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## A BILL FOR AN ACT

RELATING TO FAMILY LEAVE.

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

1           SECTION 1. The legislature finds that routine medical care  
2 is crucial to the health of Hawaii's keiki. For this reason,  
3 parents should be encouraged to take their children to the  
4 doctor, particularly for regular or routine visits, and should  
5 be supported when they do.

6           Under current law, however, parents generally do not  
7 qualify to use sick leave to take a child to receive medical  
8 care unless the child is gravely ill. Hawaii's chapter 398 and  
9 the federal Family and Medical Leave Act of 1993 both require a  
10 child to have a "serious health condition" before the need to  
11 care for that child becomes a qualifying reason for a parent to  
12 use sick leave. The legislature finds that the health of  
13 Hawaii's keiki would benefit from more routine medical care  
14 visits if this restriction were lifted.

15           Studies have shown that the existing system causes many  
16 parents to take a child with a mild illness to urgent care or  
17 emergency room care instead of a pediatrician. Parents often



1 choose urgent or emergency care in such situations due to their  
2 inability to take sick leave from work, as such facilities tend  
3 to have extended hours. This practice is expensive and  
4 inefficient, and leads to increased health care costs, longer  
5 waits in the ER, and poor outcomes. In addition, parents are  
6 urged to bring their children to Well-Child visits at regular  
7 intervals for routine checks and immunizations to prevent  
8 diseases from developing or worsening. But children up to the  
9 age of 18 are unable to give consent for their medical  
10 treatment, and require the accompaniment of a parent or legal  
11 guardian to receive healthcare. For these reasons, the  
12 legislature finds that family leave for child medical care must  
13 be expanded to accommodate a healthy community.

14 The legislature further finds, however, that the basic  
15 structure of family leave policy should not otherwise be  
16 altered. Small businesses that are exempt from sick leave  
17 requirements under current law and that choose not to  
18 voluntarily offer sick leave should not be forced into a  
19 different choice. If they were, many existing small businesses  
20 would not be able afford the cost of compliance. On the other



1 hand, a child in need of routine medical care or suffering from  
2 a mild illness can create a socioeconomic emergency for parents.

3 The purpose of this Act is to add routine medical care for  
4 a child as a qualifying reason for a parent to use employer-  
5 provided sick leave under chapter 398.

6 SECTION 2. Section 398-1, Hawaii Revised Statutes, is  
7 amended by adding one definition to be appropriately inserted  
8 and to read as follows:

9 "Routine medical care" means any type of medical care  
10 sought from a health care provider or other medical  
11 professional, regardless of the seriousness of the health  
12 condition being treated, and including but not limited to  
13 preventative care."

14 SECTION 3. Section 398-3, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) An employee shall be entitled to a total of four  
17 weeks of family leave during any calendar year:

18 (1) Upon the birth of a child of the employee or the  
19 adoption of a child; [ex]



- 1 (2) To care for the employee's child, spouse, reciprocal
- 2 beneficiary, sibling, or parent with a serious health
- 3 condition[-]; or
- 4 (3) To provide a child with routine medical care."

5 SECTION 4. Statutory material to be repealed is bracketed  
 6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2018.

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INTRODUCED BY:

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# H.B. NO. 2250

**Report Title:**

Family Leave; Sick Leave; Children; Medical Care

**Description:**

Adds routine medical care for a child as a qualifying reason for parents to use family leave under chapter 398.

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