A BILL FOR AN ACT

RELATING TO HEALTH.

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

PART I

SECTION 1. The State's experience with the COVID-19 pandemic demonstrates the need for preparation, flexibility, and quick action in the face of ongoing or new risks presented by outbreaks of communicable or dangerous diseases in the State or in other parts of the world. The State has learned from experience that a screening process for travelers is a key component in the containment or mitigation of the spread of disease. This Act serves to enhance the tools available to the State in its effort to contain or mitigate the spread of communicable or dangerous diseases, to enable the use of these tools without a governor's emergency proclamation, and to make the containment or mitigation effort more efficient and flexible in protecting the public health and safety.

This Act authorizes a screening process applicable to travelers at any port of entry to the State whenever it is determined by the director of health to be necessary to prevent
the spread of communicable or dangerous diseases in order to
protect the public health and safety, including the health and
safety of the traveling public, and to ensure a positive visitor
experience, which is critical to sustaining the State's tourism
industry.

The screening may apply to any and all travelers, including
interisland, domestic, and international travelers, and it may
apply to both arrival and departure points within the State of
Hawaii. Benefits include the determination of whether
quarantine or isolation is necessary for the wellbeing of the
public, including travelers, travelers' households, and
traveling companions, as well as the opportunity for timely
treatment to prevent or lessen symptoms or to shorten the
duration of the disease. To further enhance the effectiveness
of the screening process, and from experience, we also find it
necessary to establish penalties to address individuals who are
uncooperative or seek to evade the screening process. This
screening process will also authorize the department of health
to take certain actions upon completion of traveler screening,
including testing, investigating, monitoring, quarantining, and
isolating travelers, as determined necessary by the director of health to protect the public health and safety.

This Act also amends existing law to work more efficiently in conjunction with any emergency proclamation issued to respond to the spread of a communicable or dangerous disease and gives the director of health authority to declare a public health emergency if there is, or there is a potential for, an epidemic or serious outbreak of communicable or dangerous disease.

**PART II**

SECTION 2. Chapter 325, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . DETECTION, PREVENTION, AND CONTROL OF DISEASE TRANSMISSION

§325-A Director's authority to declare public health emergency; powers. (a) Except when otherwise expressly addressed by the governor or the Hawaii emergency management agency under chapter 127A, when in the judgment of the director there is a potential for an epidemic or serious outbreak of communicable or dangerous disease, notwithstanding any other laws, the director may declare a public health emergency, by
written declaration, which shall set forth the reasons therefore, and exercise the following powers:

1. Require provider reporting, screening, testing, contact tracing, quarantine, and isolation of persons deemed by the department to be infected, at higher risk of infection, or at risk for spreading infection;

2. Require declarations of health status, travel history, and intended lodging or residence plans from travelers;

3. Require first responders and part or all of the public to implement safeguards designed to prevent infections, including but not limited to physical distancing, temporary closure of schools, temporary closure of businesses and operations, hygiene procedures, and wearing of personal protective equipment;

4. Release otherwise confidential information if the director determines that the disclosure is necessary to protect the public health, safety, and welfare from imminent harm; and
(5) Take other action as deemed necessary by the director to prevent, prepare for, respond to, mitigate, and recover from a serious outbreak of communicable or dangerous disease.

(b) Quarantine and isolation pursuant to this section shall not be subject to the requirements pursuant to section 325-8(a).

(c) Every police officer or state law enforcement officer and the Hawaii emergency management agency shall aid and assist the department in the enforcement of a declaration of a public health emergency.

(d) The director's declaration of a public health emergency shall be posted on the department's website and shall terminate automatically ninety days after the declaration, unless earlier terminated or extended or revoked by the director or the governor. Any extension shall terminate automatically after ninety days, unless further extended by the director or the governor.

§325-B Detection of communicable or dangerous diseases in travelers; screening, investigating, monitoring, quarantining, isolating, data-sharing, and other actions to protect the public
health and safety. (a) Whenever the director determines it is necessary to detect, prevent, prepare for, respond to, mitigate, or recover from the transmission of communicable or dangerous diseases by traveling members of the public, the department may, by order of the director:

(1) Screen interisland, domestic, or international travelers for evidence of communicable or dangerous diseases by using a screening method approved by the department;

(2) Investigate interisland, domestic, or international travelers and persons in contact with those travelers as determined by the director to be necessary to detect, prevent, or control the transmission of a communicable or dangerous disease;

(3) Monitor interisland, domestic, or international travelers after their arrival as determined by the department to be necessary to detect, prevent, prepare for, respond to, mitigate, or recover from the transmission of a communicable or dangerous disease;

(4) Quarantine interisland, domestic, or international travelers after their arrival as determined by the
department to be necessary to detect, prevent, prepare for, respond to, mitigate, or recover from the transmission of a communicable or dangerous disease pursuant to section 325-8;

(5) Isolate interisland, domestic, or international travelers after their arrival as determined by the department to be necessary to detect, prevent, prepare for, respond to, mitigate, or recover from the transmission of a communicable or dangerous disease pursuant to section 325-8; and

(6) Enlist the services or collaboration of any other federal, state, county, or private entity to assist with any of the activities in this section.

(b) Travelers arriving in a Hawaii port of entry may be required to provide a completed State of Hawaii traveler questionnaire on a form, or in a manner, approved by the department. Failure to provide a completed State of Hawaii travel questionnaire as directed by the department is a violation of this section.

§325-C Communicable or dangerous diseases, screening, treatment, and isolation. Upon entry to the State, all persons
may be required to submit to a screening for communicable or
dangerous diseases as deemed appropriate by the department. The
diseases screened for shall include those deemed a public health
and safety risk by the department at the time of the screening.
If the department deems it necessary for the public health,
treatment, quarantine, and isolation may be required, at the
expense of the person entering the State.

§325-D Administrative rules. (a) The department may
adopt rules pursuant to chapter 91 to effectuate the purposes of
this part.

(b) No later than October 1, 2020, the department shall
adopt interim rules, which shall be exempt from the requirements
of chapter 91 and the requirements of chapter 201M, to
effectuate the purposes of this part; provided that the interim
rules shall remain in effect until December 31, 2026, or until
rules are adopted pursuant to subsection (a), whichever occurs
sooner.

(c) The department may amend the interim rules, and the
amendments shall be exempt from the requirements of chapter 91
and from the requirements of chapter 201M, to effectuate the
purposes of this chapter; provided that any amended interim
rules shall remain in effect until December 31, 2026, or until
rules are adopted pursuant to subsection (a), whichever occurs
sooner.

(d) The department shall make the adoption, amendment, or
repeal of interim rules known to the public by:

(1) Giving public notice of the substance of the proposed
rules at least once statewide; and

(2) Posting the full text of the proposed rulemaking
action on the Internet as provided pursuant to section
91-2.6.

§325-E Environmental impact statements not required. No
action taken by the department to implement this part shall be
subject to the provisions of or any requirement in chapter 343.

§325-F Procurement exemption. Contracts for the purchase
of goods and services to effectuate the purposes of this part
shall be exempt from chapters 103D and 103F.

§325-G Travelers screening special fund. (a) There is
established in the state treasury the travelers screening
special fund that shall be administered by the department, into
which shall be deposited:
(1) Transient accommodations taxes collected and allocated to the fund;

(2) Fines collected as penalties pursuant to section 325-H;

(3) Appropriations made by the legislature to the fund;

(4) All moneys received by the fund from any other source; and

(5) Interest earned on any moneys in the fund.

(b) Moneys in the travelers screening special fund shall be used for the purposes of set forth in sections 325-B and 325-C regarding the detection of communicable or dangerous diseases in travelers, and related screening, investigating, monitoring, quarantining, isolating, data-sharing, other related actions, and the related costs of operating the fund.

§325-H  Penalties. Any person who violates any provision of this part or who violates any rules adopted pursuant to this part shall be guilty of a misdemeanor and fined not more than $5,000. All fines shall be deposited into the travelers screening special fund."

PART III
SECTION 3. Chapter 325, Hawaii Revised Statutes, is amended by adding four new sections to be appropriately designated and to read as follows:

"§325-I Definitions. As used in this chapter:

"Communicable disease" means an illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person or animal or a reservoir to a susceptible host, either directly, or indirectly through an intermediate animal host, vector, or the inanimate environment. "Communicable disease" includes "infectious disease" and any disease declared to be "communicable" by the director.

"Dangerous disease" means any illness or health condition that might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

"Department" means the department of health.

"Director" means the director of health.

"Epidemic" means the occurrence of cases of an illness clearly in excess of normal expectancy, as determined by the director.
"Health care facility" means a facility as defined in section 323D-2.

"Infectious disease" means a disease that spreads from person to person, directly or indirectly, that poses a significant public health risk.

"Isolation" means the physical separation, including the restriction of movement or confinement of individuals or groups confirmed by the department to have been infected with a communicable or dangerous disease, from individuals who are believed not to have been exposed or infected, by order of the director, the governor, or a court of competent jurisdiction.

Conditions of isolation may be more restrictive than as for quarantine.

"Quarantine" means the physical separation, including the restriction of movement or confinement of individuals or groups believed to have been exposed to a communicable or dangerous disease, or who otherwise have or create a potential risk of transmitting a communicable or dangerous disease to others from individuals who are believed not to have been exposed or infected, by order of the director, the governor, or a court of
competent jurisdiction, based on information collected and reviewed by the department.

"Screening" means a diagnostic tool administered to detect the presence of a communicable or dangerous disease in an individual and may include the measuring of a person's temperature. "Screening" also includes the administration of one or more questionnaires used to conduct surveillance of disease activity or to determine to whom a test or diagnostic tool is to be administered.

§325-J  Right to contest. (a) An individual subject to quarantine or isolation pursuant to this chapter may request a hearing in the courts of this State to contest the order of quarantine or isolation, the individual's treatment, or the terms and conditions of the quarantine or isolation. The request shall be in writing and shall be filed as a civil proceeding with the circuit court in the circuit in which the individual is quarantined or isolated. Upon receiving a request, the court shall fix a date for a hearing. The hearing shall take place within ten days of the filing of the request with the court. The request for a hearing shall not alter or stay the order of quarantine or isolation. The department shall
be notified of the request for a hearing at least seven days before the hearing by the individual requesting the hearing. If, after a hearing, the court finds that the quarantine or isolation of the individual is not in compliance with this part, the court may fashion remedies reasonable under the circumstances and consistent with this chapter.

(b) Judicial decisions shall be based upon clear and convincing evidence; provided that in hearings to contest the individual's screening, treatment, or the terms or conditions of the quarantine or isolation, judicial decisions shall be based upon a preponderance of the evidence. A written record of the disposition of the case shall be made and retained. If the personal appearance before the court of a quarantined or isolated individual is determined by the director to pose a threat to individuals at the proceeding and the quarantined or isolated individual does not waive the right to attend the proceeding, the court shall appoint a guardian ad litem, to represent the quarantined or isolated individual throughout the proceeding or shall hold the hearing via any means that allow all parties to participate as fully and safely as is reasonable under the circumstances.
(c) Upon written request, the court may, in its discretion, appoint counsel to represent individuals or groups of individuals who are or who are about to be quarantined or isolated pursuant to this section and who are not otherwise represented by counsel. Adequate means of communication between those individuals or groups and their counsel or their guardian ad litem shall be provided by the department, if adequate means of communication is not otherwise available to them.

(d) In any proceeding brought pursuant to this section, in consideration of the protection of the public’s health, the severity of the emergency, and the availability of necessary witnesses and evidence, the court may order the consolidation of claims where:

(1) The number of individuals involved or to be affected by an order of quarantine or isolation is so large as to render individual participation impractical;

(2) There are questions of law or fact common to the individual claims or rights to be determined;

(3) The group claims or rights to be determined are typical of the affected individuals’ claims or rights;

and
(4) The entire group will be adequately represented in the consolidation.

§325-K Collection, receipt, and use of information; disclosure; confidentiality of information. (a) Notwithstanding any other law to the contrary, the department, other governmental agencies, or private entities under contract with the department, who act pursuant to this section, may collect, receive, and use information for the purposes of detecting, preventing, preparing for, responding to, mitigating, or recovering from the transmission of communicable or dangerous diseases. Collection, receipt, and use of the information may include the sharing of the information between or among the department, other governmental agencies, and private entities under contract with the department. Collection, receipt, and use shall not include disclosure of the information to other departments, entities, or individuals except as provided in subsection (b).

(b) The information to be collected, received, and used pursuant to this section may be disclosed by the department to the public only as necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the
public, including the transmission of communicable or dangerous diseases to others.

(c) All information collected, received, or used, pursuant to this section shall be confidential and shall not be used or disclosed, except as allowed by this section or as required by law. Any governmental agency or private entity that collects, receives, or uses information pursuant to this section shall be subject to the same restrictions on collection, receipt, and use of that information as the department.

§325-L Construction and severability. (a) This chapter shall be liberally construed to effectuate its purposes; provided that this chapter shall not be construed as conferring any power or permitting any action that is inconsistent with the Constitution and laws of the United States, but, in so construing this chapter, due consideration shall be given to the circumstances as they exist from time to time.

(b) If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter."
SECTION 4. Section 237D-6.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Except for the revenues collected pursuant to section 237D-2(e), revenues collected under this chapter shall be distributed in the following priority, with the excess revenues to be deposited into the general fund:

(1) $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall be allocated to the travelers screening special fund established under section 325-G beginning on August 1, 2020, and ending on June 30, 2022;

[+2+] (2) $1,500,000 shall be allocated to the Turtle Bay conservation easement special fund beginning July 1, 2015, for the reimbursement to the state general fund of debt service on reimbursable general obligation bonds, including ongoing expenses related to the issuance of the bonds, the proceeds of which were used to acquire the conservation easement and other real property interests in Turtle Bay, Oahu, for the protection, preservation, and enhancement of natural resources important to the State, until the bonds are fully amortized;
(3) $16,500,000 shall be allocated to the convention center enterprise special fund established under section 201B-8;

(4) $79,000,000 shall be allocated to the tourism special fund established under section 201B-11;

provided that:

(A) Beginning on July 1, 2012, and ending on June 30, 2015, $2,000,000 shall be expended from the tourism special fund for development and implementation of initiatives to take advantage of expanded visa programs and increased travel opportunities for international visitors to Hawaii;

(B) Of the $79,000,000 allocated:

(i) $1,000,000 shall be allocated for the operation of a Hawaiian center and the museum of Hawaiian music and dance; and

(ii) 0.5 per cent of the $79,000,000 shall be transferred to a sub-account in the tourism special fund to provide funding for a safety
and security budget, in accordance with the
Hawaii tourism strategic plan 2005-2015; and

(C) Of the revenues remaining in the tourism special
fund after revenues have been deposited as
provided in this paragraph and except for any sum
authorized by the legislature for expenditure
from revenues subject to this paragraph,
beginning July 1, 2007, funds shall be deposited
into the tourism emergency special fund,
established in section 201B-10, in a manner
sufficient to maintain a fund balance of
$5,000,000 in the tourism emergency special fund;

[+4+]  (5) $103,000,000 shall be allocated as follows:

Kauai county shall receive 14.5 per cent, Hawaii
county shall receive 18.6 per cent, city and county of
Honolulu shall receive 44.1 per cent, and Maui county
shall receive 22.8 per cent; provided that commencing
with fiscal year 2018-2019, a sum that represents the
difference between a county public employer's annual
required contribution for the separate trust fund
established under section 87A-42 and the amount of the
county public employer's contributions into that trust fund shall be retained by the state director of finance and deposited to the credit of the county public employer's annual required contribution into that trust fund in each fiscal year, as provided in section 87A-42, if the respective county fails to remit the total amount of the county's required annual contributions, as required under section 87A-43; and

[+5+]  (6) $3,000,000 shall be allocated to the special land and development fund established under section 171-19; provided that the allocation shall be expended in accordance with the Hawaii tourism authority strategic plan for:

(A) The protection, preservation, maintenance, and enhancement of natural resources, including beaches, important to the visitor industry;

(B) Planning, construction, and repair of facilities; and

(C) Operation and maintenance costs of public lands, including beaches, connected with enhancing the visitor experience.
All transient accommodations taxes shall be paid into the
state treasury each month within ten days after collection and
shall be kept by the state director of finance in special
accounts for distribution as provided in this subsection.

As used in this subsection, "fiscal year" means the twelve-
month period beginning on July 1 of a calendar year and ending
on June 30 of the following calendar year."

PART V

SECTION 5. Section 325-2.5, Hawaii Revised Statutes, is
amended to read as follows:

"[+]§325-2.5[+] [Health care-associated infection
reporting. (a) Each health care facility in the State that is
certified by the Centers for Medicare and Medicaid Services
shall report information about health care-associated infections
to the Centers for Disease Control and Prevention's national
healthcare safety network, as specified in the rules of the
Centers for Medicare and Medicaid Services.

(b) Health care facilities subject to this section shall
authorize the Centers for Disease Control and Prevention to
allow the department to access health care-associated infection
data reported by those health care facilities to the national healthcare safety network.

(c) The department may adopt rules pursuant to chapter 91 to require that health care-associated infections that are multidrug-resistant be reported to the department through the national healthcare safety network. The rules shall specify which health care facilities are required to report those health care-associated infections that are multidrug-resistant through the national healthcare safety network, as well as the patient populations that are to be targeted in the reports. The first year of reporting required under this subsection shall be a pilot test of the reporting system and shall not be reported or disclosed to the public.

(d) The department shall preserve patient confidentiality and shall not disclose to the public any patient-level data obtained from any health care facility.

(e) The department may issue reports to the public regarding health care-associated infections in aggregate data form to protect individual patient identity. The reports may identify individual health care facilities. The reports shall use the methodology or any part of the methodology developed by
the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services for national reporting of health care-associated infections.

(f) Health care-associated infection information held by the department as a result of reporting under this section is not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding; provided that health care-associated infection information otherwise available from other sources is not immune from subpoena, discovery, or introduction into evidence through those sources solely because the information was reported as required by this section.

(g) Beginning on June 30, 2013, and no later than June 30 of each year, thereafter, the department shall prepare a public report, in accordance with this section, containing information pertaining to health care-associated infections in the State for the previous calendar year.

[(h) For the purposes of this section:

"Department" means the department of health.

"Health care facility" means the same as in section 323D-2-]"
SECTION 6. Section 325-8, Hawaii Revised Statutes, is amended to read as follows:

"§325-8 Infected persons and quarantine. (a) [As—used—in this section—]

"Communicable disease" means any disease declared to be "communicable" by the director of health.

"Dangerous disease" means a disease as defined in section 325-26.

"Quarantine" means the compulsory physical separation, including the restriction of movement or confinement of individuals or groups believed to have been exposed to or known to have been infected with a contagious disease, from individuals who are believed not to have been exposed or infected, by order of the department or a court of competent jurisdiction. By order of the director, the department may quarantine or isolate an individual if:

(1) Any delay in the quarantine or isolation of the individual would pose an immediate threat to the public health;
(2) The individual is reasonably believed to have been exposed to or known to have been infected with a communicable or dangerous disease; and

(3) A quarantine or isolation is the least restrictive means by which the public's health, safety, and welfare can be protected, due to the transmittable nature of the communicable or dangerous disease and the lack of preventive measures, or due to the failure by the individual quarantined or isolated to accept or practice less restrictive measures to prevent disease transmission.

(b) In implementing a quarantine or isolation, the dignity of the individual quarantined or isolated shall be respected at all times and to the greatest extent possible, consistent with the objective of preventing or limiting the transmission of the disease to others. The needs of individuals quarantined or isolated shall be addressed in as systematic and competent a fashion as is reasonable under the circumstances. To the greatest extent possible, the premises in which individuals are quarantined or isolated shall be maintained in a safe and hygienic manner, designed to minimize the likelihood of
Further transmission of infection or other harm to individuals subject to quarantine. Adequate or isolation; provided that, if an individual is quarantined or isolated in the individual's own home or in a rented premises, the individual shall be responsible for maintaining the premises in a safe and hygienic manner. Access to adequate food, clothing, medication, and other necessities, access to counsel, means of communication with [those in and outside these settings] others, and competent adequate medical care shall [be provided] not be denied to the person quarantined or isolated, at the person's expense.

To the greatest extent possible, cultural and religious beliefs shall be considered in addressing the needs of quarantined or isolated individuals. The department may establish and maintain places of quarantine and isolation and quarantine or isolate any individual by the least restrictive means necessary to protect the public health.

The department shall take all reasonable means to prevent the transmission of infection between or among quarantined or isolated individuals. The quarantine or isolation of any individual shall be terminated when the director determines that
the quarantine or isolation of that individual is no longer necessary to protect the public health.

(c) An individual subject to quarantine or isolation shall obey the department's rules and orders, shall not go beyond the quarantined or isolated premises, and shall not put the individual's self in contact with any individual not subject to quarantine or isolation other than a physician, health care provider, or individual authorized to enter a quarantined or isolated premises by the department. Violation of any of the provisions of this subsection is a misdemeanor.

(d) No individual, other than an individual authorized by the department, shall enter a quarantined or isolated premises. Any individual entering a quarantined or isolated premises without permission of the department shall be guilty of a misdemeanor. If, by reason of an unauthorized entry into a quarantined or isolated premises, the individual poses a danger to public health, the individual may be subject to quarantine or isolation pursuant to this section.

[(e) Before quarantining an individual, the department shall obtain a written, ex parte order from a court of this State authorizing such action. A petition for an ex parte order]
shall be filed with the circuit court of the circuit in which
the individual resides, is suspected of residing, or is
quarantined under subsection (f). Proceedings on or related to
a petition for an ex parte order shall be a civil action. The
court shall grant an ex parte order upon finding that probable
cause exists to believe a quarantine is warranted pursuant to
this section. A copy of the ex parte order shall be given to
the individual quarantined, along with notification that the
individual has a right to a hearing under this section.

(f) Notwithstanding subsection (c), the department may
quarantine an individual without first obtaining a written, ex
parte order from the court if any delay in the quarantine of the
individual would pose an immediate threat to the public health.
Following such a quarantine, the department shall promptly
obtain a written, ex parte order from the court authorizing the
quarantine.

(g) An individual quarantined pursuant to subsection (c)
or (f) shall have the right to a court hearing to contest the ex
parte order. If the individual, the individual's guardian ad
litem, or the individual's counsel requests a hearing, the
hearing shall be held within fourteen days of filing of the
request. The request shall be in writing and shall be filed
with the circuit court in the circuit in which the individual is
quarantined. A request for a hearing shall not alter or stay
the quarantine of the individual. The department shall be
notified of the request for a hearing at least ten days before
the hearing. At the hearing, the department shall show that the
quarantine is warranted pursuant to this section. If, after
hearing all relevant evidence, the court finds that the criteria
for quarantine under subsection (i) have been met by clear and
convincing evidence, the court shall authorize the continued
quarantine of the individual.

(h) On or after thirty days following the issuance of an
ex parte order or a hearing as provided for in this section, an
individual quarantined pursuant to this section may request in
writing a court hearing to contest the continued quarantine.
The hearing shall be held within fourteen days of the filing of
the request. The request shall be in writing and shall be filed
with the circuit court for the circuit in which the individual
is quarantined. A request for a hearing shall not alter or stay
the order of quarantine. The department shall be notified of
the request for a hearing at least ten days before the hearing.
At the hearing, the department shall show that continuation of
the quarantine is warranted pursuant to this section. If, after
hearing all relevant evidence, the court finds that the criteria
for the quarantine under subsection (i) have been met by clear
and convincing evidence, the court shall authorize the continued
quarantine of the individual.

(i) A court may order an individual to be quarantined if
the court finds that:

1. The individual is reasonably believed to have been
   exposed to or known to have been infected with a
   communicable or dangerous disease; and

2. A quarantine is the least restrictive means by which
   the public's health, safety, and welfare can be
   protected, due to the transmittable nature of the
   communicable or dangerous disease and the lack of
   preventive measures, or due to the failure by the
   individual quarantined to accept or practice less
   restrictive measures to prevent disease transmission.

(j) An individual quarantined pursuant to this section may
request a hearing in the courts of this State regarding the
individual's treatment and the terms and conditions of the
quarantine. Upon receiving a request, the court shall fix a
date for a hearing. The hearing shall take place within
fourteen days of the filing of the request with the court. The
request for a hearing shall not alter or stay the order of
quarantine. The department shall be notified of the request for
a hearing at least ten days before the hearing. If, upon a
hearing, the court finds that the quarantine of the individual
is not in compliance with subsection (b), the court may fashion
remedies reasonable under the circumstances and consistent with
this chapter.

(k) Judicial decisions shall be based upon clear and
convincing evidence, and a written record of the disposition of
the case shall be made and retained. If the personal appearance
before the court of a quarantined individual is determined by
the director to pose a threat to individuals at the proceeding
and the quarantined individual does not waive the right to
attend the proceeding, the court shall appoint a guardian ad
litem as provided in article V of chapter 560, to represent the
quarantined individual throughout the proceeding or shall hold
the hearing via any means that allow all parties to participate
as fully and safely as is reasonable under the circumstances.
(l) Upon written request, the court shall appoint counsel at state expense to represent individuals or groups of individuals who are or who are about to be quarantined pursuant to this section and who are not otherwise represented by counsel. Adequate means of communication between these individuals or groups and their counsel and guardians ad litem shall be provided.

(m) In any proceeding brought pursuant to this section, in consideration of the protection of the public's health, the severity of the emergency, and the availability of necessary witnesses and evidence, the court may order the consolidation of claims by individuals involved or to be affected by a quarantine where:

(1) The number of individuals involved or to be affected by a quarantine is so large as to render individual participation impractical;

(2) There are questions of law or fact common to the individual claims or rights to be determined;

(3) The group claims or rights to be determined are typical of the affected individuals' claims or rights; and
(4) The entire group will be adequately represented in the consolidation.

(e) Each individual quarantined shall be responsible for the costs of food, lodging, and medical care, except for those costs covered and paid by the individual's health plan.

(f) By order of the director, the department may inspect, quarantine, or isolate persons, property, places, cities, or counties, and take measures as are necessary to ascertain the nature of the disease and prevent its spread whenever in its judgment the action is necessary to protect or preserve the public health."

SECTION 7. Section 325-20, Hawaii Revised Statutes, is amended to read as follows:

"[+]§325-20[+] Agreements; collaborative assistance in control of disease outbreaks. (a) The director may enter into agreements for collaborative assistance with licensed health care facilities and health care providers in the State to control an epidemic of a dangerous disease[ which ] that requires more physical facilities, materials, or personnel than the department has available."
[(b)] Whenever used in this section, unless a different meaning clearly appears from the context:

"Dangerous disease" means any illness or health condition that might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

"Department" means the department of health.

"Director" means the director of health.

"Epidemic" means the occurrence of cases of an illness clearly in excess of normal expectancy, as determined by the director.

"Health care facility" means a facility as defined in section 323D-2.

"Health care provider" means a provider as defined in section 323D-2.

(e) Under collaborative agreements, health care facilities or health care providers shall provide prophylactic and treatment services for the epidemic disease in collaboration with and under the general direction of the department and shall seek reimbursement from the individuals who receive medical care, the parties responsible for their care, or their health
plans. Persons having health plan benefits shall be responsible
for any copayments to the facilities or health care providers.

(c) The agreements may provide that the department
shall use reasonable efforts to seek legislative appropriations
to reimburse health care facilities and health care providers
for the use of physical facilities, professional services, and
materials provided to persons without health plan coverage.

(d) Except in cases of wilful misconduct, the
following persons shall not be liable for the death of or injury
to any person who is provided care pursuant to this section or
for damage to property when resulting from any act or omission
in the performance of such services:

(1) The State or any political subdivision;

(2) A health care facility or health care provider acting
at the direction of the department under an agreement
as provided in this section; and

(3) Persons engaged in disease prevention and control
functions pursuant to this section or sections 325-8
and 325-9, including volunteers whose services are
accepted by any authorized person."

PART VI
SECTION 8. Section 706-643, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) All fines and other final payments received by a clerk or other officer of a court shall be accounted for, with the names of persons making payment, and the amount and date thereof, being recorded. All such funds shall be deposited with the director of finance to the credit of the general fund of the State. With respect to fines and bail forfeitures that are proceeds of the wildlife revolving fund under section 183D-10.5, and fines that are proceeds of the compliance resolution fund under sections 26-9(o) and 431:2-410, and fines that are proceeds of the travelers screening special fund under sections 325-G and 325-H, the director of finance shall transmit the fines and forfeitures to the respective funds."

PART VII

SECTION 9. Section 87A-42, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) In any fiscal year subsequent to the 2017-2018 fiscal year in which a county public employer's contributions into the fund are less than the amount of the annual required contribution, the amount that represents the excess of the
annual required contribution over the county public employer's contributions shall be deposited into the fund from a portion of all transient accommodations tax revenues collected by the department of taxation under section [237D-6.5(b)(4).]

237D-6.5(b)(5). The director of finance shall deduct the amount necessary to meet the county public employer's annual required contribution from the revenues derived under section [237D-6.5(b)(4)] 237D-6.5(b)(5) and transfer the amount to the board for deposit into the appropriate account of the separate trust fund."

SECTION 10. Section 171-19, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is created in the department a special fund to be designated as the "special land and development fund". Subject to the Hawaiian Homes Commission Act of 1920, as amended, and section 5(f) of the Admission Act of 1959, all proceeds of sale of public lands, including interest on deferred payments; all moneys collected under section 171-58 for mineral and water rights; all rents from leases, licenses, and permits derived from public lands; all moneys collected from lessees of public lands within industrial parks; all fees, fines, and other
administrative charges collected under this chapter and chapter 183C; a portion of the highway fuel tax collected under chapter 243; all moneys collected by the department for the commercial use of public trails and trail accesses under the jurisdiction of the department; transient accommodations tax revenues collected pursuant to section [237D-6.5(b)(5)] 237D-6.5(b)(6); and private contributions for the management, maintenance, and development of trails and accesses shall be set apart in the fund and shall be used only as authorized by the legislature for the following purposes:

(1) To reimburse the general fund of the State for advances made that are required to be reimbursed from the proceeds derived from sales, leases, licenses, or permits of public lands;

(2) For the planning, development, management, operations, or maintenance of all lands and improvements under the control and management of the board pursuant to title 12, including but not limited to permanent or temporary staff positions who may be appointed without regard to chapter 76; provided that transient accommodations tax revenues allocated to the fund
shall be expended as provided in section 237D-6.5(b)(6); 

(3) To repurchase any land, including improvements, in the exercise by the board of any right of repurchase specifically reserved in any patent, deed, lease, or other documents or as provided by law; 

(4) For the payment of all appraisal fees; provided that all fees reimbursed to the board shall be deposited in the fund; 

(5) For the payment of publication notices as required under this chapter; provided that all or a portion of the expenditures may be charged to the purchaser or lessee of public lands or any interest therein under rules adopted by the board; 

(6) For the management, maintenance, and development of trails and trail accesses under the jurisdiction of the department; 

(7) For the payment to private land developers who have contracted with the board for development of public lands under section 171-60;
(8) For the payment of debt service on revenue bonds issued by the department, and the establishment of debt service and other reserves deemed necessary by the board;

(9) To reimburse the general fund for debt service on general obligation bonds issued to finance departmental projects, where the bonds are designated to be reimbursed from the special land and development fund;

(10) For the protection, planning, management, and regulation of water resources under chapter 174C; and

(11) For other purposes of this chapter."

PART VIII

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2020-2021 to be deposited into the travelers screening special fund established pursuant to section 325-G, Hawaii Revised Statutes.

SECTION 12. There is appropriated out of the travelers screening special fund the sum of $ or so much thereof
as may be necessary for fiscal year 2020-2021 to carry out the
purposes of this Act.

The sum appropriated shall be expended by the department of
health for the purposes of this Act.

SECTION 13. In codifying the new sections added by
sections 2 and 3 of this Act, the revisor of statutes shall
substitute appropriate section numbers for the letters used in
designating the new sections in this Act.

SECTION 14. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval.
Report Title:
DOH; Communicable or Dangerous Diseases; Screening; Monitoring; Penalties; Quarantine; Isolation; Appropriation

Description:
Authorizes the Department of Health to screen, test, and monitor travelers. Provides for penalties for noncompliance. Amends and adds definitions and procedural and administrative provisions in chapter 325, Hawaii Revised Statutes. Establishes a travelers screening special fund. Allocates funds from transient accommodations tax revenues. Provides an appropriation. (Proposed SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.