May 5, 2015

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai‘i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai‘i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on May 5, 2015, the following bill was signed into law:

SB1156 SD1 HD1 RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISION
ACT 035 (15)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai‘i
A BILL FOR AN ACT

RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I.

SECTION 1. Chapter 8, Hawaii Revised Statutes, is amended by amending its title to read as follows:

"CHAPTER 8
HOLIDAYS AND PERIODS OF RECOGNITION AND OBSERVANCE"

SECTION 2. Section 26-18, Hawaii Revised Statutes, is amended to read as follows:

"§26-18 Department of business, economic development, and tourism. (a) The department of business, economic development, and tourism shall be headed by a single executive to be known as the director of business, economic development, and tourism.

The department shall undertake statewide business and economic development activities, undertake energy development and management, provide economic research and analysis, plan for the use of Hawaii's ocean resources, and encourage the
development and promotion of industry and international commerce
through programs established by law.

(b) The following are placed in the department of
business, economic development, and tourism for administrative
purposes as defined by section 26-35: [Aloha Tower development
authority, Hawaii community development authority, Hawaii
housing finance and development corporation, high technology
development corporation, land use commission, natural energy
laboratory of Hawaii authority, and any other boards and
commissions as shall be provided by law.

(c) The department of business, economic development, and
tourism shall be empowered to establish, modify, or abolish
statistical boundaries for cities, towns, or villages in the
State and shall publish, as expeditiously as possible, an up-to-
date list of cities, towns, and villages after changes to
statistical boundaries have been made."

SECTION 3. Section 128A-5, Hawaii Revised Statutes, is
amended to read as follows:

"§128A-5 County organizations for homeland security.

Counties are authorized, but not required, to establish
organizations for homeland security. If a county does not
establish a separate organization for homeland security, the
functions listed in section 128A-4 shall be incorporated into
the responsibilities of the county [emergency management][]
agency."

SECTION 4. Section 243-3.5, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:

"(a) In addition to any other taxes provided by law,
subject to the exemptions set forth in section 243-7, there is
hereby imposed a state environmental response, energy, and food
security tax on each barrel or fractional part of a barrel of
petroleum product sold by a distributor to any retail dealer or
end user of petroleum product, other than a refiner. The tax
shall be $1.05 on each barrel or fractional part of a barrel of
petroleum product that is not aviation fuel; provided that of
the tax collected pursuant to this subsection:

(1) 5 cents of the tax on each barrel shall be deposited
into the environmental response revolving fund
established under section 128D-2;

(2) 15 cents of the tax on each barrel shall be deposited
into the energy security special fund established
under section 201-12.8;
(3) 10 cents of the tax on each barrel shall be deposited into the energy systems development special fund established under section 4304A-2169.1; and

(4) 15 cents of the tax on each barrel shall be deposited into the agricultural development and food security special fund established under section 141-10.

The tax imposed by this subsection shall be paid by the distributor of the petroleum product."

SECTION 5. Section 291C-77, Hawaii Revised Statutes, is amended to read as follows:

"§291C-77 Pedestrians soliciting rides, business, or attention of motorist. (a) Except as otherwise provided by county ordinance, no person shall stand in, walk along, or otherwise occupy a portion of a highway for the purpose of soliciting a ride, employment, business, or contributions from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
(e) Except as otherwise provided by county ordinance, no person shall hold or display a movable sign within the right-of-way boundaries of a public highway or on the sidewalk abutting a public highway or in an area adjacent to the highway for the purpose of carrying on political campaign activities as defined in section 19-6(7) and which seek to draw the attention of occupants of motor vehicles using the highway. A movable sign is any portable device, display, emblem, billboard, notice, picture, painting or writing, other than official signs placed or required by the State or county."

SECTION 6. Section 291C-137, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) As used in this section:

"Emergency responders" includes firefighters, emergency medical technicians, mobile intensive care technicians,

emergency management workers, police officers, and federal and state law enforcement officers.

"Fleet vehicle" means any vehicle validly registered pursuant to section 286-53.5.

"Mobile electronic device" means any handheld or other portable electronic equipment capable of providing wireless or
data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, or digital photographic device, but does not include any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of the motor vehicle.

"Operate" a motor vehicle means to drive or assume actual physical control of the vehicle upon a public way, street, road, or highway, including operation while temporarily stationary because of traffic, a traffic light, or a stop sign.

"Use" or "using" means holding a mobile electronic device while operating a motor vehicle."

SECTION 7. Section 304A-2351, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Neither the trust established by the university pursuant to subsection (a), nor any trustee thereof, shall be a department, agency, board, commission, bureau, instrumentality, committee, authority, or office of the State or
any of its political subdivisions, or otherwise deemed a public
or quasi-public entity, nor shall the initial funding of, or a
transfer to, the trust constitute a state grant. The trust
shall not be subject to laws or rules governing state and other
public or quasi-public entities, including but not limited to
chapters 23, 36, 37, 38, 40, 42F, 76, 78, 84, 89, 91, 92, 92F,
103, and 103D."

SECTION 8. Section 346-97, Hawaii Revised Statutes, is
amended by amending subsection (b) to read as follows:

"(b) The department shall adopt rules pursuant to chapter
91 establishing standards regarding the reputable and
responsible character of service providers who have direct
contact with individuals receiving services under this part,
including:

(1) Purchase of service contracted and subcontracted
service providers and their employees serving clients
of the [4]adult protective and community services
branch[4];

(2) The foster grandparent program, senior companion
program, and respite companion program participants;

and
(3) Contracted and subcontracted service providers and
their employees and new employees who provide home and
community-based services under section 1915(c) of the
Social Security Act (42 U.S.C. §1396n(c)), or under
any other applicable section or sections of the Social
Security Act for the purposes of providing home and
community-based services."

SECTION 9. Section 346-224, Hawaii Revised Statutes, is
amended by amending subsection (g) to read as follows:
"(g) Nothing in this section shall require a member of the
clergy to report communications that are protected under rule
506 of [chapter-626.] the Hawaii rules of evidence."

SECTION 10. Section 348-7, Hawaii Revised Statutes, is
amended to read as follows:
"§348-7 Cooperative arrangements, etc. Pursuant to the
general policies of the department of human services, the
department is authorized:
(1) To cooperate with and utilize the services of the
state agency administering the public assistance
program, the [federal Bureau of Old Age and Survivors
Insurance—]Department of Health, Education, and
Social Security Administration, and other federal, state, city and county, and local public agencies providing services relating to vocational rehabilitation, and with the state system of public employment offices in the State, and shall make maximum feasible utilization of the job placement and employment counseling services and other services and facilities of the offices.

(2) To cooperate with political subdivisions and other public and nonprofit organizations and agencies, in their establishment of workshops and rehabilitation facilities to the extent feasible in providing vocational rehabilitation services, shall utilize all the facilities meeting the standards established by the department.

(3) To enter into contractual arrangements with the Social Security Administration, with respect to certifications of disability and performance of other services, and with other authorized public agencies.
for performance of services related to vocational rehabilitation, for [such] the agencies[†]; and

(4) To contract with schools, hospitals, and other agencies, and with doctors, nurses, technicians, and other persons, for training, physical restoration, transportation, and other vocational rehabilitation services."

SECTION 11. Section 371-20, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) For purposes of this section, "employer" means any person that:

(1) Holds a class 5 or class 11 liquor license pursuant to section 281-31;

(2) Maintains a massage therapy establishment that employs five or more people; or

(3) Employs one or more erotic or nude massagers or [erotic] exotic or nude dancers as defined in section 712-1210."

SECTION 12. Section 383-2, Hawaii Revised Statutes, is amended by amending subsections (d) and (e) to read as follows:
"(d) The term "employment" shall include an individual's service, wherever performed within the United States, the Virgin Islands or Canada, if (a)—such:

(1) The service is not covered under the unemployment compensation law of any other state, the Virgin Islands, or Canada; and (b)—the

(2) The place from which the service is directed or controlled is in this State.

(e) "Employment" includes service performed by an individual in agricultural labor as defined in section 383-9 except for service excluded under (1) of section 383-7(a)(1).

(1) For the purposes of this section, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of the crew leader:

(A) If the crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of the crew
operate or maintain tractors, mechanized
harvesting or cropdusting equipment, or any other
mechanized equipment, which is provided by [such] the crew leader; and

(B) If [such] the employee is not an employee of [such] the other person within the meaning of subsection (b) [of this section].

(2) For the purposes of this subsection, in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of [such] the crew leader under paragraph (1) [above]:

(A) [Such] The other person and not the crew leader shall be treated as the employer of [such] the individual; and

(B) [Such] The other person shall be treated as having paid cash remuneration to [such] the individual in an amount equal to the amount of cash remuneration paid to [such] the individual by the crew leader (either on the crew leader's own behalf or on behalf of [such] the other
person) for the service in agricultural labor
performed for [such] the other person.

(3) For the purposes of this subsection, the term "crew
leader" means an individual who:

(A) Furnishes individuals to perform service in
agricultural labor for any other person;

(B) Pays (either on the crew leader's own behalf or
on behalf of [such] the other person) the
individuals so furnished by the crew leader for
the service in agricultural labor performed by
them; and

(C) Has not entered into a written agreement with
[such] the other person under which [such] the
individual is designated as an employee of [such]
the other person."

SECTION 13. Section 383-8, Hawaii Revised Statutes, is
amended to read as follows:

"§383-8 Included and excluded service. If the services
performed during one-half or more of any pay period by an
individual for the person employing the individual constitute
employment, all the services of the individual for the period
shall be deemed to be employment; but if the services performed during more than one-half of any [such] pay period by an individual for the person employing the individual do not constitute employment, then none of the services of the individual for the period shall be deemed to be employment. As used in this [paragraph] section, the term "pay period" means a period (of not more than thirty-one consecutive days) for which a payment of remuneration is ordinarily made to the individual by the person employing the individual. This [paragraph] section shall not be applicable with respect to services performed in a pay period by an individual for the person employing the individual, where any of [such] the service is excepted by section [383-7(6)] 383-7(a)(8)."

SECTION 14. Section 383-95, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as otherwise provided in this chapter, information obtained from any employing unit or individual pursuant to the administration of this chapter and determinations as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or
employing unit's identity. Any claimant (or the claimant's legal representative) shall be supplied with information from the records of the department to the extent necessary for the proper presentation of the claimant's claim in any proceeding under this chapter. Subject to such restrictions as the director may by rule prescribe, reimbursement of costs to the department incurred in furnishing the information are reimbursed to the department, and the establishment of all safeguards as are necessary to ensure that information furnished by the department is used only for authorized purposes, the information and determinations may be made available to:

(1) Any federal or state agency charged with the administration of an unemployment compensation law or the maintenance of a system of public employment offices;

(2) The [Bureau of Internal Revenue] Internal Revenue Service of the United States Department of the Treasury;
Any federal, state, or municipal agency charged with the administration of a fair employment practice or anti-discrimination law;

Any other federal, state, or municipal agency if the director deems that the disclosure to the agency serves the public interest; and

Any federal, state, or municipal agency if the disclosure is authorized under section 303 of the Social Security Act and section 3304 of the Internal Revenue Code of 1986, as amended."

SECTION 15. Section 385-6, Hawaii Revised Statutes, is amended to read as follows:

"§385-6 Requirements for eligibility. An unemployed claimant is eligible to receive additional unemployment benefits with respect to any week only if the director of labor and industrial relations finds that:

(1) The claimant has made a claim for additional unemployment benefits with respect to [week] that week in accordance with the [regulations] rules as the director may prescribe with respect to claims for normal benefits;
(2) The claimant meets the eligibility requirements of paragraphs (2) and (3) of section 383-29; section 383-29(a)(2) and (3);

(3) The claimant is not subject to disqualification and is not under disqualification for normal benefits under section 383-30;

(4) The claimant is not entitled to receive unemployment compensation benefits under any state or federal unemployment compensation laws for the week in which the claimant claims for additional unemployment benefits;

(5) The claimant is not entitled to receive disaster benefits under any state or federal law for the week in which the claimant claims additional unemployment benefits."

SECTION 16. Section 435H-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) The governor shall designate one representative to serve as the State’s official representative on the board from among the following: the director of commerce and consumer affairs, the director of health, the director of human services,
the director of labor and industrial relations, a representative
from the office of healthcare transformation, or a
representative from the office of information management and
technology.

The governor's designated representative shall be an ex
officio voting member of the board. The remaining state
officials shall be ex officio nonvoting members of the
board. The governor shall notify the chair of the board regarding the selection of the designated voting and nonvoting
state members of the board.

The director of commerce and consumer affairs, the director
of health, the director of human services, and the director of
labor and industrial relations may select a designee for a
specified meeting or meetings. The selection of the
designee shall be submitted in writing to the board of directors
prior to or at the meeting in which the designee will serve."

SECTION 17. Section 457G-1.4, Hawaii Revised Statutes, is
amended by amending subsection (b) to read as follows:

"(b) Except as specifically provided in this chapter, no
person shall engage in the practice of occupational therapy as
an occupational therapist therapy assistant or use the title
"licensed occupational [therapist] therapy assistant" or
"occupational [therapist] therapy assistant" unless:

(1) The practice is performed under the supervision of and
in partnership with a person who is an occupational
therapist licensed to practice occupational therapy in
the State; and

(2) The person possesses a valid license issued pursuant
to this chapter to practice occupational therapy as an
occupational therapy assistant."

SECTION 18. Section 601-17.5, Hawaii Revised Statutes, is
amended to read as follows:

"[+]§601-17.5[+] Collection of delinquent court-ordered
payments. The judiciary may contract with a collection agency
bonded under chapter 443B or with a licensed attorney to collect
any delinquent court-ordered penalties, fines, restitution,
sanctions, and court costs, including [restitution and] juvenile
monetary assessments. Any fees or costs associated with the
collection efforts shall be added to the amount due and retained
by the collection agency as its payment; provided that no [such]
fees or costs shall exceed fifty per cent of the amount
collected."
SECTION 19. Section 662-1, Hawaii Revised Statutes, is amended by amending the definition of "acting within the scope of his office or employment" to read as follows:

"Acting within the scope of [his] the employee's office or employment", in the case of a member of the Hawaii National Guard or Hawaii state defense force, means acting in the line of duty."

SECTION 20. Section 662-3, Hawaii Revised Statutes, is amended to read as follows:

§662-3 Jurisdiction. The circuit courts of the State and, except as otherwise provided by statute or rule, the state district courts shall have original jurisdiction of all tort actions on claims against the State, for money damages, accruing on and after July 1, 1957, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the State while acting within the scope of [his] the employee's office or employment."

SECTION 21. Section 702-230, Hawaii Revised Statutes, is amended by amending subsection (4) to read as follows:

"(4) Intoxication [which] that is:

(a) [is—not] Not self-induced, or
(b) [is pathological] Pathological,
is a defense if by reason of [such] the intoxication the
defendant at the time of the defendant's conduct lacks
substantial capacity either to appreciate its wrongfulness or to
conform the defendant's conduct to the requirements of law."

SECTION 22. Section 706-660.2, Hawaii Revised Statutes, is
amended to read as follows:

"§706-660.2 Sentence of imprisonment for offenses against
children, elder persons, or handicapped persons. (1)

Notwithstanding section 706-669, if not subjected to an extended
term of imprisonment pursuant to section 706-662, a person [who,
in the course of committing or attempting to commit a felony,]
shall be sentenced to a mandatory minimum term of imprisonment
without possibility of parole as provided in subsection (2) if:
(a) The person, in the course of committing or attempting
to commit a felony, causes the death or inflicts
serious or substantial bodily injury upon [a] another
person who is:

[11+] (i) Sixty years of age or older;

[11+] (ii) Blind, a paraplegic, or a quadriplegic; or

[11+] (iii) Eight years of age or younger; and
(b) Such disability is known or reasonably should be known to the defendant, or shall, if not subjected to an extended term of imprisonment pursuant to section 706-662, be sentenced to a mandatory minimum term of imprisonment without possibility of parole as follows:

(2) The term of imprisonment for a person sentenced pursuant to subsection (1) shall be as follows:

(a) For murder in the second degree—fifteen years;
(b) For a class A felony—six years, eight months;
(c) For a class B felony—three years, four months;
(d) For a class C felony—one year, eight months.

SECTION 23. Section 707-700, Hawaii Revised Statutes, is amended by amending the definition of "vulnerable user" to read as follows:

"Vulnerable user" means:

(1) A pedestrian legally within a street or public highway;

(2) A roadway worker actually engaged in work upon a street or public highway or in work upon utility facilities along a street or public highway, or
engaged in the provision of emergency services within
a street or public highway, including but not limited
to:

[(A)] (a) Construction and maintenance workers; and

[(B)] (b) Police, fire, and other emergency

responders; or

(3) A person legally operating any of the following within
the street or public highway:

[(A)] (a) A bicycle;

[(B)] (b) A moped;

[(C)] (c) An electric personal assistive mobility
device; or

[(D)] (d) A wheelchair conveyance or other personal

mobility device."

SECTION 24. Section 707-722, Hawaii Revised Statutes, is
amended by amending subsections (2) and (3) to read as follows:

"(2) In any prosecution under this section, it is an
affirmative defense that:

(a) [the] The person restrained was less than eighteen
years old;
(b) The defendant was a relative of the victim; and

(c) The defendant's sole purpose was to assume custody over the victim.

In that case, the liability of the defendant, if any, is governed by section 707-727, and the defendant may be convicted under section 707-727 although charged under this section.

(3) In any prosecution under this section, it is an affirmative defense that:

(a) The person restrained was:

(i) On or in the immediate vicinity of the premises of a retail mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise; was

(ii) Restrained in a reasonable manner and for not more than a reasonable time; was restrained

and

(iii) Restrained to permit the investigation or questioning by a police officer or by the owner of the retail mercantile establishment, the
owner's authorized employee, or the owner's agent; and [(d) that such]

(b) The police officer, owner, employee, or agent had reasonable grounds to believe that the person [ee] detained was committing or attempting to commit theft of merchandise on the premises."

SECTION 25. Section 707-769, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) It is a defense to a prosecution for extortion as defined by paragraph (1) of section 707-764 that the defendant:

(a) Was unaware that the property or service was that of another; or

(b) Believed that the defendant was entitled to the property or services under a claim [ee] of right or that the defendant was authorized, by the owner or by law, to obtain or exert control as the defendant did."

SECTION 26. Section 708-880, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) In this section:

"Agent" means:

[(a) An agent or employee of another;]
[++++] (b) A trustee, guardian, or other fiduciary;
[++++] (c) A lawyer, physician, accountant, appraiser, or
other professional adviser or informant;
[++++] (d) An officer, director, partner, manager, or other
participant in the direction of the affairs of an
incorporated or unincorporated association; or
[++++] (e) An arbitrator or other purportedly disinterested
adjudicator or referee.

"Agent in charge of employment" does not include any person
conducting a private employment agency licensed and operating in
accordance with law.

"Appraiser" means a person who holds [himself] oneself out
to the public as being engaged in the business of making
disinterested selection, appraisal, or criticism of commodities
or services."

SECTION 27. Section 710-1077, Hawaii Revised Statutes, is
amended by amending subsections (6) and (7) to read as follows:

"(6) Nothing in this section shall be construed to alter
the court's power to punish civil contempt. When the contempt
consists of the refusal to perform an act which the contemnor
has the power to perform, the contemnor may be imprisoned until
the contemnor has performed it. In such a case the act shall be
specified in the warrant of commitment. In any proceeding for
review of the judgment or commitment, no presumption of law
shall be made in support of the jurisdiction to render the
judgment or order the commitment. When a court of competent
jurisdiction issues an order compelling a parent to furnish
support, including child support, medical support, or other
remedial care, for the parent's child, it shall constitute prima
facie evidence of a civil contempt of court upon proof that:

[(1)] (a) The order was made, filed, and served on the
parent or proof that the parent was present in court
at the time the order was pronounced; and

[(2)] (b) The parent did not comply with the order.

An order of civil contempt of court based on prima facie
evidence under this subsection shall clearly state that the
failure to comply with the order of civil contempt of court may
subject the parent to a penalty that may include imprisonment
or, if imprisonment is immediately ordered, the conditions that
must be met for release from imprisonment. A party may also
prove civil contempt of court by means other than prima facie
evidence under this subsection.
(7) Any violation or disobedience of any injunction or order expressly provided for in part V of chapter 712 is punishable by:

(a) A fine of not less than $400 nor more than $5,000;

(b) [By-imprisonment] Imprisonment for not less than one nor more than six months; or

(c) Both a fine and imprisonment pursuant to paragraphs (a) and (b)."

SECTION 28. Section 711-1100, Hawaii Revised Statutes, is amended by amending the definition of "necessary sustenance" to read as follows:

""Necessary sustenance" means care sufficient to preserve the health and well-being of a pet animal, except for emergencies or circumstances beyond the reasonable control of the owner or caretaker of the pet animal, and includes but is not limited to the following requirements:

(1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;

(2) Open or adequate access to water in sufficient quantity and quality to satisfy the animal's needs;

(3) Access to protection from wind, rain, or sun;
(4) An area of confinement that has adequate space necessary for the health of the animal and is kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health; provided that the area of confinement in a primary pet enclosure must shall:

(a) Provide access to shelter;

(b) Be constructed of safe materials to protect the pet animal from injury;

(c) Enable the pet animal to be clean, dry, and free from excess waste or other contaminants that could affect the pet animal's health;

(d) Provide the pet animal with a solid surface or resting platform that is large enough for the pet animal to lie upon in a normal manner, or, in the case of a caged bird, a perch that is large enough for the bird to perch upon in a normal manner;

(e) Provide sufficient space to allow the pet animal [to], at minimum, to do the following:
(i) Easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable manner for the pet animal, without making physical contact with any other animal in the enclosure; and

(ii) Interact safely with other animals within the enclosure; and

(5) Veterinary care when needed to prevent suffering."

SECTION 29. Section 712-1209.6, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person convicted of committing the offense of prostitution under section 712-1200, loitering for the purpose of engaging in or advancing prostitution under section 712-1206, street solicitation of prostitution in designated areas under section 712-1207, or convicted of a lesser offense when originally charged with a violation of section 712-1200, 712-1206, or 712-1207, may file a motion to vacate the conviction if the defendant's participation in the offense was the result of:

(a) Promoting prostitution in the first degree under section 712-1202; or
(b) A severe form of trafficking in persons as defined in title 22 United States Code section 7102(9)(A).

SECTION 30. Section 712-1216, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) The fact that a person engaged in the conduct specified by section 712-1215 is prima facie evidence that the person engaged in that conduct with knowledge of the character and content of the material disseminated or the performance produced, presented, directed, participated in, exhibited, or to be exhibited."

SECTION 31. Section 803-9, Hawaii Revised Statutes, is amended to read as follows:

"§803-9 Examination after arrest; rights of arrested person. It shall be unlawful in any case of arrest for examination:

(1) To deny to the person so arrested the right of seeing, at reasonable intervals and for a reasonable time at the place of the person's detention, counsel or a member of the arrested person's family;

(2) To unreasonably refuse or fail to make a reasonable effort, where the arrested person so requests and
prepays the cost of the message, to send a telephone, cable, or wireless message through a police officer or another than the arrested person to the counsel or member of the arrested person's family;

(3) To deny to counsel [4] whether retained by the arrested person or a member of the arrested person's family or to a member of the arrested person's family, the right to see or otherwise communicate with the arrested person for a reasonable period at the place of the arrested person's detention:

(A) At any time for a first communication after the arrest and

(B) thereafter at reasonable intervals thereafter;

(4) In case the person arrested has requested that the person see an attorney or member of the person's family, to examine the person before the person has had a fair opportunity to see and consult with the attorney or member of the person's family;
(5) To fail, within forty-eight hours of the arrest of a person on suspicion of having committed a crime, either to release or to charge the arrested person with a crime and take the arrested person before a qualified magistrate for examination."

SECTION 32. Section 803-46, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication shall be made in writing upon oath or affirmation to a designated judge and shall be accompanied by a written memorandum recommending approval or disapproval by the department of [+]the[+] attorney general. The application shall state the applicant's authority to make the application. The term "designated judge" as used in this section shall not only mean a circuit court judge specifically designated by the chief justice of [+]the[+] Hawaii supreme court, but shall also mean any circuit court judge or district court judge, if no circuit court judge has been designated by the chief justice[+] or is
otherwise unavailable. Each application shall include the following information:

(1) The identity of the investigative or law enforcement officer or officers requesting the application, the official or officials applying for an order;

(2) A full and complete statement of the facts and circumstances relied upon by the applicant, to justify the applicant's belief that an order should be issued, including:

(A) Details as to the particular offense that has been, is being, or is about to be committed;

(B) Except as provided in subsection (j), a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted;

(C) A particular description of the type of communications sought to be intercepted;

(D) The identity or descriptions of all persons, if known, committing the offense and
whose communications are to be intercepted[, — and] where-appropriate]; and

(E) Where appropriate, the involvement of organized crime;

(3) A full and complete, but not unduly technical or complex, statement of the facts concerning how the interception is to be accomplished, and if physical entry upon private premises is necessary, facts supporting [such] the necessity;

(4) A full and complete statement of facts as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(5) A statement of facts indicating the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to
believe that additional communications of the same type will occur thereafter;

(6) A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any designated judge for authorization to intercept, or for approval of interceptions of, wire, oral, or electronic communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the designated judge on each application; and

(7) When the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain any results."

2. By amending subsection (g) to read:

"(g) (1) The contents of any wire, oral, or electronic communication intercepted by any means authorized by this part [shall], if possible, shall be recorded on tape or wire or other comparable device. The recording of the contents of any wire, oral, or
electronic communication under this subsection shall be done to protect the recording from being edited or otherwise altered. Immediately upon the expiration of the time period provided in the order, or extensions thereof, the recording shall be made available to the designated judge issuing the order and sealed under the designated judge's directions. Custody of the recording shall be determined by order of the designated judge. Recordings and other evidence of the contents of conversations and applications and orders shall not be destroyed except upon an order of the designated judge and in any event shall be kept for ten years. However, upon the request of all the parties to particular conversations, evidence of conversations between those parties shall be destroyed if:

(A) [if there] There are no incriminating statements;

(B) [if any] Any incriminating statements are inadmissible at trial pursuant to section 803-45(f); or
(C) The interception of the conversations is determined to have been illegal. Duplicate recordings may be made for use or disclosure pursuant to section 803-45(a) and (b) for investigations. The presence of the seal required by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire, oral, or electronic communication or evidence derived therefrom under section 803-45(c).

(2) Applications made and orders granted under this part and evidence obtained through court-ordered interceptions shall be sealed by the designated judge. Custody of the above shall be wherever the designated judge directs. Applications and orders shall be disclosed only upon a showing of good cause before a designated judge and shall not be destroyed, except upon order of the designated judge, and, in any event, shall be kept for ten years.

(3) Any violation of the provisions of this subsection may be punished as contempt by the designated judge.
Within a reasonable time but no later than ninety days after either the filing of an application for an approval under subsection (d) that is denied or the termination of the period of an order or extensions thereof, the designated judge shall cause an inventory to be served on the persons named in the order, on all other known parties to intercepted communications, and to any other persons as the court may determine is in the interest of justice. The inventory shall include notice of:

(A) The fact of the entry of the order;
(B) The date of the entry and the period of authorized, or approved interception; and
(C) The fact that during the applicable time period, wire, oral, or electronic communications were or were not intercepted.

The designated judge, upon the filing of a motion, may make available to the person or the person's counsel for inspection after the inventory has been served all portions of the intercepted communications that contain conversations of that person, applications,
orders, and other evidence obtained as a result of the
use of interception orders. The designated judge may
order the additional disclosure as the designated
judge determines to be in the interest of justice. On
an ex parte showing of good cause, the designated
judge may permit the serving of the inventory required
by this subsection to be postponed."

SECTION 33. Section 806-83, Hawaii Revised Statutes, is
amended by amending subsections (a) and (b) to read as follows:

"(a) Criminal charges may be instituted by written
information for a felony when the charge is a class C felony
under section 19-3.5 (voter fraud); section 128D-10 (knowing
releases); section 132D-14(a)(1), (2)(A), and (3) (relating to
penalties for failure to comply with requirements of sections
132D-7, 132D-10, and 132D-16); [section 134-24 (place to keep
unloaded firearms—other than pistols and revolvers),] section
134-7(a) and (b) (ownership or possession prohibited); section
134-8 (ownership, etc., of automatic firearms, silencers, etc.,
prohibited; penalties); section 134-9 (licenses to carry);
section 134-17(a) (relating to false information or evidence
concerning psychiatric or criminal history); section 134-24
(place to keep unloaded firearms other than pistols and revolvers); section 134-51 (deadly weapons); section 134-52 (switchblade knives); section 134-53 (butterfly knives); section 188-23 (possession or use of explosives, electrofishing devices, and poisonous substances in state waters prohibited); section 231-34 (attempt to evade or defeat tax); section 231-36 (false and fraudulent statements); section 245-37 (sale or purchase of packages of cigarettes without stamps); section 245-38 (vending unstamped cigarettes); section 245-51 (export and foreign cigarettes prohibited); section 245-52 (alteration of packaging prohibited); section 291C-12.5 (accidents involving substantial bodily injury); section 291E-61.5 (habitually operating a vehicle under the influence of an intoxicant); section 329-41 (prohibited acts B--penalties); section 329-42 (prohibited acts C--penalties); section 329-43.5 (prohibited acts related to drug paraphernalia); section 329C-2 (manufacture, distribution, or possession with intent to distribute an imitation controlled substance to a person under eighteen years of age); section 346-34(d)(2) and (e) (relating to fraud involving food stamps or coupons); section 346-43.5 (medical assistance frauds; penalties); section 383-141 (falsely obtaining benefits, etc.);
section 431:2-403(b)(2) (insurance fraud); section 482D-7
(violation of fineness standards and stamping requirements);
section 485A-301 (securities registration requirement); section
485A-401 (broker-dealer registration requirement and
exemptions); section 485A-402 (agent registration requirement
and exemptions); section 485A-403 (investment [adviser] adviser
registration requirement and exemptions); section 485A-404
(investment [adviser] adviser representative registration
requirement and exemptions); section 485A-405 (federal covered
investment adviser notice filing requirement); section 485A-501
(general fraud); section 485A-502 (prohibited conduct in
providing investment advice); section 707-703 (negligent
homicide in the second degree); section 707-705 (negligent
injury in the first degree); section 707-711 (assault in the
second degree); section 707-713 (reckless endangering in the
first degree); section 707-721 (unlawful imprisonment in the
first degree); section 707-726 (custodial interference in the
first degree); section 707-757 (electronic enticement of a child
in the second degree); section 707-766 (extortion in the second
degree); section 708-811 (burglary in the second degree);
section 708-812.6 (unauthorized entry in a dwelling [+] in the
second degree]; section 708-821 (criminal property damage in
the second degree); section 708-831 (theft in the second
degree); section 708-833.5 (shoplifting); section 708-835.5
(theft of livestock); section 708-836 (unauthorized control of
propelled vehicle); section 708-836.5 (unauthorized entry into
motor vehicle in the first degree); section 708-839.5 (theft of
utility services); section 708-839.55 (unauthorized possession
of confidential personal information); section 708-839.8
(identity theft in the third degree); section 708-852 (forgery
in the second degree); section 708-854 (criminal possession of a
forgery device); section 708-858 (suppressing a testamentary or
recordable instrument); section 708-875 (trademark
counterfeiting); section 708-891.5 (computer fraud in the
second degree); section 708-891.6 (computer fraud in the third
degree); section 708-892.5 (computer damage in the second
degree); section 708-892.6 (computer damage in the third
degree); section 708-895.6 (unauthorized computer access in the
second degree); section 708-895.7 (unauthorized computer access
in the third degree); section 708-8100 (fraudulent use of a
credit card); section 708-8102 (theft, forgery, etc., of credit
cards); section 708-8103 (credit card fraud by a provider of
goods or services); section 708-8104 (possession of unauthorized credit card machinery or incomplete cards); section 708-8200 (cable television service fraud in the first degree); section 708-8202 (telecommunication service fraud in the first degree); section 709-903.5 (endangering the welfare of a minor in the first degree); section 709-906 (abuse of family or household members); section 710-1016.3 (obtaining a government-issued identification document under false pretenses in the first degree); section 710-1016.6 (impersonating a law enforcement officer in the first degree); section 710-1017.5 (sale or manufacture of deceptive identification document); section 710-1018 (securing the proceeds of an offense); section 710-1021 (escape in the second degree); section 710-1023 (promoting prison contraband in the second degree); section 710-1024 (bail jumping in the first degree); section 710-1029 (hindering prosecution in the first degree); section 710-1060 (perjury); section 710-1072.5 (obstruction of justice); section 711-1103 (riot); [section 711-1109.3 (cruelty to animals, fighting dogs)] section 711-1109.35 (cruelty to animals by fighting dogs in the second degree); section 711-1110.9 (violation of privacy in the first degree); section 711-1112 (interference with the
operator of a public transit vehicle); section 712-1221
(promoting gambling in the first degree); section 712-1222.5
(promoting gambling aboard ships); section 712-1224 (possession
of gambling records in the first degree); section 712-1243
(promoting a dangerous drug in the third degree); section 712-
1246 (promoting a harmful drug in the third degree); section
712-1247 (promoting a detrimental drug in the first degree);
[section 712-1249.6 (promoting a controlled substance in, on, or
near schools, school vehicles, or public parks);] section 712-
1249.6(1)(a), (b), or (c) (promoting a controlled substance in,
on, or near schools, school vehicles, public parks, or public
housing projects or complexes); section 803-42 (interception,
access, and disclosure of wire, oral, or electronic
communications, use of pen register, trap and trace device, and
mobile tracking device prohibited); or section 846E-9 (failure
to comply with covered offender registration requirements).
(b) Criminal charges may be instituted by written
information for a felony when the charge is a class B felony
under section 134-7(b) (ownership or possession prohibited;
when; penalty); [+] section[+] 134-23 (place to keep loaded
firearms other than pistols and revolvers; penalties); section
134-25 (place to keep pistol or revolver; penalty); section 134-26 (carrying or possessing a loaded firearm on a public highway; penalty); section 329-43.5 (prohibited acts related to drug paraphernalia); section 708-810 (burglary in the first degree); section 708-830.5 (theft in the first degree); section 708-839.7 (identity theft in the second degree); section 708-851 (forgery in the first degree); [section 708-891 (computer fraud in the first degree)]; section 708-891.5 (computer fraud in the second degree); [section 708-892 (computer damage in the first degree)]; section 708-892.5 (computer damage in the second degree); section 712-1240.8 (methamphetamine trafficking in the second degree); section 712-1242 (promoting a dangerous drug in the second degree); section 712-1245 (promoting a harmful drug in the second degree); or section 712-1249.5 (commercial promotion of marijuana in the second degree)."

SECTION 34. Section 835-3, Hawaii Revised Statutes, is amended to read as follows:

"§835-3 Material witness order; commencement of proceeding by application; procurement of appearance of prospective witness. (a) A proceeding to adjudge a person a material witness must be commenced by application to the appropriate
court, made in writing and subscribed and sworn to by the
applicant, demonstrating reasonable cause to believe the
existence of facts, as specified in [subdivision one of section
835-2,] section 835-2(a), warranting the adjudication of [such]
the person as a material witness.

(b) If the court is satisfied that the application is
well-founded, the prospective witness may be compelled to appear
in response thereto as follows:

(1) The court may issue an order directing the prospective
witness to appear therein at a designated time in
order that a determination may be made whether the
prospective witness should be adjudged a material
witness and, upon personal service of [such] the order
or a copy thereof within the State, the prospective
witness [must] shall so appear[.]; and

(2) If in addition to the allegations specified in
[subdivision one,] section 835-2(a), the application
contains further allegations demonstrating to the
satisfaction of the court reasonable cause to believe
that:
3.9

The witness would be unlikely to respond to such an order or

After previously having been served with such an order, the witness did not respond thereto,

the court may issue a warrant addressed to a police officer, directing the officer to take the prospective witness into custody within the State and to bring the prospective witness before the court forthwith in order that a proceeding may be conducted to determine whether the prospective witness is to be adjudged a material witness."

SECTION 35. Section 846-2.7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Criminal history record checks may be conducted by:

(1) The department of health or the department's designee on operators of adult foster homes or developmental disabilities domiciliary homes and their employees, as provided by section 333F-22;

(2) The department of health or the department's designee on prospective employees, persons seeking to serve as providers, or subcontractors in positions that place
them in direct contact with clients when providing non-witnessed direct mental health services as provided by section 321-171.5;

(3) The department of health or the department's designee on all applicants for licensure for, operators for, prospective employees, and volunteers at one or more of the following: skilled nursing facility, intermediate care facility, adult residential care home, expanded adult residential care home, assisted living facility, home health agency, hospice, adult day health center, special treatment facility, therapeutic living program, intermediate care facility for individuals with intellectual disabilities, hospital, rural health center and rehabilitation agency, and, in the case of any of the above facilities operating in a private residence, on any adult living in the facility other than the client as provided by section 321-15.2;

(4) The department of education on employees, prospective employees, and teacher trainees in any public school
in positions that necessitate close proximity to children as provided by section 302A-601.5;
(5) The counties on employees and prospective employees who may be in positions that place them in close proximity to children in recreation or child care programs and services;
(6) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;
(7) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations;
(8) The department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes as provided by section 346-17;
(9) The department of human services on prospective adoptive parents as established under section 346-19.7;
(10) The department of human services on applicants to operate child care facilities, prospective employees
of the applicant, and new employees of the provider
after registration or licensure as provided by section
346-154;

(11) The department of human services on persons exempt
pursuant to section 346-152 to be eligible to provide
child care and receive child care subsidies as
provided by section 346-152.5;

(12) The department of health on operators and employees of
home and community-based case management agencies and
operators and other adults, except for adults in care,
residing in foster family homes as provided by section
321-484;

(13) The department of human services on staff members of
the Hawaii youth correctional facility as provided by
section 352-5.5;

(14) The department of human services on employees,
prospective employees, and volunteers of contracted
providers and subcontractors in positions that place
them in close proximity to youth when providing
services on behalf of the office or the Hawaii youth
correctional facility as provided by section 352D-4.3;
(15) The judiciary on employees and applicants at detention and shelter facilities as provided by section 571-34;

(16) The department of public safety on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess police powers including the power of arrest as provided by section 353C-5;

(17) The board of private detectives and guards on applicants for private detective or private guard licensure as provided by section 463-9;

(18) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;

(19) The public library system on employees and prospective employees whose positions place them in close
proximity to children as provided by section 302A-601.5;

(20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;

(21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-496;

(22) The department of human services on purchase of service contracted and subcontracted service providers and their employees serving clients of the protective and community services branch, as provided by section 346-97;

(23) The department of human services on foster grandparent program, senior companion program, and respite
companion program participants as provided by section 346-97;

(24) The department of human services on contracted and subcontracted service providers and their current and prospective employees that provide home and community-based services under section 1915(c) of the Social Security Act, title 42 United States Code section 1396n(c), or under any other applicable section or sections of the Social Security Act for the purposes of providing home and community-based services, as provided by section 346-97;

(25) The department of commerce and consumer affairs on proposed directors and executive officers of a bank, savings bank, savings and loan association, trust company, and depository financial services loan company as provided by section 412:3-201;

(26) The department of commerce and consumer affairs on proposed directors and executive officers of a nondepository financial services loan company as provided by section 412:3-301;
(27) The department of commerce and consumer affairs on the
original chartering applicants and proposed executive
officers of a credit union as provided by section
412:10-103;

(28) The department of commerce and consumer affairs on:
   (A) Each principal of every non-corporate applicant
   for a money transmitter license; and
   (B) The executive officers, key shareholders, and
   managers in charge of a money transmitter's
   activities of every corporate applicant for a
   money transmitter license,
   as provided by sections 489D-9 and 489D-15;

(29) The department of commerce and consumer affairs on
applicants for licensure and persons licensed under
title 24;

(30) The Hawaii health systems corporation on:
   (A) Employees;
   (B) Applicants seeking employment;
   (C) Current or prospective members of the corporation
   board or regional system board; or
(D) Current or prospective volunteers, providers, or contractors, in any of the corporation's health facilities as provided by section 323F-5.5;

(31) The department of commerce and consumer affairs on:

(A) An applicant for a mortgage loan originator license; and

(B) Each control person, executive officer, director, general partner, and manager of an applicant for a mortgage loan originator company license, as provided by chapter 454F;

(32) The state public charter school commission or public charter schools on employees, teacher trainees, prospective employees, and prospective teacher trainees in any public charter school for any position that places them in close proximity to children, as provided in section 302D-33;

(33) The counties on prospective employees who work with children, vulnerable adults, or senior citizens in community-based programs;
(34) The counties on prospective employees for fire department positions which involve contact with children or vulnerable adults;

(35) The counties on prospective employees for emergency medical services positions which involve contact with children or vulnerable adults;

(36) The counties on prospective employees for emergency management positions and community volunteers whose responsibilities involve planning and executing homeland security measures including viewing, handling, and engaging in law enforcement or classified meetings and assisting vulnerable citizens during emergencies or crises;

(37) The State and counties on employees, prospective employees, volunteers, and contractors whose position responsibilities require unescorted access to secured areas and equipment related to a traffic management center;

(38) The State and counties on employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes;
The State and counties on current and prospective systems analysts and others involved in an agency's information technology operation whose position responsibilities provide them with access to proprietary, confidential, or sensitive information;

The department of commerce and consumer affairs on applicants for real estate appraiser licensure or certification as provided by chapter 466K; and

Any other organization, entity, or the State, its branches, political subdivisions, or agencies as may be authorized by state law."

PART II.

SECTION 36. Section 180-2, Hawaii Revised Statutes, is amended to read as follows:

"§180-2 General powers and duties of department. The department of land and natural resources shall keep a record of its official actions and may perform acts and adopt rules as may be necessary for the execution of its functions under this chapter. It may call upon the attorney general for legal services or employ its own counsel in conformity with section [403D-209(b)]
28-8.3. It may delegate to any member, agent, or employee, [ sueh] powers and duties as it may deem proper. Upon request of the department, other agencies of the state government [ shall,] insofar as available appropriations and resources will permit, shall assign staff members or personnel to the department, and make [ sueh] reports, surveys, or studies as the department may request."

SECTION 37. Section 383-103, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In any civil action to enforce this chapter, the department of labor and industrial relations and the State may be represented by the attorney general or by any qualified attorney who is employed by the department for [ sueh] that purpose in conformity with section [103D-209(b)-] 28-8.3."

SECTION 38. Section 392-76, Hawaii Revised Statutes, is amended to read as follows:

"§392-76 Representation. In any proceeding for judicial review pursuant to section 392-75, the director may be represented by the attorney general or by any qualified attorney who is employed by the department for [ sueh] that purpose in conformity with section [103D-209(b)-] 28-8.3."
SECTION 39. Section 674-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Upon application by a claimant, the panel, under appropriate circumstances and in accordance with section [103D-209(b) 28-8.3, may provide for legal services to assist a claimant in the preparation and presentation of a claim for review by the panel under this chapter."

SECTION 40. Section 674-13, Hawaii Revised Statutes, is amended to read as follows:

"§674-13 Legal adviser. The panel, in accordance with section [103D-209(b) 28-8.3, shall obtain its own legal counsel to provide legal services necessary to implement the purposes of this chapter."

PART III.

SECTION 41. Section 323-3, Hawaii Revised Statutes, is amended to read as follows:

"[§]§323-3[§] Practice by advanced practice registered nurses. Each hospital in the State licensed under section 321-14.5 shall allow advanced practice registered nurses [§][§]licensed[§] pursuant to section 457-8.5 and qualified advanced practice registered nurses granted prescriptive
authority pursuant to section 457-8.6 to practice at the
hospital within the full scope of practice authorized under
chapter 457, including practice as a primary care provider."

SECTION 42. Section 325-121, Hawaii Revised Statutes, is
amended by amending the definition of "health care provider" to
read as follows:

"Health care provider" means a program, agency, clinic,
health care center, physician licensed under the provisions of
chapter 453, advanced practice registered nurse licensed under
the provisions of chapter 457, pharmacist licensed under
the provisions of chapter 461, physician's assistant licensed
under the provisions of chapter 453, person authorized to
practice medicine as a physician or physician's assistant, or
nursing as an advanced practice registered nurse, in federal
facilities located in the State, that administers immunizations
in Hawaii, or any other person authorized to prescribe
vaccinations in Hawaii."

SECTION 43. Section 327X-1, Hawaii Revised Statutes, is
amended by amending the definition of "patient's provider" to
read as follows:
"Patient's provider" means a physician licensed pursuant to chapter 453 or an advanced practice registered nurse pursuant to chapter 457 who has examined the patient."

SECTION 44. Section 346C-8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) An individual qualifying for long-term care services under the program shall have written certification from a physician or osteopathic physician licensed under chapter 453 or an advanced practice registered nurse licensed under section 457-8.5, assigned by the board of trustees certifying that the individual requires one or more long-term care services for the period of time during which the individual receives the benefits under the program. The written certification shall specify that the individual:

(1) Is unable to perform, without substantial assistance from another individual, at least two of six activities of daily living for a period of at least ninety days due to a loss of functional capacity; or
(2) Requires substantial supervision to protect the individual from threats to health and safety to self or others due to severe cognitive impairment."

SECTION 45. Section 431:10A-116, Hawaii Revised Statutes, is amended to read as follows:

"§431:10A-116 Coverage for specific services. Every person insured under a policy of accident and health or sickness insurance delivered or issued for delivery in this State shall be entitled to the reimbursements and coverages specified below:

(1) Notwithstanding any provision to the contrary, whenever a policy, contract, plan, or agreement provides for reimbursement for any visual or optometric service, which is within the lawful scope of practice of a duly licensed optometrist, the person entitled to benefits or the person performing the services shall be entitled to reimbursement whether the service is performed by a licensed physician or by a licensed optometrist. Visual or optometric services shall include eye or visual examination, or both, or a correction of any visual or muscular anomaly, and the supplying of ophthalmic materials, lenses, contact
lenses, spectacles, eyeglasses, and appurtenances thereto;

(2) Notwithstanding any provision to the contrary, for all policies, contracts, plans, or agreements issued on or after May 30, 1974, whenever provision is made for reimbursement or indemnity for any service related to surgical or emergency procedures, which is within the lawful scope of practice of any practitioner licensed to practice medicine in this State, reimbursement or indemnification under [such] the policy, contract, plan, or agreement shall not be denied when [such] the services are performed by a dentist acting within the lawful scope of the dentist's license;

(3) Notwithstanding any provision to the contrary, whenever the policy provides reimbursement or payment for any service, which is within the lawful scope of practice of a psychologist licensed in this State, the person entitled to benefits or performing the service shall be entitled to reimbursement or payment, whether the service is performed by a licensed physician or licensed psychologist;
(4) Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after February 1, 1991, except for policies that only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II and chapter 432, article 1 shall provide coverage for screening by low-dose mammography for occult breast cancer as follows:

(A) For women forty years of age and older, an annual mammogram; and

(B) For a woman of any age with a history of breast cancer or whose mother or sister has had a history of breast cancer, a mammogram upon the recommendation of the woman's physician.

The services provided in this paragraph are subject to any coinsurance provisions that may be in force in these policies, contracts, plans, or agreements.

For the purpose of this paragraph, the term "low-dose mammography" means the x-ray examination of the
breast using equipment dedicated specifically for mammography, including but not limited to the x-ray tube, filter, compression device, screens, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast. An insurer may provide the services required by this paragraph through contracts with providers; provided that the contract is determined to be a cost-effective means of delivering the services without sacrifice of quality and meets the approval of the director of health;

(5) (A) (i) Notwithstanding any provision to the contrary, whenever a policy, contract, plan, or agreement provides coverage for the children of the insured, that coverage shall also extend to the date of birth of any newborn child to be adopted by the insured; provided that the insured gives written notice to the insurer of the insured's intent to adopt the child prior to the child's date of birth or within thirty days
after the child's birth or within the time period required for enrollment of a natural born child under the policy, contract, plan, or agreement of the insured, whichever period is longer; provided further that if the adoption proceedings are not successful, the insured shall reimburse the insurer for any expenses paid for the child; and

(ii) Where notification has not been received by the insurer prior to the child's birth or within the specified period following the child's birth, insurance coverage shall be effective from the first day following the insurer's receipt of legal notification of the insured's ability to consent for treatment of the infant for whom coverage is sought; and

(B) When the insured is a member of a health maintenance organization (HMO), coverage of an adopted newborn is effective:
(i) From the date of birth of the adopted newborn when the newborn is treated from birth pursuant to a provider contract with the health maintenance organization, and written notice of enrollment in accord with the health maintenance organization's usual enrollment process is provided within thirty days of the date the insured notifies the health maintenance organization of the insured's intent to adopt the infant for whom coverage is sought; or

(ii) From the first day following receipt by the health maintenance organization of written notice of the insured's ability to consent for treatment of the infant for whom coverage is sought and enrollment of the adopted newborn in accord with the health maintenance organization's usual enrollment process if the newborn has been treated from birth by a provider not contracting or
affiliated with the health maintenance
organization; and

(6) Notwithstanding any provision to the contrary, any
policy, contract, plan, or agreement issued or renewed
in this State shall provide reimbursement for services
provided by advanced practice registered nurses
\[\text{[recognized] licensed} \] pursuant to chapter 457.
Services rendered by advanced practice registered
nurses are subject to the same policy limitations
generally applicable to health care providers within
the policy, contract, plan, or agreement."

SECTION 46. Section 431:10C-103.5, Hawaii Revised
Statutes, is amended by amending subsection (a) to read as
follows:

"(a) Personal injury protection benefits, with respect to
any accidental harm, means all appropriate and reasonable
treatment and expenses necessarily incurred as a result of the
accidental harm and which are substantially comparable to the
requirements for prepaid health care plans, including medical,
hospital, surgical, professional, nursing, advanced practice
nursing \[\text{[recognized] licensed} \] pursuant to chapter 457, dental,
optometric, naturopathic medicine, chiropractic, ambulance,
prosthetic services, medical equipment and supplies, products
and accommodations furnished, x-ray, psychiatric, physical
therapy pursuant to prescription by a medical doctor,
occupational therapy, rehabilitation, and therapeutic massage by
a licensed massage therapist when prescribed by a medical
doctor."

SECTION 47. Section 431M-1, Hawaii Revised Statutes, is
amended by amending the definition of "advanced practice
registered nurse" to read as follows:

"Advanced practice registered nurse" means a person
licensed pursuant to chapter 457."

SECTION 48. Section 432:1-611, Hawaii Revised Statutes, is
amended to read as follows:

"§432:1-611 Reimbursement for services of advanced
practice registered nurses.[1] All individual and group
hospital and medical service plan contracts and medical service
corporation contracts under this article shall provide
reimbursement for health plan-covered services provided by
advanced practice registered nurses licensed pursuant to chapter 457."
PART IV.

SECTION 49. Act 119, Session Laws of Hawaii 2009, as amended by section 2 of Act 138, Session Laws of Hawaii 2010, is amended by amending section 6 to read as follows:

"SECTION 6. This Act shall take effect on July 1, 2009, and shall be repealed on June 30, 2015; provided that section 328L-2, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of Act 264, Session Laws of Hawaii 2007; provided further that sections 32813-2 and 32821-4, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act."

SECTION 50. Act 127, Session Laws of Hawaii 2010, is amended by amending section 4 to read as follows:

"SECTION 4. This Act shall take effect upon its approval; and shall apply to investments made or purchased after December 31, 2009[1]; provided that the amendments made to section 36-21(a), Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on July 1, 2015, pursuant to section 34(4) of Act 79, Session Laws of Hawaii 2009."
SECTION 51. Act 50, Session Laws of Hawaii 2014, is amended by amending the prefatory language of section 1 to read as follows:

"SECTION 1. Act 84, Session Laws of Hawaii 2004, as amended by section 1 of Act 77, Session Laws of Hawaii 2008, as amended by sections 1 and 2 of Act 75, Session Laws of Hawaii 2010, is amended by amending section 5 to read as follows:"

SECTION 52. Act 86, Session Laws of Hawaii 2014, is amended by amending the prefatory language of section 2 to read as follows:


PART V.

SECTION 53. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 54. This Act shall take effect upon approval; provided that:
1 (1) Section 49 shall take effect on June 29, 2015; and
2 (2) Section 50 shall take effect on June 30, 2015.

APPROVED this 5 day of MAY, 2015

[Signature]
GOVERNOR OF THE STATE OF HAWAII