
A BILL FOR AN ACT

RELATING TO EMERGENCY MANAGEMENT.

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

1 SECTION 1. The legislature finds that the 2020 outbreak of
2 the novel coronavirus, SARS-CoV-2, has brought renewed scrutiny
3 to the state's emergency management statutes. The rapid
4 worldwide expansion of the coronavirus triggered its
5 characterization as a pandemic by the World Health Organization
6 (WHO) on March 11, 2020. The state's emergency management laws
7 require updating to explicitly include pandemics and the related
8 preparedness, response, and mitigation of the social and
9 economic consequences.

10 Additionally, the legislature finds that the pandemic has
11 given rise to a multitude of essential workers in various job
12 sectors who, through the course of their work are required to
13 relay and impose emergency rules and orders that have been
14 enacted by the appropriate governmental authority. Emergency
15 response measures to reduce the spread of SARS-CoV-2 through,
16 for example, the use of face coverings or masks has placed great
17 responsibility and risk on essential workers who have



1 experienced harassment, intimidation, verbal abuse, and physical
2 assault from members of the public who disagree with the
3 government's order. While emergency workers are offered some
4 statutory protections, essential workers are generally not
5 protected under these provisions and specific statutory
6 protection for this category of worker needs to be included in
7 the state's emergency management laws.

8 The purpose of this act is to amend the emergency
9 management laws to address pandemics and provide greater
10 protections for essential workers.

11 SECTION 2. Chapter 127A, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§127A- Interference with an essential worker during an
15 emergency. (a) A person commits the offense of interference
16 with an essential worker if, during an emergency proclaimed by
17 the governor or mayor pursuant to this chapter and within the
18 area covered by the emergency or disaster, the person
19 intentionally, knowingly, or recklessly harasses, intimidate,
20 verbally abuses, or otherwise assaults the essential worker in
21 the course of carrying out their duties.



1 (b) Interference with an essential worker is a class C
2 felony; provided that if the interference involves assault it is
3 a class B felony.

4 (c) Nothing in this section shall prohibit a separate
5 criminal action being brought if applicable.

6 (d) For purposes of this section, "essential worker" means
7 any person employed by a business or service in the air and
8 ground transportation, construction, defense and law
9 enforcement, energy, food and agriculture, grocery, healthcare,
10 hospitality, information technology systems, telecommunications,
11 retail, or water sectors. "Essential worker" includes any other
12 person deemed essential by the governor or mayor during an
13 emergency period."

14 SECTION 3. Section 127A-2, Hawaii Revised Statutes, is
15 amended by amending the definitions of "disaster relief",
16 "emergency", "hazard", and "materials" to read as follows:

17 "'Disaster relief" means any physical or financial
18 assistance provided to individuals or areas in the aftermath of
19 an emergency or disaster[-] and includes efforts to mitigate the
20 social and economic consequences of the disaster.



1 "Emergency" means any occurrence, or imminent threat
2 thereof, which results or may likely result in substantial
3 injury or harm to the population or substantial damage to or
4 loss of property[-] and includes a pandemic.

5 "Hazard" means an event or condition of the physical
6 environment, including a pandemic, that results or may likely
7 result in damage to property or injuries or death to individuals
8 and which may result in an emergency or disaster.

9 "Materials" includes medicines, supplies, personal
10 protective equipment, products, commodities, articles,
11 equipment, machinery, and component parts."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15

INTRODUCED BY: 
JAN 22 2021



H.B. NO. 043

Report Title:

Emergency Management; Pandemic; Essential Workers; Interference with an Essential Worker; Felony

Description:

Makes interfering with an essential worker during an emergency a felony. Defines essential worker.

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