work; Contractors** – Requires any person applying for a license as an electrical contractor, pole and line contractor, high voltage electrical contractor, or electronic systems contractor to possess a trade license or an electrical engineering degree from an accredited college to perform electrical work in the State. Exempts employees of a public utility.
SB 865
- HB 996 **Specialty Contractors; Incidental and Supplemental Work** – Requires the contractors license board to adopt rules to define "incidental and supplemental to the performance of work" to clarify the percentage of a craft or trade in which a specialty contractor may engage without a license while performing work in a craft and trade for which contractor is licensed.
SB 1102
- SB 1144 **Responsible Managing Employee** – Defines “responsible managing employee” as one who directs and supervises installations.

Public Works Contracts; Procurement Contracts

- HB 573 **Bid Shopping; Bid Peddling** – Prohibits bid shopping and bid peddling for the competitive sealed bidding process.
SB 1070
- HB 826 **Subcontractors Licensing** – Authorizes procurement officers to consider a subcontractor's license as valid if it was valid at the time of award of a bid.
SB 1068
- HB 1228 **Competitive Sealed Bidding; Joint and Subcontractors** - Provides a bidder of a public works construction project with two working days after the closing of bids to provide the name of each joint contractor or subcontractor and the nature and scope of the work to be performed by each. Allows the bidder to replace a subcontractor that is not in compliance with these requirements, provided that the price of the total bid remains the same.
- HB 1229 **Subcontractor Listing** – Requires public procurement construction bids to list subcontractors and joint contractors only for contracts with a total value of more than \$5,000,000; provided that bids lacking this list may be accepted if in the State's best interest.
- HB 1322 **Procurement Contracts** – Requires the State Procurement Office, in conjunction with DOE, UH, DOT, and DAGS, to conduct an analysis and review of the Hawaii Public Procurement Code, specifically with regard to the awarding of construction contracts. Appropriates an unspecified amount of funds for the analysis and review.
- HB 1382 **Procurement; Small Business Assistance Initiative** – Assists small business in the state procurement process by establishing a temporary small business assistance initiative, small business advisory council, small business office, and small business procurement coordinator position within the state procurement office. Appropriates funds.
- HB 1387 **Financial Information** – Requires a responsive bidder for a construction or design-build project to submit financial and accounting books and records detailing financial activity and earnings before receiving state funding. Requires agencies to audit any person's books and records relating to the cost or pricing data of goods, services, and construction.

- SB 183 **Employment of Individuals with Disabilities; Preference** – Establishes a preference under the procurement code for employers who pledge to hire individuals with disabilities when contracting for goods, services, or construction through competitive sealed bidding, competitive sealed proposals, or both.
- SB 1059 **Small Business Assistance Initiative; Procurement Initiative** – Establishes and defines a three-year small business assistance initiative and its parts within the state procurement office to develop an effective small business state contracting program. Establishes a small business assistance coordinator position, small business office, and small business advisory group as part of the initiative. Appropriates funds for the administration and operation of the initiative. Repeals the initiative on June 30, 2020.
- SB 1067 **Competitive Sealed Bidding; Joint and Subcontractors** – Provides a bidder of a public works construction project with two working days after the closing of bids to provide the name of each joint contractor or subcontractor and the nature and scope of the work to be performed by each joint contractor or subcontractor.
- SB 1069 **Subcontractor Listing** – Requires public procurement construction bids to list subcontractors and joint contractors only for contracts of \$1,000,000 or more; provided that bids lacking this list may be accepted if in the State's best interest and subcontractor and joint contractor work is 5 percent or less of the total bid amount.
- SB 1280 **Performance Bonds** – Establishes additional performance bond requirements for surety companies and bond companies under the Hawaii Public Procurement Code.

Public Employees

- HB 214 **Paid Family Leave; State Employees** – Provides for four weeks of paid family leave for full-time State employees. Permits leave to be taken for birth of a child, placement of child for adoption or foster care, or care of employee's child, spouse, or reciprocal beneficiary, or parent with a serious health condition.
- HB 232 **Collective Bargaining; Prohibited Practices** – Clarifies the allowable scope of collective bargaining negotiations regarding the rights and obligations of a public employer. Clarifies prohibited practices for parties to a public employment collective bargaining agreement.
- SB 410
- HB 683 **Paid Maternity and Paternity Leave** – Establishes a 6-week paid maternity and paternity leave policy for government employees to ensure that Hawaii's working families are adequately supported during times of needing to provide care to a newborn or bond with a new child.
- SB 521
- HB 730 **Criminal History Record Check; County Employees** – Requires counties that regulate public passenger vehicle services to establish standards to protect passenger safety. Requires operators of public passenger vehicle services to provide a full set of electronic fingerprints and submit to a criminal history record check.
- HB 1371 **Workplace Violence Protection** – Establishes DLIR responsibilities for incidents of workplace violence as well as investigation procedures for incidents of workplace violence for state employees.
- HB 1402 **Shared Leave Programs** – Establishes a shared leave program within the DLIR to allow state employees to donate accumulated sick leave and vacation leave credits to a shared leave bank or to
- SB 207

another state employee who has a serious personal illness or injury or who has a family member who has a serious personal illness or injury.

Government Agencies

- HB 211 **DLIR; DCD Appropriation** – Appropriates funds for 2 full-time equivalent positions for the disability compensation division of the DLIR.
- HB 594 **Workforce Development; Maritime Industry Grant Program** – Establishes within DBEDT the
SB 615 Maritime Industry Grant Program to enhance maritime productivity and workforce development.
- HB 596 **DBEDT; Scope** – Broadens the scope of DBEDT to include business protection under its broad policy objectives. Requires DBEDT to gain an understanding of the functions and activities of other government agencies with respect to the field of business protection.
- HB 597 **DBEDT; Duties; Technical Amendment** –Makes a technical amendment to the general objective, functions, and duties of the DBEDT.
- HB 627 **Public-Private Partnerships** – Authorizes and appropriates funds for the establishment of a State Public-Private Partnership Coordinator within DBEDT to manage all public-private partnerships entered into by the State and manage all contracts, proposals, and negotiations associated with the State's public-private partnerships.
- HB 981 **Hawaii Labor Relations Board; Decisions and Orders** - Allows the Hawaii Labor Relations Board
SB 1114 (“HLRB”) to request the parties appearing before the board to draft decisions and orders to enable a quicker process to resolve cases.
- HB 1031 **Criminal History Record Checks; CSEA, DOT, DHS and DLIR** – Adds the Child Support
SB 897 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 that have access to federal tax information.
- HB 1112 **DLIR; Electronic Service; Electronic Notice** – Allows appeals to be filed at the various offices of
SB 978 the department throughout the State. Allows a temporary disability insurance appeal to be heard in a county chosen by the department, or the county in which the claimant resides, or in which the claimant was employed prior to the claimant's disability. Allows the department to send notices of hearing electronically or by first class mail. Clarifies that when the notice of hearing cannot be delivered to a party in the appeal, the notice may be given by online posting on the department's webpage. Allows the parties to a hearing to appear in person, via telephone, or by other communication devices.
- HB 1115 **HLRB; Electronic Notices** – Allows the HLRB to send notices of hearing electronically; requires
SB 981 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.
- HB 1207 **DLIR; Appropriations** – Appropriates funds for two full-time equivalent (2.00 FTE) enforcement
SB 1115 specialist IV positions to be primarily responsible for the enforcement of Hawaii’s workers' compensation, temporary disability insurance, and prepaid health care laws.

- HB 1572 **Hawaii Economic Security Working Group** – Establishes the Hawaii Economic Security Working Group within DBEDT to analyze and make recommendations regarding economic health and stability in light of future automation, globalization, and disruptive innovation.
- SB 619 **Workforce Development** – Requests the Department of Education (“DOE”), in collaboration and consultation with DBEDT; DLIR; and the University of Hawaii, to develop a K-12 curriculum to career pipeline initiative that will ensure the State's public school students are adequately trained and prepared to enter the State's workforce upon graduation from high school.
- SB 789 **Unemployment Reporting** – Requires the DLIR to report U-6 figures alongside U-3 figures in the main text of reports and press releases related to the State's unemployment rate.
- SB 1306 **DBEDT; Public Private Partnership** – Establishes an office of public-private partnership within DBEDT. Requires that the office create a strategic plan; create collaboration amongst state agencies to identify and implement public-private projects; and oversee and implement the public-private projects. Makes an appropriation.

Tax; General Excise Tax (“GET”); Tax Credits

- HB 21 **Medical Devices Exemption** – Exempts gross receipts from the sale of mobility enhancing equipment and durable medical equipment from the GET. Amends the definition of "prosthetic device" to include devices worn on the body. Exempts gross receipts from the repair of prosthetic devices from the general excise tax.
- HB 345 **Businesses Without Physical Presence in the State** – Amends the definition of “business” to include certain companies that do not have a physical presence within the State of Hawaii. Provides for some exclusions.
- SB 620
- HB 350 **Medical Services Exemption** – Exempts gross proceeds from the sale of certain medical services from the GET.
- SB 177
- HB 360 **Food Exemption** – Provides an exemption for food from the GET.
- HB 882 **Exemption for Food and Over-the-Counter Medication** – Exempts amounts received from sales of food and over-the-counter drugs from the general excise tax.
- HB 883 **Exemptions for Food and Over-the-Counter Medication** – Exempts qualified small businesses from the GET where the gross income of the small business does not exceed \$50,000 annually and is domiciled in the state, formed to make a profit, independently owned and operated, employs fewer than 100 full-time employees, and obtains a certificate of tax clearance from the Department of Taxation.
- HB 1319 **GET; Use Tax** – Increases the general excise tax by 0.5% to provide a dedicated funding source for the DOE and the University of Hawaii. Increases the use tax by 0.5%. Reduces the amount deducted from the county surcharge on state tax to reimburse the State for costs of assessment, collection, and disposition from 10% to 5%. Amends the state income tax by increasing the amounts of the standard deduction to unspecified amounts. Extends the sunset date for the increased amounts of the refundable food/excise tax credit by 2 years.
- SB 1132
- HB 1353 **GET County Surcharge** – Extends each county's authority to establish and collect a surcharge on state general excise and use taxes. Requires a county's share of the county surcharge on state tax to
- SB 1176

be paid to the county on a monthly basis. Deletes the repeal date for Act 247, Session Laws of Hawaii 2005, authorizing counties to levy a surcharge to fund public transportation systems.

- HB 1192 **Kapolei Job Initiative Pilot Program; Tax Credits** – Establishes a Kapolei jobs initiative pilot program that offers incentives to increase the number of businesses willing to establish themselves or open a new location in the Kapolei region. Establishes a tax credit, until 12/31/2024, as part of the Kapolei jobs initiative pilot program.
- SB 1311
- HB 1442 **County Surcharge** – Authorizes counties that have established a surcharge on state tax prior to 7/1/2015 to extend the surcharge in perpetuity. Authorizes counties that have not established a surcharge by 7/1/2017 to establish a surcharge on state tax. Provides that the State shall retain an unspecified portion of surcharge proceeds for DOT. Requires a county's share of the county surcharge on state tax to be paid to the county on a monthly basis.
- HB 1458 **Corporate Income Tax; Employee Compensation** – Increases to an unspecified percentage, the corporate income tax rates for companies: (1) that have 20 or more employees; and (2) the majority of the employees have federal adjusted gross incomes of 125% or less of the federal poverty guidelines set forth each year by the United States Department of Health and Human Services.
- HB 1459 **Corporate Income Tax; Salaries** – Increases to an unspecified percentage, the corporate income tax rates for companies where the ratio between the salary of the company's highest-paid employee and the average of all the company's employees exceeds 20:1.
- HB 1502 **GET Exemption; Healthy or Local Foods** – Provides a general excise tax exemption for the gross proceeds or income arising from the manufacture, production, packaging, and sale of select healthy foods in the State; as well as a general excise tax exemption for locally grown or produced foods.
- SB 622 **GET Exemptions** – Alters the definition of "business" or "engaging" in business under the general excise tax laws to exclude casual sales and businesses that have a worldwide web site as a third-party content provider on a computer physically located in the State but owned by a non-affiliated person; use non-affiliated third-party call centers that accept and process telephone or electronic orders of tangible personal property or licenses primarily from non-Hawaii buyers, which orders are forwarded to a location outside of Hawaii for filing, or to provide services primarily to non-Hawaii customers; and activities of a person without physical presence in the State if the person and the person's affiliates have less than \$100,000 of gross receipts in the State based on receipts from the prior calendar year.
- SB 794 **GET Filing** – Amends the date of filing of monthly, quarterly, semiannual, and annual general excise tax returns from the 20th day of the respective applicable month to the last day of the month. Applies to returns and payments due on or after 1/1/18.
- SB 805 **Telecommuting; Tax Credits** – Provides income tax credits for employers when their employees telecommute for work and for conducting telecommute assessments.

Miscellaneous

- HB 19 **Low-Profit Limited Liability Company** – Allows for the formation of low-profit limited liability companies for charitable or educational purposes and not for the significant purpose of production of income or appreciation of property.

- HB 75 **Small Business Regulatory Flexibility Act; Small Business Impact Statement** – Extends the time given to an agency to submit a small business impact statement to the departmental advisory committee on small business and the Small Business Regulatory Review Board.
- HB 164 **Arbitrators; Conflict of Interest** – Clarifies laws regarding an arbitrator’s failure to disclose certain
HB 1234 facts prior to or during an arbitration. Provides that arbitrator must disclose a direct and material
HB 1285 financial or personal interest in the outcome of the arbitration or an existing or past substantial
SB 314 relationship with any of the parties. Also allows court to vacate arbitration award upon failure of
 arbitrator to disclose conflict of interest.
- HB 305 **Crime Victim Restitution; Garnishment** – Creates standards and procedures for income-
SB 493 withholding for purposes of enforcing restitution orders. Clarifies the priority of income withholding
 orders. Amends the definition of "debt" relating to the recovery of money owed to the State to include
 court-ordered restitution subject to civil enforcement. Extends victims' access to adult probation
 records to include access to payment compliance records. Requires that any bail posted by a
 defendant be applied toward payment of any court-ordered restitution in the same case.
- HB 339 **UH Graduate Students; Collective Bargaining** – Establishes a collective bargaining unit for
HB 1277 graduate student assistants employed at the University of Hawaii.
SB 406
- HB 414 **Homelessness; Public Service Employment Program** – Creates a statewide, state-funded,
 subsidized public service employment program. Authorizes subsidies and low-interest loans for
 employers who participate in the program. Makes an appropriation.
- HB 415 **Sexual Abuse of a Minor; Statute of Limitations** – Extends the period during which a victim of
 child sexual abuse may bring an otherwise time-barred civil action against the victim's abuser or an
 entity with a duty of care.
- HB 416 **Legislative Broadcasts** – Requires the legislative broadcast program to make an audio or
SB 156 audiovisual recording of all public hearings and informational briefings held at the State Capitol, and
 maintain an archive of the recordings to be made available to the public. Appropriates moneys.
- HB 420 **Disabled Veterans; Driver’s License**– Establishes the designation of "one hundred per cent
 disabled veteran" on drivers' licenses, instruction permits, and civil identification cards.
- HB 511 **Lobbying; Definitions** - Makes changes to the laws governing lobbyists. Amends the definition of
SB 853 "expenditure," "lobbyist," and "lobbying." Allows a person who employs a lobbyist to file a notice
 of termination. Amends reporting requirements for reports covering special sessions of the
 legislature. Requires that lobbyist registration statements be posted on the state ethics commission's
 website within a reasonable time after filing and remain on the website for at least 4 years.
- HB 685 **Sexual Offenses Against Minors; Statute of Limitations** – Allows a civil action for recovery of
SB 523 damages to be brought by persons subjected to sexual offenses as a minor against the person who
 committed the act at any time by repealing the statute of limitations. Repeals the period during which
 a victim of child sexual abuse may bring an otherwise time-barred civil action against the victim's
 abuser or an entity with a duty of care, including the State and counties.
- HB 854 **Mobile Electronic Devices; Streaming Music While Driving** – Authorizes drivers to use streaming
 music services through mobile electronic devices while driving.

- HB 858 **Limited Purpose Driver’s License; Confidentiality** – Prohibits agency sharing of documents and information containing citizenship and other biographical information collected from a person applying for a limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit.
- HB 917 **Mutual Benefit Societies; Minimum Net Worth Requirements** – Clarifies that a mutual benefit
SB 1077 society shall maintain a minimum net worth calculated based on annual net premium revenues and net health care expenditures.
- HB 956 **Public Accommodations; Diaper Changing Stations** – Requires all places of public accommodation constructed or substantially modified after June 30, 2017 to provide baby diaper-changing accommodations that are equally accessible to men and women.
- HB 1027 **Nonprofit Corporations** - Amends HRS Chapter 414D to impose a duty of loyalty on directors and
SB 893 officers of nonprofit corporations, to prohibit directors from voting on matters where they have a conflict of interest, to recodify provisions that would allow nonprofit corporations to convert into and out of domestic nonprofit corporations, and to increase the length of time that the Attorney General has to review proposed dissolutions of public benefit corporations.
- HB 1113 **Public Accommodations; Discriminatory Practices** – Removes the requirement of a conspiracy of
SB 979 two or more persons as an element of prohibited discriminatory practices in places of public accommodation.
- HB 1116 **Disability Discrimination in Programs and Activities Receiving State Financial Assistance** –
SB 982 Prohibits retaliation against people who assert rights under HRS Section 368-1.5 or oppose disability discrimination in state and state-funded services.
- HB 1119 **Boiler and Elevator Safety Law; Fund** – Makes housekeeping amendments to Boiler and Elevator
SB 985 Safety Law; extends the time from five to ten years for the Director of Labor and Industrial Relations to reimburse the general fund from the Boiler and Elevator Special Fund.
- HB 1130 **Lie Detector; Psychological Tests; Correction Agencies** – Creates a new exception for correction
SB 996 agencies with regards to prohibitions against the use of lie detector tests and psychological tests in the employment context.
- HB 1239 **Common Law Marriage** – Provides that common law marriages shall be lawfully recognized for
SB 1054 persons cohabiting and acknowledging each other as spouses and generally reputed to be spouses for a period of not less than 10 years.
- HB 1281 **Work for a Day Pilot Program; Homeless** – Establishes a three-year Work-for-a-Day Pilot
Program that provides homeless individuals with work opportunities and connects them with service providers. Appropriates funds.
- HB 1397 **Jury Trials; Threshold** – Increases the threshold value in controversy requirement for jury trials in
SB 315 civil cases at common law from \$5,000 to \$10,000.
- HB 1404 **Health Care Privacy; Medical Information** – Identifies the circumstances in which the State has a
SB 1171 compelling interest in the use and disclosure of de-identified protected health information under the Health Care Privacy Harmonization Act.
- HB 1489 **Discrimination Prohibited; State Agencies, Programs or Activities Receiving Funds** – Prohibits
SB 1265 a state agency or program or activity receiving state financial assistance from excluding from

participation, denying benefits to, or discriminating against a qualified individual by reason of disability, sex, including gender identity or expression, or sexual orientation.

- HB 1599 **Service Animals; Misrepresentation** - Defines emotional support animals and makes it a misdemeanor to knowingly make a misrepresentation regarding a service, or emotional support, animal.
- SB 98 **District Court; Jurisdictional Limits** – Raises the district court’s jurisdictional limit for civil actions involving specific performance from \$20,000 to \$40,000.
- SB 205 **Jury Duty Exemption** – Reduces the minimum age from 80 to 75 years of age for the optional age exemption from service as a juror.
- SB 209 **Social Security Number Protection** – Clarifies the circumstances under which the individual's social security number or the last four digits of the social security number of an individual may be requested of the individual by certain persons or entities, including when the SSN or last four digits of the SSN are requested, collected, or mailed for purposes of employment, including in the course of the administration of a claim, benefit, or procedure related to the individual’s employment by the person, including the individual’s termination, retirement, or work injury; or to check on an unemployment insurance claim of the individual.
- SB 770 **Student Privacy** – Creates civil penalties for operators of web sites, online services, online applications, or mobile applications used for K-12 school purposes who misuse a student's protected online personal information. Allows the AG or the executive director of the Office of Consumer Protection to bring an action against an operator.
- SB 1108 **Jury Duty Exemption; Mileage** – Changes the distance that a person must live from the court in order to receive a jury service exemption from seventy miles to an unspecified number of miles. Increases the mileage fee paid to jurors and prospective jurors from 33 cents to 45 cents.