

LEGISLATIVE Digest



February 3, 2014

2014 – Employment Bills Introduced

Employment Practices and Employment Rights

- HB 2097 **Hawaii Family Leave Law Expansion; Wage Replacement Trust Fund** – Expands
SB 2523 Hawaii Family Leave Law (“HFLL”) to cover all employers in Hawaii. Also expands HFLL to cover employee’s own serious health condition, as well as to care for or bond with the employee’s child within 12 months of the child’s birth, foster placement or adoption by employee. Increases leave amount under HFLL from 4 weeks to 12 weeks. Creates partial wage replacement trust fund, to be funded by employee wage deductions, which shall be used to provide eligible employees with up to 12 weeks of paid family leave at 60% of employee’s monthly wage.
- HB 2137 **Sick Leave Discrimination** – Makes it an unlawful discriminatory practice for any employer or labor organization to refuse to hire or employ, bar or discharge from employment, withhold pay, demote or otherwise penalize an employee because the employee uses accrued and available sick leave with an express provision of a valid CBA. Covers employees with a non-chronic and short-term condition.
- HB 2381 **Paid Sick Leave** – Requires employers to provide employees with paid sick leave, to be
SB 2493 used for their own illness or the illness of a family member. Covers all employees who work over 80 hours in a year. Provides employees with one hour of paid sick leave for every 30 hours worked, up to a maximum of nine sick days in a calendar year. Allows for carry-over of sick leave into a subsequent calendar year, provided that the employee’s use of sick leave in a calendar year does not exceed nine days. Exempts employers who already provide a sick leave with at least equal rights. Provides posting requirements of right to paid sick leave. Also includes recordkeeping requirements. Penalties for violation include full amount of pay employee lost, actual damages, attorneys’ fees, reinstatement, backpay and injunctive relief.
- HB 2400 **Temporary Disability Insurance; Organ Donors** – Revises definition of “disability” under Hawaii’s temporary disability law to include a disability caused by “organ donation.”
- HB 2415 **Social Media Privacy** – Covers schools and employers. Prohibits schools from requiring a student or potential student to disclose a username/password for a social media account, access a social media account, divulge information from any social media account except for purposes of an investigation of misconduct upon receipt of specific information, or add the school or an agent of the school to the student’s social networking account. Imposes same restrictions on employers and employees or potential employees. Provides exceptions for conducting investigations or for accounts or electronic devices provided by the school or employer.
- HB 2416 **Paid Sick Leave; Service Workers** – Requires employers who employs 50 or more employees (in any one quarter of the previous year) to provide paid sick leave for “service workers,” who are defined as hourly workers who are not exempt from minimum wage or overtime requirements and work in a specified field. Paid sick leave benefits accrue at a

rate of one hour for every 40 hours of work, up to a maximum of 40 hours a year. Such leave may be used for illness of employee or employee's child or spouse, or certain care or services for victims of domestic violence or sexual assault. Prohibits retaliation against employee who uses such sick leave. Does not cover state employees.

- HB 2617 **Non-compete Agreements; Technology Businesses** – Prohibits technology businesses
SB 2619 from using non-compete agreements and non-solicitation agreements against employees
SB 3126 in an employment contract, post-employment contract or separation agreement.
- HB 2649 **Victims Leave Law** – Defines “domestic or sexual violence victim” as an individual who is the victim of domestic or sexual violence. Prohibits discrimination against a victim of domestic or sexual violence who provides their employer with a copy of a TRO unless the employer reasonably believes the restrained person could endanger other employees. Deletes current language allowing for verification of status as a victim of domestic or sexual violence. Replaces current language for accommodations with a requirement that the employer post the victim's TRO in the workplace and (1) alert necessary personnel of the TRO and (2) call the police if the TRO is violated.
- SB 2939 **Sick Leave Discrimination** – Applies Hawaii sick leave law to all employers (instead of only employers with a collective bargaining agreement) with 100 or more employees.

Minimum Wage

- HB 1488 **Minimum Wage** – Increases the State minimum wage to \$8.25 on July 1, 2014, \$9.25 on January 1, 2015 and \$10.25 on January 1, 2016.
- HB 1623 **Minimum Wage; Tip Credit** – Increases the State minimum wage to \$10.00 on January 1, 2015 and increases the tip credit to \$1.25.
- HB 1890 **Minimum Wage** – Increases the State minimum wage to \$7.75 on January 1, 2015, \$8.25 on January 1, 2016 and \$8.75 on January 1, 2017, and \$9.00 on January 1, 2018.
- HB 2136 **Minimum Wage; Tip Credit** – Increases the State minimum wage to \$8.00 on January 1, 2015, \$8.50 on January 1, 2016, and \$9.00 on January 1, 2017. Increases tip credit to \$1.00 provided that non-tipped employees are paid at least \$1.00 more than the minimum wage.
- HB 2278 **Minimum Wage** – Increases the State minimum wage to \$8.75 on January 1, 2015; \$9.50
SB 2828 on January 1, 2016; and \$10.00 on January 1, 2017.
- HB 2580 **Minimum Wage; Tip Credit Repeal; CPI** – Increases the State minimum wage to \$8.00 on January 1, 2015; \$8.75 on January 1, 2016; and \$9.50 on January 1, 2017. Repeals tip credit. Beginning 2018, minimum wage to be adjusted according to Honolulu region consumer price index.
- SB 2609 **Minimum Wage; Tip Credit Repeal; CPI** – Increases the State minimum wage to \$8.20 on January 1, 2015; \$9.15 on January 1, 2016; and \$10.10 on January 1, 2017. Repeals tip credit. Authorizes DLIR to adjust minimum wage based on Honolulu region consumer price index.

- SB 2641 **Minimum Wage; Tip Credit** – Increases the State minimum wage to \$8.25 on January 1, 2015; \$8.75 on January 1, 2016; and \$9.25 on January 1, 2017. Increases the tip credit to not less than 50 cents per hour below the applicable minimum wage beginning on January 1, 2015 and 25 cents per hour below the applicable minimum wage on January 1, 2016 and 2017.
- SB 3004 **Minimum Wage; Tip Credit** – Increases the State minimum wage to \$8.25 on January 1, 2015; \$8.75 on January 1, 2016; and \$9.25 on January 1, 2017. Beginning January 1, 2015, amends tip credit to \$___ per hour plus 25 cents, provided that the employee makes \$___ more than the applicable minimum wage.

Wage and Hour; Miscellaneous

- HB 1485 **Wage and Hour Law; Exempt Status** – Increases the guaranteed-salary exemption under Hawaii wage and hour law from \$2,000 to \$3,000 or more per month.
- HB 1814 **Direct Deposit of Wages; Debit Card Payment Prohibited** – Provides that employers may pay wages to employees via direct deposit, provided that (1) the employee provides written authorization for direct deposit into a financial institution of the employee's choice; (2) the financial institution selected is insured by the FDIC; (3) the employee may cancel the direct deposit authorization at any time; (4) the employer shall provide a pay statement; (5) no employee shall be required to pay any costs or fees for the direct deposit and (6) no employee may be disciplined or otherwise penalized for authorizing or refusing to authorize direct deposit of wages. Also prohibits employers from paying wages through use of a pay card, debit card, ATM card, or other similar method.
- SB 2366 **Wage and Hour Law; Exempt Status** – Increases the guaranteed-salary exemption under Hawaii wage and hour law from \$2,000 to \$5,000 or more per month.

Workers' Compensation ("WC")

- HB 1960 **WC Repackaged Drugs** – Establishes price caps for the Hawaii workers' compensation and motor vehicle insurance charges for prescription drugs.
SB 2365
- HB 1961 **WC Medical Examinations; Mutual Agreement** – Requires independent medical examinations and permanent impairment rating examinations for workers' compensation claims to be performed by physicians mutually agreed upon by employers and employees. In the event the parties are unable to agree, they shall jointly prepare a list of five physicians and select one through a process of elimination. Also prohibits combining IME and permanent rating examination without consent of employee.
SB 2123
- HB 1973 **WC; Penalty for Failure to Timely Pay TPD** – Imposes a penalty on an employer who does not pay an employee temporary partial disability benefits within fourteen calendar days after the end of the employee's customary work week. Clarifies that an eligibility determination for disability benefits depends on the employee's entire record and the failure of the attending physician to certify a specialized form provided by the employer or the department does not disqualify the employee from disability benefits.
SB 2127

- HB 1974 **WC Fee Schedule; Annual Review** – Requires DLIR to update the workers' compensation medical fee schedule annually. Authorizes DLIR to establish a workers' compensation medical fee ceiling that exceeds 110% of the fees prescribed in the Medicare Resource Relative Value Scale for Hawaii. Effective 07/01/14. Sunsets 06/30/19.
- SB 2923
- HB 2579 **WC Settlements** – Provides that settlements in workers' compensation cases involving third-party liability do not require approval by the Director of Labor and Industrial Relations.
- SB 2046 **HEMIC Oversight Council; Repeal** – Repeals the requirement for the Hawaii Employers' Mutual Insurance Company oversight council.
- SB 2064 **WC; Psychological and Psychiatric Services** – Provides that any employee suffering a work injury shall be entitled to up to 20 visits for psychological and psychiatric services, if performed within a 60 day period.

Unemployment Insurance (“UI”)

- SB 2162 **UI Exemptions** – Exempts the following types of governmental employment from eligibility for UI benefits: elected officials; legislators; member of the judiciary, member of the National Guard or Air National Guard; employee serving on a temporary basis in case of fire, storm, earthquake, flood or similar emergency; or employee in a temporary position where such employment is intended to terminate at or around a certain date that is less than six months from commencement of employment.
- SB 2163 **UI Taxable Wage Base** – Reduces the taxable wage base for unemployment insurance contributions to \$7,000.

Electronic Cigarettes (“E-Cigarettes”)

- HB 1788 **E-Cigarettes; Sales Prohibited** – Prohibits the sale of any flavored smoking products, including menthol cigarettes and electronic smoking devices.
- SB 2222
- HB 2079 **E-Cigarettes; Prohibitions** – Amends Hawaii's anti-smoking statute to prohibit the use of electronic smoking devices in places open to the public and places of employment. Defines “smoking” as including inhaling or exhaling of smoke or vapor from an electronic smoking device. Regulates sale of electronic cigarettes.
- SB 2495
- HB 2100 **E-Cigarettes; HHSC Prohibitions** – Prohibits smoking and tobacco use, including the use of electronic cigarettes, on all premises operated by HHSC. Provides that tobacco and e-cigarette use prohibitions shall not be subject to collective bargaining. Requires HHSC to provide tobacco cessation programs for public employees.
- HB 2313
- SB 2499
- SB 2863
- HB 2321 **E-Cigarettes; Prohibitions** – Bans the use of electronic cigarettes in any area that currently bans smoking tobacco products. Revises definition of smoking to include the use of any electronic smoking device. Updates signage requirements for no-smoking areas.
- SB 2871

- HB 2542 **Smoking Definition; Vapor** – Amends the definition of “smoking” to include the inhaling or exhaling of vapor of nicotine or any other substance from any mechanical heating element, battery, or electronic circuit which simulates smoking.
- SB 2498 **Smoking Prohibition; University of Hawaii** – Bans smoking, including the use of electronic smoking devises, on any University of Hawaii premises.

Health and Insurance

- HB 1698 **Advanced Practice RN; Oral Health Treatment** – Provides that scope of work performed by an APRN may include administration of preventative oral health treatment, including use of medical devices and medications intended to prevent caries in pediatric patients.
- HB 1718 **Long-term Care Insurance** – Requires long-term care insurance policies or certificates to cover care at adult residential care homes, expanded adult residential care homes, and community care foster family homes.
- HB 1752 **Cost-Effective Healthcare** – Appropriates funds to provide primary medical, dental, and behavioral healthcare to uninsured and underinsured patients and restores basic adult dental benefits to Medicaid enrollees. Appropriates moneys to community health centers to provide outreach and eligibility services as well as behavioral services and to establish health care homes for Medicaid enrollees.
- HB 1754 **Medicaid Buy-In Program; Disabled Workers** – Establishes and appropriates funds for
SB 2525 the Medicaid buy-in program for workers with disabilities.
- HB 1837 **Hawaii Health Authority** – Replaces the position of executive director of the Hawaii health authority with a chair position. Appropriates funds for operating expenses of the authority.
- HB 1838 **Health Coverage; Brain Injuries** – Requires certain insurance contracts and plans to provide coverage beginning 1/1/2015 for treatment of brain injuries, including cognitive and neurocognitive therapy, neurobehavioral and neuropsychological testing or treatment, and necessary post-acute transition services or community reintegration activities for a period of at least 20 years from the date the injury occurred and up to a lifetime cap per person of \$300,000.
- HB 1851 **Dental Services; Fees** – Prohibits mutual benefit societies from requiring a dentist to
SB 2034 provide services at a fee set by the mutual benefit society unless the dental services are covered services. “Covered services” means dental care services for which a reimbursement is available under an enrollee’s dental service plan, or for which reimbursement would be available but for the application of contractual limitations (deductibles, co-payments, etc.).
- HB 1852 **Dental Insurance** – Permits insured patients to assign insurance reimbursement for dental
SB 2121 services directly to their dentist of choice.
- HB 1880 **Podiatrists** – Conforms the definition of "podiatric medicine" to national standards
SB 2467 regarding diagnosis and treatment of the foot and ankle.

- HB 1910 **Disabled Persons Bill of Rights** – Establishes a bill of rights of disabled persons, including rights related to treatment and care (including refusal of treatment) by a health care professional.
- HB 1946 **Birthing Facilities; Congenital Heart Disease Testing** – Requires birthing facilities to perform a critical congenital heart defect screening using pulse oximetry on every newborn in its care prior to discharge from the facility, with certain exceptions. Requires the department of health to adopt rules pursuant to chapter 91 regarding newborn critical congenital heart defect screening using pulse oximetry. Makes an appropriation.
SB 2194
- HB 2055 **Hospitals; Caregiver Designation** – Requires hospitals to allow patients the opportunity to designate a caregiver. Requires hospitals to include designated caregiver in patient's medical record, notify caregiver prior to patient's transfer or discharge, consult with caregiver about patient's discharge plan, and instruct designated caregivers in after-care tasks.
- HB 2056 **Long Term Care; Education and Awareness** – Part I: Establishes a fall prevention and early detection coordinator within Department of Health's Emergency Medical Services and Injury Prevention System Branch. Appropriates funds. Part II: Removes hiring requirement by director of health in accordance to chapters 76 and 89, Hawaii Revised Statutes, for the position of Alzheimer's disease and related dementia services coordinator. Appropriates funds for the Alzheimer's disease and related dementia services coordinator. Appropriates funds for various kupuna, aging, disability, and senior center programs. Part III: Requires the executive office on aging of the department of health to conduct an education and awareness campaign on long-term care and have the campaign independently evaluated. Appropriates funds. Part IV: Establishes and appropriates funds for one full-time equivalent permanent prevention of elder abuse and fraud position under the executive office on aging. Part V: Appropriates funds for awareness and education of elder abuse, neglect, and fraud.
- HB 2061 **Fertility; Insurance Coverage** – Requires insurance coverage for embryo, oocyte, and sperm cryopreservation procedures for adults diagnosed with cancer who have not started cancer treatment.
SB 2694
- HB 2098 **Colorectal Cancer Screening** – Establishes a Hawaii colorectal cancer screening awareness pilot program using the Hawaii comprehensive breast and cervical cancer control program as a model. Appropriates funds for the first year of the pilot program.
- HB 2099 **Advance Practice RNs; Scope of Practice** – Expands scope of practices that can be performed by APRNs, including certification for disability, renewal of driver's licenses, exemption from seatbelts, child immunization, daily living and cognitive impairment for insured's need for long-term care, and other duties.
SB 2492
- HB 2115 **Chiropractic Care; Med-QUEST and Medicaid** – Requires Med-QUEST and Medicaid coverage for chiropractic care, limited to 24 visits per calendar year.
SB 2479
- HB 2144 **Prescription Drugs** – Limits the number of days of supply of narcotic drugs that a physician may prescribe for pain management. Requires a blood or urine test and consultation with a pharmacist for refills of narcotic drugs in certain circumstances. Excludes hospice patients from these limitations.

- HB 2174 **Health Insurance; Autism Spectrum Disorders** – Requires individual or group accident and health or sickness insurance policies, contracts, plans or agreements issued in this State after December 31, 2015 to provide coverage to insured under six years of age
- HB 2225 and health or sickness insurance policies, contracts, plans or agreements issued in this
- SB 2054 State after December 31, 2015 to provide coverage to insured under six years of age
- SB 2578 diagnosed with an autism spectrum disorder coverage for treatment of autism spectrum disorders.
- HB 2269 **Health Insurance Premium Information** – Authorized the Insurance Commissioner to
- SB 2819 collect and publish health premium information.
- HB 2319 **Privacy of Health Information** – Repeals current language under Hawaii law regarding
- SB 2869 confidentiality of information for individuals with developmental disabilities and mental health records, and replaces it with language from HIPAA allowing for reasonable use and disclosure.
- HB 2355 **Insurance Coverage; IVF and Infertility** – Requires health insurers to cover the cost of
- SB 2909 in vitro fertilization for three procedures or a live birth when the patient has a history of infertility of one year if 35 years or younger or six months if thirty-six year or older.
- HB 2411 **Telehealth; Insurance and Reimbursement** – Requires reimbursement for services
- SB 2469 provided through telehealth to be equivalent to reimbursement for the same services provided via face-to-face contact between a health care provider and a patient. Clarifies that a health care provider of telehealth includes primary care providers, mental health providers, and oral health providers such as physicians and osteopathic physicians, advanced practice registered nurses, psychologists, and dentists. Amends references to "telemedicine" in the Hawaii Revised Statutes to "telehealth" for consistency.
- HB 2458 **Board of Dentistry** – Changes the name of the board of dental examiners to "board of
- SB 2501 dentistry and dental hygiene". Decreases the number of members on the board from twelve to eleven members. Requires four members to be licensed, practicing dental hygienists. Requires at least one of the practicing dentist members to be a practicing dentist with a background in public health dentistry or a license in community service dentistry. Prohibits members from being in any way connected with or having financial interest in any dental examination company.
- HB 2525 **Health Insurance Rates; Community Rating** – Requires that rates for individual plans and plans covering between 1-50 members be established pursuant to community rating. Provides that uniformity among plans covering more than 50 members shall not be required or prohibited.
- HB 2532 **Privacy of Health Information** – Establishes a new HRS chapter to cover privacy of health information, including issues such as individual's rights, restrictions on use and disclosure, exceptions for disclosure, and sanctions.
- HB 2643 **Prescription Drugs** – Prohibits persons licensed pursuant to HRS Chapters 453 and 463E
- SB 3056 from prescribing more than a thirty-day supply of certain types of drugs. Also prohibits the automatic refill of certain types of drugs.
- SB 2067 **Dietary Supplements** – Prohibits the sale of any dietary supplement that does not conform to federal good manufacturing practices for dietary supplements.

- SB 2173 **Specialty Tier Prescription Coverage** – Imposes dollar limits on specialty tiers in order to protect patients from unaffordable coinsurance or copayment amounts. Limits patients' coinsurance or copayment fees for specialty tier drugs to \$150 per month for up to a thirty day period supply. Allow patients to request an exception to obtain a specialty drug that would not otherwise be available on a health plan formulary.
- SB 2192 **Medical Records; Bankruptcy** – Requires medical facilities to inform their patients when they are going to file for bankruptcy. Permits patients to obtain their medical records from the medical facility upon written authorization.
- SB 2349 **Drug and Alcohol Treatment** – Appropriates \$500,000 for a statewide pilot program to treat chronic, substance-dependent adults to be established by the Department of Health. Services would include individual, group, and family counseling; intensive care management and referral; medication management; cognitive-behavioral skill training; and daily living skills, and supportive services, including housing assistance, employment training, job placement, and continuing care support, to chronic, substance-dependent adults.

Healthcare Industry; Licensing

- HB 1753 **Nurse Licensing; Continuing Education** – Requires nurses to complete a minimum of thirty hours of continuing education during each two-year license period.
- HB 1882 **Podiatrists; Minimum Residency Requirements** – Adopts the national standard of a minimum of 24 months in an accredited podiatric residency prior to licensure as a podiatrist.
SB 2468
- HB 2030 **Psychologists; Continuing Education** – Requires psychologists to complete a minimum of 18 continuing education credit hours on biennial basis.
- HB 2031 **Marriage and Family Therapists; Continuing Education** – Requires licensed marriage and family therapists to completely a minimum of 45 continuing education credit hours, including six hours in ethics courts, during each licensing period.
SB 2466
- HB 2042 **Occupational Therapists; Licensing** – Establishes an occupational therapy program and licensing requirements for occupational therapists and occupational therapy assistants.
SB 2472
- HB 2095 **Advance Practice RNs; Licensure** – Technical amendments to Hawaii APRN licensing statute to align with federal law. Deletes reference to “recognized” as an APRN; maintains language requiring “licensure.”
SB 2491
- HB 2096 **Nurses; Continuing Competency and Licensure** – Requires licensed registered nurses and licensed practical nurses to submit evidence of continuing competency at each renewal period, beginning with the June 30, 2015, licensing biennium.
SB 2490
- HB 2207 **Psychologists; Licensing** – Deletes statutory requirement that psychologists complete one year of post doctoral supervised training prior to licensure.
SB 2611
- HB 2208 **Psychologists; Continuing Education** – Requires licensed psychologists to complete 18 credit hours or continuing education for license renewal, three of which must be in ethics courses.
SB 2612

- SB 2927 **Dentistry; Continuing Education** – Requires the continuing education program for dentists to include three hours of ethics training per year.
- SB 3044 **Nurses; Criminal Background Checks** – Requires applicants for a nursing license to submit fingerprints for criminal history records checks as a condition of licensure.

Hawaii Health Connector

- HB 1820 **Hawaii Health Connector; Navigators** – Establishes licensing, examination, and annual renewal requirements for community navigators assisting consumers with the purchase of health insurance in conjunction with the Hawaii Health Insurance Exchange.
- HB 2526 **Hawaii Health Connector; State Entity** – Establishes the Hawaii health insurance exchange as a state entity.
- HB 2527 **Hawaii Health Connector; Sustainability Fee** – Authorizes the insurance commissioner to assess a fee on all issuers selling plans, both inside and outside the health insurance exchange in order to sustain the connector. Establishes a sub-account for these purposes.
- SB 3050
- HB 2529 **Hawaii Health Connector; State Entity; Board Composition** – Transitions the Hawaii Health Connector from a private to a state entity. Makes changes to the composition of the Hawaii Health Connector Board. Creates a consumer, patient, business, and health care advisory group and an intergovernmental agency advisory group to provide input and recommendations to the Board.
- HB 2588 **Hawaii Health Connector; Tax** – Levies a tax of two-thirds of one percent of the gross health insurance premiums from sale of qualified dental plans and qualified plans by insurers in Hawaii. Provides exceptions for Medicare supplement policies, enrollees in Medicaid adult or children's health insurance programs, and the Hawaii employer-union health benefits trust fund.
- SB 2471
- SB 2200 **Hawaii Health Insurance Exchange; Consumer Information** – Prohibits navigators and non-navigator assistance personnel associated with the Hawaii health insurance exchange from misusing the personal information of consumers. Establishes civil and criminal penalties for violations.
- SB 2470 **Hawaii Health Connector; Board** – Lowers the number of members on the board of directors of the Hawaii health connector to twelve, with a maximum of nine total voting members. Removes members representing insurers and dental benefit providers from the board and requires all but one of the state agency representatives on the board to be ex officio, nonvoting members. Establishes procedures for filling vacancies on the board.

Medical Marijuana; Legalization of Marijuana

- HB 1567 **Medical Marijuana** – Reduces the cannabis substances permissible for medical marijuana users by excluding marijuana concentrate from the definition of "marijuana" and amending the definition of "usable marijuana".

- HB 1587 **Medical Marijuana Dispensaries** – Creates a system of registered medical marijuana dispensaries. Provides requirements for registration and operation of a medical marijuana dispensary.
SB 2942
- HB 1708 **Legalization of Marijuana** – Legalizes the personal use of marijuana in a specified quantity. Requires licensing to operate marijuana establishments. Subjects marijuana establishments to excise and income taxes.
SB 2733
- HB 1709 **Marijuana; Civil Penalty** – Establishes a civil violation for possession of one ounce or less of marijuana that is subject to a fine of \$100.
SB 2358
- HB 1721 **Marijuana; Schedule II** – Amends the Uniform Controlled Substances Act by adding a definition for "marijuana extract," adding new scheduling criteria to the five scheduling sections for controlled substances, and making marijuana and marijuana extract a schedule II controlled substance under Hawaii law.
- HB 2092 **Medical Marijuana Registration** – Makes clarifying amendments to the registration requirements for medical marijuana. Deletes language requiring that the certifying physician is the patient's primary care physician.
- SB 2316 **Medical Marijuana Reform Task Force** – Creates a task force on medical marijuana reform to recommend best practices and improvements to laws and policies affecting the use of medical marijuana.
- SB 2418 **Medical Marijuana** – Amends definitions of "marijuana" and "medical marijuana" to include various forms of non-psychoactive, high cannabidiol products.
- SB 2574 **Medical Marijuana Prescriptions** – Permits board certified pain specialist physicians to prescribe medical marijuana.
- SB 2601 **Medical Marijuana; Cannabis; Co-ops** – Re-designates the medical marijuana law as the medical cannabis law. Requires DOH to register co-ops, which distribute and dispose of medical cannabis.

Contractors

- HB 570 **Unlicensed Contractors** – Increases the maximum fine against unlicensed contractors who commit licensing violations against elders from \$10,000 to \$20,000.
- HB 1500 **Contractors; Incidental and Supplemental Work** – Defines "incidental and supplemental" work for purposes of determining licensing requirements for general engineering and general building contractors as any work in a craft or trade other than the craft of trade for which the licensee is licensed that is directly related to and necessary for the completion of a project undertaken by the licensee, subordinate to the project, and for which the contract price is under a set limit.
SB 2613
- HB 1527 **Contractors License Board** – Increases the membership of the contractors license board from 13 to 15. Increases from 10 to 12 the members who are actively engaged in the contracting business. Increases from 5 to 7 the members who are specialty contractors. Requires that 1 member be affiliated with a state apprenticeship program. Decreases from 3 to 2 the members who are noncontractors.
SB 2618

- HB 1639 **Unlicensed Contractor Fraud** – Clarifies the offense of unlicensed contractor fraud by specifying that the "intent to deprive" may be formed before or after the person obtains or exerts control over the property of another.
SB 2076
SB 2093
- HB 1944 **Civil Rights Compliance; Contractors** – Requires all contractors to comply with state and federal civil rights laws, including HRS Chapters 378, 489 and 515, Title VII of the Civil Rights Act of 1964, Equal Pay Act, ADEA, ADA, GINA, Rehabilitation Act and Title VIII of the Civil Rights Act of 1968.
SB 2917
- HB 2164 **Specialty Contractors** – Provides that a specialty contractor is a contractor whose principal contracting business involves the use of specialized building trades or crafts and whose primary operations require special skill.
- HB 2219 **Electrical Contractor Licensing** – Requires any person applying for a license as an electrical contractor, pole and line contractor, or high voltage electrical contractor to possess a journey worker electrician license. For any person applying for a license as an electronic systems contractor, the individual must possess a journey worker specialty electrician license.
SB 2945
- HB 2274 **Unlicensed Contractors; Aiding and Abetting** – Adds language to unlicensed contractor law stating that any contractor licensee who aids and abets an unlicensed contractor to evade or violate Hawaii unlicensed contractor laws shall be subject to additional discipline to be determined by the contractor licensing board.
HB 2583
SB 2475
SB 2824

Public Works Contracts

- HB 1591 **Construction Industry Task Force; Procurement; Public Notice** – Requires any public notice relating to procurement contracts to be publicized statewide in either written publication or electronic format throughout the State for a period that does not exceed 15 days.
- HB 1958 **Public Works; Overtime Compensation** – Adds flexibility to the calculation of overtime compensation for government public works construction contracts greater than \$2,000 allowing such compensation to be not less than 1½ times the laborers or mechanics basic hourly rate of pay plus the cost of fringe benefits.
SB 2704
- HB 1976 **Public Works: Wage and Hour Special Fund** – Establishes the Wage and Hour for Public Works Projects Special Fund and establishes and funds two additional labor law enforcement specialist IV positions to assist the enforcement of Hawaii's wage and hour law on public construction projects. Specifies a funding mechanism for the special fund and requires an annual report. Exempts the Department of Transportation's Airports Division from the special fund fee.
SB 3039
- HB 2047 **Procurement Contracts; Liability; Duty to Defend** – Prohibits governmental procurement contracts of any amount that are exclusively for the services of contractors, engineers, architects, surveyors, or landscape architects, from requiring the person to defend the governmental body against liability not arising from the contractor's own negligence or fault. Provides that the contractor may still be required to indemnify and hold harmless the governmental body from claims arising out of or resulting from the negligent, reckless, or wrongful acts, errors, or omissions of the contractor.
SB 2463

- HB 2175 **Competitive Sealed Bidding; Joint Contractors and Subcontractors** – Deletes
SB 2464 language in Chapter 103D that requires that construction bids for public works projects,
submitted under the competitive sealed bidding process, list potential joint contractors and
subcontractors.
- HB 2322 **Prevailing Wage Violations; Suspensions** – Increases the suspension period from three
SB 2260 years to five years for certain violations of Hawaii’s Little Davis Bacon Act, including a
SB 2872 third violation that occurs within two years of a second violation, falsification of records,
or delay or interference with an investigation.
- HB 2323 **Prevailing Wage Violations; Fines** – Increases the penalty for interference or delay of an
SB 2261 investigation from \$1,000 to \$10,000 per project and from \$100 to \$1,000 for each day
SB 2873 thereafter. Provides definition of “contractor” and “public work.” Makes contractors
secondarily liable for violations of their subcontractors. Prohibits private agreements
from contravening requirements of Little Davis Bacon Act.
- HB 2383 **Competitive Sealed Bidding; Bid Invitations** – Requires procuring agencies to include
SB 2911 in invitations for bids on construction contracts a listing of the licenses that are required to
perform work under the contract.
- HB 2413 **Public Works; Public-Private Partnerships** – Includes public-private partnerships in the
definition of “governmental contracting agency” for purposes of Hawaii Little Davis
Bacon Act.
- HB 2657 **Public Works; Local Preference** – Gives preference in public procurement to companies
that conduct repair and maintenance locally.
- HB 1977 **Collective Bargaining Arbitration** – Provides that, absent agreement of the parties, lack
SB 2259 of objection or good cause, the final position in a collective bargaining arbitration to may
include only proposals that were submitted in writing before impasse.
- HB 1979 **Benefits and Salary** – Authorizes the directors of all state departments to withhold or
alter the benefits packages of excluded employees who are exempt from civil service in
exchange for higher compensation.

Public Employees

- HB 272 **Abusive Workplaces; Workplace Bullying** – Makes abusive conduct against a public
employee a workplace safety and health violation. Provides definition for abusive
conduct.
- HB 1601 **Public Workers; Repeal of Apprenticeship Preference** – Repeals five per cent
SB 2910 preference for bidders on public works construction contracts who are party to an
apprenticeship agreement.
- HB 1627 **Firefighters; Service-Connected Disability and Medical Coverage** – Provides
SB 2086 firefighters with comprehensive medical coverage and service-connected disability
retirement benefits for certain medical conditions that are presumed to arise out of and in
the course of employment.

- HB 1959 **Public Schools; Minimum Staffing** – Establishes minimum staffing requirements for schools with fewer than 400 enrolled students, outside weighted student formula funding allocations.
- HB 1962 **Workforce Development** – Makes technical amendments to the statute on the workforce development council under the DLIR.
- HB 1975 **Public Employees; Criminal Background Checks** – Allows the State and counties to perform criminal history record checks on employees, prospective employees, volunteers, and contractors whose positions allow them access to sensitive information, firearms, and secured areas and on employees, prospective employees, volunteers, and contractors whose positions require them to work with county community-based programs for children.
- SB 2420
- HB 1977 **Collective Bargaining Arbitration** – Provides that, absent agreement of the parties, lack of objection or good cause, the final position in a collective bargaining arbitration may include only proposals that were submitted in writing before impasse.
- SB 2259
- HB 1979 **Benefits and Salary** – Authorizes the directors of all state departments to withhold or alter the benefits packages of excluded employees who are exempt from civil service in exchange for higher compensation.
- HB 1979
- SB 2959 **Nepotism** – Prohibits a public official or public employee from appointing, employing, promoting, or advancing a relative within an agency over which the public official or public employee exercises control or the relative of another public official or employee employed by or exercising control over the same agency, except for a person who is highly qualified for the position. Prohibits legislators from appointing, employing, or voting to confirm a relative. Makes Act applicable to justices and judges.

Government Agencies

- HB 1876 **DCCA Fees** – Reduces most of the fees of the DCCA for filing, service, copying, and other business by half or more.
- HB 1877 **Workforce Development Act; UH** – Transfers the Manpower Development and Training Program from DLIR to the University of Hawaii community college system. Appropriates funds to be expended by the community college system for the manpower and development training programs and administrative costs of county employment service programs within the jurisdiction of the county workforce investment boards.
- HB 1957 **DHRD; Office of Talent Management** – Establishes the office of talent management within DHRD to design and facilitate state initiatives in the areas of talent administration, professional development, performance management, and leadership enterprise. Authorizes the talent management administrator to receive from any state agency the assistance, services, facilities, and data the administrator deems necessary to carry out the duties of the office.
- HB 2038 **DLIR; Human Trafficking Fund** – Establishes the human trafficking victim services fund to be administered by the department of labor and industrial relations to provide support and services to human trafficking victims.

- HB 2496 **Hawaii Labor Relations Board** – Provides that public employer and public unions can submit names to the governor for the Hawaii Labor Relations Board (“HLRB”) member representing management or the public, from which the governor must consider but is not required to select. Also provides that the public unions shall submit a list of three nominees for the labor representative, from which the governor must select one.
- HB 2217 **Workforce Development** – Allows the DLIR to establish work groups of industry leaders in industries having potential for high job growth to assist in identifying workforce trends, determining skill sets required for jobs being created or modified, and developing training to prepare qualified workers.
- HB 2272 **Criminal Background Checks; Real Estate Appraisers** – Allows the DCCA to conduct
SB 2822 a criminal background check on applicants for a real estate appraiser license.
- SB 3038 **HLRB; Replacement of Absent Member; Electronic Service** – Authorizes notice of hearings to be served by electronic service through a company designated by the Hawaii labor relations board. Clarifies the process to replace a recused Hawaii labor relations board member representing labor.

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

- HB 1525 **Commission on Fiscal Responsibility and Reform** – Establishes a commission within the Department of Taxation (“DoTax”) to review and make recommendations on expenditures, revenue enhancement, and tax reform.
- HB 1569 **Taxation of Pension Income** – Provides for the taxation of the pension income of: (1) an individual filer with federal adjusted gross income of \$100,000 or more; (2) a joint or surviving spouse filer with federal adjusted gross income of \$200,000 or more; and (3) a head of household with federal adjusted gross income of \$150,000 or more. Effective for taxable years beginning after December 31, 2013.
- HB 1606 **County Surcharge on State Tax** – Repeals deadline for counties electing to establish a
SB 2115 county surcharge on state tax to pass an ordinance to enact the surcharge. Increases maximum rate of surcharge from 0.5% to 1%. Allows counties under 500,000 population to use proceeds without restriction. Reduces the amount deducted from the county surcharge on state tax to reimburse the State for costs of assessment, collection, and disposition from 10% to 2%. Makes permanent the counties' authority to establish a surcharge on state tax.
- HB 1651 **Use Tax; Internet Sales** – Unless preempted by federal law, requires the collection of use taxes by sellers of tangible personal property who enter into agreements under which a person in the State refers potential purchasers to the seller, including by an internet link or web site, or performs related services in the State on behalf of the seller.
- HB 1703 **Conveyance Tax** – Imposes a tax on the conveyance of a controlling interest in an entity
HB 1850 that has an interest in real property in the State of Hawaii for conveyances after June 30, 2014.
- HB 1754 **DoTax; Tax Study** – Requires DoTax to conduct a study to develop a systematic approach to evaluate the costs and benefits of major tax incentives.

- HB 1847 **GET Returns; Electronic Filing** – Requires all GET returns to be filed electronically beginning January 1, 2015.
- HB 1848 **GET Monthly Returns; Electronic Filing** – Requires all GET monthly returns to be filed electronically beginning January 1, 2015.
- HB 1873 **Use Tax Increase** – Increases the use tax by 1.5% for a 2-year period to provide a
SB 2965 dedicated funding source for the acquisition and management of agricultural lands.
- HB 2087 **GET Filing Deadline** – Amends the date of filing of monthly, quarterly, and semiannual
SB 3109 general excise tax returns from the 20th day of the respective applicable month to the last day of the month.
- HB 2651 **GET Exemption** – Implements a 1.5% GET on previously exempted classes.
- SB 2013 **Wholesale Tax** – Increases the tax levied on wholesale sales from 0.5 per cent to 1.5 per cent beginning 2015.
- SB 2041 **GET Increase** – Increases the GET by 1% for a two-year period. Provides that the additional revenue shall be deposited into a proposed acquisition and management of agricultural lands special fund.
- SB 2171 **GET Repeal; Intermediary Business Transactions** – Repeals the GET on all intermediary business transactions.
- HB 2078 **Tobacco GET** – Imposes an excise tax of 85% of the wholesale price of any tobacco
SB 2496 product except for large cigars sold by a wholesaler or dealer. Requires additional moneys collected under this excise tax to be deposited to Hawaii cancer research special fund.
- SB 2524 **Wellness Programs; Tax Credits** – Provides a tax credit for employers who create and implement work site wellness programs. Requires the DOH to establish eligibility criteria for wellness program tax credit and to provide training and technical assistance to employers.
- SB 2572 **Electronic Smoking Device; Excise Tax** – Establishes an excise tax of ___ for each electronic smoking device sold, used or possessed by a wholesaler or dealer.
- SB 2670 **GET; Exemptions** – Prohibits a person from deducting any amount for tangible personal property furnished in conjunction with engaging or continuing in a service business or calling unless the person separately bills or otherwise shows the amount of the gross income of the business derived from the furnishing of the property.
- SB 3041 **Liquor Tax** – Defines "barrel", "small brewery or brewpub", "small winery", and "small manufacturer". Establishes a tax rate of 23 cents per wine gallon on draft beer and beer other than draft beer that are brewed or produced by a small brewery or brewpub. Establishes a tax rate of 59 cents per wine gallon on still wine and sparkling wine produced by a small winery. Establishes a tax rate of \$2.57 per wine gallon on distilled spirits produced by a small manufacturer.

Miscellaneous

- HB 1072
SB 1386 **UH Board of Regents; Financial Disclosures** – Requires members of the UH Board of Regents to file an annual disclosure of financial interests with the state ethics commission. Make the disclosure public record.
- HB 1504 **Child Support** – Requires the courts to issue a separate child support order for each child and specify the amount to be withheld for each child.
- HB 1509 **Use of Mobile Devices on Highways** – Revises the fine amount for operating motor vehicle while using a mobile device to “not less than \$150” and eliminates prior fine limits of \$200, \$300 and \$500 for first, second and third offenses respectively.
- HB 1565 **Daylight Saving Time** – Requires the Department of Business, Economic Development and Tourism to study the potential economic impacts of Hawaii observing daylight saving time.
- HB 1621 **Public Accommodations; Homeless** – Amends HRS § 489-3 to add homelessness, receipt of public assistance and receipt of UI benefits as protected classes for purposes of public accommodations.
- HB 1634
SB 2080 **Uniform Mediation Act** – Technical amendment for exceptions for mediation conducted by judges to include only mediations conducted by judges, and not judges who might make a ruling on a case.
- HB 1642
SB 2096 **Violation of Privacy** – Adds distribution of images of a person’s intimate body parts with the intent to cause serious emotional distress to crime of violation of privacy.
- HB 1668 **Invasion of Privacy** – Makes the distribution of private, intimate images of another person with the intent to cause serious emotional distress a misdemeanor.
- HB 1713
SB 2346 **Aging; Long-term Care Education** – Appropriates general funds to provide ongoing financial support to healthy aging programs and services. Requires the Executive Office on Aging to conduct a public education and awareness campaign on long-term care and appropriates general funds for its support and evaluation.
- HB 1724 **Adult Residential Care Home; Readmission** – Authorizes adult residential care homes, expanded adult residential care homes, and adult foster homes to deny readmission of a resident who has been in a hospital for five days or more or, after discharge from the hospital, requires a level of care the care home is not authorized to provide.
- HB 1826 **Marriage: Divorce, Annulment or Separation** – Repeals the provision allowing actions for annulment, divorce, or separation of a marriage solemnized in this State, where the parties do not meet state domicile or physical presence requirements, if the parties are domiciled in a jurisdiction that does not recognize the marriage.
- HB 1833 **UH General Counsel; Board of Regents Oversight** – Charges the Board of Regents with oversight of the University General Counsel. Exempts the Board of Regents, and repeals UH’s exemption, from the prohibition to contract with attorneys. Requires the Auditor to review legal contracts entered into by UH.

- HB 1896 **Mobile Electronic Devices While Driving** – Clarifies Hawaii’s mobile electronic devices law to specifically include non-emergency calls and texting. Adds exemptions for drivers searching for current traffic conditions, accidents or alternative traffic routes, or drivers who are at a complete stop, whether or not the engine is running, in a safe location by the side of the road out of the way of traffic.
SB 2729
- HB 1909 **Boards and Commissions; Gender Equity** – Requires the governor or appointing authority to attempt gender equity when appointing members of state boards and commission. Requires DHRD to report the number of men and women on boards and commissions.
- HB 2006 **Public Accommodations; Religious Exemption** – Amends Chapter 489 to exclude religious facilities from the definition of "place of public accommodation" to exempt those facilities from the law regarding discrimination in public accommodations.
SB 2164
- HB 2020 **Private Guards; Continuing Education** – Reduces continuing education requirement to four hours every two years instead of annually. Delays renewal requirement until June 30, 2016 instead of 2014. Repeals sunset provision.
SB 2486
- HB 2028 **Board of Regents; Prohibition on Executive Sessions** – Prohibits the board of regents from meeting in executive session for the purposes of reviewing the performance of or discussing the finalists to be hired as system presidents or campus chancellors.
SB 2326
- HB 2033 **Breastfeeding Exemption from Jury Duty** – Exempts breastfeeding mothers from jury duty for up to one year from the time the mother began breastfeeding the child.
SB 2452
- HB 2041 **Franchises** – Voids provisions in a franchise that restricts the resolution of claims arising to foreign forums.
SB 2623
- HB 2082 **Plastic Bags** – Prohibits businesses from distributing non-biodegradable single-use checkout bags to customers.
SB 2508
- HB 2173 **Tobacco Regulations; License Fee** – Increases the license fee for persons engaged as a wholesaler or dealer of cigarettes or tobacco products. Increases the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and other tobacco products. Both increases current set at a \$___ amount.
SB 2497
- HB 2197 **Financial Disclosure Statements; Public Access** – Makes financial disclosure statements of members of the UH Board of Regents and states boards and commissions available for public inspection and duplication.
SB 2681
- HB 2221 **Cemeteries; Licensing Requirements** – Requires cemetery salespersons to be licensed, establishes background check requirements for all individuals applying for employment as funeral directors or embalmers; and appropriates funds to the department of health to establish a temporary death care task force to examine existing regulatory framework and make recommendations on the consolidation of oversight of the death care industry.
- HB 2348 **Commercial Driver’s Licensing** – Amends or deletes various statutes containing federal commercial driver's licensing requirements that are addressed in Hawaii Administrative Rules.

- HB 2373 **Invasion of Privacy** – Broadens the offense of violation of privacy in the first degree to include distributing, where there has been an agreement or understanding that the image shall remain private, images of the intimate body parts of another with intent to cause serious emotional distress.
- HB 2395 **Sexual Assault of a Minor; Minimum Sentencing** – Establishes a mandatory minimum sentence of twenty years for class A felony of first degree sexual assault of a minor who is less than fourteen years of age.
SB 2765
- HB 2399 **Opposite-Sex Marriage; Constitutional Amendment** – Proposes a Constitutional amendment to reserve marriage to opposite-sex couples.
- HB 2493 **Religious Organizations; Immunity** – Immunizes religious organizations and nonprofit organizations operated, supervised, or controlled by religious organizations from civil claims related to any refusal to provide goods, services, or facilities for the solemnization or celebration of a marriage that is in violation of the organization's religious beliefs or faith.
- HB 2497 **Successor Liability; Exceptions** – Provides that successor employers shall not be liable for the debts and liabilities of the predecessor corporation. Exceptions shall apply when the successor agrees to assume such liability, the transaction between the two corporations constitutes a merger, the successor is a mere continuation or reincarnation of the predecessor corporation, or clear and convincing evidence proves the succession was designed to escape liability.
- HB 2568 **Definition of Hotel; Liquor Licenses** – Amends definition of “hotel” for purposes of qualification for a hotel class liquor license by deleting requirement that the hotel have a kitchen and dining room.
SB 3075
- HB 2668 **Termination of Prior Unions** – Clarifies marriage requirements to specifically prohibit either party from having an existing reciprocal beneficiary relationship, domestic partnership, or any other legally recognized union with another living person, except in the case of persons seeking to marry without first terminating their civil union or reciprocal beneficiary relationship as provided under current law. Conforms information required on marriage license applications.
- SB 2148 **Fraudulent Financing Statements; Retaliation Prohibited** – Makes it an offense to file a fraudulent or otherwise improper financing statement. Provides for punishment and penalties for fraudulent filings on real and personal property in retaliation against, or for intimidation of, officers of counties and states for their official actions; and for fraudulent filings for retaliation, intimidation or harassment of individuals and employers.
- SB 2682 **Financial Disclosures; Boards and Commissions** – Requires public disclosure of financial disclosure statements filed by paid state board or commission members who have original terms of office for periods exceeding one year, have functions that are not solely advisory, and serve on boards of commissions that are authorized to approve contracts or expenditures valued at more than \$1,000,000.

- SB 2687 **Sex Assault on a Minor; Statute of Limitations** – Allows a victim of child sexual abuse to bring a civil action against victim's abuser or an entity, except for the State or counties, when the entity was grossly negligent, if the statute of limitations for filing a civil claim has lapsed and the victim has not yet attained the age of fifty-five.
- SB 2693 **Sugar-Sweetened Beverages; Size Limit** – Sets a maximum serving size of sixteen fluid ounces for sugar-sweetened beverages in sealed and unsealed containers provided by food establishments. Prohibits the sale of sugar-sweetened beverages as part of children's meals. Imposes a civil penalty of \$50 per violation.
- SB 2745 **Credit Card Surcharges** – Prohibits retailers in any sales, service or lease transaction with a consumer from imposing a surcharge on a cardholder who elects to pay with credit card in lieu of cash, check or similar means. Provides that a retailer may offer discounts for the purpose of inducing payment by cash, check or other means.