

January 31, 2018

2018 - Employment Bills Introduced

Employment Practices and Employee Rights

- HB 1629
SB 2094 **Notice of Work Schedules; Premium Rates of Pay** – Requires certain employers in the retail, hospitality, and food services to provide employees with advance notice of work schedules. Authorizes an employer to create voluntary standby lists. Requires overtime pay for employees who work during certain rest periods between work shifts. Requires overtime pay if employer gives no advance notice of work schedule.
- HB 1727
SB 2359 **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 680 hours a year. Requires accrual of one hour of paid sick leave for every 40 hours of work, and allows employees to accrue up to 40 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. Mandates notice and posting requirements.
- HB 1735 **Veterans Hiring Preference** – Allows private businesses, employment agencies, or labor organizations to adopt preferential hiring policies for honorably discharged veterans in accordance with Section 11 of Title VIII of the Civil Rights Act.
- HB 1753 **Medical Marijuana; Discrimination Prohibited** – Prohibits an employer from discriminating against an employee who holds a valid prescription for the medical use of cannabis.
- HB 1867
SB 3047 **Paid Family and Medical Leave Insurance** – Requires the Department of Labor and Industrial Relations to establish and administer a family and medical leave insurance program which shall be funded by contributions from employers and employees. Provides for paid leave when an employee is absent from work due to birth or adoption of a child, to provide care for a family member with a serious health condition, because of the employee's own serious health condition, or because of a qualifying exigency. Provides for a maximum leave of 12 or 16 weeks per 52 consecutive calendar weeks, depending on the reason for leave. Paid leave shall be calculated according to a statutory formula, up to a maximum of \$1,000 per week. Employees become eligible for paid family and medical leave after working 820 hours during the first four of the last five completed calendar quarters or last four completed calendar quarters immediately preceding the application for leave. Provides job protection for employees on leave. Sets notice, posting, and recordkeeping requirements. Appropriates funds for administration of the program.
- HB 2018 **Reproductive Health Decisions; Discrimination Prohibited** – Adds reproductive health decisions to the list of categories that are protected against discriminatory employment practices.

- HB 2136 **Paid Family Leave; Expansion of Hawaii Family Leave Law** – Requires the Department of Labor and Industrial Relations to establish and administer a family leave insurance program. Creates a family leave insurance fund that shall include both employer and employee contributions. Provides for up to 16 weeks of paid family leave per calendar year to care for self, child, or family member, or during qualifying exigency. Increases leave period under Hawaii Family Leave Law to 16 weeks. Allows for leave to be taken within 12 months of child’s birth, foster placement or adoption. Appropriates funds to implement the program.
- SB 2350
- HB 2137 **Pay Secrecy and Confidentiality** – Prohibits prospective employers from requesting or considering a job applicant's wage or salary history as part of an employment application process or compensation offer. Prohibits enforced wage secrecy and retaliation or discrimination against employees who disclose, discuss, or inquire about their own or coworkers' wages.
- SB 2351
- HB 2173 **Social Media Privacy** - Prohibits employers and educational institutions from requiring employees, students, and prospective employees and students to provide protected personal online account information. Authorizes private civil actions against violators.
- HB 2200 **Workplace Temporary Restraining Orders** – Allows an employer to seek a temporary restraining order (“TRO”) and injunction against further harassment of an employee or invitee who may be harassed at the employer's premises or worksite.
- SB 2994
- HB 2201 **Employment Discrimination** – Clarifies that Hawaii's anti-discrimination law does not prohibit or prevent an employer, employment agency, or labor organization from refusing to hire or refer or from discharging an individual for reasons unrelated to unlawful discriminatory practices.
- SB 2993
- HB 2250 **Hawaii Family Leave Law; Medical Care** – Adds routine medical care for a child as a qualifying reason for parents to use under the Hawaii Family Leave Law.
- HB 2289 **Social Media Privacy** – Adopts uniform laws on protecting the online accounts of employees, unpaid interns, applicants, students, and prospective students from employers and educational institutions, respectively.
- SB 2233
- HB 2598 **Paid Family Leave** – Requires the Department of Labor and Industrial Relations to establish paid family leave for all workers by 1/1/2023. Authorizes the department to adopt interim rules. Establishes the paid family leave implementation task force to assist the department and report to the Legislature. Establishes a paid family leave special fund. Appropriates funds.
- SB 2990
- HB 2602 **Independent Contractors; Unemployment Insurance** – Provides three categories and twelve factors for the department of labor and industrial relations to apply to determine independent contractor status.
- SB 3106
- SB 2093 **Mandatory Meal Breaks** – Requires employers with fifty or more individuals to allow rest or meal periods for employees that work more than five consecutive hours, with certain exceptions. Repeals the exclusion of persons whose employment is governed by the federal Fair Labor Standards Act from the definition of "employee" under the State's wage and hour law.
- SB 2102 **Wage Discrimination** – Provides that any employer who discriminates against an individual in the payment of wages shall be liable to the affected employee in the amount of the difference in wages, and in the case of wage discrimination on the basis of sex, triple the difference in wages.

- SB 2104 **Paid Family Leave; Expansion of Hawaii Family Leave Law; Study** – 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. Provides a covered individual with at least ___% of the employee’s average weekly wage or ___% of the state average weekly wage, whichever is less. Extends the amount and duration of family leave payable to covered individuals from four to eight weeks beginning on January 1, 2019, ten weeks beginning on January 1, 2020, and 12 weeks beginning on January 1, 2021. Applies to employers with 50 or more employees (instead of 100 or more). Allows a covered individual to select a “designated person” for whom the employee may take leave to provide care. Prohibits duplication of benefits. Appropriates funds to the Department of Labor and Industrial Relations to implement the family leave insurance program. Requires a study to be performed by the Department of Labor and Industrial Relations and an actuarial study to be performed by the Department of Budget and Finance.
- SB 2220 **Medical Cannabis; Discrimination Prohibited** – Prohibits an employer from suspending, discharging, or discriminating against an employee for testing positive for cannabis if the employee is a registered qualifying patient who is authorized for the medical use of cannabis. Provides certain exceptions.
- SB 2284 **Non-Compete Agreements; Low Wage Earners** – Prohibits noncompete agreements for low wage workers whose earnings do not exceed the greater of the hourly rate equal to the minimum wage required by applicable federal or state law or \$15 per hour.
- SB 2288 **Notice of Work Schedules** – Requires employers to provide employees with written notice of the employee's shift schedule at least ten calendar days before the employee is schedule to work, under certain conditions.

Minimum Wage Increases

- HB 1627 **Impaired Individuals; Minimum Wage** – Repeals exemption authorizing compensation of impaired individuals at less than minimum wage.
SB 2362
- HB 1721 **Disabled Individuals; Minimum Wage** – Includes persons with disabilities under the minimum wage requirements.
SB 3023
- HB 1755 **Minimum Wage Increase; CPI** – Increases the minimum wage to \$15.00 per hour on January 1, 2019 and provides that the Department of Labor and Industrial Relations shall adjust the minimum wage annually according to the Consumer Price Index for urban wage earners.
- HB 2293 **Minimum Wage Increase; Formula** – Requires the Department of Labor and Industrial Relations to annually update the minimum wage based upon a percentage of the median hourly wage for all occupations in Hawaii according to the following formula: 57% on January 1, 2019, 63% on January 1, 2020, and 70% beginning January 1, 2021.
- HB 2294 **Minimum Wage Increase; CPI; Tip Credit Repeal** – Increases the minimum wage to \$11.75 per hour on January 1, 2019, \$13.25 per hour on January 1, 2020, and \$15.00 per hour on January 1, 2021. For January 1, 2022 and thereafter, directs the Department of Labor and Industrial Relations to adjust the minimum wage based on the CPI. Repeals tip credit.
- HB 2423 **Minimum Wage Increase; CPI; Tip Credit Repeal** – Increases the minimum wage to \$12.25 per hour on January 1, 2019 and \$15.00 per hour on January 1, 2020. Thereafter, requires Department
SB 2288

of Labor and Industrial Relations to adjust the minimum wage according to Consumer Price Index. Deletes tip credit.

- SB 2103 **Minimum Wage Increase; Living Wage Assessment** – Increases the minimum wage that employers must pay employees to \$11.00 per hour beginning on January 2, 2019, \$12.00 per hour on January 1, 2020, \$13.00 per hour on January 1, 2021, \$14.00 per hour on January 1, 2022, and \$15.00 per hour on January 1, 2023. Requires the Department of Business, Economic Development, and Tourism to conduct an assessment on the living wage in Hawaii and submit a report to legislature on its findings by January 1, 2020.
- SB 2460 **Minimum Wage Increase; Minors** – Increases the minimum wage rate to \$12 per hour beginning January 1, 2019, \$13.50 per hour beginning January 1, 2020, and \$15 per hour beginning January 1, 2021. Beginning January 1, 2019, allows an employer to pay to an employee a wage that is at least ninety per cent of the applicable minimum wage rate if the employer employs less than fifty employees, the employee is under the age of sixteen, or during the employee's initial thirty days of employment with the employer.
- SB 2942 **Minimum Wage Increase; CPI; Tip Credit Repeal** – Increases the minimum wage to \$11.75 per hour on January 1, 2019, \$13.35 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. Deletes tip credit.

Workers' Compensation (“WC”); Temporary Disability Insurance (“TDI”)

- HB 1631 **WC; Prescription Drugs; Reimbursement** – Limits physician-dispensed prescription drugs in
SB 2358 workers' compensation claims to the first 30 days from the work injury date. Lowers the reimbursement rates of prescription drugs in workers' compensation claims.
- HB 1640 **WC; Presumption of Compensability** – Prohibits employer disputes of workers' compensation
SB 2364 claims without reasonable cause or while the claim is pending investigation. Establishes negotiation, notice, and review procedures for disputed claims. Establishes penalty for failure to negotiate in good faith. Permits service providers to charge interest on late bill payments.
- HB 1694 **WC; Independent Medical Examinations** – Allows employer and employee to mutually agree to
SB 2365 an independent medical examiner or permanent impairment rating examiner. An out-of-state physician may conduct the examination upon approval by the Director of Labor and Industrial Relations (Director) or when an employee resides out-of-state. Without the parties' mutual agreement, the Director shall appoint the physician who shall be paid from funds appropriated by the Legislature. Defines "medical stability."
- HB 1778 **WC; Firefighters** – Improves access for firefighters to comprehensive medical benefits upon
SB 2181 diagnosis of cancer that is presumed to arise out of and in the course of employment.
- HB 2116 **WC; Firefighters; Cancer** – In the event of a controverted workers' compensation claim, requires
SB 2660 an injured employee's private health care plan to pay for or provide medical care, services, and supplies; provided that when the claim is accepted, the employer shall reimburse the private health care plan and injured employee. In the event of an accepted claim for leukemia, multiple myeloma, non-Hodgkin's lymphoma, or certain cancers by a firefighter with five or more years of service, requires an employer to be liable for 137% of medical care, services, and supplies.

- HB 2202 **WC; Medical Examination; Duly Qualified Physician** – Provides that a duly qualified physician or duly qualified surgeon selected and paid for by an employer to perform a medical examination on an employee relating to a work injury under workers' compensation shall be duly qualified to treat the injury being examined, possess medical malpractice insurance, and owe the same duty of care to the injured employee as to a traditional patient.
- HB 2288 **WC; Medical Conditions; Firefighters** – Requires an injured workers' private health insurance to pay for medical services and supplies when workers' compensation claim is controverted by an employer. Under certain conditions, increases employer's percentage of liability for medical services and supplies when firefighter has compensable claim for cancer.
- HB 2375 **TDI; Certification by APRN; Penalties; Notices; Hearings** – Permits advanced practice registered
SB 2375 nurses to certify an employee's disability. Increases the penalty an employer is assessed for failing to
SB 2802 submit timely wage and employment information. Permits filing of an appeal of a decision related to temporary disability insurance at the various offices of the Department of Labor and Industrial Relations throughout the State. 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 2377 **WC; Vocational Rehabilitation** – Creates a hierarchy of options for injured workers who require
SB 2804 retraining. Creates time limits (two years) for vocational rehabilitation plans.
- HB 2544 **WC; Firefighters; Presumption** – Grants the presumption that cancer developed by claimants for worker's compensation who performed services as firefighters or volunteer fighters was developed as a result of their work, provided evidence of exposure to a known carcinogen.
- SB 2244 **WC Opioid Therapy; Prescription Limits** – Requires health care providers in the workers' compensation system who are authorized to prescribe opioids to adopt and maintain policies for informed consent to opioid therapy in circumstances that carry elevated risk of dependency. Establishes limits for concurrent opioid and benzodiazepine prescriptions.

Healthcare and Health Insurance; Prescription Drugs

- HB 1602 **Opioid; Warning Label** – Requires that persons who sell opioid drugs must also provide a label warning of the risks of addiction and death.
- HB 1603 **Health Insurance; Opioids; Addiction Treatment** – Requires health insurers, mutual benefit societies, and health maintenance organizations to provide health care coverage and benefits for a minimum of 6 months of inpatient and outpatient treatment for opioid dependence beginning after December 31, 2018.
- HB 1705 **Mandated Coverage; Port-wine Stains** – Requires certain health insurers and plans to provide coverage beginning 1/1/2019 for treatment of port-wine stains.
- HB 1717 **Single-Payer Health Care; Study** – Requires the Legislative Reference Bureau to conduct a study on the costs and effects in the State of implementing a single-payer health care system similar to that which is proposed in the federal Medicare for All Act of 2017. Appropriates funds to conduct the study.

- HB 1927 **High Deductible Health Plans; Health Savings Accounts** – Authorizes the issuance of employer-sponsored high deductible health plans, if certain conditions are met. Requires maintenance of health savings accounts in conjunction with high deductible health plans. Specifies that employers and insurers that buy or sell high deductible health plans remain subject to the Prepaid Health Care Act.
- HB 2126 **Health Insurance; Extended Coverage; Preexisting Conditions; Nondiscrimination** – Ensures certain benefits under the federal Affordable Care Act are preserved under Hawaii law, including: extending dependent coverage for adult children up to 26 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.
SB 2340
- HB 2127 **Health Insurance; Required Benefits; Covered Benefits; Reproductive Health Care; Medical Assistance** – Requires health insurers, mutual benefit societies, and health maintenance organizations to provide coverage for a comprehensive category of reproductive health services, drugs, devices, products, and procedures. Requires the department of human services to establish and administer a program to reimburse the cost of medically appropriate services, drugs, devices, products, and procedures for individuals who can become pregnant and who would be eligible for medical assistance but for their citizenship status. Prohibits discrimination in the provision of reproductive health care services. Appropriates funds to the department of human services.
SB 2341
- HB 2128 **Insurance Coverage; Clinical Victim Support Services; Victims of Sexual Violence and Abuse** – Requires that health insurance policies include coverage for clinical victim support services for victims of sexual violence and abuse who suffer from mental disorders.
SB 2342
- HB 2145 **Mental Health Coverage** – Requires health insurance and hospital and medical service plans that provide prescription drug benefits to apply prorated daily cost-sharing rates for prescriptions dispensed by pharmacies.
- HB 2146 **Affordable Care Act; State Innovation Waiver** – Authorizes the State to apply for and implement a waiver from certain provisions of the Patient Protection and Affordable Care Act of 2010, as amended.
SB 2199
- HB 2208 **Association Health Plans** – Requires association health plan policies to comply with the laws of this State regardless of the association's domicile. Enables certain voluntary associations, including employer associations that issue association health plans, to qualify for authorization to transact insurance in the State.
- HB 2209 **Health Insurance; Creditable Coverage; Individual Mandate; Qualified Taxpayers** – Establishes an individual mandate for certain qualified taxpayers to sign up and maintain health insurance throughout the year, or pay a penalty on their individual income tax return.
SB 2924
- HB 2347 **Insurance Code; Various Revisions** – Amends various portions of the Hawaii Insurance Code under Hawaii Revised Statutes title 24 to update and improve existing Insurance Code provisions.
SB 2774
- HB 2348 **Health Insurance; Guaranty Fund** – Creates and establishes an insurance guaranty fund for Hawaii domestic medical service organizations and health maintenance organizations.
SB 2775
- HB 2524 **In-Vitro Fertilization; Insurance Coverage** – Removes discriminatory requirements for mandatory insurance 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.
SB 2633

- HB 2668 **Reproductive Health; Mandatory Coverage** – Requires health insurers to provide coverage for reproductive health.
- SB 2025 **Homelessness; Mandatory Health Coverage** – Beginning January 1, 2019, requires all health plans in the State, including EUTF health plans and Medicaid managed care programs, to provide coverage for the treatment of homelessness. Requires the department of human services to seek a section 1115 waiver to amend the state Medicaid plan to include housing and supportive housing services for chronically homeless individuals.
- SB 2064 **Health Benefit Plans; Medicare** – Requires health benefit plans supplemental to Medicare to include contributions equal to Medicare part D premiums effective January 1, 2018, in addition to Medicare part B premiums.
- SB 2108 **Health Care Premium Assistance; DHS** – Requires the Department of Human Services to provide health care premium assistance for individuals at various income ranges up to three hundred per cent of the federal poverty level.
- SB 2207 **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 2247 **Opioid Antagonists; Prescriptions** – Authorizes pharmacists to prescribe and dispense an opioid antagonist to patients and to family members and caregivers of opioid patients without the need for a written, approved collaborative agreement.
- SB 2270 **Prescription Medications; Opioid Dependency; Copayment/Coinsurance** – Exempts prescriptions for opioid dependency treatment medications from any copayment or coinsurance provisions that may apply in a policy, plan, contract, or agreement that offers prescription drug coverage.
- SB 2271 **Opioid Antagonists; Pharmacists; Standing Order** – Authorizes a registered pharmacist to dispense an opioid antagonist pursuant to a standing order without any other prescription. Requires the standing order to limit the dispensing of an opioid antagonist to certain individuals or a harm reduction organization. Establishes that the practice of pharmacy includes the dispensing of an opioid antagonist pursuant to a standing order. Requires the board of pharmacy to identify the pharmacists who are authorized to dispense an opioid antagonist and annually review the dispensing practices of pharmacists who dispense the opioid antagonist pursuant to a standing order.

Medical Marijuana/Cannabis; Legalization of Marijuana

- HB 1893 **Marijuana; Decriminalization** – Decriminalizes and establishes civil adjudicatory proceedings at the district court level for the possession of one ounce or less of marijuana.

- HB 1893 **Medical Use; Opioid Dependence** – Includes the medical use of cannabidiol products as allowable
SB 2407 medical uses of cannabis for opioid use disorder.
- HB 2572 **Medical Cannabis; Decriminalization** – Clarifies that the use of medical cannabis is not considered
to be a state or federal crime by stating that for medical use of cannabis, state and federal schedules
listing cannabis as a controlled substance do not apply.
- HB 2584 **Legalization of Marijuana** – Repeals criminal prohibitions and penalties pertaining to marijuana.
- HB 2729 **Medical Cannabis; Telehealth; Reciprocity; Background Checks** – Amends the reciprocity
program, subject to certain safeguards, reporting and transparency requirements, and payment of a
visiting patient certifying fee. Extends the maximum period of validity of a qualifying patient's
written certification of a debilitating medical condition. Allows a bona fide physician-patient or
advanced practice registered nurse-patient relationship to be established via telehealth. Adds certain
devices that provide safe pulmonary administration to the list of medical cannabis products that may
be manufactured and distributed. Increases the tetrahydrocannabinol limit per pack or container of
certain manufactured cannabis products. Exempts from the background check requirement
employees of a dispensary or subcontracted production center or retail dispensing location without
direct access, contact, or exposure to any cannabis or manufactured cannabis product. Conditions the
department of health's mandatory disclosure of information and documents of dispensaries and
production centers, for purposes of verifying qualifying patient information, only upon receipt of a
legally authorized subpoena.
- HB 2733 **Medical Cannabis Omnibus Bill** –Extends the time that a qualifying patient's certification is valid.
Acknowledges patient-relationship in practice of telehealth. Allows for safe inhalation of cannabis
products in prescribed devices. Increases the tetrahydrocannabinol limit per package. Exempts
background checks of employees under certain conditions. Establishes a reciprocity program for
visiting patients.
- HB 2740 **Medical Cannabis; Dispensaries; Employee Protection** – Authorizes the recognition of out-of-
SB 2248 state residents as qualifying patients for medical cannabis use in the State. Prohibits discharge of an
employee solely for being a qualifying patient or testing positive for cannabis use. Adds substance
use disorder as a qualifying condition for medical cannabis use. Authorizes transportation of medical
cannabis between islands of the State. Prohibits utilization of a portable volatilization device to
medically use cannabis. Authorizes utilization of a stationary volatilization device to medically use
cannabis. Allows a dispensary to transport cannabis samples to a certified laboratory on another
island for testing regardless of whether there is a laboratory on the same island as the dispensary.
Authorizes the manufacture and distribution of cannabinoid suppositories. Includes cannabis as a
prescription drug that an employer may be required to furnish to an injured employee under workers'
compensation. Provides that a qualifying patient shall not be prohibited from using medical cannabis,
in a way other than smoking, in a place of public accommodation. Requires public education and
collaboration regarding public safety concerns and training of law enforcement agencies.
Appropriates funds. Requires the Department of Health and the Department of Transportation to
review and, as necessary, adopt various rules. Requires the Hawaii Public Housing Authority to
provide guidance regarding federal regulations pertaining to medical use of cannabis on federally
subsidized housing properties. Establishes a working group. Authorizes applications by mail for the
issuance or renewal of a civil identification card.
- SB 2216 **Medical Cannabis; Reimbursement** – Permits qualifying patients to be reimbursed by health
insurers, mutual benefit societies, and health maintenance organizations for amounts spent on

medical cannabis and manufactured cannabis products. Limits the monthly amount of reimbursement.

- SB 2217 **Medical Cannabis; Decriminalization** – Clarifies that medical use of cannabis is not considered to be a state or federal crime.
- SB 2455 **Cannabis; County Authority to Legalize** – Authorizes the counties to adopt ordinances to legalize cannabis 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 cannabis and adopted administrative rules to regulate cannabis.
- SB 2488 **Medical Cannabis; Insurance Reimbursement; Working Group** – Establishes the medical cannabis insurance reimbursement working group to address the complexities surrounding the topic of making medical cannabis reimbursable by health insurance.
- SB 2537 **Cannabis; Legalization; Drug Treatment Special Fund; Medical Cannabis; General Excise Tax; Exemption** – Legalizes under state law the growing, processing, possession, transfer, and personal use of cannabis in a specified quantity to persons at least twenty-one years of age. Requires licensing to operate cannabis establishments. Specifies that fifty per cent of general excise tax revenues collected for the sale of cannabis or cannabis products shall be deposited into the drug treatment special fund. Exempts the sale of cannabis or manufactured cannabis products by medical cannabis dispensaries from the state general excise tax. Specifies the application and non-application of the Internal Revenue Code to expenses related to the production and sale of cannabis and cannabis products for state income tax purposes. Specifies that amounts received for the sale of cannabis or cannabis products are exempt from the state general excise tax.
- SB 2651 **Medical Cannabis; Employment Disqualification** – Specifies certain felonies that will preclude employment at a medical cannabis dispensary, including Class A or B felonies, or Class C felonies involving fraud, deceit, misrepresentation, embezzlement, theft, endangering the welfare of a minor, or trafficking/distributing/promoting a drug.
- SB 2978 **Reclassification of Marijuana** – Amends Hawaii Revised Statutes and Hawaii Administrative Rules to substitute references to "marijuana" with "cannabis". Reschedules cannabis from a schedule I drug to a schedule III drug.
- SB 3053 **Medical Cannabis; Edibles** – Defines edible cannabis products as manufactured cannabis that is intended to be used for human consumption and provides manufacturing requirements for edible cannabis products. Authorizes licensed medical cannabis dispensaries to manufacture and distribute edible cannabis products. Establishes requirements for manufacturing, handling, and packaging manufactured cannabis products. Takes effect on January 1, 2020.

Contractors

- HB 1618
SB 2005 **Contractors License Board** – Amends the composition of and sets residency requirements for members of the Contractors License Board (Board). Specifies that the protection of the public shall be of the highest priority of the Board in the exercise of the Board's licensing, regulatory, and disciplinary functions.

- HB 1648 **Specialty Contractors; Incidental and Supplemental Work; Contractors License Board -**
SB 2617 Authorizes specialty contractors to perform work outside the scope of their licenses when that work is subordinate to another contractor and directly related to and necessary for the project.
- HB 1875 **Specialty Contractors; Incidental and Supplemental Work** – Requires the Contractors License
SB 2716 Board to adopt rules to define "incidental and supplemental to the performance of work" and to set the percentage of a craft or trade in which a specialty contractor may engage without a license while performing work in a craft or trade for which the contractor is licensed.
- HB 1940 **Contractors License Board; Specialty Contractor** – Requires the Contractors License Board to
adopt rules to define "incidental and supplemental to the performance of work" with regard to the Board's ability to classify and limit the amounts of unlicensed work that a specialty licensed contractor may perform.
- HB 2054 **Contractors License Board; Composition** – Amends the membership of the Contractors Licensing
Board by increasing the total membership to 15, reducing the number of contractors on the board to 5, and increasing the number of noncontractors to 10. Requires all members to be at least 30 years old and a resident of the State. Requires the board to hold the interests of the public as the highest priority.
- HB 2549 **High Voltage Work; Licensing Exemption** – Provides an exemption to the licensing requirements
SB 2297 for certain qualified individuals in situations when high voltage (six hundred volts or higher)
SB 2937 electrical work is performed while employed by a Hawaii licensed electrical contractor.

Public Works Contracts; Procurement Contracts

- HB 1939 **Private Utility Projects; Prevailing Wage** – Requires that public utility workers on private utility
projects be paid the prevailing wage rate established by the Department of Labor and Industrial Relations for public works projects.
- HB 2205 **Prevailing Wage; Utility Worker; Construction; Public Works** – Defines utility work, amends
the definition of construction, and amends the wages and hours of employees on public works law to include certain activities performed by workers in electric, natural gas, water, sewer, and other utility industries.
- HB 2683 **Prevailing Wages; Utility Workers** – Applies Chapter 104 of the Hawaii Revised Statutes to utility
SB 2090 workers and specifies that “public work” includes utility projects.
- SB 2600 **Procurement; Contract Bids; Subcontractor Listing** - Requires the listing of all joint contractors
and subcontractors for construction contracts subject to the procurement code where the total estimated contract value is \$5,000,000 or higher. Requires the listing of joint contractors and subcontractors in the trades of electrical, plumbing, asbestos, elevators and boilermaker for construction contracts subject to the procurement code where the total estimated contract value is less than \$5,000,000.
- SB 2601 **Procurement; Past Performance; Criteria; Sole Source; Evaluation; Appropriation** – Requires
past performance to be factored into future bid selection of a contractor. Defines past performance. Requires past performance to be considered in sole source procurement. Requires that upon completion of a procurement contract, the department that issued the request for proposal shall

evaluate the work and performance of the respective contractors and maintain the evaluations in the department's files. Appropriates funds.

- SB 2602 **State Procurement Policy Board; Compliance Examinations** – Requires the state procurement policy board to annually review and examine procurement contracts of at least two executive department, division, or agency contracts that are over \$50,000. Requires the state procurement policy board to randomly perform compliance examinations of government purchasing agencies and examinations of agencies selected based on a pattern of agency noncompliance.
- 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.

Public Employees

- HB 1725 **Collective Bargaining; Employee Payroll Deductions** – Requires collective bargaining public employees to provide written notification to the employee's exclusive representative to discontinue the employee's payroll assignments within a certain time period. Requires the employee's exclusive representative to provide a copy of the notification to the employer within seven business days of receipt from the employee.
- HB 1868 **Payment of Wages; State and County Employers** – Amends the definition of "employer" in Chapter 388 of the Hawaii Revised Statutes ("HRS") to include the State and counties when a provision in that chapter has no comparable provision in HRS Chapter 78.
- SB 2045
- HB 1930 **Public Employment; Collective Bargaining** – Amends collective bargaining law to ensure that exclusive bargaining representatives retain the resources necessary to adequately represent public employees and remove economic incentive to free ride.
- HB 1992 **Jobs For All Option; Task Force** – Establishes a task force to study the feasibility of creating a public option to provide jobs within state government.
- HB 2114 **Collective Bargaining; Scope of Negotiations** – Provides that negotiations over the implementation of management decisions affecting the terms and conditions of employment that are subject to collective bargaining are not precluded from collective bargaining negotiations.
- SB 2373

Government Agencies

- HB 1628 **Department of Education; Student Records** – Requires the Department of Education to set a standard for retention of student records of not less than 100 years. Allows the Department of Education to partner with the Hawaii Correctional Industries Program to establish a three-year student records modernization pilot project.

- HB 1647 **Department of Human Services; Employer Report; Public Assistance** - Requires the Department of Human Services to compile information regarding employers with employees who receive public assistance. Requires the Department of Human Services to submit an annual report to legislature on the 50 employers with the highest number of employees receiving public assistance. Requires the Department of Labor and Industrial Relations to share employment data.
- HB 1929 **Hawaii Labor Relations Board; Emergency Rulemaking** – Requires the Hawaii Labor Relations Board to adopt emergency rules if the Board finds that Hawaii's collective bargaining in public employment law, or the application thereof, is inconsistent with any federal or state law and the adoption of an emergency rule is urgently needed.
SB2372
- HB 1932 **Emergency Rules; Public Proceedings and Records** – Authorizes agencies to adopt specified emergency rules to lessen disruptions to prior practices caused from changes to federal law, Hawaii legislation, or court decisions.
SB 2371
- HB 2052 **Hawaii Labor Relations Board; Occupational Safety and Health; Delivery of Decisions and Orders** – Requires the Hawaii Labor Relations Board to deliver its decisions and orders by hand, USPS mail with delivery confirmation, or electronically.
SB 2367
SB 2898
- HB 2053 **Collective Bargaining; Labor Relations Board; Delivery of Decisions and Orders; Notice Requirements** – Requires the Labor Relations Board to deliver its orders and decisions by hand, USPS mail using a delivery confirmation, or electronically. Extends the time to hold a hearing on a complaint from 40 to 90 days. Repeals the requirement for the State to pay for witness fees and to conduct an audit. Establishes a collective bargaining dispute resolution special fund.
SB 2366
SB 2899
- HB 2113 **Department of Human Resources Development; Future State Employment; Tuition Grants** – Directs the Department of Human Resources Development to provide University of Hawaii tuition grants to students who commit to future employment with the State. Appropriates moneys.
- HB 2115 **K-12 Agriculture Workforce Development Pipeline** – Appropriates funds to the department of labor and industrial relations for the K-12 agriculture workforce development pipeline initiative.
- HB 2174 **Department of Business, Economic Development and Tourism; Business Development** – Establishes the high-growth grant program and special fund to provide grants to qualified businesses for certain business development activities. Makes an appropriation.
SB 2695
- HB 2235 **Small Business Regulatory Review Board** – Clarifies the intent of the Small Business Regulatory Review Board's powers when reviewing state and county administrative rules that impact small business.
SB 2326
SB 2753
- HB 2374 **Labor Law Enforcement Special Fund** – Establishes the Labor Law Enforcement Special Fund to finance the collection of penalties for violations of labor law; establishes two positions, including an attorney and legal assistant, in the Department of the Attorney General to represent the Department of Labor and Industrial Relations in collecting penalties for violations of law.
SB 2421
SB 2801
- HB 2376 **Boiler and Elevator Safety Law; Fund** – Makes housekeeping amendments to Boiler and Elevator 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 Revolving Fund.
SB 2803

- HB 2378 **Hawaii Civil Rights Commission; Investigation and Conciliation** – Authorizes the Hawaii Civil
HB 2514 Rights Commission Executive Director to either issue a final conciliation demand or dismiss a
SB 2805 discrimination complaint and issue a notice of right to sue after a determination of a reasonable cause
of discrimination is made. Expressly does not extend the Executive Director's authority and
discretion with respect to fair housing, to comply with the federal Fair Housing Act.
- HB 2422 **Boiler and Elevator Safety Law; Fund** – Redefines "boiler" within the Boiler and Elevator Safety
Law. Extends the time from five years to ten years for the Director of Labor and Industrial Relations
to reimburse the general fund from the Boiler and Elevator Revolving Fund. Reclassifies the Boiler
and Elevator Special Fund to a revolving fund. Makes housekeeping amendments to Boiler and
Elevator Safety Law.
- SB 2363 **Department of Human Resources Development; Supervisor Pilot Program** – Establishes a pilot
program where candidates for promotion to supervisor or professional positions can shadow
supervisors and professionals and receive supervisory and leadership training. Appropriates funds.
- SB 2397 **Department of Human Resources Development; Telecommuting Task Force** – Establishes a
temporary telecommuting task force to develop incentives and recommendations to encourage and
expand telecommuting opportunities in the public and private sectors.
- SB 2523 **Department of Business, Economic Development and Tourism; Regional Economic Plans** –
Requires the Department of Business, Economic Development, and Tourism to develop regional
economic plans for each county to provide jobs in urban and rural areas of each county based on the
development or community boundaries of each respective county. Requires Department of Business,
Economic Development, and Tourism to work with the Department of Education and the University
of Hawaii to develop K-12 pathways for each school that emphasize skills necessary to meet the
State's specific industry needs.
- SB 3084 **Hawaii Innovation and Technology Authority; Department of Business, Economic
Development, and Tourism; Appropriation** - Establishes the Hawaii innovation and technology
authority within the department of business, economic development, and tourism. Appropriates
funds.

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

- HB 1605 **General Excise Tax; Repeal of Obsolete or Unnecessary Provisions** – Removes unnecessary or
redundant provisions of the general excise tax laws.
- HB 1670 **Individuals with Disabilities; Tax Credit** – Provides to a taxpayer who hires an individual with a
SB 2191 disability a nonrefundable tax credit for the 6-month period after the individual is initially hired by
the taxpayer.
- HB 1671 **Elderly Employees; Tax Credit** - Provides to a taxpayer who hires an elderly individual a
HB 2521 nonrefundable tax credit for the 6-month period after the individual is initially hired by the taxpayer.
SB 2192 Applies to taxable years beginning after December 31, 2018.
- HB 1795 **Individuals with Disabilities; Tax Credit** – Provides a taxpayer who hires an individual with a
HB 2678 disability a nonrefundable tax credit for the 6-month period after the individual is initially hired by
SB 2163 the taxpayer. Applies to taxable years beginning after December 31, 2018.

- HB 1797 **Elderly Employees; Tax Credit** – Provides a taxpayer who hires an elderly individual a nonrefundable tax credit for the 6-month period after the individual is initially hired by the taxpayer. Applies to taxable years beginning after December 31, 2018.
- SB 2165
- HB 2119 **Tipped Employees; Income Tax Exemption** – Establishes an income tax exemption on the first \$10,000 of income derived from tips received by a tipped employee.
- HB 2416 **GET; Use Tax; Intangible Property** – Clarifies that intangible property: (1) used outside the State is exempt from the general excise tax; and (2) acquired from an unlicensed seller and used in the State is subject to the use tax.
- HB 2417 **GET; Businesses without Physical Presence in State** – Requires that a marketplace provider withhold and remit general excise tax on sales made by marketplace sellers in this State that are facilitated by the marketplace provider. Amends the definition of "business" in the State's general excise tax law.
- HB 2462 **GET Exemption; Farm Equipment and Machinery** – Exempts sales of farm equipment and machinery to certain producers of agricultural products from the general excise tax.
- HB 2519 **Rail Tax** – Extends the county surcharge on the general excise tax and use tax through 2035. Repeals the county surcharge on the general excise tax and use tax by a county with a population greater than 500,000 if, prior to 12/31/2035, the revenues collected through the county surcharge exceed the annual debt service following the completed construction of the minimum operable segment of the locally preferred alternative for a mass transit project. Makes the current transient accommodations tax rate of 10.25% applicable only to transient accommodations furnished in a county with a population greater than 500,000, extends the 10.25% rate through 2035, and reduces the rate to 9.25% if, prior to 12/31/2035, the revenues collected through the county surcharge exceed the annual debt service following the completed construction of the minimum operable segment of the locally preferred alternative for a mass transit project. Repeals requirement that the Director of Finance only disburse surcharge revenues for certified costs incurred by a county to build its mass transit project. Repeals the requirement that a county with a population greater than 500,000 use funds collected pursuant to a county surcharge only for capital costs associated with the construction of a locally preferred alternative for a mass transit project.
- HB 2599 **Small Businesses; Research and Development Tax Credit** – Establishes a nonrefundable income tax credit for small business research and development activities within the State.
- SB 3005
- HB 2659 **Kapolei Jobs 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 12/31/2023, as part of the Kapolei jobs initiative pilot program and allows the tax credit to be claimed through 12/31/2028.
- SB 2558
- SB 2031 **GET Exemption; Food Products; Health Care Services** – Exempts all amounts received from the sale of food products and ingredients, except alcohol, tobacco, and dietary supplements, and received as compensation for health care services from the general excise tax. Applies to taxable years beginning after December 31, 2018.
- SB 2508 **GET; Out of State Business; Nexus Standard** – Creates a nexus standard for taxing out-of-state businesses on their business activities in Hawaii.

- SB 2533 **GET Exemption; Locally Grown Food** – Exempts from the general excise tax the value or gross income derived from the sale of locally grown food produced and purchased within the State.
- SB 2696 **Tax Credit; Technology Businesses; Former Inmates** – Provides and income tax credit for wages paid by a technology business owner to employees who were formerly in the custody of the department of public safety.
- SB 2905 **Tax Credit; On-Site Child Facilities** – Establishes an income tax credit for employers who create on-site early childhood facilities. Establishes and appropriates funds for one on-site early childhood facility coordinator position.

Miscellaneous

- HB 1621 **Merchandise; Returns; Refunds; Defective Goods; Damaged Goods; Shipping Charges; Handling Charges; Unfair and Deceptive Trade Practices** – Requires merchants to refund shipping and handling charges paid by the consumer when the consumer returns a damaged or defective good and requests a refund.
- HB 1630 **Elevator Mechanics; Apprenticeship and Licensure** – Amends requirements for apprenticeship and licensure of elevator mechanics and adds provisions relating to examination, license renewals, continued competency, scope of work, and remote interaction.
- HB 1651 **UH Graduate Students; Collective Bargaining** – Establishes a collective bargaining unit for graduate student assistants employed by the University of Hawaii.
- SB 2585
- HB 1774 **Income Withholding; Restitution; Crime Victims** – Creates standards and procedures for income withholding for purposes of enforcing restitution orders. Provides appropriations to the Department of the Attorney General.
- SB 2177
- HB 1788 **Disabled Persons; Identification Card** – Allows identification cards to indicate a person's disability, to allow the person access to certain eligible public services and help identify the disability to public safety personnel in case of an emergency.
- SB 2171
- HB 1823 **Service Animals; Emotional Support Animals; Misrepresentation** – Defines emotional support animals and makes it a misdemeanor to knowingly make a misrepresentation regarding a service dog or emotional support animal.
- HB 1847 **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 to eight years (instead of four) after April 24, 2012 if the victim is barred from filing a claim due to the expiration of the applicable civil statute of limitations that was in effect prior to April 24, 2012.
- HB 1906 **Health Care Work; Assault** – Makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony.
- SB 2491
- HB 2003 **DUI; Employer Vehicles** – Allows permits that authorize the defendant to operate an employer's vehicle during the period of license revocation to be supported by the employer's sworn statement attesting to the period of the specified assigned hours of work that the defendant will drive the vehicle for purposes of employment.

- HB 2019 **Homeless Employee Grant Program** – Establishes a 3-year homeless employment grant program that provides homeless individuals with work opportunities and connects them with service providers. Requires the Governor's Coordinator on Homelessness to submit a report to the Legislature prior to the 2019 Regular Session on implementing the program. Appropriates funds.
- HB 2023 **Utility Worker; Assault** – Establishes a class C felony for an assault against a utility worker that causes serious or substantial bodily injury or an assault against a utility worker with a dangerous instrument that causes bodily injury.
- HB 2189 **Sexual Abuse of a Child; Statute of Limitations** – Extends the amount of time from the date an act of child sexual abuse occurred for a victim to bring a civil cause of action.
SB 2719
- HB 2291 **Liquor License; New Restaurants** – Authorizes the liquor commission to issue a new restaurant liquor license prior to the restaurant commencing operation. Requires an applicant for a new class 2 restaurant liquor license to include a certification that the applicant intends and shall derive no less than thirty per cent of the establishment's gross revenue from the sale of foods. Clarifies that a class 2 restaurant liquor license is transferrable, provided that the transferee certifies that the transferee intends and shall derive no less than thirty per cent of the establishment's gross revenue from the sale of foods.
- HB 2315 **Criminal History Record Information** – Clears up inconsistencies in the processing of expungements and public dissemination of criminal history record information relating to cases in which the defendant is acquitted or charges are dismissed by reason of physical or mental disease, disorder, or defect under Chapter 704 of the Hawaii Revised Statutes, or is involuntarily hospitalized under Section 706-607 of the Hawaii Revised Statutes.
- HB 2319 **Child Support; Income Withholding** – Amends the income withholding requirements to impose a fine against any employer who discharges from employment, refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding, or who fails to comply with an order of assignment of future income.
SB 2746
- HB 2320 **Nonprofit Corporations** – Amends Chapter 414D of the Hawaii Revised Statutes, to clarify that public benefit corporations may not purchase its memberships, to clarify that a person who does not have authority to vote as a member of the board is not a director, to clarify that a corporation with members may designate its directors, to add previous wording that was inadvertently removed through Act 87, Session Laws of Hawaii 2017, and to increase the length of time that the Attorney General has to review proposed sale of substantially all of the assets of public benefit corporations other than in the regular course of its activities.
SB 2747
- HB 2321 **Charitable Organizations** – Amends Chapter 467B of the Hawaii Revised Statutes, to substitute the term "total revenue" in place of "gross revenue", clarify when professional solicitors must file financial reports, clarify when commercial co-venturers must provide a charitable organization with an accounting and the benefit, eliminate the requirement for certain charitable organizations to submit an audit report, and make other housekeeping amendments.
SB 2748
- HB 2504 **Public Accommodations; Diaper Changing Stations** – Requires all places of public accommodation constructed or substantially modified after June 30, 2018 to provide baby diaper-changing accommodations that are equally accessible to men and women.
- HB 2671 **Displaced Workers; Molokai** – Appropriates funds to the Office of the Governor; the Department of Labor and Industrial Relations; the Department of Business, Economic Development, and

Tourism; the Department of Human Resources Development; and the Department of Agriculture to collaboratively develop and implement solutions to assist dislocated workers and address the overall continued availability of gainful employment on the island of Molokai.

- HB 2735 **University of Hawaii; Smoking Prohibited** – Prohibits tobacco use and smoking, including the use of electronic smoking devices, by any person on the premises of UH.
- SB 2002 **Juror Reimbursement** – Clarifies that jurors are entitled to reimbursement for reasonable transportation costs to and from the court. Includes rail fare, bicycle rental, or taxi costs or other hired car service up to a specified maximum amount.
- SB 2007 **Houseless Bill of Rights** – Defines specific rights granted to a person who is houseless including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services.
- SB 2242 **Workforce Development; Students** – Appropriates funds for the establishment of a workforce development microgrant program to award grants to public high school students for costs associated with technical or workforce training related to certain industries.
- SB 2264 **Food Handlers** – Requires all employees who handle food while employed by a food establishment to complete instruction furnished by the department of health on safe food handling. Specifies contents of required instruction.
- SB 2461 **Service Animals; Misrepresentation; Definition** – Establishes the offense of "misrepresentation of a service animal". Changes the term "service dog" to "service animal" and amends the definition of that term to conform with the Americans with Disabilities Act of 1990.
- SB 3044 **Employment of Minors; Theatrical Employment** – Requires an on-set teacher be present with and accompany a minor under 14 years of age whenever the minor is on set and employed for theatrical purposes.