

July 10, 2019

2019 – Employment Bills after Veto Deadline

Employment Practices and Employee Rights

ACT 190
(7/2/19)
HB 32 CD1 **Family Leave Study; Deadline Extension** – Extends the deadline for the Legislative Reference Bureau (“LRB”) to submit the sunrise analysis required by Act 109, Session Laws of Hawaii (“SLH”) 2018, from 9/1/2019 to 11/13/2019. Act 109 SLH 2018 directed the LRB to conduct a sunrise analysis to assist the legislature in establishing a paid family leave program in Hawaii. *Effective upon approval (July 2, 2019).*

ACT 178
(7/2/19)
HB 710 CD1 **Employment Discrimination; Reproductive Health Decisions** – Prohibits employers from committing employment discrimination against an employee’s “reproductive health decision.” Defines “reproductive health decision” as the use or attempted use of any legal drug, device or medical device intended to prevent or terminate a pregnancy, or the use or attempted use of any assisted reproductive technology. *Effective upon approval (July 2, 2019).*

ACT 67
(6/7/19)
SB 1173 CD1 **Child Support; Discrimination Prohibited; Fines** – Amends the income withholding requirements to impose a fine up to \$250 against any employer who (1) discharges from employment, 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. Removes language in the law that would make it a criminal misdemeanor to discriminate against an employee because of a child support order. *Effective July 1, 2019.*

Workers’ Compensation (“WC”)

ACT 201
(7/2/2019)
HB 390 SD2 **WC Examinations; Recording Devices** – Makes permanent Act 172, SLH 2017, which (1) gave employees the right to have a chaperone present during an independent medical examination (“IME”) and record the IME, at the employee’s expense, upon approval of the examining physician and (2) provided that the physician may suspend the examination if the employee or chaperone is being obstructive until such time that the obstruction ends. *Effective June 29, 2019.*

Decriminalization of Marijuana

ACT 273
(7/10/19)
HB 1383 CD1 **Decriminalization of Marijuana; Expungement of Criminal Records; Task Force** – Decriminalizes the possession of three grams or less of marijuana and establishes that such possession is a violation punishable by a fine of \$130. Provides for the dismissal of criminal charges, and expungement of criminal records, pertaining solely to the possession of three

grams or less of marijuana. Establishes a marijuana evaluation task force to examine marijuana possession laws in other states. *Effective January 11, 2020.*

Contractors; Public Works Contracts

ACT 191 **Public Works Contracts** – Amends definition of “public works” to include any project where the funds or resources used to undertake the project are derived from public revenues of the State or any county, or from the sale of securities or bonds whose interest or dividends are exempt from state or federal taxes. *Effective upon approval (July 2, 2019).*
(7/2/19)
HB 34 CD1

ACT 283 **Contractors; Handyman Exception** – Raises the threshold under the contractor licensing law's handyman exemption from \$1,000 to \$1,500 per project or operation and makes it applicable only to the cost of labor and materials. *Effective July 1, 2019.*
(7/10/19)
SB 767 CD1

ACT 219 **Certified Payrolls** – Specifies requirements for contractor or subcontractor payment to all mechanics and laborers employed on a government service contract job site. Permits governmental contracting agencies to withhold accrued payments as necessary to pay mechanics and laborers. Requires that contractors for public works projects maintain and submit weekly certified payroll records to demonstrate compliance with wage and hour requirements. Exempts certain types of contracts. *Effective September 1, 2019.*
(7/2/19)
SB 292 CD1

Government Agencies

ACT 211 **Hawaii Labor Relations Board (“HLRB”); Electronic Documents** – Provides that all documents filed with the HLRB may be delivered via (1) paper or (2) electronic copy through a company designated by the HLRB. *Effective upon approval (July 2, 2019).*
(7/2/19)
HB 913 CD1

ACT 212 **HLRB; Transcripts** – Clarifies that the party seeking judicial review shall bear the cost of preparing a transcript, except as provided by law, in which case the HLRB shall bear the cost of preparing the transcript. *Effective upon approval (July 2, 2019).*
(7/2/19)
HB 914 CD1

ACT 231 **HLRB; Arbitrator Qualifications** – Gives the HLRB authority to resolve disputes over the qualifications and criteria of the list of qualified arbitrators to resolve collective bargaining impasses. *Effective upon approval (July 2, 2019).*
(7/2/19)
SB 1498 CD1

Miscellaneous

ACT 148 **Driver’s License; Gender X Designation** - Requires a license or state identification card to include a person's full legal name, date of birth, gender designation, residence address, and license number. Specifies gender designation options of F, M, or X. Prohibits the examiners of drivers to require documentation for an applicant’s selection of gender other than the applicant’s self-certification of their chosen gender. *Effective July 1, 2020.*
(6/26/19)
HB 1165 SD2

ACT 65 **Non-Profit Corporations** – Prohibits purchase of its own memberships by a public benefit corporation. Clarifies functions, duties, and composition of nonprofit boards of directors. Permits boards to take action without a meeting through electronic means. Clarifies time limits for notice to the Attorney General for oversight purposes. *Effective upon approval (June 7, 2019).*
(6/7/19)
HB 944 SD2