OFFICE OF THE GOVERNOR
STATE OF HAWAIʻI

EIGHTEENTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY

By the authority vested in me by the Constitution and laws of the State of Hawaiʻi, to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawaiʻi, hereby determine, designate and proclaim as follows:

WHEREAS, I issued on March 4, 2020, a **Proclamation** declaring a state of emergency to support ongoing State and county responses to COVID-19; on March 16, 2020, a **Supplementary Proclamation** suspending certain laws to enable State and county responses to COVID-19; on March 21, 2020, a **Second Supplementary Proclamation** and Rules Relating to COVID-19 implementing a mandatory self-quarantine for all persons entering the State; on March 23, 2020, a **Third Supplementary Proclamation** to mandate and effectuate physical distancing measures throughout the State; on March 31, 2020, a **Fourth Supplementary Proclamation** implementing a mandatory self-quarantine for all persons traveling between any of the islands in the State; and on April 16, 2020, a **Fifth Supplementary Proclamation** implementing enhanced safe practices and an eviction moratorium; on April 25, 2020, a **Sixth Supplementary Proclamation** amending and restating all prior proclamations and executive orders related to the COVID-19 emergency; on May 5, 2020, a **Seventh Supplementary Proclamation** related to the COVID-19 Emergency; on May 18, 2020, an **Eighth Supplementary Proclamation** related to the COVID-19 Emergency; on June 10, 2020, a **Ninth Supplementary Proclamation** related to the COVID-19 Emergency; on July 17, 2020, a **Tenth Proclamation** related to the COVID-19 Emergency; on August 6, 2020, an **Eleventh Proclamation** related to the COVID-19 Emergency Interisland Travel Quarantine; on August 20, 2020, a **Twelfth Proclamation** related to the COVID-19 Emergency; on September 22, 2020, a **Thirteenth Proclamation** related to the COVID-19 Emergency; on October 13, 2020, a **Fourteenth Proclamation** related to the COVID-19 Emergency; on November 16, 2020, a **Fifteenth Proclamation** related to the COVID-19 Emergency; a **Sixteenth Proclamation** related to the COVID-19 Emergency on

November 23, 2020; a **Seventeenth Proclamation** related to the COVID-19 Emergency on December 16, 2020;

WHEREAS, as of February 12, 2021, the recorded number of cases and deaths has continued to increase, with more than 26,700 documented cases of COVID-19 in the State and 425 deaths attributed to this disease;

WHEREAS, COVID-19 continues to endanger the health, safety, and welfare of the people of Hawai‘i and a response requires the serious attention, effort, and sacrifice of all people in the State to avert unmanageable strains on our healthcare system and other catastrophic impacts to the State;

WHEREAS, COVID-19 has directly and indirectly caused fiscal and economic catastrophe not previously experienced by the State;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai‘i, hereby authorize and invoke the following as set forth herein:

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Exhibit F. Rules Relating to Sunshine Law and Uniform Information Practices Act (amended)
Exhibit G. Rules Relating to Safety Guidelines for Barbers and Beauty Operators
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I. Statewide Coordination

For the purposes of this COVID-19 emergency only, I hereby invoke section 127A-13(a)(5), Hawaii Revised Statutes (HRS), as it is my opinion that it is necessary to coordinate emergency management functions. Accordingly, I direct all counties to obtain my approval, or the approval of the Director of Hawaii Emergency Management Agency (HIEMA), prior to issuing any emergency order, rule, or proclamation. I further suspend sections 127A-14(b) and 127A-25, HRS, to the limited extent necessary to ensure statewide coordination.

This Eighteenth Proclamation (Proclamation) does not apply to the United States government.

II. Invocation of Laws

The following emergency provisions are expressly invoked, if not already in effect upon declaration of an emergency on March 4, 2020:

Sections 127A-12(a)(5), 127A-13(a)(6), and 127A-13(a)(7), HRS, directing the Director of HIEMA and the administrators of each county emergency management agency to take appropriate actions to direct or control, as may be necessary for emergency management.

Section 127A-12(b)(13), HRS, requiring each public utility, or any person owning, controlling, or operating a critical infrastructure, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof, and provide for the protection and safeguarding of all critical infrastructure and key resources; provided that without prejudice to the generality of the foregoing two clauses, the protecting or safeguarding may include the regulation or prohibition of public entry thereon, or the permission of the entry upon terms and conditions as I may prescribe.

Section 127A-12(b)(16), HRS, directing all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

Section 127A-13(a)(8), HRS, preventing the hoarding, waste, or destruction of materials, supplies, commodities, accommodations, facilities, and services to effectuate equitable distribution thereof, or to establish priorities therein; to investigate; and notwithstanding any other law to the contrary, to regulate or

prohibit, by means of licensing, rationing, or otherwise, the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution thereof, and any business or any transaction related thereto.

Section 127A-16, HRS, activating the Major Disaster Fund.

Section 127A-30, HRS, inasmuch as such section automatically went into effect upon declaration of an emergency on March 4, 2020.

Rules Relating to Immunities for Health Care Practices, as set forth in Exhibit A attached hereto.

III. Act with Care

A. Work in Businesses or Operations

Pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, the following businesses or operations may operate during this emergency: businesses or operations that are part of the federal critical infrastructure sectors identified by the U.S. Cybersecurity & Infrastructure Security Agency, including work to support the 2020 Census, as well as the businesses or operations operating in each county in accordance with the State Roadmap to Recovery and Resilience, referenced in Exhibit E. Businesses include for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or their corporate or entity structure.

B. Safe Practices

All persons in the State shall wear a face covering over their nose and mouth when in public. The requirements of this statewide mask mandate are set forth in Exhibit J, which shall be enforced in each county.

All persons shall comply with applicable safety, hygiene and physical distancing guidance from the Centers for Disease Control and Prevention (CDC) as well as with State, county, industry and regulatory practices for safety, hygiene and physical distancing, including standards and requirements adopted and issued by Hawaii Department of Health (DOH).

C. Hotels

All hotel operators in the State shall adopt a COVID-19 Health and Safety Plan for each property they operate while this Proclamation is in effect. A hotel property's COVID-19 Health and Safety Plan shall identify the measures the

operator has enacted in response to the COVID-19 pandemic and what guests, customers, invitees, employees, contractors, vendors and other persons who enter the property's premises may expect in terms of service, accommodations and required safety protocols. A hotel property's COVID-19 Health and Safety Plan shall address all applicable guidance from the CDC and it shall be the responsibility of the hotel operator of each property to accommodate guests who become positive for COVID-19 or are identified as close contacts of a person who is positive for COVID-19, either by accommodating these guests at the property or by securing alternative accommodations. All hotel operators shall publish the COVID-19 Health and Safety Plans of each property they operate, including by making it available on their websites and by submitting it to the Hawaii Tourism Authority for posting on its website.

D. Force and Effect of Law

Pursuant to section 127A-25, HRS, all provisions set forth in Section III of this Proclamation are hereby adopted as rules that shall have the force and effect of law. In the event of any inconsistency, conflict or ambiguity between this Proclamation and any county emergency order, rule, directive or proclamation, the relevant documents shall be read to allow a county maximum flexibility to exercise its respective emergency management authority.

Pursuant to section 127A-29, HRS, any person who intentionally, knowingly or recklessly engages in conduct that violates any provision set forth in this Section III of this Proclamation shall be guilty of a misdemeanor, and upon conviction, the person shall be fined not more than $5,000, or imprisoned not more than one year, or both.

IV. Travel to the State

A. Health Screening for Travelers to the State

Pursuant to section 127A-11, HRS, all persons entering the State of Hawai‘i shall submit to the mandatory screening process and complete the mandatory documentation identified in the Rules Relating to COVID-19 Screening Process and Travel Self-Quarantine, attached hereto as Exhibit B and hereinafter referred to as the "Travel Rules," and must comply with all applicable State and county rules, directives, and orders related to travelers.

B. Self-Quarantine for Travelers to the State

Pursuant to section 127A-13(a)(1), HRS, all persons entering the State of Hawai‘i shall be subject to mandatory self-quarantine as provided in the Travel Rules. The period of self-quarantine shall begin from the day of entry into the State and shall last 10 days or the duration of the person’s presence in the State, whichever is shorter. Persons who require paid or commercial lodging while subject to the mandatory self-quarantine shall not designate as their quarantine location a short-term rental, as defined by the applicable ordinances in each county, or as mandated by county order, rule or directive. Where a county rule, directive or order prohibits intended residents from residing in a short-term rental, as defined by the applicable county ordinances, all intended residents of that county must designate a hotel or motel as their quarantine location. The self-quarantine mandated in the Travel Rules, or any waiver or exemption therefrom, does not affect or in any way impede or supersede the authority of CDC, or DOH pursuant to sections 321-1 and 325-8, HRS, to require persons to quarantine if they subsequently test positive for COVID-19 or if they are a close contact of a person confirmed positive for COVID-19.

1. Self-Quarantine Exemptions

Persons entering the State to perform critical infrastructure functions as identified in Section III.A of this Proclamation shall be subject to self-quarantine but may obtain a limited exemption to break self-quarantine when performing their critical infrastructure functions. Persons seeking such an exemption should visit travelexemption.hawaii.gov. If granted an exemption, persons shall comply with all conditions and requirements set forth in the limited exemption, including any required testing protocols, and be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly exempted. Only persons who have an exemption from the State may temporarily break self-quarantine and only for the purposes identified in the written exemption. An exemption shall be void if the person subject to the exemption fails to wear appropriate protective gear and to follow the Safe Practices in Section III.B of this Proclamation while engaged in the activities identified in the written exemption.

Persons who previously tested positive for COVID-19 but are no longer at risk of infecting others also may obtain an exemption allowing them to break quarantine. The conditions under which a person qualifies for this exemption shall be set forth by DOH, whose guidance on this type of exemption is subject to change. Persons who qualify for this exemption also shall be exempt from any intercounty quarantine for 10 days following their arrival in the State.

An exemption from the State does not require businesses or operations to recognize the exemption from this travel self-quarantine period. In addition, an exemption from the State does not affect or in any way impede or supersede the authority of DOH to require persons to quarantine pursuant to sections 321-1 and 325-8, HRS.

2. Self-Quarantine Exceptions

The following persons entering the State shall not be subject to self-quarantine: (1) persons who enter by recreational boats into the State's small boat (non-commercial) harbors which have been at sea for at least 10 consecutive days before entering State waters and have no persons on board who are ill or are exhibiting symptoms of COVID-19; (2) persons who, prior to departure to the State, upload into the State's Safe Travels program or otherwise provide written hard copy confirmation from a DOH approved COVID-19 testing facility ("Trusted Testing Partner") of a negative test result, using a DOH-approved form, from an observed test administered to the traveler within 72 hours from the final leg of departure; or (3) upon the establishment of an exception by the Director of HIEMA, persons who, prior to departure to the State, upload into the State's Safe Travels program or otherwise provide written hard copy validation that they have completed a vaccine regimen approved by DOH. This third exception is **not** available as of the date of this Proclamation, requires action by the Director of HIEMA and details will be posted at https://hawaiicovid19.com/. Persons under the age of five accompanied by a traveler who meets existing test exceptions are not required to obtain a test prior to arrival.

A county may require travelers five years and older to obtain a subsequent test after arrival into the State, which test shall be paid for and administered by the county at a county-designated site. Persons who arrive into a county that requires

a subsequent test do not need to self-quarantine prior to obtaining the subsequent test. A county requiring travelers to obtain this subsequent test shall integrate the test protocol into the State's Safe Travels program and implement it through county emergency orders, rules or proclamations approved in accordance with Section I of this Proclamation.

C. Host Responsibility

All hosts of any guest(s) within the State of Hawai'i shall be responsible for ensuring their guest(s) abide by the mandatory self-quarantine set forth in Sections IV.A and B above. A commercial lodging that implements single-use room keys to ensure compliance with the mandatory self-quarantine shall not be liable under this paragraph but shall promptly notify law enforcement if it determines a guest(s) has violated self-quarantine.

Any host violates this section if the host intentionally, knowingly, or recklessly fails to notify law enforcement immediately: when a guest(s) subject to the self-quarantine fails to remain within the confines of their designated quarantine location or when a guest(s) subject to self-quarantine obtains subsequent lodging with the host after leaving the confines of their designated quarantine location during their period of self-quarantine.

It shall be the duty of all hosts to ascertain the period of self-quarantine for their guest(s) and to determine whether or not their guest(s) remain confined to their designated quarantine location throughout the period of self-quarantine. It shall not be a defense to a violation of this section that the host did not know the period of self-quarantine for their guest(s), that they did not know that their guest(s) were subject to the mandatory self-quarantine, or that they did not know that their guest(s) had failed to remain within the confines of the designated quarantine location.

For purposes of this section, the following definitions apply:

"Designated quarantine location" means any hotel, motel, house, townhouse, condominium, or apartment in the State of Hawai'i, that is or will be occupied, with the permission of the owner, renter, lessor, or manager of the accommodations, by persons entering the State of Hawai'i during their period of quarantine. In the case of hotels, motels, townhouses, condominiums, and

apartments, “designated quarantine location” refers to the person’s individual room or unit.

“Hosts” means any individual, partnership, corporation, company, association, or any other person, group, or entity, who is the owner, renter, or lessor of any designated quarantine location or who provides lodging to a person subject to the mandatory self-quarantine.

“Guest or guest(s)” means any person or persons subject to mandatory self-quarantine who are renting, leasing, or otherwise occupying any designated quarantine location from a host during the period of self-quarantine.

“Period of self-quarantine” means the period of time that begins the day a person enters the State of Hawai‘i and lasts the number of days set forth in Section IV.B or the duration of the person’s presence in the State, whichever is shorter.

D. Prohibition on Renting Vehicles

Unless an exemption is granted, persons subject to self-quarantine pursuant to Section IV of this Proclamation are prohibited from renting motor vehicles in the State, whether through a rental car company, online service, or through a peer-to-peer platform or car sharing service including but not limited to Turo and Zipcar. Any reservations or confirmation of reservations by a person subject to self-quarantine shall be presumed to be the rental of a motor vehicle in violation of this order.

For purposes of this section:

“Period of self-quarantine” is as set forth above in Section IV.C.

“Motor vehicle” means an automobile, motorcycle, moped, or other vehicle propelled by a motor, whether gasoline, electric, or hybrid, which is offered for rent or lease within the State of Hawai’i through any car sharing service.

E. Car Sharing Services Responsibility

All persons who provide motor vehicles through peer-to-peer platforms or car sharing services, including but not limited to Turo and Zipcar (hereinafter collectively referred to as “car sharing services”), shall be responsible for ensuring that they do not rent, lease, or otherwise provide any motor vehicle to any person subject to a self-quarantine, whether a visitor or returning resident, during the person’s period of self-quarantine.

Any person violates this section if the person intentionally, knowingly, or recklessly provides a motor vehicle through a car sharing service to a person subject to the self-quarantine.

It shall be the duty of all persons providing a motor vehicle through a car sharing service to determine whether or not the person is seeking to obtain the vehicle during the person's period of self-quarantine. It shall not be a defense to a violation of this section that a person providing a motor vehicle through a car sharing service did not know that the person seeking the motor vehicle was not subject to the mandatory self-quarantine.

For purposes of this section:

"Period of self-quarantine" is as set forth above in Section IV.C.

"Motor vehicle" is as set forth above in Section IV.D.

F. Enhanced Movement Quarantine

A county may establish an Enhanced Movement Quarantine (EMQ) program through agreements with resort or hotel facilities. Travelers who enter the State as part of an EMQ program must comply with all State, county and industry safety and health standards applicable to such program and complete all mandatory documentation. The EMQ program shall be implemented through county emergency orders, rules or proclamation and subject to the approval requirements of Section I of this Proclamation. A county EMQ program shall:

1. Restrict participating travelers to clearly defined geographical areas and ensure limited contact with those not subject to self-quarantine. The geographical areas may include adjacent shoreline areas where beach access is permitted by applicable state and county authorities, provided that members of the public are given notice of the EMQ and are not prohibited from accessing the shoreline area;

2. Include safety, monitoring and enforcement measures consistent with industry standards;

3. Provide capacity for isolating any positive or suspected COVID-19 cases and provide necessary wraparound services for such persons;

4. Require participating travelers to sign waivers confirming they have voluntarily elected to participate in the EMQ; voluntarily agreed to electronic

monitoring and other requirements; and voluntarily waived express privacy protections, including to health information, as necessary to accomplish the public health purpose of this Proclamation;

5. Require participating travelers to bear all costs related to their participation in the EMQ, including monitoring, isolation, care, lodging and other expenses.

6. Notwithstanding the limitation on short-term rentals serving as quarantine locations set forth in Section IV.B, counties may enter into an EMQ agreement with an operator of short-term rentals provided it meets the same resort and hotel operational and safety standards set forth herein.

G. Force and Effect of Law

Pursuant to section 127A-25, HRS, all provisions set forth in Section IV of this Proclamation and the Travel Rules are hereby adopted as rules and shall have the force and effect of law.

Pursuant to section 127A-29, HRS, any person who intentionally, knowingly, or recklessly engages in conduct that violates Section IV of this Proclamation or the Travel Rules shall be guilty of a misdemeanor, and upon conviction, the person shall be fined not more than $5,000, or imprisoned not more than one year, or both.

V. Quarantine for Travel Between Counties

Pursuant to section 127A-13(a)(1), HRS, and section 127A-12(b)(19), HRS, all persons traveling from within the State to the counties of Kauaʻi, Hawaiʻi, Maui and Kalawao shall be subject to mandatory self-quarantine. The period of self-quarantine shall begin from the day of entry into the county and shall last 10 days or the duration of the person's presence in the county, whichever is shorter. All travelers must comply with all applicable State and county rules, directives, and orders related to travelers, including those mandating the verification of data upon arrival at the airport and the completion of any and all documents. All provisions of Section IV.C-E and G of the Proclamation apply with full force and effect to this Section. The self-quarantine mandated by this section, or any waiver or exemption therefrom, does not affect or in any way impede or supersede the authority of CDC, or DOH pursuant to sections 321-1 and 325-8, HRS, to require persons to

quarantine if they subsequently test positive for COVID-19 or if they are a close contact of a person confirmed positive for COVID-19.

Persons traveling from within the State to the counties of Kauaʻi, Hawaiʻi, Maui and Kalawao to perform critical infrastructure functions as identified in Section III.A of the Proclamation shall be subject to self-quarantine but may obtain a limited exemption allowing them to break quarantine only when performing their critical infrastructure functions. If an exemption is granted to any traveler, such person shall comply with any testing requirements set forth in the exemption and shall be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly exempted.

Persons who previously tested positive for COVID-19 but are no longer at risk of infecting others also may obtain an exemption allowing them to break quarantine. The conditions under which a person qualifies for this exemption shall be as set forth by the Department of Health, whose guidance on this type of exemption may change.

Persons seeking an exemption from the Intercounty Travel Quarantine must contact the appropriate county for review and approval. The Director of HIEMA also may grant exemptions from the Intercounty Travel Quarantine. An exemption from the Intercounty Travel Quarantine does not affect or in any way impede or supersede the authority of DOH to require persons to quarantine pursuant to sections 321-1 and 325-8, HRS.

A county may adopt a negative test exception to the Intercounty Travel Quarantine, which exception shall be integrated into the State's Safe Travels program and implemented through county emergency orders, rules or proclamations approved in accordance with Section I of this Proclamation.

Pursuant to section 127A-29, HRS, any person who intentionally, knowingly or recklessly engages in conduct that violates the Intercounty Travel Quarantine or any applicable State or county rule, directive or order related to travelers, including the completion of any document required by the State or any county, shall be guilty of a misdemeanor, and upon conviction, the person shall be fined not more than $5,000, or imprisoned not more than one year, or both.

VI. Suspension of Laws

The following specific provisions of law are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), HRS:

A. Session Laws

Section 9, Act 5, Session Laws of Hawaii 2019, to the extent that the appropriation for debt service payments shall no longer be limited to principal and interest payments on general obligation bonds, such that debt service moneys may be used for bond counsel fees, costs related to tax compliance work on the expenditure of general obligation bond proceeds, and other bond related costs.

B. Division 1. Government

Section 37-41, HRS, **appropriations to revert to state treasury; exceptions**.

Section 37-74(d), HRS, **program execution**, except for sections 37-74(d)(2) and 37-74(d)(3), HRS, and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

Section 40-66, HRS, **appropriations lapse when**.

Chapter 46, HRS, **county organization and administration**, only to the limited extent necessary to carry out emergency functions pursuant to this Proclamation that may be hindered, delayed, or otherwise impeded by county permitting, licensing, zoning, variances, or fees relating to these requirements.

Section 76-16(a), HRS, **civil service and exemptions**, to the extent necessary and as allowed by federal law, to enable the Director of the Department of Labor and Industrial Relations (DLIR) to waive the requirement to appoint all persons employed in the administration of chapter 383, HRS, on a merit basis in accordance with civil service recruitment procedures.

Section 78-13, HRS, **salary periods**, to the extent necessary to allow the State of Hawaii Department of Defense to pay, as expeditiously as possible, members of the Hawaii National Guard ordered into active service and deployed in response to this emergency.

Sections 87A-42(b) – (f), HRS, **other post-employment benefits trust**, 87A-43, HRS, **payment of public employer contributions to the other post-**

employment benefits trust, and 237-31(3), HRS, **remittances**, to the extent necessary to suspend the requirement for public employers to pay the annual required contribution to the Hawai‘i Employer-Union Health Benefits Trust Fund in the fiscal year 2020-2021.

Chapter 89, HRS, **collective bargaining in public employment**.

Chapter 89C, HRS, **public officers and employees excluded from collective bargaining.**

Chapter 91, HRS, **administrative procedure**, to the extent necessary such that, at the sole discretion of the department or agency, any administrative hearing may be conducted by telephone or video conference without the parties, department or agency, being physically present in the same location; any deadlines may be waived or suspended; and any administrative hearing procedures, such as, but not limited to, conferences, filing of documents, or service, may be done via telephone or email. Additionally, to provide agencies with maximum flexibility to respond to the COVID-19 emergency, and to authorize any agency or court to stay or continue administrative hearings, appeals, and related deadlines as necessary.

Administrative hearings not subject to Chapter 91, to the extent necessary such that, at the sole discretion of the department of agency, any such hearing may be conducted by telephone or video conference without the parties, department, or agency, being physically present in the same location; any deadlines may be waived or suspended; and any hearing procedures, such as, but not limited to, conferences, filing of documents, or service, may be done via telephone or email.

Section 91-3(b), HRS, **procedure for adoption, amendment, or repeal of rules**, and section 325-2, HRS, **physicians, laboratory directors, and health care professionals to report** to the extent necessary to add coronavirus disease 2019 (COVID-19) (SARS-CoV-2) to Exhibits A and B of Chapter 11-156, Hawaii Administrative Rules (HAR), without adopting emergency rules, and to ensure that physicians, health care professionals, and laboratory directors shall report the incidence or suspected incidence of COVID-19 to the department of health in the manner specified by the department of health and that test results (including

positive and negative results) be reported to the department of health via the electronic laboratory reporting system and by telephone on an urgent basis. The addition of (COVID-19) (SARS-CoV-2) to Exhibits A and B of Chapter 11-156, HAR, shall be effective for the period of this Proclamation.

Chapter 92, HRS, **public agency meetings and records**, to the extent set forth in Exhibit F attached hereto.

Chapter 92F, HRS, **uniform information practices act (modified)**, to the extent set forth in Exhibit F attached hereto.

Section 102-2, HRS, **contracts for concessions; bid required, exception.**

Section 103-2, HRS, **general fund.**

Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments.**

Section 103-55, HRS, **wages, hours, and working conditions of employees of contractors performing services.**

Section 103-55.5, HRS, **wages and hours of employees on public works construction contracts**.

Chapter 103D, HRS, **Hawaii public procurement code**, only to the limited extent necessary to procure goods and services in direct response to COVID-19; to procure goods and services using funding that must be expended on or before December 31, 2021; and to procure goods and services not in direct response to COVID-19 but for which certain procurement requirements cannot reasonably be met through the regular procurement process due to the emergency.

Chapter 103F, HRS, **purchases of health and human services**, only to the extent necessary to procure health and human services in direct response to COVID-19; to procure health and human services using funding that must be expended on or before December 31, 2020; and to procure health and human services not in direct response to COVID-19 but for which certain procurement requirements cannot reasonably be met through the regular procurement process due to the emergency.

Chapter 104, HRS, **wages and hours of employees on public works**, to the extent that this suspension only applies to construction contracts for

governmental construction projects related to COVID-19 entered into on or after the date of the Supplementary Proclamation issued on March 16, 2020 through the duration of the emergency.

Chapter 105, HRS, **government motor vehicles**, except for section 105-11, HRS, **State motor pool revolving fund**.

Section 127A-25(c), HRS, **rules and orders**, to the extent the requirement to publish rules adopted pursuant to chapter 127A, HRS, in a newspaper of general circulation in the State shall be suspended inasmuch as the posting of such rules on the applicable state or county government website or by other means of official announcement as provided by this section brings the rules' content to the attention of the general public.

Section 127A-30(a)(2), HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**, to the extent that it permits the termination of any tenancy for a residential dwelling unit in the area that is the subject of the proclamation for a breach of a material term of a rental agreement or lease resulting from a failure to pay all or any portion of the rent or lease, maintenance fees, utility charges, taxes or other fees required by the rental agreement or lease. Additionally, section 521-68, HRS, **landlord's remedies for failure by tenant to pay rent** and section 521-71, HRS, **termination of tenancy; landlord's remedies for holdover tenants** and Chapter 666, **landlord and tenant**, to the extent necessary to prohibit the commencement, continuation, or prosecution of an action, to terminate any tenancy for a residential dwelling unit, for failure to pay all or any portion of the rent, maintenance fees, utility charges, taxes or other fees required for the residential dwelling unit.

Sections 134-3(a) and (b), HRS, **registration, mandatory, exceptions,** to the extent necessary such that the chiefs of police of the counties, in their sole discretion, may suspend the deadline whereby a person must register a firearm within five days after arrival in the State of the person or firearm, whichever arrives later, and the deadline whereby a person acquiring a firearm pursuant to section 134-2, HRS, must register the firearm within five days of acquisition.

Section 183C-6, HRS, **permits and site plan approvals**, to the extent necessary to enable the Department of Land and Natural Resources to administer

the permitting program for conservation district use permits without the application of provisions providing for automatic approval of permit requests that are not acted upon within 180 days.

Section 206M-2(b), HRS, **establishment of the Hawaii technology development corporation**, to the extent necessary to delegate the powers, duties, and authority of the board to the chief executive officer for the purpose of awarding and dispensing State funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act to awardees or grantees.

Section 237D-6.5(b), HRS, **distribution of the transient accommodations tax**.

Chapter 281, HRS, **intoxicating liquor**, and related administrative rules, to the extent as follows:

1. Section 281-1, HRS, **definitions**, to exclude hand sanitizer and surface disinfectants from the definition of “liquor” and “intoxicating liquor”; and
2. Section 281-31, HRS, **licenses, classes** to enable the county liquor commissions to allow licensees to sell unopened beer or unopened wine or unopened prepackaged cocktails with food for pick up, delivery, take out, or other means to be consumed off the premises, and to enable county liquor commissions to waive, suspend, or postpone any deadlines or administrative procedures; and to allow class 1 licensees to purchase fermentable wash from class 1, 3, 14, and 18 licensees.

Provided that liquor licensees shall comply at all times with any and all federal laws and any and all state and county laws not specifically suspended herein, including, but not limited to, Chapter 149A, HRS, **Hawaii Pesticides Law**, and the rules, regulations, and requirements of the State of Hawai‘i Department of Agriculture, the U.S. Food and Drug Administration, the U.S. Environmental Protection Agency, and the U.S. Alcohol and Tobacco Tax and Trade Bureau.

Section 281-37, HRS, **sales of alcohol**, and related administrative rules, to the extent to allow hospitals and medical clinics to purchase hand sanitizer and

surface disinfectants in any quantity from class 1 licensees without holding a county alcohol purchase permit. Provided that liquor licensees shall comply at all times with any and all federal laws and any and all state and county laws not specifically suspended herein, including, but not limited to, Chapter 149A, HRS, **Hawaii Pesticides Law**, and the rules, regulations, and requirements of the State of Hawai‘i Department of Agriculture, the U.S. Food and Drug Administration, the U.S. Environmental Protection Agency, and the U.S. Alcohol and Tobacco Tax and Trade Bureau.

Section 281-42(a)(6) and (b)(2), HRS, **manufacturers and wholesale dealers, special restrictions**, and any related administrative rules, to the extent necessary to enable the county liquor commissions to allow liquor manufacturers and wholesale dealers to negotiate credit terms for periods in excess of thirty (30) days with liquor retail licensees during the disaster emergency relief period, subject to the following restrictions:

1. Any credit negotiations under this suspension must be finalized prior to the termination of the disaster emergency relief period;
2. The suspension of Section 281-42(a)(6), HRS, shall terminate upon the termination of the disaster emergency relief period;
3. The suspension of Section 281-42(b)(2), HRS, shall remain in effect until twenty-one (21) days after the termination of the disaster emergency relief period to the extent necessary to allow liquor retail licensees who have outstanding invoice balances more than thirty (30) days due, to continue purchasing liquor by credit.

Section 286-54, HRS, **out-of-state-vehicle permit**, section 286-106, HRS, **expiration of licenses**, section 286-106.5, HRS, **expiration of licenses; out-of-country active duty military personnel and dependents,** , sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals; procedures and requirements**, 286-107.5, HRS, **reactivation of expired license; fees; road test waived**, section 286-239(f), HRS, **commercial driver's license** section 286-239(g), HRS, **commercial driver’s license**, section 286-241, HRS, **notification of disqualification, suspension, revocation, cancellation, marking medical certification status as not-certified, or downgrading of commercial driver’s**

licenses or permits, section 286-306(a), HRS, **expiration; renewal; replacement**, to the extent necessary to enable the Director of Transportation to waive or extend the renewal, expiration, or other deadlines for certificates, licenses, and permits that occurred or will occur during the emergency period.

Sections 286-26(d), HRS, **certification of inspection**.

Section 286-108, HRS, **examination of applicants**.

Section 286-110, HRS, **instruction permits**.

Section 286-303, HRS, **application for identification card**, and related administrative rules to the extent necessary to enable the renewal of state civil identification cards as set forth in Exhibit I, attached hereto.

Section 291-31.5, HRS, **blue lights prohibited for motor vehicles, motorcycles, motor scooters, bicycles, mopeds** to the extent necessary to allow Department of the Attorney General vehicles to operate with blue lights when used for law enforcement related emergency management functions.

Sections 302D-12(h)(1) - (5), HRS, **charter school governing boards; powers and duties**, to the extent necessary to enable the governing board of a charter school to conduct business in person or through remote technology without holding meetings open to the public. The governing boards shall consider reasonable measures to allow public participation consistent with physical distancing practices, such as providing notice of meetings, allowing submissions of written testimony on agendized items, live streaming meetings, and posting minutes of meetings online. No governing board deliberation or action shall be invalid, however, if such measures are not taken.

Section 323D-44.5, HRS, **administrative review of certain applications for certificate of need**, is suspended only to the limited extent necessary to enable the State Health Planning and Development Agency (SHPDA) to conduct public information meetings without the certificate of need applicant, the person(s) requesting the meeting, or members of the public physically to be present in the same location. If SHPDA has the staffing, technological and other resources to hold a secure video-teleconference (i.e., video and audio), it must in good faith attempt to provide the certificate of need applicant, the person(s) requesting the meeting, and the public with the opportunity to observe the meeting as it happens

and an opportunity to provide oral testimony. No SHPDA action shall be invalid if SHPDA's good faith efforts to implement remote technology for observation, listening, or providing testimony do not work. If SHPDA does not have the staffing, technological or other resources to hold a secure video-teleconference (i.e., it is limited to audio only), it must provide the certificate of need applicant, the person(s) requesting the meeting, and the public with the opportunity to listen to the meeting as it happens and should make a good faith effort to provide an opportunity to provide oral testimony.

Chapter 325, HRS, **infectious and communicable diseases**, to the limited extent that any provision conflicts with the Governor's exercise of emergency powers herein under section 127A-13(a)(1), HRS.

Sections 328L-3(f)(1) and (2), HRS, **emergency and budget reserve fund**.

Sections 329-32(a), 329-33(a), 329-38.2, HRS, **uniform controlled substances act**, and related administrative rules, to the extent necessary to allow out-of-state physicians and nurses to dispense (including prescribing and administering) controlled substances without having to register in Hawai‘i, as contemplated in the United States Drug Enforcement Administration's (DEA) COVID-19 Policy Concerning Separate Registration Across State Lines dated March 25, 2020. Such physicians or nurses must maintain active registration in at least one state and be authorized under that state's law to dispense controlled substances. Such doctors or nurses must also otherwise comply with state laws, including those related to controlled substances.

Section 329-32(e), HRS, **registration requirements,** and related administrative rules, for the limited purpose of allowing the offsite dispensing of necessary take-home doses of medication for medication assisted treatment by an opioid treatment program (OTP) authorized under Section 329-40, HRS, without obtaining a separate state registration, as contemplated in the DEA's COVID-19 policy concerning DEA narcotic treatment programs dated April 7, 2020.

Section 329-38(a)(1)(C), HRS, **prescriptions**, and related administrative rules, only to the extent necessary to allow a facsimile, photograph, or scan of a written prescription to be delivered to the dispensing pharmacist within 15 days of

an emergency oral prescription, as contemplated in the DEA's COVID-19 guidance concerning the issuance of oral schedule II prescriptions dated March 27, 2020.

Section 329-38(d), HRS, **prescriptions**, for the limited purpose and to the extent necessary to allow prescribing practitioners to authorize subsequent prescriptions for opioids and benzodiazepines through telephone consultation without an in-person consultation every 90 days. Such practitioners must otherwise comply with all other requirements of Section 329-38(d).

Section 329-40 (b)(7), HRS, **methadone treatment program**, and related administrative rules, for the limited purpose of permitting the issuance of up to 28 doses of methadone to qualified patients in an opioid treatment program in accordance with the United States Substance Abuse and Mental Health Services Administration's Opioid Treatment Program Guidance, updated on March 19, 2020.

Section 329-41(a)(8), HRS, **prohibited acts B penalties**, for the sole and limited purpose of enabling authorized physicians practicing telehealth as provided in section 453-1.3, HRS, to issue prescriptions for controlled substances. Such physicians must otherwise comply with all other requirements of Chapter 329, HRS.

Section 329-101(b), HRS, **reporting of dispensation of controlled substances; electronic prescription accountability system; requirements; penalty**, to the extent necessary to enable the Department of Public Safety to issue State controlled substance registrations prior to an applicant's registration with the electronic prescription accountability system.

Chapter 329, Part IX, HRS, **medical use of cannabis**, to the extent necessary to allow the Department of Health to extend the effective period of registration for qualifying patients and primary caregivers with registration cards with expiration dates in April and May for ninety (90) days. This suspension shall not apply to the registration of a qualifying out-of-state patient or a caregiver of a qualifying out-of-state patient, and it shall not apply to qualifying patients or primary caregivers with registration cards that expire after May 2020.

Section 346-29, **applications for public assistance; manner, form, conditions**, and section 346-53, HRS, **determination of amount of assistance**,

and related administrative rules, to the extent necessary such that the Director of the Department of Human Services, in his sole discretion and for the purpose of assisting those in need, may suspend eligibility and other requirements for family units and individuals impacted by an emergency, and may disregard income received from unemployment insurance or other relief assistance payments, when determining eligibility and the amount of a recipient's assistance payments during the emergency period.

Sections 346-59.1, 431:10A-116.3, 432:1-601.5, and 432D-23.5, HRS, **coverage for telehealth**, to the extent that the definitions of “telehealth” in each section shall exclude the use of standard telephone contacts.

Section 346-71, HRS, **general assistance to households without minor dependents**, and related administrative rules, to the extent necessary to allow for a presumptive determination of a disability for the duration of the emergency.

Section 346-97, HRS, **criminal history record checks**, and related administrative rules, to the extent necessary for the Director of the Department of Human Services, in his sole discretion, to suspend criminal history record check requirements prior to enrolling Medicaid service providers.

Chapter 346, Part VIII, HRS, **child care**, and related administrative rules for child care licensing and subsidies, to the extent necessary such that the Director of the Department of Human Services, in his sole discretion and for the purpose of assisting those in need, may suspend fingerprinting requirements; suspend the requisite staffing configurations and the number of children per adult ratio for a child care establishment facility; suspend eligibility and other requirements for family units impacted by an emergency; disregard emergency related benefits in calculating child care subsidies; suspend application deadlines for child care subsidies; allow for re-determinations of eligibility and monthly payment amounts within the eligibility period; and suspend subsidy payments for longer than one month when a payment amount is determined to be zero. Additionally, pursuant to section 127A-25, HRS, the Rules Relating to Child Care Services Under Chapter 17-798.2, Hawaii Administrative Rules, as set forth in Exhibit C attached hereto are hereby adopted.

Section 346-261, HRS, **First-To-Work; establishment; purpose**, and related administrative rules, to the extent necessary such that the Director of the Department of Human Services, in his sole discretion and for the purpose of assisting those in need, may suspend eligibility and other requirements for family units impacted by an emergency, and may provide additional rent support for family units impacted by an emergency during the emergency period.

Section 353-62(b)(5), HRS, **Hawaii paroling authority; responsibilities and duties; operations; records, reports, staff**, and related administrative rules, to allow a hearing before a panel of at least two members of the paroling authority in all cases.

Section 353-63, HRS, **service of Hawaii paroling authority members; compensation; expenses**, for the limited purpose and to the extent necessary to allow compensation paid to part-time members of the Hawaii paroling authority to exceed eighty percent of the total regular working hours in a month. All other requirements and limitations set forth in section 353-63 shall remain in full force and effect.

Section 373-3, HRS, **fees; biennial renewal, restoration**, section 437-23(a), HRS, **term of license**, section 439-18(c), HRS, **schools**, section 443B-4.58, HRS, **biennial renewal requirement**, section 440-14, HRS, **license, limitations, renewals**, section 444-15, HRS, **fees; biennial renewals; inactive license**, section 448E-8, HRS, **fees; renewals**, section 448F-9, HRS, **biennial renewal; failure to renew**, section 448H-8, HRS, f**ees,** section 16-81-10, HAR, **renewal of license**, section 452-16, HRS, **renewal of license; fees**, section 453-3(2), HRS, **limited and temporary licenses**; section 453-3(4), HRS, **limited and temporary licenses**, section 453-6, HRS, **fees; expenses**, section 453D-11, HRS, **renewal of license; fees**, section 457A-7(e), HRS, **medicare or medicaid nurse aide certification,** section 457A-8(e), HRS, **nurse aide certification for state licensed or state-certified health care settings**, section 457B-9(b), HRS, **fees**, section 457G-6, HRS, **biennial renewal; failure to renew; restoration, inactive license; conversion from registration**, section 458-8(a), HRS, **expiration and renewal**, section 460J-14, HRS, **fees; biennial renewal; inactive license**, section 461J-10, HRS, **biennial renewal; failure to renew**, section 462A-

6, HRS, **duration and renewal of license**, section 16-96-27, HAR, **renewal of license**, section 463-10, HRS, **licenses; fees; renewal of licenses; inactive license**, section 464-9(c), HRS, **applications for and certificates of licensure; renewal; fees; continuing education**, section 465-11(a), HRS, **renewals; continuing education requirement**, section 466D-10, HRS, **renewal of license**, section 467-11, HRS, **fees; original license and biennial renewals**, section 471-9(c), HRS, **licenses**, section 472-2(a)(1), HRS, **practice of veterinary technology; qualifications; registration required**, section 481E-5(f), HRS, **certificate of registration; issuance or denial; renewal**, section 481Z-6(f), HRS, **certificate of registration; issuance or denial; renewal**, section 484-9(a), HRS, **annual report**, section 514E-10(e), HRS, **registration required; developer, acquisition agent, plan manager, and exchange agent; registration renewal**, section 514E-10.2(h), HRS, **limited permit**, to the extent necessary such that the Director of the Department of Commerce and Consumer Affairs may suspend or extend license renewal or certification deadlines.

Section 377-9, HRS, **prevention of unfair labor practices**, to the extent necessary such that, at the sole discretion of the Hawaii Labor Relations Board, the requirement to hold a hearing on the complaint not more than 40 days after the filing of the complaint or amendment thereof may be waived.

Chapter 383, HRS, **Hawaii employment security law**, to the extent necessary and as allowed by federal law, through the duration of the emergency as defined under federal law, to enable the Director of the DLIR to:

1. waive the one-week waiting period for unemployment insurance claimants, the able and available requirement not already exempted, the work search requirements, and online registration for work requirement on HireNet for claimants who are otherwise eligible for unemployment insurance benefits as a result of COVID-19 for claims beginning March 1, 2020;
2. extend deadlines;
3. allow greater flexibility in determining good cause, employer contributions to the Unemployment Insurance Trust Fund, and employer experience rating;

4. waive required cash or in-kind contributions at the sole discretion of the Director of the DLIR;
5. waive the requirement to appoint all persons employed in the administration of chapter 383, HRS, on a merit basis in accordance with civil service recruitment procedures; and
6. waive the requirement that no extended benefit period may begin before the fourteenth week following the end of a prior extended benefit period which was in effect.

Chapter 386, HRS, **workers' compensation law**, to the extent necessary such that the Department of Labor and Industrial Relations' failure to act within the specified period shall not be deemed an automatic approval.

Chapter 394B, HRS, **dislocated workers,** to the extent necessary to waive notice requirements and deadlines; payment of back pay, benefits, or other forms of compensation; payment of dislocated employees or worker allowance; imposition of penalties; and any private right of action for failure to comply with Chapter 394B, HRS, resulting from the COVID-19 response.

C. Division 2. Business

Chapter 432E, Part IV, HRS, **external review of health insurance determinations**, to the extent necessary to suspend all proceedings for external review until rescheduled by the Insurance Commissioner; and to extend any deadlines, including but not limited to the 130-day deadline to file a request for external appeal.

Section 438-8.5, HRS, **medical clearance**, section 439-12.5, HRS, **medical clearance**, section 16-73-56, HAR, **medical clearance**, and section 16-78-76, HAR, **medical clearance**, to the extent necessary to waive the medical clearance requirement. Additionally, pursuant to section 127A-25, HRS, the Rules Relating to Safety Guidelines for Barbers and Beauty Operators, as set forth in Exhibit G attached hereto are hereby adopted.

Section 451J-5, HRS, **prohibited acts**, and section 451J-7, HRS, **application for licensure**, to the extent necessary to waive the licensure and accompanying requirements so as to permit marriage and family therapists licensed in their state, but not licensed in Hawai‘i, who have pre-established

relationships with a patient or client currently residing in the State of Hawai‘i, to engage in telehealth practices with these patients. This shall not authorize out-of-state mental health professionals who are not licensed in Hawai‘i to solicit or establish new relationships with clients or patients located in Hawai‘i.

Chapter 453, HRS, **medicine and surgery**, and Chapters 16-85, HAR, **medical examiners**, and 16-93, HAR, **osteopaths**, to the extent necessary to allow out-of-state physicians, osteopathic physicians, and physician assistants with a current and active license, or those previously licensed pursuant to Chapter 453, HRS, but who are no longer current and active, to practice in Hawai‘i without a license; provided that they have never had their license revoked or suspended and are hired by a state or county agency or facility, or by a hospital, including related clinics and rehabilitation hospitals, nursing home, hospice, pharmacy, or clinical laboratory, or other health care entity.

Section 453-1.3, HRS, **practice of telehealth**, to the extent necessary to allow individuals currently and actively licensed pursuant to Chapter 453, HRS, to engage in telehealth without an in-person consultation or a prior existing physician-patient relationship; and to the extent necessary to enable out-of-state physicians, osteopathic physicians, and physician assistants with a current and active license, or those who were previously licensed pursuant to Chapter 453, HRS, but who are no longer current and active, to engage in telehealth in Hawai‘i without a license, in-person consultation, or prior existing physician-patient relationship, provided that they have never had their license revoked or suspended and are subject to the same conditions, limitations, or restrictions as in their home jurisdiction.

Section 453D-5, HRS, **prohibited acts**, and section 453D-7, HRS, **application for licensure as a mental health counselor**, to the extent necessary to waive the licensure and accompanying requirements so as to permit mental health counselors licensed in their state, but not licensed in Hawai‘i, who have pre-established relationships with a patient or client currently residing in the State of Hawai‘i, to engage in telehealth practices with these patients. This shall not authorize out-of-state mental health professionals who are not licensed in Hawai‘i to solicit or establish new relationships with clients or patients located in Hawai‘i.

Chapter 456, HRS, **notaries public**, and related administrative rules, to the extent necessary to suspend any requirement that would require close physical contact to accomplish notary functions. Additionally, pursuant to section 127A-25, HRS, the Rules Relating to Notaries, as set forth in Exhibit D attached hereto are hereby adopted.

Chapter 457, HRS, **nurses**, and chapter 16-89, HAR, **nurses**, to the extent necessary to allow out-of-state licensed practical nurses, registered nurses, advanced practice registered nurses, and advance practice registered nurses with prescriptive authority with a current and active license, or those previously licensed pursuant to Chapter 457, HRS, but who are no longer current and active, to practice in Hawai‘i without a license; provided that they have never had their license revoked or suspended and are hired by a state or county agency or facility, or by a hospital, including related clinics and rehabilitation hospitals, nursing home, hospice, pharmacy, clinical laboratory, or other health care entity.

Section 457-7, HRS, **registered nurses; qualifications; licenses; fees; title; existing licensed nurses; verification of licenses; eligibility**, to the extent necessary to waive the licensure and accompanying requirements so as to permit graduates, after May 1, 2020, of nursing education programs approved by the State Board of Nursing or a national accrediting body, to be employed to practice nursing under the supervision of a registered nurse, with the endorsement of the employing health care entity.

Section 457-8, HRS, **licensed practical nurse; qualifications; license; fees; title; existing licensed nurses; verification of licenses; eligibility**, to the extent necessary to waive the licensure and accompanying requirements so as to permit graduates, after May 1, 2020, of nursing education programs approved by the State Board of Nursing or a national accrediting body, to be employed to practice nursing under the supervision of a registered licensed practical nurse, with the endorsement of the employing health care entity.

Section 457-8.5, HRS, **advanced practice registered nurse; qualifications; licensure; endorsement; fees; eligibility**, to the extent necessary to waive the licensure and accompanying requirements so as to permit graduates, after May 1, 2020, of an accredited graduate-level education program

preparing the nurse for one of the four recognized advanced practice registered nurse roles licensed by the State Board of Nursing, to be employed to practice as an advanced practice registered nurse, with the endorsement of the employing health care entity.

Section 457G-1.4, HRS, **license required**, and section 457G-1.5, HRS, **practice of occupational therapy**, to the extent necessary to allow out-of-state occupational therapists and occupational therapy assistants with current and active licenses, or those previously license pursuant to Chapter 457G, HRS, but who are no longer current and active, to practice in Hawai'i without a license; provided that they have never had their licenses revoked or suspended and are hired by a state or county agency or entity, or by a hospital, including related clinics and rehabilitation hospitals, nursing home, hospice, pharmacy, clinical laboratory, or other health care entity.

Section 461-5, HRS, **qualifications for license**, and Section 461-6, HRS, **examination; license**, to the extent necessary to waive the licensure and accompanying requirements so as to permit graduates, after May 1, 2020, of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, to be employed to practice pharmacy under the supervision of a registered pharmacist, with the endorsement of the employing health care entity.

Section 461-9(a), HRS, **pharmacist in charge; pharmacy personnel**, and Sections 16-95-79(a), HAR, **supervision by a registered pharmacist**, and 16-95-80(a), HAR, **physical presence of a registered pharmacist**, to the extent necessary to allow a registered pharmacist currently and actively licensed pursuant to Chapter 461, HRS, or pharmacy intern currently and actively permitted by the board, to fill, compound, or receive prescriptions by remote data entry.

Section 461J-2, HRS, **practice of physical therapy; qualifications**, section 461J-6, HRS, **permanent licenses**, and section 16-110-20, HAR, **requirements for a permanent physical therapist license or physical therapist assistant license**, to the extent necessary to allow an out-of-state physical therapist or physical therapy assistant with a current and active license, or those previously licensed pursuant to Chapter 461J, HRS, but who are no longer current and active, to practice in Hawai'i without a license; provided that they have

never had their license revoked or suspended and are hired by a state or county agency or entity, or by a hospital, including related clinics and rehabilitation hospitals, nursing home, hospice, pharmacy, clinical laboratory, or other health care entity.

Section 464-4, HRS, **public works**.

Section 465-2, HRS, **license required**, and section 465-15, HRS, **prohibited acts; penalties**, to the extent necessary to waive the licensure and accompanying requirements so as to permit psychologists licensed in their state, but not licensed in Hawai‘i, who have pre-established relationships with a patient or client currently residing in the State of Hawai‘i, to engage in telehealth practices with these patients.

Section 466D-3, HRS, **license required**, and section 466D-9, HRS, **licensure by endorsement**, to the extent necessary to allow an out-of-state respiratory therapist with a current and active license, or those previously licensed pursuant to Chapter 466D, HRS, but who are no longer current and active, to practice in Hawai‘i without a license; provided that they have never had their license revoked or suspended and are hired by a state or county agency or entity, or by a hospital, including related clinics and rehabilitation hospitals, nursing home, hospice, pharmacy, clinical laboratory, or other health care entity.

Section 466J-4, HRS, **licenses required**, section 466J-5, HRS, **radiographers, radiation therapists, and nuclear medicine technologists, qualifications and licenses**, section 11-44-3, HAR, **licenses required**, section 11-44-4, HAR, **application for license**, and section 11-44-5, HAR, **minimum eligibility requirements for license**, to the extent necessary to allow an out-of-state radiographer, radiation therapist, or nuclear medicine technologist, with a current and active registration or certification in good standing with the American Registry of Radiologic Technologists (ARRT) in radiography, radiation therapy technology, or nuclear medicine technology or with the Nuclear Medicine Technology Certification Board (NMTCB) in nuclear medicine technology; or those previously licensed pursuant to Chapter 466J, HRS, but who are no longer current and active, to practice in Hawai‘i without a license; provided that they have never had their license revoked or suspended and are hired by a state or county agency

or other health care entity that possesses a current and valid radiation facility license. Facilities are required to submit to the Radiologic Technology Board the following information for individuals performing radiologic technology under this exemption: full name; ARRT, NMTCB or previous license number; and a photocopy of the current ARRT or NMTCB credential card or defunct license (if available).

Section 467E-5, HRS, **licensed required**, and section 467E-13, HRS, **prohibited acts; penalties**, to the extent necessary to waive the licensure and accompanying requirements so as to permit social workers licensed in their state, but not licensed in Hawai‘i, who have pre-established relationships with a patient or client currently residing in the State of Hawai‘i, to engage in telehealth practices with these patients. This shall not authorize out-of-state mental health professionals who are not licensed in Hawai‘i to solicit or establish new relationships with clients or patients located in Hawai‘i.

Section 468E-3, HRS, **practice as speech pathologist or audiologist; title or description of services**, section 468E-4, HRS, **persons and practices not affected**, section 468E-8, HRS, **license**, section 16-100-12, HAR, **registration required**, and section 16-100-16, HAR, **general requirements**, to the extent necessary to allow an out-of-state speech pathologist or audiologist with a current and active license, or those previously licensed pursuant to Chapter 468E, HRS, but who are no longer current and active, to practice in Hawai‘i without a license; provided that they have never had their license revoked or suspended and are hired by a state or county agency or entity, or by a hospital, including related clinics and rehabilitation hospitals, nursing home, hospice, pharmacy, clinical laboratory, or other health care entity.

Section 469-2, HRS, **rules**, and related administrative rules for Mortuaries, Cemeteries, Embalmers, Undertakers and Mortuary Authorities, to the extent necessary to suspend any law that facilitates the gathering of large groups for the viewing of a body before cremation or burial. Additionally, pursuant to section 127A-25, HRS, the Rules Relating to Mortuaries, Cemeteries, Embalmers, Undertakers and Mortuary Authorities, as set forth in Exhibit H attached hereto are hereby adopted.

Section 471-10, HRS, **refusal to grant and revocation or suspension of license**, to the extent necessary to enable veterinarians to engage in telehealth without a previously existing Veterinarian-Client-Patient-Relationship or physical examination of the patient.

Chapter 481I, HRS, **motor vehicle express warranty enforcement (lemon law)**, to the extent necessary such that, at the sole discretion of the Department of Commerce and Consumer Affairs, any arbitration hearing may be conducted by telephone or video conference without the parties, arbitrator, or department being physically present in the same location; any deadlines, including but not limited to, the lemon law rights period under section 481I-2, HRS, may be extended, waived, or suspended; and any hearing procedures, including but not limited to, submission of documents or service, may be done via telephone or email.

D. Division 3. Property; Family

Chapter 501, HRS, **land court registration**, and related court or administrative rules, to the extent necessary such that the Registrar of the Bureau of Conveyances, in his sole discretion and for the purpose of facilitating the recording functions of the Bureau of Conveyances, may suspend recording requirements calling for certified copies of court records, or any other recording requirements that cannot be satisfied under the current emergency conditions, including but not limited to recording requirements which may require close physical contact.

Chapter 502, HRS, **bureau of conveyances; recording**, and related court or administrative rules, to the extent necessary such that the Registrar of the Bureau of Conveyances, in his sole discretion and for the purpose of facilitating the recording functions of the Bureau of Conveyances, may suspend recording requirements calling for certified copies of court records, or any other recording requirements that cannot be satisfied under the current emergency conditions, including but not limited to recording requirements which may require close physical contact.

Section 572-1(7), HRS, **requisites of valid marriage contract**, to the extent necessary to suspend the requirement that the parties to be married and

the person performing the marriage ceremony be physically present at the same place and time for the marriage ceremony. During the time that this emergency order is effective, marriage ceremonies may be performed by synchronous, real-time, interactive audio and video telecommunications, so long as the parties to be married and the person performing the marriage ceremony shall all be physically present in Hawai‘i and all of the other requisites for a valid marriage contract are met. This suspension shall apply retroactively to March 4, 2020, the beginning of the disaster emergency relief period.

Section 572-6, HRS, **application; license; limitations**, to the extent necessary to suspend the requirement that persons applying for a marriage license shall appear personally before an agent authorized to grant marriage licenses. During the time that this emergency order is effective, persons applying for a marriage license may appear by synchronous, real-time, interactive audio and video telecommunications before an agent authorized to grant marriage licenses.

Chapter 576E, HRS, **administrative process for child support enforcement**, and related administrative rules, to the extent necessary such that, at the sole discretion of the Department of the Attorney General or the Child Support Enforcement Agency, the agency may sign an order temporarily suspending or modifying child support obligations without the need to commence administrative proceedings when all parties are in mutual agreement.

Sections 15-37-4(a)(2) - (5), HAR, **procedure for a SWHV**, so that all solar water heater variance requests and payments will be done online at the Department of Business, Economic Development and Tourism Energy Division Solar Water Heater Variance website, and no other submittal methods (i.e., email, fax, U.S. Postal Service, or hand delivery) or payments by check will be accepted.

E. Division 4. Courts and Judicial Proceedings

Nothing suspended or invoked by this Proclamation.

F. Division 5. Crimes and Criminal Proceedings

Sections 706-669, 706-670, and 706-670.5, HRS, **disposition of convicted defendants**, to the extent that these sections and related administrative rules prescribe time limits for matters before the Hawaii Paroling Authority.

VII. Severability

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

VIII. Enforcement

No provision of this Proclamation, or any rule or regulation hereunder, shall be construed as authorizing any private right of action to enforce any requirement of this Proclamation, or of any rule or regulation. Unless the Governor, Director of HIEMA, or their designee issues an express order to a non-judicial public officer, no provision of this Proclamation, or any rule or regulation hereunder, shall be construed as imposing any ministerial duty upon any non-judicial public officer and shall not bind the officer to any specific course of action or planning in response to the pandemic or interfere with the officer's authority to utilize his or her discretion.

I FURTHER DECLARE that this Proclamation supersedes all prior proclamations issued by me related to the COVID-19 emergency, and that the disaster emergency relief period shall continue through April 13, 2021, unless terminated or superseded by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
12th day of February, 2021.

DAVID Y. IGE,
Governor of Hawai'i

APPROVED:

Clare E. Connors
Attorney General
State of Hawai'i

EXHIBIT A
Rule Relating to Immunities for Health Care Practices

EXHIBIT B
Rules Relating to COVID-19 Screening Process and Travel Self-Quarantine (amended)

EXHIBIT C
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RULES RELATING TO
IMMUNITIES FOR HEALTH CARE PRACTICES
(amended)

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§1 Purpose and Authority. These rules are adopted pursuant to section 127A-9, 12, 13, 25, 29, and 31, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the Governor and have the full force and effect of law. The following rules are necessary to enable the healthcare system in Hawaii to continue to function at acceptable levels of service for patients during a time when health care professionals are in short supply and to provide for the performance of COVID-19 vaccinations.

§2 Definitions. For the purpose of these rules, the following definitions apply:

"Health care facility" means any program, institution, place, building, or agency, or portion thereof, private or public, other than federal facilities or services, whether organized for profit or not, used, operated, or designed to (1) provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care to any person or persons, or (2) provide postsecondary educational programs in health care disciplines. The term includes but is not limited to facilities licensed or certified by DOH pursuant to section 321-11(10), Hawaii Revised Statutes (HRS), and others providing similarly organized services regardless of nomenclature, and any state government-operated site providing health care and/or vaccination services established for the purpose of responding to the COVID-19 outbreak.

"Health care professional" means physicians and surgeons and others licensed pursuant to chapter 453, podiatrists licensed pursuant to chapter 463E, dentists licensed pursuant to chapter 448, psychologists licensed pursuant to chapter 465, nurses licensed pursuant to chapter 457, veterinarians licensed pursuant to chapter 471, acupuncturists licensed pursuant to chapter 436E, massage therapists licensed pursuant to chapter 452, naturopathic physicians licensed pursuant to chapter

455, chiropractors licensed pursuant to chapter 442,occupational therapists licensed pursuant to chapter 457G, physical therapists licensed pursuant to chapter 461J, respiratory therapists licensed pursuant to chapter 466D, radiographers, radiation therapists, and nuclear medicine technologists licensed pursuant to chapter 466J, speech pathologists or audiologists licensed pursuant to chapter 468E, and pharmacists licensed pursuant to chapter 461 who (i) are providing health care and/or vaccination services at a health care facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of the Hawai'i Emergency Management Agency (HIEMA) or Hawai'i Department of Health (HDOH) pursuant to any Proclamation, Supplementary Proclamation, and/or Executive Order related to the COVID-19 outbreak (hereinafter collectively referred to as Emergency Proclamations) or pursuant to an agreement with HIEMA or HDOH. Health care professionals include the following:

(1) Physicians, osteopathic physicians, physician assistants, nurses, occupational therapists, physical therapists, respiratory therapists, and speech pathologists or audiologists with a current and active out-of-state license who are authorized to practice in Hawai'i without a Hawai'i license by my Emergency Proclamations.

(2) Physicians, osteopathic physicians, physician assistants, nurses, occupational therapists, physical therapists, respiratory therapists, radiographers, radiation therapists, nuclear medicine technologists, and speech pathologists or audiologists who were previously licensed pursuant to chapters 453, 457, 457G, 461J, 466D, 466J, and 468E, HRS, respectively, who have no current and active Hawai'i license, who never had their license revoked or suspended and are hired by a state or county agency or facility, or by a hospital, including related clinics and rehabilitation hospitals, nursing home, hospice, pharmacy, or clinical laboratory, or other health care entity, and who are authorized to practice in Hawai'i without a license by my Emergency Proclamations.

(3) Psychologists licensed in their state but not licensed in Hawai'i who have pre-

established relationships with a patient or client currently residing in the State of Hawai‘i who are authorized to engage in telehealth practices with these patients by my Emergency Proclamations and veterinarians who are authorized to engage in telehealth without a previously existing Veterinarian-Client-Patient-Relationship or physical examination of the patient by my Emergency Proclamations.

"Health care volunteer" means all volunteers or medical, nursing, social work, pharmacy, occupational, physical, or respiratory therapist students who do not have licensure who (i) are providing services, assistance, or support at a health care facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of HIEMA or HDOH pursuant to my Emergency Proclamations or pursuant to an agreement with HDOH or HIEMA.

§3 Health Care Response to COVID-19. Health care facilities, health care professionals, and health care volunteers shall render assistance in support of the State's response to the disaster recognized by the Governor's Emergency Proclamations related to COVID-19. For health care facilities, "rendering assistance" in support of the State's response includes cancelling or postponing elective surgeries and procedures as each facility determines to be appropriate under the circumstances presented by the COVID-19 emergency if elective surgeries or procedures are performed at the health care facility, or working under the direction of HIEMA or HDOH pursuant to the Emergency Proclamations or pursuant to an agreement with HDOH or HIEMA. In addition, for health care facilities, "rendering assistance" in support of the State's response must include measures such as increasing the number of beds, preserving personal protective equipment, or taking necessary steps to prepare to treat patients with COVID-19. For health care professionals, "rendering assistance" in support of the State's response means providing health care and/or vaccination services at a health care facility in response to the COVID-19 outbreak, or working under the direction of HIEMA or HDOH pursuant to the Governor's Emergency Proclamations or pursuant to an agreement with HIEMA or HDOH. For health care volunteers, "rendering assistance" in support of the State's response means providing services, assistance, or support at a health care facility in response to the COVID-19 outbreak, or working under the direction of HIEMA or HDOH pursuant to

the Emergency Proclamations or pursuant to an agreement with HIEMA or HDOH.

§4 Performance of COVID-19 vaccinations. Vaccinations shall be performed by the health care professionals and volunteers who are duly licensed or are otherwise authorized to perform vaccinations pursuant to these rules, or as provided by other applicable legal authority, related to the COVID-19 emergency. A record of the vaccinations shall be maintained by these healthcare workers and shall be made available, as directed by the HDOH.

§~~4~~5 Immunity of Health Care Facilities. Health care facilities that in good faith comply completely with all state and federal orders regarding the disaster emergency, shall be immune from civil liability for any death or injury to persons, or property damage alleged to have been caused by any act or omission by the health care facility, which death of or injury to persons, or property damage occurred at a time when the health care facility was engaged in the course of rendering assistance to the State by providing health care and/or vaccination services in response to the
COVID-19 outbreak, unless it is established that such death or injury to persons, or property damage was caused by willful misconduct, gross negligence, or recklessness of the health care facility.

§~~5~~6 Immunity of Health Care Professionals. Health care professionals who in good faith comply completely with all state and federal orders regarding the disaster emergency, shall be immune from civil liability for any death or injury to persons, or property damage alleged to have been caused by any act or omission by the health care professional, which death of or injury to persons, or property damage occurred at a time when the health care professional was engaged in the course of rendering assistance to the State by providing health care and/or vaccination services in response to the COVID-19 outbreak, unless it is established that such death or injury to persons, or property damage was caused by willful misconduct, gross negligence, or recklessness of the health care professional.

§~~6~~7 Immunity of Health Care Volunteers. Any health care volunteer who in good faith complies completely with all state and federal orders regarding the disaster emergency, shall be immune from civil

liability for any death of or injury to persons, or property damage alleged to have been caused by any act or omission by the health care volunteer at a time when the health care volunteer was engaged in the course of rendering assistance to the State by providing services, assistance, or support in response to the COVID-19 outbreak, unless it is established that such death of or injury to persons, or property damage was caused by the willful misconduct, gross negligence, or recklessness of the health care volunteer.

§~~7~~8 Miscellaneous. (a) Nothing in these rules shall be construed to preempt or limit any applicable immunity from civil liability available to any health care facility, health care professional, or health care volunteer, including by way of illustration, the federal Public Readiness and Emergency Preparedness Act (PREP Act); Section 3215 of the CARES Act; Chapter 127A, HRS; section 321-23.3, HRS; section 325-20, HRS; and chapter 662D, HRS.

(b) If any provision of these rules is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this rule are declared to be severable.

(c) The provisions of these rules shall take effect nunc pro tunc to March 4, 2020, and shall remain in effect for the emergency period, unless terminated by separate proclamation, whichever shall occur first.

Rules Relating to
COVID-19 Screening Process and Travel Self-Quarantine
(amended)

§1 Purpose and Authority
§2 Definitions
§3 Health Screening
§4 Mandatory Self-Quarantine
§5 Order of Self Quarantine
§6 Defenses
§7 Costs to be Paid by Quarantined Person
§9 Criminal Penalties

§1 Purpose and Authority. These rules are adopted pursuant to sections 127A-11, 12, 13, 25, 29, and 31, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the Governor and have the force and effect of law.

§2 Definitions. "Health Screening" means a process used to detect the presence of a communicable or dangerous disease in an individual and may include the measuring of a person's temperature through thermal temperature screening, and the administration of one or more questionnaires used to conduct surveillance of disease activity or to determine to whom a diagnostic tool is administered.

"Mandatory State of Hawaii Travel and Health Form" means a form or questionnaire developed by the State for travelers. It may be amended from time to time by the Director of Emergency Management, and amendments shall be posted on the websites for the Governor and the Hawaii Emergency Management Agency.

"Order for Self-Quarantine" means an order from the Director of Emergency Management directing a mandatory self-quarantine. It may be amended from time to time by the Director of Emergency Management, and amendments shall be posted on the websites for the Governor and the Hawaii Emergency Management Agency.

"State approved COVID-19 test" means a test to determine the presence of active COVID-19 infection that has been approved for use under these rules by the Hawaii Department of Health (DOH) and is administered through a Trusted Testing Partner. Currently approved is the processing by laboratories that are licensed or certified by Clinical Laboratories Improvement Amendments (CLIA) of specimens for nucleic acid amplification testing approved or authorized by the United States Food and Drug Administration, pursuant to an Emergency Use Authorization or other authorization for COVID-19 testing.

"Thermal temperature screening" means a non-contact means of measuring a person's temperature.

§3 Health Screening. All persons entering the State of Hawaii shall submit to a health screening as determined by the Director of Emergency Management to be necessary to prevent the spread of COVID-19 to protect the public health and safety. Any person violates this section if the person intentionally, ~~or~~ knowingly or recklessly:

(1) Refuses or fails to truthfully, accurately and fully complete a Mandatory State of Hawaii Travel and Health Form defined in Section 2; or

(2) Refuses or fails to undergo thermal temperature screening conducted by state personnel.

§4 Mandatory Self-Quarantine. (a) All persons entering the State of Hawaii shall be subject to mandatory self-quarantine, except:

(1) those persons performing critical infrastructure functions or who have otherwise been exempted by the Director of Emergency Management; or

(2) those persons who have obtained a negative COVID-19 test result, using a DOH-approved form, from a Trusted Testing Partner test administered within 72 hours from the final leg of departure and whose negative test results for the COVID-19 disease are either uploaded into the State's Safe Travels program prior to departure to the State or provided in written hard copy upon arrival in the State.

(3) those persons who have obtained validation that they have completed a vaccine regimen approved by the DOH and whose validation documentation is either uploaded into the State's Safe Travels program prior to departure to the State or provided in written hard copy upon arrival in the State. This exception for vaccinated travelers shall become effective upon approval of the Director of Emergency Management, which date and related details shall be available at https//hawaiicovid19.com/.

(b) The period of self-quarantine shall begin from the day of entry into the State and shall last the number of days set forth in Section IV.B. of the emergency proclamation or the duration of the person's presence in the State, whichever is shorter.

§5 Order of Self Quarantine. (a) All persons subject to mandatory self-quarantine shall remain in self-quarantine for the number of days set forth in Section IV.B. of the emergency proclamation, which period commences the day of arrival, or the duration of the person's presence in the State of Hawaii, whichever is shorter.

(b) Any person subject to such quarantine violates this

section if the person intentionally, ~~or~~knowingly or recklessly:

(1) Refuses or fails to truthfully, accurately and fully complete the Order for Self-Quarantine;

(2) Refuses or fails to enter or remain within the confines of the quarantine location designated by the person to the Director of Emergency Management or the Director's authorized representative for the period of self-quarantine;

(3) Refuses or fails to follow any of the orders contained within the Order for Self-Quarantine; or

(4) Refuses or fails to obey the orders of the Director of Emergency Management or the Director's authorized representative.

§6 Defenses. It shall be an affirmative defense to a violation of Sections 4 and 5 of the Rules Relating to COVID-19 Health Screening Process and Travel Self-Quarantine if the person:

(1) Enters the State by recreational boat into the State's small boat (non-commercial) harbors that had been at sea for at least 10 consecutive days before entering State waters and has no persons on board who are ill or are exhibiting symptoms of COVID-19;

(2) Obtains a negative COVID-19 test result from a Trusted Testing Partner test administered within 72 hours from the final leg of departure and whose negative test results are either uploaded into the State's Safe Travels program or provided in written hard copy upon arrival in the State;

(3) Applies for an exemption from mandatory self-quarantine through travelexemption.hawaii.gov and receives confirmation of the exemption from covidexemption@hawaii.gov, and breaks self-quarantine for the sole purpose of performing critical infrastructure functions, wears appropriate protective gear, and follows the safe practices identified in the Proclamation; or

(4) Is otherwise exempt from the self-quarantine requirements.

§7 Costs to be Paid by Quarantined Person. Any person under the mandatory self-quarantine prescribed by these rules shall be responsible for all costs associated with that person's quarantine, including transport, lodging, food, medical care, and any other expenses to sustain the person during the self-quarantine period.

§8 Criminal Penalties. (a) Any person who intentionally, knowingly or recklessly engages in conduct that

violates ~~violating~~ any of these rules shall be guilty of a misdemeanor and upon conviction, the person shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(b) Penalties prescribed by these rules are in addition to any other lawful penalties established by law.

Rules Relating to Child Care Services Under
Chapter 17-798.2, Hawaii Administrative Rules

§1 Purpose and authority
§2 Eligibility requirements
§3 Method of computing child care payment
§4 Mandatory Reporting

§1 Purpose and authority. These rules are adopted pursuant to sections 127A-12, 13, 25, 29, and 31, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the Governor. The following amendments are necessary to enable the Department of Human Services to assist families who need child care services due to impacts of the COVID-19 pandemic emergency. These rules have the force and effect of law.

§2 Eligibility requirements. Section 17-798.2-9, Hawaii Administrative Rules, is amended to read as follows:

"§17-798.2-9 Eligibility requirements. (a) Depending upon availability of funds, all children eligible for child care assistance shall reside with the eligible caretaker and meet the following requirements:

(1) Be under age thirteen years;
(2) Be thirteen through seventeen years of age with a physical or mental incapacity that prevents the child from doing self-care; or
(3) Receive child protective services, and the need for child care is specified in the family unit's case plan as ordered by the court.

(b) A caretaker shall be eligible for child care, provided the caretaker:

(1) Has a monthly gross income verified through documentation that does not exceed eighty-five percent of the State Median Income for a family of the same size except for:
    (A) Individuals who are licensed by the department or organizations under the authority of the department, as foster parents; [or]
    (B) Family units receiving child protective services; or
    (C) Family units impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or

natural disaster, or public health pandemic situation;

(2) Meets one of the following conditions:

(A) Is engaged in employment in exchange for wages or salary;

(B) Has a written offer of employment that is scheduled to start within two weeks;

(C) Needs child care for up to thirty calendar days during a break in employment, if employment is scheduled to resume within thirty days;

(D) Needs up to thirty consecutive days in a twelve-month period for the caretaker with or without a work history to job search, when there is no one to care for the child, not to exceed the maximum child care rates as provided under section 17-798.2-12;

(E) Is enrolled in and attends an educational program or job training, vocational, or employment training. This includes the break time between classes for the day;

(F) Is participating in the FTW program or a treatment program as required by section 17-656.1-10, except for a participant in the Food Stamp Employment and Training program, and the FTW participant is involved in the required activities written in the FTW employment or individualized service plan;

(G) Is receiving child protective services and the need for child care is specified in the family unit's case plan as ordered by the court;

(H) Is in a two-parent family unit where one of the caretakers is in an approved activity and the other caretaker is determined to have a disability which prevents the caretaker from providing care for their own child. Proof of disability and inability to provide care of the caretaker's own eligible child shall be verified by the written report of a State-licensed physician, psychologist, or psychiatrist. In the

case of a temporary disability, the written report shall be submitted every six months;

(I) Is a caretaker participating in an approved activity and has a temporary disability that prevents him or her from engaging in that activity and providing care for his or her own child until the activity can be resumed. Proof of the temporary disability condition and duration, and inability to care for the caretaker's own child shall be verified by the written report of a State-licensed physician, psychologist, or psychiatrist. The written report shall be reviewed every thirty days;

(J) Is a caretaker whose child is approved for participation in the Preschool Open Doors program; [~~or~~]

(K) Is a caretaker under the age eighteen years who meets any eligibility condition cited in section 17-798.2-9(b)(2)(A) through (J), retains custody of his or her own child, and does not reside in the same household with his or her adult caretaker; or

(L) Is a caretaker impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or natural disaster, or public health pandemic situation and who needs child care to search for employment or prepare for resuming employment; and

(3) Shall establish a reasonable relationship between the time during which the caretaker participates in an activity and the time during which child care is needed.

(c) Child care providers and caregivers:

(1) Shall meet the following conditions in order that child care payments may be authorized:

(A) Be eighteen years old or older;

(B) Afford caretakers unlimited access to their children, including written records concerning their children, during normal hours of provider operation and whenever the children are in the care of the provider;

(C) Be a department regulated or license-exempt child care provider, including in-home care providers. License-exempt providers shall be listed with the department and shall submit a written statement to the department that shall attest to their:
(i) Willingness to provide care;
(ii) Rate that will be charged;
(iii) Assurance that the provider premises are safe from hazards in accord with subparagraphs (G) and (H); and
(iv) Address and telephone number;
(D) Have no known history of child abuse or neglect, physical, psychological or psychiatric problems, or criminal convictions that may adversely affect or interfere with the care of children;
(E) Provide consent, on forms supplied by the department, to conduct a background check. The background check shall be conducted in accord with sections 17-891.1-3, 17-892.1-3, 17-895-3, or 17-896-3;
Provide consent, on forms supplied by the department, to conduct an additional fingerprint check through the Federal Bureau of Investigations (FBI), except for the child's grandparents, great-grandparents, siblings living in a separate residence and who are at least eighteen years old, and aunts or uncles;
(F) Be free of tuberculosis as indicated by a skin test or chest x-ray completed within the last twenty-four months of child care; and
(G) Have a child care facility or home with an installed smoke detector, unobstructed emergency exits, and an emergency exit plan.

(2) Shall not be one of the following:
(A) Parents, biological or legal;
(B) Step-parents living in the household;
(C) Guardians, or members of the family unit that receives government financial assistance payments, including essential persons;
(D) Providers who are not in compliance with State or county regulatory requirements;

(E) Individuals under the age of eighteen years;
(F) Other individuals determined by the department to pose a risk to the health and safety of the child;
(G) A sibling of the child needing care who resides in the same home as the child; or
(H) A caretaker.

(d) The department shall:
(1) Verify that the child and caretaker meet the eligibility requirements as described in this chapter;
(2) Establish the eligibility of the child care provider and caregiver selected by the caretaker, following the provisions of section 17-798.2-9(c).
(3) Allow, at the department's option, for the presumptive eligibility of a license-exempt provider selected by the caretaker upon receipt by the department of the completed and signed child care certificate and provider confirmation forms and consent forms for conducting a background check, provided that the presumptive eligibility shall end upon completion of the background check;
(4) Authorize the initial and subsequent monthly child care payments based on sections 17-798.2-9, 17-798.2-10, 17-798.2-12, 17-798.2-13, 17-798.2-14, 17-798.2-15,17-798.2-16, 17-798.2-17, 17-798.2-18, 17-798.2-20, 17-798.2-21, 17-798.2-29, and 17-798.2-35;
(5) Review eligibility no less than every six months and whenever changes that affect eligibility are reported; and
(6) Track and monitor appropriateness and utilization of child care and payments."

§3 Method of computing child care payment. Section 17-798.2-14,
Hawaii Administrative Rules, is amended to read as follows:

"§17-798.2-14 Method of computing child care payment.
(a) The following will be used to compute the child care payment:
(1) Monthly gross income;
(2) The caretaker's hours of activity, except for individuals identified in sections 17-798.2-9(b)(2)(G) [~~and~~], (J), and (L)[~~:~~];

(3) The caretaker's relationship to the child who reside with the caretaker, and the age of the child who needs care;
(4) The child care provider;
(5) The cost and hours of child care;
(6) The type of child care; and
(7) The need for care.

(b) The child care payment amount shall be determined by:

(1) Counting the caretaker's activity hours to be engaged in for the month, as referenced in section 17-798.2-14(a)(2), comparing these activity hours with the child care hours needed, and always choosing the lesser hours; provide that:
   (A) This is not needed for child protective services reasons as ordered by the court;
   (B) This is not required for the Preschool Open Doors program;
   (C) In the case of a caretaker who is temporarily disabled in accordance with subparagraph 17-798.2-9(b)(2)(I), the activity hours shall be the same as the activity hours that the caretaker had prior to the temporary disability; and
   (D) This is not required for a caretaker impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or natural disaster, or public health pandemic situation and who needs child care to search for employment or prepare for resuming employment.
(2) Identifying the type of child care selected and approved for each qualifying child, and using the child care rate table, Exhibit I, to select the appropriate rate for the care type that supports the hours needed for child care; provided that:
   (A) For child protective services need is based on the number of hours of child care specified in the court order;
   (B) For the Preschool Open Doors program need is based on the number of hours child care requested by a caretaker; and
   (C) For a caretaker impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or

natural disaster, or public health pandemic situation, need is based on full-time care.

(3) Comparing the child care allowance determined by subparagraphs (b)(1) and (2) and the actual child care cost, and choosing the lesser amount.

(4) Determining the family unit's co-payment (conversely, the percentage of the department's maximum rate allowable) based on the family unit's monthly gross income, and using the co-payment rates established in Exhibit III, dated October 1, 2009, attached at the end of this chapter.

(5) Subtracting the family unit's co-payment from the amount determined in subparagraph (b)(3).

(c) The family unit shall be responsible for any child care costs in excess of the maximum child care rates specified in section 17-798.2-12.

(d) The family unit shall be responsible to pay its share of the childcare cost directly to the provider.

(e) The department shall project the family unit's eligibility and monthly payments prospectively for the eligibility period.

(1) The initial payment shall be calculated from the date of eligibility to the end of the month, which may be for less than a full month, and shall be considered the first month of the eligibility period.

(2) When changes are reported during the eligibility period, the monthly payments shall be prospectively calculated for the remainder of the eligibility period."

§4 Mandatory reporting. Section 17-798.2-15, Hawaii Administrative Rules, is amended to read as follows:

"§17-798.2-15 Mandatory reporting.(a) A caretaker who is a recipient of child care payments shall be responsible to report to the department within ten calendar days when the following changes occur:

(1) Monthly gross income and the source of the household income when it is in excess of the eighty-five per cent of the State Median Income for a family of the same size, except for:

(A) Department-licensed foster parents with approved activities that need child care;

(B) Family units that receive child protective services; or

(C) Family units that are impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or natural disaster, or public health pandemic situation.

(2) Address changes, including:

(A) Place of residence; and

(B) Mailing address;

(3) Household composition;

(4) Marital status;

(5) Child care provider;

(6) Cost of care;

(7) Child care type;

(8) Loss of activity,

(A) Except for family units that receive only Preschool Open Doors services;

(B) Except for family units that receive child protective services; or

(C) Except for family units that are impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or natural disaster, or public health pandemic situation; and

(9) Closure of the child protective services case.

(b) Changes may be reported in writing, in person, or by telephone, and shall be supported by verifying documentation.

(c) When changes are reported pursuant to this section, the department shall take action on the reported changes and calculate payments for the balance of the eligibility period, after timely and adequate notice.

(1) Changes that are reported within ten calendar days of the occurrence shall be implemented in the first month following the month in which the change was reported;

(2) Changes that are reported after ten calendar days of the occurrence, that result in a higher payment, shall be implemented in the second month following the month in which the change was reported; and

(3) Changes that are reported that result in a lower payment shall be implemented in the first month following the month in which the change was reported, and the department shall recover any overpayments from the date of the occurrence."

EXHIBIT D

Rules Relating to Notaries Public

§1 Purpose and authority
§2 Social distancing
§3 Notarial acts utilizing audio-visual technology
§4 Remote witnessing of will (or codicil as the case may be) containing self-proving affidavit

§1 Purpose and authority. These rules are adopted pursuant to sections 127A-12, 13, 25, 29, and 31, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the Governor, specifically to enable Hawaii notaries to perform notarial acts while complying with social distancing guidelines. These rules have the force and effect of law.

§2 Social distancing. (a) The notary public shall take every reasonable precaution to perform notarial acts in compliance with all orders and social distancing guidelines relating to the COVID-19 emergency.

(b) Notaries public will not be required to perform notarial acts if they believe social distancing guidelines to ensure health and safety cannot be followed.

(c) Nothing in these rules shall be construed to require the notary public to perform notarial acts utilizing audio-visual technology.

§3 Notarial acts utilizing audio-visual technology. Notarial acts may be performed by utilizing audio-visual technology, provided there is compliance with the following conditions:

(1) The notary public shall have personal knowledge of the signer or obtain satisfactory evidence of the identity of the signer by requiring presentation of a current government-issued identification card or document that contains the signer's photograph and signature to the notary public during the video conference. Transmittal of the signer's identification for purposes of verification to the notary public prior to or after the video conference shall not satisfy this condition;

(2) The notary public shall confirm via observation during the video conference that the signer appears to be aware of significance of the transaction requiring a notarial act and is willing to perform such a transaction. Before any documents are signed, the notary public must be able to view by camera the entire space in which the signer is located;

(3) The video conferencing shall allow for direct interaction between the signer and the notary public and shall not be pre-recorded;

(4) The signer shall attest to being physically located in this State and affirmatively state the name of the county in which the signer is located, and the notary public shall confirm as is reasonably possible that the signer is physically situated in this State;

(5) The notary public shall create an audio-visual recording of the performance of the notarial act, including the act of witnessing the will (or codicil, as the case may be), if applicable, which shall be kept as part of the notary public's record and stored as an unsecured audio-visual recording or on a secured external digital storage such as a flash drive, DVD, or external hard drive;

(6) The notary public shall deposit with the office of the attorney general the external digital storage and the notarial record books within ninety (90) days of the notary public's date of the resignation, expiration of any term of office as a notary public, or removal from or abandonment of office as a notary public. The notary public's representative shall provide the same upon the notary public's death;

(7) The notary public shall obtain a legible copy of the unsigned document to be notarized, which may be transmitted to the notary public via facsimile or electronic means, prior to or on the same date of the execution;

(8) Any persons who are present during the transaction shall state their names, and the signer shall affirmatively state what document the signer is signing;

(9) During the video conference, the signer shall then sign the document while in clear view of the notary public;

(10) The notary public shall obtain the signed document that requires notarization within fourteen (14) days of the signer signing, and the notarization date shall be the same as the date of signature;

(11) The notary public may notarize the transmitted copy of the document and transmit the same back to the signer;

(12) The notary public shall add a statement to the notarized document as follows: "*This notarial act involved the use of communication technology enabled by emergency order*";

(13) The notary public shall enter in the record book in place of the signature that the notarial act was performed pursuant to Executive Order 20-02; and

(14) The notary public may repeat notarization of the original signed document as of the date of execution provided the notary public receives such original signed document together with the electronically notarized copy within sixty (60) days after the date of execution.

§4. Remote witnessing of will (or codicil as the case may be) containing self-proving affidavit. The act of witnessing wills (or codicils as the case may be) may be performed before a notary public utilizing audio-visual technology, provided the wills (or the codicils as the case maybe) contain self-proving language pursuant to section 560:2-504(a), Hawaii Revised Statutes, or any self-proving affidavit, and there is compliance with the requirements of section 3 of the Rules herein as well as the following requirements:

(1) The witness(es) shall have personal knowledge of the testator or obtain satisfactory evidence of the identity of the testator by requiring presentation of a current government-issued identification card or document that contains the testator's photograph and signature to the witness(es) during the video conference. Transmittal of the testator's

identification for purposes of verification to the witness(es) prior to or after the video conference shall not satisfy this condition;

(2) The notary public shall create a continuous live audio-visual recording of the performance of witnessing and notarial acts, which shall be kept as part of the notary public's record and stored as an unsecured audio-visual recording or on a secured external digital storage such as a flash drive, DVD, or external hard drive;

(3) The video conferencing shall allow for direct interaction between the testator, witnesses and the notary public, and shall not be prerecorded. Before any documents are signed, the witnesses must be able to view by camera the entire space in which the testator is located;

(4) During the video conference, the testator shall declare the testator's name and that the testator is signing and executing the testator's will (or codicil, as the case may be), and is:

(A) Doing so willingly and voluntarily, and as the testator's free and voluntary act for the purposes therein expressed; and

(B) Eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence;

(5) The witnesses shall each state their names and confirm during the video conference that they are aware of the significance of their role as witnesses to the execution of the testator's will (or codicil, as the case may be) and are willing to serve and perform as witnesses;

(6) During the video conference, the testator shall then sign the will (or codicil, as the case may be), which contains self-proving language pursuant to section 560:2-504(a), Hawaii Revised Statutes, or any self-proving affidavit;

(7) Each witness shall obtain a legible copy of the signature page(s) of the will (or codicil, as the case may be), which may be transmitted to each witness via facsimile or electronic means, prior to

or on the same date that the page(s) are signed by each witness. This provision shall not be construed to affect the requirement for the public notary to obtain all the pages of the document the public notary is notarizing;

(8) Each witness shall sign the copy of the signature page(s) of the will (or codicil, as the case may be) during the video conference, and send the signed page(s) to the notary public in accordance to the requirements of section 3 herein;

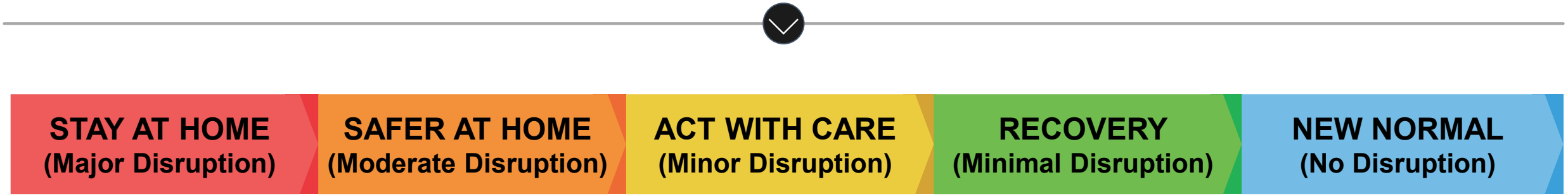
(9) The will (or codicil, as the case may be) that is witnessed remotely in accordance with the emergency rules shall contain a statement as follows: "*The witnessing of this will (or codicil) involved the use of communication technology enabled by emergency order*"; and

(10) Each witness may repeat the witnessing of the will (or codicil, as the case may be) as of the date of execution provided the witness receives such original signature page(s) together with the electronically witnessed copies within sixty (60) days after the date of execution.

EXHIBIT E

State of Hawai‘i Roadmap to Recovery and Resilience

Healing Hawai‘i	*Kama‘āina Economy*	*Renew & Rebuild*	*Stronger Hawai‘i*
Phase 1: Stabilization	Phase 2: Reopening	Phase 3: Long-term Recovery	Phase 4: Resilience



Impacts to Daily Life from Stabilization to Resilience

As of Sept. 21, 2020

EXHIBIT E

(Impact level and impacts to daily life may vary by County)

Impact to Daily Life	STAY AT HOME (Major Disruption)	SAFER AT HOME (Moderate Disruption)	ACT WITH CARE (Minor Disruption)	RECOVERY (Minimal Disruption)	NEW NORMAL (No Disruption)
Safe Practices	← Follow recommended Safe Practices: wash, mask, and distance →				
Stay at Home	Stay at home except for essential activities	High-risk populations* and kūpuna recommended to stay at home			High-risk populations* and kūpuna exercise caution when in public
Gatherings	← Adjust gathering size in accordance with health guidance →				

*High-risk populations are currently defined by CDC as: persons 65 years of age and older; people of all ages with underlying medical conditions (particularly not well controlled), including people with chronic lung disease or moderate to severe asthma, people who have serious heart conditions, people who are immunocompromised, people with severe obesity, people with diabetes, people with chronic kidney disease undergoing dialysis, and people with liver disease; people who live in a nursing home or long-term care facility.

Rules Relating to
Sunshine Law and [~~UIPA~~] Uniform Information Practices Act
(amended)

Subchapter 1 Sunshine Law
§1 Purpose and Authority
§2 Limited Suspension
§3 Board Meetings

Subchapter 2 UIPA
§1 Purpose and Authority
§2 Limited Suspension Requirements

SUBCHAPTER 1

SUNSHINE LAW

§1 Purpose and Authority. These rules are adopted pursuant to sections 127A-11, 12, 13, 25, 29, and 31, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the governor and have the force and effect of law.

§2 Limited Suspension. Chapter 92, HRS, Part I. Meetings, is suspended to the extent necessary to enable boards as defined in Section 92-2, to conduct meetings without any board members or members of the public physically present in the same location. The physical locations of the board members need not be listed on the agenda.

§2 Board Meetings. (a) Boards are discouraged from meeting during the emergency disaster relief period and should only be meeting as necessary to comply with a law, operational necessity, or in furtherance of emergency responses to COVID-19.

(b) If a board holds a meeting:
(1) Notice of meetings must be electronically posted and electronically provided to notification lists consistent with section 92-7; however, posting at the site of the meeting or at a centralized location in a public building is not required.
(2) Board packets, consistent with Section 92-7.5, must be electronically posted as soon as practicable under current conditions.
(3) Boards must accept written testimony from the public.
(4) Boards must comply with the requirements to keep and electronically post meeting minutes consistent with Section 92-9.

(5) The quorum requirements in Section 92-15 must be met for all meetings.

(c) If a board has the staffing, technological and other resources to hold a secure video-teleconference (i.e., video and audio), it must in good faith attempt to provide the public with the opportunity to observe the meeting as it happens and an opportunity to provide oral testimony. No board action shall be invalid if the board's good faith efforts to implement remote technology for public observations and comments do not work.

(d) If a board does not have the staffing, technological or other resources to hold a secure video-teleconference (i.e., it is limited to audio only), it must provide the public with the opportunity to listen to the teleconference as it happens and should make a good faith effort to provide the public with the opportunity to provide oral testimony.

(e) Boards are encouraged to consider the following guidelines:

(1) Board members should be clearly visible and/or audible consistent with the remote technology used by the board.

(2) At the start of all meetings, the presiding officer should announce the names of the participating members.

(3) For audio-only teleconferencing, each speaker should repeat their name before making remarks.

(4) Votes should be conducted by roll call so that it is clear how each board member voted.

(5) To preserve the executive nature of any portion of a meeting closed to the public, the presiding officer should confirm with staff that no unauthorized person is present and has access to the executive session.\

(6) When resources exist to readily do so, boards should record meetings and make the recordings electronically available to the public as soon as practicable after a meeting.

[~~Notwithstanding the above, board meetings whose agendas have already been noticed as of the date of this Proclamation may proceed under the provisions of the Sixth Supplemental Emergency Proclamation.~~]

SUBCHAPTER 2

UNIFORM INFORMATION PRACTICES ACT

§1 Purpose and Authority. These rules are adopted pursuant to sections 127A-11, 12, 13, 25, 29, and 31, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the governor and have the force and effect of law.

§2 Limited Suspension Requirements. Chapter 92F, HRS, **uniform information practices act** (UIPA), and Chapters 71 and 73, Title 2 of the Hawaii Administrative Rules, are suspended to the extent they contain any deadlines for

agencies[~~, including deadlines for the OIP,~~] or the Office of Information Practices (OIP), relating to requests for government records and/or complaints to OIP[~~. As resources permit, agencies are encouraged to respond to requests for government records (UIPA Requests). To balance the needs of the public with the resources available to government agencies during the COVID-19 crisis, agencies must comply with~~], subject to the following minimum requirements:

(1) UIPA response deadlines are suspended for agencies only if:
   (A) Compliance requires review of hard copy files that are not accessible during the declared COVID-19 emergency;
   (B) Tasking staff to comply with the deadline will directly impair the agency's COVID-19 response efforts; or
   (C) The agency is processing backlogged requests for government records (UIPA Requests) in good faith with reasonable effort.

(2) An agency that relies on the suspended deadlines in this Proclamation must comply with the following minimum requirements:
   (A) Agencies must acknowledge receipt of UIPA Requests. If a request is not acknowledged, the requester may ask [~~the Office of Information Practices~~] OIP to verify that the agency received the UIPA Request.
   (B) Agencies must retain UIPA Requests and may not destroy requested records while a UIPA Request is pending.
   [~~● As resources permit, agencies shall in good faith:~~
      ~~○ respond to UIPA Requests for information that do not require redaction or substantial review of records without substantial delay; and~~
      ~~○ prioritize responding to UIPA Requests made in the public interest where the requestor has the primary intent and actual ability to widely disseminate the requested information to the general public.~~]
   (C) Agencies must respond to communications from requesters on the status of their UIPA Request and if the agency is able, may provide a requester with a non-binding inclination of whether a request will be granted or denied and any suggestions to narrow or modify the request to expedite processing.
   (D) Agencies processing backlogged UIPA Requests must give priority to:
      (i) UIPA Requests that do not require redaction or substantial review of records; and
      (ii) UIPA Requests made in the public interest where the requester has the primary intent and actual ability to widely disseminate the requested information to the general public
   (E) Upon request, agencies must provide at no cost to the requester an up-to-date list of pending requests for

government records submitted to the agency (i.e., those requests that were made under Part II (freedom of information) of the UIPA and also are pending due to deadlines suspended as provided by this Exhibit F). The list must identify at a minimum the requester and the date of the request to permit requesters to track their requests.

(F) Requests for government records not answered during the emergency relief period must be answered in a reasonable period of time [~~when~~] following termination of the suspension of laws [~~is lifted~~].

(3) An agency that does not rely on the suspended deadlines need not follow these minimum requirements and is encouraged to resolve the backlogged UIPA requests expeditiously.

RULES RELATING TO SAFETY GUIDELINES FOR BARBERS AND BEAUTY OPERATORS

§1 Purpose and authority
§2 Social distancing
§3 Definitions
§4 Barber shops and beauty shops; sanitation
§5 COVID-19 infection mitigation and social distancing; preopening and ongoing safety protocol
§6 Closures

§1 Purpose and authority. These rules are adopted pursuant to sections 127A-12, 13, 25, 29, and 31, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the Governor, specifically to enable Hawaii licensed barbers and beauty operators to perform services while complying with social distancing guidelines. These rules have the force and effect of law.

§2 Social distancing. The barber or beauty operator shall take every reasonable precaution to operate in compliance with all orders and social distancing guidelines relating to the COVID-19 emergency.

§3 Definitions.

"Department" means Department of Commerce and Consumer Affairs.

"Disinfection" means the process that eliminates many or all pathogenic organisms, except bacterial spores, on inanimate objects.

"Operator" means barber as defined in section 438-1, Hawaii Revised Statutes and beauty operator as defined in section 439-1, Hawaii Revised Statutes.

"Sanitation" means the treatment of a clean surface for the destruction of micro-organisms including pathogens.

"Shop" means all barber shops as defined in section 438-1, Hawaii Revised Statutes and beauty shops as defined in section 439-1, Hawaii Revised Statutes.

"State" means the State of Hawaii.

"Sterilization" means a process that destroys or eliminates all forms of microbial life by physical or chemical methods.

"Ventilation" means the production and maintenance by natural or mechanical means of atmospheric conditions

favorable to health and comfort.

§4 Barber shops and beauty shops; sanitation. (a) General sanitation requirements.

(1) No person shall operate a shop in connection with any other business or dwelling unless there is a partition from the floor to the ceiling, separating the shop from such other business or dwelling. Nothing here shall prohibit the sale of tobacco, newspapers, or shoe shining in shops.

(2) No shop shall be used as a living, cooking, or sleeping facility, nor shall any such facility adjoining a shop have a direct opening into such shop.

(3) Articles of food and beverages, except water, shall not be sold, kept for sale, or stored in any shop, and shops shall be separated by a tight partition or separate entry from any place where articles of food and beverages are sold, kept for sale, or stored.

(4) The walls, floors, ceilings, furniture and fixtures, and all other parts and surfaces of every shop shall be kept clean at all times.

(5) Every shop shall be kept in good repair, and shall be properly and adequately lighted and ventilated.

(6) Every shop shall be provided with adequate sanitary facilities, including toilets, hot and cold running water, and sinks or wash basins. Plumbing shall comply with the applicable county plumbing code. Toilets shall be located in suitably and properly ventilated toilet rooms with self-closing doors.

(b) Sanitary practice requirements.

(1) No operator shall use in any shop any astringent in lump or styptic pencil form, sponge, lump alum, powder puff, neck duster, shaving brush, or shaving mug on a customer.

(2) No operator shall stop the flow of blood by using alum or other material unless applied in liquid form or in powdered form applied with a clean towel.

(3) No operator shall use razors, shears, scissors, clippers, tweezers, finger bowls, or combs, or

any like article on any customer unless the item has been thoroughly cleaned and disinfected since last used. All such instruments shall be thoroughly cleaned and disinfected by a method recommended by the Centers for Disease Control and Prevention, the Environmental Protection Agency, and/or the Occupational Safety and Health Administration. After disinfecting, instruments shall be stored in a manner to prevent contamination, or be disinfected again immediately before re-use. All disinfectants shall be approved by the Environmental Protection Agency.

(4) No operator shall remove or attempt to remove any wart, mole, pimple, ingrown hair, or undertake any like treatment unless properly trained in medical science. Cleaning of ears is prohibited.

(5) Every operator shall wash his or her hands thoroughly with soap and hot water and dry his or her hands with sanitary towels or hand drying devices immediately before attending any person, and shall wear at all times a clean uniform or outer coat or apron.

(6) Towels or other fabrics that come in contact with the skin or hair of a customer shall not be used on more than one customer without being laundered in an acceptable manner or subjected to a sterilizing process approved by the Center for Disease Control and Prevention before again being used on a customer.

(7) Prior to serving any customer, the headrest of any chair to be used by said customer shall be properly disinfected and covered with a clean towel or a clean sheet of paper.

(8) All towels and other linens used in any shop shall be kept in a closed cabinet at all times when not in use.

(9) All creams, tonics, cosmetics, and other applications used for customers shall be kept in clean closed containers.

(10) A clean strip of cotton, towel, or paper band shall be placed around the neck of each customer served, so that at no time will hair, cloth, or cape come in contact with the neck or skin on the

customer.

(11) No person shall commit any insanitary practice or act in a shop sink or wash basin, such as brushing teeth, expectorating, or gargling.

§5 COVID-19 infection mitigation and social distancing; preopening and ongoing safety protocol.

(a) Preopening safety protocols.

(1) Thoroughly clean and disinfect all fixtures, furnishings, equipment, doorways, work stations, and restrooms. Check and replace various filters such as heating, ventilation, air conditioning, and hair dryers. Disinfectants shall be EPA-registered and labeled as bactericidal, virucidal and fungicidal.

(2) Evaluate the layout and arrange seats at least six feet apart. Consider adding spacing between booths, shampoo sinks, divider shields, sneeze shields, and/or alternative work schedules to accomplish this. Consider using the front and rear doorways to establish one-way traffic through the shop. Remove items such as candy dishes, self-serve coffee, product samples, magazines, and paper reading products from the common area.

(3) Have hand sanitizer available for all employees and clients.

(4) Take inventory of personal protective equipment (PPE), cleaning products, and EPA-registered disinfecting products, and order supplies, if necessary.

(5) Establish new policies requiring employees to wear a face covering as described and recommended by the CDC at all times when in the shop, except while eating or drinking in a break room. Salons may consider providing face coverings to clients. Clients should wear a face covering as described and recommended by the CDC to the extent possible while receiving services.

(6) Establish new schedules of employees and appointment policies to minimize the risk of overcrowding inside the shop. There should be no more than ten people in the shop at any time

including staff, provided the six-feet social distancing requirements are met. These policies shall be in writing and shall be posted to advise the public of the new policies.

(7) Shop owners shall provide training, educational materials, and reinforcement on proper sanitation, hand-washing, cough and sneeze etiquette, and shall ensure that breakrooms are thoroughly cleaned and sanitized and not used for congregating by employees.

(b) Ongoing Safety Considerations After Opening

(1) Consider seeing clients by appointment only. Limit the number of persons in the waiting area of the shop. It is recommended that clients wait outside the shop until the operator is ready to serve them.

(2) The use of a face covering as described and recommended by the CDC is mandatory for all employees at all times while in the shop. Placing a clean towel over the face of the client while at the sink is a good way to protect their mouth, nose and eyes. Minimize to the greatest degree possible, up-close, direct face-to-face contact with clients.

(3) Before and after each client, require staff to wash hands with soap and water for at least 20 seconds; properly clean and disinfect all workstations, shampoo, manicure and pedicure bowls, implements, and tools; ensure single use and porous items, such as disposable capes or cardboard nail files, are new; and follow manufacturer's requirements for product use, formulations, and/or disposal. Consider placing paper drapes or laundered towels on chairs.

(4) Employees should frequently wash their hands after using the phones, computer, cash register or credit card machine. Wipe all surfaces between each use.

(5) Advise employees and clients to stay at home if they are not feeling well. Consider pre-screening clients and ask if they have traveled outside the county or experienced any COVID-19 symptoms in the past 14 days. Decline services

for any client that answers yes.

(6) Discontinue the practice of physical social greetings, such as hugs or handshakes.

(c) Any Operator who contracts COVID-19 or any other contagious or infectious disease in a communicable form shall not attend any person in any shop, nor shall any person afflicted with such disease in communicable form receive any treatment in any such establishment. Any operator afflicted with any such disease shall return to work in a shop only upon a written statement from a physician that it is safe for him or her to return to work.

§6 Closures. Upon inspection, if any shop is found in violation of these rules, it may be closed immediately by public health officials or by the Department.

EXHIBIT H

RULES RELATING TO MORTUARIES, CEMETERIES, EMBALMERS, UNDERTAKERS AND MORTUARY AUTHORITIES

(amended)

§1 Purpose and Authority
§2 Prohibition on transporting a body to residences and other places
§3 Definitions
§4 Criminal Penalties

§1 Purpose and Authority. These rules are adopted pursuant to section 127A-12, 13, 25, 29, and 31, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the Governor and have the full force and effect of law. The following are necessary to enable the Department of Health to effectively prohibit gatherings to view a decedent's body outside of mortuaries and cemeteries governed by Hawaii Administrative Rules, Title 11, Chapter 22. To the extent anything in these rules conflicts with Title 11, Chapter 22, these rules shall control during the emergency period.

§2 Prohibition on transporting a body to residences and other places. Any cemetery, cemetery authority, mortuary, mortuary authority, or person engaged in the provision of funeral services or who embalms bodies is prohibited from transporting a body to a residence or any other location, unless it is the location of burial authorized by law.

§3 Definitions.

"Cemetery" means a place dedicated to and used or intended to be used for the permanent interment of human remains. It may be either a burial park, for earth interment; a mausoleum; for vault or crypt interments; a structure or place used or intended to be used for the interment of cremated remains; or any combination of one or more thereof.

"Cemetery or authority" means any person who undertakes to establish, maintain, manage, operate, improve, or conduct a cemetery, the interring of human remains, or the care, preservation, and embellishment of cemetery property, whether or not the person undertakes such activity for profit.

"Embalm" means the injection of fluid or agent of sufficient strength and quantity to accomplish a thorough disinfection and preservation of a dead human body, the fluid or agent being injected arterially in addition to cavity injection.

"Funeral services" means arranging for or providing for pick-up of human remains, embalming, placing the same on display, or otherwise providing for final disposition of human remains.

"Mortuary" means any business providing funeral services.

"Mortuary authority" means any person who undertakes to establish, maintain, manage, operate, or conduct funeral services, regardless as to whether the person undertakes such activity for profit.

§4 Criminal Penalties. (a) Any person [~~violating~~] who intentionally, knowingly, or recklessly engages in conduct that violates any of these rules shall be guilty of a misdemeanor and upon conviction, the person shall be fined not more than $5,000, or imprisoned not more than one year, or both.

(b) Penalties prescribed by these rules are in addition to any other lawful penalties established by law.

EXHIBIT I

Rules Relating to State Civil Identification Card
(amended)

§1 Purpose and authority
§2 Duplicate and renewal of state civil identification card
§3 Renewal of duplicate by mail

§1 Purpose and authority. These rules are amended pursuant to sections 127A-12, 13, and 25, Hawaii Revised Statutes, to respond to the COVID-19 emergency declared by the Governor. The following amendments are necessary to enable the Department of Transportation to assist persons who need to renew state civil identification cards, the process of which has been impeded because of social distancing requirements resulting from the COVID-19 pandemic emergency. These rules have the force and effect of law.

§2 Duplicate and renewal of state civil identification card. Section 19-149-17(a), Hawaii Administrative Rules, is amended to read as follows:

"§19-149-17 Duplicate and renewal of state civil identification card. (a) Application [~~must be made in person~~]may be done by remote means, except for applicants as stated in §19-149-17(b), and the applicant must present his or her current state civil identification card or other acceptable form of identification, plus provide any required information that may be missing from the applicant's record."

§3 Renewal or duplicate by mail. Sections 19-149-18(a) and (b), Hawaii Administrative Rules, [~~is~~] are amended to read as follows:

"19-149-18 Renewal or duplicate by mail. (a) Cardholders [~~age eighty years and older~~] may renew by mail, provided the applicant had previously submitted all required documents and was physically present for fingerprinting and taking of their photo. The first renewal by mail will be processed using the picture on file. The second renewal will require the applicant to submit updated photo and fingerprints. See subsection (d)(3) below for obtaining a fingerprint and photo packet.

(b) Persons who lost their card [~~and are out of the state~~] may apply for a duplicate state civil identification card by mail if there is no change in name, address or citizenship."

Face coverings.

All individuals shall wear face coverings over their noses and mouths when in public settings.

The only exceptions to this requirement are:

A. Individuals with medical conditions or disabilities where the wearing of a face covering may pose a health or safety risk to the individual;

B. Children under the age of 5;

C. While working at a desk or work station and not actively engaged with other employees, customers, or visitors, provided that the individual's desk or workstation is not located in a common or shared area and physical distancing of at least six (6) feet is maintained;

D. While eating, drinking, smoking, as permitted by applicable law;

E. Inside private automobiles, provided the only occupants are members of the same household/living unit/residence;

F. While receiving services allowed under a State or county order, rule, or proclamation that require access to that individual's nose or mouth;

G. Where federal or state safety or health regulations, or a financial institution's policy (based on security concerns), prohibit the wearing of facial coverings;

H. Individuals who are communicating with the hearing impaired while actively communicating (e.g., signing or lip reading);

I. First responders (police, fire fighters, lifeguards, etc.) to the extent that wearing face coverings may impair or impede the safety of the first responder in the performance of his/her duty;

J. While outdoors when physical distance of six (6) feet from other individuals (who are not members of the same household/living unit/residence) can be maintained at all times; and

K. As specifically allowed by a provision of a State or county COVID-19 related order, rule, or proclamation.

An owner or operator of any business or operation *shall* refuse admission or service to any individual who fails to wear a face covering, unless an exception applies under this section. Businesses or operations may adopt stricter protocols or requirements related to face coverings and face shields. Businesses or operations not enforcing this rule may be subject to enforcement, including fines and mandatory closure.

Definition: "Face covering" as used herein means a tightly woven fabric (without holes, vents, or valves) that is secured to the head with either ties or straps, or simply wrapped and tied around the wearer's nose and mouth. Face coverings must comply with the recommendations of the Center for Disease Control and Prevention ("CDC"), as such recommendations may change from time to

time. The current CDC guidelines are available at https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html. Examples of compliant homemade masks and other facial coverings may be found at: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html. A medical grade face-covering is not required.

Face shields (plexiglass/clear plastic shields, etc.) are not permitted as substitutes for face coverings unless an exception to the face covering requirement applies. Individuals who are unable to wear a face covering due to medical conditions or disabilities where the wearing of a face covering may pose a health or safety risk to the person, or other exception, are encouraged to wear a face shield instead.

The wearing of face coverings is intended to complement, not serve as a substitute, for physical distancing and cleanliness.

Any seller of face coverings, or materials or supplies to make or manufacture such face coverings, shall abide by Haw. Rev. Stat. §127A-30.