

STAND. COM. REP. NO. 477

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 936
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Labor, Culture and the Arts, to which was referred S.B. No. 936 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to add a new section to the Hawaii Occupational Safety and Health Law to require:

- (1) The Department of Labor and Industrial Relations to disseminate information regarding seizure first aid to employers, employees, and the general public;
- (2) Employers to post materials provided by the Department of Labor and Industrial Relations; and
- (3) The Department of Labor and Industrial Relations to adopt rules to implement the new requirements.

Your Committee received testimony in support of this measure from ten individuals. Your Committee received testimony in opposition to this measure from the Department of Labor and Industrial Relations.

Your Committee finds that seizure disorders like epilepsy are evidenced by sudden surges of electrical activity in the brain



that affect a variety of mental and physical functions. Your Committee finds that as of 2019, over fifteen thousand people in the State of Hawaii and over three million in the United States are living with epilepsy, and an additional ten percent of the population may experience a non-epileptic seizure in their lifetime. Your Committee also acknowledges testimony that seizures and strokes are becoming more common among individuals who contract the coronavirus disease 2019 (COVID-19). The prevalence of epilepsy and other seizure disorders in our community evidence a need to provide workplace education regarding seizure first aid. This measure would ensure that information is available to members of the community regarding how to render first aid in the event of a seizure.

Your Committee also acknowledges the concerns raised by the Department of Labor and Industrial Relations regarding this statutory placement of the new requirements set forth in this measure and the difficulty in implementing and enforcing them. The Hawaii Occupational Safety and Health Law, codified at chapter 396, Hawaii Revised Statutes, is administered by the Hawaii Occupational Safety and Health Division (HIOSH). The jurisdiction of HIOSH is limited to ensuring that every employer furnishes its employees with a workplace that is safe and free from recognized hazards. Since seizures are currently deemed a medical condition and not a workplace hazard, HIOSH does not have the jurisdiction to enforce or require seizure first aid training for the public. Furthermore, since epileptic seizures or other seizures not directly caused by a workplace exposure to hazardous material is not considered a workplace injury or illness by state or federal standards, the cost of enforcement will not be covered by federal grants, and therefore must be fully funded by the State. According to the Department of Labor and Industrial Relations, the Governor has restricted state funds for the Department and further restrictions are likely to come. Based on the testimony from the Department, your Committee believes further discussion of this complex issue is needed.

Accordingly, your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and



- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor, Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 936, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 936, S.D. 1, and be referred to your Committee on Judiciary.

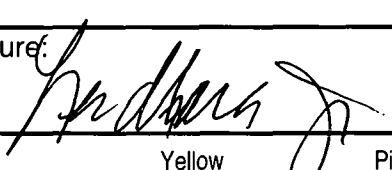
Respectfully submitted on
behalf of the members of the
Committee on Labor, Culture and
the Arts,


BRIAN T. TANIGUCHI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Labor, Culture and the Arts
LCA

Bill / Resolution No.:* SB 936	Committee Referral: LCA, JDC	Date: 2/12/21		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
IHARA, Jr., Les (VC)	✓			
CHANG, Stanley				✓
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes