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	)
Daniel Hashimoto	)
4-1104 Kuhio Hwy	)
No. 211	)
Kapa'a, HI 96746	)
	)
Plaintiffs,	)
vs.	)
	)
DAVID IGE, in his official capacity as	)
Governor of the State of Hawai'i, CLARE E.	)
CONNORS, in her official capacity as	)
Attorney General for the State of Hawai'i, and	)
STATE OF HAWAI'I	)
	)
Defendants.	)

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Plaintiffs, by and through their attorneys, allege the facts and causes of action against Defendants as set forth in this Complaint.

### **JURY DEMAND**

Plaintiffs and each of them request a jury trial on all issues as applicable under law.

### **INTRODUCTION**

1. This case is a federal civil rights action, brought pursuant to 42 U.S.C. § 1983, challenging the constitutionality of the Hawai'i Governor's Proclamation Related to the Covid-19 Emergency and several supplemental proclamations and executive orders, as described more fully below, with copies of the most pertinent documents attached here as exhibits.

2. Plaintiffs are citizens and residents in the State of Hawai‘i who are subject to the Governor’s proclamations and executive orders.

3. The Governor’s proclamations and executive orders, as alleged more fully below, violate Plaintiffs’ fundamental right to interstate travel, fundamental right to movement, and fundamental right to liberty, and fundamental right to due process, under the Constitution of the United States and the Constitution of the State of Hawai‘i.

4. The Governor’s proclamations and executive orders, as alleged more fully below, are contrary to law and unconstitutional under the Constitution of the State of Hawai‘i.

5. As the violations of the Plaintiffs’ rights are current, ongoing and prospective in the near term, preliminary and permanent injunctive and declaratory relief against the proclamations and executive orders are warranted.

6. The current version of the Governor’s proclamation went into effect on May 18, 2020.

7. Therefore, preliminary injunctive relief is needed immediately in order to prevent irreparable harm to the rights of Plaintiffs.

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over the federal claims by operation of 28 U.S.C. §§ 1331 and 1343. This Court has authority to grant the requested injunctive relief under 28 U.S.C. § 1343; the requested declaratory relief under 28 U.S.C. §§ 2201 and 2202; and costs and attorney’s fees under 42 U.S.C. § 1988. This Court has supplemental jurisdiction over Plaintiffs’ state claims under 28 U.S.C. § 1367. The state law claims in this Complaint are founded upon and arise under, *inter alia*, Article I, Sections 2, 5 and 8, and Article V, Section 5 of the State of Hawai‘i Constitution.

9. Venue lies in the United States District Court for the District of Hawai‘i pursuant to 28 U.S.C. § 1391(b). A substantial part of the actions or omissions giving rise to this case occurred within the District, and at least one Defendant resides in this District.

### **THE PARTIES**

10. Plaintiffs are all residents on the islands of Kauai and Hawai‘i in the State of Hawai‘i:

- (a) FOR OUR RIGHTS, an unincorporated association, P.O. Box 806, Kalaheo, HI. 96741;
- (b) Misty Cluett & Eric Cluett;
- (c) Diana Lomma;
- (d) David R. Hamman & Randi Hamman;
- (e) Janet Eisenbach;
- (f) Levana Lomma Keikaika;
- (g) Michael Miller & Allison Miller;
- (h) Lawrence K. Paille;
- (i) Geralyn Schulkind & Leonard Schulkind; and
- (j) Daniel Hashimoto.

11. Defendant David Ige is the Governor of the State of Hawai‘i, and is sued in his official capacity. He is the chief executive of the State of Hawai‘i and in that capacity issued the proclamations and supplements and executive orders. Defendant Governor is responsible for executing and administering laws, customs, practices, and policies of the State of Hawai‘i, and is currently enforcing the laws, customs, practices and policies complained of in this action.

12. Defendant State of Hawai‘i is the governmental entity under whose auspices the other Defendants exercise authority and in whose interest Defendants are expected to act.

13. Defendant Clare E. Connors is the Attorney General for the State of Hawai‘i and is sued in her official capacity. She formally approved the proclamations and supplements, and is responsible under the law for enforcing its provisions against entities in violation thereof, including against the Plaintiffs. Defendant Attorney General is responsible for executing and administering laws, customs, practices, and policies of the State of Hawai‘i, and is currently enforcing the laws, customs, practices and policies complained of in this action.

### **STATEMENT OF FACTS**

14. Defendant Governor Ige issued a Proclamation on March 4, 2020 (“March 4 Proclamation”) declaring a state of emergency based upon concerns about the spread of Covid-19 virus into Hawai‘i, suspending some state laws, and imposing other restrictions and directives. A copy of the Proclamation is attached as Exhibit 1. The March 4 Proclamation expressly was set to expire on April 29, 2020, or earlier. The Proclamation was issued upon authority delegated by the legislature via Hawai‘i Revised Statutes (“H.R.S.”) §§ 127A-2, -11, -12, and -14. Under H.R.S. § 127A-14(d): “A state of emergency and a local state of emergency shall terminate automatically sixty days after the issuance of a proclamation of a state of emergency or local state of emergency, respectively, or by a separate proclamation of the governor or mayor, whichever occurs first.” Defendant Governor circumvented the limitation upon his delegated authority, however, by issuing a series of “Supplements” purporting to incorporate the initial Proclamation and extend the period of the state of emergency far beyond the statutory 60-day limit. Under the Eighth Supplement, the declared emergency extends to June 20, 2020 – 118 days after the initial Proclamation. The Governor has exceeded his

delegated authority, thus the Proclamation and all of the Supplements and associated Executive Orders should be declared null and void.

15. Each successive Supplement incorporated the initial Proclamation, and most Supplements added additional prohibitions and restrictions upon the people living in, working in, or even visiting in any of the Hawaiian Islands. The Proclamation and its Supplements invoke the delegated power of H.R.S. § 127A-25 to declare their provisions to have the force and effect of law. They also invoke the delegated power of H.R.S. § 127A-29 to arrest, prosecute, convict, and punish violations of their provisions as misdemeanors. After the initial Proclamation's maximum 60-day period had expired on May 3, 2020, however the Governor and any member, agent or employee of the State government no longer held power to arrest, charge, or convict any person of a violation of the Proclamation or any purported Supplement or related Executive Order. This Court should declare these legal facts to the people of Hawai'i and relieve any person of potential criminal liability in accord with such declaration.

16. Plaintiffs are citizens and residents in the State of Hawai'i who are subject to the Governor's proclamations and executive orders, and have standing to request this judicial intervention to restrain the Governor and the State from continuing to impose all of the elements of shutdown, in-home detention, self-quarantine, closure of private enterprises, closure of public facilities and publicly-accessible property, and prohibitions and/or restrictions on travel within any of the islands and territory comprising the State of Hawai'i.

17. The Governor's Proclamation, the succeeding Supplements, and the associated Executive Orders, all purport to have the force and effect of law, carrying criminal misdemeanor penalties for violations, when none of these official documents has lawful authority anymore after May 3, 2020.

18. Plaintiffs, like all persons in Hawai‘i, are currently suffering the effects of the Governor’s Proclamation, Supplements, and associated Executive Orders, and unless relief is granted will continue to so suffer in the near future, perhaps indefinitely. Accordingly, Plaintiffs seek immediate preliminary and permanent injunctive and declaratory relief against the Governor’s Proclamation, Supplements and Executive Orders.

19. On March 4, 2020, Defendant Governor issued the March 4 Proclamation, formally approved by Defendant Attorney General. Exhibit 1. The March 4 Proclamation declares the findings, determinations, and orders of Defendant Governor. The March 4 Proclamation reports the identification of the coronavirus Covid-19 by world and national public health entities and political authorities as “a public health emergency of international concern,” as a disease that “is highly contagious” and spreading to many nations. The March 4 Proclamation finds the danger posed by Covid-19 to be “significant so as to warrant preemptive and protective actions in order to provide for the health, safety, and welfare of the people of the State.” The March 4 Proclamation determines, based upon the asserted facts in that document, that conditions in Hawai‘i were “of such character and magnitude to constitute an emergency or disaster as contemplated by sections 127A-2 and 127A-14, Hawai‘i Revised Statutes, that threaten[ed] the State of Hawai‘i.” The March 4 Proclamation declares “an Emergency Period for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient protection and relief of the damages, losses, and suffering resulting from the emergency. The March 4 Proclamation further activated “the Major Disaster Fund” and suspended several provisions of the Hawai‘i Revised Statutes, while also activating statutory limits upon price increases of certain goods and commodities of goods needed by the public “to prepare for, respond to, or use because of the circumstances giving rise to the emergency” that was being

proclaimed. Via the March 4 Proclamation, Defendant Governor thus declared “the disaster emergency relief period shall commence immediately and continue through April 29, 2020, or by a separate proclamation, whichever occurs first.”

20. The March 4 Proclamation provided no data indicating the numbers of citizens of Hawai‘i who had tested positive for exposure to Covid-19, or who had shown symptoms of Covid-19 infection, or who had been hospitalized for or died as a result of Covid-19 infection. The March 4 Proclamation asserted there were “at least 108 confirmed and presumptive positive cases of COVID-19” in the entire United States, but pointed to not one death due to that cause.

21. On March 16, 2020, Defendant Governor issued his Supplementary Proclamation, approved by Defendant Attorney General, attached here as Exhibit 2, which identified there were in the entire state of Hawai‘i “ten confirmed cases of COVID-19 as a result of the pandemic.” The Supplementary Proclamation anticipated “significant economic impacts, including to rates of employment, are expected in sectors of the state’s economy” caused by COVID-19 virus infections. The Supplementary Proclamation, *inter alia*, engaged state emergency management entities, suspended more state law provisions, expanded “anti-hoarding” measures, and ordered “all residents” to “heed any orders and guidance of federal and state public health officials, including but not limited to ... social distancing[.]” The Supplementary Proclamation extended “the disaster emergency relief period” to “continue through May 15, 2020” unless terminated sooner.

22. The Supplementary Proclamation identified in the entire state of Hawai‘i no hospitalizations or deaths attributed to Covid-19 infection. It identified no Covid-19 infection deaths in the entire United States.



23. On March 21, 2020, Defendant Governor issued his Second Supplementary Proclamation (“March 21 Supplement”), approved by Defendant Attorney General, attached here as Exhibit 3. The March 21 Supplement identified no additional Covid-19 cases or any Covid-19 deaths in the entire state of Hawai‘i, nor any other Covid-19 pandemic facts. The March 21 Supplement nevertheless asserted “it has become necessary to supplement the [March 4 Proclamation and the Supplementary Proclamation] relating to the COVID-19 emergency, which continues to endanger the health, safety, and welfare of the people of Hawai‘i[.]”

24. In addition, the March 21 Supplement issued an order, hereinafter referred to as “the Self-Quarantine Order,” under which:

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.

25. Attached and incorporated with the March 21 Supplement are “Rules Relating to Covid-19,” which spell out the restrictions upon persons entering Hawai‘i.

26. Defendant Governor issued on March 21, 2020, Executive Order No. 502, which declares in relevant part: “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.” HRS § 127A-29 defines a strict liability crime, lacking a requirement of proof of mental state.

27. The effects of the Self-Quarantine Order penalized any person who came to the State of Hawai‘i, unless that person fell within the narrow exempt categories. Per the March 21 Supplement and the Order, there were no defenses to their threatened misdemeanor prosecution,

and no indication of penalty-mitigating factors available. This Supplement and Order provided no exceptions for permanent residents or citizens of the State of Hawai‘i who would need to travel to another State for urgent medical, urgent business or financial matters, or family emergency reasons, and then return home to their Hawai‘i residence.

28. The Self-Quarantine Order effectively prevented tourist visitors to any and all of the Hawaiian islands because it imposed a 14-day quarantine upon every visitor’s arrival: (a) every visitor had to identify to authorities the location of self-quarantine and then (b) “remain within the confines of the quarantine location” for 14 days.

29. The Self-Quarantine Order imposed by the March 21 Supplement contend its legal authority rested upon H.R.S. § 127A-13(a)(1), which provides for:

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, 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...

30. Neither the March 4 Proclamation, the Supplementary Proclamation, nor the March 21 Supplement provides any factual information to show: (a) which “persons” were “affected with” Covid-19; or (b) which “persons” were “believed to have been exposed to” Covid-19; or (c) which persons “who are the source of other contamination.”

31. The March 21 Supplement including the Self-Quarantine Order does not confine its application to “persons who are affected with or believed to have been exposed to any infectious, communicable, or other disease,” or to persons “who are the source of other contamination.”

32. On March 23, 2020, Defendant Governor issued his Third Supplementary Proclamation (“March 23 Supplement”), approved by Defendant Attorney General, attached here as Exhibit 4. The March 23 Supplement indicated a count of “at least 77 documented cases of

Covid-19 cases in the State,” but no deaths in the State attributed to Covid-19. The March 23 Supplement restates the content and some of the express language of the previous proclamations.

33. The March 23 Supplement orders:

(a) “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.... 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.

(b) “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.” A list of 25 enumerated categories of businesses or operations is supplied in the Supplement.

(c) Travel outside the residence is allowed “for health and safety,” to engage in or deal with essential businesses, “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” and to facilitate employees’ working remotely at home, “to care for elderly, minors, dependents, persons with disabilities, or other high risk persons,” to drive to the airport or other facility to depart from the

State, to obey law enforcement or court order(s), while maintaining social distancing to engage in outdoor exercise including surfing and swimming, and to walk “pets on a leash.”

34. The March 23 Supplement exempts gatherings of members of a household or residence but otherwise prohibits “any gathering of more than ten people” anywhere in the entire State of Hawai‘i. The Supplement forbids the operation of and directs the closure of “all other places of public gathering, whether indoors or outdoors” in the entire State of Hawai‘i. The Supplement does not confine these prohibitions and directives only to “persons who are affected with or believed to have been exposed to any infectious, communicable, or other disease,” or only to environments in which “elderly and high risk” persons live, work, or are frequently found.

35. The March 23 Supplement imposes “Social Distancing Requirements.”

36. The March 23 Supplement exempts from nearly all of the Supplement’s declared restrictions and prohibitions any person “experiencing homelessness.” A person “experiencing homelessness” ... “must comply with the social distancing requirements to the fullest extent possible.”

37. The March 23 Supplement declares any intentional or knowing violation of its restrictions, mandates, and prohibitions would result in misdemeanor conviction and penalties of up to a year in prison and a \$5,000, or both.

38. On March 31, 2020, Defendant Governor issued his Fourth Supplementary Proclamation (“March 31 Supplement”), approved by Defendant Attorney General, attached here as Exhibit 5. The March 31 Supplement indicated a count of “approximately 230 documented cases of Covid-19 cases in the State,” but no deaths in the State attributed to Covid-19. The

March 31 Supplement restates the content and some of the express language of the previous proclamations.

39. The March 31 Supplement expanded the Self-Quarantine Order, described above, to any travel between any of the islands in the State of Hawai‘i. The Supplement carved an exception for persons traveling between islands for purposes related to medical or health care, so long as such persons wear “appropriate protective gear and follow the social distancing requirements” previously proclaimed. The Supplement carved a limited exception for inter-island travelers performing “functions necessary to maintain continuity of operations of the federal critical infrastructure sectors,” subjecting such travelers to lesser requirements.

40. The March 31 Supplement omits the criminal mental state requirement previously stated in some portions of prior proclamations. The March 31 Supplement states:

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.

The cited relevant language of HRS § 127A-29 defines a strict liability crime, lacking a requirement of proof of mental state:

Any person violating any rule of the governor or mayor prescribed and promulgated pursuant to this chapter and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor. Upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

41. The March 31 Supplement does not confine its prohibitions and directives only to “persons who are affected with or believed to have been exposed to any infectious, communicable, or other disease,” or only to environments in which “elderly and high risk” persons live, work, or are frequently found.

42. The March 31 Supplement expanded the effects of the Self-Quarantine Order to penalize any person who sought to travel intrastate, i.e., between any two of islands within the State of Hawai‘i, regardless of whether the island even has a permanent population of human beings, unless that person fell within the medical care and federal infrastructure categories.

43. The March 31 Supplement exacerbated the effects of the Self-Quarantine Order to effectively prevent tourist visitors to any and all of the Hawaiian islands because it imposed the Self-Quarantine Order requirements upon every visitor’s intra-island movement.

44. On April 16, 2020, Defendant Governor issued his Fifth Supplementary Proclamation (“April 16 Supplement”), approved by Defendant Attorney General, attached here as Exhibit 6. The April 16 Supplement indicated a count of “more than 540 documented cases of Covid-19 cases in the State” and “nine deaths attributed to his disease.” The April 16 Supplement restates the content and some of the express language of the previous proclamations. The April 16 Supplement purports to extend the “disaster emergency relief period ... through April 30, 2020,” unless otherwise modified.

45. The April 16 Supplement declares “Enhanced Social Distancing Requirements. First, to that end, the April 16 Supplement declares “All persons are encouraged to wear a cloth face covering as described and recommended by the CDC,” and provides a citation and link to a CDC publication about cloth face coverings.

46. The April 16 Supplement declares additional sweeping restrictions and prohibitions, however, including: beach closures, boating restrictions, hiking restrictions, fishing and gathering limitations, extensive customer and employee distancing and masking mandates counting as “Essential Business and Operations Requirements.” The April 16 Supplement does not provide citations or links to any WHO, CDC, or any other authoritative source that

recommends all of the declared restrictions or prohibits, let alone mandates them. Several of the Supplement's sweeping mandates lack a known scientific basis.

47. The April 16 Supplement declares: "Pursuant to section 127A-29, HRS, any person violating any rule set forth in this Proclamation shall be guilty of a misdemeanor[.]" As noted above, HRS § 127A-29 defines a strict liability crime, lacking a requirement of proof of mental state. The Supplement thus affixes criminal misdemeanor liability upon a person who violates any provision in the Supplement, for example, by sitting or standing "on any state beach in Hawai'i," without proof of negligence, recklessness, knowledge, or intentionality.

48. On April 25, 2020, Defendant Governor issued his Sixth Supplementary Proclamation ("April 25 Supplement"), approved by Defendant Attorney General. A copy of this Supplement is available at [https://governor.hawaii.gov/wp-content/uploads/2020/04/2004144-ATG\\_Sixth-Supplementary-Proclamation-for-COVID-19-distribution-signed.pdf](https://governor.hawaii.gov/wp-content/uploads/2020/04/2004144-ATG_Sixth-Supplementary-Proclamation-for-COVID-19-distribution-signed.pdf). The April 25 Supplement indicated a count of "more than 600 documented cases of Covid-19 cases in the State" and "14 deaths attributed to his disease." The April 25 Supplement amends and restates the content and some of the express language of the previous proclamations. The April 25 Supplement purports to extend the "disaster emergency relief period ... through May 31, 2020," unless otherwise modified.

49. On May 5, 2020, Defendant Governor issued his Seventh Supplementary Proclamation ("May 5 Supplement"), approved by Defendant Attorney General. A copy of this Supplement is available at [https://governor.hawaii.gov/wp-content/uploads/2020/05/2005024-ATG\\_Seventh-Supplementary-Proclamation-for-COVID-19-distribution-signed-1.pdf](https://governor.hawaii.gov/wp-content/uploads/2020/05/2005024-ATG_Seventh-Supplementary-Proclamation-for-COVID-19-distribution-signed-1.pdf). The May 5 Supplement indicated a count of "more than 540 documented cases of Covid-19 cases in the State" and "nine deaths attributed to his disease." The May 5 Supplement restates the content and

some of the express language of the previous proclamations. The May 5 Supplement purports to extend the “disaster emergency relief period ... through May 31, 2020,” unless otherwise modified.

50. On May 18, 2020, Defendant Governor issued his Eighth Supplementary Proclamation (“May 18 Supplement”), approved by Defendant Attorney General. A copy of this Supplement is attached as Exhibit 7. The May 18 Supplement indicated a count of “640 documented cases of Covid-19 cases in the State” and “17 deaths attributed to his disease.” The May 18 Supplement purports to amend and restate “all prior proclamations.” The May 18 Supplement purports to extend the “disaster emergency relief period ... through June 30, 2020,” unless otherwise modified.

51. The May 18 Supplement proclaims new “Rules Relating to Safety Guidelines for Barbers and Beauty Operations.”

52. The May 18 Supplement in three places declares the criminal penalties to be imposed for violations of the Supplement’s orders as follow:

(a) Section III, entitled “Act with Care,” declares, inter alia, which businesses and functions in Hawai‘i may operate or take place, which activities outside a person’s place of residence are permitted or prohibited for a person to engage in, and the extent and techniques of social distancing requirements. On page 13, section III(F), it states:

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.



(b) Section IV, entitled “All Persons Traveling to the State or Traveling Inter-Island,” declares the “mandatory self-quarantine” rules, previously declared in the March 21 Supplement and identified herein as Self-Quarantine Rules. On page 15, section IV(C), it states:

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”).

On the same page, it further states:

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.

(c) The “Exhibit D” referenced in Section IV(C) is the document entitled “Rules Relating to COVID-19 Travel Quarantine.” In this “Exhibit D” it states:

§4. Criminal Penalties. (a) Any person violating any of these rules shall be guilty of a misdemeanor and upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

53. Although Defendant Governor issued prior Executive Orders related to and in conjunction with the prior proclamations, the May 18 Supplement expressly restates Executive Order No. 20-05 as the Order currently in effect. This Order is supplied as “Exhibit A” to the May 18 Supplement.

54. The people of the State of Hawai‘i have suffered massive unemployment, loss of business, loss of income, home foreclosures, lease delinquencies, and loss of economic and financial opportunities, in amounts to be drawn from publicly available data when it is made public.

55. Defendant Governor's Proclamation and supplements, including their travel restrictions and quarantine provisions, have directly and indirectly harmed Plaintiffs, as set forth in the Plaintiffs' statements attached as Exhibit 8 to this Complaint and briefly summarized here:

(A) Christina Cole: anxiety, prevention of travel to see family, lost employment, lost income, lost mental health care, serious emotional distress, depression, isolation from friends, and social exclusion.

(B) Misty Cluett and Eric Cluett: Direct interference with travel back home to the island, disruption of home life, likely deprivation of opportunity for daughter living out of state to visit, loss of \$70,000 or more in revenue to family owned business, and necessity to homeschool 5-year-old son next year.

(C) Diana Lomma: Physical pain, choking and vomiting caused when EMT forcefully pushed mask onto face, ridicule for not wanting to wear mask, deprivation of outside physical therapy necessary for health conditions, anxiety, stress, deprivation of any visits from daughter while in the hospital for surgery, deprivation of emotional and family support, fear of public humiliation and harassment, denial of freedom to travel to the other islands or on the mainland and move about due to fear of adverse consequences, depression and strong feelings of hopelessness.

(D) David R. Hamman, Randi Hamman: Heavy financial losses, unemployment of hired family members, likely alienation from family that moves away, serious emotional harm to selves and family.

(E) Janet Eisenbach: Directly due to inbound travel restrictions and quarantine requirements visitors have stopped coming and thus have destroyed the vacation rental business

that provided crucial income, the anxiety and depression resulting from the culture of suspicion and fear, social exclusion, deprivation of the right to use public facilities, even to deprivation of taking grandchildren to an outdoor park, anxiety about losing condominium valued at \$400,000, and deprivation of visits from many family members previously planned

(F) Levana Lomma Keikaika: Loss of employment, loss of income, depletion of savings just to survive, injury to physical and mental health, depression, social isolation, fear of public harassment, panic attacks, deprivation of visits with family outside of the island, deprivation of AA meeting attendance, the effects of other people's fear, worry, anxiety and depression impacting one's own, fear of losing home and car, and severe anxiety, depression, hopelessness, and suicidal thoughts. Plaintiff Keikaika wrote to Governor Ige on June 4, 2020, presenting her intent to travel and not abide by the self-quarantine; the Office of the Governor responded within a day via an email emphasizing that criminal penalties would be applied to her if she violated the emergency orders.

(G) Michael Miller: Drastic losses of financial income from visitor-centered businesses on several Hawaiian islands, with consequent likely layoffs of employees and rendering business valueless – all due to restrictions on travel and the quarantine provisions.

(H) Lawrence K. Paille: Destruction of business that provided outdoor experiences for tourists, injury to health by deprivation of right to venture outdoors, a permanent state of stress, depression, and occasional thoughts of suicide.

(I) Allison Miller: Loss of job, total loss of income, loss of medical benefits, deprivation of right and opportunity to travel to visit family, deprivation of right to attend church

and practice faith, suffering social isolation, loss of social activities, and substantial stress on marriage.

(J) Geralyn and Leonard Schulkind: Destruction of key source of family income due to curfew, lockdown, and 14-day quarantine, zero income to the couple, facing potential or likely loss of properties to distress sale or foreclosure, substantial emotional distress as senior citizens living in fear of the future.

### **FIRST CAUSE OF ACTION**

#### **GOVERNOR'S PROCLAMATION IMPOSES BURDENS ON INTERSTATE TRAVEL THAT VIOLATE THE FUNDAMENTAL CONSTITUTIONAL RIGHTS TO TRAVEL AND TO DUE PROCESS OF LAW**

56. Plaintiffs incorporate all previous paragraphs this Complaint as if fully stated herein.

57. It is well-established that the United States Constitution's Fourteenth Amendment's Privileges or Immunities Clause enshrines a "constitutional right to travel from one State to another." *Saenz v. Roe*, 526 U.S. 489, 498, 119 S. Ct. 1518 (1999). The right prohibits laws that "directly impair the exercise of the right to free interstate movement." *Saenz*, 526 U.S. at 501.

58. The constitutional right to interstate travel is applicable to the state and local governments by virtue of its Fourteenth Amendment origin and basis, and by virtue of its having been "a necessary concomitant of the stronger Union the Constitution created." *Saenz*, 526 U.S. at 501(citation omitted).

59. The federal constitutional right to travel interstate is a fundamental right. All citizens enjoy a "fundamental right of free movement" and a "fundamental right to interstate travel."

*Nunez v. City of San Diego*, 114 F.3d 935, 944 (9th Cir. 1997); *accord*, *State v. French*, 77 Haw. 222, 231 (App. 1994).

60. The Constitution of Hawai‘i protects a fundamental individual right to freedom to travel interstate and intrastate. Haw. Const. art. I § 2.

61. The Fourteenth Amendment to the United States Constitution enunciates and protects the federal right to due process of law as applicable to the several States.

62. The Constitution of Hawai‘i enunciates and protects the fundamental individual right to due process, including but not limited to the right to due process prior to deprivation of the right of interstate and intrastate travel and the right of free movement. Haw. Const. art. I § 5.

63. Defendant Governor’s Eighth Supplementary Proclamation (“May 18 Supplement”) violates the fundamental right to interstate travel where in Section IV(A), and it declares the current version of the “Self-Quarantine Order” and its “Exhibit D” (“Rules Relating to Covid-19 Travel Quarantine”), and in Section IV(C) purports to make any person’s non-compliance chargeable and punishable as a misdemeanor crime without proof of knowledge or intent.

64. The May 18 Supplement substantially violates the fundamental right to interstate travel by denying any individual entering any Hawaiian island, even an uninhabited island, the liberty to carry out the individual’s purpose(s) for traveling to the island.

65. The May 18 Supplement substantially violates the fundamental right to freedom of movement and interstate travel by denying any individual the right to travel to another Hawaiian island, even an uninhabited island.

66. The May 18 Supplement denies the rights to interstate travel, intrastate travel, and freedom of movement by imposing the costs of 14-day quarantine upon any person who does

travel into Hawai‘i or to any Hawaiian island, and by enforcing the 14-day quarantine by criminal misdemeanor prosecution and penalties.

67. By imposing a mandatory 14-day quarantine that amounts to house arrest of the traveling individual upon arrival in the Hawaiian island, without establishing the individual committed a crime, the May 18 Supplement denies the individual’s basic human liberty without due process.

68. Neither the May 18 Supplement nor any of its predecessor proclamations and supplements provide even a rational basis to impose the Self-Quarantine Order (in its original or amended forms) and the “Rules Relating to Covid-19 Travel Quarantine” upon travelers arriving in the Hawaiian islands, in that: None of the proclamation documents supplies any evidence warranting even a suspicion that any given inbound traveler has any quantifiable likelihood of posing a threat of Covid-19 infection or contagion to anyone in the State of Hawai‘i.

69. Neither the May 18 Supplement nor any of its predecessor proclamations and supplements provide sufficient evidence to establish a compelling state interest to justify the Self-Quarantine Order (in its original or amended forms) and the “Rules Relating to Covid-19 Travel Quarantine” upon travelers arriving in the Hawaiian islands, in that: None of the proclamation documents supplies any evidence warranting even a suspicion that any given inbound traveler has any quantifiable likelihood of posing a threat of Covid-19 infection or contagion to anyone in the State of Hawai‘i.

70. Neither the May 18 Supplement nor any of its predecessor proclamations and supplements provide any finding or evidentiary showing that the Self-Quarantine Order (in its original or amended forms) and the “Rules Relating to Covid-19 Travel Quarantine” are

narrowly tailored to achieve the stated goals, e.g., “to avert unmanageable strains on our healthcare system and other catastrophic impacts to the State” (May 18 Supplement, p.1).

71. Defendants and their agents and employees intend to enforce the above-alleged travel restrictions and quarantine mandates, and have in fact enforced them via the police and criminal prosecutions. If Plaintiffs take any action even colorably a “violation” of the restrictions and mandates, Plaintiffs reasonably fear and expect criminal arrest and prosecution; their fears are therefore real, imminent, and based upon a strong likelihood. *See* Hannah Simpson, “Hawaii isn’t messing around when it comes to enforcing tourist quarantines,” *Washington Post*, May 20, 2020, accessible at [www.washingtonpost.com/travel/2020/05/20/hawaii-isnt-messing-around-when-it-comes-enforcing-tourist-quarantines/](http://www.washingtonpost.com/travel/2020/05/20/hawaii-isnt-messing-around-when-it-comes-enforcing-tourist-quarantines/), and Madeline Holcombe, “New York tourist is arrested in Hawaii after posting beach pictures on Instagram,” *CNN*, May 17, 2020, accessible at [www.cnn.com/2020/05/16/us/hawaii-arrest-coronavirus-trnd/index.html](http://www.cnn.com/2020/05/16/us/hawaii-arrest-coronavirus-trnd/index.html).

72. The May 18 Supplement and its predecessor proclamations, along with the prior and existing Executive Order(s), and Defendants’ enforcement of each and all of these, unlawfully and unconstitutionally infringes on Plaintiffs’ rights, thereby entitling Plaintiffs to the relief requested below, pursuant to 42 U.S.C. §1983.

## **SECOND CAUSE OF ACTION**

### **GOVERNOR’S PROCLAMATION IMPOSES BURDENS ON INTRASTATE TRAVEL THAT VIOLATE THE FUNDAMENTAL CONSTITUTIONAL RIGHTS TO TRAVEL AND TO DUE PROCESS OF LAW**

73. Plaintiffs incorporate all previous paragraphs this Complaint as if fully stated herein.

74. Since statehood, Hawaiian law has identified, recognized, and protected the inalienable rights to the “enjoyment of life, liberty and the pursuit of happiness,” which include the “freedom of movement.” *State v. Shigematsu*, 52 Haw. 604, 609-610 (1971), *citing* Haw.

Const. art. I, § 2. The right to freedom of movement is a necessary foundation of “our American way of life” and its “absence or denial characterizes confinement and imprisonment.”

75. The freedom of movement on and among the Hawaiian islands is a necessary foundation of the distinctly freedom and nature loving Hawaiian way of life. *See* HRS § 5-7.5 (Aloha Spirit defined and encouraged in government). “Freedom would be incomplete if it does not include the right of [individuals] to move from place to place, to walk in the fields in the country or on the streets of a city, to stand under open sky in a public park and enjoy the fresh air, to lie down on a public beach and enjoy a sunbath, to visit a friend in his home and enjoy an evening together, and the right to associate with others in the enjoyment of an avocation or a vocation.” *Shigematsu*, 52 Haw. at 610.

76. The Constitution of the State of Hawai‘i expressly enunciates and protects due process rights: “No person shall be deprived of life, liberty or property without due process of law[.]” Haw. Const. art. I, § 5.

77. The May 18 Supplement denies the rights to intrastate travel and freedom of movement by imposing the costs of 14-day quarantine upon any person who does travel into Hawai‘i or to any Hawaiian island, and by enforcing the 14-day quarantine by criminal misdemeanor prosecution and penalties.

78. By imposing a mandatory 14-day quarantine that amounts to house arrest of the traveling individual upon arrival in the Hawaiian island, without establishing the individual committed a crime, the May 18 Supplement denies the individual’s basic human liberty without due process.

79. Neither the May 18 Supplement nor any of its predecessor proclamations and supplements provide even a rational basis to impose the Self-Quarantine Order (in its original or



amended forms) and the “Rules Relating to Covid-19 Travel Quarantine” upon travelers to and from the Hawaiian islands, in that: None of the proclamation documents supplies any evidence warranting even a suspicion that any given inbound traveler between the Hawaiian islands has any quantifiable likelihood of posing a threat of Covid-19 infection or contagion to anyone in the State of Hawai‘i.

80. Neither the May 18 Supplement nor any of its predecessor proclamations and supplements provide sufficient evidence to establish a compelling state interest to justify the Self-Quarantine Order (in its original or amended forms) and the “Rules Relating to Covid-19 Travel Quarantine” upon travelers to and from the Hawaiian islands, in that: None of the proclamation documents supplies any evidence warranting even a suspicion that any travelers to and from the Hawaiian islands has any quantifiable likelihood of posing a threat of Covid-19 infection or contagion to anyone in the State of Hawai‘i.

81. Neither the May 18 Supplement nor any of its predecessor proclamations and supplements provide any finding or evidentiary showing that the Self-Quarantine Order (in its original or amended forms) and the “Rules Relating to Covid-19 Travel Quarantine” are narrowly tailored to achieve the stated goals, e.g., “to avert unmanageable strains on our healthcare system and other catastrophic impacts to the State” (May 18 Supplement, p.1).

82. Defendants and their agents and employees intend to enforce the above-alleged travel restrictions and quarantine mandates, and have in fact enforced them via the police and criminal prosecutions. If Plaintiffs take any action even colorably a “violation” of the restrictions and mandates, Plaintiffs reasonably fear and expect criminal arrest and prosecution; their fears are therefore real, imminent, and based upon a strong likelihood. *See* Hannah Simpson, “Hawaii isn’t messing around when it comes to enforcing tourist quarantines,” *Washington Post*, May

20, 2020, accessible at [www.washingtonpost.com/travel/2020/05/20/hawaii-isnt-messing-around-when-it-comes-enforcing-tourist-quarantines/](http://www.washingtonpost.com/travel/2020/05/20/hawaii-isnt-messing-around-when-it-comes-enforcing-tourist-quarantines/), and Madeline Holcombe, “New York tourist is arrested in Hawaii after posting beach pictures on Instagram,” CNN, May 17, 2020, accessible at [www.cnn.com/2020/05/16/us/hawaii-arrest-coronavirus-trnd/index.html](http://www.cnn.com/2020/05/16/us/hawaii-arrest-coronavirus-trnd/index.html).

83. The May 18 Supplement and its predecessor proclamations, along with the prior and existing Executive Order(s), and Defendants’ enforcement of each and all of these, unlawfully and unconstitutionally infringes on Plaintiffs’ rights, thereby entitling Plaintiffs to the relief requested below, pursuant to 42 U.S.C. §1983.

### **THIRD CAUSE OF ACTION**

#### **GOVERNOR’S PROCLAMATION’S BURDENS ON INTERSTATE AND INTRASTATE TRAVEL ARE UNCONSTITUTIONALLY VOID FOR VAGUENESS**

84. Plaintiffs incorporate all previous paragraphs this Complaint as if fully stated herein.

85. As alleged above in this Complaint concerning the May 18 Supplement, *supra*, Section III(F) purports to make it a misdemeanor crime to “intentionally or knowingly” violate any restriction or prohibition of activities outside a person’s residence as described in Section III. Section IV(C) purports to make it a misdemeanor crime to “intentionally or knowingly” violate Travel Quarantine Rules. The “Rules Relating to Covid-19 Travel Quarantine” (“Exhibit D”), incorporated in Section IV(C), purports to make it a misdemeanor crime to violate said “Rules,” without any proof of knowledge or intent. The prohibitions, restriction, and rules defined in the totality of Section III overlap and produce conflicts in meaning, understanding, interpretation, and worst of all, in the potential criminal liability and penalties for violations. As a result, the provisions in Section III and Section IV of the May 18 Supplement are so vague that persons of

common intelligence must necessarily guess at the meaning and may differ as to their understanding of the applications of the provisions individually or taken as a whole.

86. Other provisions in the May 18 Supplement / Rules for Travel Quarantine are so vague that persons of common intelligence must necessarily guess at the meaning and may differ as to the application of each of the following provisions, among others, contained in those documents:

(a) Section III: order to stay at home or place of residence, including hotel rooms or condominium units;

(b) Section III: references to using “shared or outdoor spaces when outside their residence,” when presumably there is no permission to venture out to any such outside spaces;

(c) Section III (A): references to permission for persons who “may travel to and from [later defined] businesses or operations” without any definition of the permitted purpose(s) of the travel;

(d) Section III (A)(4): implying permission to travel to “educational institutions ... for purposes of implementing appropriate learning measures, performing critical research, or performing essential functions,” apparently leaving to the discretion of a government employee without any defined expertise to decide what is “appropriate,” “critical,” or “essential”;

(e) Section III(A)(5): implying permission to travel to charitable and social services but only “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,” without any provision for a person’s activities in support of such services but not actually personally “providing” any of the listed items and services; and

(f) “Exhibit D,” Travel Quarantine Rules, sections 2 & 4: impose the “period of self-quarantine” for anyone entering the State of Hawai‘i, and imposes misdemeanor criminal penalties upon a self-quarantined person who “fails to remain within the confines of the quarantine location designated by the person” for the quarantine period, without providing any guidance about what constitutes “the confines” and without providing any rule of reason for a person to employ in order to comply with the quarantine but still carry out important life activities within a reasonable distance from or in a reasonable proximity to the “designated quarantine location.”

87. The above list of vague and/or otherwise unlawful or unconstitutional is set forth as examples. Plaintiffs allege there are other vague, unlawful and/or otherwise unconstitutional provisions contained in the May 18 Supplement and its predecessor proclamations and exhibits, and Plaintiff reserves without limitation the right to elaborate upon them depending upon the facts developed in litigation, discovery, motions, and hearings.

88. Defendants and their agents and employees intend to enforce the above-alleged travel restrictions and quarantine mandates, and have in fact enforced them via the police and criminal prosecutions. If Plaintiffs take any action even colorably a “violation” of the restrictions and mandates, Plaintiffs reasonably fear and expect criminal arrest and prosecution; their fears are therefore real, imminent, and based upon a strong likelihood. *See* Hannah Simpson, “Hawaii isn’t messing around when it comes to enforcing tourist quarantines,” *Washington Post*, May 20, 2020, accessible at [www.washingtonpost.com/travel/2020/05/20/hawaii-isnt-messing-around-when-it-comes-enforcing-tourist-quarantines/](http://www.washingtonpost.com/travel/2020/05/20/hawaii-isnt-messing-around-when-it-comes-enforcing-tourist-quarantines/), and Madeline Holcombe, “New York tourist is arrested in Hawaii after posting beach pictures on Instagram,” *CNN*, May 17, 2020, accessible at [www.cnn.com/2020/05/16/us/hawaii-arrest-coronavirus-trnd/index.html](http://www.cnn.com/2020/05/16/us/hawaii-arrest-coronavirus-trnd/index.html).

89. The May 18 Supplement and its predecessor proclamations, along with the prior and existing Executive Order(s), and Defendants' enforcement of each and all of these, unlawfully and unconstitutionally infringes on Plaintiffs' rights, thereby entitling Plaintiffs to the relief requested below, pursuant to 42 U.S.C. §1983.

#### **FOURTH CAUSE OF ACTION**

##### **GOVERNOR'S EIGHTH SUPPLEMENTARY PROCLAMATION EXCEEDS THE LEGISLATURE'S DELEGATED AUTHORITY AND IS UNCONSTITUTIONAL.**

90. Plaintiffs incorporate all previous paragraphs this Complaint as if fully stated herein.

91. As alleged above, after the initial March 4 Proclamation, Defendant Governor issued "supplementary proclamations" and orders on March 16 (Supplementary), March 21 (Second Supplementary) to include "Rules Relating to Covid-19," March 21, 2020 ( Executive Order No. 502), March 23 (Third Supplementary), March 31 (Fourth Supplementary), April 16 (Fifth Supplementary), April 16 (Executive Order No. 20-05), April 25 (Sixth Supplementary), and May 5 (Seventh Supplementary). Each of the Supplementary proclamations incorporated the previous initial proclamation and all supplementary proclamations by reference, and each extended the date of expiration.

92. The legislature of the State of Hawai'i holds the power to enact laws affecting all the people in Hawai'i. Haw. Const. art. III § 1.

93. The Governor of the State of Hawai'i holds the power to execute the laws of the State of Hawai'i, but does not hold legislative power. *See* Haw. Const. art. V.

94. The Governor of the State of Hawai'i does not hold an enumerated power in the Constitution of the State of Hawai'i to declare states of emergency, or to abridge the fundamental

rights to liberty and property of persons present in Hawai‘i, without the express authority of the legislature. *See* Haw. Const. art. V.

95. The legislature of the State of Hawai‘i expressly conferred upon the Governor the limited power to declare an emergency and promulgate rules and regulations to facilitate the government response to such declared emergency. *See* H.R.S. §§ 127A-2 and 127A-14.

Included in that delegated authority is the provision permitting the State to arrest, prosecute and punish “violators” of emergency rules and regulations by misdemeanor penalties. *See* H.R.S. § 127A-29.

96. The express delegation of emergency authority limits the Governor’s power to a period not to exceed 60 days. H.R.S. § 127A-14(d).

97. Defendant Governor’s initial Proclamation was issued on March 4, 2020. Sixty days past March 4, is May 3, 2020. Using the stratagem of issuing “supplemental” proclamations successively incorporating one another, the Eighth (May 18) Supplement extends the coverage of the initial and supplemental proclamations to June 30, 2020, which is 118 days past March 4.

98. None of the supplemental proclamations cite any authority, nor has any been found, to authorize apparently limitless numbers of “supplemental” proclamations and thereby circumvent the legislature’s express 60-day limitation.

99. Defendant Governor’s May 18 Supplement, and any preceding supplemental proclamation, which purports to extend its effect past May 3, 2020, is unconstitutional.

100. As alleged above, Plaintiffs are suffering harms directly related to the continued application and enforcement of the May 18 Supplement.

101. Plaintiffs legitimately fear actual criminal law consequences if they violate, intentionally or otherwise, any provision declared in the May 18 Supplement. Defendants, their

agents and employees intend to enforce the Eighth Supplement has they have enforced those and prior supplement's provisions via the police and criminal prosecutions. If Plaintiffs take any action even colorably a "violation" of the restrictions and mandates, Plaintiffs reasonably fear and expect criminal arrest and prosecution; their fears are therefore real, imminent, and based upon a strong likelihood. *See* Hannah Simpson, "Hawaii isn't messing around when it comes to enforcing tourist quarantines," *Washington Post*, May 20, 2020, accessible at [www.washingtonpost.com/travel/2020/05/20/hawaii-isnt-messing-around-when-it-comes-enforcing-tourist-quarantines/](http://www.washingtonpost.com/travel/2020/05/20/hawaii-isnt-messing-around-when-it-comes-enforcing-tourist-quarantines/), and Madeline Holcombe, "New York tourist is arrested in Hawaii after posting beach pictures on Instagram," *CNN*, May 17, 2020, accessible at [www.cnn.com/2020/05/16/us/hawaii-arrest-coronavirus-trnd/index.html](http://www.cnn.com/2020/05/16/us/hawaii-arrest-coronavirus-trnd/index.html).

### **FIFTH CAUSE OF ACTION**

#### **GOVERNOR'S EIGHTH SUPPLEMENTARY PROCLAMATION IS UNCONSTITUTIONALLY VAGUE AND DEPRIVES PLAINTIFFS OF DUE PROCESS OF LAW**

102. Plaintiffs incorporate all previous paragraphs this Complaint as if fully stated herein.

103. As set forth and alleged above in this Complaint, the May 18 Supplement in three places declares the criminal penalties to be imposed for violations of the Supplement's orders: Section III(F), Section IV(C), and "Exhibit D" (Travel Quarantine Rules). These three provisions purporting to impose criminal penalties are vague and/or internally contradictory.

104. As set forth and alleged above in this Complaint, Plaintiffs each have suffered and continue to suffer substantial harms due to the restrictions and prohibitions imposed by the Eighth Supplement (and its predecessors).

105. As set forth and alleged above in this Complaint, Plaintiffs have a real fear and expectation of criminal prosecution if they violate any provision of the Eighth Supplement.

Plaintiffs fears and expectations are exacerbated by the impossibility of knowing how the criminal penalty provisions will be construed, interpreted and applied to them in any given case.

106. The above-cited and other provisions in the May 18 Supplement / Rules for Travel Quarantine are so vague that persons of common intelligence must necessarily guess at the meaning and may differ as to the application of each of the following provisions, among others, contained in those documents:

(a) Section III: order to stay at home or place of residence, including hotel rooms or condominium units, apparently leaving to subjective conjecture what are the perimeters and parameters of the restriction;

(b) Section III: references to using “shared or outdoor spaces when outside their residence,” when presumably there is no permission to venture out to any such outside spaces;

(c) Section III (A): references to permission for persons who “may travel to and from [later defined] businesses or operations” without any definition of the permitted purpose(s) of the travel;

(d) Section III (A)(4): implying permission to travel to “educational institutions ... for purposes of implementing appropriate learning measures, performing critical research, or performing essential functions,” apparently leaving to the discretion of a government employee without any defined expertise to decide what is “appropriate,” “critical,” or “essential”;

(e) Section III(A)(5): implying permission to travel to charitable and social services but only “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,” without any provision for a person’s



activities in support of such services but not actually personally “providing” any of the listed items and services; and

(f) “Exhibit D,” Travel Quarantine Rules, sections 2 & 4: impose the “period of self-quarantine” for anyone entering the State of Hawai‘i, and imposes misdemeanor criminal penalties upon a self-quarantined person who “fails to remain within the confines of the quarantine location designated by the person” for the quarantine period, without providing any guidance about what constitutes “the confines” and without providing any rule of reason for a person to employ in order to comply with the quarantine but still carry out important life activities within a reasonable distance from or in a reasonable proximity to the “designated quarantine location.”

107. The above list of vague and/or otherwise unlawful or unconstitutional is set forth to provide examples. Plaintiffs allege there are other vague, unlawful and/or otherwise unconstitutional provisions contained in the May 18 Supplement and its predecessor proclamations and exhibits, and Plaintiff reserves without limitation the right to elaborate upon them depending upon the facts developed in litigation, discovery, motions, and hearings.

108. The May 18 Supplement and its predecessor proclamations, along with the prior and existing Executive Order(s), and Defendants’ enforcement of each and all of these, unlawfully and unconstitutionally infringe on Plaintiffs’ rights to liberty and property without due process of law, thereby entitling Plaintiffs to the relief requested below. Haw. Const. art. I §§ 2,5.

### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully requests that the Court grant the following relief:

1. A declaratory judgment stating that the May 18 Supplement inclusive of its exhibits and any existing or predecessor documents it includes by reference, is unconstitutional, invalid, null, and void;

2. An injunction prohibiting Defendant Governor, Defendant Attorney General, and Defendant State of Hawai'i including all of its political entities, agents, and employees, from enforcing any provision of the May 18 Supplement in any way, whether by criminal, civil, or administrative procedures;

3. A declaratory judgment stating that the May 18 Supplement inclusive of its exhibits and any existing or predecessor documents it includes by reference, may be cited or otherwise employed as a source of law or evidence in any civil, administrative, or other legal or quasi-legal proceeding, but only as a defense to allegations of fault, misconduct, liability, or damages, and for no other purpose;

4. A declaratory judgment stating that the May 18 Supplement inclusive of its exhibits and any existing or predecessor documents it includes by reference, is invalid, null, and void as to:

(a) Section III, to the extent that it burdens, restricts or prohibits interstate travel;

(b) Section III, to the extent that it burdens, restricts or prohibits intrastate travel in, between, or among any of the islands comprising the State of Hawai'i;

(c) Section IV, to the extent that it burdens, restricts or prohibits interstate travel;

(d) Section IV, to the extent that it burdens, restricts or prohibits intrastate travel in, between, or among any of the islands comprising the State of Hawai'i;

(e) “Exhibit D” (“Rules Relating to Covid-19 Travel Quarantine”) to the extent that it burdens, restricts or prohibits interstate travel;

(f) “Exhibit D” (“Rules Relating to Covid-19 Travel Quarantine”) to the extent that it burdens, restricts or prohibits intrastate travel in, between, or among any of the islands comprising the State of Hawai‘i; and

(f) Section III (page 13), Section IV (page 15), and “Exhibit D” to the extent any provision therein purports to authorize or declare the imposition of criminal liability for violating any provision of the May 18 Supplement that in any way relates to, implicates, or affects the right to interstate or intrastate travel;

5. A declaratory judgment stating that the May 18 Supplement inclusive of its exhibits and any existing or predecessor documents it includes by reference, shall not be cited or otherwise employed as a source of law or evidence in any civil, administrative, or other legal or quasi-legal proceeding, brought against any person;

6. A preliminary and a permanent injunction against the Defendants including but not limited to the State of Hawai‘i, and its officers, agents, and employees, prohibiting any arrests, prosecutions, and convictions of any person for alleged violations of the May 18 Supplement inclusive of its exhibits, where the allegedly violated provision relates to, implicates, or affects the right to interstate or intrastate travel;

7. That this Court award Plaintiffs their attorneys’ fees under 42 U.S.C. § 1988 and/or under any other applicable provision of law;

8. That this Court award Plaintiffs’ their costs in this action; and

9. That this Court award any other relief it deems just and proper.

RESPECTFULLY SUBMITTED this 9th day of June, 2020.

ATTORNEYS FOR FREEDOM LAW FIRM

/s/ Marc J. Victor

Marc J. Victor

Attorney for Plaintiffs

# Exhibit 1

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**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**, the United States Centers for Disease Control and Prevention has determined and is monitoring an outbreak of respiratory illness caused by a novel coronavirus that was first identified in Wuhan, Hubei Province, China and has become commonly identified as COVID-19; and

**WHEREAS**, COVID-19 has rapidly expanded and is reportedly spreading from person-to-person; and

**WHEREAS**, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

**WHEREAS**, on January 31, 2020, the United States Secretary of Health and Human Services declared the outbreak of COVID-19 a public health emergency for the United States; and

**WHEREAS**, COVID-19 has rapidly spread around the globe and has been found in 78 countries; and

**WHEREAS**, the United States has at least 108 confirmed and presumptive positive cases of COVID-19; and

**WHEREAS**, COVID-19 continues to evolve and spread around the globe and is now spreading in the community, not just from travelers to China; and

**WHEREAS**, COVID-19 is highly contagious; and

**WHEREAS**, as of March 4, 2020, the World Health Organization reported 93,090 confirmed cases of COVID-19 worldwide; and

**WHEREAS**, COVID-19 has proven to be fatal with 2984 deaths reported in China and 214 deaths reported outside of China as of March 4, 2020; and

**WHEREAS**, on January 31, 2020, the President of the United States declared a health emergency and issued an order subjecting certain Americans returning from China to mandatory quarantine or active screening, and limiting incoming flights from China to seven designated United States Airports, including Daniel K. Inouye International Airport in Honolulu; and

**WHEREAS**, the United States Centers for Disease Control and Prevention has directed the quarantine of people traveling from China and taken other actions to control the spread of COVID-19; and

**WHEREAS**, despite efforts to contain COVID-19, the World Health Organization and the United States Centers for Disease Control and Prevention indicate that it is expected to spread; and

**WHEREAS**, based upon the actions and directives of the President of the United States, the World Health Organization, and the United States Centers for Disease Control and Prevention, and current conditions, the danger is significant so as to warrant preemptive and protective actions in order to provide for the health, safety, and welfare of the people of the State; and

**WHEREAS**, pursuant to section 127A-2, Hawaii Revised Statutes, an emergency is any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property; and

**WHEREAS**, pursuant to section 127A-2, Hawaii Revised Statutes, a disaster is any emergency, or imminent threat thereof, which results or may likely result in loss of life or property and requires, or may require, assistance from other counties or states or from the federal government.

**WHEREAS**, this occurrence of a severe, sudden, and extraordinary event has the potential to cause damages, losses, and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons,

and to affect the economy of the State, and is expected to be of such a nature as to warrant rehabilitative assistance from the State; and

**WHEREAS**, the danger of disaster is of such magnitude to warrant preemptive and protective action in order to provide for the health, safety, and welfare of the people; and

**WHEREAS**, this occurrence, or threat thereof, may likely result in substantial injury or harm to the population or may likely result in loss of life or property and require, or may require, assistance from other counties or states or from the federal government; and

**WHEREAS**, the Legislature of the State of Hawai'i has appropriated from the general revenues of the State monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster; and

**WHEREAS**, in expending such monies, the Governor may allot any portion to any agency, office, or employee of the state or to any county for the most expeditious and efficient relief of the conditions created by the disaster; and

**WHEREAS**, pursuant to sections 127A-14 and 127A-16, Hawaii Revised Statutes, the Governor may determine whether an emergency or disaster has occurred, or whether there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, Hawaii Revised Statutes, and the expenditure of funds thereunder; and

**WHEREAS**, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, the Governor may suspend any law that impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or that conflicts with, emergency functions, including laws specifically made applicable to emergency personnel; and

**WHEREAS**, pursuant to section 127A-13(a)(2), Hawaii Revised Statutes, the Governor may relieve hardships and inequities, or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under chapter 127A, Hawaii Revised



Statutes, by suspending laws, in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

**WHEREAS**, pursuant to section 127A-12(b)(8), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, in whole or in part, if these provisions impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

**WHEREAS**, pursuant to section 127A-12(b)(9), Hawaii Revised Statutes, the Governor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Governor deems necessary to carry out emergency management functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and other persons; and subject to the provisions of chapter 127A, Hawaii Revised Statutes, provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State; and

**WHEREAS**, pursuant to section 127A-12(b)(19), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Hawaii Revised Statutes, notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period; and

**NOW, THEREFORE**, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine that the conditions described herein are of such character and magnitude to constitute an emergency or disaster as contemplated by sections 127A-2 and 127A-14, Hawaii Revised Statutes, that threatens the State of Hawai'i and hereby proclaim an Emergency Period for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient protection and relief of the damages, losses, and suffering resulting from the emergency, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 127A-16, Hawaii Revised Statutes, by activating the Major Disaster Fund.
2. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, in order for county and state agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, Hawaii Revised Statutes, as a result of this event, to suspend as allowed by federal law, the following statutes to the extent necessary for county and state agencies to accomplish the emergency management functions contemplated under this Proclamation:
  - a. Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury.**
  - b. Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, 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.
  - c. Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations.**
  - d. Chapter 46, Hawaii Revised Statutes, **county organization and administration** as any county ordinance, rule, regulation, law, or provision in any form 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.
  - e. Chapter 89, Hawaii Revised Statutes, **collective bargaining in public employment.**
  - f. Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining.**

- g. Section 102-2, Hawaii Revised Statutes, **contracts for concessions in government buildings; bid requirements.**
  - h. Section 103-2, Hawaii Revised Statutes, **general fund.**
  - i. Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**
  - j. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**
  - k. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code.**
  - l. Chapter 103F, Hawaii Revised Statutes, **purchases of health and human services,**
3. Section 127A-30, Hawaii Revised Statutes, relating to any prohibited increase in the selling price of any commodity, whether at the retail or wholesale level, in the area that is the subject of this disaster Proclamation shall continue for the period of this Proclamation for all:
- a. Food, water, or ice; and
  - b. Medical supplies, medical protective measures, medications, vitamins, or any other commodity intended to help the population stay well, recover from any illness, or protect them from any illness; and
  - c. Personal hygiene, paper or disposable cleaning products including but not limited to paper towels, napkins, toilette paper, hand sanitizer, alcohol, hydrogen peroxide, cleaning supplies of any kind, or any other commodity intended to help sanitize or clean individuals, items, or areas; and
  - d. Any other commodity that the seller or contractor knows or should know are intended for use by any member of the public or entity of

any type to prepare for, respond to, or use because of the circumstances giving rise to the emergency that is the subject of this Proclamation.

4. Section 127A-12(b), Hawaii Revised Statutes, and in order to provide emergency disaster relief, hereby direct all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger.

**I FURTHER DECLARE** that the disaster emergency relief period shall commence immediately and continue through April 29, 2020, or by a separate proclamation, whichever occurs first.

Done at the State Capitol, this  
4th day of March, 2020.



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DAVID Y. IGE  
Governor of Hawai'i

APPROVED:



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Clare E. Connors  
Attorney General  
State of Hawai'i

# Exhibit 2

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**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 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.
  - 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  
16<sup>th</sup> day of March, 2020.

  
\_\_\_\_\_  
DAVID Y. IGE,  
*Governor of Hawai'i*

APPROVED:

  
\_\_\_\_\_  
Clare E. Connors  
*Attorney General*  
*State of Hawai'i*

# Exhibit 3

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:

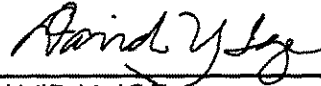
**WHEREAS**, it has become necessary to supplement the Proclamation of March 4, 2020, and Supplementary Proclamation of March 16, 2020, relating to the COVID-19 emergency, which continues to endanger the health, safety, and welfare of the people of Hawai'i;

**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  
21<sup>st</sup> day of March, 2020.



\_\_\_\_\_  
DAVID Y. IGE,  
*Governor of Hawai'i*

APPROVED:



\_\_\_\_\_  
Clare E. Connors  
*Attorney General*  
*State of Hawai'i*

Rules Relating to COVID-19

- \$1 Purpose and authority
- \$2 Mandatory Quarantine
- \$3 Costs to be Paid by Quarantined Person
- \$4 Criminal Penalties

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

\$2 Mandatory Quarantine. All persons entering the State 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 begins from the time of entry into the State and lasts 14 days or the duration of the person's presence in the State, whichever is shorter. Any person subject to such quarantine violates this section if the person intentionally or knowingly:

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

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

\$3 Costs to be Paid by Quarantined Person. Any person under the mandatory self-quarantine prescribed by these rules shall be responsible for all costs associated with that person's quarantine, including transport, lodging, food, medical care, and any other expenses to sustain the person during the self-quarantine period.

\$4 Criminal Penalties. (a) Any person violating any of these rules shall be guilty of a misdemeanor and upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

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



# Exhibit 4

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.

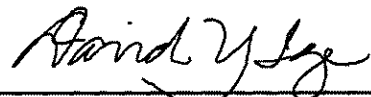
**II. This Order Shall Have the Force and Effect of Law**

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.

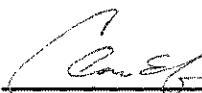
In the event of any inconsistency, conflict or ambiguity between this Third Supplementary Proclamation and any county emergency order, rule, directive or proclamation, the relevant documents shall be read to allow for maximum flexibility so that essential businesses and operations continue unimpeded.

**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  
23<sup>rd</sup> day of March, 2020.

  
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DAVID Y. IGE,  
Governor of Hawai'i

APPROVED:

  
\_\_\_\_\_  
Clare E. Connors  
Attorney General  
State of Hawai'i

# Exhibit 5

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  
31<sup>st</sup> day of March, 2020.

  
\_\_\_\_\_  
DAVID Y. IGE,  
Governor of Hawai'i

APPROVED:

  
\_\_\_\_\_  
Clare E. Connors  
Attorney General  
State of Hawai'i

# Exhibit 6

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.

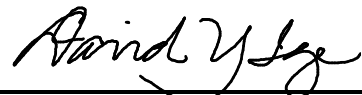
**IV. Force and Effect of Law.**

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  
16<sup>th</sup> day of April, 2020.



DAVID Y. IGE,  
*Governor of Hawai'i*

APPROVED:



Clare E. Connors  
*Attorney General*  
*State of Hawai'i*

# Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

## How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

## CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

## Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

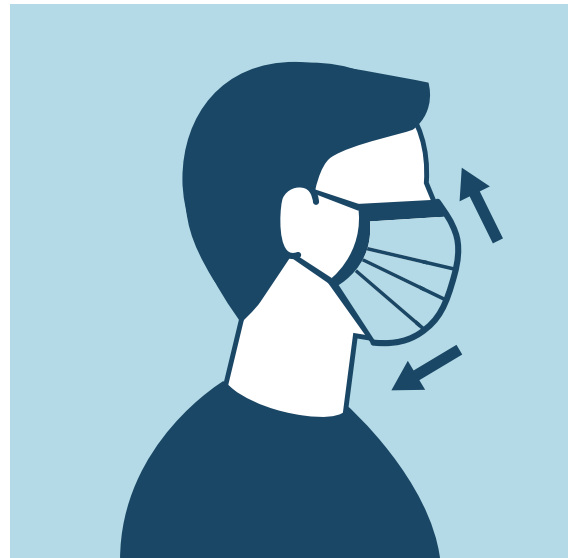
Yes. They should be routinely washed depending on the frequency of use.

## How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

## How does one safely remove a used cloth face covering?

Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.



# Exhibit 7

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:

<b>I. <u>Statewide Coordination</u></b> .....	[ 3 ]
<b>II. <u>Invocation of Laws</u></b> .....	[ 3 ]
<b>III. <u>Act with Care Order</u></b> .....	[ 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	
<b>IV. <u>All Persons Traveling to the State or Traveling Inter-Island</u></b> .....	[ 14 ]
A. Traveling to the State	
B. Traveling Inter-Island	
C. Force and Effect of Law	
<b>V. <u>Suspension of Laws</u></b> .....	[ 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  
18<sup>th</sup> day of May, 2020.

  
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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

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.

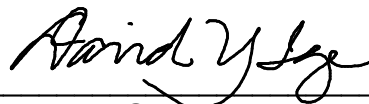
5. Pursuant to sections 127A-9 and 127A-12(a)(5), Hawaii Revised Statutes, I direct that during the pendency of the Emergency Proclamations, any health care volunteer, as defined in section 1 of this Executive Order, who in good faith comply completely with all state and federal orders regarding the 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  
16<sup>th</sup> day of April, 2020



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DAVID Y. IGE  
*Governor of Hawai'i*

APPROVED:



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CLARE E. CONNORS  
*Attorney General*  
*State of Hawai'i*



**CISA**  
CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW

# Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 3.0 (April 17, 2020)

## THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This advisory guidance and accompanying list are intended to support state, local, tribal, territorial and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives advisory guidance on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions. The term “workers” as used in this guidance is intended to apply to both employees and contractors performing the described functions.

CISA will continually solicit and accept feedback on the list and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. Feedback can be sent to [CISA.CAT@CISA.DHS.GOV](mailto:CISA.CAT@CISA.DHS.GOV).

## CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, state managed, and federally supported.
2. Everyone should follow guidance from the Centers for Disease Control and Prevention (CDC), as well as state and local government officials, regarding strategies to limit disease spread.
3. Employers must comply with applicable Occupational Safety and Health Administration (OSHA) requirements for protecting critical infrastructure workers who remain on or return to the job during the COVID-19 pandemic. As the nation relies on these workers to protect public health, safety, and community well-being, they must be protected from exposure to and infection with the virus so that they can continue to carry out

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their responsibilities. OSHA has guidance and enforcement information for workplaces at [www.osha.gov/coronavirus](http://www.osha.gov/coronavirus).

4. Businesses and government agencies may continue to implement organization-specific measures, which protect the workforce while meeting mission needs.
5. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
6. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not limited to, physically separating staff, staggering work shift hours or days, and other social distancing measures. While the CDC recommends that everyone wear a cloth face cover to contain respiratory droplets when around others, critical infrastructure employers must consider how best to implement this public health recommendation for source control in the workplace. For example, employers may provide disposable facemasks (e.g., surgical masks) instead of cloth face coverings when workers would need to wear masks for extended periods of time (e.g., the duration of a work shift) or while performing tasks in which the face covering could become contaminated.
7. Consider the impact of workplace sick leave policies that may contribute to an employee decision to delay reporting medical symptoms. Sick employees should not return to the workplace until they meet the criteria to stop home isolation.
8. Critical infrastructure has an obligation to limit to the extent possible the reintegration of in-person workers who have experienced an exposure to COVID-19 but remain asymptomatic in ways that best protect the health of the worker, their co-workers, and the general public. An analysis of core job tasks and workforce availability at worksites can allow the employer to match core activities to other equally skilled and available in-person workers who have not experienced an exposure. CDC guidance on safety practices for critical infrastructure workers is maintained at <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>
9. All organizations should implement their business continuity and pandemic plans or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the workers.
10. Reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions. The vast majority of our economy relies on technology and therefore information technology (IT) and operational technology (OT) workers for critical infrastructure operations are essential. This includes workers in many roles, including workers focusing on management systems, control systems, and Supervisory Control and Data Acquisition (SCADA) systems, and data centers; cybersecurity engineering; and cybersecurity risk management.
11. Government workers, such as emergency managers, and the business community need to establish and maintain lines of communication.
12. Essential critical infrastructure workers need continued and unimpeded access to sites, facilities, and equipment within quarantine zones, containment areas, or other areas where access or movement is limited to perform functions for community relief and stability; for public safety, security and health; for maintaining essential supply chains and preserving local, regional, and national economic well-being.
13. Essential critical infrastructure workers need sustained access to designated quarantine, containment, or

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restricted areas; and should be exempted from curfews, shelter-in-place orders, and transportation restrictions or restrictions on movement.

14. Whenever possible, local governments should consider adopting specific state guidance on essential workers to reduce potential complications of workers crossing jurisdictional boundaries. When this is not possible, local jurisdictions should consider aligning access and movement control policies with neighboring jurisdictions to reduce the burden of cross-jurisdictional movement of essential critical infrastructure workers.

## IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of identified essential critical infrastructure workers is intended to be overly inclusive reflecting the diversity of industries across the United States.



## HEALTHCARE / PUBLIC HEALTH

- Workers, including laboratory personnel, that perform critical clinical, biomedical and other research, development, and testing needed for COVID-19 or other diseases.
- Healthcare providers including, but not limited to, physicians; dentists; psychologists; mid-level practitioners; nurses; assistants and aids; infection control and quality assurance personnel; pharmacists; physical, respiratory, speech and occupational therapists and assistants; social workers; optometrists; speech pathologists; chiropractors; diagnostic and therapeutic technicians; and radiology technologists.
- Workers required for effective clinical, command, infrastructure, support service, administrative, security, and intelligence operations across the direct patient care and full healthcare and public health spectrum. Personnel examples may include, but are not limited, to accounting, administrative, admitting and discharge, engineering, accrediting, certification, licensing, credentialing, epidemiological, source plasma and blood donation, food service, environmental services, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.
  - Emergency medical services workers.
  - Prehospital workers included but not limited to urgent care workers.
  - Inpatient & hospital workers (e.g. hospitals, critical access hospitals, long-term acute care

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- hospitals, long-term care facilities, inpatient hospice, ambulatory surgical centers, etc.).
- Outpatient care workers (e.g. end-stage-renal disease, Federally Qualified Health Centers, Rural Health Clinics, community mental health clinics, organ transplant/procurement centers, and other ambulatory care settings/providers, comprehensive outpatient rehabilitation facilities, etc.).
- Home care workers (e.g. home health care, at-home hospice, home dialysis, home infusion, etc.).
- Workers at Long-term care facilities, residential and community-based providers (e.g. Programs of All-Inclusive Care for the Elderly (PACE), Intermediate Care Facilities for Individuals with Intellectual Disabilities, Psychiatric Residential Treatment Facilities, Religious Nonmedical Health Care Institutions, etc.).
- Workplace safety workers (i.e., workers who anticipate, recognize, evaluate, and control workplace conditions that may cause workers' illness or injury).
- Workers needed to support transportation to and from healthcare facility and provider appointments.
- Workers needed to provide laundry services, food services, reprocessing of medical equipment, and waste management.
- Workers that manage health plans, billing, and health information and who cannot work remotely.
- Workers performing cybersecurity functions at healthcare and public health facilities and who cannot work remotely.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Childcare, eldercare, and other service providers for essential healthcare personnel.
- Vendors and suppliers (e.g. imaging, pharmacy, oxygen services, durable medical equipment, etc.).
- Workers at manufacturers (including biotechnology companies and those companies that have shifted production to medical supplies), materials and parts suppliers, technicians, logistics and warehouse operators, printers, packagers, distributors of medical products and equipment (including third party logistics providers, and those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies (including dispensers), sanitary goods, personal care products, pest control products, and tissue and paper towel products.
- Donors of blood, bone marrow, blood stem cell, or plasma, and the workers of the organizations that operate and manage related activities.
- Pharmacy staff, including workers necessary to maintain uninterrupted prescription, and other workers for pharmacy operations.
- Workers in retail facilities specializing in medical good and supplies.
- Public health and environmental health workers, such as:
  - Workers specializing in environmental health that focus on implementing environmental controls, sanitary and infection control interventions, healthcare facility safety and emergency preparedness planning, engineered work practices, and developing guidance and protocols for appropriate PPE to prevent COVID-19 disease transmission.
  - Public health/ community health workers (including call center workers) who conduct community-based public health functions, conducting epidemiologic surveillance and compiling, analyzing, and communicating public health information, who cannot work remotely.
- Human services providers, especially for at risk populations such as:
  - Home delivered meal providers for older adults, people with disabilities, and others with chronic

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- health conditions.
  - Home-maker services for frail, homebound, older adults.
  - Personal assistance services providers to support activities of daily living for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
  - Home health providers who deliver health care services for older adults, people with disabilities, and others with chronic health conditions who live independently in the community with supports and services.
- Government entities, and contractors that work in support of local, state, and federal public health and medical mission sets, including but not limited to supporting access to healthcare and associated payment functions, conducting public health functions, providing medical care, supporting emergency management, or other services necessary for supporting the COVID-19 response.
- Mortuary service providers, such as:
  - Workers performing mortuary funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers.
  - Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental and behavioral health services to the family members, responders, and survivors of an incident.

## LAW ENFORCEMENT, PUBLIC SAFETY, AND OTHER FIRST RESPONDERS

- Public, private, and voluntary personnel (front-line and management, civilian and sworn) in emergency management, law enforcement, fire and rescue services, emergency medical services (EMS), and security, public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel.
- Personnel involved in provisioning of access to emergency services, including the provisioning of real-time text, text-to-911, and dialing 911 via relay.
- Personnel that are involved in the emergency alert system (EAS) ((broadcasters, satellite radio and television, cable, and wireline video) and wireless emergency alerts (WEA).
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and technicians to manage the network or operate facilities.
- Workers at emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, and 911 call centers.
- Fusion Center workers.
- Workers, including contracted vendors, who maintain, manufacture, or supply equipment and services supporting law enforcement, fire, EMS, and response operations (to include electronic security and life safety security personnel).
- Workers and contracted vendors who maintain and provide services and supplies to public safety facilities, including emergency communication center, public safety answering points, public safety communications centers, emergency operation centers, fire and emergency medical services stations, police and law enforcement stations and facilities.
- Workers supporting the manufacturing, distribution, and maintenance of necessary safety equipment and uniforms for law enforcement and all public safety personnel.

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- Workers supporting the operation of firearm, or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- Public agency workers responding to abuse and neglect of children, spouses, elders, and dependent adults.
- Workers who support weather disaster and natural hazard mitigation and prevention activities.
- Security staff to maintain building access control and physical security measures.

## FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sells human food, animal and pet food and pet supply, and beverage products, including retail customer support service and information technology support staff necessary for online orders, pickup, and delivery.
- Restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, carry-out, and delivery food workers.
- Food manufacturer workers and their supplier workers including those employed at food ingredient production and processing facilities; aquaculture and seafood harvesting facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
- Farmers, farm and ranch workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, storage, processing, and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; and truck delivery and transport.
- Farmers, farm and ranch workers, and support service and supplier workers producing food supply domestically and for export, to include those engaged in raising, cultivating, harvesting, packing, storing, or delivering to storage or to market or to a carrier for transportation to market any agricultural or horticultural commodity for human consumption; agricultural inspection; fuel ethanol facilities; biodiesel and renewable diesel facilities; storage facilities; and other agricultural inputs.
- Workers and firms supporting the distribution of food, feed, and beverage and ingredients used in these products, including warehouse workers, vendor-managed inventory controllers, and blockchain managers.
- Workers supporting the sanitation and pest control of all food manufacturing processes and operations from wholesale to retail.
- Workers supporting the growth and distribution of plants and associated products for home gardens.
- Workers in cafeterias used to feed workers, particularly worker populations sheltered against COVID-19.
- Workers in animal diagnostic and food testing laboratories.
- Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.
- Workers of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising, caring for and management of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.

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- Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and materials, animal vaccines, animal drugs, feed ingredients, feed and bedding, live animals, animal by-products, and deceased animals for disposal.
- Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products, as well as manufacture and distribution of products using agricultural commodities.
- Workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for agricultural production and distribution.

## ENERGY

- Workers supporting the energy sector, regardless of the energy source (including, but not limited to, nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, who are needed to construct, manufacture, repair, transport, permit, monitor, operate engineer, and maintain the reliability, safety, security, environmental health, and physical and cyber security of the energy system, including those who support construction, manufacturing, transportation, permitting, and logistics.
- Workers and contractors supporting energy facilities that provide steam, hot water or chilled water from central power plants to connected customers.
- Workers conducting energy/commodity trading/scheduling/marketing functions who can't perform their duties remotely.
- Workers supporting the energy sector through renewable energy infrastructure (including, but not limited to, wind, solar, biomass, hydrogen, ocean, geothermal, and hydroelectric) and microgrids, including those supporting construction, manufacturing, transportation, permitting, operation and maintenance, monitoring, and logistics.
- Workers and security staff involved in nuclear re-fueling operations.
- Workers providing services related to energy sector fuels (including, but not limited to, petroleum (crude oil), natural gas, propane, liquefied natural gas (LNG), compressed natural gas (CNG), natural gas liquids (NGL), other liquid fuels, nuclear, and coal) and supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation, maintenance, security, waste disposal, storage, and monitoring of support for resources.
- Workers providing environmental remediation and monitoring, limited to immediate critical needs technicians.
- Workers involved in the manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities across all energy sector segments.

### Electricity Industry

- Workers who maintain, ensure, restore, or who are involved in the development, transportation, fuel procurement, expansion, or operation of, the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, construction, maintenance, utility telecommunications, relaying, and fleet maintenance technicians who cannot perform their duties remotely.
- Workers at coal mines, production facilities, and those involved in manufacturing, transportation,

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permitting, operation, maintenance, and monitoring at coal sites.

- Workers who produce, process, ship, and handle coal used for power generation and manufacturing.
- Workers in the electricity industry including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics
- Workers needed for safe and secure operations at nuclear generation including, but not limited to, those critical to the broader nuclear supply chain, the manufacture and delivery of parts needed to maintain nuclear equipment, the operations of fuel manufacturers, and the production and processing of fuel components used in the manufacturing of fuel.
- Workers at fossil fuel (including but not limited to natural gas, refined, distillate, and/or coal), nuclear, and renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and hydroelectric), and microgrids, including those supporting safety, construction, manufacturing, transportation, permitting, operation, maintenance, monitoring, and logistics.
- Workers at generation, transmission, and electric black start facilities.
- Workers at Reliability Coordinator, Balancing Authority, local distribution control centers, and primary and backup Control Centers, including, but not limited to, independent system operators, regional transmission organizations, and local distribution control centers.
- Workers that are mutual assistance/aid personnel, which may include workers from outside of the state or local jurisdiction.
- Vegetation management and traffic control for supporting those crews.
- Instrumentation, protection, and control technicians.
- Essential support personnel for electricity operations.
- Generator set support workers, such as diesel engineers used in power generation, including those providing fuel.

### **Petroleum Industry**

- Workers who support onshore and offshore petroleum drilling operations; platform and drilling construction and maintenance; transportation (including helicopter operations), maritime transportation, supply, and dredging operations; maritime navigation; well stimulation, intervention, monitoring, automation and control, extraction, production; processing; waste disposal, and maintenance, construction, and operations.
- Workers in the petroleum industry including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics.
- Workers for crude oil, petroleum, and petroleum product storage and transportation, including pipeline, marine transport, terminals, rail transport, storage facilities, racks, and road transport for use as end-use fuels such as gasoline, diesel fuel, jet fuel, and heating fuels or feedstocks for chemical manufacturing.
- Petroleum and petroleum product security operations center workers and workers who support maintenance and emergency response services.
- Petroleum and petroleum product operations control rooms, centers, and refinery facilities.
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Manufacturing and distribution of equipment, supplies, and parts necessary for production, maintenance, restoration, and service of petroleum and petroleum product operations and use, including end-users.

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- Transmission and distribution pipeline workers, including but not limited to pump stations and any other required, operations maintenance, construction, and support for petroleum products.

### **Natural Gas, Natural Gas Liquids (NGL), Propane, and Other Liquid Fuels**

- Workers who support onshore and offshore drilling operations, platform and drilling construction and maintenance; transportation (including helicopter operations); maritime transportation, supply, and dredging operations; maritime navigation; natural gas and natural gas liquid production, processing, extraction, storage and transportation; well intervention, monitoring, automation and control; waste disposal, and maintenance, construction, and operations.
- Workers in the natural gas, NGL, propane, and other liquid fuels industries including but not limited to those supporting safety, construction, manufacturing, transportation, permitting, operation/maintenance, engineering, physical and cyber security, monitoring, and logistics.
- Transmission and distribution pipeline workers, including compressor stations and any other required operations maintenance, construction, and support for natural gas, natural gas liquid, propane, and other liquid fuels.
- Workers at Liquefied Natural Gas (LNG) and Compressed Natural Gas (CNG) facilities.
- Workers at natural gas, propane, natural gas liquids, liquified natural gas, liquid fuel storage facilities, underground facilities, and processing plants and other related facilities, including construction, maintenance, and support operations personnel.
- Natural gas processing plants workers and those who deal with natural gas liquids.
- Workers who staff natural gas, propane, natural gas liquids, and other liquid fuel security operations centers, operations dispatch and control rooms and centers, and emergency response and customer emergencies (including leak calls) operations.
- Workers supporting drilling, production, processing, refining, and transporting natural gas, propane, natural gas liquids, and other liquid fuels for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation.
- Workers supporting propane gas service maintenance and restoration, including call centers.
- Workers supporting propane, natural gas liquids, and other liquid fuel distribution centers.
- Workers supporting propane gas storage, transmission, and distribution centers.
- Workers supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Workers supporting ethanol and biofuel production, refining, and distribution.
- Workers in fuel sectors (including, but not limited to nuclear, coal, and gas types and liquid fuels) supporting the mining, manufacturing, logistics, transportation, permitting, operation, maintenance, and monitoring of support for resources.
- Workers ensuring, monitoring, and engaging in the physical security of assets and locations associated with natural gas, propane, natural gas liquids, and other liquid fuels.
- Workers involved in the manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service of natural gas, propane, natural gas liquids, and other liquid fuels operations and use, including end-users.

## **WATER AND WASTEWATER**

Workers needed to operate and maintain drinking water and wastewater and drainage infrastructure, including:

- Operational staff at water authorities.

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- Operational staff at community water systems.
- Operational staff at wastewater treatment facilities.
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.
- Operational staff for water distribution and testing.
- Operational staff at wastewater collection facilities.
- Operational staff and technical support for SCADA Control systems.
- Chemical equipment and personal protection suppliers to water and wastewater system.
- Workers who maintain digital systems infrastructure supporting water and wastewater operations.

## TRANSPORTATION AND LOGISTICS

- Workers supporting or enabling transportation and logistics functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, driver training and education centers, Department of Motor Vehicle (DMV) workers, enrollment agents for federal transportation worker vetting programs, towing and recovery services, roadside assistance workers, intermodal transportation personnel, and workers that construct, maintain, rehabilitate, and inspect infrastructure, including those that require cross-jurisdiction travel.).
- Workers supporting the distribution of food, fuels, pharmaceuticals and medical material (including materials used in radioactive drugs), and chemicals needed for water or water treatment and energy maintenance.
- Workers supporting operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
- Workers of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use, including cold- and frozen-chain logistics for food and critical biologic products.
- Mass transit workers providing critical transit services and performing critical or routine maintenance to mass transit infrastructure or equipment.
- Workers supporting personal and commercial transportation services including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers.
- Workers, including police, responsible for operating and dispatching passenger, commuter, and freight trains and maintaining rail infrastructure and equipment.
- Maritime transportation workers, including port authority and commercial facility personnel, dredgers, port workers, security personnel, mariners, ship crewmembers, ship pilots, tugboat operators, equipment operators (to include maintenance and repair, and maritime-specific medical providers), ship supply workers, chandlers, and repair company workers. Refer to the United States Coast Guard's Marine Safety Information Bulletin "Maintaining Maritime Commerce and Identification of Essential Maritime Critical Infrastructure Workers" for more information.
- Workers, including truck drivers, railroad employees, maintenance crews, and cleaners, supporting transportation of chemicals, hazardous, medical, and waste materials that support critical infrastructure, capabilities, functions, and services, including specialized carriers, crane and rigging industry workers.
- Bus drivers and workers who provide or support intercity, commuter, and charter bus service in support of other essential services or functions.

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- Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities (including those who repair and maintain electric vehicle charging stations).
- Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors.
- Manufacturers and distributors (to include service centers and related operations) of lighting and communication systems, specialized signage and structural systems, emergency response equipment and support materials, printers, printed materials, packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations, and other critical infrastructure needs.
- Postal Service, parcel, courier, last-mile delivery, and shipping and related workers, to include private companies, who accept, process, transport, and deliver information and goods.
- Workers who supply equipment and materials for maintenance of transportation equipment.
- Workers who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Workers who support air transportation for cargo and passengers, including operation distribution, maintenance, and sanitation. This includes air traffic controllers, flight dispatchers, maintenance personnel, ramp workers, fueling agents, flight crews, airport safety inspectors and engineers, airport operations personnel, aviation and aerospace safety workers, security, commercial space personnel, operations personnel, accident investigators, flight instructors, and other on- and off-airport facilities workers.
- Workers supporting transportation via inland waterways, such as barge crew, dredging crew, and river port workers for essential goods.
- Workers critical to the manufacturing, distribution, sales, rental, leasing, repair, and maintenance of vehicles and other transportation equipment (including electric vehicle charging stations) and the supply chains that enable these operations to facilitate continuity of travel-related operations for essential workers.
- Warehouse operators, including vendors and support personnel critical for business continuity (including heating, ventilation, and air conditioning (HVAC) and electrical engineers, security personnel, and janitorial staff), e-commerce or online commerce, and customer service for essential functions.

## PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES

- Workers who support the construction, maintenance, or rehabilitation of critical infrastructure.
- Workers supporting construction materials production, testing laboratories, material delivery services, and construction inspection.
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
- Workers such as plumbers, electricians, exterminators, builders (including building and insulation), contractors, HVAC Technicians, landscapers, and other service providers who provide services, including temporary construction, that are necessary to maintaining the safety, sanitation, and essential operation

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of residences, businesses and buildings, such as hospitals and senior living facilities.

- Workers personnel, who support operations that ensure, the availability of and access to needed facilities, transportation, energy, and communications through activities such as road and line clearing.
- Workers who support the effective removal, storage, and disposal of residential, industrial, and commercial solid waste and hazardous waste, including at landfill operations.
- Workers who support the operation, inspection, and maintenance of essential dams, locks, and levees.
- Workers who support the inspection and maintenance of aids to navigation and other government-provided services that ensure continued maritime commerce.

## COMMUNICATIONS AND INFORMATION TECHNOLOGY

### Communications

- Maintenance of communications infrastructure, -- including privately owned and maintained communication systems, -- supported by technicians, operators, call centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Points of Presence, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
- Government and private sector workers, including government contractors, with work related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots, and submarine cable ship facilities.
- Government and private sector workers, including government contractors, supporting Department of Defense internet and communications facilities.
- Network Operations staff, engineers, and technicians to include IT managers and staff, HVAC and electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities.
- Workers responsible for infrastructure construction and restoration, including but not limited to engineers, technicians, and contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes permitting, construction of new facilities, and deployment of new technology as required to address congestion or customer usage due to unprecedented use of remote services.
- Installation, maintenance, and repair technicians that establish, support, or repair service as needed.
- Central office personnel to maintain and operate central office, data centers, and other network office facilities, including critical support personnel assisting front line workers.
- Customer service and support staff, including managed and professional services, as well as remote providers of support to transitioning workers to set up and maintain home offices, who interface with customers to manage or support service environments and security issues including payroll, billing, fraud, logistics, and troubleshooting.
- Workers providing electronic security, fire, monitoring, and life safety services, and who ensure physical security, cleanliness, and the safety of facilities and personnel, including those who provide temporary licensing waivers for security personnel to work in other States or Municipalities.
- Dispatchers involved with service repair and restoration.
- Retail customer service personnel at critical service center locations to address customer needs, including new customer processing, distributing and repairing equipment, and addressing customer issues, in order to support individuals' remote emergency communications needs

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- Supply chain and logistics personnel to ensure goods and products are available to provision these front-line workers.
- External Affairs personnel to assist in coordinating with local, state, and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.
- Workers responsible for ensuring that persons with disabilities have access to and the benefits of various communications platforms, including those involved in the provision of telecommunication relay services, closed captioning of broadcast television for the deaf, video relay services for deaf citizens who prefer communication via American Sign Language over text, and audio-description for television programming.

### Information Technology

- Workers who support command centers, including, but not limited to, Network Operations Command Centers, Broadcast Operations Control Centers, and Security Operations Command Centers.
- Data center operators, including system administrators, HVAC and electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators for all industries, including financial services.
- Workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, information technology equipment (to include microelectronics and semiconductors), HVAC and electrical equipment for critical infrastructure, and test labs and certification agencies that qualify such equipment (to include microelectronics, optoelectronics, and semiconductors) for critical infrastructure, including data centers.
- Workers needed to preempt and respond to cyber incidents involving critical infrastructure, including medical facilities; state, local, tribal, and territorial (SLTT) governments and federal facilities; energy and utilities; banks and financial institutions; securities and other exchanges; other entities that support the functioning of capital markets, public works, critical manufacturing, food, and agricultural production; transportation; and other critical infrastructure categories and personnel, in addition to all cyber defense workers who can't perform their duties remotely.
- Suppliers, designers, transporters, and other workers supporting the manufacture, distribution, provision, and construction of essential global, national, and local infrastructure for computing services (including cloud computing services and telework capabilities), business infrastructure, financial transactions and services, web-based services, and critical manufacturing.
- Workers supporting communications systems, information technology, and work from home solutions used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food and agricultural production, financial services, education, and other critical industries and businesses.
- Workers required in person to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

## OTHER COMMUNITY- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.

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- Elections personnel to include both public and private sector elections support.
- Workers supporting the operations of the judicial system, including judges, lawyers, and others providing legal assistance.
- Workers who support administration and delivery of unemployment insurance programs, income maintenance, employment service, disaster assistance, workers' compensation insurance and benefits programs, and pandemic assistance.
- Federal, State, and Local, Tribal, and Territorial government workers who support Mission Essential Functions and communications networks.
- Trade Officials (FTA negotiators; international data flow administrators).
- Workers who support radio, print, internet and television news and media services, including, but not limited to front line news reporters, studio, and technicians for newsgathering, reporting, and publishing news.
- Workers supporting Census 2020.
- Weather forecasters.
- Clergy for essential support.
- Workers who maintain digital systems infrastructure supporting other critical government operations.
- Workers who support necessary permitting, credentialing, vetting, and licensing for essential critical infrastructure workers and their operations.
- Customs and immigration workers who are critical to facilitating trade in support of the national emergency response supply chain.
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions.
- Workers at testing centers for emergency medical services and other healthcare workers.
- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.
- Residential and commercial real estate services, including settlement services.
- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, supply chain, and COVID-19 relief efforts.
- Workers performing services to animals in human care, including zoos and aquariums.

## CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains and for supply chains associated with transportation, aerospace, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and PPE.
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other

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infrastructure necessary for mining production and distribution.

- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce, including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers.
- Workers manufacturing or providing parts and equipment that enable the maintenance and continued operation of essential businesses and facilities.

## HAZARDOUS MATERIALS

- Workers who manage hazardous materials associated with any other essential activity, including but not limited to healthcare waste (medical, pharmaceuticals, medical material production, and testing operations from laboratories processing and testing kits) and energy (including nuclear facilities).
- Workers who support hazardous materials response and cleanup.
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

## FINANCIAL SERVICES

- Workers who are needed to provide, process, and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; public accounting; and capital markets activities.
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, lockbox banking, and to move currency, checks, securities, and payments (e.g., armored cash carriers).
- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

## CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, laboratories, distribution facilities, and workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
- Workers supporting the production of protective cleaning and medical solutions, PPE, chemical consumer and institutional products, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among others essential products.

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- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
- Workers (including those in glass container manufacturing) who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products.

## DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military, including, but are not limited to, space and aerospace workers, nuclear matters workers, mechanical and software engineers (various disciplines), manufacturing and production workers, IT support, security staff, security personnel, intelligence support, aircraft and weapon system mechanics and maintainers, and sanitary workers who maintain the hygienic viability of necessary facilities.
- Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense (DoD) and the Department of Energy (DoE) (on nuclear matters), as well as personnel at government-owned/contractor operated facilities, and who provide materials and services to the DoD and DoE (on nuclear matters), including support for weapon systems, software systems and cybersecurity, defense and intelligence communications, surveillance, sale of U.S. defense articles and services for export to foreign allies and partners (as authorized by the U.S. government), and space systems and other activities in support of our military, intelligence, and space forces.

## COMMERCIAL FACILITIES

- Workers who support the supply chain of building materials from production through application and installation, including cabinetry, fixtures, doors, cement, hardware, plumbing (including parts and services), electrical, heating and cooling, refrigeration, appliances, paint and coatings, and workers who provide services that enable repair materials and equipment for essential functions.
- Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions, that accept, store, and process goods, and that facilitate their transportation and delivery.
- Workers in hardware and building materials stores necessary to provide access to essential supplies, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors.
- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.
- Workers supporting the operations of commercial buildings that are critical to safety, security, and the continuance of essential activities, such as on-site property managers, building engineers, security staff, fire safety directors, janitorial personnel, and service technicians (e.g., mechanical, HVAC, plumbers, electricians, and elevator).
- Management and staff at hotels and other temporary lodging facilities that provide for COVID-19 mitigation, containment, and treatment measures or provide accommodations for essential workers.

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## RESIDENTIAL/SHELTER FACILITIES AND SERVICES

- Workers providing dependent care services, particularly those whose services ensure essential workers can continue to work.
- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations and COVID-19 responders including travelling medical staff.
- Workers in animal shelters.
- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing housing and commercial construction related activities, including those supporting government functions related to the building and development process, such as inspections, permitting, and plan review services that can be modified to protect the public health, but fundamentally should continue and enable the continuity of the construction industry (e.g., allow qualified private third-party inspections in case of federal government shutdown).
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
- Workers responsible for the movement of household goods.

## HYGIENE PRODUCTS AND SERVICES

- Workers who produce hygiene products.
- Workers in laundromats, laundry services, and dry cleaners.
- Workers providing personal and household goods, repair, and maintenance.
- Workers providing disinfection services for all essential facilities and modes of transportation and who support the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
- Support required for continuity of services, including commercial disinfectant services, janitorial and cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line workers.
- Workers supporting the production of home cleaning, pest control, and other essential products necessary to clean, disinfect, sanitize, and ensure the cleanliness of residential homes, shelters, and commercial facilities.
- Workers supporting agriculture irrigation infrastructure.
- Workers supporting the production of home cleaning and pest control products.

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# Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

## How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

## CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

## Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

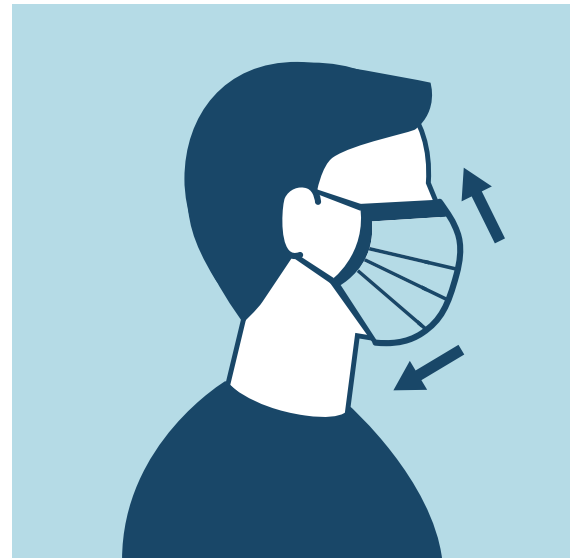
Yes. They should be routinely washed depending on the frequency of use.

## How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

## How does one safely remove a used cloth face covering?

Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.



Rules Relating to COVID-19 Travel Quarantine

- §1 Purpose and authority
- §2 Mandatory Quarantine
- §3 Costs to be Paid by Quarantined Person
- §4 Criminal Penalties

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

§2 Mandatory Quarantine. All persons entering the State 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 begins from the time of entry into the State and lasts 14 days or the duration of the person's presence in the State, whichever is shorter. Any person subject to such quarantine violates this section if the person intentionally or knowingly:

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

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

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

§4 Criminal Penalties. (a) Any person violating any of these rules shall be guilty of a misdemeanor and upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

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

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

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

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

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

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

- (1) Be under age thirteen years;
  - (2) Be thirteen through seventeen years of age with a physical or mental incapacity that prevents the child from doing self-care; or
  - (3) Receive child protective services, and the need for child care is specified in the family unit's case plan as ordered by the court.
- (b) A caretaker shall be eligible for child care, provided the caretaker:
- (1) Has a monthly gross income verified through documentation that does not exceed eighty-five percent of the State Median Income for a family of the same size except for:
    - (A) Individuals who are licensed by the department or organizations under the authority of the department, as foster parents; [or]
    - (B) Family units receiving child protective services; ~~and~~ or
    - (C) Family units impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or

natural disaster, or public health  
pandemic situation;

- (2) Meets one of the following conditions:
- (A) Is engaged in employment in exchange for wages or salary;
  - (B) Has a written offer of employment that is scheduled to start within two weeks;
  - (C) Needs child care for up to thirty calendar days during a break in employment, if employment is scheduled to resume within thirty days;
  - (D) Needs up to thirty consecutive days in a twelve-month period for the caretaker with or without a work history to job search, when there is no one to care for the child, not to exceed the maximum child care rates as provided under section 17-798.2-12;
  - (E) Is enrolled in and attends an educational program or job training, vocational, or employment training. This includes the break time between classes for the day;
  - (F) Is participating in the FTW program or a treatment program as required by section 17-656.1-10, except for a participant in the Food Stamp Employment and Training program, and the FTW participant is involved in the required activities written in the FTW employment or individualized service plan;
  - (G) Is receiving child protective services and the need for child care is specified in the family unit's case plan as ordered by the court;
  - (H) Is in a two-parent family unit where one of the caretakers is in an approved activity and the other caretaker is determined to have a disability which prevents the caretaker from providing care for their own child. Proof of disability and inability to provide care of the caretaker's own eligible child shall be verified by the written report of a State-licensed physician, psychologist, or psychiatrist. In the

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

- (I) Is a caretaker participating in an approved activity and has a temporary disability that prevents him or her from engaging in that activity and providing care for his or her own child until the activity can be resumed. Proof of the temporary disability condition and duration, and inability to care for the caretaker's own child shall be verified by the written report of a State-licensed physician, psychologist, or psychiatrist. The written report shall be reviewed every thirty days;
  - (J) Is a caretaker whose child is approved for participation in the Preschool Open Doors program; [~~or~~]
  - (K) Is a caretaker under the age eighteen years who meets any eligibility condition cited in section 17-798.2-9(b)(2)(A) through (J), retains custody of his or her own child, and does not reside in the same household with his or her adult caretaker[~~-~~]; or
  - (L) Is a caretaker impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or natural disaster, or public health pandemic situation and who needs child care to search for employment or prepare for resuming employment; and
- (3) Shall establish a reasonable relationship between the time during which the caretaker participates in an activity and the time during which child care is needed.
- (c) Child care providers and caregivers:
- (1) Shall meet the following conditions in order that child care payments may be authorized:
    - (A) Be eighteen years old or older;
    - (B) Afford caretakers unlimited access to their children, including written records concerning their children, during normal hours of provider operation and whenever the children are in the care of the provider;

- (C) Be a department regulated or license-exempt child care provider, including in-home care providers. License-exempt providers shall be listed with the department and shall submit a written statement to the department that shall attest to their:
    - (i) Willingness to provide care;
    - (ii) Rate that will be charged;
    - (iii) Assurance that the provider premises are safe from hazards in accord with subparagraphs (G) and (H); and
    - (iv) Address and telephone number;
  - (D) Have no known history of child abuse or neglect, physical, psychological or psychiatric problems, or criminal convictions that may adversely affect or interfere with the care of children;
  - (E) Provide consent, on forms supplied by the department, to conduct a background check. The background check shall be conducted in accord with sections 17-891.1-3, 17-892.1-3, 17-895-3, or 17-896-3;  
Provide consent, on forms supplied by the department, to conduct an additional fingerprint check through the Federal Bureau of Investigations (FBI), except for the child's grandparents, great-grandparents, siblings living in a separate residence and who are at least eighteen years old, and aunts or uncles;
  - (F) Be free of tuberculosis as indicated by a skin test or chest x-ray completed within the last twenty-four months of child care; and
  - (G) Have a child care facility or home with an installed smoke detector, unobstructed emergency exits, and an emergency exit plan.
- (2) Shall not be one of the following:
- (A) Parents, biological or legal;
  - (B) Step-parents living in the household;
  - (C) Guardians, or members of the family unit that receives government financial assistance payments, including essential persons;
  - (D) Providers who are not in compliance with State or county regulatory requirements;

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

§3 Method of computing child care payment. Section 17-798.2-14,

Hawaii Administrative Rules, is amended to read as follows:

"§17-798.2-14 Method of computing child care payment.

(a) The following will be used to compute the child care payment:

- (1) Monthly gross income;
- (2) The caretaker's hours of activity, except for individuals identified in sections 17-798.2-9(b)(2)(G) [~~and~~], (J), and (L)[÷];



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



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

- (3) Comparing the child care allowance determined by subparagraphs (b)(1) and (2) and the actual child care cost, and choosing the lesser amount.
- (4) Determining the family unit's co-payment (conversely, the percentage of the department's maximum rate allowable) based on the family unit's monthly gross income, and using the co-payment rates established in Exhibit III, dated October 1, 2009, attached at the end of this chapter.
- (5) Subtracting the family unit's co-payment from the amount determined in subparagraph (b)(3).
- (c) The family unit shall be responsible for any child care costs in excess of the maximum child care rates specified in section 17-798.2-12.
- (d) The family unit shall be responsible to pay its share of the childcare cost directly to the provider.
- (e) The department shall project the family unit's eligibility and monthly payments prospectively for the eligibility period.
  - (1) The initial payment shall be calculated from the date of eligibility to the end of the month, which may be for less than a full month, and shall be considered the first month of the eligibility period.
  - (2) When changes are reported during the eligibility period, the monthly payments shall be prospectively calculated for the remainder of the eligibility period."

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

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

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

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

- (B) Family units that receive child protective services~~[-]~~; or
  - (C) Family units that are impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or natural disaster, or public health pandemic situation.
- (2) Address changes, including:
    - (A) Place of residence; and
    - (B) Mailing address;
  - (3) Household composition;
  - (4) Marital status;
  - (5) Child care provider;
  - (6) Cost of care;
  - (7) Child care type;
  - (8) Loss of activity,
    - (A) Except for family units that receive only Preschool Open Doors services; ~~[or]~~
    - (B) Except for family units that receive child protective services; ~~[and]~~ or
    - (C) Except for family units that are impacted by any federal-, state-, or county-declared emergency proclamation related to a man-made or natural disaster, or public health pandemic situation; and
  - (9) Closure of the child protective services case.
- (b) Changes may be reported in writing, in person, or by telephone, and shall be supported by verifying documentation.
  - (c) When changes are reported pursuant to this section, the department shall take action on the reported changes and calculate payments for the balance of the eligibility period, after timely and adequate notice.
- (1) Changes that are reported within ten calendar days of the occurrence shall be implemented in the first month following the month in which the change was reported;
  - (2) Changes that are reported after ten calendar days of the occurrence, that result in a higher payment, shall be implemented in the second month following the month in which the change was reported; and
  - (3) Changes that are reported that result in a lower payment shall be implemented in the first month following the month in which the change was reported, and the department shall recover any overpayments from the date of the occurrence."

Rules Relating to Notaries Public

§1 Purpose and authority

§2 Social distancing

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

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

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

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

- (1) The notary public shall have personal knowledge of the signer or obtain satisfactory evidence of the identity of the signer by requiring presentation of a current government-issued identification card or document that contains the signer's photograph and signature to the notary public during the video conference. Transmittal of the signer's identification for purposes of verification to the notary public prior to or after the video conference shall not satisfy this condition;
- (2) The notary public shall confirm via observation during the video conference that the signer appears to be aware of significance of the transaction requiring a notarial act and is willing to perform such a transaction;
- (3) The video conferencing shall allow for direct interaction between the person and the notary public and shall not be pre-recorded;

- (4) The notary public shall confirm as is reasonably possible that the signer is physically situated in this State;
- (5) The notary public shall create an audio-visual recording of the performance of the notarial act, which shall be kept as part of the notary public's record and stored as an unsecured audio-visual recording or on a secured external digital storage such as a flash drive, DVD, or external hard drive;
- (6) The notary public shall deposit with the office of the attorney general the external digital storage and the notarial record books within ninety days of the notary public's date of the resignation, expiration of any term of office as a notary, or removal from or abandonment of office as a notary. The notary public's representative shall provide the same upon the notary public's death;
- (7) The notary public shall obtain the signed document that requires notarization by fax or electronic format on the same date it was signed;
- (8) The notary public may notarize the transmitted copy of the document and transmit the same back to the signer;
- (9) The notary public shall add a statement to the notarized document as follows: *"This notarial act involved the use of communication technology enabled by emergency order"*;
- (10) The notary public shall enter in the record book that the notarial act was performed pursuant to Executive Order 20-02; and
- (11) The notary public may repeat notarization of the original signed document as of the date of execution provided the notary public receives such original signed document together with the electronically notarized copy within 60 days after the date of execution.

# State Roadmap to Recovery and Resilience

*Healing Hawai'i*  
Phase 1: Stabilization

*Kama'āina*  
Economy  
Phase 2:  
Reopening

*Renew &  
Rebuild*  
Phase 3:  
Long-term Recovery

*Stronger Hawai'i*  
Phase 4:  
Resilience



STAY AT HOME  
(Major Disruption)

SAFER AT HOME  
(Moderate Disruption)

ACT WITH CARE  
(Minor Disruption)

RECOVERY  
(Minimal Disruption)

NEW NORMAL  
(No Disruption)

**Impact Levels** informed by  
health, economic, and community-based indicators



Impact level may vary by County

# State Reopening Strategy for Businesses and Operations **EXHIBIT G**

(Strategy will be implemented by County and is subject to change)

<b><u>BUSINESSES &amp; OPERATIONS</u></b>	<b>STAY AT HOME (Major Disruption)</b>	<b>SAFER AT HOME (Moderate Disruption)</b>	<b>ACT WITH CARE (Minor Disruption)</b>	<b>RECOVERY (Minimal Disruption)</b>	<b>NEW NORMAL (No Disruption)</b>
Accommodations					
Agriculture, non-food					
Auto dealerships, car washes					
Childcare					
Education facilities (K-12, higher)					
Healthcare, social assistance, government					
Indoor gathering places, including places of worship					
Indoor exercise facilities, including gyms and fitness centers					
Large venues, bars, clubs					
Manufacturing, construction					
Museums, theaters					
Office settings					
Outdoor spaces					
Personal services					
Restaurants					
Retail & Repair					
Shopping malls					



Closed



Essential only with physical distancing and Safe Practices



Open with physical distancing and Safe Practices



Open with adjusted Safe Practices



Fully open with adjusted Safe Practices

**In all cases, businesses and operations must follow applicable CDC, industry and regulatory guidelines related to COVID-19 prior to opening.**

## Sunshine Law and UIPA

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

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

If a board holds a meeting:

- Notice of meetings must be electronically posted and electronically provided to notification lists consistent with section 92-7; however, posting at the site of the meeting or at a centralized location in a public building is not required.
- Board packets, consistent with Section 92-7.5, must be electronically posted as soon as practicable under current conditions.
- Boards must accept written testimony from the public.
- Boards must comply with the requirements to keep and electronically post meeting minutes consistent with Section 92-9.
- The quorum requirements in Section 92-15 must be met for all meetings.

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

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

Boards are encouraged to consider the following guidelines:

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

- At the start of all meetings, the presiding officer should announce the names of the participating members.
- For audio-only teleconferencing, each speaker should repeat their name before making remarks.
- Votes should be conducted by roll call so that it is clear how each board member voted.
- To preserve the executive nature of any portion of a meeting closed to the public, the presiding officer should confirm with staff that no unauthorized person is present and has access to the executive session.
- When resources exist to readily do so, boards should record meetings and make the recordings electronically available to the public as soon as practicable after a meeting.

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

Chapter 92F, HRS, **uniform information practices act**, and Chapters 71 and 73, Title 2 of the Hawaii Administrative Rules, are suspended to the extent they contain any deadlines for agencies, including deadlines for the OIP, relating to requests for government records and/or complaints to OIP. As resources permit, agencies are encouraged to respond to requests for government records (UIPA Requests). To balance the needs of the public with the resources available to government agencies during the COVID-19 crisis, agencies must comply with the following minimum requirements:

- Agencies must acknowledge receipt of UIPA Requests. If a request is not acknowledged, the requester may ask the Office of Information Practices to verify that the agency received the UIPA Request.
- Agencies must retain UIPA Requests and may not destroy requested records while a UIPA Request is pending.
- As resources permit, agencies shall in good faith:
  - respond to UIPA Requests for information that do not require redaction or substantial review of records without substantial delay; and
  - prioritize responding to UIPA Requests made in the public interest where the requestor has the primary intent and actual ability to widely disseminate the requested information to the general public.



- Requests for government records not answered during the emergency relief period must be answered in a reasonable period of time when the suspension of laws is lifted.

RULES RELATING TO  
SAFETY GUIDELINES FOR  
BARBERS AND BEAUTY  
OPERATORS

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

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

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

§3 Definitions.

"Department" means Department of Commerce and Consumer Affairs.

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

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

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

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

"State" means the State of Hawaii.

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

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

favorable to health and comfort.

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

- (1) No person shall operate a shop in connection with any other business or dwelling unless there is a partition from the floor to the ceiling, separating the shop from such other business or dwelling. Nothing here shall prohibit the sale of tobacco, newspapers, or shoe shining in shops.
  - (2) No shop shall be used as a living, cooking, or sleeping facility, nor shall any such facility adjoining a shop have a direct opening into such shop.
  - (3) Articles of food and beverages, except water, shall not be sold, kept for sale, or stored in any shop, and shops shall be separated by a tight partition or separate entry from any place where articles of food and beverages are sold, kept for sale, or stored.
  - (4) The walls, floors, ceilings, furniture and fixtures, and all other parts and surfaces of every shop shall be kept clean at all times.
  - (5) Every shop shall be kept in good repair, and shall be properly and adequately lighted and ventilated.
  - (6) Every shop shall be provided with adequate sanitary facilities, including toilets, hot and cold running water, and sinks or wash basins. Plumbing shall comply with the applicable county plumbing code. Toilets shall be located in suitably and properly ventilated toilet rooms with self-closing doors.
- (b) Sanitary practice requirements.
- (1) No operator shall use in any shop any astringent in lump or styptic pencil form, sponge, lump alum, powder puff, neck duster, shaving brush, or shaving mug on a customer.
  - (2) No operator shall stop the flow of blood by using alum or other material unless applied in liquid form or in powdered form applied with a clean towel.
  - (3) No operator shall use razors, shears, scissors, clippers, tweezers, finger bowls, or combs, or

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

- (4) No operator shall remove or attempt to remove any wart, mole, pimple, ingrown hair, or undertake any like treatment unless properly trained in medical science. Cleaning of ears is prohibited.
- (5) Every operator shall wash his or her hands thoroughly with soap and hot water and dry his or her hands with sanitary towels or hand drying devices immediately before attending any person, and shall wear at all times a clean uniform or outer coat or apron.
- (6) Towels or other fabrics that come in contact with the skin or hair of a customer shall not be used on more than one customer without being laundered in an acceptable manner or subjected to a sterilizing process approved by the Center for Disease Control and Prevention before again being used on a customer.
- (7) Prior to serving any customer, the headrest of any chair to be used by said customer shall be properly disinfected and covered with a clean towel or a clean sheet of paper.
- (8) All towels and other linens used in any shop shall be kept in a closed cabinet at all times when not in use.
- (9) All creams, tonics, cosmetics, and other applications used for customers shall be kept in clean closed containers.
- (10) A clean strip of cotton, towel, or paper band shall be placed around the neck of each customer served, so that at no time will hair, cloth, or cape come in contact with the neck or skin on the

customer.

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

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

(a) Preopening safety protocols.

- (1) Thoroughly clean and disinfect all fixtures, furnishings, equipment, doorways, work stations, and restrooms. Check and replace various filters such as heating, ventilation, air conditioning, and hair dryers. Disinfectants shall be EPA-registered and labeled as bactericidal, virucidal and fungicidal.
- (2) Evaluate the layout and arrange seats at least six feet apart. Consider adding spacing between booths, shampoo sinks, divider shields, sneeze shields, and/or alternative work schedules to accomplish this. Consider using the front and rear doorways to establish one-way traffic through the shop. Remove items such as candy dishes, self-serve coffee, product samples, magazines, and paper reading products from the common area.
- (3) Have hand sanitizer available for all employees and clients.
- (4) Take inventory of personal protective equipment (PPE), cleaning products, and EPA-registered disinfecting products, and order supplies, if necessary.
- (5) Establish new policies requiring employees to wear a face covering as described and recommended by the CDC at all times when in the shop, except while eating or drinking in a break room. Salons may consider providing face coverings to clients. Clients should wear a face covering as described and recommended by the CDC to the extent possible while receiving services.
- (6) Establish new schedules of employees and appointment policies to minimize the risk of overcrowding inside the shop. There should be no more than ten people in the shop at any time

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

- (7) Shop owners shall provide training, educational materials, and reinforcement on proper sanitation, hand-washing, cough and sneeze etiquette, and shall ensure that breakrooms are thoroughly cleaned and sanitized and not used for congregating by employees.
- (b) Ongoing Safety Considerations After Opening
  - (1) Consider seeing clients by appointment only. Limit the number of persons in the waiting area of the shop. It is recommended that clients wait outside the shop until the operator is ready to serve them.
  - (2) The use of a face covering as described and recommended by the CDC is mandatory for all employees at all times while in the shop. Placing a clean towel over the face of the client while at the sink is a good way to protect their mouth, nose and eyes. Minimize to the greatest degree possible, up-close, direct face-to-face contact with clients.
  - (3) Before and after each client, require staff to wash hands with soap and water for at least 20 seconds; properly clean and disinfect all workstations, shampoo, manicure and pedicure bowls, implements, and tools; ensure single use and porous items, such as disposable capes or cardboard nail files, are new; and follow manufacturer's requirements for product use, formulations, and/or disposal. Consider placing paper drapes or laundered towels on chairs.
  - (4) Employees should frequently wash their hands after using the phones, computer, cash register or credit card machine. Wipe all surfaces between each use.
  - (5) Advise employees and clients to stay at home if they are not feeling well. Consider pre-screening clients and ask if they have traveled outside the county or experienced any COVID-19 symptoms in the past 14 days. Decline services

for any client that answers yes.

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

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

# Exhibit 8



## **STATEMENTS OF PLAINTIFFS IN SUPPORT OF COMPLAINT**

### **1. Christina Cole, 43, Lihue, Kauai:**

I have had situational anxiety this past year, which I have had treatment for by my doctor and counsellor. When the shutdown occurred, being forced to wear a mask, forced to be home by 9pm or risk going to jail, and being unable to fly home to see, comfort and be comforted by my family on the mainland (I still cannot go because of the 14 days quarantine upon return), has caused a sharp increase in my anxiety levels.

I was unable to see my counsellor for 2 months, and now do not have the money to do so anyway, due to my husband's loss of wages from being told he and his company were not allowed to work for that period of time. I have been home, off of work the past 2 months, due to a hernia which occurred at work 2 weeks after the shutdown, and due to the lockdown have until this week, been waiting and waiting to be given a surgery date. I wanted to get it done on the mainland where my parents live, but once again, the lockdown and 14-day quarantine necessitated that I wait here on Kauai and get it done here.

The social isolation has also taken a toll on me and cannot be discounted. There are several friends who are still sequestering themselves away, as they are being told to do by our governor, and the lack of human touch and compassion that I generally give and receive as often as I wish, I have had to do without.

I am more depressed and anxious, I feel isolated and distanced from others, and a very real strain on my marriage has also been caused by the restrictions, rules, social distancing, etc. The public fear against other human beings, our fellow community members and shaming of those who decide to leave their houses is also something I have encountered many times since the lockdown.

**2. Misty Cluett, 43, Eric Cluett, 46, Kalaheo, HI:**

We (Eric & Misty) and our 5-year-old son visited Texas from January 16th to April 3rd to help Misty's sister remodel her home. We originally planned to return home on a direct flight from Dallas to Lihue on April 4. The national restrictions caused American Airlines to cancel our flight. We had to reschedule, go a much longer and more expensive trip (about \$1,000 more) on April 3, and arrived at HNL first. There we were questioned and had fill out a detailed questionnaire, and advised of the 14-day quarantine. When we went to check in to the next leg of our same flight home to LIH, we had to fill out another questionnaire and told again about the 14-day quarantine upon our arrival.

The 14-day quarantine itself was a severe inconvenience, interfering with nearly every aspect of our lives.

Our daughter lives in South Korea, but with all of the travel restrictions and quarantine, it will be difficult if not impossible for her to visit us. Due to the statewide shutdown by the Governor's order, we have lost at least \$70,000 in revenue to our family owned business. Due to restrictions on schools and freedom of movement, we have to home school our 5-year-old son next year.

**3. Diana Lomma, 72, Waikoloa, HI:**

When I needed emergency surgery, the EMT forcefully put a mask on my face and I told him I couldn't breathe. He insisted I wear the mask instead of giving me oxygen. I was so sick from oxygen deprivation it made me vomit. It was extremely stressful. He ridiculed me for not wanting to wear the mask.

When the beaches were closed, I was unable to go get my usual physical therapy. I have scoliosis and need ocean exercise as ordered by my doctor and had DLNR yell at me to get out of the ocean.

The continued demands to cover my face in public has caused me ongoing anxiety and stress. When I was in the hospital for surgery my daughter was not allowed to come see me at all while I was in there. It was a very scary situation and had no emotional support from my family. Disallowing comfort from family when in such a situation is absolutely cruel.

Not being able to enjoy the beach or go shopping without fear of harassment has led to constant anxiety and depression. The continuation of these orders in the

absence of any proof of an “emergency” has led me to a place of complete hopelessness for a future of freedom in our society. Not being allowed to travel without being subjected to testing and/or isolation is causing incredible worry. I want to travel to see family on other islands and the mainland, but if the travel restrictions are not lifted, I will be subjected to torture if I want to see my family - by way of forceful testing, forceful isolation and possibly being detained at the airport.

Watching my children and grandchildren suffer emotionally and financially for years to come as a result of the economic collapse is painful. The continued push towards dehumanizing the population by encouraging separation and a life where everything is done online is the cause of incredible anxiety and depression. The lasting effects of this trauma can never be reversed. The emotional scars will be with me for life.

**4. David R. Hamman, 60, Randi Hamman, 67, Princeville, HI:**

We have lost most or nearly all of our income from business and work. Losses amount to \$25,000 per month. Our son-in-law, who works in our business, may have to quit and move away to survive, taking our daughter and grandchildren. Two of our daughters who worked for us are now unemployed. The shutdown of business activity, and the restrictions on travel even on the island, have caused huge financial and emotional harm to us and our family.

**5. Janet Eisenbach, 62, Kilauea, HI:**

Because of the travel restrictions and quarantine requirements, visitors to the island have quit coming. I am unable to run my vacation rental in Princeville. I have lost all my bookings for March, April, May and June but still have to pay all the expenses to keep it running. The losses amount to over \$30,000 in bookings for my vacation rental business and approximately \$6,000 income from my part time job as a vendor at Hanalei Farmer's Market.

The culture of suspicion and fear, brought by the Governor's order including the travel restrictions and the quarantines, led to me being hassled in stores for not wearing masks. In addition, I am not able to shop at stores, or use the library, attend group classes, take my grandchildren to the park, use the beach (while it was closed), or swim in the pool because it was closed.

I'm quite anxious about losing my condo, valued at \$400,000, if I cannot continue to make the payments without an income. I'm very sad about not seeing some of my grandchildren because their parents are fearful.

Due to travel restrictions and quarantine requirements, I will not be seeing 13 family members from the mainland that were booked to come in June and July. My children and grandchildren will be denied the chance to visit with aunts, uncles and cousins whom they only get to see every couple of years. Our family has been saving and planning this trip for over a year.

**6. Levana Lomma Keikaika, 42, Kapa'a, HI:**

Not only did I lose work because our salon was forced to close, resulting in \$6,000 in lost wages, I also wound up draining my savings just to survive since I was unable to gain access to the unemployment benefits I was entitled to.

My physical and mental health has suffered due to the fact that my usual routine at the athletic club and as a member of our local roller derby team was taken from me. Not being allowed to enjoy the beach resulted in depression.

The inability to go out in public without a mask has led me to complete isolation out of fear of harassment. The psychological effects of this forced isolation has resulted in permanent trauma. Every day I suffer with panic attacks over the fear of dealing with people that view me as a terrorist just for standing up for my right to breathe. Even as salons reopen, I've not been able to go back to work being that I can't find a salon that will allow me to work without a mask.

Because of the Governor's orders, I have been unable to visit family on the mainland because I would have to be forced to isolate for 14 days upon return. Governor's orders put an end to my AA meetings and has caused grief and anxiety over the possibility of relapse due to being cut off from what I view as my "medicine" to keep me sober.

Widespread fear, worry, anxiety and depression has become prevalent among many of my friends and family members. This suffering in others has a

direct impact on my mental health and has led to severe depression and even suicidal thoughts.

I'm in constant fear of possibly losing my home and my car because I have no idea how I'm going to earn a living under these conditions. I cannot wear a mask. It causes difficulty breathing, which makes me exempt according to the CDC, but most businesses/employers refuse to honor this exemption.

Not being free to travel, to shop without harassment and engage in my usual exercise routines has resulted in severe anxiety, depression and hopelessness, even to the point of having suicidal thoughts.

The Governor's orders have caused me loss of participation as a member of the roller derby team, lost time with friends and family members due to restrictions, especially on travel. Plans to travel out of country may never come true now due to the restrictions and requirements of the Governor's orders.

Every day I am at the edge of complete emotional breakdown. The loss of interaction with other human beings has led to serious depression. If the mask mandate is not lifted and I'm unable to participate in society without being harassed and/or forced to breathe my own CO<sub>2</sub> not only will this contribute to a decline in physical health, my emotional well-being will crumble. I cannot go on living in this world if it's going to be this way.

**7. Michael Miller, Kapaa, Kauai:**

I am a small, visitor-centered business who is the owner of 5 magazines/web sites in Hawaii, on Kauai, Maui and the Big Island. As of March 15th 2020, we have drastically lost financial income revenue from our advertisers, who do not have any business due to the Govt. shutdown and non-legitimized, not fully researched visitor quarantine. I estimate for our business, during the 3 months of mid-March till mid-June, we have lost about \$350,000.00 in income from our advertisers. A closer estimate of revenue loss, will take me some time to calculate, which I can do if needed. This denies my right and all of or most of our approx. 200 business owner clients, the right to have a legal, tax paying, and beneficial business to the visitors as our advertising clients do, in the County of Kauai, Maui and The Big Island.

I am now having to consider laying off our three employees and two independent contractors, once the Pay Protection Plan we received runs out, at the end of June. To have to lay off thousands of visitor industry employees, is a real hardship to them and some of us business owners. I can see how the Governor's orders, including the travel restrictions and the quarantines, have negatively affected our fellow citizens' rights and liberty, as well as their physical and psychological well-being.



It appears the Hawaii Gov. is attempting to bankrupt the State, whereas drastically reduced tax will be generated, with little or no visitor revenue will be coming in, from the biggest industry in Hawaii, tourism. We have operated our successful publishing business since 2004, which was a successful and thriving company, which now is valueless. It will take months, perhaps years, of operating to even approach where we were in income before March 15, 2020.

**8. Lawrence K. Paille, 65, Kapaa, HI:**

The governor's third proclamation dated March 23, 2020, shut down the majority of my business by declaring it "non-essential". My business services are driving tours, guided hiking tours, accounting/bookkeeping services, and technical (computer) services. The driving tours, hiking tours, and computer services have been totally shut down; accounting services has also been reduced since most businesses I work with are being negatively affected. As you can see, a lot of my livelihood depended upon visitors to the island and the freedom to venture outside of their location to participate in the outdoor travel experiences. I am losing hundreds and possibly thousands of dollars per month, all told. If the economic destruction continues into the following year, I could be facing homelessness as my financial reserves become depleted.

The governor's fifth proclamation closed the beaches to sunbathing effective on April 17, thus, injuring my health by preventing healthy sun

exposure. I have experienced suicidal thoughts and hopelessness due to the Governor's orders, including the travel restrictions and quarantines. I am generally living in a permanent state of stress and depression, with the occasional suicidal thoughts. The only time I find peace is when I am hiking in the forest, swimming under a waterfall, or enjoying the beach and ocean. I have not been able to just sit on the beach or enjoy a sunrise or moonrise. Why was sitting on the beach with nobody else around made illegal?