HAWAIʻI
PUBLIC
HEALTH
INSTITUTE
2021
LEGISLATIVE RECAP

2021: BUDGETING FOR HAWAII'S FUTURE

March marked the one-year anniversary of the World Health Organization's declaration of COVID-19 as a global pandemic, and the U.S. began to see a light at the end of the tunnel as vaccine distribution, access, and use dramatically increased. As of June 2021, 44 percent of the U.S. population was fully vaccinated against COVID-19, along with 57 percent of Hawai'i residents.

2021 also marked the beginning of a new biennium at the Hawai'i State Legislature. Unsurprisingly, Speaker of the House Scott Saiki stated that his leadership's focus would be on "the budget, public health, and the economy." At the start of session, the House and Senate identified goals to support sustainable development and economic recovery as the Legislature was tasked with filling a $1.4 billion hole in the state budget.

That's why this year, we are excited to partner with Hawai'i Budget & Policy Center to examine the value that the Legislature placed on public health by providing in-depth analysis of the state budget and appropriations. As President Joe Biden once said, "Don't tell me what you value. Show me your budget and I'll tell you what you value."

FEDERAL HEALTH POLICY

The new year brought in a new administration as President ***Joe Biden*** took office on January 20, 2021. With the change in administration came a significant departure from his predecessor's policies on health.

REVOCATION OF TRUMP ORDER ON IMMIGRANT HEALTHCARE COSTS

President Joe Biden repealed Presidential Proclamation 9945, which denied immigration to people deemed by the Trump administration to be a financial burden on the U.S. healthcare system. President Trump's proclamation forced immigration visa applicants to prove that, within 30 days of entry into the U.S., they would be covered by an approved health insurance plan, or that they could afford to pay for medical costs out of pocket.

BIDEN ADMINISTRATION WILL NO LONGER DEFEND THE PUBLIC CHARGE RULE

In March, the U.S. Department of Homeland Security announced it would no longer enforce President Trump's controversial "public charge" rule, which penalized nonimmigrant visa or green card applicants if they received public benefits for more than 12 months during any 36-month period. The rule granted broad discretion to immigration officers in deeming if a person was likely to become dependent on certain government benefits in the future, and thus denying them a green card, visa, or admission to the U.S.

BAN ON MENTHOL CIGARETTES & FLAVORED CIGARS

In April, the U.S. Food and Drug Administration announced it would begin the process of banning menthol cigarettes as well as all flavored cigars. A 2011 study found it likely that such a ban would prevent approximately 633,000 deaths, including about 237,000 deaths of Black Americans. Despite epidemic levels of youth e-cigarette use, the proposed ban, however, will not apply to e-cigarettes.

NONDISCRIMINATION IN HEALTHCARE FOR LGBTQIA AMERICANS

Reversing a Trump-era rule, the Biden Administration announced that it would interpret the nondiscrimination provision of the Affordable Care Act—Section 1557—as protecting against discrimination on the basis of sexual orientation and gender identity. President Trump had previously overturned Obama-era guidance on the provision, a move that put access to healthcare in jeopardy for LGBTQIA communities.

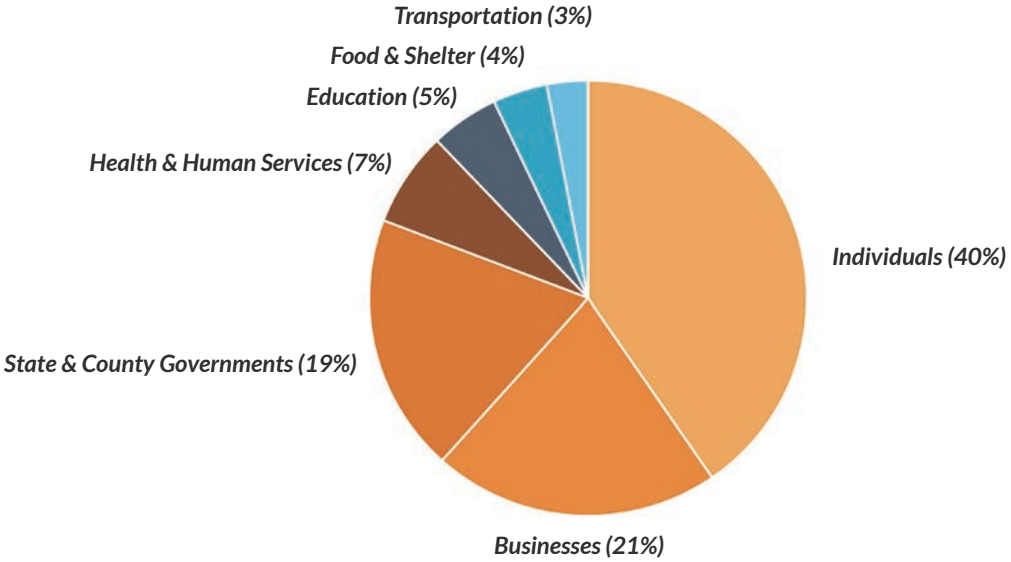
RESTORING MEDICAID TO COFA RESIDENTS

In late 2020, Congress took action to restore Medicaid access to people living in the U.S. under the Compact of Free Association (COFA) after this benefit had been stripped from these communities through welfare reform legislation in the 90s. This timely change came as communities from COFA nations suffered disproportionately severe impacts from COVID-19.

FEDERAL RELIEF FUNDS

Congress has passed numerous relief bills since the pandemic began, with the latest package passed in March 2021. According to the Hawai‘i Data Collaborative, Hawai‘i has been awarded $18.6 billion in federal relief funds, 59 percent of which has been expended since April 2021.

Federal Funds Hawai‘i Received by Category



(Budget analysis provided by Hawai‘i Budget & Policy Center)

AMERICAN RESCUE PLAN ACT (ARPA)

In March 2021, President Biden signed the American Rescue Plan Act, an economic recovery package sending direct relief to families who have been financially affected by the COVID-19 pandemic. ARPA is the latest federal relief package to send direct relief to families and governments who have been financially affected by the COVID-19 pandemic. Hawai'i received more than $5 billion in ARPA funds, with $1.6 billion going to the state and $700 million split among the counties. Components include:

Individual payments.
Economic impact payments to qualifying individuals of up to $1,400, $2,800 for couples, and $1,400 per dependent, regardless of age.

Child tax credit.
Payment of this fully refundable tax credit was sent to parents in advance of tax season, providing $3,600 for children under 6 and $3,000 for children between the ages of 6 and 17. Families in Puerto Rico and U.S. territories were also eligible to receive the credit.

Emergency rental assistance.
$21.6B to help families who cannot make rent.

Capital projects.
$10B to improve capital infrastructure, such as creating more equitable broadband access.

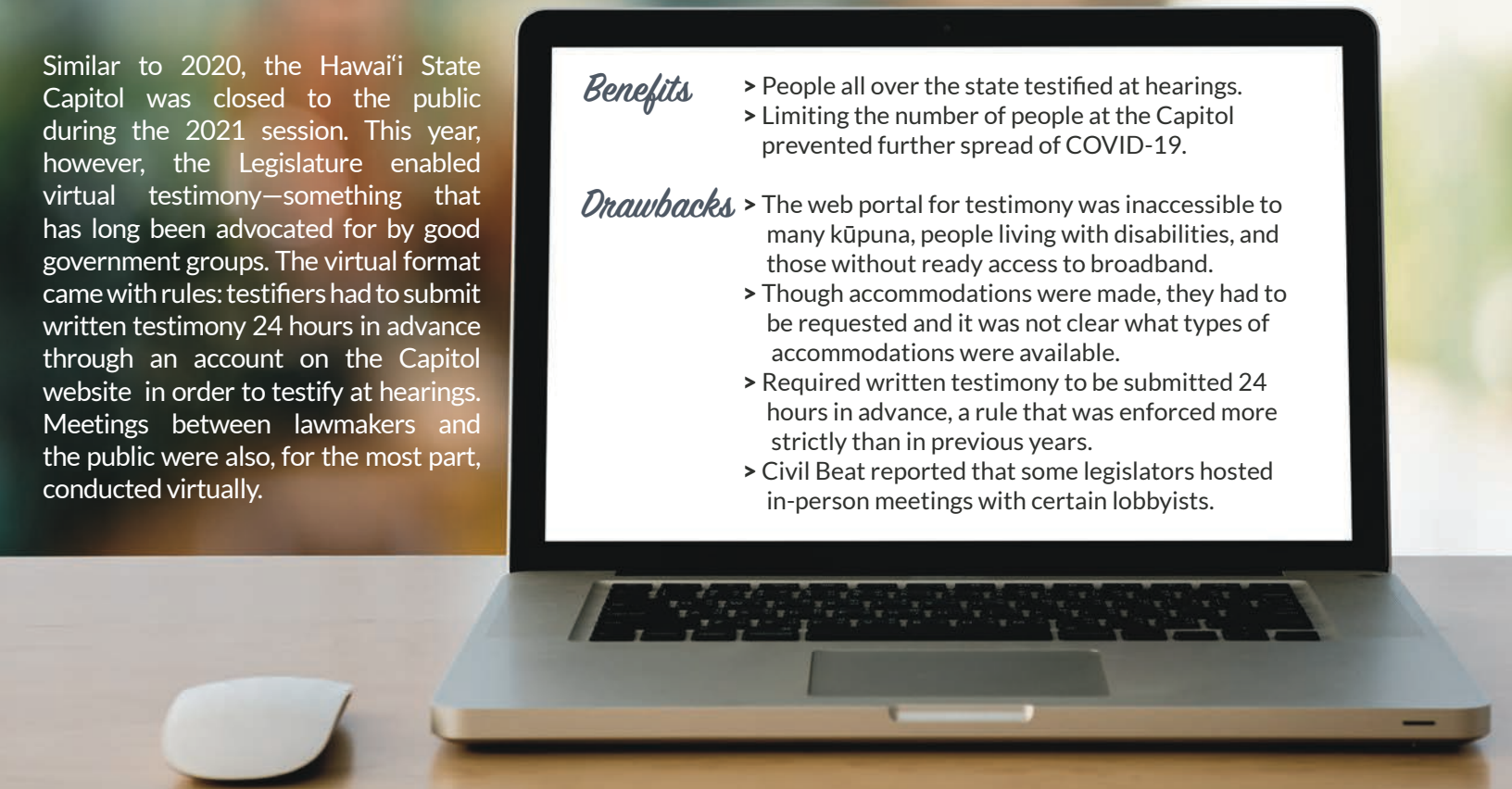
Jobless benefits.
Waives federal taxes on first $10,200 in unemployment payments received in 2020 for qualifying individuals.

Fiscal recovery for state, local governments, tribal governments, U.S. territories.
Financial relief was offered to state ($195B), local ($130B), tribal ($20B) and U.S. territory ($4.5B) governments.

(Budget analysis provided by Hawai'i Budget & Policy Center)

VIRTUAL SESSION

Similar to 2020, the Hawai'i State Capitol was closed to the public during the 2021 session. This year, however, the Legislature enabled virtual testimony—something that has long been advocated for by good government groups. The virtual format came with rules: testifiers had to submit written testimony 24 hours in advance through an account on the Capitol website in order to testify at hearings. Meetings between lawmakers and the public were also, for the most part, conducted virtually.



NEW FACES AT THE LEGISLATURE

The 2021 session kicked off with the swearing-in of ten freshmen lawmakers, all Democrats: Senator ***Laura Acasio***, Senator ***Bennette Misalucha***, Representative ***Patrick Branco***, Representative ***Sonny Ganaden***, Representative ***Greggor Ilagan***, Representative ***Jeanné Kapela***, Representative ***Matthew LoPresti***, Representative ***Lisa Marten***, Representative ***Jackson Sayama***, and Representative ***Adrian Tam***.

NEW HEALTH CHAIRS

2021 brought reorganization and new committee appointments in both chambers:

- Senator ***Jarrett Keohokalole*** became the Chair of the Senate Committee on Health.
- Representative ***Ryan Yamane*** was named Chair of the House Committee on Health, Human Services, & Homelessness.

MAHALO, SENATOR ENGLISH

In the final days of the 2021 session, Senator ***J. Kalani English*** announced his retirement. In public statements, Senator English described his struggles as a COVID-19 "long-hauler," or someone who experiences the long-term effects of COVID-19 infection, and said that his decision to retire was for the purpose of better caring for his own health. Representative ***Lynn DeCoite*** was appointed to fill this vacancy and represent Senate District 7, covering Hana, East and Upcountry Maui, Molokaʻi, Lānaʻi, and Kahoʻolawe. We thank Senator English for more than two decades of service in the Hawaiʻi State Senate.

Senator
Jarrett Keohokalole

Representative
Ryan Yamane

Senator
J. Kalani English

STATE BUDGET

The Legislature must pass a balanced budget in order for the governor to sign it into law, which means that the state's planned spending cannot exceed its expected revenue. For Fiscal Year 2022, the State of Hawaii's Executive Branch is responsible for 99 percent of the funds budgeted, with separate budgets for the Judiciary Branch, Legislature, and the Office of Hawaiian Affairs (OHA).

Breakdown of FY2022 State Budget

Executive **$15,901,268,709**

Judiciary **$177,900,433**

Legislative **$41,542,814**

OHA **$8,684,104**

Resources that support the state budget come from a variety of funds. The largest are:

- General funds, composed primarily of state income, general excise and other taxes. General funds typically account for about 50 percent of state spending.
- Special funds, which come from fees related to the programs they support, i.e., tuition paid to the University of Hawai'i System is allocated as special funds that support its budget.
- Federal program funds from both recurring funds allocated by formula and competitive program grants.
- Federal relief funds from the CARES Act, Coronavirus Relief Fund, and the American Rescue Plan Act.

(Budget analysis provided by Hawai'i Budget & Policy Center)

Empty terminal at Daniel K. Inouye International Airport, Oʻahu, March 2021

BUDGET LANDSCAPE

Entering the 2021 legislative session, lawmakers were faced with a daunting $1.4 billion shortfall. Required to pass a balanced budget, deep cuts and furloughs were seemingly inevitable without federal intervention or revenue-generating measures. Relief came in March 2021 in the form of the American Rescue Plan Act (ARPA). ARPA provided $1.6 billion for the state government and another $700 million to be split among the counties, which prevented many of the austerity measures from being enacted. Post-legislative session, Hawaii's financial outlook continues to improve as vaccination rates increase and COVID-19 cases decline. The May 2021 Council on Revenues estimated a $635 million surplus as tourism returned sooner than anticipated.

THE BUDGET:
WHAT MADE THE CUT AND WHAT DIDN'T

A snapshot of public health funding based on our analysis of HB 200 and various appropriation bills:

FUNDED

- $61M from CARES Act funds to the Dept. of Defense for personal protective equipment and industrial hygiene.
- $138M for emergency medical services as responsibility for most Oʻahu services is transferred to City & County of Honolulu.
- $2.8M for a red light camera pilot program.
- $3.2M to maintain general assistance payments.
- $1M for the Affordable Homeownership Revolving Fund.
- $4M for rental assistance and landlord-tenant mediation.
- $3.2M to the Dept. of Public Safety for healthcare costs and COVID-related deep cleaning.

NOT FUNDED

- $5M for the Double Up Food Bucks Program.
- $600K to establish and administer a family leave benefit program.
- $2M to establish a five-year food hub pilot program to increase access to local food.
- $500K to Dept. of Health to set-up a 2-cent-per-ounce fee on sugary drinks. The funds would be repaid once the fee begins collecting revenue.
- Funding to restore diagnostic, preventive, and restorative dental benefits to adult Medicaid enrollees.
- Funding for a pilot program to offer mentorship services to Pacific Islander students in high school and college.
- Funding for Grants-in-Aid.

GRANTS-IN-AID

In most years, the Legislature awards grants-in-aid to Hawaii's nonprofits. During the five years between 2015 and 2019, more than $155 million in grants were funded. Nearly 70 percent of grants-in-aid helped pay for building clinics, museums, community centers, and nonprofit housing, among others. The remainder paid for short-term projects and subsidies. A third of all grants went to community and arts organizations, followed by 22 percent for human services and housing. Health service organizations got 21 percent of all the funds provided, amounting to more than $9 million for programs and $23.3 million for capital projects.

The Legislature suspended grants-in-aid in 2020 and 2021 due to the recession. This suspension is a setback, especially for raising money for capital projects. Land and development are more costly in Hawai'i than in other places, and the diverse array of grants add to the wellbeing and vibrancy of our communities.

Examples of GIA-funded programs:

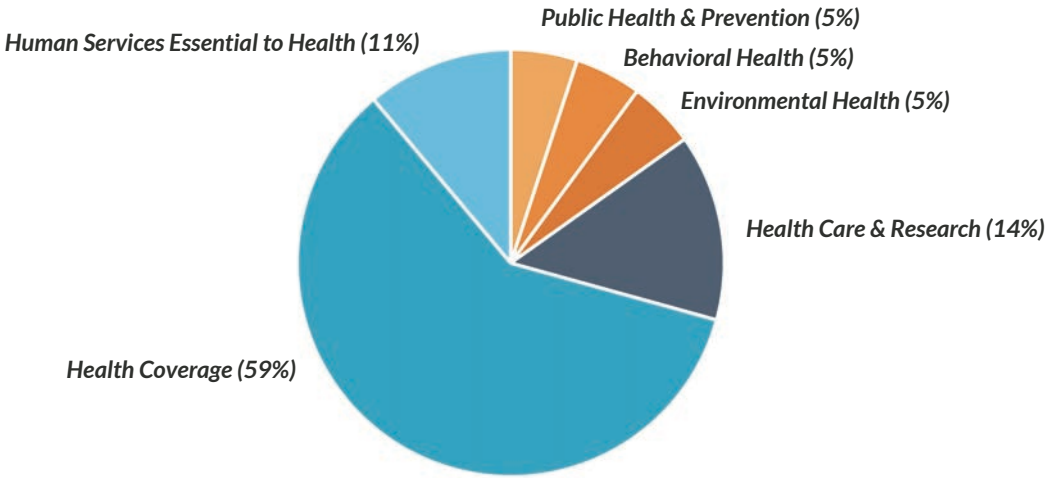
- ***After school programs for at-risk youth.***
- ***Free dental clinic for those uninsured or underinsured.***
- ***Homelessness programs.***
- ***Foodbanks.***
- ***Prenatal and post-partum support for low-income families.***
- ***Vision care for children.***

(Budget analysis provided by Hawai'i Budget & Policy Center)

HAWAII'S INVESTMENT IN HEALTH & WELLBEING

Forty percent of the state budget goes toward health and related services. This investment equals $7 billion of the total $17 billion appropriated for FY2022. Of this $7 billion, a disproportionate amount is allocated to public and private health insurance and only five percent goes to public health and prevention.

Investments in Health & Related Human Services, FY2022



(Budget analysis provided by Hawai'i Budget & Policy Center)

Public Health & Prevention
$342.8M

Examples include public health, nursing, maternal child health, disease prevention, the state laboratory, regulatory functions, and personal protective equipment.

Behavioral Health
$372.2M

These programs are responsible for funding mental health and alcohol and substance abuse programs for adults, children and adolescents, the state hospital that provides forensic mental health services, services for people with developmental disabilities, and administrative support.

Environmental Health
$378.9M

Programs focused on a clean environment and safe drinking water, such as the Environmental Quality Control Office.

Health Care & Research
$967.1M

Includes the Hawai'i Health Systems Corporation, the Maui Health System, subsidies to private hospitals, emergency medical services, health care in prisons, and the University of Hawai'i John A. Burns School of Medicine and Cancer Center.

Health Coverage
$4B

This accounts for nearly 60 percent of all state spending for health and wellbeing, and covers MedQUEST, insurance premiums for public workers, and the hospital and nursing home sustainability programs (fees assessed on facilities are used to match and enhance Medicaid funding).

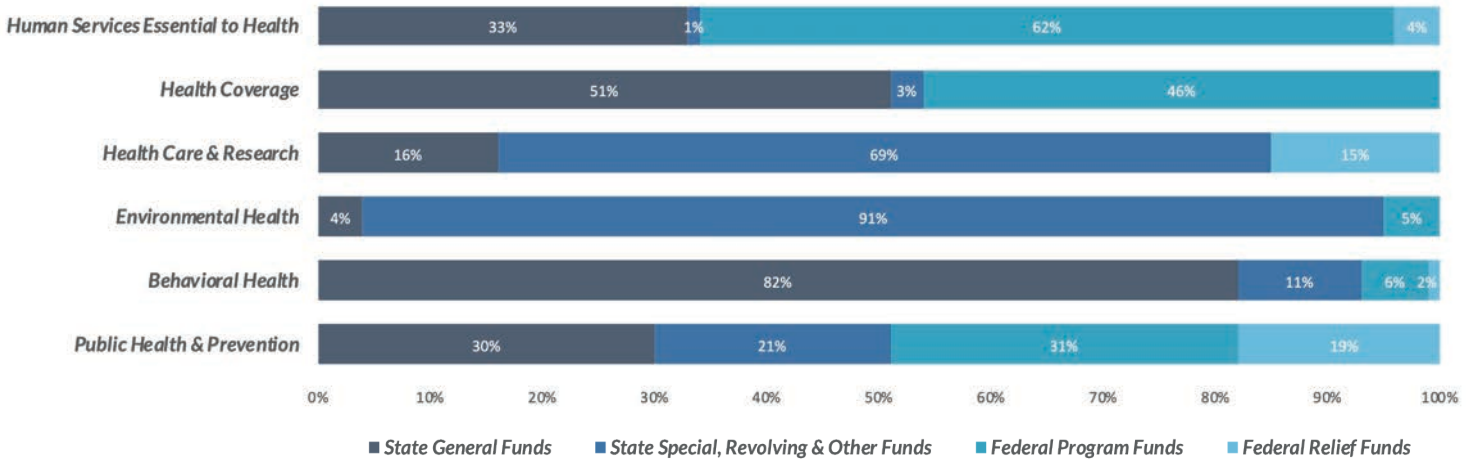
Human Services Essential to Health
$791.4M

Good health depends on investments beyond those directly related to public health, care, and coverage, such as programs that promote the social and economic wellbeing of Hawaii's residents. This includes housing, food, family safety, health services, and income security.

MEANS OF FINANCE FOR HEALTH & WELLBEING

The services essential to health and wellbeing have diverse funding mixes. The funding sources for each category help to explain why some programs may be reduced in times of budget crisis. During a recession, cuts typically apply to programs that depend on general funds since this money comes from taxes produced by economic activity. Programs funded by federal formula grants are less vulnerable to cuts. Special and revolving funds may also provide a greater level of security.

Funding Breakdown for Health & Wellbeing Programs



(Budget analysis provided by Hawai'i Budget & Policy Center)

BUDGET SPOTLIGHT: BEHAVIORAL HEALTH FUNDING

The behavioral health budget is an example of the vulnerability that comes from dependence on general funds: it obtains 82 percent of its support from that source.

Among mental health programs, only the state hospital has seen budget growth, when its funding is adjusted to 2021 dollars. In comparison, investment in all other mental health and substance use services has declined when adjusted to 2021 dollars. The drop is even more precipitous if the fiscal year 2022 appropriation is compared with that of fiscal year 2009, the high watermark for behavioral health funding.

These shifts raise questions about whether preventive community-based mental health services have been adequately funded, particularly if they can help reduce the tragic and costly increase in forensic inpatient services.

Funding for Behavioral Health, FY2013 vs. FY2023 (in Millions)

(Budget analysis provided by Hawai'i Budget & Policy Center)

SESSION OVERVIEW

The 2021 legislative session, while less interrupted than the previous year's session, was still far from normal. In addition, the typically 60-day session was shortened to 55 days in 2021. While five days may not seem like a huge difference, the Legislature considered over 2,800 bills in this time period.

All Bills

265

or **9.4%** *of bills passed by the Legislature of the 2,820 bills considered.*

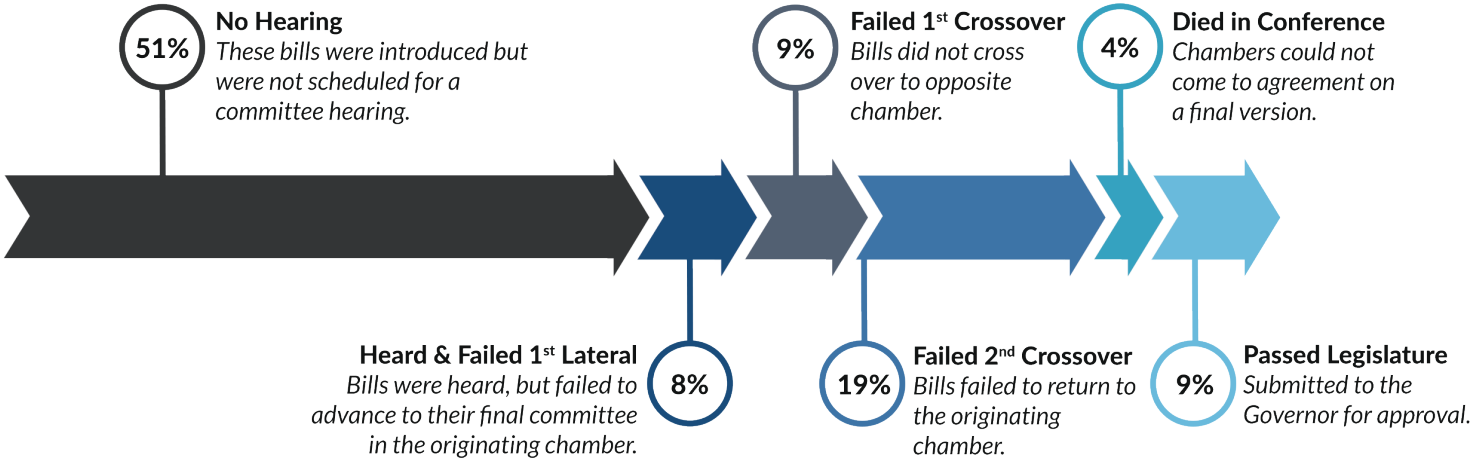
Health Bills

37

or **9.1%** *of health bills passed by the Legislature of the 405 health bills considered.*

WHERE HEALTH BILLS DIED AT THE LEGISLATURE

The shortened legislative calendar meant tighter bill deadlines. With less time to hear bills, it's likely that committee chairs were more selective about which bills they chose to hear – and could explain why significantly more health bills died this year without receiving a hearing (normally 30-40 percent).



COVID-19

Emergency rules became the norm during the pandemic in an effort to protect public health. Set by the governor and county mayors, these included eviction moratoriums, mask mandates, travel restrictions, and stay-at-home orders. However, the constantly changing rules and variances between state and county rules led to confusion, and sometimes violations of the emergency orders. Several bills sought to create uniformity between the emergency rules and reduce the penalties for violating the emergency rules.

MASK MANDATES & EMERGENCY RULE VIOLATIONS

HB 726 (FAILED) would have required everyone to wear a mask when in a public setting until December 31, 2021 or until the COVID-19 emergency proclamation expired, with violations subject to a civil fine. **SB 540 (PASSED)** allows the governor and mayors to adopt lesser emergency period penalties (i.e. a civil fine instead of a misdemeanor, which is a criminal offense). The bill also allows the citations to be paid online and without a court visit, similar to a traffic ticket, in order to reduce the burden on the judiciary system.

TRAVEL POLICIES

In an attempt to create a more uniform travel policy within the state, **SB 266 (FAILED)** would have allowed any person to skip the mandatory post-arrival quarantine if they received a negative test result prior to arrival. At the time the bill was proposed, only Kauaʻi would be affected, as they were the only county that did not allow travelers to opt-out of the mandatory quarantine with a pre-travel test. Opponents of the bill were concerned that this bill took away the ability of the counties to tailor policies to meet their needs, but ultimately the bill died once Kauaʻi rejoined the state's Safe Travels program and allowed visitors to bypass quarantine with a pre-travel test.

DATA

The pandemic also highlighted the value of data to inform policy, as it identifies disparities that needed to be addressed. **SCR 5 (PASSED)** recognizes the importance of disaggregated data on Native Hawaiian and Pacific Islanders (NHPI) and urges better data governance policies by state and county agencies. Beyond the pandemic, good data will be key to ending long-standing health inequities.

BROADBAND ACCESS

As workplaces, healthcare, and schools went virtual to prevent the spread of COVID-19, access to technology and the internet became even more essential to everyday life. While most Hawai'i residents have access to broadband, over 44,000 households in the state have no internet access at all, especially rural and low-income communities. **HB 1191 (PASSED)** provides $5 million in federal funds to create a grant program that incentivizes private investment in broadband infrastructure for underserved areas. It also establishes the Hawai'i Broadband and Digital Equity Office, with a coordinator position to be appointed by the governor.

CRIMINAL JUSTICE & POLICING REFORM

POLICE REFORM

On March 13, 2020, Breonna Taylor, a 26-year-old Black medical worker, was murdered in her home by plainclothes Louisville Metro Police officers. The officers were executing a "no-knock warrant" based on incorrect information, which authorized them to forcibly enter and search the home without warning.

SB 726 (FAILED), also known as "Breonna's Law," would have banned no-knock warrants in Hawai'i. In addition, officers executing a warrant would be required to do so in uniform and to wait at least thirty seconds after announcing their presence before entering a property. The bill passed through three readings in both chambers and passed out of conference committee, but upon final reading of the conference draft, the House killed the bill in a last-minute procedural move. Because the bill was recommitted to the conference committee, it was unable to meet a critical deadline.

BAIL REFORM

Across the nation and in Hawai'i, many of the worst COVID-19 infection clusters have occurred in jails and prisons, reinvigorating advocates' calls for divestment from wealth-based cash bail systems. At any given time, roughly half of Hawaii's jail population is pretrial, meaning they have not been convicted of the crime of which they are accused. This is largely because most are unable to afford the cash bail set.

SB 1260 (FAILED) would have eliminated cash bail for certain low-level offenses and instead allowed for people to be released on their own recognizance. SB 1260 died in conference committee when the House and Senate could not reconcile the differences in the two versions of the bill.

YIELD TO PEDS
END POLICE BRUTALITY
BLACK LIVES MATTER
JUSTICE FOR:
MATTER
POWER

ENVIRONMENTAL HEALTH

SEA LEVEL RISE

With the ever growing climate crisis and Hawaii's vulnerability as an island state surrounded by ocean, the Legislature proposed **SCR 44 (PASSED)**, making Hawai'i the first state to declare a climate emergency. The Hawai'i Sea Level Rise Vulnerability and Adaptation report warns sea levels will increase up to 3.2 feet in the next 80 years (by 2100). In order to combat the imminent threat of sea level rise, **HB 243 (PASSED)** will identify existing and planned facilities that are vulnerable to sea level rise, flooding impacts, and natural hazards and assess options to mitigate the impacts of sea level rise to said facilities. The primary concerns focus on securing sufficient funding to address the identified vulnerabilities.

ENVIRONMENTAL JUSTICE

Legislation was also introduced to identify and eventually mitigate the impacts of climate change on Hawaii's vulnerable populations. **HB 1350 (FAILED)** would have established an environmental justice and data collection tool to identify Hawaii's most vulnerable populations based on social disparities, public health data, pollution burdens, and proximity to environmental hazards. This data would be used to calculate environmental justice scores, which in turn would inform policy needs and investment goals to ensure justice and equal representation.

CLEAN ENERGY

HB 1174 (FAILED) would have threatened Hawaii's clean energy progress by cutting Hawaii's solar tax credit in half for both individual and commercial property owners. The move was spurred by the state's budget shortfall, but opponents warned that cutting the tax credit could cause a significant disruption to the solar industry, hurt homeowners and businesses looking to reduce their energy expenses during this challenging time, and hinder Hawaii's ability to reach its 100 percent clean energy mandate by 2045.

TOBACCO, ALCOHOL & CANNABIS

Facing immense pressure to balance the budget, lawmakers sought many different avenues to raise revenue. Some legislators hoped that legalizing recreational cannabis through **SB 767 (FAILED)** could bring in much-needed tax revenue, as other states with legalized cannabis raise hundreds of millions of dollars each year. Another proposal, **SB 1232 (FAILED)**, would have temporarily added a ten-cent surcharge on alcoholic drinks, generating $62.7M in revenue. **HB 826 (FAILED)** would have subjected e-cigarettes to a tobacco tax, in addition to other regulations advocates claim are needed to reduce youth vaping, such as ending the sale of flavored tobacco and restricting online sales.

In addition to revenue generation, lawmakers also eyed special funds to fill budget holes. **HB 1296 (PASSED)** raids the Tobacco Prevention and Control Trust Fund by removing its annual allocation and sweeping its balance into the general fund in 2025. Tobacco prevention and control advocates feared this move would jeopardize youth prevention education and quit smoking programs during a youth vaping epidemic, while lawmakers felt the money was needed to balance the budget. Legislators also added other unrelated appropriations into HB 1296 that didn't make it into the state budget, such as funding for emergency medical services and positions in the Governor's policy office.

NUTRITION & FOOD SECURITY

EMERGENCY FOOD ACCESS

Hawaii's high cost of living has made food security (reliable access to affordable and nutritious food) an ongoing issue; this worsened during the pandemic. With thousands of residents lining up at food distribution sites, lawmakers considered **SB 1250 (FAILED)**, which would have created an emergency food assistance program to provide food during emergencies.

SNAP INCENTIVE PROGRAMS

SB 512 (PASSED) was touted as a way to support local businesses and diversify our economy, while also feeding hungry residents healthy foods. This bill improves the existing Double Up Food Bucks program by removing the daily $10 cap and allowing local proteins to be included. Known locally as "DA BUX," the program matches purchases on fresh, locally grown produce for Supplemental Nutrition Assistance (SNAP) recipients. The original bill also requested funding to expand the program, but the dire budget situation did not allow the Legislature to appropriate funding.

SUGARY BEVERAGE FEE

HB 330 (FAILED) would have created a two-cent-per-ounce fee on beverages with added sugar, like sports drinks or sweetened teas and coffees. Supporters hoped the estimated $60.4 million in revenue would be invested into health programs like Double Up Food Bucks, while opponents worried the fee would hurt businesses already struggling from the pandemic.

BUILDING HEALTHIER COMMUNITIES

Investing in transportation for users of all ages and abilities results in communities that are safer, promotes better health, creates stronger economies, offers more choices, and benefits the environment.

Also known as Complete Streets, these designs prioritize safety, comfort, and access for all road users - not just cars.

In an effort to modernize Hawaii's transportation system away from an auto-centric society, **SB 1402 (PASSED)** requires the Department of Transportation to create public transportation, biking, and walking networks. **SB 1401 (FAILED)** would have increased the transparency and accountability of the state's Complete Streets program and ensured policy and design are integrated into transportation projects. **HB 1081 (PASSED)** requires state and county transportation departments to maintain priority lists of sidewalks for maintenance and improvement projects. **HB 766 (PASSED)** provides funding for the red light camera pilot project that was passed in 2020. Expected to launch late summer in downtown Honolulu, traffic cameras will be installed at intersections with frequent crashes or red light violations to improve safety.

KEIKI & KŪPUNA

FARM TO SCHOOL

The spotlight on health turned to healthy eating among our keiki and youth, with the focus of legislation on bringing nutrient-dense, locally sourced foods to kids in public schools. **HB 515 (PASSED)** calls for an audit for Hawai'i Department of Education's (HIDOE) school food services branch to determine how much local produce is served to students. **HB 767 (PASSED)** moves the Hawai'i Farm to School program from the Department of Agriculture to HIDOE and sets a goal for at least thirty percent of school food to be locally sourced by 2030.

RESPITE CARE

The Kūpuna Caregivers Program helps caregivers afford care and services for their loved ones while allowing them to continue working. Due to the pandemic, some caregivers had their hours reduced or lost their jobs, making them unable to meet the 30-hour work requirement for the program. **SB 838 (FAILED)** would have allowed the Executive Office on Aging, which administers the program, to relax the work requirement during state emergency periods. The bill also would have allowed for kūpuna caregiver-directed services, which lets participants select their own services to meet their needs instead of a contracted provider.

DEMENTIA TRAINING

As Hawaii's aging population continues to grow, the number of individuals with dementia is also expected to increase to 35,000 by 2025. As those with dementia may be confused, have trouble communicating, and become hostile or aggressive, education and training in de-escalation tactics can ensure the safety of the first responders and individuals with dementia. **HB 1283 (PASSED)** allows first responders to receive dementia training, the standards of which are set by the Executive Office on Aging, in order to adequately respond to the needs of people living with dementia.

MENTAL & BEHAVIORAL HEALTH

GUARDIAN AD LITEM

HB 345 (PASSED) eliminates the role of the public defender and instead provides a court-appointed guardian to individuals with severe mental illness that are unlikely to live safely without supervision. The court-appointed guardian is given the legal ability to decide treatment for said individual with mental illness. This is often without the consent of the individual, and can lead to situations such as forced medication. HB 345 attempted to improve and expedite the legal process of the 2013 assisted community treatment law, which faced many challenges in responding to Hawaii's mental health crisis due to the lack of guardian oversight over individuals with mental illness. Advocates claim that the bill is a necessary step towards ensuring individuals with severe mental illnesses get the help they need, whereas opponents claim that the bill is a violation of an individual's civil rights and point to the consistent divestment in preventative mental health policies.

NON-VIOLENT CRISIS INTERVENTION PILOT PROJECT

SB 732 (FAILED) would have created a two-year pilot program for a mobile response team to respond to mental health crisis incidents, substance abuse, and suicide threats instead of armed responses. The bill would require a study to be conducted for the duration of this program to assess its efficacy.

HOUSING

Governor Ige's moratorium on evictions, which prevents landlords from evicting tenants who are unable to pay rent during the pandemic, is set to end on August 6, 2021.

HB 1376 (PASSED) makes several temporary changes to the landlord-tenant code in anticipation of a wave of evictions that may occur once the moratorium lifts. These changes include extending the notice of eviction for nonpayment period from five business days to 15 calendar days, requiring additional information in the notice of eviction, requiring landlords to first attempt mediations under certain circumstances, and limiting when a landlord can bring eviction proceedings based on the amount of rent past due and how much time has passed since the eviction moratorium expired.

The bill also appropriates to the counties a total of $4.05 million out of federal ARPA funds for housing assistance and sunsets most of the bill's provisions in August 2022.

ECONOMIC JUSTICE

The economic fallout from COVID-19 pulled Hawaii's workforce into one of the highest unemployment rates in the country, a dramatic shift from the state's low pre-pandemic unemployment. Economic justice policies were top-of-mind for many legislators and community advocates this year, who sought to address low wages and the high cost of living.

MINIMUM WAGE

A recent federal study found that workers who make lower wages—especially Black, Latinx, and female workers—were hit hardest by the pandemic. Although many bills were considered this year to address issues around the state minimum wage, no minimum wage increase ultimately passed. **HB 21** and **HB 600 (BOTH FAILED)** would have gradually increased the state minimum wage annually until it reached $17/hour. **SB 965 (FAILED)** would have raised the minimum wage to $15/hour by 2024. HB 600 and SB 965 also sought to address the tip credit and provide annual increases to the minimum wage. **SB 793 (PASSED)** repeals a provision of Hawai'i law that allows certain employers to pay people with disabilities below the state minimum wage.

PAID SICK LEAVE

At least 13 states and Washington, D.C. require some paid sick leave for workers. Our state's lack of paid sick days presented challenges during the pandemic, when thousands of workers were asked to stay home if they exhibited symptoms, but feared that doing so could cost them their employment. **HB 297 (FAILED)** would have required employers to provide meal and rest breaks as well as paid sick leave. With this bill, workers would be eligible for paid sick leave if they worked 680 hours in the previous year, and would accrue one hour of sick leave for every 40 hours worked. **HB 2 (FAILED)** would have required that any employee who works more than 80 hours in one year be given one hour of paid sick leave for every 30 hours worked.

TELEWORK

Virtual learning left many parents with no choice but to work from home or not work at all. **SB 830 (FAILED)**, as introduced, would have required state agencies to develop telework and alternative work schedule policies for employees, and to offer this option to all workers who are caregivers for children or household members. The bill would have also required the Department of Human Resources Development to submit annual reports to the Legislature on the status and efficiency of the program.

PAID FAMILY LEAVE

The U.S. is one of the few countries that does not require any paid family leave for new parents and caregivers, a deficit that stranded millions of parents without options during COVID-19 lockdown and school closures. This year, the Legislature once again considered several bills that would have created a paid family leave program. **HB 5 and HB 1272 (BOTH FAILED)** would establish a social insurance program providing 16 weeks of paid family leave. **SB 679 (FAILED)** would have expanded Hawaii's private temporary disability insurance mandate to include coverage for eight weeks of paid family leave.

HEALTHCARE ACCESS

TELEHEALTH

When the pandemic closed many doctors' offices and clinics, many health professionals turned to telehealth to provide care. Lawmakers explored ways to revolutionize how modern medicine is practiced and improve access by maintaining the growing momentum of telehealth.

SB 970 (PASSED) authorized the establishment of a physician-patient relationship via telehealth interaction, eliminating the required face-to-face contact before telehealth could be utilized.

SB 1258 (FAILED) would have allowed medical professionals to use telephone calls for telehealth. Opponents expressed concern that audio-only telehealth visits may not offer a similar level of care to in-person treatment, but supporters argued it was a better alternative than restricting care for those who do not have access to a device with a camera.

HB 384 (FAILED) would have prevented health insurers from excluding coverage of a service solely because it is provided through telehealth and not face-to-face contact.

COMMUNITY HEALTH WORKERS

Community health workers have been invaluable during the pandemic, acting as a bridge between the community and healthcare. **SB 858 (FAILED)** would have created a task force within the Department of Health to discuss the certification and training process for community health workers. Certification and licensure of the profession is expected to improve job stability, career advancement, and pay.

HEALTHCARE ACCESS

ADULT DENTAL BENEFITS FOR MEDICAID

Oral health is just as important to overall wellness as other medical care, yet for adults on Medicaid, only emergency dental services such as tooth removal, pain relief, or injuries are covered. **HB 866 (FAILED)** would have appropriated funds to restore diagnostic, preventative, and restorative dental benefits to adult Medicaid enrollees. Increasing access to preventative dental care is expected to reduce the need for costly and painful emergency oral care.

EQUAL ACCESS TO ABORTION CARE

Numerous healthcare and professional organizations including the National Academies of Sciences, Engineering, and Medicine, have found that restricting qualified licensed health care providers from providing medication or aspiration abortion care confers no medical benefit and hinders patients' access to care. In Hawai'i, people on Kaua'i, Lāna'i, Moloka'i, and the west side of Hawai'i Island do not have access to a local abortion care provider. **HB 576 (PASSED)** authorizes advanced practice registered nurses to perform medication or aspiration abortions in an attempt to increase access to abortion care for residents of Hawai'i.

EMERGENCY MEDICAL SERVICES

HB 1281 (PASSED) transfers the responsibility of Oahu's Emergency Medical Services (EMS) from the state to the county. The proposed move would start in July 2021 and occur over the course of three years, with the state providing some funding support during the transition. While the City & County of Honolulu was initially concerned about its ability to support EMS during the current economic downturn, ultimately the move would provide the county more control and flexibility over EMS. Previously, the county had to get approval from the Legislature to make changes to its contract. The transfer is also expected to save the state approximately $48 million per year, or nearly half of its annual EMS expenses. All other counties' EMS will remain with the state.

TRANSGENDER HEALTH EQUITY

As introduced, **HB 285 (FAILED)** sought to clarify insurers' existing obligations under state nondiscrimination laws to cover medically-necessary, transition-related care for transgender patients, when those services are otherwise covered under a health plan for reasons unrelated to gender transition; for example, hormone therapies and mastectomies. The bill was later amended to request a sunrise analysis of the cost of coverage.

LOOKING AHEAD

Looking to the horizon as our state's economic outlook brightens and the clouds of COVID-19 have begun to part, we are faced with the stark landscape of our new reality, and what we must do in the years to come. Policymakers must prioritize greater investment in the communities most severely affected by the pandemic—especially Black, Filipino, Native Hawaiian, and Pacific Islander communities. It is incumbent upon our leaders to keep moving forward, and to ensure that COVID-19 is not used to justify stalled progress on economic and social justice. The pandemic has highlighted the urgency of many need gaps in our state—the lack of paid family and sick leave, low wages, the affordable housing shortage, the need for greater access to healthcare, and the lack of childcare. Hawaii's families feel these needs acutely.

And while the Legislature failed to take action on many bills that would have addressed systemic inequities across the state, both chambers adopted a resolution declaring racism as a public health crisis. While a step in the right direction, for true progress to occur, we must move beyond statements and take meaningful action. We hope this resolution signals a shift in how our state government views the inextricable link between systemic inequities and public health, to serve as a strong foundation for real change to come.

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HAWAIʻI PUBLIC HEALTH INSTITUTE

MISSION

To advance the health and wellness of the people and islands of Hawaiʻi.

TO ACHIEVE OUR MISSION, WE...

- Expand understanding of what creates health of people and place, embracing upstream social, cultural and environmental factors.
- Foster partnerships among public health, health care, and other diverse sectors to improve health and wellness.
- Cultivate programs — including education, advocacy, research, capacity building and training — to improve policies, systems, and the environments where people live, learn, work, age, and play.

HIPHI is home to Coalition for a Tobacco-Free Hawaiʻi, Community Health Worker Network, Hawaiʻi Alcohol Policy Alliance, Hawaiʻi Farm to School Hui, Hawaiʻi Oral Health Coalition, Healthy Eating + Active Living (HEAL) county coalitions, and the Obesity Prevention Task Force.

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