OFFICE OF THE GOVERNOR
STATE OF HAWAI'I

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 relating to COVID-19 (the "Proclamation"); and

WHEREAS, on March 11, 2020, the World Health Organization designated the COVID-19 outbreak a pandemic of international concern; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency in response to the COVID-19 pandemic; and

WHEREAS, as of March 16, 2020, the State of Hawai'i has ten confirmed cases of COVID-19 as a result of the pandemic; and

WHEREAS, additional testing is underway in Hawai'i to determine the extent of the community spread of COVID-19; and

WHEREAS, significant economic impacts, including to rates of employment, are expected in sectors of the state's economy; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention recommended that for a period of eight weeks, all events consisting of 50 or more people, be canceled or postponed throughout the United States; and

WHEREAS, it has become necessary to supplement the Proclamation.

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, determine that an emergency or disaster as contemplated by sections 127A-2 and 127A-14, Hawaii Revised Statutes (HRS), continues in the State of Hawai'i, supplement the Proclamation, which otherwise remains in full force and effect, and authorize and invoke the following additional measures under the HRS:

1. All residents are to heed any orders and guidance of federal and state public health officials, including but not limited to, the imposition of social distancing measures, to control the spread of COVID-19.

2. Section 127A-12(b)(13), HRS, and require 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, including the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as I may prescribe; and the Director of Emergency Management and the administrators of each county emergency management agency to identify critical infrastructure to be protected or safeguarded and establishing the terms and conditions for the regulation or prohibition of public entry thereon, or the permission of the entry thereon.

3. Sections 127A-12(a)(5), 127A-13(a)(6), and 127A-13(a)(7), HRS, and direct the Director of Emergency Management 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.

4. Sections 127A-12 and 127A-13, HRS, and suspend as allowed by federal law the following statutes and any related administrative rules, in order for state and county agencies to more effectively provide emergency relief and engage in emergency management functions, including, but not limited to, implementing social distancing measures, as a result of the COVID-19 pandemic:

   a. Section 78-13, HRS, **salary periods**, to the extent necessary to allow the State of Hawai'i 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.

   b. Chapter 91, HRS, **administrative procedures**, 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.

   c. 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 notice of meetings, allowing submission of written testimony on agendized 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.

   d. Chapter 92F, HRS, **uniform information practices act**.

e. Chapter 104, HRS, **wages and hours of employees on public works.**

f. Sections 105-1 to 105-10, HRS, **use of government vehicles, limitations.**

g. Chapter 171, HRS, **public lands, management and disposition of.**

h. Chapter 205, HRS, **land use commission.**

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

j. Chapter 264, HRS, **highways.**

k. Chapter 269, HRS, **public utilities commission.**

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

m. 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.

n. Sections 91-3(b) and 325-2, HRS, **physicians, laboratory directors, and health care professionals to report** to the extent necessary to add corona virus disease 2019 (COVID-19) *(SARS-CoV-2)* to Exhibits A and B of chapter 11-156, Hawaii Administrative Rules, 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 corona virus disease 2019 (COVID-19) *(SARS-CoV-2)* to Exhibits A and B of chapter 11-156, Hawaii

Administrative Rules, shall be effective for a period of one hundred eighty (180) days from the date of this supplemental emergency proclamation.

o. Chapter 343, HRS, **environmental impact statements**.

p. Chapter 383, HRS, **Hawaii employment security law**, to the extent necessary to waive the one-week waiting period for unemployment insurance claimants who are unemployed as a result of COVID-19, and who are otherwise eligible for unemployment insurance benefits for claims beginning March 1, 2020; to waive the able and available requirement not already exempted, should it later become waived under federal law, and as long as such waiver is in conformity with federal law; and to waive required cash or in-kind contributions at the sole discretion of the Director of Labor.

q. Chapter 453, HRS, **medicine and surgery,** and chapters 16-85 and 16-93, HAR, **medical examiners** and **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.

r. 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, or clinical laboratory.

s. Section 464-4, HRS, **public works required to be supervised by certain professionals.**

t. Sections 601-1.5, 708-817, 708-818, 708-820, 708-830.5, and 708-840, HRS, to the extent that these sections contain provisions for the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements in civil, criminal, or administrative matters before the courts of the State or to the extent that these sections contain provisions for criminal penalties that are automatically heightened by reason of any declared disaster or emergency.

u. 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.

v. 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.

5. Section 127A-13(a)(8) and 127A-12, HRS, in order to prevent hoarding of materials, supplies, commodities, accommodations, facilities, and services and to effectuate equitable distribution thereof and priorities therein, the administrator or Director of the Hawaii Emergency Management Agency is

directed to identify materials, supplies, commodities, accommodations, facilities, and services as the public welfare may require, and 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.

I FURTHER DECLARE that the disaster emergency relief period shall continue through May 15, 2020, unless terminated by a separate proclamation, whichever shall occur first.

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

DAVID Y. IGE,
Governor of Hawai'i

APPROVED:

Clare E. Connors
Attorney General
State of Hawai'i