

JAN 20 2023

A BILL FOR AN ACT

RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS.

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

1 SECTION 1. Section 124B-116, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The governor or adjutant general shall adopt rules
4 with limitations as the governor or adjutant general considers
5 appropriate governing eligibility for pay and allowances for the
6 period after the date on which an executed part of a
7 court-martial [~~is~~] sentence is set aside or disapproved."

8 SECTION 2. Section 124B-171, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Any person subject to this chapter[+] who:

11 (1) [~~who takes~~] Takes an oath or affirmation that[+] is
12 administered:

13 (A) [~~is administered in~~] In a matter in which the
14 oath or affirmation is required or authorized by
15 law; and



1 (B) [~~Is administered by~~] By a person with authority
2 to do so; and
3 (2) [~~Who, upon~~] Upon the oath or affirmation, makes or
4 subscribes to a statement,
5 if the statement is false and at the time of taking the oath or
6 affirmation, the person does not believe the statement to be
7 true, shall be punished as directed by a court-martial."

8 SECTION 3. Section 141-15, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) There is established the farmer apprentice mentoring
11 program, to be administered by the department of agriculture to
12 support [~~former~~] farmer mentors in training apprentices."

13 SECTION 4. Section 144-2, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§144-2 Definitions.** When used in this chapter:

16 [~~(1) The term "person" includes individual, partnership,~~
17 ~~corporation, and association.~~

18 ~~(2) The term "distribute" means to offer for sale, sell,~~
19 ~~barter, or otherwise supply feed, commercial feeds or~~
20 ~~custom mixed feeds. The term "distributor" means any~~
21 ~~person who distributes.~~



- 1 ~~(3) The term "sell" or "sale" includes exchange.~~
- 2 ~~(4) The term "official name" of a feed ingredient means~~
3 ~~the name of a feed ingredient which is defined in the~~
4 ~~current official publication of the Association of~~
5 ~~American Feed Control Officials, Incorporated.~~
- 6 ~~(5) The term "feed" means all edible materials consumed by~~
7 ~~animals, other than dogs, cats, or other domestic~~
8 ~~pets, which contribute energy or nutrients to the~~
9 ~~animal's diet, and which are distributed or imported.~~
- 10 ~~(6) The term "commercial feed" means all feed except:~~
- 11 ~~(A) Whole seeds unmixed or physically altered entire~~
12 ~~unmixed seeds, when not adulterated within the~~
13 ~~meaning of section 144 6, which are distributed~~
14 ~~for use as feed or for mixing in feed.~~
- 15 ~~(B) Hay, straw, stover, silage, cobs, husks, and~~
16 ~~hulls (i) when unground or (ii) when unmixed with~~
17 ~~other materials.~~
- 18 ~~(C) Wet garbage.~~
- 19 ~~(D) Individual chemical compound when not mixed with~~
20 ~~other materials.~~



- 1 ~~(E) Unmixed feeding cane molasses, unmixed pineapple~~
2 ~~pulp, unmixed pineapple hay, and unmixed~~
3 ~~sugarcane hay.~~
- 4 ~~(7) The term "feed ingredient" means each of the~~
5 ~~constituent materials making up a feed.~~
- 6 ~~(8) The term "mineral feed" means a substance or mixture~~
7 ~~of substances designed or intended to supply primarily~~
8 ~~mineral elements or inorganic nutrients.~~
- 9 ~~(9) The term "drug" means any article intended for use in~~
10 ~~the diagnosis, cure, mitigation, treatment, or~~
11 ~~prevention of disease in animals other than human and~~
12 ~~articles other than feed intended to affect the~~
13 ~~structure or any function of the animal body.~~
- 14 ~~(10) The term "manufacture" means to grind, mix, or blend,~~
15 ~~or further process a commercial feed for distribution.~~
- 16 ~~(11) The term "custom mixed feed" means a special~~
17 ~~commercial mixture which is formulated by the~~
18 ~~manufacturer or processor in accordance with the~~
19 ~~specific instructions of the final purchaser and~~
20 ~~contains feed material or materials wholly or partly~~
21 ~~supplied by such manufacturer or processor.~~



- 1 ~~(12) The term "toll milled feed" means a special feed which~~
2 ~~is processed by the processor (A) from materials~~
3 ~~entirely delivered by the owner thereof or the owner's~~
4 ~~authorized agent, and (B) in accordance with the~~
5 ~~specific instructions of such owner, and which is not~~
6 ~~distributed.~~
- 7 ~~(13) The term "commercial mixed feed" means a commercial~~
8 ~~feed which is a mixture or blend of more than one feed~~
9 ~~ingredient.~~
- 10 ~~(14) The term "commercial simple feed" means a commercial~~
11 ~~feed that consists of only one feed ingredient.~~
- 12 ~~(15) The term "brand name" means any word, name, symbol, or~~
13 ~~device or any combination thereof identifying the~~
14 ~~commercial feed of a distributor and distinguishing it~~
15 ~~from that of others.~~
- 16 ~~(16) The term "product name" means the name of the~~
17 ~~commercial feed which identifies it as to kind, class,~~
18 ~~or specific use.~~
- 19 ~~(17) The term "label" means a display of written, printed,~~
20 ~~or graphic matter upon or affixed to the container in~~
21 ~~which a commercial feed is distributed or imported, or~~



1 ~~on the invoice or delivery slip with which a~~
2 ~~commercial feed or custom mixed feed is distributed or~~
3 ~~imported.~~

4 ~~(18) The term "ton" means a net weight of two thousand~~
5 ~~pounds avoirdupois.~~

6 ~~(19) The term "per cent" or "percentage" means percentage~~
7 ~~by weight.~~

8 ~~(20) The term "official sample" means any sample of feed~~
9 ~~taken by the department or its agent and designated as~~
10 ~~"official" by the department.]~~

11 "Brand name" means any word, name, symbol, or device or any
12 combination thereof identifying the commercial feed of a
13 distributor and distinguishing it from that of others.

14 "Commercial feed" means all feed except:

15 (1) Whole seeds unmixed or physically altered entire
16 unmixed seeds, when not adulterated within the meaning
17 of section 144-6, that are distributed for use as feed
18 or for mixing in feed;

19 (2) Hay, straw, stover, silage, cobs, husks, and hulls
20 when:

21 (A) Unground; or



- 1 (B) Unmixed with other materials;
- 2 (3) Wet garbage;
- 3 (4) Individual chemical compounds when not mixed with
- 4 other materials; and
- 5 (5) Unmixed feeding cane molasses, unmixed pineapple pulp,
- 6 unmixed pineapple hay, and unmixed sugarcane hay.

7 "Custom-mixed feed" means a special commercial mixture that
8 is formulated by the manufacturer or processor in accordance
9 with the specific instructions of the final purchaser and
10 contains feed material or materials wholly or partly supplied by
11 the manufacturer or processor.

12 "Distribute" means to offer for sale, sell, barter, or
13 otherwise supply feed, commercial feeds, or custom-mixed feeds.

14 "Distributor" means any person who distributes.

15 "Drug" means any article intended for use in the diagnosis,
16 cure, mitigation, treatment, or prevention of disease in animals
17 other than human and articles other than feed intended to affect
18 the structure or any function of the animal body.

19 "Feed" means all edible materials consumed by animals,
20 other than dogs, cats, or other domestic pets, that contribute



1 energy or nutrients to the animal's diet and are distributed or
2 imported.

3 "Feed ingredient" means each of the constituent materials
4 making up a feed.

5 "Label" means a display of written, printed, or graphic
6 matter:

7 (1) Upon or affixed to the container in which a commercial
8 feed is distributed or imported; or

9 (2) On the invoice or delivery slip with which a
10 commercial feed or custom-mixed feed is distributed or
11 imported.

12 "Manufacture" means to grind, mix, or blend or further
13 process a commercial feed for distribution.

14 "Official name" of a feed ingredient means the name of a
15 feed ingredient that is defined in the current official
16 publication of the Association of American Feed Control
17 Officials, Incorporated.

18 "Official sample" means any sample of feed taken by the
19 department or its agent and designated as "official" by the
20 department.



1 "Person" includes individual, partnership, corporation, and
2 association.

3 "Product name" means the name of the commercial feed that
4 identifies it as to kind, class, or specific use.

5 "Sell" or "sale" includes exchange.

6 "Toll-milled feed" means a special feed that is processed
7 by the processor:

8 (1) From materials entirely delivered by the owner thereof
9 or the owner's authorized agent; and

10 (2) In accordance with the specific instructions of the
11 owner,

12 and that is not distributed."

13 SECTION 5. Section 144-4, Hawaii Revised Statutes, is
14 amended by amending subsection (e) to read as follows:

15 "(e) If a commercial, custom-mixed, or toll-milled feed
16 contains a:

17 (1) [~~a nonnutritive~~] Nonnutritive substance [~~which~~] that
18 is intended for use in the diagnosis, cure,
19 mitigation, treatment, or prevention of disease or
20 [~~which~~] is intended to affect the structure or any
21 function of the animal body; or



1 (2) [~~a feed~~] Food additive,
2 the department may require the label of the commercial or
3 toll-milled feed[~~+~~] or the invoice of the custom-mixed feed to
4 show the amount present, directions for use, or warnings against
5 misuse."

6 SECTION 6. Section 279L-1, Hawaii Revised Statutes, is
7 amended by amending the definition of "peer-to-peer car-sharing
8 program" to read as follows:

9 ""Peer-to-peer car-sharing program" means:

10 (1) Any person who enables a shared car driver to
11 identify, reserve, or use a shared car owned by a
12 shared car owner; or

13 (2) Any person who enables a shared car owner to
14 describe, list, or make available a shared car for
15 identification, reservation, or use by a shared car
16 driver.

17 "Peer-to-peer car-sharing program" does not include[~~+~~

18 ~~(1)~~ A] a transportation network company as defined in
19 section 431:10C-701[~~+~~

20 ~~(2)~~ A], a car-sharing organization as defined in section
21 251-1[~~+~~



1 ~~(3)~~ ~~Any]~~, any person registered and acting as a travel
2 agency pursuant to chapter 468L[~~+~~~~or~~
3 ~~(4)~~ ~~Any]~~, or any person registered and acting as an
4 activity desk pursuant to chapter 468M."

5 SECTION 7. Section 291C-32, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (a) to read:

8 "(a) Whenever traffic is controlled by traffic-control
9 signals exhibiting different colored lights, or colored lighted
10 arrows, successively one at a time or in combination, only the
11 colors green, red, and yellow shall be used, except for special
12 pedestrian signals carrying a word or symbol legend, and the
13 lights shall indicate and apply to drivers of vehicles and
14 pedestrians as follows:

15 (1) Green indication:

16 (A) Vehicular traffic facing a circular green signal
17 may proceed straight through or turn right or
18 left unless prohibited by a sign at the place
19 [~~prohibits either such turn~~]. But vehicular
20 traffic, including vehicles turning right or
21 left, shall yield the right-of-way to other



1 vehicles and to pedestrians lawfully within the
2 intersection or an adjacent crosswalk at the time
3 ~~[such]~~ the signal is exhibited.

4 (B) Vehicular traffic facing a green arrow signal,
5 shown alone or in combination with another
6 indication, may cautiously enter the intersection
7 only to make the movement indicated by ~~[such]~~ the
8 arrow~~[s]~~ or ~~[such]~~ to make other movement ~~[as]~~
9 that is permitted by other indications shown at
10 the same time. ~~[Such]~~ The vehicular traffic
11 shall yield the right-of-way to pedestrians
12 lawfully within an adjacent crosswalk and to
13 other traffic lawfully using the intersection.

14 (C) Unless otherwise directed by a pedestrian-control
15 signal~~[s]~~ as provided in section 291C-33,
16 pedestrians facing any green signal, except when
17 the sole green signal is a turn arrow, may
18 proceed across the roadway within any marked or
19 unmarked crosswalk.

20 (2) Steady yellow indication:



1 (A) Vehicular traffic facing a steady yellow signal
2 is thereby warned that the related green movement
3 is being terminated or that a red indication will
4 be exhibited immediately thereafter when
5 vehicular traffic shall not enter the
6 intersection.

7 (B) Pedestrians facing a steady yellow signal, unless
8 otherwise directed by a pedestrian-control signal
9 as provided in section 291C-33, are thereby
10 advised that there is insufficient time to cross
11 the roadway before a red indication is shown and
12 no pedestrian shall then start to cross the
13 roadway.

14 (3) Steady red indication:

15 (A) Vehicular traffic facing a steady red signal
16 alone shall stop at a clearly marked stop line[~~7~~
17 ~~but~~] or, if none, before entering the crosswalk
18 on the near side of the intersection or, if none,
19 then before entering the intersection and shall
20 remain standing until an indication to proceed is



1 shown, except as provided in [~~the next succeeding~~
2 ~~paragraphs.~~] subparagraphs (B) and (C).

3 (B) The driver of a vehicle [~~which~~] that is stopped
4 in obedience to a steady red indication may make
5 a right turn but shall yield the right-of-way to
6 pedestrians and other traffic proceeding as
7 directed by the signal at [~~said~~] the
8 intersection, except that counties by ordinance
9 may prohibit any [~~such~~] right turn against a
10 steady red indication, which ordinance shall be
11 effective when a sign is erected at [~~such~~] the
12 intersection giving notice thereof.

13 (C) The driver of a vehicle on a one-way street
14 [~~which~~] that intersects another one-way street on
15 which traffic moves to the left shall stop in
16 obedience to a steady red indication but may then
17 make a left turn into [~~said~~] the one-way street,
18 but shall yield right-of-way to pedestrians[7]
19 proceeding as directed by the signal at [~~said~~]
20 the intersection, except that counties by
21 ordinance may prohibit any [~~such~~] left turn [as



1 ~~above described~~] against a steady red indication,
2 which ordinance shall be effective when a sign is
3 erected at [~~such~~] the intersection giving notice
4 thereof.

5 (D) Unless otherwise directed by a pedestrian-control
6 signal as provided in section 291C-33,
7 pedestrians facing a steady red signal alone
8 shall not enter the roadway."

9 2. By amending subsection (c) to read:

10 "(c) Whenever traffic is controlled by traffic-control
11 signals exhibiting different colored lights, or colored lighted
12 arrows, successively one at a time or in combination, and
13 actively monitored by an official photo red light imaging
14 detector system, all registered owners of all motor vehicles in
15 vehicular traffic at the intersection shall be held strictly
16 liable for the motor vehicle's compliance with the
17 traffic-control signal, to the extent that registered owners may
18 be cited and held accountable for non-compliance via civil
19 traffic infractions pursuant to chapter 291J. The
20 traffic-control signal lights shall apply to the registered
21 owners of motor vehicles as follows:



- 1 (1) Steady red indication:
- 2 (A) Vehicular traffic facing a steady red signal
- 3 alone shall stop at a clearly marked stop line[~~7~~
- 4 ~~but~~] or, if none, before entering the crosswalk
- 5 on the near side of the intersection or, if none,
- 6 then before entering the intersection and shall
- 7 remain standing until an indication to proceed is
- 8 shown, except as provided in [~~the next succeeding~~
- 9 ~~paragraphs.~~] subparagraphs (B) and (C).
- 10 (B) Vehicular traffic that is stopped in obedience to
- 11 a steady red indication may make a right turn but
- 12 shall yield the right-of-way to pedestrians and
- 13 other traffic proceeding as directed by the
- 14 signal at [~~said~~] the intersection, except that
- 15 counties by ordinance may prohibit any [~~such~~]
- 16 right turn against a steady red indication, which
- 17 ordinance shall be effective when a sign is
- 18 erected at [~~such~~] the intersection giving notice
- 19 thereof.
- 20 (C) Vehicular traffic on a one-way street that
- 21 intersects another one-way street on which



1 traffic moves to the left shall stop in obedience
2 to a steady red indication but may then make a
3 left turn into [~~said~~] the one-way street, but
4 shall yield right-of-way to pedestrians[7]
5 proceeding as directed by the signal at [~~said~~]
6 the intersection, except that counties by
7 ordinance may prohibit any [~~such~~] left turn [~~as~~
8 ~~above described~~] against a steady red indication,
9 which ordinance shall be effective when a sign is
10 erected at [~~such~~] the intersection giving notice
11 thereof.

12 (2) To the extent a registered owner's motor vehicle fails
13 to comply with any other law or ordinance related to
14 traffic-control signals, including subsection (a)(1)
15 or (2), the registered owner of a motor vehicle shall
16 not be held strictly liable unless otherwise provided
17 by law."

18 SECTION 8. Section 327-38, Hawaii Revised Statutes, is
19 amended by amending subsection (e) to read as follows:

20 "(e) As used in this section:

21 "Dead human body" means:



1 (1) An individual who has sustained either irreversible
2 cessation of circulatory and respiratory functions or
3 irreversible cessation of all functions of the entire
4 brain, including the brain stem; provided that the
5 determination of death be made in accordance with
6 accepted medical standards; and

7 (2) Includes plastinated human bodies or remains,
8 including tissue, organs, and other body parts, that
9 are preserved from decay by replacing the water and
10 fats in the human remains with a polymer.

11 "Museum facility" means a public or private nonprofit
12 institution that:

13 (1) Is accredited by the American [~~Association~~] Alliance
14 of Museums or is part of an accredited college or
15 university;

16 (2) Is organized on a permanent basis for essentially
17 educational or aesthetic purposes; and

18 (3) Owns or uses tangible objects, cares for those
19 objects, and exhibits them to the general public on a
20 regular basis."



1 SECTION 9. Section 328-19.1, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Wherever the director determines that rules or
4 regulations containing prohibitions or requirements other than
5 those prescribed by subsection (a) [~~of this section~~] are
6 necessary to prevent the deception of consumers or to facilitate
7 value comparisons as to any consumer commodity, the director
8 shall [~~promulgate~~] adopt rules or regulations with respect to
9 that commodity [~~regulations effective~~] to:

- 10 (1) Establish and define standards for the
11 characterization of the size of a package enclosing
12 any consumer commodity, which may be used to
13 supplement the label statement of net quantity of
14 contents of packages containing [~~such~~] that commodity
15 [~~but~~]; provided that this paragraph shall not be
16 construed as authorizing any limitation on the size,
17 shape, weight, dimensions, or number of packages
18 [~~which~~] that may be used to enclose any commodity;
- 19 (2) Regulate the placement upon any package containing any
20 commodity, or upon any label affixed to [~~such~~] that
21 commodity, of any printed matter stating or



1 representing by implication that [~~such~~] the commodity
2 is offered for retail sale at a price lower than the
3 ordinary and customary retail sale price or that a
4 retail sale price advantage is accorded to purchasers
5 thereof by reason of the size of that package or the
6 quantity of its contents;

7 (3) Require that the label on each package of a consumer
8 commodity bear:

9 (A) [~~the~~] The common or usual name of [~~such~~] the
10 consumer commodity, if any[~~]~~]; and

11 (B) [~~in~~] In case [~~such~~] the consumer commodity
12 consists of two or more ingredients, the common
13 or usual name of each [~~such~~] ingredient listed in
14 order of decreasing predominance[~~, but~~];

15 provided that nothing in this paragraph shall be
16 deemed to require that any trade secret be divulged;

17 or

18 (4) Prevent the nonfunctional slack-fill of packages
19 containing consumer commodities.

20 For the purposes of [~~clause~~] paragraph (4) [~~of this~~
21 subsection], a package shall be deemed to be nonfunctionally



1 slack-filled if it is filled to substantially less than its
 2 capacity for reasons other than [~~(A)~~] protection of the contents
 3 of [~~such~~] the package or [~~(B)~~] the requirements of machines used
 4 for enclosing the contents in [~~such packages~~] that type of
 5 package."

6 SECTION 10. Section 342L-30, Hawaii Revised Statutes, is
 7 amended by amending subsection (d) to read as follows:

8 "(d) Subsections (a) to (c) shall not apply to tanks or
 9 tank systems for which notice was given pursuant to section
 10 103(c) of the federal Comprehensive Environmental Response,
 11 Compensation, and Liability Act of 1980, Public Law [~~96-516,~~]
 12 96-510, as amended."

13 SECTION 11. Section 421J-16, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 "**§421J-16 Medical cannabis; discrimination.** A provision
 16 in any association document allowing for any of the
 17 discriminatory practices listed in [~~paragraphs (1) to (7) of~~]
 18 section [~~515-3~~] 515-3(a)(1) to (7) against a person residing in
 19 a unit who has a valid certificate for the medical use of
 20 cannabis as provided in section 329-123 in any form is void,
 21 unless the association document prohibits the smoking of tobacco



1 and the medical cannabis is used by means of smoking. Nothing
2 [~~herein~~] in this section shall be construed to diminish the
3 obligation of a planned community association to provide
4 reasonable accommodations for persons with disabilities pursuant
5 to section [~~515-3(9).~~] 515-3(a)(9)."

6 SECTION 12. Section 514B-113, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§514B-113 Medical cannabis; discrimination.** A provision
9 in any articles of incorporation, declaration, bylaws,
10 administrative rules, house rules, or association documents of a
11 condominium allowing for any of the discriminatory practices
12 listed in [~~paragraphs (1) to (7) of~~] section [~~515-3~~] 515-3(a)(1)
13 to (7) against a person residing in a unit who has a valid
14 certificate for the medical use of cannabis as provided in
15 section 329-123 in any form is void, unless the documents
16 prohibit the smoking of tobacco and the medical cannabis is used
17 by means of smoking. Nothing [~~herein~~] in this section shall be
18 construed to diminish the obligation of a condominium
19 association to provide reasonable accommodations for persons
20 with disabilities pursuant to section [~~515-3(9).~~] 515-3(a)(9)."



1 SECTION 13. Act 250, Session Laws of Hawaii 2022, is
2 amended by amending section 4 to read as follows:

3 "SECTION 4. This Act shall take effect upon its approval[
4 ~~and shall be repealed~~]; provided that on June 30, 2027[-], this
5 Act shall be repealed and section 346-7.5(e), Hawaii Revised
6 Statutes, shall be reenacted in the form in which it read on the
7 day prior to the effective date of this Act."

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

10 SECTION 15. This Act shall take effect upon its approval.
11

INTRODUCED BY: 
By Request

S.B. NO. 487

Report Title:

Revision Bill

Description:

Amends or repeals various provisions of the Hawaii Revised Statutes or the Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, or deleting obsolete or unnecessary provisions.

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

