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# A BILL FOR AN ACT

RELATING TO TRAVEL.

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

1           SECTION 1. The legislature finds that on March 17, 2020,  
2 in response to the COVID-19 pandemic, Governor David Y. Ige took  
3 the unprecedented step of requiring a fourteen-day quarantine  
4 for all travelers to Hawaii. During the lockdown of the  
5 following months, Hawaii went from the lowest unemployment rate  
6 in the country to one of the highest, at one point reaching  
7 twenty-three per cent. Business closures as a result of the  
8 COVID-19 pandemic resulted in the loss of thousands of local  
9 jobs, many of them in Hawaii's robust tourism and food service  
10 industries, which make up more than twenty per cent of the  
11 economy.

12           After several false starts, on October 15, 2020, Hawaii  
13 launched the safe travels program, allowing visitors to avoid a  
14 fourteen-day quarantine if they tested negative for COVID-19  
15 before arriving in the State. Any travelers who tested positive  
16 or chose not to take a test would still be subject to the  
17 fourteen-day quarantine.



1           A little over a month later, on November 19, 2020, the  
2 State changed the safe travels program to require travelers to  
3 upload their negative test results before boarding the last leg  
4 of their trip to Hawaii. Travelers who did not have their  
5 negative test result before departure would be subject to the  
6 fourteen-day quarantine, even if they received a negative result  
7 after they arrived. At the same time, demand for COVID-19 tests  
8 on the continental United States were skyrocketing and trusted  
9 testing partners were increasingly unable to deliver test  
10 results to travelers within the required seventy-two-hour  
11 timeframe.

12           That same month, Governor Ige allowed a county to opt out  
13 of the safe travels program entirely, requiring all travelers to  
14 that county to follow a fourteen-day quarantine. This has  
15 ultimately resulted in a patchwork of requirements across all  
16 counties that are difficult to navigate for visitors and  
17 residents alike and, as such, is compounding the economic impact  
18 of the pandemic on the State.

19           The legislature also finds that the State is facing a  
20 historic budget shortfall and tourism revenue is not likely to  
21 return to pre-2020 levels for several years. State revenue in



1 the form of the general excise tax and income taxes are  
2 essential to continuing core government services such as  
3 education, public health and safety, corrections, and  
4 infrastructure. When a county decides whether to reopen to  
5 visitors, it has far reaching fiscal impacts across the State.  
6 Furthermore, many neighbor island counties receive more than a  
7 per capita share of state financial resources. This is in large  
8 part due to subsidization by the State's largest county, the  
9 city and county of Honolulu.

10 The legislature further finds that public health is  
11 inextricably entwined with economic health, the two cannot be  
12 separated. When residents lose their jobs, they also lose  
13 health care coverage and access to services. Poverty is the  
14 single largest determinant of health.

15 Therefore, the purpose of this Act is to create a statewide  
16 approach to the safe travels program while still allowing the  
17 department of health to take necessary action to protect public  
18 health as supported by risk-based and scientific approaches to  
19 contagion mitigation.

20 SECTION 2. (a) Notwithstanding chapter 127A, Hawaii  
21 Revised Statutes, or any other law to the contrary, this Act



1 shall take precedence over all conflicting statutes concerning  
2 this subject matter and shall preempt all contrary laws,  
3 ordinances, rules, orders, or proclamations adopted by the  
4 State, a county, or any department or agency thereof.

5 (b) Any person entering the State or traveling between any  
6 islands within the State shall be exempt from a post-arrival  
7 mandatory self-quarantine if the person:

8 (1) Has a negative test result upon arrival from a state  
9 approved-COVID-19 test administered within seventy-two  
10 hours before departing from the final leg of  
11 departure; provided that if a person has not received  
12 a test result upon arrival from the final leg of  
13 departure due to unforeseen circumstances through no  
14 fault of the person, that person shall be subject to  
15 and remain in a post-arrival mandatory self-quarantine  
16 upon arrival unless and until the person:

17 (A) Submits to and obtains a negative test result  
18 from a state-approved rapid COVID-19 test upon  
19 arrival; and

20 (B) Obtains a negative test result from a state  
21 approved-COVID-19 test administered within



1                   seventy-two hours from the final leg of  
2                   departure; or

3           (2) Is under the age of five and accompanied by a person  
4           who is exempt under paragraph (1).

5           (c) In addition to the exemptions provided for under  
6 subsection (b), the governor shall establish statewide  
7 conditions under which persons may be deemed automatically  
8 exempt from the pre-travel testing requirements and mandatory  
9 self-quarantine, taking into consideration recommendations  
10 provided by the department of health.

11           (d) Any person who does not obtain a negative test result  
12 before arrival shall be responsible for securing and paying all  
13 costs associated with that person's mandatory self-quarantine  
14 and isolation, including transport, lodging, food, medical care,  
15 and any other expenses to sustain the person during the  
16 mandatory self-quarantine period.

17           (e) The post-arrival mandatory self-quarantine exemption  
18 provided by this Act shall not affect or in any way impede or  
19 supersede the authority of the United States Centers for Disease  
20 Control and Prevention or department of health pursuant to  
21 sections 321-1 and 325-8, Hawaii Revised Statutes, to require



1 persons to quarantine if they subsequently test positive for  
2 COVID-19 or if they are a close contact of a person confirmed  
3 positive for COVID-19.

4 (f) For the purposes of this Act, "state approved-COVID-19  
5 test" means a test to determine the presence of active COVID-19  
6 infection that is administered through an entity approved by the  
7 safe travels program.

8 SECTION 3. This Act shall not be subject to  
9 section 127A-13, Hawaii Revised Statutes, and shall not be  
10 suspended except by adoption of a concurrent resolution by each  
11 house of the legislature.

12 SECTION 4. This Act shall take effect on July, 1, 2050,  
13 and shall be repealed on December 31, 2021, or upon termination  
14 of the State's emergency order for COVID-19 and mandatory  
15 self-quarantine requirement for travelers, whichever occurs  
16 first.



**Report Title:**

Statewide Safe Travels Program Exemption; COVID-19; Quarantine

**Description:**

Exempts any person from the post-arrival mandatory self-quarantine if the person receives a negative test result prior to arrival. Allows the governor to establish statewide conditions for exemption. Requires certain COVID-19 tests for travelers who do not have a test result upon arrival to avoid mandatory self-quarantine. Requires any person who does not obtain a negative test result for COVID-19 pre-arrival to be responsible for all costs associated with that person's mandatory self-quarantine. Prohibits the suspension of this Act except by legislative approval via a concurrent resolution. Repeals on 12/31/2021. Effective 7/1/2050. (HD2)

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

