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IN THE UNITED STATES DISTRICT COURT FOR
 THE DISTRICT OF HAWAI‘I

FOR OUR RIGHTS, Inc., a Hawaii) nonprofit corporation,) GREG BENTLEY,) STEVEN FORMAN,) JOHN HEIDEMAN,) LEVANA LOMMA, and) GERALYN SCHULKIND,) Plaintiffs,)) v.)) DAVID IGE, in his official capacity as) Governor of the State of Hawai‘i and) personal capacity,)) Defendant.)	CIVIL NO. 21-00488-JOA-KJM
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AMENDED COMPLAINT

The Plaintiffs, through their attorney, Sierra Häag, respectfully file this Amended Complaint against the Defendant, Governor David Ige.

A. Introduction.

As a result of the terrorist attacks of September 11, 2001, the Hawai‘i legislature decided to change existing quarantine laws by amending H.R.S. § 325-8

to allow the quarantining of an individual by *ex parte* court order. Such an order can be entered if the court finds that the “individual is reasonably believed to have been exposed to or known to have been infected with a communicable or dangerous disease”. H.R.S. § 328-5(i). When an individual has been so ordered, that party is allowed to judicially challenge that quarantine, have a hearing, submit evidence and be represented by counsel, thus these statutorily authorized quarantine orders minimally comply with the procedural due process mandates of the Fourteenth Amendment.

In 2014, the Hawai‘i legislature amended the Emergency Management Act, codified at H.R.S. § 127A-1, *et seq.* That act was “not [to] be construed as conferring any power or permitting any action which is inconsistent with the Constitution and laws of the United States”. H.R.S. § 127A-1 (c). This act authorized the Governor to “[p]rovide for and require the quarantine or segregation of persons who are affected with or believed to have been exposed to any infectious, communicable, or other disease that is, in the governor’s opinion,¹ dangerous to the public health and safety, or persons who are the source of other contamination, in any case where, in the governor’s opinion, the existing laws are not adequate to assure the public health and safety”. H.R.S. § 127A-13 (a)(1).

As a result of “the outbreak of COVID-19 [as] a public health emergency”,

¹See *Sterling v. Constantin*, 287 U.S. 378 (1932).

on March 21, 2020, Governor Ige ordered via his Second Supplementary Proclamation that “all persons entering the State of Hawai‘i [were] subject to mandatory self-quarantine”. On March 23, 2020, pursuant to his Third Supplementary Proclamation, Governor Ige ordered that “all persons within the State of Hawai‘i are ordered to stay at home or in their place of residence”. This “lockdown” continued until July 17, 2020, when Governor Ige’s Tenth Supplementary Proclamation allowed persons outside their homes for business purposes.

During this same period, the Governor’s various subsequent Proclamations required persons traveling to Hawai‘i as well those traveling inter-island to “self-quarantine” for 14 days (and later for 10 days), and this quarantine requirement remained in effect until August 6, 2021.

This lawsuit challenges as unconstitutional and violative of the U.S. Constitution’s Fourth and Fourteenth Amendment rights of the Plaintiffs the following actions of Defendant Governor Ige:

1. The Governor’s “lockdown” that was in effect from March 23, 2020 until July 17, 2020 that confined people to their homes; and
2. The travel restrictions/self-quarantine requirements for people traveling to Hawaii as well as those traveling inter-island that were in effect from March 23, 2020 until August 6, 2021.

B. Jurisdiction.

This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1343, and 2201 as this is a civil action arising under the Constitution and laws of the United States. This Court has jurisdiction over any supplemental claims arising under Hawai‘i law pursuant to 28 U.S.C. § 1367(a).

Venue lies in this court pursuant to 28 U.S.C. § 1391(b)(1)(2), since the defendant resides in this judicial district, and all currently unknown and unnamed likely defendants reside in Hawai‘i, and a substantial part of the actions or omissions giving rise to the claims asserted in this complaint occurred within this district.

C. The Parties.

The Plaintiff For Our Rights, Inc., is a Hawai‘i nonprofit corporation, and is a civil rights organization that files lawsuits to enjoin and redress civil rights violations on behalf of its members.

The Plaintiff Greg Bentley is a resident of Princeville, Hawai‘i.

The Plaintiff Steven Forman is a resident of Haiku, Hawai‘i.

The Plaintiff John Heideman is a resident of Kapolei, Hawai‘i.

The Plaintiff Levanna Lomma is a resident of Kapa‘a, Hawai‘i.

The Plaintiff Geralyn Schulkind is a resident of Koloa, Hawai‘i.

The Defendant David Ige is the Governor of the State of Hawai‘i, and has the responsibility to ensure that the agencies, officers, employees and agents of the

Executive Branch of the State of Hawai‘i act in full compliance with the Constitution and the laws of the United States as well as the laws of Hawai‘i.

D. Relevant Facts.

Starting on March 21, 2020, and continuing through August 6, 2021, pursuant to his authority codified in the Hawai‘i Emergency Management Act, H.R.S. § 127A-1, *et seq*, Governor Ige issued a series of Executive Proclamations in response to the COVID-19 pandemic, and these proclamations form the foundation for the claims asserted herein by the Plaintiffs:

A. On March 21, 2020, via his Second Supplementary Proclamation, Governor Ige declared that “all persons entering the State of Hawai‘i shall be subject to mandatory self-quarantine. ... The period of self-quarantine shall begin from the time of entry into the State of Hawai‘i and shall last 14 days or the duration of the person’s presence in the State of Hawai‘i, whichever is shorter.” This quarantine extended until May 20, 2020. See Ex. 1 attached hereto and incorporated herein by reference (relevant parts of order).

B. On March 23, 2020, because of at least 77 documented cases of COVID-19, Governor Ige issued his Third Supplementary Proclamation and declared that “all persons within the State of Hawai‘i are ordered to stay at home or in their place of residence,” and all businesses (with certain exceptions) were required to cease operation; further, every gathering of more than 10 people was prohibited. This

proclamation was effective through April 30, 2020. See Ex. 2 attached hereto and incorporated herein by reference (relevant parts of order).

C. On March 31, 2020, because of at least 230 documented cases of COVID-19, Governor Ige issued his Fourth Supplementary Proclamation, and declared that “all persons traveling between any of the islands in the State of Hawai‘i shall be subject to mandatory self-quarantine” for 14 days. This travel restriction was set to end on April 30, 2020. See Ex. 3 attached hereto and incorporated herein by reference (relevant parts of order).

D. On April 16, 2020 via his Fifth Supplementary Proclamation and because of approximately 540 documented cases of COVID-19 and 9 deaths, Governor Ige declared that, until April 30, 2020, all persons were required to wear face masks and engage in social distancing. He also imposed an eviction moratorium, “as allowed by federal law”.² See Ex. 4 attached hereto and incorporated herein by reference (relevant parts of order).

E. On April 25, 2020, via his Sixth Supplementary Proclamation, because of more than 600 COVID cases and 14 deaths, Governor Ige ordered that all persons within the State of Hawai‘i stay at home or in their place of residence, and all businesses (except those specified as “essential”) were mandated to close; further, all gatherings of more than 10 people were prohibited. Additionally, all persons were

²See *Ala. Ass’n of Realtors v. United States Dept. of Health and Human Services*, 141 S. Ct. 2485 (2021). This prohibition was a feature of later proclamations through the 21st.

required to wear face masks, and those traveling to or between any of the islands in the State of Hawai‘i were subject to mandatory self-quarantine for 14 days. The expiration date for this proclamation was May 31, 2020. See Ex. 5 attached hereto and incorporated herein by reference (relevant parts of order).

F. On May 5, 2020, by means of the Governor’s Seventh Supplementary Proclamation and because of approximately 625 documented cases of COVID-19 and 17 deaths, all persons within the State of Hawai‘i were ordered to stay at home or in their place of residence, and all non-essential businesses were required to remain closed; further, all gatherings of more than 10 people were prohibited, and all persons traveling to or between any of the islands in the State of Hawai‘i were subject to mandatory self-quarantine for 14 days. These restrictions were to continue through May 31, 2020. See Ex. 6 attached hereto and incorporated herein by reference (relevant parts of order).

G. On May 18, 2020, via the Eighth Supplementary Proclamation and because of approximately 640 documented cases of COVID-19 and 17 deaths, all persons within the State of Hawai‘i were ordered to stay at home or in their place of residence, and non-essential businesses were ordered to “not operate”; further, all gatherings of more than 10 people were prohibited. Moreover, all persons traveling to or between any of the islands in the State of Hawai‘i were subject to mandatory self-quarantine for 14 days. This proclamation was continued through June 30, 2020. See Ex. 7

attached hereto and incorporated herein by reference (relevant parts of order).

H. On June 10, 2020, via his Ninth Supplementary Proclamation, even though there had been approximately 685 documented cases of COVID-19 and 17 deaths, Governor Ige appears to have lifted his “stay at home” order and his business closures, and allowed persons limited travel outside their homes, and limited businesses were permitted to re-open for business. But, persons traveling to Hawai‘i as well as between the islands were still required to self-quarantine for 14 days. This proclamation was set to expire on July 31, 2020. See Ex. 8 attached hereto and incorporated herein by reference (relevant parts of order).

I. On July 17, 2020, via his Tenth Supplementary Proclamation even though there had been approximately 1300 documented cases of COVID-19 and 23 deaths, certain businesses were allowed to be open and people allowed in some circumstances outside their homes. But, “all persons traveling to any of the islands in the State of Hawai‘i [were] subject to mandatory self-quarantine” for 14 days. This proclamation expired on August 31, 2020. See Ex. 9 attached hereto and incorporated herein by reference (relevant parts of order).

J. On August 6, 2020, via his Eleventh Supplementary Proclamation, because of approximately 2800 documented cases of COVID-19 and 29 deaths, the Governor re-imposed his intrastate travel prohibition: “all persons traveling to any of the islands in the State of Hawai‘i [were] subject to mandatory self-quarantine” for 14

days. This proclamation expired on August 31, 2020. See Ex. 10 attached hereto and incorporated herein by reference (relevant parts of order).

K. On August 20, 2020, via his Twelfth Supplementary Proclamation, because of approximately 5800 documented cases of COVID-19 and 45 deaths, the Governor continued the 14 day self-quarantine for all persons traveling to this State and between its islands. This proclamation ended on September 30, 2020. See Ex. 11 attached hereto and incorporated herein by reference (relevant parts of order).

L. On September 22, 2020, via his Thirteenth Supplementary Proclamation and because of approximately 11,500 documented cases of COVID-19 and 120 deaths, the Governor continued to subject to a mandatory 14 day self-quarantine all persons traveling to Hawai‘i or between its islands. This proclamation ended on October 31, 2020. See Ex. 12 attached hereto and incorporated herein by reference (relevant parts of order).

M. On October 13, 2020, via his Fourteenth Supplementary Proclamation and because of approximately 13,500 documented cases of COVID-19 and 173 deaths, the Governor mandated that all persons traveling to or between any of the islands in the State of Hawai‘i be subjected to a 14 day mandatory self-quarantine. This proclamation ended on November 30, 2020. See Ex. 13 attached hereto and incorporated herein by reference (relevant parts of order).

N. On November 16, 2020, via his Fifteenth Supplementary Proclamation

and because of approximately 16,600 documented cases of COVID-19 and 222 deaths,

the Governor continued to require all persons traveling to any of the islands in the State of Hawai‘i to self-quarantine for 14 days. This proclamation expired on December 31, 2020. See Ex. 14 attached hereto and incorporated herein by reference (relevant parts of order).

O. On November 23, 2020, via his Sixteenth Supplementary Proclamation and because of approximately 17,300 documented cases of COVID-19 and 233 deaths, the Governor continued the mandate that all persons traveling to any of the islands in the State of Hawai‘i be subjected to a mandatory 14 day self-quarantine. This proclamation expired on December 31, 2020. See Ex. 15 attached hereto and incorporated herein by reference (relevant parts of order).

P. On December 16, 2020, via his Seventeenth Supplementary Proclamation because of approximately 19,500 documented cases of COVID-19 and 278 deaths, the Governor mandated that all persons traveling to any of the islands in the State of Hawai‘i be subjected to mandatory self-quarantine for 14 days. This proclamation expired on February 14, 2021. See Ex. 16 attached hereto and incorporated herein by reference (relevant parts of order).

Q. On February 12, 2021, via his Eighteenth Supplementary Proclamation because of approximately 26,700 documented cases of COVID-19 and 425 deaths,

all persons traveling to any of the islands in the State of Hawai‘i were subjected to a 14 day mandatory self-quarantine. This proclamation expired on April 13, 2021. See Ex. 17 attached hereto and incorporated herein by reference (relevant parts of order).

R. On April 9, 2021, via his Nineteenth Supplementary Proclamation, because of approximately 30,570 documented cases of COVID-19 and 470 deaths, the Governor required that all persons traveling to any of the islands in the State of Hawai‘i be subjected to mandatory self-quarantine for 10 days. This proclamation expired on June 8, 2021. See Ex. 18 attached hereto and incorporated herein by reference (relevant parts of order).

S. On May 7, 2021, via his Twentieth Supplementary Proclamation, the Governor noted that there had been more than 33,000 documented cases of COVID-19 and 486 deaths.

T. On May 7, 2021, via his Twenty-First Supplementary Proclamation and because of approximately 36,600 documented cases of COVID-19 and 505 deaths, the Governor required that all persons traveling to any of the islands in the State of Hawai‘i be subjected to mandatory self-quarantine for 10 days. This proclamation expired on August 6, 2021. See Ex. 19 attached hereto and incorporated herein by reference (relevant parts of order).

From March 25, 2020, through June 10, 2020, Governor Ige’s Proclamations closed all non-essential businesses, and mandated that all persons in Hawai‘i “stay

at home.”

From March 21, 2020, through August 6, 2021, “self-quarantine” was in effect for travelers to Hawaii or those traveling inter-island.

The above noted proclamations were enforced by officers, agents and employees of the State of Hawaii who were taking orders and directions from Governor Ige. It was these officers, agents and employees of the State of Hawaii who, pursuant to the orders of the Governor, imposed the restrictions on the Plaintiffs noted *infra*.

The federal Centers for Disease Control defines “isolation” and “quarantine” as follows: (a) “Isolation separates sick people with a contagious disease from people who are not sick”; and (b) “Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.”³

At all times relevant hereto, none of the Plaintiffs were sick with COVID-19, and they did not present or manifest any of the known symptoms thereof.

At all times relevant hereto, none of the Plaintiffs had knowledge that they had been exposed to COVID-19.

At all time relevant hereto, neither Governor Ige nor his officers, agents and employees knew that any of the Plaintiffs were sick with COVID-19 or had any of

³See <https://www.cdc.gov/quarantine/index.html>

its known symptoms.

At all times relevant hereto, neither Governor Ige nor his officers, agents and employees knew that any of the Plaintiffs had been exposed to COVID-19.

The business of Plaintiff Greg Bentley involves rental properties and requires travel between Michigan and Hawai'i. On January 20, 2021 as he was returning from Michigan to Kauai, upon his arrival at the airport he was confronted by law enforcement officers and, on threat of arrest and prosecution, informed that he was required to quarantine until January 30, 2021. Because of these threats, Bentley complied with such demands.

This quarantine affected Plaintiff Bentley in the following manner: "I was deprived of my right to exercise my religion. I was deprived of the ability to exercise on land and in the water. I was deprived of food. I was forced to ask others to go out of their way to bring food [to me] so I would not starve to death. On four separate occasions while staying in my home, I was visited by uniformed military personnel, [and] they entered my property without a warrant." He was also prevented from working on his rental properties as a direct consequence of the quarantine during the time he was confined. As a result of this quarantine, Bentley suffered great anxiety and distress.

As a result of these Proclamations imposed by the Governor, Plaintiff Bentley was deprived of his right to exercise his religious beliefs, his right to travel, his right

to freedom of association, his right to work, his right to be free from unreasonable seizures, and his right to procedural due process, which rights include those protected by the Fourth and Fourteenth Amendments to the U.S. Constitution.

Plaintiff Steven Forman was confronted by Governor Ige's "stay at home" orders and was prevented as a result from leaving his home while these Proclamations were in effect during March, April, May and June, 2020. During such "lockdowns," Forman was prevented, under threat of arrest, from working, traveling, visiting friends, and engaging in his normal, everyday activities and affairs of his life. Because of these "lockdowns," Forman suffered from great anxiety and distress.

On March 28, 2021, Forman's relative, Darlene Friedman, died in Los Angeles, California. While he wished to attend her funeral, because he was unable to timely secure tests needed for interstate travel by airplane, he would be required as a result of such travel to be quarantined for 14 days. Because he simply could no longer afford to miss work as a result of again being quarantined, he decided not to attend such funeral. Not being able to attend this funeral caused him great distress and anxiety.

As a result of these Proclamations imposed by the Governor, Plaintiff Forman was deprived of his right to travel, his right to freedom of association, his right to work, his right to be free from unreasonable seizures, and his right to procedural due process, which rights include those protected by the Fourth and Fourteenth

Amendments to the U.S. Constitution.

On May 20, 2021, Plaintiff John Heideman traveled by airplane from Los Angeles, California back to his home in Hawai‘i. Even though he had no COVID-19 symptoms, when he arrived at the airport he was forced to sign an order to quarantine for 10 days, and if he refused to sign the order, he would be denied entry back into Hawai‘i. Upon signing the order, he was informed that he would be subject to arrest and criminal prosecution if he did not confine himself to his home for 10 days. Heideman was thus quarantined, and this “lockdown” caused him great distress and anxiety.

Prior to his return to Hawai‘i, Plaintiff Heideman contacted the Governor’s Office, the Department of Health, the Department of Emergency Management, the Honolulu Mayor’s Office, and the Third Circuit Court stating his intent to exercise his constitutional right to travel and that he would not submit to COVID-19 testing as a prerequisite to enter Hawai‘i.

When informed of the quarantine requirement, Plaintiff Heideman requested a hearing to contest it, pursuant to H.R.S. § 325-8(e); however, he was denied a hearing and thus he “quarantined” himself for 10 days since he would be subject to arrest and criminal prosecution if he didn’t. As a result of the Governor’s actions, Heideman’s statutory right to procedural due process was denied.

As a result of these Proclamations issued by the Governor, Plaintiff Heideman

was deprived of his right to travel, his right to work, his right to freedom of association, his right to be free from unreasonable seizures, and his right to procedural due process, which rights include those protected by the Fourth and Fourteenth Amendments to the U.S. Constitution.

Prior to March 22, 2021, Plaintiff Levana Lomma contacted the Governor's Office, the Department of Health, the Department of Emergency Management, the Honolulu Mayor's Office, and the Third Circuit Court informing each of her intent to exercise her constitutional right to travel and freedom of movement, and that she would not submit to COVID-19 testing just to travel. Plaintiff Lomma requested her right to a hearing to contest any quarantine order pursuant to H.R.S. § 325-8(e), but this request was denied.

On March 22, 2021, Plaintiff Lomma traveled intrastate by airplane from Oahu to Lihue airport. She did so for the sole purpose of speaking at a political freedom rally since she is the founder of the civil rights organization, "For Our Rights, Inc." In fact, she did speak that day at that political rally before that public assembly about the constitutionality of the subject Emergency Proclamations as well as other political subjects.

Plaintiff Lomma returned from that political rally held in Oahu on March 22, 2021, and upon her arrival at Lihue airport, she presented an affidavit to the law enforcement officers working there which stated she has a right to move about freely

and refuse any medical interventions, which was accepted by those law enforcement officers at the airport, and she was allowed to exit the airport and travel to her home without verbal or written agreement to “quarantine”.

Even though Plaintiff Lomma did not sign an order to quarantine, she was later arrested by Kauai County police officers on March 25, 2021, and again on March 31, 2021, for “leaving [her] home.” The Kauai County prosecuting attorney filed a criminal complaint charging that Plaintiff Lomma did “knowingly [fail] to enter and/or remain within the confines of the quarantine location designated by the person.” However, Plaintiff Lomma did not designate any quarantine location because she did not sign any order to quarantine. Plaintiff Lomma is being criminally prosecuted and is subject to criminal penalties for her alleged violations of the Governor’s proclamations.

As a result of the filing of these criminal charges against her, Plaintiff Lomma has suffered great distress and anxiety.

As a result of these Proclamations, Plaintiff Lomma has been deprived of her right to work, her right to travel, her right to freedom of association, her right to be free from unreasonable seizures, and her right to procedural due process, which rights include those protected by the Fourth and Fourteenth Amendments to the U.S. Constitution.

On January 6, 2021, Geralyn Schulkind traveled by plane from San Diego,

California to Hawai'i without obtaining a COVID-19 test prior thereto because she was not sick with COVID-19. However on her arrival at the airport and without any medical evaluation, she was informed that she must sign an order to quarantine for 10 days, and if she refused to sign that order, she would be denied entry into Hawai'i. She was also informed when she signed the order that she would be subject to arrest and criminal prosecution if she did not quarantine for 10 days. As a result of such threats, Plaintiff Schulkind was forced into a 10-day house arrest.

As a result of her compulsory quarantine, Plaintiff Schulkind has suffered great distress and anxiety.

As a result of these Proclamations and their enforcement against her, Plaintiff Schulkind has been deprived of her right to travel, her right to freedom of association, her right to be free from unreasonable seizures, and her right to procedural due process, which rights include those protected by the Fourth and Fourteenth Amendments to the U.S. Constitution.

E. First Claim For Relief: Violation of Procedural Due Process.⁴

The allegations of the preceding paragraphs are incorporated herein by reference as if fully set forth herein.

Defendant Ige violated the right to procedural due process of Plaintiffs Bentley, Forman, Heideman, Lomma and Schulkind protected by the Fourteenth

⁴See *Vasquez v. Rackauckas*, 734 F. 3d 1025 (9th Cir. 2013).

Amendment to the Constitution of the United States by, in the course of issuing and enforcing the above described quarantines, failing to (i) make an individualized assessment about the Plaintiffs' risk to the public health; (ii) provide timely notice of such quarantines; (iii) provide timely notice to Plaintiffs of their right to challenge such orders for quarantine; and (iv) initiate a hearing within a reasonable time for judicial review of Plaintiffs' quarantine orders where they could be represented by counsel, could present opposing evidence and argument, and could cross examine witnesses.

Plaintiffs Bentley, Forman, Heideman, Lomma and Schulkind suffered injury and damages as a result of the conduct described above, including reckless and egregious conduct, of Defendant Ige in ordering and carrying out Plaintiffs' detentions and quarantines.

By the foregoing, Defendants have violated 42 U.S.C. § 1983, and the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.

Second Claim for Relief: Violation of Right

To Be Free From Unreasonable Seizure

The allegations of the preceding paragraphs are incorporated herein by reference as if fully set forth herein.

Defendant Ige unreasonably and recklessly caused Plaintiffs Bentley, Forman Heideman, Lomma and Schulkind to be confined under quarantine without warrant

or probable cause in violation of Plaintiffs' right to be free of unreasonable seizures as protected by the Fourth Amendment of the Constitution of United States.

Plaintiffs Bentley, Forman Heideman, Lomma and Schulkind suffered injury and damages as a result of such conduct, including reckless and egregious conduct, of Defendant Ige in ordering and carrying out Plaintiffs' detentions and quarantines.

By the foregoing, Defendant Ige has violated 42 U.S.C. § 1983, and the Fourth Amendment of the U.S. Constitution.

Jury Demand.

The Plaintiffs request a jury trial on all issues so triable, including without limitation the quantum of damages.

/s/ Sierra Hägg

Sierra Hägg Esq.

(HI Bar #11419)

Attorney for Plaintiffs

OFFICE OF THE GOVERNOR
STATE OF HAWAII

SECOND SUPPLEMENTARY PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order 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 Hawai'i, hereby determine, designate and proclaim as follows:

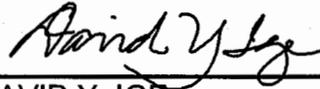
WHEREAS, it has become necessary to supplement the Proclamation of March 4, 2020, and Supplementary Proclamation of March 16, 2020, relating to the COVID-19 emergency, which continues to endanger the health, safety, and welfare of the people of Hawai'i;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby further supplement the Proclamation of March 4, 2020, and the Supplementary Proclamation of March 16, 2020, both of which shall remain in full force and effect, and authorize and invoke the following:

1. Pursuant to section 127A-13(a)(1), HRS, all persons entering the State of Hawai'i shall be subject to mandatory self-quarantine, except those persons performing emergency response or critical infrastructure functions who have been exempted by the Director of Emergency Management. The period of self-quarantine shall begin from the time of entry into the State of Hawai'i and shall last 14 days or the duration of the person's presence in the State of Hawai'i, whichever is shorter. This self-quarantine mandate shall take effect on March 26, 2020 at 12:01 am.
2. Pursuant to section 127A-25, HRS, I hereby adopt the Rules Relating to COVID-19, attached hereto.
3. Pursuant to section 127A-29, HRS, any person violating the rules relating to quarantine 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.

I **FURTHER DECLARE** that the disaster emergency relief period shall continue through May 20, 2020, unless terminated by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
21st day of March, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

THIRD SUPPLEMENTARY PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order 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 Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, on March 4, 2020, I issued a Proclamation declaring a state of emergency to support ongoing State and county responses to COVID-19;

WHEREAS, on March 16, 2020, I issued a Supplementary Proclamation suspending certain laws hindering State and county responses to COVID-19;

WHEREAS, on March 21, 2020, I issued a Second Supplementary Proclamation and Emergency Rules Relating to COVID-19 implementing a mandatory self-quarantine for all persons entering the State, effective at 12:01 a.m. on Thursday, March 26, 2020;

WHEREAS, COVID-19 continues to spread throughout the nation and world at an unprecedented rate;

WHEREAS, as of March 23, 2020, there have been at least 77 documented cases of COVID-19 in the State;

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) and the Hawai'i Department of Health recommend implementing social distancing strategies to reduce the spread of COVID-19;

WHEREAS, the dangers of COVID-19 require 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, it has become necessary to supplement the Proclamation of March 4, 2020, the Supplementary Proclamation of March 16, 2020, and the Second Supplementary Proclamation of March 21, 2020, to mandate and effectuate social distancing measures throughout the State in order to reduce the spread of COVID-19;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby further supplement the Proclamation of March 4, 2020 and the Supplementary Proclamations set forth above, all of which shall remain in full force and effect, and

order the following:

I. All Persons in the State Must Stay at Home or in Their Place of Residence

Pursuant to sections 127A-12(a)(5), 127A-12(a)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons within the State of Hawai'i are ordered to stay at home or in their place of residence except as necessary to maintain continuity of operations of the federal critical infrastructure sectors, as identified at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> and as further designated below or by the Director of the Hawai'i Emergency Management Agency (HIEMA). With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, "place of residence" means the person's individual hotel room or unit. To the extent persons use shared or outdoor spaces when outside their residence, they must comply with the social distancing requirements set forth herein to the fullest extent possible. All persons may leave their home or place of residence only for essential activities or to engage in the essential businesses and operations identified herein. **This order shall take effect on March 25, 2020 at 12:01 am and remain in place until 11:59 pm on April 30, 2020.**

A. Work in essential businesses or operations

Persons may travel to and from the following essential businesses and operations to the extent that such businesses or operations cannot be conducted through remote technology from homes or places of residence. 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. All businesses or operations not identified as federal critical infrastructure sectors at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> or designated by the Director of HIEMA or listed below, must cease:

1. Healthcare services and facilities. Hospitals, clinics, physician offices, assisted living facilities, and other healthcare facilities and services;
2. Stores that sell groceries and medicine. Grocery stores, pharmacies, licensed medical cannabis dispensaries, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic

beverages, and any other household consumer products (such as cleaning and personal care products). This includes establishments that sell groceries, medicine, including medication not requiring a medical prescription, supplies for children under the age of five and also that sell other non-grocery products, and products necessary to maintain the safety, sanitation, health and essential operation of residences and essential businesses and operations;

3. Food, beverage, cannabis production and agriculture. Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, hunting, gathering, fishing, baking, and other agriculture, including marketing, production, cultivation and distribution of animals and goods for consumption; licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;

4. Educational institutions. Educational institutions – including public and private pre-K-12 schools, colleges, and universities – for purposes of implementing appropriate learning measures, performing critical research, or performing essential functions, provided that the social distancing requirements identified herein are maintained to the greatest extent possible;

5. Organizations that provide charitable and social services. Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;

6. Media. Newspapers, television, radio, and other media services;

7. Gas stations and businesses needed for transportation. Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;

8. Financial institutions. Financial institutions, currency exchanges, consumer lenders, including but not limited to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial

products;

9. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, and heating material;

10. Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, and essential businesses and operations;

11. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;

12. Laundry services. Laundromats, dry cleaners, industrial laundry services, laundry rooms in hotels, condominiums, townhomes, apartments, and other multi-unit dwelling structures, and laundry service providers;

13. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Entities that typically provide food services to members of the public may continue to do so under this Third Supplementary Proclamation on the condition that the food is provided on a pick-up, delivery or takeaway basis only. Entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property;

14. Supplies to work from home. Businesses that sell, manufacture, or supply products needed for people to work from home;

15. Supplies for essential businesses and operations. Businesses that sell, manufacture, or supply other essential businesses and operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass;

electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;

16. Transportation. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for essential activities and other purposes expressly authorized in this Third Supplementary Proclamation;

17. Home-based care and services. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;

18. Residential facilities and shelters. Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;

19. Professional services. Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services);

20. Child care services for employees exempted by this Order. Child care services, licensed or authorized under the law, for the children of employees exempted by this Third Supplementary Proclamation;

21. Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by essential businesses and operations;

22. Critical labor union functions. Labor Union essential activities including the administration of health and welfare funds and personnel checking on the

well-being and safety of members providing services in essential businesses and operations – provided that these checks should be done remotely where possible;

23. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;

24. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services;

25. Government functions. For purposes of this Third Supplementary Proclamation, all first responders, emergency management personnel, emergency dispatchers, health workers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, national guard, and other governmental employees working for or to support essential businesses and operations are exempt. Nothing in this Third Supplementary Proclamation shall prohibit any person from performing or accessing essential governmental functions. Furthermore, this Third Supplementary Proclamation does not apply to the United States government.

B. Permitted Activities Outside the Home or Place of Residence

This order shall not apply to the following activities outside a person's home or place of residence:

1. Travel for health and safety;
2. Travel to engage in, receive or obtain goods or services from the essential businesses or operations identified herein;
3. Travel to engage in minimum basic operations of non-essential businesses, including the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, and related functions as well as the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences;
4. Travel to care for elderly, minors, dependents, persons with disabilities, or other high risk persons;
5. Travel from a person's home or place of residence to the nearest airport or other facility for departure from the State;
6. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement;

7. Outdoor exercise activities, including ocean activities such as surfing and swimming, so long as social distancing requirements are maintained;

8. Walking pets on a leash.

C. Prohibited Activities Outside the Home or Place of Residence

Pursuant to current guidance from the CDC, any gathering of more than ten people is prohibited unless exempted by this Third Supplementary Proclamation. Nothing herein prohibits the gathering of members of a household or residence.

All other places of public gathering, whether indoors or outdoors, including but not limited to fitness centers, gyms, locations with amusement rides, carnivals, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and social clubs shall be closed to the public.

D. Social Distancing Requirements

All essential businesses and operations identified herein and persons engaged in permitted activities identified herein, shall exercise the following social distancing requirements to the fullest extent possible:

1. Six-foot distances. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Essential businesses and operations shall designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance.

2. Hand sanitizer and sanitizing products. Essential businesses and operations shall make hand sanitizer and sanitizing products readily available for employees and customers.

3. Separate operating hours for high risk populations. Essential businesses and operations shall implement separate operating hours for elderly and high risk customers. High risk persons, including those who are sick, are urged to stay in their residence to the extent possible except as necessary to seek medical care.

4. Online and remote access. Essential businesses and operations shall post online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

E. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section I of this Third

Supplementary Proclamation but must comply with the social distancing requirements to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

F. Criminal Penalties

Any person who intentionally or knowingly violates any provision set forth in this Section I 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.

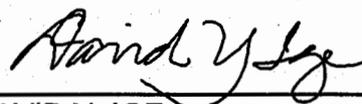
II. This Order Shall Have the Force and Effect of Law

Pursuant to section 127A-25, HRS, I hereby adopt all provisions set forth in Section I of this Third Supplementary Proclamation as rules that shall have the force and effect of law. Any person violating these rules shall be guilty of a misdemeanor as set forth in section 127A-29, HRS.

In the event of any inconsistency, conflict or ambiguity between this Third Supplementary Proclamation and any county emergency order, rule, directive or proclamation, the relevant documents shall be read to allow for maximum flexibility so that essential businesses and operations continue unimpeded.

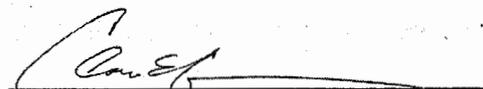
I FURTHER DECLARE that the disaster emergency relief period shall continue through April 30, 2020, unless terminated by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
23rd day of March, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

FOURTH SUPPLEMENTARY PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order 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 Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, on March 4, 2020, I issued a Proclamation declaring a state of emergency to support ongoing State and county responses to COVID-19;

WHEREAS, on March 16, 2020, I issued a Supplementary Proclamation suspending certain laws hindering State and county responses to COVID-19;

WHEREAS, on March 21, 2020, I issued a Second Supplementary Proclamation and Emergency Rules Relating to COVID-19 implementing a mandatory self-quarantine for all persons entering the State, effective at 12:01 a.m. on Thursday, March 26, 2020;

WHEREAS, on March 23, 2020, I issued a Third Supplementary Proclamation to mandate and effectuate social distancing measures throughout the State;

WHEREAS, as of March 31, 2020, there have been approximately 230 documented cases of COVID-19 in the State;

WHEREAS, the dangers of COVID-19 require 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, it has become necessary to supplement the Proclamation of March 4, 2020, the Supplementary Proclamation of March 16, 2020, the Second Supplementary Proclamation of March 21, 2020, and the Third Supplementary Proclamation of March 23, 2020, relating to the COVID-19 emergency, which continues to endanger the health, safety, and welfare of the people of Hawai'i;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby further supplement the Proclamation of March 4, 2020, and the Supplementary Proclamations set forth above, all of which shall remain in full force and effect, and authorize and invoke the following:

1. Pursuant to section 127A-13(a)(1), HRS, all persons traveling between any of the islands in the State of Hawai'i shall be subject to mandatory self-quarantine. The period of self-quarantine shall begin from the date of entry onto the island and shall last 14 days. This self-quarantine mandate shall take effect on April 1, 2020 at 12:01 am.
2. Persons traveling between islands for purposes related to medical or health care will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in paragraph I.D. of the Third Supplementary Proclamation.
3. Persons traveling between islands to perform functions necessary to maintain continuity of operations of the federal critical infrastructure sectors, as identified in paragraph I of the Third Supplementary Proclamation (hereinafter "necessary functions"), will be subject to self-quarantine while away from their island residence but may break quarantine to perform necessary functions. Upon return to their island residence, persons who traveled between islands to perform necessary functions will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in paragraph I.D. of the Third Supplementary Proclamation.
4. Pursuant to section 127A-29, HRS, any person violating any rule relating to quarantine 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.

5. Pursuant to section 127A-25, HRS, I adopt sections 1, 2, 3, 4 and 5 of this Fourth Supplementary Proclamation as rules having the force and effect of law.

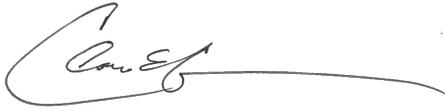
I FURTHER DECLARE that the disaster emergency relief period shall continue through April 30, 2020, unless terminated or extended by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
31st day of March, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII
FIFTH SUPPLEMENTARY PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order 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 Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, on March 4, 2020, I issued a Proclamation declaring a state of emergency to support ongoing State and county responses to COVID-19;

WHEREAS, on March 16, 2020, I issued a Supplementary Proclamation suspending certain laws hindering State and county responses to COVID-19;

WHEREAS, on March 21, 2020, I issued a Second Supplementary Proclamation and Emergency Rules Relating to COVID-19 implementing a mandatory self-quarantine for all persons entering the State, effective at 12:01 a.m. on Thursday, March 26, 2020;

WHEREAS, on March 23, 2020, I issued a Third Supplementary Proclamation to mandate and effectuate social distancing measures throughout the State;

WHEREAS, on March 31, 2020, I issued a Fourth Supplementary Proclamation implementing a mandatory self-quarantine for all persons traveling between any of the islands in the State, effective at 12:01 am on Wednesday, April 1, 2020;

WHEREAS, as of April 16, 2020, there have been more than 540 documented cases of COVID-19 in the State and nine deaths attributed to this disease;

WHEREAS, the World Health Organization has indicated that COVID-19 is spread primarily by respiratory droplets produced when an infected person coughs or sneezes and that droplets also can be generated by talking, laughing, or exhaling;

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has

recognized that a significant portion of persons with the coronavirus lack symptoms (identified as “asymptomatic”) and that even those who eventually develop symptoms (identified as “pre-symptomatic”) can transmit the virus to other persons before exhibiting symptoms;

WHEREAS, the CDC further has recognized the coronavirus can spread between persons interacting in close proximity, even if those persons are not exhibiting symptoms;

WHEREAS, the CDC has recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain—for example, in grocery stores, commercial kitchens and pharmacies—and especially in areas of significant community-based transmission;

WHEREAS, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, also has recommended that persons wear facial coverings to prevent them from infecting others;

WHEREAS, the dangers of COVID-19 continue to require 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, it has become necessary to supplement the Proclamation of March 4, 2020, the Supplementary Proclamation of March 16, 2020, the Second Supplementary Proclamation of March 21, 2020, the Third Supplementary Proclamation of March 23, 2020, and the Fourth Supplementary Proclamation of March 31, 2020, relating to the COVID-19 emergency, which continues to endanger the health, safety, and welfare of the people of Hawai‘i;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai‘i, hereby further supplement the Proclamation of March 4, 2020, and the Supplementary Proclamations set forth above, all of which shall remain in full force and effect and authorize and invoke the following:

I. Enhanced Social Distancing Requirements

Pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons must comply with the following enhanced social distancing requirements:

- A. Face Coverings. All persons are encouraged to wear a cloth face covering as described and recommended by the CDC, which guidance can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html> and is attached hereto. This section shall not apply to persons who are engaged in permissible outdoor exercise activities so long as social distancing requirements are maintained.
- B. Limitation on Activities Outside of the Home or Place of Residence.
 1. Beach Closures. All state beaches in Hawai'i are hereby closed. No person shall sit, stand, lie down, lounge, sunbathe, or loiter on any state beach or sand bar in Hawai'i, except when transiting across or through beaches to access the ocean waters for outdoor exercise purposes, such as surfing, solo paddling, and swimming, so long as physical distancing requirements are maintained.
 2. Boating Restrictions. No more than two persons are allowed in any boat on Hawai'i's waters for recreational purposes unless they are part of a single residential or family unit sharing the same address. Both persons in the boat shall comply as reasonably possible with the social distancing requirements unless they are part of a single residential or family unit sharing the same address. All boats shall maintain a distance of 20 feet from other boats.
 3. Hiking Restrictions. No group of more than two persons is allowed to hike on state trails, unless all hikers in the group

are part of a single residential or family unit sharing the same address. All persons hiking, who are not part of a single residential or family unit sharing the same address, shall maintain a distance of at least 20 feet from any other hiker.

4. Fishing and Gathering Limitations. No group of two or more persons may engage in fishing and gathering in state waters or on state land, unless all in the group are part of a single residential or family unit sharing the same address.

C. Essential Business and Operations Requirements. In addition to the social distancing requirements set forth in the Third Proclamation, all customers and employees of essential businesses and operations identified in the Third Proclamation shall exercise the additional social distancing and protective requirements identified herein to the fullest extent possible:

1. Six-foot distances. Personnel shall monitor and enforce the six-foot distancing requirement set forth in the Third Supplementary Proclamation, whether in outside waiting lines or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.
2. Limited Customer Occupancy. Each essential business facility or operation shall determine the maximum number of customers that may be accommodated while maintaining the specified separation distance and limiting the number of customers in the facility or at the operation to that maximum number at any time.

3. Hand sanitizer and sanitizing products. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.
4. Disinfection. Essential businesses and operations shall regularly disinfect all high-touch surfaces.
5. Face covering. All customers shall wear a face covering as described and recommended in Section I.A., or as required by any applicable county order, while waiting to enter and while at an essential business or operation. All employees of essential businesses or operations who have any contact with customers or goods to be purchased shall wear the cloth face covering recommended by the CDC while at their place of employment.
6. High risk populations. Elderly customers, employees and others at high risk for COVID-19, including those who are sick, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.
7. Online and remote access. Essential businesses and operations shall encourage their customers to do their business remotely by phone or online if at all possible.
8. Pickup at store or delivery. Essential businesses and operations shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility, or shall provide for delivery to customer locations.
9. Signage. Essential businesses and operations shall post a sign at the entrance of the facility informing all employees and customers that they should: avoid entering the business or operation if they have a cough or fever or otherwise do

not feel well; maintain a six-foot distance from one another; sneeze and cough into their elbow; not shake hands or engage in unnecessary physical contact.

II. Eviction Moratorium

Pursuant to section 127A-13(a)(3), HRS, in order for county and state agencies to engage in emergency management functions as defined in section 127A-2, HRS, and to forestall any eviction from a residential dwelling for failure to pay rent or lease or other related charge, the following shall be suspended, as allowed by federal law:

- A. Chapter 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.
- B. Section 521-68, HRS, **landlord's remedies for failure by tenant to pay rent**.
- C. 521-71, HRS, **termination of tenancy; landlord's remedies for holdover tenants**.
- D. 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.

III. Criminal Penalties

Pursuant to section 127A-29, HRS, any person violating any rule set forth in 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. Force and Effect of Law.

Pursuant to section 127A-25, HRS, I hereby adopt sections I, II, III and IV of this Fifth Supplementary Proclamation as rules having the force and effect of law.

In the event of any inconsistency, conflict or ambiguity between this Fifth Supplementary 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 authority.

I FURTHER DECLARE that the disaster emergency relief period shall continue through April 30, 2020, unless terminated by a separate proclamation. This order shall take effect on April 17, 2020, at 12:01 am and remain in place through the disaster emergency relief period.

Done at the State Capitol, this
16th day of April, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**SIXTH SUPPLEMENTARY PROCLAMATION
AMENDING AND RESTATING
PRIOR PROCLAMATIONS AND EXECUTIVE ORDERS RELATED TO THE
COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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 social 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 social distancing requirements and an eviction moratorium;

WHEREAS, I issued five Executive Orders to enable State and county responses to COVID-19, including Nos. **20-01** (March 23, 2020), **20-02** (March 29, 2020), **20-03** (April 7, 2020), **20-04** (April 16, 2020), and **20-05** (April 16, 2020);

WHEREAS, as of April 24, 2020, there have been more than 600 documented cases of COVID-19 in the State and 14 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;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby amend and restate all prior emergency proclamations (the Proclamation, the Supplementary Proclamation, the Second Supplementary Proclamation and Rules Relating to COVID-19, the Third Supplementary Proclamation, the Fourth Supplementary Proclamation, the Fifth Supplementary Proclamation) and Executive Orders (20-01, 20-02, 20-03, 20-04, and 20-05) and authorize and invoke the following as set forth herein:

- I. Statewide Coordination**.....[4]
- II. Invocation of Laws**.....[4]
- III. Stay at Home or in Their Place of Residence**.....[5]
 - A. Work in Essential Businesses or Operations
 - B. Permitted Activities Outside the Home or Place of Residence
 - C. Prohibited Activities Outside the Home or Place of Residence
 - D. Social Distancing Requirements
 - E. Persons Experiencing Homelessness
 - F. Force and Effect of Law
- IV. All Persons Traveling to the State or Traveling Inter-Island**.....[15]
 - A. Traveling to the State
 - B. Traveling Inter-Island
 - C. Force and Effect of Law
- V. Suspension of Laws**.....[16]
 - A. Session Laws
 - B. Division 1. Government
 - C. Division 2. Business
 - D. Division 3. Property; Family
 - E. Division 4. Courts and Judicial Proceedings
 - F. Division 5. Crimes and Criminal Proceedings
- Exhibit A. Restatement of Executive Order NO. 20-05**
- Exhibit B. Federal Critical Infrastructure Sectors** [as of April 24, 2020]
- Exhibit C. CDC Cloth Face Covering Recommendation** [as of April 24, 2020]
- Exhibit D. Rules Relating to COVID-19 Travel Quarantine**

**Exhibit E. Rules Relating to Child Care Services Under Chapter 17-798.2,
Hawaii Administrative Rules**
Exhibit F. Rules Relating to Notaries Public

I. Statewide Coordination

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.

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, the following:

- a. Alerts, warnings, notifications, and activations;
- b. Warnings and signals for alerts and any type of warning device, system, or method to be used in connection therewith;
- c. Partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster;
- d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters;
- e. The shutting off of water mains, gas mains, electric power connections, or suspension of other services; and
- f. Mandatory evacuation of the civilian population.

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, to prevent 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.

Restatement of Executive Order No. 20-05, as set forth in Exhibit A attached hereto.

III. Stay at Home or in Their Place of Residence

Pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons within the State of Hawai'i are ordered to stay at home or in their place of residence except as necessary to maintain continuity of operations of the federal critical infrastructure sectors, as set forth in Exhibit B attached hereto, and as further designated below or by the Director of HIEMA. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, "place of residence" means the person's individual hotel room or unit. To the extent persons use shared or outdoor spaces when outside their residence, they must comply with the social distancing requirements set forth herein to the fullest extent possible. All persons may leave their home or place of residence only for the essential businesses or operations described in Section III.A of the Sixth Supplementary Emergency

Proclamation (Proclamation) and/or to engage in permitted activities outside their homes or places of residence described in Section III.B of this Proclamation.

A. Work in Essential Businesses or Operations

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. All businesses or operations not identified as federal critical infrastructure sectors in Exhibit B attached hereto or designated by the Director of HIEMA or listed below, must cease. Persons may travel to and from the following essential businesses and operations to the extent that such businesses or operations cannot be conducted through remote technology from homes or places of residence:

1. Healthcare services and facilities. Hospitals, clinics, physician offices, assisted living facilities, and other healthcare facilities and services;

2. Stores that sell groceries and medicine. Grocery stores, pharmacies, licensed medical cannabis dispensaries, farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes establishments that sell groceries, medicine, including medication not requiring a medical prescription, supplies for children under the age of five and also that sell other non-grocery products, and products necessary to maintain the safety, sanitation, health and essential operation of residences and essential businesses and operations;

3. Food, beverage, cannabis production and agriculture. Food and/or beverage manufacturing, production, processing, and cultivation, including farming, livestock, hunting, gathering, fishing, baking, and other agriculture, including marketing, production, cultivation and distribution of animals and goods for consumption; licensed medical cannabis production centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;

4. Educational institutions. Educational institutions – including public and private pre-K-12 schools, colleges, and universities – for purposes of implementing appropriate learning measures, performing critical research, or performing essential functions, provided that the social distancing requirements identified herein are maintained to the greatest extent possible;

5. Organizations that provide charitable and social services. Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;

6. Media. Newspapers, television, radio, and other media services;

7. Gas stations and businesses needed for transportation. Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;

8. Financial institutions. Financial institutions, currency exchanges, consumer lenders, including but not limited to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, institutions selling financial products, and money service businesses such as money transmitters;

9. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, and heating material;

10. Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, and essential businesses and operations;

11. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;

12. Laundry services. Laundromats, dry cleaners, industrial laundry services, laundry rooms in hotels, condominiums, townhomes, apartments, and other multi-unit dwelling structures, and laundry service providers;

13. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Entities that typically provide food services to members of the public may continue to do so under this Proclamation on the condition that the food is provided on a pick-up, delivery or takeaway basis only. Entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property;

14. Supplies to work from home. Businesses that sell, manufacture, or supply products needed for people to work from home;

15. Supplies for essential businesses and operations. Businesses that sell, manufacture, or supply other essential businesses and operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;

16. Transportation. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private,

public, and commercial transportation and logistics providers necessary for essential activities and other purposes expressly authorized in this Proclamation;

17. Home-based care and services. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;

18. Residential facilities and shelters. Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;

19. Professional services. Professional services, including but not limited to legal services (such as attorney and expert services), accounting services, insurance services, and real estate services (such as escrow, appraisal, and title services);

20. Child care services for employees exempted by this Order. Child care services, licensed or authorized under the law, for the children of employees exempted by this Proclamation;

21. Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by essential businesses and operations;

22. Critical labor union functions. Labor Union essential activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in essential businesses and operations – provided that these checks should be done remotely where possible;

23. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;

24. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services;

25. Government functions. For purposes of this Proclamation, all first responders, emergency management personnel, emergency dispatchers, health workers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, national guard, and other governmental employees working for or to support essential businesses and operations are exempt. Nothing in this Proclamation shall prohibit any person from performing or accessing essential governmental functions. Furthermore, this Proclamation does not apply to the United States government.

B. Permitted Activities Outside the Home or Place of Residence

This order shall not apply to the following activities outside a person's home or place of residence:

1. Travel for health and safety;
2. Travel to engage in, receive or obtain goods or services from the essential businesses or operations identified herein;
3. Travel to engage in minimum basic operations of non-essential businesses, including the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, and related functions as well as the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences;
4. Travel to care for the elderly, minors, dependents, persons with disabilities, or other high risk persons;
5. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement;
6. Outdoor exercise activities, including ocean activities such as surfing and swimming, so long as social distancing requirements are maintained;

7. Walking pets on a leash.

C. Prohibited Activities Outside the Home or Place of Residence

Pursuant to current guidance from the Centers for Disease Control and Prevention (CDC), any gathering of more than ten people is prohibited unless exempted by this Proclamation. Members of a single residential or family unit sharing the same address are not prohibited from gathering. All places of public gathering, whether indoors or outdoors, including but not limited to fitness centers, gyms, locations with amusement rides, carnivals, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and social clubs shall be closed to the public. Additionally, pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons must comply with the following limitations on activities outside the home or place of residence:

1. Beach Closures. All beaches in Hawai'i are hereby closed. No person shall sit, stand, lie down, lounge, sunbathe, or loiter on any beach or sand bar in Hawai'i, except as allowed in Section III.C.4 below and when:

- a. transiting across or through beaches to access the ocean waters for outdoor exercise purposes, such as surfing, solo paddling, and swimming, so long as social distancing requirements are maintained;
- b. running, jogging, or walking on the beach, so long as social distancing requirements are maintained.

2. Boating Restrictions. No more than two persons are allowed in any boat on Hawai'i's waters for recreational purposes unless they are part of a single residential or family unit sharing the same address. Both persons in the boat shall comply as reasonably possible with the social distancing requirements unless they are part of a single residential or family unit sharing the same address. All boats shall maintain a distance of 20 feet from other boats when in use. This restriction does not apply to fishing as allowed in Section III.A.3 of this Proclamation.

3. Hiking Restrictions. No group of more than two persons is allowed to hike on state trails, unless all hikers in the group are part of a single residential or family unit sharing the same address. All persons hiking, who are not part of a single residential or family unit sharing the same address, shall maintain a distance of at least 20 feet from any other hiker.

4. Shore Fishing Limitations. No group of more than two persons may engage in shore fishing, unless all in the group are part of a single residential or family unit sharing the same address. All persons engaging in shore fishing, who are not part of a single residential or family unit sharing the same address, shall comply with social distancing requirements.

D. Social Distancing Requirements

All persons are encouraged to wear a cloth face covering as described and recommended by the CDC, which guidance is attached hereto as Exhibit C. This section shall not apply to persons who are engaged in permissible outdoor exercise activities so long as social distancing requirements are maintained. All essential businesses and operations identified herein and persons engaged in permitted activities identified herein, shall exercise the following social distancing requirements to the fullest extent possible:

1. High risk populations. Elderly and others at high risk for COVID-19 are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

2. Persons who are sick. Persons who are sick or have a fever or cough or are exhibiting symptoms such as shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

3. Six-foot distances. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Essential businesses and operations shall designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance. Employees shall monitor and enforce the six-foot

distancing requirement set forth in this Proclamation, whether outside waiting lines or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

4. Limited Customer Occupancy. Each essential business facility or operation shall determine the maximum number of customers that may be accommodated while maintaining the specified separation distance and limiting the number of customers in the facility or at the operation to that maximum number at any time.

5. Face covering. All customers shall wear a face covering as described and recommended by the CDC (see Exhibit C), while waiting to enter and while at an essential business or operation. All employees of essential businesses or operations who have any contact with customers or goods to be purchased shall wear the cloth face covering recommended by the CDC while at their place of employment.

6. Hand sanitizer and sanitizing products. Essential businesses and operations shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.

7. Disinfection. Essential businesses and operations shall regularly disinfect all high-touch surfaces.

8. Safeguards for high risk populations. Essential businesses and operations are urged to implement processes to safeguard elderly and high risk customers. High risk persons are encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.

9. Online and remote access. Essential businesses and operations shall post online whether a facility is open and how best to reach the facility and continue services by phone or remotely. Essential businesses and operations shall encourage their customers to do their business remotely by phone or online to the extent possible.

10. Pickup at store or delivery. Essential businesses and operations shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility or shall provide for delivery to customer locations.

11. Signage. Essential businesses and operations shall post a sign at the entrance of the facility informing all employees and customers that they should: wear CDC recommended face coverings while in the business or operation; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; not shake hands or engage in unnecessary physical contact.

E. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section III of this Proclamation but shall comply with the social distancing requirements to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

F. 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 or knowingly violates any provision set forth in this Section III 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.

Section III of this Proclamation shall take effect on April 26, 2020 at 12:01 am and remain in place until 11:59 pm on May 31, 2020.

IV. All Persons Traveling to the State or Traveling Inter-Island

A. Traveling 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, except those persons performing critical infrastructure functions as identified in Section III.A of this Proclamation. The period of self-quarantine shall begin from the time of entry into the State of Hawai'i and shall last 14 days or the duration of the person's presence in the State of Hawai'i, whichever is shorter.

B. Traveling Inter-Island

1. Pursuant to section 127A-13(a)(1), HRS, all persons traveling between any of the islands in the State of Hawai'i shall be subject to mandatory self-quarantine. The period of self-quarantine shall begin from the date of entry onto the island and shall last 14 days.

2. Persons traveling between islands for purposes related to medical or health care will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation.

3. Persons traveling between islands to perform critical infrastructure functions as identified in Section III.A of this Proclamation will be subject to self-quarantine while away from their island residence but may break quarantine to perform necessary functions. Upon return to their island residence, such persons will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation.

C. Force and Effect of Law

Pursuant to section 127A-25, HRS, all provisions set forth in Section IV of this Proclamation and the Rules Relating to COVID-19 Travel Quarantine, Exhibit D attached hereto, are hereby adopted as rules and shall have the force and effect of law. (These rules are hereinafter referred to as the "Travel Quarantine Rules").

Pursuant to section 127A-29, HRS, any person who intentionally or knowingly violates the Travel Quarantine 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.

Section IV of this Proclamation shall take effect on April 26, 2020 at 12:01 am and remain in place until 11:59 pm on May 31, 2020.

V. Suspension of Laws

The following laws are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), HRS, in order for county and state agencies to engage in emergency management functions as defined in section 127A-2, 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 26-33, HRS, **performance of duties of vacant office.**

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**, with respect to any county ordinance, rule, regulation, law or provision which applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this proclamation.

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.

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 a period of one hundred eighty (180) days from the date of this Proclamation.

Chapter 92, HRS, **public agency meetings and records**, to the extent necessary to enable boards to conduct business in person or through remote technology without holding meetings open to the public. Boards shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing electronic notice of meetings, allowing submission of written testimony on agenda items, live streaming meetings, and posting minutes of meetings online. No board deliberation or action shall be invalid, however, if such measures are not taken.

Chapter 92F, HRS, **uniform information practices act (modified)**.

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**.

Chapter 103F, HRS, **purchases of health and human services**.

Chapter 104, Hawaii Revised Statutes, **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-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.

Chapter 205A, HRS, **coastal zone management**.

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

Chapter 261, HRS, **aeronautics**

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.

Chapter 266, HRS, **harbors**.

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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

Sections 302D-12(h)(1) to (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 social distancing practices, such as providing notice of meetings, allowing submissions of written testimony on agenda 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.

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 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's) 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 329-40 (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 March, 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.

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 on Exhibit E attached hereto are hereby adopted.

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.

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 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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director.

Section 383-128(b), HRS, **employment and training fund established**, to the extent necessary to assist workers who have become unemployed as a result of the COVID-19 response, and to address the critical skills shortage resulting from the COVID-19 response, so that the employment and training fund may be used to train newly hired employees so that they may acquire the necessary knowledge, skills and behaviors to become effective and productive employees.

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.

Sections 397-6(c) and (d), HRS, **safety inspection by qualified inspectors**, and related administrative rules, and 76-16(a), **civil service and exemptions**, to the extent necessary to allow the department of labor and industrial relations to hire elevator mechanics, licensed under Chapter 448H,

HRS, to perform safety inspections of elevators and kindred equipment as required under Chapter 397, HRS.

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.

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 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.

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 on Exhibit F 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 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, within 180 days following graduation, 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 of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, within 180 days following the conferment of the doctor of pharmacy degree, 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 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 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 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 572-6, 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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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 term limits for matters before the Hawaii Paroling Authority.

Chapter 712A, HRS, **forfeiture**, to the extent necessary to provide petitioners, owners, law enforcement agencies, prosecutor, or the Attorney General, relief from any statutory deadlines.

Chapter 846E, HRS, **registration of sex offenders and other covered offenders and public access to registration information**, to the extent necessary to suspend any requirement that a covered offender must come into close physical contact with an agency with jurisdiction, the attorney general, or chief of police, or their designees to satisfy any element of this section.

I FURTHER DECLARE that the disaster emergency relief period shall continue through May 31, 2020, unless terminated or extended by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
25th day of April, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**SEVENTH SUPPLEMENTARY PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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 social 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 social distancing requirements 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;

WHEREAS, as of May 5, 2020, there have been 625 documented cases of COVID-19 in the State and 17 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;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby amend and restate all prior proclamations and executive orders, and authorize and invoke the following as set forth herein:

I. Statewide Coordination.....[3]

II. Invocation of Laws.....[3]

III. Safer at Home Order.....[4]

- A. Work in Essential and Designated Businesses or Operations
- B. Permitted Activities Outside the Home or Place of Residence
- C. Prohibited Activities Outside the Home or Place of Residence
- D. Social Distancing Requirements
- E. Persons Experiencing Homelessness
- F. Force and Effect of Law

IV. All Persons Traveling to the State or Traveling Inter-Island.....[14]

- A. Traveling to the State
- B. Traveling Inter-Island
- C. Force and Effect of Law

V. Suspension of Laws.....[15]

- A. Session Laws
- B. Division 1. Government
- C. Division 2. Business
- D. Division 3. Property; Family
- E. Division 4. Courts and Judicial Proceedings
- F. Division 5. Crimes and Criminal Proceedings

Exhibit A. Restatement of Executive Order NO. 20-05

Exhibit B. Federal Critical Infrastructure Sectors [as of April 24, 2020]

Exhibit C. CDC Cloth Face Covering Recommendation [as of April 24, 2020]

Exhibit D. Rules Relating to COVID-19 Travel Quarantine

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

Exhibit F. Rules Relating to Notaries Public

Exhibit G. Designated Businesses and Operations

Exhibit H. Sunshine Law and UIPA

I. Statewide Coordination

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.

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, the following:

- a. Alerts, warnings, notifications, and activations;
- b. Warnings and signals for alerts and any type of warning device, system, or method to be used in connection therewith;
- c. Partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster;
- d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters;
- e. The shutting off of water mains, gas mains, electric power connections, or suspension of other services; and
- f. Mandatory evacuation of the civilian population.

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, to prevent 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.

Restatement of Executive Order No. 20-05, as set forth in Exhibit A attached hereto.

III. Safer at Home

Pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons within the State of Hawai'i are ordered to stay at home or in their place of residence except as necessary to maintain continuity of operations of the federal critical infrastructure sectors, as set forth in Exhibit B attached hereto, and as further designated below or by the Director of HIEMA. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, "place of residence" means the person's individual hotel room or unit. To the extent persons use shared or outdoor spaces when outside their residence, they must comply with the social distancing requirements set forth herein to the fullest extent possible. All persons may leave their home or place of residence only for the businesses or operations identified in Section III.A of the Seventh Supplementary Emergency Proclamation

(Proclamation) and/or to engage in permitted activities outside their homes or places of residence described in Section III.B of this Proclamation.

A. Work in Essential and Designated Businesses or Operations

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. All businesses or operations not identified as federal critical infrastructure sectors in Exhibit B attached hereto or designated by the Director of HIEMA or otherwise identified herein, may not operate. Persons may travel to and from the following essential businesses and operations, as well as to and from the designated businesses and operations allowed to operate and identified in Exhibit G attached hereto, to the extent that such businesses or operations cannot be conducted through remote technology from homes or places of residence:

1. Healthcare services and facilities. Hospitals, clinics, physician offices, assisted living facilities, and other healthcare facilities and services;

2. Stores that sell groceries and medicine. Grocery stores, pharmacies, licensed medical cannabis dispensaries, farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes establishments that sell groceries, medicine, including medication not requiring a medical prescription, supplies for children under the age of five and also that sell other non-grocery products, and products necessary to maintain the safety, sanitation, health and essential operation of residences and essential businesses and operations;

3. Food, beverage, cannabis production and agriculture. Food and/or beverage manufacturing, production, processing, and cultivation, including farming, livestock, hunting, gathering, fishing, baking, and other agriculture, including marketing, production, cultivation and distribution of animals and goods for consumption; licensed medical cannabis production centers; and businesses

that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;

4. Educational institutions. Educational institutions – including public and private pre-K-12 schools, colleges, and universities – for purposes of implementing appropriate learning measures, performing critical research, or performing essential functions, provided that the social distancing requirements identified herein are maintained to the greatest extent possible;

5. Organizations that provide charitable and social services. Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;

6. Media. Newspapers, television, radio, and other media services;

7. Gas stations and businesses needed for transportation. Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;

8. Financial institutions. Financial institutions, currency exchanges, consumer lenders, including but not limited to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, institutions selling financial products, and money service businesses such as money transmitters;

9. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, and heating material;

10. Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services

that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, and essential businesses and operations;

11. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;

12. Laundry services. Laundromats, dry cleaners, industrial laundry services, laundry rooms in hotels, condominiums, townhomes, apartments, and other multi-unit dwelling structures, and laundry service providers;

13. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Entities that typically provide food services to members of the public may continue to do so under this Proclamation on the condition that the food is provided on a pick-up, delivery or takeaway basis only. Entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property;

14. Supplies to work from home. Businesses that sell, manufacture, or supply products needed for people to work from home;

15. Supplies for essential businesses and operations. Businesses that sell, manufacture, or supply other essential businesses and operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;

16. Transportation. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for essential activities and other purposes expressly authorized in this Proclamation. Operations that rent vehicles may not rent to any person who is subject to a 14-day traveler quarantine order unless an exemption is granted;

17. Home-based care and services. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;

18. Residential facilities and shelters. Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;

19. Professional services. Professional services, including but not limited to legal services (such as attorney and expert services), accounting services, insurance services, and real estate services (such as escrow, appraisal, and title services);

20. Child care services licensed or authorized under the law;

21. Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by essential businesses and operations;

22. Critical labor union functions. Labor Union essential activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in essential

businesses and operations – provided that these checks should be done remotely where possible;

23. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;

24. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services;

25. Government functions. For purposes of this Proclamation, all first responders, emergency management personnel, emergency dispatchers, health workers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, national guard, and other governmental employees working for or to support essential businesses and operations are exempt. Nothing in this Proclamation shall prohibit any person from performing or accessing essential governmental functions. Furthermore, this Proclamation does not apply to the United States government.

B. Permitted Activities Outside the Home or Place of Residence

This order shall not apply to the following activities outside a person's home or place of residence:

1. Travel for health and safety;

2. Travel to engage in, receive or obtain goods or services from the businesses or operations identified herein as essential, and from the designated businesses or operations allowed to operate and identified in Exhibit G attached hereto;

3. Travel to engage in minimum basic operations of nonessential businesses, including the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, and related functions as well as the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences;

4. Travel to care for the elderly, minors, dependents, persons with disabilities, or other high risk persons;

5. Travel required by law enforcement or court order, including transporting children pursuant to a custody agreement;

6. Outdoor exercise activities, including ocean activities such as surfing and swimming, so long as social distancing requirements are maintained;

7. Walking pets on a leash.

C. Prohibited Activities Outside the Home or Place of Residence

Pursuant to current guidance from the Centers for Disease Control and Prevention (CDC), any gathering of more than ten people is prohibited unless exempted by this Proclamation. Members of a single residential or family unit sharing the same address are not prohibited from gathering. All places of public gathering, whether indoors or outdoors, including but not limited to fitness centers, gyms, locations with amusement rides, carnivals, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and social clubs shall be closed to the public. Additionally, pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons must comply with the following limitations on activities outside the home or place of residence:

1. Beach Closures. All beaches in Hawai'i are hereby closed. No person shall sit, stand, lie down, lounge, sunbathe, or loiter on any beach or sand bar in Hawai'i, except as allowed in Section III.C.4 below and when:

- a. transiting across or through beaches to access the ocean waters for outdoor exercise purposes, such as surfing, solo paddling, and swimming, so long as social distancing requirements are maintained;
- b. running, jogging, or walking on the beach, so long as social distancing requirements are maintained.

2. Boating Restrictions. No more than two persons are allowed in any boat on Hawai'i's waters for recreational purposes unless they are part of a single residential or family unit sharing the same address. Both persons in the boat shall comply as reasonably possible with the social distancing requirements

unless they are part of a single residential or family unit sharing the same address. All boats shall maintain a distance of 20 feet from other boats when in use. This restriction does not apply to fishing as allowed in Section III.A.3 of this Proclamation.

3. Hiking Restrictions. No group of more than two persons is allowed to hike on state trails, unless all hikers in the group are part of a single residential or family unit sharing the same address. All persons hiking, who are not part of a single residential or family unit sharing the same address, shall maintain a distance of at least 20 feet from any other hiker.

4. Shore Fishing Limitations. No group of more than two persons may engage in shore fishing, unless all in the group are part of a single residential or family unit sharing the same address. All persons engaging in shore fishing, who are not part of a single residential or family unit sharing the same address, shall comply with social distancing requirements.

D. Social Distancing Requirements

All persons are encouraged to wear a cloth face covering as described and recommended by the CDC, which guidance is attached hereto as Exhibit C. This section shall not apply to persons who are engaged in permissible outdoor exercise activities so long as social distancing requirements are maintained. All essential and designated businesses and operations identified herein shall comply, to the fullest extent possible, with the CDC guidance and industry COVID-19 trade practices applicable to that business or operation. All essential and designated businesses and operations identified herein, and persons engaged in permitted activities identified herein, shall exercise the following social distancing requirements to the fullest extent possible:

1. High risk populations. Elderly and others at high risk for COVID-19 are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

2. Persons who are sick. Persons who are sick or have a fever or cough or are exhibiting symptoms such as shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore

throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

3. Six-foot distances. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Essential and designated businesses or operations shall designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance. Essential and designated businesses or operations shall monitor and enforce the six-foot distancing requirement set forth in this Proclamation, whether outside waiting lines or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

4. Limited Customer Occupancy. Each essential and designated business facility or operation shall determine the maximum number of customers that may be accommodated while maintaining the specified separation distance and limiting the number of customers in the facility or at the operation to that maximum number at any time.

5. Face covering. All customers shall wear a face covering as described and recommended by the CDC (see Exhibit C), while waiting to enter and while at an essential and designated business or operation. All employees of essential and designated businesses or operations who have any contact with customers or goods to be purchased shall wear the cloth face covering recommended by the CDC while at their place of employment.

6. Hand sanitizer and sanitizing products. Essential and designated businesses or operations shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.

7. Disinfection. Essential and designated businesses or operations shall regularly disinfect all high-touch surfaces.

8. Safeguards for high risk populations. Essential and designated businesses or operations are urged to implement processes to safeguard elderly

and high risk customers. High risk persons are encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.

9. Online and remote access. Essential and designated businesses or operations shall post online whether a facility is open and how best to reach the facility and continue services by phone or remotely. Essential and designated businesses or operations shall encourage their customers to do their business remotely by phone or online to the extent possible.

10. Pickup at store or delivery. Essential and designated businesses or operations shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility or shall provide for delivery to customer locations.

11. Signage. Essential and designated businesses or operations shall post a sign at the entrance of the facility informing all employees and customers that they should: wear CDC recommended face coverings while in the business or operation; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; not shake hands or engage in unnecessary physical contact.

E. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section III of this Proclamation but shall comply with the social distancing requirements to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

F. 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 or knowingly violates any provision set forth in this Section III 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.

Section III, Exhibit G, of this Proclamation shall take effect on May 7, 2020, at 12:01am and remain in place for the duration of the emergency period.

IV. All Persons Traveling to the State or Traveling Inter-Island

A. Traveling 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. Those persons performing critical infrastructure functions as identified in Section III.A of this Proclamation will be subject to self-quarantine but may break quarantine to perform necessary functions so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation. The period of self-quarantine shall begin from the time of entry into the State of Hawai'i and shall last 14 days or the duration of the person's presence in the State of Hawai'i, whichever is shorter. Persons traveling from the State to perform critical infrastructure functions as identified in Section III.A of this Proclamation should self-quarantine while away from their Hawai'i residence but may break quarantine to perform necessary functions. Upon return to their Hawai'i residence, such persons will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation.

B. Traveling Inter-Island

1. Pursuant to section 127A-13(a)(1), HRS, all persons traveling between any of the islands in the State of Hawai'i shall be subject to mandatory self-quarantine. The period of self-quarantine shall begin from the date of entry onto the island and shall last 14 days or the duration of the person's presence on the island, whichever is shorter.

2. Persons traveling between islands for purposes related to medical or health care will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation.

3. Persons traveling between islands to perform critical infrastructure functions as identified in Section III.A of this Proclamation will be subject to self-quarantine while away from their island residence but may break quarantine to perform necessary functions. Upon return to their island residence, such persons will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation.

C. Force and Effect of Law

Pursuant to section 127A-25, HRS, all provisions set forth in Section IV of this Proclamation and the Rules Relating to COVID-19 Travel Quarantine, Exhibit D attached hereto, are hereby adopted as rules and shall have the force and effect of law. (These rules are hereinafter referred to as the “Travel Quarantine Rules”).

Pursuant to section 127A-29, HRS, any person who intentionally or knowingly violates the Travel Quarantine 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. Suspension of Laws

The following laws are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), HRS, in order for county and state agencies to engage in emergency management functions as defined in section 127A-2, 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 26-33, HRS, **performance of duties of vacant office.**

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**, with respect to any county ordinance, rule, regulation, law or provision which applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this proclamation.

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.

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 a period of one hundred eighty (180) days from the date of this Proclamation.

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

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

Chapter 103F, HRS, **purchases of health and human services.**

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-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.

Chapter 205A, HRS, **coastal zone management**.

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

Chapter 261, HRS, **aeronautics**

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.

Chapter 266, HRS, **harbors**.

Chapter 286, HRS, **highway safety**.

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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

Sections 302D-12(h)(1) to (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 social distancing practices, such as providing notice of meetings, allowing submissions of written testimony on agenda 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.

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 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 329-40 (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 March, 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.

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 on Exhibit E attached hereto are hereby adopted.

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.

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 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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

Section 383-128(b), HRS, **employment and training fund established**, to the extent necessary to assist workers who have become unemployed as a result of the COVID-19 response, and to address the critical skills shortage resulting from the COVID-19 response, so that the employment and training fund may be used to train newly hired employees so that they may acquire the necessary knowledge, skills and behaviors to become effective and productive employees.

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.

Sections 397-6(c) and (d), HRS, **safety inspection by qualified inspectors**, and related administrative rules, and 76-16(a), **civil service and exemptions**, to the extent necessary to allow the department of labor and industrial relations to hire elevator mechanics, licensed under Chapter 448H, HRS, to perform safety inspections of elevators and kindred equipment as required under Chapter 397, HRS.

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.

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 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.

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 on Exhibit F 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 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, within 180 days following graduation, 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 of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, within 180 days following the conferment of the doctor of pharmacy degree, 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 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 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 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 572-6, 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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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.

Chapter 712A, HRS, **forfeiture**, to the extent necessary to provide petitioners, owners, law enforcement agencies, prosecutor, or the Attorney General, relief from any statutory deadlines.

Chapter 846E, HRS, **registration of sex offenders and other covered offenders and public access to registration information**, to the extent necessary to suspend any requirement that a covered offender must come into close physical contact with an agency with jurisdiction, the attorney general, or chief of police, or their designees to satisfy any element of this section.

I FURTHER DECLARE that the disaster emergency relief period shall continue through May 31, 2020, unless terminated or extended by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
5th day of May, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**EIGHTH SUPPLEMENTARY PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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 social 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 social distancing requirements 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;

WHEREAS, as of May 18, 2020, there have been 640 documented cases of COVID-19 in the State and 17 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;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby amend and restate all prior proclamations and executive orders, and authorize and invoke the following as set forth herein:

- I. Statewide Coordination**.....[3]
- II. Invocation of Laws**.....[3]
- III. Act with Care Order**.....[4]
 - A. Work in Businesses or Operations
 - B. Permitted Activities Outside the Home or Place of Residence
 - C. Prohibited Activities Outside the Home or Place of Residence
 - D. Social Distancing Requirements
 - E. Persons Experiencing Homelessness
 - F. Force and Effect of Law
- IV. All Persons Traveling to the State or Traveling Inter-Island**.....[14]
 - A. Traveling to the State
 - B. Traveling Inter-Island
 - C. Force and Effect of Law
- V. Suspension of Laws**.....[15]
 - A. Session Laws
 - B. Division 1. Government
 - C. Division 2. Business
 - D. Division 3. Property; Family
 - E. Division 4. Courts and Judicial Proceedings
 - F. Division 5. Crimes and Criminal Proceedings

- Exhibit A. Restatement of Executive Order NO. 20-05**
- Exhibit B. Federal Critical Infrastructure Sectors** [as of April 24, 2020]
- Exhibit C. CDC Cloth Face Covering Recommendation** [as of April 24, 2020]
- Exhibit D. Rules Relating to COVID-19 Travel Quarantine**
- Exhibit E. Rules Relating to Child Care Services Under Chapter 17-798.2, Hawaii Administrative Rules**
- Exhibit F. Rules Relating to Notaries Public**
- Exhibit G. State Roadmap to Recovery and Resilience**
- Exhibit H. Sunshine Law and UIPA**
- Exhibit I. Rules Relating to Safety Guidelines for Barbers and Beauty Operators**

I. Statewide Coordination

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.

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, the following:

- a. Alerts, warnings, notifications, and activations;
- b. Warnings and signals for alerts and any type of warning device, system, or method to be used in connection therewith;
- c. Partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster;
- d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters;
- e. The shutting off of water mains, gas mains, electric power connections, or suspension of other services; and
- f. Mandatory evacuation of the civilian population.

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, to prevent 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.

Restatement of Executive Order No. 20-05, as set forth in Exhibit A attached hereto.

III. Act with Care

Pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons within the State of Hawai'i are ordered to stay at home or in their place of residence except as necessary to maintain continuity of operations of the federal critical infrastructure sectors, as set forth in Exhibit B attached hereto, and as further designated below or by the Director of HIEMA. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, "place of residence" means the person's individual hotel room or unit. To the extent persons use shared or outdoor spaces when outside their residence, they must comply with the social distancing requirements set forth herein to the fullest extent possible. With the exception of persons subject to the traveler self-quarantine set forth below in Section IV, persons may leave their home or place of residence for the

businesses or operations identified in Section III.A of the Eighth Supplementary Emergency Proclamation (Proclamation) and/or to engage in permitted activities outside their homes or places of residence described in Section III.B of this Proclamation.

A. Work in Businesses or Operations

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. All businesses or operations not identified as federal critical infrastructure sectors in Exhibit B attached hereto or designated by the Director of HIEMA or otherwise identified in this Proclamation, may not operate. Persons may travel to and from the following businesses or operations, as well as to and from businesses or operations operating in accordance with guidance outlined in the State Roadmap to Recovery and Resilience, attached hereto in Exhibit G:

1. Healthcare services and facilities. Hospitals, clinics, physician offices, assisted living facilities, and other healthcare facilities and services;

2. Stores that sell groceries and medicine. Grocery stores, pharmacies, licensed medical cannabis dispensaries, farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes establishments that sell groceries, medicine, including medication not requiring a medical prescription, supplies for children under the age of five and also that sell other non-grocery products, and products necessary to maintain the safety, sanitation, health and essential operation of residences and essential businesses and operations;

3. Food, beverage, cannabis production and agriculture. Food and/or beverage manufacturing, production, processing, and cultivation, including farming, livestock, hunting, gathering, fishing, baking, and other agriculture, including marketing, production, cultivation and distribution of animals and goods for consumption; licensed medical cannabis production centers; and businesses

that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;

4. Educational institutions. Educational institutions – including public and private pre-K-12 schools, colleges, and universities – for purposes of implementing appropriate learning measures, performing critical research, or performing essential functions, provided that the social distancing requirements identified herein are maintained to the greatest extent possible;

5. Organizations that provide charitable and social services. Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;

6. Media. Newspapers, television, radio, and other media services;

7. Gas stations and businesses needed for transportation. Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;

8. Financial institutions. Financial institutions, currency exchanges, consumer lenders, including but not limited to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, institutions selling financial products, and money service businesses such as money transmitters;

9. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, and heating material;

10. Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services

that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, and essential businesses and operations;

11. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;

12. Laundry services. Laundromats, dry cleaners, industrial laundry services, laundry rooms in hotels, condominiums, townhomes, apartments, and other multi-unit dwelling structures, and laundry service providers;

13. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Entities that typically provide food services to members of the public may continue to do so under this Proclamation on the condition that the food is provided on a pick-up, delivery or takeaway basis only. Entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property;

14. Supplies to work from home. Businesses that sell, manufacture, or supply products needed for people to work from home;

15. Supplies for essential businesses and operations. Businesses that sell, manufacture, or supply other essential businesses and operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;

16. Transportation. Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for essential activities and other purposes expressly authorized in this Proclamation. Operations that rent vehicles, as well as individuals participating in peer-to-peer car rental platforms or car sharing services including but not limited to Turo and Zipcar, may not rent to any person who is subject to a 14-day traveler quarantine order unless an exemption is granted;

17. Home-based care and services. Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;

18. Residential facilities and shelters. Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;

19. Professional services. Professional services, including but not limited to legal services (such as attorney and expert services), accounting services, insurance services, and real estate services (such as escrow, appraisal, and title services);

20. Child care services licensed or authorized under the law;

21. Manufacture, distribution, and supply chain for critical products and industries. Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by essential businesses and operations;

22. Critical labor union functions. Labor Union essential activities including the administration of health and welfare funds and personnel checking

on the well-being and safety of members providing services in essential businesses and operations – provided that these checks should be done remotely where possible;

23. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;

24. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services;

25. Government functions. For purposes of this Proclamation, all first responders, emergency management personnel, emergency dispatchers, health workers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, national guard, and other governmental employees working for or to support essential businesses and operations are exempt. Nothing in this Proclamation shall prohibit any person from performing or accessing essential governmental functions. Furthermore, this Proclamation does not apply to the United States government.

B. Permitted Activities Outside the Home or Place of Residence

This order shall not apply to the following activities outside a person's home or place of residence:

1. Travel for health and safety;
2. Travel to engage in, receive or obtain goods or services from the businesses or operations allowed to operate pursuant to this Proclamation;
3. Travel to engage in minimum basic operations of businesses not allowed to operate pursuant to this Proclamation, including the minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, and related functions as well as the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences;
4. Travel to care for the elderly, minors, dependents, persons with disabilities, or other high-risk persons;

5. Travel required by law enforcement or court order, including transporting children pursuant to a custody agreement;

6. Outdoor exercise activities, including ocean activities such as surfing and swimming, so long as social distancing requirements are maintained;

7. Walking pets on a leash.

C. Prohibited Activities Outside the Home or Place of Residence

Pursuant to current guidance from the Centers for Disease Control and Prevention (CDC), any gathering of more than ten people is prohibited unless exempted by this Proclamation. Members of a single residential or family unit sharing the same address are not prohibited from gathering. All places of public gathering, whether indoors or outdoors, not otherwise identified in this Proclamation shall remain closed to the public. Additionally, pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons must comply with the following limitations on activities outside the home or place of residence:

1. Beach Closures. Beaches in Hawai'i are closed, unless opened in accordance with executed guidelines regarding COVID-19. Absent such guidelines, no person shall sit, stand, lie down, lounge, sunbathe, or loiter on any beach or sand bar, except as allowed in Section III.C.4 below and when:

- a. transiting across or through beaches to access the ocean waters for outdoor exercise purposes, such as surfing, solo paddling, and swimming, so long as social distancing requirements are maintained;
- b. running, jogging, or walking on the beach, so long as social distancing requirements are maintained.

2. Boating Restrictions. No more than two persons are allowed in any boat on Hawai'i's waters for recreational purposes unless they are part of a single residential or family unit sharing the same address. Both persons in the boat shall comply as reasonably possible with the social distancing requirements unless they are part of a single residential or family unit sharing the same address. All boats shall maintain a distance of 20 feet from other boats when in

use. This restriction does not apply to fishing as allowed in Section III.A.3 of this Proclamation.

3. Hiking Restrictions. No group of more than two persons is allowed to hike on state trails, unless all hikers in the group are part of a single residential or family unit sharing the same address. All persons hiking, who are not part of a single residential or family unit sharing the same address, shall maintain a distance of at least 20 feet from any other hiker.

4. Shore Fishing Limitations. No group of more than two persons may engage in shore fishing, unless all in the group are part of a single residential or family unit sharing the same address. All persons engaging in shore fishing, who are not part of a single residential or family unit sharing the same address, shall comply with social distancing requirements.

D. Social Distancing Requirements

All persons are encouraged to wear a cloth face covering as described and recommended by the CDC, which guidance is attached hereto as Exhibit C. This section shall not apply to persons who are engaged in permissible outdoor exercise activities so long as social distancing requirements are maintained. All businesses or operations operating in accordance with this Proclamation shall comply with the applicable CDC, industry and regulatory guidance for COVID-19. All businesses or operations operating in accordance with this Proclamation, and persons engaged in permitted activities identified herein, shall exercise the following social distancing requirements to the fullest extent possible:

1. High risk populations. Elderly and others at high risk for COVID-19 are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

2. Persons who are sick. Persons who are sick or have a fever or cough or are exhibiting symptoms such as shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

3. Six-foot distances. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Businesses or operations shall designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance. Businesses or operations shall monitor and enforce the six-foot distancing requirement set forth in this Proclamation, whether outside waiting lines or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

4. Limited Customer Occupancy. Each business facility or operation shall determine the maximum number of customers that may be accommodated while maintaining the specified separation distance and limiting the number of customers in the facility or at the operation to that maximum number at any time.

5. Face covering. All customers shall wear a face covering as described and recommended by the CDC (see Exhibit C), while waiting to enter and while at a business or operation. All employees of businesses or operations who have any contact with customers or goods to be purchased shall wear the cloth face covering recommended by the CDC while at their place of employment.

6. Hand sanitizer and sanitizing products. Businesses or operations shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.

7. Disinfection. Businesses or operations shall regularly disinfect all high-touch surfaces.

8. Safeguards for high risk populations. Businesses or operations are urged to implement processes to safeguard elderly and high risk customers. High risk persons are encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.

9. Online and remote access. Businesses or operations shall post online whether a facility is open and how best to reach the facility and continue

services by phone or remotely. Businesses or operations shall encourage their customers to do their business remotely by phone or online to the extent possible.

10. Pickup at store or delivery. Businesses or operations shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility or shall provide for delivery to customer locations.

11. Signage. Businesses or operations shall post a sign at the entrance of the facility informing all employees and customers that they should: wear CDC recommended face coverings while in the business or operation; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; not shake hands or engage in unnecessary physical contact.

E. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section III of this Proclamation but shall comply with the social distancing requirements to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

F. 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 or knowingly violates any provision set forth in this Section III 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. All Persons Traveling to the State or Traveling Inter-Island

A. Traveling 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, except those persons entering the State by recreational boats which have been at sea for at least 14 consecutive days before entering State waters and have no persons on board that are ill or are exhibiting symptoms of COVID-19. Those persons performing critical infrastructure functions as identified in Section III.A of this Proclamation will be subject to self-quarantine but may break quarantine to perform their critical infrastructure functions so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation. The period of self-quarantine shall begin from the time of entry into the State of Hawai'i and shall last 14 days or the duration of the person's presence in the State of Hawai'i, whichever is shorter. Persons traveling from the State to perform critical infrastructure functions as identified in Section III.A of this Proclamation should self-quarantine while away from their Hawai'i residence but may break quarantine to perform their critical infrastructure functions. Upon return to their Hawai'i residence, such persons will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation.

B. Traveling Inter-Island

1. Pursuant to section 127A-13(a)(1), HRS, all persons traveling between any of the islands in the State of Hawai'i shall be subject to mandatory self-quarantine. The period of self-quarantine shall begin from the date of entry onto the island and shall last 14 days or the duration of the person's presence on the island, whichever is shorter.

2. Persons traveling between islands for purposes related to medical or health care will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation.

3. Persons traveling between islands to perform critical infrastructure functions as identified in Section III.A of this Proclamation will be subject to self-quarantine while away from their island residence but may break quarantine to perform their critical infrastructure functions. Upon return to their island residence, such persons will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the social distancing requirements identified in Section III.D of this Proclamation.

C. Force and Effect of Law

Pursuant to section 127A-25, HRS, all provisions set forth in Section IV of this Proclamation and the Rules Relating to COVID-19 Travel Quarantine, Exhibit D attached hereto, are hereby adopted as rules and shall have the force and effect of law. (These rules are hereinafter referred to as the “Travel Quarantine Rules”).

Pursuant to section 127A-29, HRS, any person who intentionally or knowingly violates the Travel Quarantine 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.

Unless an exemption is granted, persons subject to self-quarantine pursuant to Section IV of this Proclamation are prohibited from renting vehicles in the State, whether through a rental car company, online service, or through a peer-to-peer car rental 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 a renting of a vehicle in violation of this order.

V. Suspension of Laws

The following laws are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), HRS, in order for county and state agencies to engage in emergency management functions as defined in section 127A-2, 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 26-33, HRS, **performance of duties of vacant office.**

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**, with respect to any county ordinance, rule, regulation, law or provision which applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this proclamation.

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.

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 a period of one hundred eighty (180) days from the date of this Proclamation.

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

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

Chapter 103F, HRS, **purchases of health and human services.**

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.

Chapter 205A, HRS, coastal zone management.

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

Chapter 261, HRS, **aeronautics**

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.

Chapter 266, HRS, **harbors**.

Chapter 286, HRS, **highway safety**.

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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

Sections 302D-12(h)(1) to (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 social distancing practices, such as providing notice of meetings, allowing submissions of written testimony on agenda 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.

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 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 329-40 (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 March, 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.

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 on Exhibit E attached hereto are hereby adopted.

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.

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 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, **fees**, 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 Department of Labor and Industrial Relations 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; and

4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

Section 383-128(b), HRS, **employment and training fund established**, to the extent necessary to assist workers who have become unemployed as a result of the COVID-19 response, and to address the critical skills shortage resulting from the COVID-19 response, so that the employment and training fund may be used to train newly hired employees so that they may acquire the necessary knowledge, skills and behaviors to become effective and productive employees.

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.

Sections 397-6(c) and (d), HRS, **safety inspection by qualified inspectors**, and related administrative rules, and 76-16(a), **civil service and exemptions**, to the extent necessary to allow the department of labor and industrial relations to hire elevator mechanics, licensed under Chapter 448H, HRS, to perform safety inspections of elevators and kindred equipment as required under Chapter 397, HRS.

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 on Exhibit I 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 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 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 Hawaii.

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 on Exhibit F 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 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, within 180 days following graduation, 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 of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, within 180 days following the conferment of the doctor of pharmacy degree, 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 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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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.

Chapter 712A, HRS, **forfeiture**, to the extent necessary to provide petitioners, owners, law enforcement agencies, prosecutor, or the Attorney General, relief from any statutory deadlines.

Chapter 846E, HRS, **registration of sex offenders and other covered offenders and public access to registration information**, to the extent necessary to suspend any requirement that a covered offender must come into close physical contact with an agency with jurisdiction, the attorney general, or chief of police, or their designees to satisfy any element of this section.

I FURTHER DECLARE that the disaster emergency relief period shall continue through June 30, 2020, unless terminated or extended by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
18th day of May, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**NINTH SUPPLEMENTARY PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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; in May 29, 2020, an **Eighth Supplementary Proclamation** related to the COVID-19 Emergency;

WHEREAS, as of June 10, 2020, there have been 685 documented cases of COVID-19 in the State and 17 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;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby amend and restate all prior proclamations and executive orders, and authorize and invoke the following as set forth herein:

- I. **Statewide Coordination**..... [3]
- II. **Invocation of Laws**.....[3]
- III. **Act with Care Order**.....[4]
 - A. Work in Businesses or Operations
 - B. Permitted Activities Outside the Home or Place of Residence
 - C. Safe Practices
 - D. Persons Experiencing Homelessness
 - E. Force and Effect of Law
- IV. **All Persons Traveling to the State or Traveling Inter-Island**.....[8]
 - A. Traveling to the State
 - B. Traveling Inter-Island
 - C. Host Responsibility
 - D. Prohibition on Renting Vehicles
 - E. Car Sharing Services Responsibility
 - F. Force and Effect of Law
- V. **Suspension of Laws**.....[11]
 - A. Session Laws
 - B. Division 1. Government
 - C. Division 2. Business
 - D. Division 3. Property; Family
 - E. Division 4. Courts and Judicial Proceedings
 - F. Division 5. Crimes and Criminal Proceedings
- VI. **Severability**.....[31]

Exhibit A. Restatement of Executive Order NO. 20-05
Exhibit B. Federal Critical Infrastructure Sectors [as of May 19, 2020]
Exhibit C. CDC Cloth Face Covering Recommendation [as of April 24, 2020]
Exhibit D. Rules Relating to COVID-19 Travel Quarantine
Exhibit E. Rules Relating to Child Care Services Under Chapter 17-798.2, Hawaii Administrative Rules
Exhibit F. Rules Relating to Notaries Public (amended June 1, 2020)
Exhibit G. State Roadmap to Recovery and Resilience
Exhibit H. Sunshine Law and UIPA
Exhibit I. Rules Relating to Safety Guidelines for Barbers and Beauty Operators

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 Ninth Supplementary 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, to prevent 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.

Restatement of Executive Order No. 20-05, 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 business or operations may operate during this emergency: businesses or operations that are part of the federal critical infrastructure sectors, as set forth in Exhibit B attached hereto, and the businesses or operations operating in each county in accordance with the State Roadmap to Recovery and Resilience, attached hereto as Exhibit G. 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. All business or operations must comply with the safe practices set forth in Section III.C to the fullest extent possible.

B. Permitted Activities Outside the Home or Place of Residence

Persons within the State of Hawai'i who are not subject to the traveler self-quarantine in Section IV of this Proclamation may engage in the following activities, so long as they comply with the safe practices set forth in Section III.C to the fullest extent possible:

1. Travel for health and safety;
2. Travel to engage in, receive or obtain goods or services from the businesses or operations allowed to operate pursuant to this Proclamation;
3. Travel to engage in minimum basic operations of businesses not allowed to operate pursuant to this Proclamation, including the minimum

necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, and related functions as well as the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences;

4. Travel to care for the elderly, minors, dependents, persons with disabilities, or other high-risk persons;

5. Travel required by law enforcement or court order, including transporting children pursuant to a custody agreement;

6. Outdoor exercise activities, including ocean activities such as surfing and swimming, so long as safe practices are maintained;

7. Walking pets on a leash.

C. Safe Practices

All persons are encouraged to wear a cloth face covering as described and recommended by the CDC, which guidance is attached hereto as Exhibit C. This section shall not apply to persons who are engaged in permissible outdoor exercise activities so long as physical distancing requirements are maintained. All businesses or operations operating in accordance with this Proclamation, including state and county agencies, shall comply with the applicable CDC, industry and regulatory guidance for COVID-19. All businesses or operations operating in accordance with this Proclamation, including state and county agencies, and persons engaged in permitted activities identified herein, shall exercise the following safe practices to the fullest extent possible:

1. High risk populations. Elderly and others at high risk for COVID-19 are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

2. Persons who are sick. Persons who are sick or have a fever or cough or are exhibiting symptoms such as shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

3. Physical Distancing Requirements. All persons shall maintain a minimum of six-feet of physical separation from all other persons to the fullest extent possible. Businesses or operations shall designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance. Businesses or operations shall monitor and enforce the six-foot distancing requirement set forth in this Proclamation, whether outside waiting lines or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

4. Limited Customer Occupancy. Each business facility or operation shall determine the maximum number of customers that may be accommodated while maintaining the specified separation distance and limiting the number of customers in the facility or at the operation to that maximum number at any time.

5. Face covering. All customers shall wear a face covering as described and recommended by the CDC (see Exhibit C attached hereto), while waiting to enter and while at a business or operation. All employees of businesses or operations shall wear the cloth face coverings as recommended by the CDC while at their place of employment.

6. Hand sanitizer and sanitizing products. Businesses or operations shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.

7. Disinfection. Businesses or operations shall regularly disinfect all high-touch surfaces.

8. Safeguards for high risk populations. Businesses or operations are urged to implement processes to safeguard elderly and high-risk customers. High risk persons are encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.

9. Online and remote access. Businesses or operations shall post online whether a facility is open and how best to reach the facility and continue services by phone or remotely. Businesses or operations shall encourage their

customers to do their business remotely by phone or online to the extent possible.

10. Pickup at store or delivery. Businesses or operations shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility or shall provide for delivery to customer locations.

11. Signage. Businesses or operations shall post a sign at the entrance of the facility informing all employees and customers that they should: wear CDC recommended face coverings while in the business or operation; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; not shake hands or engage in unnecessary physical contact.

D. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section III of this Proclamation but shall comply with the safe practices set forth in Section III.C to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

E. 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 or knowingly 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. All Persons Traveling to the State or Traveling Inter-Island

A. Traveling 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, except those persons entering the State by recreational boats which have been at sea for at least 14 consecutive days before entering State waters and have no persons on board who are ill or are exhibiting symptoms of COVID-19. The period of self-quarantine shall begin from the time of entry into the State and shall last 14 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 designate a hotel or motel as their designated quarantine location.

Those persons entering the State to perform critical infrastructure functions as identified in Section III.A of this Proclamation will be subject to self-quarantine but may break quarantine to perform their critical infrastructure functions so long as they wear appropriate protective gear and follow the safe practices identified in Section III.C of this Proclamation.

B. Traveling Inter-Island

1. Pursuant to section 127A-13(a)(1), HRS, all persons traveling between any of the islands in the State of Hawai'i shall be subject to mandatory self-quarantine. The period of self-quarantine shall begin from the date of entry onto the island and shall last 14 days or the duration of the person's presence on the island, whichever is shorter.

2. Persons traveling between islands for purposes related to medical or health care will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the safe practices identified in Section III.C of this Proclamation.

3. Persons traveling between islands to perform critical infrastructure functions as identified in Section III.A of this Proclamation will be subject to self-quarantine while away from their island residence but may break quarantine to perform their critical infrastructure functions. Upon return to their island

residence, such persons will not be subject to the self-quarantine so long as they wear appropriate protective gear and follow the safe practices identified in Section III.C of this Proclamation.

Section IV.B. of this Proclamation shall expire at 12:01am on Tuesday, June 16, 2020.

C. Host Responsibility

All hosts of any guest or guests within the State of Hawai'i shall be responsible for ensuring their guest or guests abide by the mandatory self-quarantine set forth in Sections A and B above.

Any host violates this section if the host intentionally, knowingly, or recklessly fails to notify law enforcement immediately when a guest or guests subject to the self-quarantine fails to enter or remain within the confines of their designated quarantine location.

It shall be the duty of all hosts to ascertain the period of self-quarantine for their guest or guests and to determine whether or not their guest or guests 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 or guests, that they did not know that their guest or guests were subject to the mandatory self-quarantine, or that they did not know that their guest or guests had failed to enter or 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 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 and that is designated as such by these persons. 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.

“Guest or guests” 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 beginning when a person first enters the State of Hawai‘i and continuing for 14 days thereafter 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” means the period of time beginning when a person first enters the State of Hawai‘i and continuing for 14 days thereafter or the duration of the person’s presence in the State, whichever is shorter.

“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" means the period of time beginning when a person first enters the State of Hawai'i and continuing for 14 days thereafter or the duration of the person's presence in the State, whichever is shorter.

"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.

F. Force and Effect of Law

Pursuant to section 127A-25, HRS, all provisions set forth in Section IV of this Proclamation and the Rules Relating to COVID-19 Travel Quarantine, Exhibit D attached hereto, are hereby adopted as rules and shall have the force and effect of law. (These rules are hereinafter referred to as the "Travel Quarantine Rules").

Pursuant to section 127A-29, HRS, any person who intentionally, knowingly, or recklessly violates the Travel Quarantine 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. Suspension of Laws

The following laws 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 26-33, HRS, **performance of duties of vacant office.**

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**, with respect to any county ordinance, rule, regulation, law or provision which applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this proclamation.

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.

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 a period of one hundred eighty (180) days from the date of this Proclamation.

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

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

Chapter 103F, HRS, **purchases of health and human services.**

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.

Chapter 205A, HRS, coastal zone management.

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

Chapter 261, HRS, **aeronautics**

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.

Chapter 266, HRS, **harbors**.

Chapter 286, HRS, **highway safety**.

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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

Sections 302D-12(h)(1) to (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 agenda 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.

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.

Section 328L-3(f)(1), 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 329-40 (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 March, 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.

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 on Exhibit E 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 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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

Section 383-128(b), HRS, **employment and training fund established**, to the extent necessary to assist workers who have become unemployed as a result of the COVID-19 response, and to address the critical skills shortage resulting from the COVID-19 response, so that the employment and training fund may be used to train newly hired employees so that they may acquire the necessary knowledge, skills and behaviors to become effective and productive employees.

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.

Sections 397-6(c) and (d), HRS, **safety inspection by qualified inspectors**, and related administrative rules, and 76-16(a), **civil service and exemptions**, to the extent necessary to allow the Department of Labor and Industrial Relations to hire elevator mechanics, licensed under Chapter 448H,

HRS, to perform safety inspections of elevators and kindred equipment as required under Chapter 397, HRS.

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 on Exhibit I 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 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 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 Hawaii.

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 on Exhibit F 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 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, within 180 days following graduation, 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 of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, within 180 days following the conferment of the doctor of pharmacy degree, 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 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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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.

Chapter 712A, HRS, **forfeiture**, to the extent necessary to provide petitioners, owners, law enforcement agencies, prosecutor, or the Attorney General, relief from any statutory deadlines.

Chapter 846E, HRS, **registration of sex offenders and other covered offenders and public access to registration information**, to the extent necessary to suspend any requirement that a covered offender must come into close physical contact with an agency with jurisdiction, the attorney general, or chief of police, or their designees to satisfy any element of this section.

VI. 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.

I FURTHER DECLARE that the disaster emergency relief period shall continue through July 31, 2020, unless terminated or extended by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
10th day of June, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

EXHIBIT A
Restatement of Executive Order No. 20-05

EXHIBIT B
Federal Critical Infrastructure Sectors

EXHIBIT C
CDC Cloth Face Covering Recommendation

EXHIBIT D
Rules Relating to COVID-19 Travel Quarantine

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

EXHIBIT F
Rules Relating to Notaries Public (amended June 1, 2020)

EXHIBIT G
State Roadmap to Recovery and Resilience

EXHIBIT H
Sunshine Law and UIPA

EXHIBIT I
Rules Relating to Safety Guidelines for Barbers and Beauty Operators

EXECUTIVE ORDER NO. 20-05

By the authority vested in me by the Constitution and the laws of the State of Hawai'i, I, David Y. Ige, Governor of the State of Hawai'i, hereby order the following, effective on the date of this Executive Order to and including the date that the emergency ceases:

1. For the purposes of this Executive Order, the following terms are defined as set forth below:
 - a. "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 provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care to any person or persons. 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 services established for the purpose of responding to the COVID-19 outbreak.
 - b. "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, speech pathologists or audiologists licensed pursuant to chapter 468E, and pharmacists licensed pursuant to chapter 461 who (i)

are providing health care 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 my Proclamation issued on March 4, 2020, Supplementary Proclamation issued on March 16, 2020, Second Supplementary Proclamation issued on March 21, 2020, Third Supplementary Proclamation issued on March 23, 2020, or any Executive Order or Supplementary Proclamations related to the COVID-19 outbreak (hereinafter collectively referred to as Emergency Proclamations).

- c. "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.
2. Pursuant to sections 127A-12(a)(5) and 663-1.5, HRS, I direct all health care facilities, health care professionals, and health care volunteers, as defined in section 1 of this Executive Order, to render assistance in support of the State's response to the disaster recognized by the Emergency Proclamations. 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. 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 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 Emergency Proclamations. 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.

3. Pursuant to sections 127A-9 and 127A-12(a)(5), HRS, I direct that during the pendency of the Emergency Proclamations, health care facilities, as defined in section 1 of this Executive Order, 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 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.
4. Pursuant to sections 127A-9 and 127A-12(a)(5), HRS, I direct that during the pendency of the Emergency Proclamations, health care professionals, as defined in section 1 of this Executive Order, 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 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.

5. Pursuant to sections 127A-9 and 127A-12(a)(5), Hawaii Revised Statutes, I direct that during the pendency of the Emergency Proclamations, any health care volunteer, as defined in section 1 of this Executive Order, 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 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 wilful misconduct, gross negligence, or recklessness of the health care volunteer.
6. Nothing in this Executive Order 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.
7. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this

purpose, the provisions of this Executive order are declared to be severable.

This order is in accordance with and incorporates by reference my Proclamation issued on March 4, 2020; Supplementary Proclamation issued on March 16, 2020; Second Supplementary Proclamation issued on March 21, 2020, Third Supplementary Proclamation issued on March 23, 2020, Fourth Supplementary Proclamation issued on March 31, 2020, and Fifth Supplementary Proclamation issued on April 16, 2020.

The provisions of this order shall remain in effect for the emergency period, unless terminated by separate proclamation, whichever shall occur first.

Done at the State Capitol this
16th day of April, 2020



DAVID Y. IGE
Governor of Hawai'i

APPROVED:



CLARE E. CONNORS
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**TENTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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 29, 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;

WHEREAS, as of July 17, 2020, there have been more than 1300 documented cases of COVID-19 in the State, with record daily numbers of cases and 23 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;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby amend and restate all prior proclamations and executive orders, and authorize and invoke the following as set forth herein:

I. Statewide Coordination..... [3]

II. Invocation of Laws.....[3]

III. Act with Care Order.....[4]

- A. Work in Businesses or Operations
- B. Safe Practices
- C. Persons Experiencing Homelessness
- D. Force and Effect of Law

IV. Travel to the State.....[5]

- A. Health Screening and Self-Quarantine for Travelers to the State
- B. Host Responsibility
- C. Prohibition on Renting Vehicles
- D. Car Sharing Services Responsibility
- E. Force and Effect of Law

V. Suspension of Laws.....[8]

- A. Session Laws
- B. Division 1. Government
- C. Division 2. Business
- D. Division 3. Property; Family
- E. Division 4. Courts and Judicial Proceedings
- F. Division 5. Crimes and Criminal Proceedings

VI. Severability.....[27]

Exhibit A. Restatement of Executive Order NO. 20-05

Exhibit B. Federal Critical Infrastructure Sectors [as of May 19, 2020]

Exhibit C. Rules Relating to COVID-19 Health Screening Process and Travel Self-Quarantine

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

Exhibit E. Rules Relating to Notaries Public (amended)

Exhibit F. State Roadmap to Recovery and Resilience

Exhibit G. Sunshine Law and UIPA

Exhibit H. Rules Relating to Safety Guidelines for Barbers and Beauty Operators

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 Tenth Supplementary 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, to prevent 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.

Restatement of Executive Order No. 20-05, 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, as set forth in Exhibit B attached hereto, and the businesses or operations operating in each county in accordance with the State Roadmap to Recovery and Resilience, attached hereto as Exhibit F. 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 shall comply with applicable guidance from the Centers for Disease Control and Prevention (CDC) as well as State, county, industry and regulatory requirements for safe practices to mitigate the spread of COVID-19.

C. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section III of this Proclamation but shall comply with the safe practices referenced in Section III.B to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

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 or knowingly 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 and Self-Quarantine for Travelers to the State

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

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, except those persons entering the State by recreational boats which have been at sea for at least 14 consecutive days before entering State waters and have no persons on board who are ill or are exhibiting symptoms of COVID-19. The period of self-quarantine shall begin from the time of entry into the State and shall last 14 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. 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. Persons entering the State to perform critical infrastructure functions as identified in Exhibit B shall be subject to self-quarantine but may break quarantine to perform their critical infrastructure functions so long as they

wear appropriate protective gear and follow the safe practices referenced in Section III.B of this Proclamation. All travelers to the State of Hawai'i shall complete the mandatory documents identified in the Travel Rules.

B. Host Responsibility

All hosts of any guest or guests within the State of Hawai'i shall be responsible for ensuring their guest or guests abide by the mandatory self-quarantine set forth in Section A above.

Any host violates this section if the host intentionally, knowingly, or recklessly fails to notify law enforcement immediately when a guest or guests subject to the self-quarantine fails to enter or remain within the confines of their designated quarantine location.

It shall be the duty of all hosts to ascertain the period of self-quarantine for their guest or guests and to determine whether or not their guest or guests 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 or guests, that they did not know that their guest or guests were subject to the mandatory self-quarantine, or that they did not know that their guest or guests had failed to enter or 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 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 and that is designated as such by these persons. 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.

“Guest or guests” 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 beginning when a person first enters the State of Hawai‘i and continuing for 14 days thereafter or the duration of the person’s presence in the State, whichever is shorter.

C. 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” means the period of time beginning when a person first enters the State of Hawai‘i and continuing for 14 days thereafter or the duration of the person’s presence in the State, whichever is shorter.

“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.

D. 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" means the period of time beginning when a person first enters the State of Hawai'i and continuing for 14 days thereafter or the duration of the person's presence in the State, whichever is shorter.

"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. 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 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. Suspension of Laws

The following laws 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 26-33, HRS, **performance of duties of vacant office.**

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**, with respect to any county ordinance, rule, regulation, law or provision which applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this proclamation.

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 a period of one hundred eighty (180) days from the date of this Proclamation.

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

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

Chapter 103F, HRS, **purchases of health and human services.**

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.

Chapter 205A, HRS, coastal zone management.

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

Chapter 261, HRS, **aeronautics**

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.

Chapter 266, HRS, **harbors**.

Sections 286-26(a) and (b), HRS, **certification of inspection**, section 286-54, HRS, **out-of-state-vehicle permit**, section 286-106, HRS, **expiration of**

licenses, section 286-236(f), HRS, **commercial driver's license qualification standards**, sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals; procedures and requirements**, 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 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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

Sections 302D-12(h)(1) to (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 agenda 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.

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 on Exhibit D 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 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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

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 on Exhibit H 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 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 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 Hawaii.

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 on Exhibit E 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 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, within 180 days following graduation, 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 of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, within 180 days following the conferment of the doctor of pharmacy degree, 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 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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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.

Chapter 846E, HRS, **registration of sex offenders and other covered offenders and public access to registration information**, to the extent necessary to suspend any requirement that a covered offender must come into close physical contact with an agency with jurisdiction, the attorney general, or chief of police, or their designees to satisfy any element of this section.

VI. 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.

I FURTHER DECLARE that the disaster emergency relief period shall continue through August 31, 2020, unless terminated or extended by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
17th day of July, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

EXHIBIT A
Restatement of Executive Order No. 20-05

EXHIBIT B
Federal Critical Infrastructure Sectors

EXHIBIT C
Rules Relating to COVID-19 Health Screening Process and Travel
Self-Quarantine

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

EXHIBIT E
Rules Relating to Notaries Public (amended)

EXHIBIT F
State Roadmap to Recovery and Resilience

EXHIBIT G
Sunshine Law and UIPA

EXHIBIT H
Rules Relating to Safety Guidelines for Barbers and Beauty Operators

EXECUTIVE ORDER NO. 20-05

By the authority vested in me by the Constitution and the laws of the State of Hawai'i, I, David Y. Ige, Governor of the State of Hawai'i, hereby order the following, effective on the date of this Executive Order to and including the date that the emergency ceases:

1. For the purposes of this Executive Order, the following terms are defined as set forth below:
 - a. "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 provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care to any person or persons. 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 services established for the purpose of responding to the COVID-19 outbreak.
 - b. "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, speech pathologists or audiologists licensed pursuant to chapter 468E, and pharmacists licensed pursuant to chapter 461 who (i)

are providing health care 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 my Proclamation issued on March 4, 2020, Supplementary Proclamation issued on March 16, 2020, Second Supplementary Proclamation issued on March 21, 2020, Third Supplementary Proclamation issued on March 23, 2020, or any Executive Order or Supplementary Proclamations related to the COVID-19 outbreak (hereinafter collectively referred to as Emergency Proclamations).

- c. "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.
2. Pursuant to sections 127A-12(a)(5) and 663-1.5, HRS, I direct all health care facilities, health care professionals, and health care volunteers, as defined in section 1 of this Executive Order, to render assistance in support of the State's response to the disaster recognized by the Emergency Proclamations. 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. 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 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 Emergency Proclamations. 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.

3. Pursuant to sections 127A-9 and 127A-12(a)(5), HRS, I direct that during the pendency of the Emergency Proclamations, health care facilities, as defined in section 1 of this Executive Order, 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 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.
4. Pursuant to sections 127A-9 and 127A-12(a)(5), HRS, I direct that during the pendency of the Emergency Proclamations, health care professionals, as defined in section 1 of this Executive Order, 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 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.

5. Pursuant to sections 127A-9 and 127A-12(a)(5), Hawaii Revised Statutes, I direct that during the pendency of the Emergency Proclamations, any health care volunteer, as defined in section 1 of this Executive Order, 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 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 wilful misconduct, gross negligence, or recklessness of the health care volunteer.
6. Nothing in this Executive Order 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.
7. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this

purpose, the provisions of this Executive order are declared to be severable.

This order is in accordance with and incorporates by reference my Proclamation issued on March 4, 2020; Supplementary Proclamation issued on March 16, 2020; Second Supplementary Proclamation issued on March 21, 2020, Third Supplementary Proclamation issued on March 23, 2020, Fourth Supplementary Proclamation issued on March 31, 2020, and Fifth Supplementary Proclamation issued on April 16, 2020.

The provisions of this order shall remain in effect for the emergency period, unless terminated by separate proclamation, whichever shall occur first.

Done at the State Capitol this
16th day of April, 2020



DAVID Y. IGE
Governor of Hawai'i

APPROVED:



CLARE E. CONNORS
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**ELEVENTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY
INTERISLAND TRAVEL QUARANTINE**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, as of August 6, 2020, there have been more than 2,800 documented cases of COVID-19 in the State, with record daily numbers of cases detected in recent weeks and 29 deaths attributed to this disease;

WHEREAS, as of August 6, 2020, the majority of cases are on the Island of Oahu, City and County of Honolulu;

WHEREAS, there is a compelling need to mitigate the spread of COVID-19 between and among the Islands of this State because, *inter alia*, this will help avoid overwhelming the healthcare systems in certain vulnerable areas of this State, including on the Islands of Kaua'i, Hawai'i, and the Islands comprising the Counties of Maui and Kalawao;

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;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby authorize and invoke the following as set forth herein regarding All Persons Traveling Interisland:

Pursuant to section 127A-13(a)(1), HRS, and section 127A-12(b)(19), HRS, all persons traveling to the Islands of Kaua'i, Hawai'i, and the Islands comprising the Counties of Maui and Kalawao, in the State of Hawai'i shall be subject to mandatory self-quarantine. The period of self-quarantine shall begin from the date of entry onto the Island and shall last 14 days or the duration of the person's presence on the Island, 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. This self-quarantine mandate shall take effect on August 11, 2020 at 12:01 am.

Persons traveling to the Islands of Kaua'i, Hawai'i, and the Islands comprising the Counties of Maui and Kalawao to perform critical infrastructure functions as identified in Exhibit B of the Tenth Emergency Proclamation Related to the COVID-19 Emergency ("Tenth Proclamation") shall be subject to self-quarantine and only may break quarantine to perform their critical infrastructure functions so long as they wear appropriate protective gear and follow the safe practices referenced in Section III.B of the Tenth Proclamation. Persons seeking an exemption from the Interisland Travel Quarantine must contact the appropriate county for review and approval.

Pursuant to section 127A-29, HRS, any person violating the Interisland Travel Quarantine and 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.

The provisions set forth in this Proclamation are in addition to and not in derogation of any of the provisions set forth in the Tenth Proclamation, and will run concurrently with the provisions set forth in the Tenth Proclamation.

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. The provisions of this Proclamation will be broadly construed in light of their purposes, and in view of the purposes of HRS chapter 127A as set forth in section 127A-1, HRS.

This Proclamation does not apply to the United States government.

I FURTHER DECLARE that the Interisland Travel Quarantine shall continue for the duration of the disaster emergency relief period set forth in the

Tenth Proclamation, which continues through August 31, 2020, unless terminated or continued by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
6th day of August, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**TWELFTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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 29, 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.

WHEREAS, as of August 20, 2020, there have been more than 5,800 documented cases of COVID-19 in the State, with record daily numbers of cases detected in recent weeks and 45 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;

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

- I. Statewide Coordination**..... [4]
- II. Invocation of Laws**.....[4]
- III. Act with Care Order**.....[5]
 - A. Work in Businesses or Operations
 - B. Safe Practices
 - C. Persons Experiencing Homelessness
 - D. Force and Effect of Law
- IV. Travel to the State**.....[6]
 - A. Health Screening for Travelers to the State
 - B. Self-Quarantine for Travelers to the State
 - C. Host Responsibility
 - D. Prohibition on Renting Vehicles
 - E. Car Sharing Services Responsibility
 - F. Enhanced Movement Quarantine
 - G. Force and Effect of Law
- V. Interisland Travel Quarantine**.....[10]
- VI. Suspension of Laws**.....[11]
 - A. Session Laws
 - B. Division 1. Government
 - C. Division 2. Business
 - D. Division 3. Property; Family
 - E. Division 4. Courts and Judicial Proceedings
 - F. Division 5. Crimes and Criminal Proceedings
- VII. Severability**.....[30]

Exhibit A. Restatement of Executive Order NO. 20-05

Exhibit B. Federal Critical Infrastructure Sectors [as of May 19, 2020]

Exhibit C. Rules Relating to COVID-19 Health Screening Process and Travel Self-Quarantine

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

Exhibit E. Rules Relating to Notaries Public (amended)

Exhibit F. State Roadmap to Recovery and Resilience

Exhibit G. Sunshine Law and UIPA

Exhibit H. Rules Relating to Safety Guidelines for Barbers and Beauty Operators

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 Twelfth 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, to prevent 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.

Restatement of Executive Order No. 20-05, 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, as set forth in Exhibit B attached hereto, and the businesses or operations operating in each county in accordance with the State Roadmap to Recovery and Resilience, attached hereto as Exhibit F. 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 shall comply with applicable guidance from the Centers for Disease Control and Prevention (CDC) as well as State, county, industry and regulatory requirements for safe practices to mitigate the spread of COVID-19. All persons must wear face coverings in compliance with the county orders, rules and directives approved by me pursuant Section I.

C. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section III of this Proclamation but shall comply with the safe practices referenced in Section III.B to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

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 or knowingly 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 health screening process identified in the Rules Relating to COVID-19 Health Screening Process and Travel Self-Quarantine, attached hereto as Exhibit C 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, except those persons entering the State by recreational boats which have been at sea for at least 14 consecutive days before entering State waters and have no persons on board who are ill or are exhibiting symptoms of COVID-19. The period of self-quarantine shall begin from the time of entry into the State and shall last 14 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. Persons entering the State to perform critical infrastructure functions as identified in Exhibit B shall be subject to self-quarantine but may obtain a limited exemption from covidexemption@hawaii.gov allowing them temporarily to break self-quarantine only when performing their critical infrastructure functions. If a limited exemption is granted to any traveler from covidexemption@hawaii.gov, such person shall be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly exempted. Only persons who have been granted an exemption through covidexemption@hawaii.gov may temporarily break self-quarantine and only for the purposes expressed 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 referenced in Section III.B of this Proclamation while engaged in the activities expressed in the written exemption. An exemption from covidexemption@hawaii.gov does not require businesses or operations to recognize the exemption from the 14-day self-quarantine period. All travelers to the State of Hawai'i shall complete the mandatory documentation identified in the Travel Rules.

C. Host Responsibility

All hosts of any guest or guests within the State of Hawai'i shall be responsible for ensuring their guest or guests abide by the mandatory self-quarantine set forth in Section A above.

Any host violates this section if the host intentionally, knowingly, or recklessly fails to notify law enforcement immediately when a guest or guests subject to the self-quarantine fails to enter or remain within the confines of their designated quarantine location.

It shall be the duty of all hosts to ascertain the period of self-quarantine for their guest or guests and to determine whether or not their guest or guests 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 or guests, that they did

not know that their guest or guests were subject to the mandatory self-quarantine, or that they did not know that their guest or guests had failed to enter or 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 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 and that is designated as such by these persons. 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.

“Guest or guests” 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 beginning when a person first enters the State of Hawai‘i and continuing for 14 days thereafter 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” means the period of time beginning when a person first enters the State of Hawai‘i and continuing for 14 days thereafter or the duration of the person’s presence in the State, whichever is shorter.

“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” means the period of time beginning when a person first enters the State of Hawai’i and continuing for 14 days thereafter or the duration of the person’s presence in the State, whichever is shorter.

“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.

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;
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.

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 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. Interisland Travel Quarantine

Pursuant to section 127A-13(a)(1), HRS, and section 127A-12(b)(19), HRS, all persons traveling from within the State to the Islands of Kaua'i, Hawai'i, and the Islands comprising the Counties of Maui and Kalawao, in the State of Hawai'i shall be subject to mandatory self-quarantine. The period of self-

quarantine shall begin from the date of entry onto the Island and shall last 14 days or the duration of the person's presence on the Island, 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.

Persons traveling from within the State to the Islands of Kaua'i, Hawai'i, and the Islands comprising the Counties of Maui and Kalawao to perform critical infrastructure functions as identified in Exhibit B 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 a limited exemption is granted to any traveler, such person shall be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly exempted. Persons seeking an exemption from the Interisland Travel Quarantine must contact the appropriate county for review and approval. The Director of HIEMA also may grant exemptions from the Interisland Travel Quarantine.

Pursuant to section 127A-29, HRS, any person violating the Interisland Travel Quarantine and 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 laws 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 26-33, HRS, **performance of duties of vacant office.**

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**, with respect to any county ordinance, rule, regulation, law or provision which applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this proclamation.

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 or 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 a period of one hundred eighty (180) days from the date of this Proclamation.

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

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

Chapter 103F, HRS, **purchases of health and human services.**

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.

Chapter 205A, HRS, coastal zone management.

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

Chapter 261, HRS, **aeronautics**

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.

Chapter 266, HRS, **harbors**.

Sections 286-26(a) and (b), HRS, **certification of inspection**, section 286-54, HRS, **out-of-state-vehicle permit**, section 286-106, HRS, **expiration of licenses**, section 286-236(f), HRS, **commercial driver's license qualification standards**, sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals; procedures and requirements**, 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 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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

Sections 302D-12(h)(1) to (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 agenda 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.

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 on Exhibit D 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 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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

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 on Exhibit H 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 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 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 Hawaii.

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 on Exhibit E 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 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, within 180 days following graduation, 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 of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, within 180 days following the conferment of the doctor of pharmacy degree, 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 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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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.

Chapter 846E, HRS, **registration of sex offenders and other covered offenders and public access to registration information**, to the extent necessary to suspend any requirement that a covered offender must come into close physical contact with an agency with jurisdiction, the attorney general, or chief of police, or their designees to satisfy any element of this section.

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.

I FURTHER DECLARE that the disaster emergency relief period shall continue through September 30, 2020, unless terminated or continued by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
20th day of August, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**THIRTEENTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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 29, 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 21, 2020, a **Twelfth Proclamation** related to the COVID-19 Emergency.

WHEREAS, as of September 22, 2020, the recorded number of cases and deaths have more than doubled since August 21, 2020, with more than 11,500 documented cases of COVID-19 in the State and 120 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;

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

I. Statewide Coordination..... [4]

II. Invocation of Laws.....[4]

III. Act with Care Order.....[5]

- A. Work in Businesses or Operations
- B. Safe Practices
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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 Thirteenth 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, including essential workers supporting the 2020 Census, as identified by the U.S. Cybersecurity & Infrastructure Security Agency, and 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 must wear face coverings in compliance with county orders, rules and directives approved by me pursuant to Section I. All persons shall comply with applicable hygiene and physical distancing guidance from the Centers for Disease Control and Prevention (CDC) as well as State, county, industry and regulatory requirements for safe hygiene and physical distancing practices to mitigate the spread of COVID-19, including standards adopted by and requirements issued by Hawaii Department of Health (DOH).

C. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section III of this Proclamation but shall comply with the safe practices referenced in Section III.B to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter

available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

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 or knowingly 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 identified in the Rules Relating to COVID-19 Health 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, except those persons entering the State (1) by recreational boats into the State's small boat (non-commercial) harbors which have been at sea for at least 14 consecutive days before entering State waters and have no persons on board who are ill or are exhibiting symptoms of COVID-19 or (2) who, upon entry into the State, provide written confirmation from a State approved COVID-19 testing facility of a negative test result from a test administered to the traveler within 72 hours from the final leg of departure. **The negative test exception shall become effective on October 15, 2020.**

The period of self-quarantine shall begin from the day of entry into the State and shall last 14 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.

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 from covidexemption@hawaii.gov allowing them temporarily to break self-quarantine only when performing their critical infrastructure functions. If a limited exemption is granted to any traveler from covidexemption@hawaii.gov, such person shall be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly exempted. Only persons who have been granted an exemption through covidexemption@hawaii.gov may temporarily break self-quarantine and only for the purposes expressed 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 referenced in Section III.B of this Proclamation while engaged in the activities expressed in the written exemption. An exemption from covidexemption@hawaii.gov does not require businesses or operations to recognize the exemption from the 14-day self-quarantine period. All travelers to the State of Hawai'i shall complete the mandatory documentation identified in the Travel Rules.

C. Host Responsibility

All hosts of any guest or guests within the State of Hawai'i shall be responsible for ensuring their guest or guests abide by the mandatory self-quarantine set forth in Section A above.

Any host violates this section if the host intentionally, knowingly, or recklessly fails to notify law enforcement immediately when a guest or guests

subject to the self-quarantine fails to enter or remain within the confines of their designated quarantine location.

It shall be the duty of all hosts to ascertain the period of self-quarantine for their guest or guests and to determine whether or not their guest or guests 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 or guests, that they did not know that their guest or guests were subject to the mandatory self-quarantine, or that they did not know that their guest or guests had failed to enter or 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 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 and that is designated as such by these persons. 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.

“Guest or guests” 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 14 days 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.

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 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. Interisland Travel Quarantine

Pursuant to section 127A-13(a)(1), HRS, and section 127A-12(b)(19), HRS, all persons traveling from within the State to the Islands of Kaua'i, Hawai'i,

and the Islands comprising the Counties of Maui and Kalawao, in the State of Hawai'i shall be subject to mandatory self-quarantine. The period of self-quarantine shall begin from the day of entry onto the Island and shall last 14 days or the duration of the person's presence on the Island, 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.

Persons traveling from within the State to the Islands of Kaua'i, Hawai'i, and the Islands comprising the Counties of 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 a limited exemption is granted to any traveler, such person shall be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly exempted. Persons seeking an exemption from the Interisland Travel Quarantine must contact the appropriate county for review and approval. The Director of HIEMA also may grant exemptions from the Interisland Travel Quarantine.

A county may adopt a negative test exception to the Interisland Travel Quarantine, which exception shall be developed in conjunction with the State and integrated with the negative test exception process set forth in Section IV.B. A county negative test exception shall be implemented through county emergency orders, rules or proclamations subject to the approval requirements of Section I of this Proclamation.

Pursuant to section 127A-29, HRS, any person violating the Interisland Travel Quarantine and 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 laws 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**, with respect to any county ordinance, rule, regulation, law or provision which applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this proclamation.

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.**

Chapter 103F, HRS, **purchases of health and human services.**

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.

Chapter 205A, HRS, coastal zone management.

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 261, HRS, **aeronautics**

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.

Chapter 266, HRS, **harbors**.

Sections 286-26(a) and (b), HRS, **certification of inspection**, section 286-54, HRS, **out-of-state-vehicle permit**, section 286-106, HRS, **expiration of licenses**, section 286-236(f), HRS, **commercial driver's license qualification standards**, sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals; procedures and requirements**, 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 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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

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 agenda 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.

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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 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, within 180 days following graduation, 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 of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, within 180 days following the conferment of the doctor of pharmacy degree, 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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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.

Chapter 846E, HRS, **registration of sex offenders and other covered offenders and public access to registration information**, to the extent necessary to suspend any requirement that a covered offender must come into close physical contact with an agency with jurisdiction, the attorney general, or chief of police, or their designees to satisfy any element of this section.

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 Emergency Management, 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 October 31, 2020, unless terminated or superseded by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
22nd day of September, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**FOURTEENTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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;

WHEREAS, as of October 13, 2020, the recorded number of cases and deaths has continued to increase, with more than 13,500 documented cases of

COVID-19 in the State and 173 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;

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

I. <u>Statewide Coordination</u>	[4]
II. <u>Invocation of Laws</u>	[4]
III. <u>Act with Care Order</u>	[5]
A. Work in Businesses or Operations	
B. Safe Practices	
C. Persons Experiencing Homelessness	
D. Force and Effect of Law	
IV. <u>Travel to the State</u>	[6]
A. Health Screening for Travelers to the State	
B. Self-Quarantine for Travelers to the State	
C. Host Responsibility	
D. Prohibition on Renting Vehicles	
E. Car Sharing Services Responsibility	
F. Enhanced Movement Quarantine	
G. Force and Effect of Law	
V. <u>Quarantine for Travel Between Counties</u>	[11]
VI. <u>Suspension of Laws</u>	[12]
A. Session Laws	
B. Division 1. Government	
C. Division 2. Business	
D. Division 3. Property; Family	
E. Division 4. Courts and Judicial Proceedings	
F. Division 5. Crimes and Criminal Proceedings	
VII. <u>Severability</u>	[32]
VIII. <u>Enforcement</u>	[33]

Exhibit A. Rules Relating to Immunities for Health Care Practices

Exhibit B. Rules Relating to COVID-19 Screening Process and Travel Self-Quarantine

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

Exhibit D. Rules Relating to Notaries Public (amended)

Exhibit E. State Roadmap to Recovery and Resilience

Exhibit F. Sunshine Law and UIPA

Exhibit G. Rules Relating to Safety Guidelines for Barbers and Beauty Operators

Exhibit H. Rules Relating to Mortuaries, Cemeteries, Embalmers, Undertakers and Mortuary Authorities

Exhibit I. Rules Relating to State Civil Identification Card

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 Fourteenth 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, including essential workers supporting the 2020 Census, as identified by the U.S. Cybersecurity & Infrastructure Security Agency, and 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 must wear face coverings in compliance with county orders, rules and directives approved by me pursuant to Section I. All persons shall comply with applicable hygiene and physical distancing guidance from the Centers for Disease Control and Prevention (CDC) as well as State, county, industry and regulatory requirements for safe hygiene and physical distancing practices to mitigate the spread of COVID-19, including standards adopted by and requirements issued by Hawaii Department of Health (DOH).

C. Persons Experiencing Homelessness

Persons experiencing homelessness are exempt from Section III of this Proclamation but shall comply with the safe practices referenced in Section III.B to the fullest extent possible and are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter

available as soon as possible and to the maximum extent practicable and to use in their operation COVID-19 risk mitigation practices recommended by the CDC.

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 or knowingly 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 14 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.

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 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. An exemption from the State does not require businesses or operations to recognize the exemption from the 14-day self-quarantine period.

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 14 consecutive days before entering State waters and have no persons on board who are ill or are exhibiting symptoms of COVID-19 or (2) persons who, upon entry into the State, provide written confirmation from a State approved COVID-19 testing facility of a negative test result from an observed test administered to the traveler within 72 hours from the final leg of departure. Persons under the age of five accompanied by a traveler who meets the negative test exception are not required to obtain a test prior to arrival. **The negative test exception shall become effective on October 15, 2020.**

A county may require travelers five 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 with 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 14 days 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.

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 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 Kaua'i, Hawai'i, 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 14 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.

Persons traveling from within the State to the counties of Kaua'i, Hawai'i, 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 be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly

exempted. Persons seeking an exemption from the County Travel Quarantine must contact the appropriate county for review and approval. The Director of HIEMA also may grant exemptions from the County Travel Quarantine.

A county may adopt a negative test exception to the County Travel Quarantine, which exception shall be integrated with 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 violating the County Travel Quarantine and 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 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, 2020; 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.

Sections 286-26(a) and (b), HRS, **certification of inspection**, section 286-54, HRS, **out-of-state-vehicle permit**, section 286-106, HRS, **expiration of licenses**, section 286-236(f), HRS, **commercial driver's license qualification standards**, sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals; procedures and requirements**, 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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

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 agenda 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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

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 of nursing education programs approved by the State Board

of Nursing, within 180 days following graduation, 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 of nursing education programs approved by the State Board of Nursing, within 180 days following graduation, 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 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, within 180 days following graduation, 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 of a pharmacy college accredited by the Accreditation Council for Pharmacy Education, within 180 days following the conferment of the doctor of pharmacy degree, 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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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.

Chapter 846E, HRS, **registration of sex offenders and other covered offenders and public access to registration information**, to the extent necessary to suspend any requirement that a covered offender must come into close physical contact with an agency with jurisdiction, the attorney general, or chief of police, or their designees to satisfy any element of this section.

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

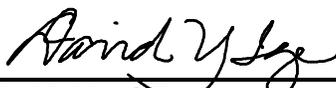
deleted, and the remainder of this Proclamation and the application of such provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

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 Emergency Management, 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 November 30, 2020, unless terminated or superseded by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
13th day of October, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**FIFTEENTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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;

WHEREAS, as of November 16, 2020, the recorded number of cases and

deaths has continued to increase, with more than 16,600 documented cases of COVID-19 in the State and 222 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:

I. Statewide Coordination..... [4]

II. Invocation of Laws.....[4]

III. Act with Care Order.....[5]

- A. Work in Businesses or Operations
- B. Safe Practices
- C. Persons Experiencing Homelessness
- D. Force and Effect of Law

IV. Travel to the State.....[6]

- A. Health Screening for Travelers to the State
- B. Self-Quarantine for Travelers to the State
- C. Host Responsibility
- D. Prohibition on Renting Vehicles
- E. Car Sharing Services Responsibility
- F. Enhanced Movement Quarantine
- G. Force and Effect of Law

V. Quarantine for Travel Between Counties.....[12]

VI. Suspension of Laws.....[13]

- A. Session Laws
- B. Division 1. Government
- C. Division 2. Business
- D. Division 3. Property; Family
- E. Division 4. Courts and Judicial Proceedings
- F. Division 5. Crimes and Criminal Proceedings

VII. **Severability**.....[33]
VIII. **Enforcement**.....[34]

- Exhibit A. Rules Relating to Immunities for Health Care Practices**
- Exhibit B. Rules Relating to COVID-19 Screening Process and Travel Self-Quarantine** (amended)
- Exhibit C. Rules Relating to Child Care Services Under Chapter 17-798.2, Hawaii Administrative Rules**
- Exhibit D. Rules Relating to Notaries Public** (amended)
- Exhibit E. State Roadmap to Recovery and Resilience**
- Exhibit F. Sunshine Law and UIPA**
- Exhibit G. Rules Relating to Safety Guidelines for Barbers and Beauty Operators**
- Exhibit H. Rules Relating to Mortuaries, Cemeteries, Embalmers, Undertakers and Mortuary Authorities**
- Exhibit I. Rules Relating to State Civil Identification Card**
- Exhibit J. Statewide Face Covering Requirement**

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 Fifteenth 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 will 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 or knowingly 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 14 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. An exemption from the State does not require

businesses or operations to recognize the exemption from the 14-day 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 14 consecutive days before entering State waters and have no persons on board who are ill or are exhibiting symptoms of COVID-19 or (2) persons who, upon entry into the State, provide written confirmation from a DOH approved COVID-19 testing facility ("Trusted Testing Partner") of a negative test result from an observed test administered to the traveler within 72 hours from the final leg of departure. Persons under the age of five accompanied by a traveler who meets the negative test exception 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 with 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 14 days 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.

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 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 Kaua'i, Hawai'i, 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 14 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 Kaua'i, Hawai'i, 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 be subject to all quarantine restrictions when not performing their critical infrastructure work or engaging in the activity expressly exempted. 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 with 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 violating the Intercounty Travel Quarantine and 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 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, 2020; 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.

Sections 286-26(a) and (b), HRS, **certification of inspection**, section 286-54, HRS, **out-of-state-vehicle permit**, section 286-106, HRS, **expiration of licenses**, section 286-236(f), HRS, **commercial driver's license qualification standards**, sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals; procedures and requirements**, 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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

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 agenda 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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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 Emergency Management, 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 December 31, 2020, unless terminated or superseded by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
16th day of November, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**SIXTEENTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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;

WHEREAS, as of November 23, 2020, the recorded number of cases and deaths has continued to increase, with more than 17,300 documented cases of COVID-19 in the State and 233 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:

I. Statewide Coordination..... [4]

II. Invocation of Laws.....[4]

III. Act with Care Order.....[5]

- A. Work in Businesses or Operations
- B. Safe Practices
- C. Hotels
- D. Force and Effect of Law

IV. Travel to the State.....[6]

- A. Health Screening for Travelers to the State
- B. Self-Quarantine for Travelers to the State
- C. Host Responsibility
- D. Prohibition on Renting Vehicles
- E. Car Sharing Services Responsibility
- F. Enhanced Movement Quarantine
- G. Force and Effect of Law

V. Quarantine for Travel Between Counties.....[12]

VI. Suspension of Laws.....[13]

- A. Session Laws
- B. Division 1. Government
- C. Division 2. Business
- D. Division 3. Property; Family
- E. Division 4. Courts and Judicial Proceedings
- F. Division 5. Crimes and Criminal Proceedings

VII. **Severability**.....[33]
VIII. **Enforcement**.....[33]

- Exhibit A. Rules Relating to Immunities for Health Care Practices**
- Exhibit B. Rules Relating to COVID-19 Screening Process and Travel Self-Quarantine** (amended)
- Exhibit C. Rules Relating to Child Care Services Under Chapter 17-798.2, Hawaii Administrative Rules**
- Exhibit D. Rules Relating to Notaries Public** (amended)
- Exhibit E. State Roadmap to Recovery and Resilience**
- Exhibit F. Sunshine Law and UIPA**
- Exhibit G. Rules Relating to Safety Guidelines for Barbers and Beauty Operators**
- Exhibit H. Rules Relating to Mortuaries, Cemeteries, Embalmers, Undertakers and Mortuary Authorities**
- Exhibit I. Rules Relating to State Civil Identification Card**
- Exhibit J. Statewide Face Covering Requirement**

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 Sixteenth 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 will 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 or knowingly 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 14 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. An exemption from the State does not require

businesses or operations to recognize the exemption from the 14-day 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 14 consecutive days before entering State waters and have no persons on board who are ill or are exhibiting symptoms of COVID-19 or (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 from an observed test administered to the traveler within 72 hours from the final leg of departure. Persons under the age of five accompanied by a traveler who meets the negative test exception 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 with 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 14 days 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.

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 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 Kaua'i, Hawai'i, 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 14 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 Kaua'i, Hawai'i, 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 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 with 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 violating the Intercounty Travel Quarantine and 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 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, 2020; 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.

Sections 286-26(a) and (b), HRS, **certification of inspection**, section 286-54, HRS, **out-of-state-vehicle permit**, section 286-106, HRS, **expiration of licenses**, section 286-236(f), HRS, **commercial driver's license qualification standards**, sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals; procedures and requirements**, 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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

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 agenda 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, **fees**, 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 Department of Labor and Industrial Relations 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; and
4. waive required cash or in-kind contributions at the sole discretion of the Director of the Department of Labor and Industrial Relations.

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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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 Emergency Management, 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 December 31, 2020, unless terminated or superseded by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
23rd day of November, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**SEVENTEENTH PROCLAMATION
RELATED TO THE COVID-19 EMERGENCY**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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 Hawai'i, 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;

WHEREAS, as of December 16, 2020, the recorded number of cases and deaths has continued to increase, with more than 19,500 documented cases of COVID-19 in the State and 278 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:

- I. **Statewide Coordination**..... [4]
- II. **Invocation of Laws**.....[4]
- III. **Act with Care Order**.....[5]
 - A. Work in Businesses or Operations
 - B. Safe Practices
 - C. Hotels
 - D. Force and Effect of Law
- IV. **Travel to the State**.....[6]
 - A. Health Screening for Travelers to the State
 - B. Self-Quarantine for Travelers to the State
 - C. Host Responsibility
 - D. Prohibition on Renting Vehicles
 - E. Car Sharing Services Responsibility
 - F. Enhanced Movement Quarantine
 - G. Force and Effect of Law
- V. **Quarantine for Travel Between Counties**.....[12]
- VI. **Suspension of Laws**.....[14]
 - A. Session Laws
 - B. Division 1. Government
 - C. Division 2. Business
 - D. Division 3. Property; Family
 - E. Division 4. Courts and Judicial Proceedings
 - F. Division 5. Crimes and Criminal Proceedings

VII. **Severability**.....[34]
VIII. **Enforcement**.....[34]

- Exhibit A. Rules Relating to Immunities for Health Care Practices** (amended)
- Exhibit B. Rules Relating to COVID-19 Screening Process and Travel Self-Quarantine** (amended)
- Exhibit C. Rules Relating to Child Care Services Under Chapter 17-798.2, Hawaii Administrative Rules**
- Exhibit D. Rules Relating to Notaries Public**
- Exhibit E. State Roadmap to Recovery and Resilience**
- Exhibit F. Sunshine Law and UIPA**
- Exhibit G. Rules Relating to Safety Guidelines for Barbers and Beauty Operators**
- Exhibit H. Rules Relating to Mortuaries, Cemeteries, Embalmers, Undertakers and Mortuary Authorities**
- Exhibit I. Rules Relating to State Civil Identification Card**
- Exhibit J. Statewide Face Covering Requirement**

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 Seventeenth 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 or knowingly 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 14 days or the duration of the person's presence in the State, whichever is shorter. Effective December 17, 2020, at 12:01am, 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 the Department of Health, 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 or (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. Persons under the age of five accompanied by a traveler who meets the negative test exception 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.

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 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 Kaua'i, Hawai'i, 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 14 days or the duration of the person's presence in the county, whichever is shorter. Effective December 17, 2020, at 12:01am, 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 Kaua'i, Hawai'i, 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 violating the Intercounty Travel Quarantine and 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, 2020; 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 286-236(f), HRS, **commercial driver's license qualification standards**, sections 286-107(a), (b), (c), (d), (g), and (h), HRS, **license renewals; procedures and requirements**, 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.

Section 291-51.6, HRS, **issuance of temporary removable windshield placards**, to the extent that the Director of the Department of Health may extend the duration of the temporary removable windshield placard beyond six months.

Section 291-52, HRS, **issuance of removable windshield placard**, with respect only to the statutory six-year expiration.

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, **fees**, 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; and
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.

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.

Section 11-219-7.5(e), HAR, **renewal of parking permits**, to the extent that the six-year recertification for special license plates shall be suspended if such recertification becomes due during the emergency period.

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 Emergency Management, 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 February 14, 2021, unless terminated or superseded by a separate proclamation, whichever shall occur first.

Done at the State Capitol, this
16th day of December, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

FOR OUR RIGHTS,

a Hawaii nonprofit corporation,
GREG BENTLEY
STEVEN FORMAN,
JOHN HEIDEMAN,
LEVANA LOMMA,
GERALYN SCHULKIND,

Plaintiffs,

vs.

DAVID Y. IGE, in his official capacity as
Governor of the State of Hawai'i and personal
capacities,

Defendants.

Civil No. 1:21-cv-00488-JAO-KJM

CERTIFICATE OF SERVICE

Judge: Honorable Presiding

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the below were duly served electronic copies on the date noted below:

Also served electronically via CM/ECF

David Y. Ige
Governor, State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

DATED: Hilo, Hawaii, October 7, 2022.

/s/ Sierra Hägg
Sierra Hägg Esq.
(HI Bar #11419)
Attorney for Plaintiffs