

January 25, 2019

## 2019 – Employment Bills Introduced

### Employment Practices and Employee Rights

- HB 6     **Social Media Privacy** – Prohibits employers from requiring or coercing an employee to disclose login credentials for a social media account or take an adverse action against an employee for failing to provide such information. Provides exceptions for accessing information that is publicly available, complying with legal requirements, or conducting an investigation.  
SB 296
- HB 32     **Family Leave Study; Deadline Extension** – Extends the deadline for the Legislative Reference Bureau to submit the sunrise analysis required by Act 109, Session Laws of Hawaii (“SLH”) 2018, which is currently 9/1/2019. HB 32 and SB 293 request a new deadline of 11/13/2019 and HB 360 and SB 308 request a deadline of 12/13/2019.  
HB 360  
SB 293  
SB 308
- HB 83     **Advance 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 scheduled to work or pay the employee double their regular rate of pay for any time worked where the employee was not provided with the requisite amount of notice. Creates exception for collective bargaining agreements.  
SB 648
- HB 404    **Master/Servant vs. Employer/Employee** – Replaces the term "master and servant" with "employer and employee" throughout the Hawaii Revised Statutes (“HRS”).  
SB 805
- HB 488    **Nondisclosure Agreements; Sexual Misconduct** – Prohibits employers from requiring an employee to enter into a nondisclosure agreement as a condition of employment that prevents the employee from discussing sexual harassment or sexual assault in the workplace or at work-related events. Prohibits retaliation against disclosure of sexual harassment or sexual assault. Provides an exception for human resources personnel.  
SB 1041
- HB 710    **Employment Practices; Reproductive Health Decisions; Use of Family Leave** – Adds (1) reproductive health decisions and (2) utilization of family leave to the list of categories that are protected against discriminatory employment practices. Defines “reproductive health decision” as any use or attempted use of any legal drug, device or medical device intended to prevent or terminate a pregnancy.
- HB 802    **Hawaii Family Leave Law (“HFLL”); Domestic and Sexual Violence** – Allows an employee to take leave under HFLL for reasons related to domestic or sexual violence against the employee or employee’s minor child. Requires an employee to submit certification for such leave. Requires employer confidentiality of information related to domestic or sexual violence against the employee or the employee's minor child.  
SB 1046
- HB 946    **Child Support; Discrimination Prohibited; Fines** – Amends the income withholding requirements to impose a fine against any employer who (1) discharges from employment,  
SB 1173

refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding or (2) fails to withhold support from income or pay the amounts to the Child Support Enforcement Agency (“CSEA”). Amends the amount of the annual fee imposed by CSEA to be in compliance with federal regulations.

- HB 1192 **Equal Pay; Mandatory Disclosure of Pay Scale and Wage Rates** – Adds several categories  
SB 1375 to Hawaii’s equal pay law, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, and domestic or sexual violence status. Requires employers to disclose pay scales and wage rates for job positions to applicants and employees, and in job advertisements.
- HB 1343 **HFLL; Grandchildren** – Extends HFLL to include care for grandchildren.
- HB 1059 **Non-compete Agreements; Low Wage Earners** – Prohibits employers from entering into a  
SB 328 non-compete or non-solicitation agreement with an employee whose earnings do not exceed the greater of (1) federal or state minimum wage or (2) \$15 per hour.
- HB 1267 **Employment Practices; Discrimination** – Clarifies that Hawaii's anti-discrimination law does  
SB 1528 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.
- HB 1536 **Pay Transparency; Clarification** – Clarifies that the prohibition under Act 108, SLH 2018  
SB 1379 against retaliation or discrimination by an employer against an employee for disclosing or inquiring about the wages of other employees does not authorize the disclosure of an employee's wages by anyone other than the employee.
- SB 576 **Unemployment Insurance; Electronic Communication; Remote Jobs** – Permits claimants for unemployment insurance benefits to report in person or via electronic communication. Prohibits denial of unemployment insurance benefits if a claimant is out of the State with access to facilities and methods that are prevailing or customarily used by persons to work remotely in the claimant's occupation.
- SB 784 **Paid Sick Leave** – Requires employers with \_\_\_ or more employees to provide paid sick leave to employees. Applies to 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. Provides exceptions for companies who adopt or retain a paid sick leave policy that provides more paid sick leave than required by this chapter and pays employees \$\_\_ more than the minimum wage.
- SB 1048 **Sexual Harassment; Arbitration and Confidentiality Clauses** – Provides that confidentiality clauses in employment contracts are not enforceable as to a sexual harassment claim. Clarifies that no person shall be required to involuntarily disclose or disseminate information. Allows for confidentiality agreements as part of a legal settlement of a specific claim. Bans mandatory arbitration agreements as to sexual harassment claims. Makes mandatory confidentiality

clauses in an arbitration agreement unenforceable as to sexual harassment claims, provided that parties may voluntarily agree to arbitrate a sexual harassment claim.

- SB 1524 **Medical Marijuana Non-Discrimination** – Prohibits an employer from discriminating against an employee based on the employee's status as a qualifying patient. Prohibits an employer from taking action against an employee based solely on the employee's status as a qualifying patient or if the results of the employee's drug test are positive for cannabis. Provides exceptions for employers who would lose a monetary or licensing related benefit under federal law or regulations; employees who perform duties at heights or in confined spaces; and employees who operate certain chemicals or work on high voltage electricity lines. Also provides that employers may discipline an employee if the employer has reasonable belief that the employee is "impaired" while at work.

**Minimum Wage**

- HB 5 **Minimum Wage Increase** – Increases the minimum wage to \$11.50 per hour on 1/1/2020, \$13.00 per hour on 1/1/2021, and \$14.60 per hour on 1/1/2022.
- HB 96 **Minimum Wage; Counties** – Authorizes the counties to establish a minimum wage that is a higher wage than the state minimum wage under HRS Chapter 387.
- HB 105 **Minimum Wage Increase; Minors** – Increases the minimum wage to \$\_\_ per hour. Authorizes employers to pay minors an amount not less than 85% of the minimum wage for the first 90 days of employment.
- HB 186 **Minimum Wage Increase; Counties' Authority; CPI Adjustment** – Allows counties to set their own minimum wage at a rate that is higher than the state minimum wage rate. Increases the minimum wage to \$15 per hour on 1/1/2020. Authorizes the Department of Labor and Industrial Relations ("DLIR") to annually adjust the minimum hourly wage rate in accordance with the Honolulu Region Consumer Price Index ("CPI") beginning on 1/1/2021.
- SB 168
- HB 232 **Minimum Wage; Persons with Disabilities** – Repeals provision in the law that allows for employers to obtain a certificate from the DLIR to pay below to the minimum wage to employees with physical or mental impairments.
- HB 693
- SB 349
- HB 727 **Minimum Wage Increase; CPI Adjustment; Tip Credit Repeal** – Increases the minimum wage to \$11.50 per hour on 1/1/2020, \$13.00 per hour on 1/1/2021, \$14.50 per hour on 1/1/2022, \$16.00 per hour on 1/1/2023, and \$17.00 per hour on 1/1/2024. Beginning September 30, 2024, and thereafter, requires the DLIR to calculate an adjusted minimum wage rate to the nearest five cents using the CPI, subject to certain conditions. Repeals the tip credit.
- SB 476
- HB 785 **Minimum Wage Increase; State Contribution** – Increases the minimum wage rate to \$15.00 per hour and requires the State to contribute \$2.00 per hour per employee to employers with 25 or fewer employees beginning 1/1/2022.
- SB 672
- HB 1022 **Minimum Wage Increase; Tax Credit** – Increases the state's minimum wage to \$11.00 per hour on 1/1/2020; \$12.00 per hour on 1/1/2021; \$13.00 per hour on 1/1/2022; \$14.00 per hour on 1/1/2023; and \$15.00 per hour on 1/1/2024. Provides an income tax credit for qualifying small businesses to offset the increase in the minimum hourly rate that employers must pay employees.
- SB 1248

- HB 1191 **Minimum Wage Increase; CPI Adjustment** – Increases the minimum wage to \$11.75 per hour on 1/1/2020, \$13.00 per hour in 1/1/2021, \$14.00 per hour on 1/1/2022, \$15.00 per hour on 1/1/2023, \$16.00 per hour on 1/1/2024, and \$17.00 per hour on 1/1/2025. Provides a lower rate for employees who receive employer-sponsored health benefits under the Hawaii Prepaid Health Care Act. Provides for automatic increases to the minimum wage in 2026 based on the CPI.
- HB 1197 **Minimum Wage Increase; CPI Adjustment; Tip Credit** – Increases the state’s minimum wage to \$12.00 per hour on 1/1/2020; \$13.50 per hour on 1/1/2021; and \$15.00 per hour on 1/1/2022. Indexes future annual increases to 75% of the median wage for all occupations in Hawaii. Provides a tip credit of \$0.50 per hour for every dollar above the sum of the applicable minimum wage plus \$5.00 per hour for service employees who customarily receive more than \$20.00 a month in tips.
- HB 1341 **Minimum Wage; Individuals with Disabilities** – Repeals provision in the law that allows for employers to obtain a certificate from the DLIR to pay below to the minimum wage to employees with physical or mental impairments.
- SB 336
- SB 358 **Minimum Wage; Individuals with Disabilities; Study** – Repeals provision in the law that allows for employers to obtain a certificate from the DLIR to pay below to the minimum wage to employees with physical or mental impairments. Requires the Department of Business, Economic Development, and Tourism to study the impacts of raising the minimum wage and submit a report to the Legislature on its findings and recommendations.
- SB 448 **Minimum Wage Increase; Counties** – Allows the counties to set a county minimum wage at a rate higher than the state minimum wage rate. Provides unspecified increases to the state’s minimum wage annually from 2020 through 2024.
- SB 555 **Minimum Wage Increase; Tip Credit; CPI** – Increases the minimum wage to \$10.50 per hour on 1/1/2020. Repeals tip credit. Requires the DLIR to annually calculate the adjusted minimum wage rate to the nearest five cents based on the CPI.
- SB 744 **Minimum Wage Increase; Living Wage; Automatic Increases** – Increases the minimum wage to \$11.00 per hour on 1/1/2020, \$12.00 per hour in 1/1/2021, \$13.00 per hour on 1/1/2022, \$14.00 per hour on 1/1/2023, \$15.50 per hour on 1/1/2024, and \$17.00 per hour on 1/1/2025. Establishes a living wage rate to be adjusted according to the CPI. Requires the DLIR, on January 1, 2026, and each subsequent year, to increase the minimum wage rate by ten per cent or pursuant to the most recent adjusted living wage, whichever is lower.
- SB 789 **Minimum Wage Increase** – Increases the minimum wage to \$12.00 per hour on 1/1/2022.
- SB 1004 **Minimum Wage Exception; Felons** - Includes felons in the exception to the minimum wage category for a period of time that is fixed in the certificate from the DLIR.
- SB 1005 **Tip Credit** – Changes the tip credit from a fixed amount to 25% of tips claimed by the employee calculated at an hourly basis, provided that the employee receives at least \$7.25 per hour in wages from the employer.
- SB 1477 **Minimum Wage; 90% Exception** – Increases the minimum wage rate to \$11.10 per hour on 1/1/2020, \$12.10 per hour on 1/1/2021, \$13.10 per hour on 01/01/2022, \$14.10 per hour on 1/1/2023, and \$15.00 per hour on 1/1/2024. Beginning 1/1/2020, allows an employer to pay an

employee a wage that is at least 90% of the applicable minimum wage rate if the employer employs 10 or fewer employees, the employee receiving the wage is under the age of 18, or during the employee's initial 30 days of employment with the employer.

**Workers' Compensation ("WC")**

- HB 88  
SB 207    **WC; Independent Medical Examination ("IME") Physician and Deadlines** – Requires that the physician who conducts an IME or permanent impairment rating in workers' compensation claims be mutually selected by the employer and employee or appointed by the DLIR. Provides that the costs of the physician be borne by the employer. Provides licensing requirements for the physician. Requires the examination to be conducted within 45 days of receiving notice of being selected. Prohibits IME and permanent impairment rating from being combined into a single examination.
- HB 263    **WC; Post-Traumatic Stress Disorder; Firefighters** – Establishes a rebuttable presumption that any firefighter, emergency medical service personnel, or law enforcement officer diagnosed with post-traumatic stress disorder incurred that injury while in the course of employment for the purposes of receiving workers' compensation benefits.
- HB 389    **WC; IME Deadlines** – Requires that the person performing an IME or permanent impairment rating exam for a workers' compensation work injury examine the employee within 30 calendar days upon receipt of notice. Provides that the employee be provided a copy of the exam within 30 calendar days. Makes the report invalid if the time requirements are not met.
- HB 390    **WC; Recording Devices** – Repeals the requirement that the examining physician or surgeon of an employee's medical examination approve of the recording of the medical examination relating to a work injury for workers' compensation purposes.
- HB 863  
SB 1411    **WC; IME Physician; Duly Qualified** – Requires a physician or surgeon who performs a medical exam on an employee for workers' compensation purposes to be "duly qualified" to do so, which includes (1) being licensed in the State, (2) possessing medical malpractice insurance, and (3) owing the same duty and standard of care to the injured employee as owed to a traditional patient. Makes permanent an employee's right to record medical examinations.
- HB 912  
SB 1412    **WC; Employer Payment of Medical Bills** – Requires an employer to pay for all medical services related to an employee's compensable injury and the employee's rehabilitation. Provides that the employer shall pay for all charged billed within 60 days, unless there is reasonable agreement and the employer has submitted timely notice of such disagreement.

**Healthcare and Health Insurance; Prescription Drugs**

- HB 216  
SB 493    **Health Care Insurance; Step Therapy** – Prohibits a health care insurer from requiring an insured diagnosed with stage two cancer to undergo step therapy prior to covering the insured for the drug prescribed by the insured's health care provider, under certain conditions.
- HB 417    **Health Insurance; Topical Eye Medications** – Prohibits health insurers from denying coverage for early refills of topical eye medication prescriptions under certain conditions.
- HB 687    **Mandatory Coverage; Port Wine Stains** – Mandates coverage for medically necessary treatment of port-wine stains, including laser surgery, remediation, and any necessary post-

acute medical services under accident and health or sickness and mutual benefit society's policies.

- HB 789 **Insurance Coverage; Mainland Transportation** – Requires insurance coverage after 12/31/2019 for the costs of transportation to the continental United States for medically necessary treatment for qualifying patients.
- HB 1087 **Mandatory Coverage; Reproductive Health Care** – 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. Prohibits discrimination in the provision of reproductive health care services.
- SB 1043
- HB 1148 **Health Care Coverage; Contractual Changes** – Prohibits health insurers and like entities from making changes to policies or contracts prior to their renewal.
- HB 1286 **Single Payer Healthcare System** – Establishes a single-payer healthcare system in Hawaii by transferring Prepaid Health Care Act functions to the EUTF and the functions and duties of the Hawaii Health Authority (Department of Budget and Finance) to a newly established State Health Care Insurance Planning and Financing Authority, governed by a nine-member commission, under the Department of Health.

**Medical Marijuana; Legalization of Marijuana**

- HB 20 **Health Care Coverage; Cannabidiol Oil and Hemp** – Requires health insurers to provide coverage of cannabidiol oil derived from industrial hemp.
- HB 37 **Medical Cannabis; Opioid Dependence** – Allows the use of medical cannabis to treat opioid use, substance use, and withdrawal symptoms resulting from the treatment of those conditions or a medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, but can be treated more effectively and safely through medical cannabis.
- HB 131 **Hemp; Legalization** – Legalizes hemp to the extent legalized under federal law. Requires the Chairperson of the Board of Agriculture to prepare and submit a proposed state plan to monitor and regulate hemp production, including commercial production and research, to the federal Secretary of Agriculture pursuant to section 297B of the Agricultural Marketing Act of 1946, as amended. Requires reports to the Governor and Legislature.
- HB 266
- HB 290 **Uniform Controlled Substances Act** – Updates the Uniform Controlled Substances Act to make it consistent with amendments in federal controlled substances law as required under the authority to schedule controlled substances.
- HB 291 **Legalization of Marijuana; Counties** – Authorizes the counties to adopt ordinances to legalize marijuana cultivation, possession, sale, transfer, and use, for persons over the age of 21. Clarifies that medical use of cannabis laws and 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 442
- HB 434 **Marijuana; Civil Violation** – Establishes the Alcohol and Drug Abuse Division Special Fund within the Department of Health. Reclassifies specific low-level marijuana offenses as non-

criminal violations subject to a fine, which shall be deposited into the Special Fund for public education and awareness programs aimed at reducing the use of harmful drugs.

- HB 583 **Medical Marijuana; Edibles** – Authorizes and regulates the manufacturing of edible cannabis products as manufactured cannabis products by licensed medical cannabis dispensaries. Establishes standards, including regulations and education protocols, for edible cannabis products. Requires cannabis and manufactured cannabis products to include a universal symbol, developed by the department of health, to identify any product containing cannabis. Requires the Department of Health to implement a cannabis product recall system.
- SB 527
- HB 698 **Medical Cannabis; Debilitating Condition; Severe Autism** – Includes severe autism within the definition of debilitating medical condition for the purposes of the medical use of cannabis.
- SB 726
- HB 708 **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 686
- HB 1383 **Decriminalization of Marijuana; Expungement of Criminal Records; Working Group** – Decriminalizes certain offenses relating to marijuana and establishes a schedule of monetary fines for violations. Changes statutory references from "marijuana" to "cannabis." Provides for the dismissal of charges and expungement of criminal records based solely on cannabis offenses. Establishes the cannabis evaluation working group. Requires a report to the Legislature.
- HB 1502 **Medical Cannabis; Anxiety** – Includes generalized anxiety disorder and socialized anxiety disorder as a debilitating medical condition for which medical cannabis may be certified for use.
- HB 1516 **Medical Cannabis; Prohibitions; Repeal** – Repeals certain prohibitions and amends certain penalties pertaining to medical cannabis.
- HB 1534 **Medical Marijuana Reimbursement; Workers' Compensation** – Requires that workers registered with the Department of Health's medical cannabis program be reimbursed for the out of pocket cost of medical cannabis through the workers' compensation system in certain circumstances. Provides a limit for reimbursement and adds requirement that the potential benefits of the use of medical cannabis likely outweigh the health risks to the worker.
- SB 1524
- HB 1581 **Legalization of Marijuana** – Legalizes the personal use of marijuana for persons 21 years of age or older. Requires licensing to operate marijuana establishments. Subjects marijuana establishment to excise taxes. Authorizes the interisland transportation of marijuana. Decriminalizes possession of marijuana.
- SB 545 **Medical Marijuana; Opioid Addiction** – Allows the use of medical cannabis to treat opioid use and substance use disorders, as well as withdrawal symptoms resulting from the treatment of those conditions.
- SB 606 **Legalization of Marijuana; Expungement of Criminal Records** – Repeals all criminal penalties regarding marijuana except with regard to furnishing marijuana to a minor. Requires courts to expunge a person's criminal record for a marijuana conviction if that charge was the only charge emanating from a single set of facts and circumstances.

SB 702 **Decriminalization of Marijuana** – Repeals criminal prohibitions and penalties pertaining to marijuana.

**Contractors; Procurement Contracts**

HB 34 **Foremen; Little Davis-Bacon Act** – Requires that the foreman classification be recognized in  
SB 1475 Hawaii's Davis-Bacon Act and the requirements in the collective bargaining agreement followed when the basic hourly rate is established by a collective bargaining agreement.

HB 69 **Contractors; Handyman Exception** – Raises the threshold under the contractor licensing  
SB 767 law's handyman exemption from \$1,000 to \$1,500 and makes it applicable only to the cost of labor.

HB 81 **Incidental and Supplemental Work; Professional Engineer** – Prohibits the performance of incidental and supplemental work outside the scope of licensure by a specialty contractor on any project requiring the seal or stamp of a licensed structural engineer. Specifies that the performance of work in certain crafts or trades shall not be considered incidental and supplemental.

HB 95 **Liability for Wages of Subcontractors** – Makes general contractors entering into or under  
SB 1082 contracts in Hawaii for work on buildings or structures liable for debt incurred by subcontractors for wages due to claimants for performance of labor in the contract between the general contractor and owner.

HB 158 **Certified Payrolls** – Requires that a contractor contracting for services with a civil servant  
SB 292 submit certified payrolls and comply with certain wages and hours laws.

SB 423 **Incidental and Supplemental Work** – Clarifies that a specialty contractor, acting as a subcontractor, is not prohibited from taking and executing a construction contract involving two or more crafts or trades if the performance of the work is incidental and supplemental. Prohibits incidental and supplemental work on any project requiring the seal or stamp of professional engineer licensed to perform structural engineering. Specifies certain specialty contractor subclassifications that shall not be considered incidental and supplemental work.

**Public Employees**

HB 157 **Collective Bargaining; Employee Information Disclosure; Exclusive Representatives** – Expands the types of employee information government agencies are required to disclose, upon written request, to employees' exclusive representatives. Requires that information regarding new hire employees under the collective bargaining disclosure requirements of HRS Section 89-16.6 be provided to the appropriate exclusive representatives within one payroll period.

HB 392 **Collective Bargaining; Benefits** – Allows the scope of collective bargaining negotiations to  
SB 785 include benefits. Allows collective bargaining parties to resolve impasses related to contribution disputes through binding arbitration.

HB 862 **Grievances; Representation; Failure to Pay Dues** – Specifies that exclusive representatives  
SB 1147 of public employees are not required to provide grievance representation to collective



bargaining unit members who neither pay dues nor dues equivalents and who decline to pay reasonable costs of the representation.

HB 934 **Domestic Violence Training** – Requires any state or county agency to provide domestic abuse intervention training to their personnel whose job duties require or may require intervention in a domestic abuse situation.

SB 977 **Shared Leave Program; State and County Employees** – Requires each state government branch to establish a shared leave program for state employees. Allows the chief executive of a county to establish a shared leave program for county employees. Precludes a state government branch from prohibiting leave sharing between different departments or bargaining units because of administrative infeasibility. Allows an employee's designation of beneficiary form to be filed with the department where the employee is employed and permits the designation to be made through a statement that is not verified or written.

SB 1349 **Staggered Work Weeks** – Allows public employees to choose a work schedule of (1) eight hours a day for five days a week, (2) 10 hours a day for four days a week, or (3) nine days and 88 hours for two weeks.

### **Government Agencies**

HB 298 **Department of Human Services; (“DHS”); DLIR; Public Assistance; Employee Report** – Requires DHS to compile information regarding employers with employees who receive public assistance. Requires the DHS to submit an annual report to the Legislature on the 50 employers with the highest number of employees receiving public assistance. Requires DLIR to share employment data for the report.

HB 913 **Hawaii Labor Relations Board (“HLRB”); Electronic Documents** – Authorizes the HLRB  
SB 1146 to accept paper and electronic filing of documents.

HB 914 **HLRB; Transcripts** – Clarifies that the party seeking judicial review shall bear the cost of  
SB 1145 preparing a transcript, except as provided by law, in which case the HLRB shall bear the cost of preparing the transcript.

HB 1008 **Office of Collective Bargaining** – Transfers the Office of Collective Bargaining, including the  
SB 1234 position of chief negotiator, to the Department of Human Resources Development.

HB 1186 **DLIR; Appropriations** – Appropriates funds to DLIR for the Disability Compensation  
Division Modernization Project, Unemployment Insurance Modernization Project,  
administration of the Hawaii Employment Security Law, and positions in the Labor and  
Industrial Relations Appeals Board, Hawaii Civil Rights Commission, and Wage Standards  
Division.

HB 1414 **HLRB; Arbitrator Qualifications** – Requires the HLRB to determine qualifications for  
SB 1498 grievance arbitrators and interest arbitrators. Requires the HLRB to review and determine the  
qualifications and criteria for potential arbitrators selected under certain circumstances to  
resolve collective bargaining impasses.

HB 1532 **HLRB; Hearsay Evidence** – Allows the HLRB to admit and consider hearsay evidence in  
SB 791 unfair labor practices proceedings.

**Tax Credits**

- HB 179 **Individuals with Disabilities; Tax Credit** – Provides a taxpayer who hires an individual with a disability a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer. Provides that the tax credit shall be 50% of the wages for the first six months of employment.
- HB 191  
SB 161  
SB 173
- HB 180 **Elderly Employees; Tax Credit** – Provides to a taxpayer who hires an elderly individual a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer. Provides that the tax credit shall be 50% of the wages for the first six months of employment.
- HB 192  
SB 162  
SB 174
- HB 310 **On-Site Early Childhood Facilities; Tax Credit** – Establishes an income tax credit for employers who create on-site early childhood facilities. Establishes and appropriates funds for 1.0 FTE on-site early childhood facility coordinator position. Applies to taxable years beginning after 12/31/2019.
- HB 1149  
SB 736
- HB 525 **Elderly Persons; Employment; Tax Credit** – Provides to a taxpayer who hires an elderly individual. Provides that the tax credit shall be 50% of the wages for the first six months of employment.
- HB 526 **Persons with Disabilities; Employment; Tax Credit** – Provides a tax credit to employers who hire an individual with a disability. Provides that the tax credit shall be 50% of the wages for the first six months of employment.
- HB 1214 **University of Hawaii Classes; Tax Credit** – Establishes an income tax credit for employers that host a University of Hawaii class at their place of business.

**Miscellaneous**

- HB 18 **Childhood Sexual Abuse; Statute of Limitations** – Repeals statutory limitations on the time period in which a survivor of childhood sexual abuse may file suit and allows suit to be filed “at any time.”
- HB 82 **Franchises; Advertising; Non-Participation** – Requires franchisees to post signs at their establishments to disclose their non-participation in advertising campaigns of the franchisor in which discounts or promotions are offered. Prohibits franchisors from limiting or restricting the disclosures.
- HB 322 **Emotional Support Animals; Public Places; Service Animals** – Allows persons with disabilities to be accompanied by an emotional support animal in public places when the emotional support animal has been determined to provide a therapeutic benefit by a licensed medical professional. Amends the definition of service dog to include an animal that is trained to also address anxiety or any other emotional disorder.
- SB 673
- HB 362 **Legislative Salaries; Transparency** – Permits public inspection and duplication of salary ranges for legislative employees in incremental amounts of \$15,000, rather than exact compensation amounts. Defines "legislative employees."

- HB 470 **Hawaii Retirement Savings Program; Feasibility Study** – Requires the Legislative Reference Bureau to conduct a feasibility study to determine the feasibility of establishing a Hawaii retirement savings program. Subject to a positive finding in the feasibility study, establishes the Hawaii retirement savings board to establish, implement, and maintain the Hawaii retirement savings program to cover private sector employees who are not provided a retirement savings plan by their employers. Appropriates funds to the legislative reference bureau to conduct a market analysis. Prohibits employers that offer retirement savings plans or programs to employees from canceling these plans or programs for an unspecified number of years after July 1, 2019.
- HB 482 **Child Sex Abuse; 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 to (1) 22 years after the 18<sup>th</sup> birthday of the minor or the person who committed the act of sexual abuse attains the age of majority, whichever occurs later; or (2) 10 years after the date the minor discovers or reasonably should have discovered that psychological injury or illness occurring after the minor’s 18<sup>th</sup> birthday was caused by the sexual abuse.
- HB 483 **Title IX; Deadline Extension** – Requires the Legislative Reference Bureau to submit by SB 1042 1/24/2019, a report studying how other jurisdictions oversee Title IX enforcement, instead of 20 days before the start of session.
- HB 662 **Persons with Disabilities; Disability Awareness Month** – Designates the month of October as "Disability Awareness Month: Employment, Enrichment, and Inclusion" to annually recognize the immense contributions and achievements of persons with disabilities in the State.
- HB 681 **Dogs in Restaurants** – Allows dogs in restaurants at the restaurant owner's or manager's SB 1152 discretion provided that certain conditions are met.
- HB 713 **Homeless Employment Grant Program** – Establishes a three-year Homeless Employment Grant Program that provides homeless individuals with work opportunities and connects them with service providers. Requires DHS to submit a report to the Legislature prior to the 2020 Regular Session.
- HB 760 **Full Service Restaurants; Non-Participation in Promotions** – Requires full-service SB 1330 restaurants to disclose their non-participation in national advertising campaigns that offer a promotion or discount at its entrance or storefront.
- HB 762 **Single Use Plastic Straws** – Prohibits a full-service restaurant from providing a single-use SB 1290 plastic straw to a consumer unless requested by the consumer. Takes effect 1/1/2020.
- HB 766 **Service of Process; Electronic Mail** – Authorizes service of notice and process by electronic mail in non-criminal and administrative proceedings, with certain exceptions. Extends the time for response after service by mail to at least five days.
- HB 919 **University of Hawaii Graduate Students; Collective Bargaining** – Establishes a collective bargaining unit for graduate student assistants employed by the University of Hawaii.
- HB 928 **Public Accommodation; Diaper Changing Stations** – Requires all places of public SB 1435 accommodation and state building construction constructed or substantially modified after SB 821 12/31/2020 to provide baby diaper-changing accommodations that are equally accessible to men and women

- HB 944 **Non-Profit Corporations** – Amends HRS Chapter 414D to clarify that public benefit  
SB 1171 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, SLH 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.
- HB 1153 **Legislative Hearings; Remote Testimony** – Requires each house of the Legislature to establish, by rule, procedures for the public to present oral testimony at legislative committee hearings through remote testimony. Appropriates funds.
- SB 131 **Plastic Straws; Fines** – Prohibits the distribution, sale, and provision of plastic straws. Establishes a fine between \$100 and \$500 per violation.
- SB 243 **Child Support Orders; Spousal Support; Tipped Income** – Includes tips or gratuities paid directly to an individual by a customer of the employer and reported or declared to the employer under the definition of income withheld by employers for payments of child or spousal support.
- SB 260 **Plastic Straws; Fines; Community Service** – Prohibits the distribution and selling of plastic straws. Establishes a fine for individual and business violators. Requires individual violators to additionally pick up litter or perform community service.
- SB 368 **Plastic Straws; Food Service Businesses** – Prohibits food service businesses from the sale and distribution of plastic straws.
- SB 678 **Sunshine Law; Legislature** – Requires the legislature to follow fundamental principles of the sunshine law, including: requiring a majority vote to suspend legislative rules; requiring proposed amendments on a bill to be germane to the text to be amended; requiring correspondence on measures to be considered testimony; and requiring the posting, on the order of the day, of votes by a house to agree to amendments made by the other house.
- SB 734 **Child Support; Order** – Requires the agency or appropriate court that receives an income withholding request from an obligee to enter an order requiring the obligor's place of employment to classify the obligor as an employee for payroll or accounting purposes in order to become subject to withholding provided that the obligor receives income on a periodic basis and becomes delinquent in making payments under a support order in an amount at least equal to the support payable for three months.
- SB 811 **Legislature; Remote Testimony; Disabled Individuals** – Requires each house of the Legislature to establish, by rule, procedures that enable the legislature to use remote testimony at legislative committee hearings to enable the public to present oral testimony at committee hearings and accommodate persons with disabilities. Appropriates funds.
- SB 1049 **Retirement Savings Program; Private Sector Employees** – Establishes a Hawaii retirement savings program and the Hawaii retirement savings program administrative fund. Requires the department of budget and finance to annually report to the governor and legislature. Appropriates moneys.