

Honolulu, Hawaii

February 7, 2014

RE: H.B. No. 2309  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 2309 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES,"

begs leave to report as follows:

The purpose of this measure is to increase the administrative penalties for violations of Chapter 321, Hawaii Revised Statutes (HRS), relating to the Department of Health, from a maximum of \$1,000 for each day of violation, to a maximum of \$10,000 for each day of violation.

The Department of Health and an individual testified in support of this measure. The Chamber of Commerce of Hawaii opposed this measure.

Your Committee notes the Department of Health's testimony that the current penalty amount does not have adequate deterrent effect to enforce compliance with the law in certain situations; however, your Committee believes greater guidance is needed to arrive at an appropriate maximum penalty amount. To support further deliberations on this measure, your Committee requests the Department of Health to provide to the Committee on Judiciary information on the administrative penalties imposed by other states for similar violations.



Your Committee has amended this bill by:

- (1) Changing the maximum penalty amount specified in the bill for violations of Chapter 321, HRS, to an unspecified amount;
- (2) Changing its effective date to July 1, 2050, to encourage continued discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2309, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2309, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



DELLA AU BELATTI, Chair



State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

HSCR 231-14

**Record of Votes of the Committee on Health**

Bill/Resolution No.: <i>HB 2309</i>	Committee Referral: <i>HLT, JUD, FIN</i>	Date: <i>2/5/14</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. MORIKAWA, Dee (VC)	✓			
3. CARROLL, Mele				✓
4. CREAGAN, Richard	✓			
5. HASHEM, Mark J.	✓			
6. JORDAN, Jo	✓			
7. KOBAYASHI, Bertrand	✓			
8. OSHIRO, Marcus R.	✓			
9. WOODSON, Justin H.				✓
10. MATSUMOTO, Lauren Kealohilani	✓			
TOTAL (10)	8			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <i>UK</i>				
Distribution: Original (White) -- Committee    Duplicate (Yellow) -- Chief Clerk's Office    Duplicate (Pink) -- HMSO				