OFFICE OF THE GOVERNOR
STATE OF HAWAI'I

# TWENTY-EIGHTH PROCLAMATION RELATING TO WILDFIRES

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, Josh Green, M.D., Governor of the State of Hawai'i, hereby proclaim as follows:

**WHEREAS**, on August 8, 2023, the first Proclamation Relating to Wildfires was issued declaring a state of emergency to exist in the counties of Maui and Hawai'i;

**WHEREAS**, on August 9, 2023, after wildfires spread considerably and burned a number of structures in and around Lāhainā, the Second Proclamation Relating to Wildfires was issued, extending the emergency declaration to the entire State;

**WHEREAS**, since August 9, 2023, twenty-five additional proclamations relating to wildfires have been issued, including the most recent Twenty-Seventh Proclamation Relating to Wildfires issued on November 7, 2025;

**WHEREAS**, these fires burned thousands of acres, cut off communications, and forced closure of roads and schools, and evacuations in the Kohala Ranch and Kula areas;

**WHEREAS**, the fires caused significant loss of life and property in Maui County, thousands of people are without adequate housing, and the town of Lāhainā has been destroyed;

**WHEREAS**, on October 30, 2023, a wildfire ignited in the Mililani Mauka area of Oahu which required considerable county, state, and federal resources to combat;

**WHEREAS**, on July 10, 2024, a new wildfire ignited in upcountry Maui in the vicinity of Crater Road that has burnt approximately 500 acres, requiring additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, on July 11, 2024, two wildfires ignited in west Kauai, requiring additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, on July 15, 2024, a new wildfire ignited in the Hanapepe area on Kauai and spread rapidly, requiring additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, on the evening of July 18, 2024, another wildfire ignited on the Island of Kauai near Kokee Road and has spread in the direction of Waimea, requiring additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, on the morning of June 15, 2025, another wildfire ignited and spread in the Kahikinui area on the Island of Maui, causing evacuations and threatening homes;

**WHEREAS**, on July 6, 2025, a major wildfire ignited in the Maili area of West Oahu, requiring evacuation of hundreds of homes in the area. This fire required additional government resources to protect public health and safety, property, and natural resources;

**WHEREAS**, conditions such as drought continue to exist statewide that contribute to the risk of additional wildfires in all counties. Considerable government resources are required to mitigate these risks and to contain such wildfires as they ignite to protect the life, health, and safety of the public;

**WHEREAS**, it is necessary to continue recovery and mitigation efforts by federal, state, and county agencies, including ensuring adequate health services, shelter, and housing for survivors, as well as to mitigate conditions contributing to wildfire risks;

**WHEREAS**, it is necessary to supplement the twenty-seventh proclamation to ensure a continued and effective statewide response to the wildfire emergency, including the August 2023 Lāhainā wildfire;

**WHEREAS**, under sections 127A-14 and 127A-16, Hawaii Revised Statutes (HRS), 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, HRS, including expending funds;

**WHEREAS**, section 127A-9, HRS, provides immunity from civil liability for certain entities and individuals while engaging in emergency management functions, including volunteers whose services are accepted by authorized persons, except in cases of wilful

misconduct, gross negligence, or recklessness; and

**NOW, THEREFORE**, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, HRS, is occurring in the State of Hawai'i, and to continue response, recovery, and mitigation efforts, authorize and invoke the following emergency provisions, if not already in effect upon this declaration of an emergency:

## I. Invocation of Laws

Sections 127A-12 and 127A-13, HRS, for county and State agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, HRS, as a result of and in response to this event.

Section 127A-13(a)(1), HRS, and determine that disaster-generated debris on private property in impacted areas constitutes an immediate threat to life, public health, and safety, and to the economic recovery of the community at large.

Sections 127A-13(a)(8), 127A-25, and 127A-29, HRS. I hereby order that making any unsolicited offer to an owner of real property located in the areas encompassed by United States Postal ZIP codes 96761, 96767, and 96790 on the island of Maui to purchase or otherwise acquire any interest in the real property is prohibited. I further prescribe and adopt this order as a rule having the force and effect of law under section 127A-25. Any person who intentionally, knowingly, or recklessly makes an unsolicited offer to an owner of real property located in in the areas encompassed by United States Postal ZIP codes 96761, 96767, and 96790 on the island of Maui to purchase or otherwise acquire any interest in the real property shall be guilty of a misdemeanor and upon conviction, the person shall be fined no more than $5,000, imprisoned no more than one year, or both. The foregoing notwithstanding, it shall be an affirmative defense to prosecution if the property owner to whom the offer was made was not impacted by this wildfire emergency. For purposes of this order, "person" means any individual, partnership, corporation, limited liability company, association, or other group or entity, however organized. "Unsolicited" means not asked for or requested.

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

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

Section 127A-30, HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**. For the island of Maui only, I hereby invoke, effective for the entire duration of this Twenty-Eighth Proclamation Relating to Wildfires, section 127A-30(a)(1), HRS, the prohibition against price increases only for the essential commodity of rentals of residential dwellings. Prices for this essential commodity may not exceed regular prices that were in effect as of August 9, 2023, when Section 127A-30 was invoked in the Second Proclamation Relating to Wildfires, unless authorized by law or this Proclamation. Any additional operating expenses incurred by the landlord, and which can be documented, may be passed on to the tenant. If rent increases are contained in a written instrument that was signed by the tenant before August 9, 2023, the increases may take place under the written instrument. Provided, however, that affordable and workforce housing projects contain limited income housing units that are bound by Federal, State, and County regulatory agreements that ensure the continued affordability of the housing units by allowing reasonable tenancy terms and rental increases while protecting income limited tenants from being "priced" out of their units. Rent adjustments per the established regulatory agreements can balance affordability for residents with the operational and maintenance costs incurred. Rental income from market rate units within the projects is necessary to off-set the cost of limited income affordable units and keep the projects economically viable. This paragraph shall therefore not apply to housing projects where all the units are owned by the same entity and are: (1) subject to a regulatory agreement under chapter 201H, HRS, or chapters 2.96 or 2.97 of the Maui County Code; and (2) the regulatory agreement subjects units to governmental regulations relating to rent increases; notwithstanding that these housing projects may contain market rate units.

Sections 127A-13(a)(8) and 127A-25, HRS. I hereby order that any tenancy between a hotel, motel, or condominium operated as a hotel or motel on the island of

Maui and a person displaced by this wildfire emergency shall not be deemed to create a landlord tenant relationship, nor convert the dwelling unit of the tenancy into a residential dwelling unit, under section 127A-30, chapter 521, and chapter 666, HRS, unless specified otherwise in such tenancy agreement. I further prescribe and adopt this order as a rule having the force and effect of law under section 127A-25, HRS.

Section 201B-9, HRS. Upon the request of the Board of the Hawai'i Tourism Authority, I hereby declare that a tourism emergency exists in the State. I further authorize the Hawai'i Tourism Authority, in coordination with the Department of Budget and Finance, to use monies in the Tourism Emergency Special Fund to respond to the emergency and provide relief under section 201B-10, HRS.

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

## II. Suspension of Laws

I suspend the following specific provisions of law under section 127A-13(a)(3) to the extent that the law impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by this chapter specifically are made applicable to emergency personnel:

Chapter 6E, HRS, **historic preservation**, only to the extent necessary to: (1) allow for emergency demolition, removal, and disposal of wildfire-generated debris; (2) reconstruction of harbor infrastructure and facilities within State Small Boat Harbors in areas impacted by the wildfire disaster; and (3) allow for the construction or erection of temporary housing for use by displaced victims of the Lāhainā wildfires, provided that construction or erection of temporary housing may commence after consultation with, and upon the approval of, the State Historic Preservation Division. Any work performed under this limited suspension shall be subject to cultural, historic, and archaeological monitoring as appropriate. I also order State agencies and personnel, to the extent allowed by law and in consultation with the State Historic Preservation Division, to protect and preserve items of historic or cultural significance to the town and historic character of Lāhainā regardless of age, including but not limited to, business signs and other landmarks.

Section 37-41, HRS, **appropriations to revert to state treasury; exceptions**, to the extent that appropriations lapse at the end of the fiscal year before completion of the emergency actions.

Section 37-74(d), HRS, **program execution**, except for sub-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, to the extent that legislative authorization would likely delay appropriation transfers or changes between programs to provide necessary funding to complete the emergency actions.

Section 37-77, HRS, **claims for legislative relief**, and section 662-11, HRS, **compromise**, only to the extent necessary to allow the Attorney General to settle claims presented for payment from the One Ohana Bank Trust Account.

Section 40-66, HRS, **lapsing of appropriations**, to the extent that the timing of the procurement of the construction of the emergency permanent repairs may occur the fiscal year following the original emergency proclamation.

Chapter 46, HRS, **county organization and administration, provisions applicable to all counties, general provisions**, to the extent necessary to respond to the emergency.

Chapter 76, HRS, **civil service law**, to the extent necessary to respond to the emergency.

Chapter 89, HRS, **collective bargaining in public employment,** to the extent that compliance with this chapter is detrimental to the expeditious and efficient execution of employment actions relating to the emergency.

Chapter 89C, HRS, **public officers and employees excluded from collective bargaining,** to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Chapter 91, HRS, **administrative procedure**, to the extent necessary for the expeditious provision of interim housing, housing assistance programs, transportation, relocation assistance, supportive services or programs.

Chapter 92, HRS, **public agency meetings and records**, as follows: section 92-3.7(a), to suspend the physical location requirement for Maui-based boards; section

92-15, for boards with Maui-based members, to suspend the quorum requirements, and to the extent the absence of Maui-based members would prevent a board from meeting them, the voting requirements under section 92-4(a) (executive meetings); section 92-9(b), for Maui-based boards, to suspend the deadline for posting minutes; and section 92-3.1(a), for limited meetings of any board related to the emergency, suspend the requirement for the board's vote and concurrence by the Office of Information Practices.

Section 94-4, HRS, **certificate to same**, and section 3-20-9, HAR, **fees for services**, to the extent necessary to waive fees for copying, certifying, and other services provided by the State Archives Division to victims of the wildfires, provided that: (1) persons requesting services shall provide documentation of State or Federal assistance received or being processed due to the wildfire emergency (i.e., FEMA Disaster assistance ID number, receipts and/or declaration of loss of property, Lāhainā residency, etc.); (2) the services relate to those records needed to show evidence of identity, property, and individual rights that are available at the Public Archives and which the Archives Division would ordinarily be responsible for providing copies of; (3) requestors shall provide exact citations or references regarding the requested records; and (4) processing of requests is on a "first-come-first serve" basis, but priority will be given to those in immediate need to help establish identity.

Section 103-2, HRS, **general fund**, to the extent that compliance results in any additional delays.

Section 103-50(e), **building design to consider needs of persons with disabilities; review fees**, to waive the review fees for State Disaster Housing Projects supporting Lāhainā wildfire survivors.

Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments**, only to the extent necessary to waive the Internal Revenue Service (IRS) tax clearance requirement.

Section 103-55, HRS, **wages, hours, and working conditions of employees of contractors performing services**, to the extent that compliance results in any additional delays.

Chapter 103D, HRS, **Hawaii public procurement code**, to the extent that compliance results in any additional delays involved in meeting procurement

requirements for selecting contractors in a timely manner to respond to emergency situations.

Chapter 103F, HRS, **purchases of health and human services**, to the extent that compliance results in any additional delays involved in meeting procurement requirements for selecting contractors in a timely manner to respond to emergency situations.

Chapter 104, HRS, **wages and hours of employees on public works**, and implementing administrative rules, to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Sections 105-1 to 105-10, HRS, **use of government vehicles, limitations,** to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Section 127A-16(a)(2), HRS, **major disaster fund**, only to the extent necessary to suspend the $10,000,000 limit on expenditures for a single emergency or disaster.

Section 127A-25(c), HRS, **rules and orders**, to the extent the requirement to publish rules adopted under 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, HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**, except on the island of Maui as described in section I, above. The automatic, statewide invocation of this provision is not needed for this emergency.

Chapter 171, HRS, **public lands, management and disposition of**, to the extent necessary to respond to the emergency.

Chapter 180, HRS, **soil and water conservation districts**, to the extent necessary to respond to the emergency.

Chapter 180C, HRS, **soil erosion and sediment control**, to the extent necessary to respond to the emergency.

Chapter 183, HRS, **forest reserves, water development, zoning**, to the extent necessary to respond to the emergency.

Chapter 183C, HRS, **conservation district**, to the extent necessary to respond to the emergency.

Chapter 183D, HRS, **wildlife**, to the extent necessary to respond to the emergency.

Chapter 184, HRS, **state parks and recreation areas**, to the extent necessary to respond to the emergency.

Chapter 187A, HRS, **aquatic resources**, to the extent necessary to respond to the emergency.

Chapter 195, HRS, **natural area reserves system**, to the extent necessary to respond to the emergency.

Chapter 195D, HRS, **conservation of aquatic life, wildlife, and land plants**, to the extent necessary to respond to the emergency.

Section 200-10, HRS, **permits and fees for state small boat harbors; permit transfers**, to the extent necessary to respond to the emergency.

Chapter 205, HRS, **land use commission**, to the extent necessary to respond to the emergency.

Chapter 205A, HRS, **coastal zone management**, to the extent necessary to respond to the emergency, which includes repairs and reconstruction of structures affected by the Lahaina Wildfire and redevelopment of existing affordable housing projects affected by the Lahaina Wildfire located on State owned property or financed by State funds, subject to compliance with the Hawaii's coastal zone management program objectives, the West Maui Community Plan, and conditions of approval by the Maui County Planning Director to reduce substantial negative impacts on the Special Management Area. Further, that the Special Management Area and shoreline area regulations shall only be applied to parcels located makai of Front Street as determined by the Maui County Planning Director.

Section 281-32(a), HRS, **licenses, temporary**, to the extent necessary to allow licensees of premises that are no longer in operation due to the August 8, 2023 wildfires to transfer their operations to new premises within the County of Maui under temporary

licenses or permits, provided that the licensees and their operations were in compliance with these sections before August 8, 2023.

Chapter 269, HRS, **public utilities commission**, to the extent necessary to respond to the emergency during the emergency period.

Chapter 271, HRS, **motor carrier law**, to the extent necessary to respond to the emergency during the emergency period.

Chapter 271G, HRS, **Hawaii water carrier act**, to the extent necessary to respond to the emergency during the emergency period.

Chapter 302A, Part VI, Subpart B, **school impact fees**, to the extent necessary to waive the collection of all school impact fees for proposed dwelling units in the West Maui School Impact District designated by the Board of Education and to refund all school impact fees collected since August 8, 2023, in the West Maui School Impact District.

Section 321-11, HRS, **subjects of health rules, generally**, and title 11, chapter 22, Hawaii Administrative Rules (HAR), **mortuaries, cemeteries, embalmers, undertakers, and mortuary authorities**, only to the extent necessary to extend the time that a dead human body must be embalmed, cremated, or buried, on the island of Maui from within 30 hours after death to the later of: 30 days after death or 30 days after release from the custody of the coroner, medical examiner, county, or county physician.

Section 329-38(h)(1), HRS, **prescriptions**, to the extent necessary to waive the requirement that a prescription for controlled substances originate from within the State when prescribed to treat mental, behavioral, neurodevelopmental, or substance-related or addictive disorders.

Section 329-41(a)(8), HRS, **prohibited acts**, to the extent necessary to allow, subject to any federal regulation, a practitioner who is not physically located in the State to facilitate the issuance or distribution of a written prescription or to issue an oral prescription for a controlled substance for a patient, currently in State, who is directly affected by the wildfire emergency during the emergency period.

Section 329-32, HRS, **registration requirements**, to the extent necessary to allow an out-of-state physician or advanced practice registered nurse with a current and active license, and who holds a current United States Drug Enforcement Administration

(DEA) registration in at least one state, to administer, prescribe, dispense, or store a controlled substance, on the island of Maui without a current Hawaii controlled substance registration; provided that they have never had their professional vocational license or their authority to work with controlled substances 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. This suspension is contingent on the out-of-state physician or advanced practice registered nurse receiving federal authority from the DEA to administer, prescribe, dispense, or store a controlled substance in Hawaii beforehand and complying with any further instruction from the State Narcotics Enforcement Division (NED).

Chapter 342D, HRS, **water pollution**, and implementing rules including but not limited to HAR chapters 11-53, 11-54, 11-55, 11-56, and 11-62, to the extent necessary to respond to the emergency and conduct emergency management functions, provided that the suspension of these laws is applicable only to: (1) the discharges of water pollutants (making unnecessary the need to obtain National Pollutant Discharge Elimination System permits for industrial, construction and municipal related discharges, including stormwater discharges) or water quality certifications associated with (a) demolition, structural restoration and new construction performed by persons utilizing pollution and erosion control best management practices to minimize debris and sediment runoff and erosion, (b) design, construction, operation, maintenance, and closure of the West Maui Temporary Debris Storage Site and the Permanent Disposal Site, commonly referred to as the "Central Maui Landfill, Phase VII, Part 1" performed by persons utilizing pollution and erosion control best management practices to minimize debris and sediment runoff and erosion; and (2) the restoration and continued use of existing cesspools including the use of existing cesspools with the restoration of existing dwellings and the construction of new dwellings for the purpose of replacing that which was lost to fire, provided that such use also otherwise conforms with chapter 11-62, HAR, and the attached DOH Guidance documents, as may be amended or supplemented from time-to-time – "DEPARTMENT OF HEALTH, GUIDANCE FOR EXISTING CESSPOOL USE IN THE WAHIKULI HOUSELOTS SUBDIVISION, Effective March 19, 2024" and "DEPARTMENT OF HEALTH (DOH), GUIDANCE FOR

EXISTING CESSPOOL USE IN RESIDENTIAL KULA, MAUI, Effective October 18, 2024.

Chapter 342E, HRS, **non-point source pollution management and control**, to the extent necessary to support emergency management functions.

Chapter 342F, HRS, **noise pollution**, to the extent necessary to respond to the emergency.

Chapter 342H, HRS, **solid waste pollution**, and implementing rules including section 11-58.1, HAR, to allow for the collection, removal and transportation of fire-related debris from its various sources, wherever located, to the West Maui Temporary Debris Storage Site; for temporary storage of fire-related debris at the West Maui Temporary Debris Storage Site; for the operation, maintenance, and closure (removal and remediation) of the West Maui Temporary Debris Storage Site; for the transportation of the fire-related debris to the Permanent Disposal Site, commonly referred to as the "Central Maui Landfill, Phase VII, Part 1;" for the permanent landfilling of the fire-related debris at the Permanent Disposal Site; and for the design, construction, operation, maintenance, and final encapsulation of fire debris with closure cap of the Permanent Disposal Site and associated work, conditioned upon this closure consisting of a hydraulic separation of the fire debris from any other waste cell and the PDS design including appropriate leachate capture and removal. Notwithstanding anything contained in this paragraph, the suspension of laws contained in this proclamation relating to wildfires does not apply to either (1) the acceptance of non-fire-related debris or municipal solid waste at the Permanent Disposal Site; or (2) the expansion of the Permanent Disposal Site beyond the Central Maui Landfill, Phase VII, Part 1.

Chapter 343, HRS, **environmental impact statements**, to the extent necessary to respond to the emergency.

Section 412:3-503, HRS, **Opening or relocating principal office, branch, or agency**, and 16-25-10(b)(4), HAR, **Applications by Hawaii financial institutions**, to the extent necessary to waive the requirement that a Hawaii financial institution file an application, pay a fee, and obtain the Commissioner of Financial Institutions' prior approval before opening or relocating any branch or agency on the island of Maui.

Chapter 451J, **marriage and family therapists**, to the extent necessary to allow an out-of-state marriage and family therapists with a current and active license, or those previously licensed under Chapter 451J, HRS, but who are no longer current and active, to practice statewide without a Hawai'i 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 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 enable out-of-state marriage and family therapists with a current and active license, to engage in telehealth practices with Hawai'i patients without an in-person consultation or a prior existing provider-patient relationship, provided that they have never had their license revoked or suspended and are subject to the same conditions, limitations, or restrictions as in their home jurisdiction.

Chapter 453, HRS, **medicine and surgery**, and Chapters 16-85, HAR, **medical examiners**, to the extent necessary to allow out-of-state physicians, osteopathic physicians, emergency medical service personnel, and physician assistants with a current and active license, or those previously licensed under Chapter 453, HRS, but who are no longer current and active, to practice statewide without a Hawai'i license; provided that they have never had their license revoked or suspended and are hired by a State or county agency or facility, or 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 under 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 under Chapter 453, HRS, but who are no longer current and active, to engage in telehealth in Hawai'i without a license, in-person consultation, or prior existing physician-patient relationship, provided that they have never had their

license revoked or suspended and are subject to the same conditions, limitations, or restrictions as in their home jurisdiction.

Section 453D-5, HRS, **prohibited acts**, and 453D-7, HRS, **application for licensure as a mental health counselor**, to the extent necessary to allow out-of-state licensed mental health counselors with a current and active license, or those previously licensed under Chapter 453D, HRS, but are no longer current and active, to practice statewide without a Hawai'i 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 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 enable out-of-state mental health counselors to engage in telehealth practices with Hawai'i patients without an in-person consultation or a prior existing provider-patient relationship, provided that they have never had their license revoked or suspended and are subject to the same conditions, limitations, or restrictions as in their home jurisdiction.

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 advanced practice registered nurses with prescriptive authority with a current and active license, or those previously licensed under Chapter 457, HRS, but who are no longer current and active, to practice statewide without a Hawai'i 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 461-7, HRS, **temporary license**, section 461-8.5, HRS, **reciprocity**, section 16-95-18, HAR, **license or permit required**, section 16-95-22.5, HAR, **application and requirements for pharmacist license by reciprocity** and section 16-95-23, HAR, **temporary license**, to the extent necessary to allow out-of-state pharmacists to engage in the practice of pharmacy in the State and under this

emergency proclamation, provided that: 1) their license is not revoked or suspended by any jurisdiction in which they hold a license; and 2) they are working in a pharmacy, mobile pharmacy in the State that shares common ownership with at least one currently licensed pharmacy in good standing in the State.

Section 463-10.5, HRS, **guards; registration, instruction, training, testing, and continuing education required; renewal of registration**, to the extent necessary to allow out-of-state licensed guards with a current and active license, or those previously licensed under Chapter 463, HRS, but who are no longer current and active, to engage in the business of guarding statewide without a Hawai'i license; provided that they have never had their license revoked or suspended, have not been convicted of a felony within the last five years, and are hired by a Hawai'i licensed guard agency whose license is current, active, and in good standing.

Section 464-4, HRS, **public works required to be supervised by certain professionals**, to the extent necessary to respond to the emergency.

Chapter 465, HRS, **psychologists**, and Chapter 16-98, HAR, **psychologists**, to the extent necessary to allow out-of-state psychologists with a current and active license, or those previously licensed under Chapter 465, HRS, but who are no longer current and active, to practice statewide without a Hawai'i 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 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 enable out-of-state psychologists licensed to engage in telehealth practices with Hawai'i patients without an in-person consultation or a prior existing provider-patient relationship, provided that they have never had their license revoked or suspended and are subject to the same conditions, limitations, or restrictions as in their home jurisdiction.

Chapter 466D, **respiratory therapists**, to the extent necessary to allow an out-of-state respiratory therapist with a current and active license, or those previously licensed under Chapter 466D, HRS, but who are no longer current and active, to

practice statewide without a Hawai'i 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 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 under Chapter 466J, HRS, but who are no longer current and active, to practice statewide without a Hawai'i 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.

Section 467-7, HRS, **licenses required to act as real estate broker and salesperson,** as it applies to the management and operation, including rental, of State-owned temporary lodging for persons displaced by the Lāhainā wildfire and those assisting with the Lāhainā wildfire recovery.

Chapter 467E, **social workers**, to the extent necessary to allow an out-of-state clinical social worker with a current and active license, or those previously licensed under Chapter 467E, HRS, but who are no longer current and active, to practice statewide without a Hawai'i 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 467E-5, HRS, **license required**, and section 467E-13, HRS, **prohibited acts; penalties**, to the extent necessary to waive the licensure and accompanying requirements so as to enable out-of-state social workers to engage in telehealth practices with Hawai'i patients without an in-person consultation or a prior existing provider-patient relationship, provided that they have never had their license revoked or suspended and are subject to the same conditions, limitations, or restrictions as in their home jurisdiction.

Section 514B-112(c), HRS, **condominium community mutual obligations**, to the extent necessary to allow condominiums and condominium owners to house persons displaced by the wildfire emergency in excess of time limits contained in declarations, by-laws, and house rules.

Section 16-95-26(b)(1), HAR, **pharmacy permit**, to the extent necessary to reopen existing pharmacy locations in areas impacted by the wildfire emergency without a sink with hot and cold water and sewage outlet, provided that: 1) reasonable alternative sources for water and sanitation are established; and 2) all other requirements under section 16-95-26 are met.

Section 23-200-10, HAR, only to the extent necessary to (1) allow registrants whose principal place of business or professional practice is directly impacted by wildfire to relocate controlled substances to another healthcare facility so long as the registrant inventories the relocated substances, segregates the stock of controlled substances, and keeps the substances secure; and (2) allow licensed Hawai'i registrants who may respond to the emergency on the islands of Hawai'i or Maui from another island to prescribe, administer, dispense, or store a controlled substance without the need for a separate controlled substance registration. This suspension is conditioned on the registrant informing the State NED beforehand and complying with any further instruction from NED.

## III. Severability

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

## IV. Enforcement

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

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**I FURTHER DECLARE** that this proclamation supersedes all earlier proclamations relating to wildfires. The disaster emergency relief period shall commence immediately and continue through March 7, 2026, unless terminated or superseded by separate proclamation, whichever shall occur first. Following the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, amended, or continued by reason of the provisions of the proclamation relating to this emergency shall continue in full force and effect to the extent allowed by law.

Done this 6th day of January, 2026

JOSH GREEN, M.D.,
*Governor of Hawai'i*

APPROVED:

Anne E. Lopez

ANNE E. LOPEZ,
*Attorney General, State of Hawai'i*

RULES RELATING TO
IMMUNITIES FOR HEALTH CARE PRACTICES

§1 Purpose and Authority
§2 Definitions
§3 Health Care Response to Emergency
§4 Immunity of Health Care Facilities
§5 Immunity of Health Care Professionals
§6 Immunity of Health Care Volunteers
§7 Miscellaneous

§1 Purpose and Authority. These rules are adopted pursuant to section 127A-9, 12, 13, 25, 29, and 31, Hawaii Revised Statutes (HRS), to respond to this wildfire emergency and have the full force and effect of law. The following rules are necessary to enable the healthcare system in Hawai'i to continue to function at acceptable levels of service for patients during a time when health care professionals are in short supply.

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

"Health care facility" means any program, institution, site whether fixed or mobile, 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), 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 this wildfire emergency.

"Health care professional" means marriage and family therapists licensed pursuant to chapter 451J, physicians and surgeons and others licensed pursuant to chapter 453, mental health counselors licensed pursuant to chapter 453D, psychologists licensed pursuant to chapter 465, nurses licensed pursuant to chapter 457, respiratory therapists licensed pursuant to chapter 466D, radiographers, radiation therapists, and nuclear medicine technologists licensed pursuant to chapter 466J, social workers licensed pursuant to chapter 467E, and pharmacists licensed pursuant to

chapter 461 who:(i) are providing health care services at a health care facility in response to this wildfire emergency and are authorized to do so; or (ii) are working under the direction of the Hawai'i Emergency Management Agency (HIEMA) or Hawai'i Department of Health (HDOH) pursuant to any Governor's emergency proclamation or executive order related to this emergency (collectively, "emergency proclamations").

"Health care volunteer" means all volunteers or medical, nursing, social work, pharmacy, 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 wildfire emergency and are authorized to do so; or (ii) are working under the direction of HIEMA or HDOH pursuant to the Governor's emergency proclamations.

§3 Health Care Response to Wildfire Emergency. Health care facilities, health care professionals, and health care volunteers shall render assistance in support of the State's response to the wildfire emergency. 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 wildfire 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 in need of care because of the emergency. 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 wildfire emergency, or working under the direction of HIEMA or HDOH pursuant to the Governor's 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 wildfire emergency, or working under the direction of HIEMA or HDOH pursuant to the emergency proclamations.

§4 Immunity of Health Care Facilities. Health care facilities that in good faith comply completely with all

state and federal orders regarding this 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 rendering assistance to the State by providing health care services in response to the wildfire emergency, unless it is established that such death or injury to persons, or property damage was caused by willful misconduct, gross negligence, or recklessness of the health care facility.

§5 Immunity of Health Care Professionals. Health care professionals who in good faith comply completely with all state and federal orders regarding the wildfire 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 rendering assistance to the State by providing health care services in response to the wildfire emergency, unless it is established that such death or injury to persons, or property damage was caused by willful misconduct, gross negligence, or recklessness of the health care professional.

§6 Immunity of Health Care Volunteers. Any health care volunteer who in good faith complies completely with all state and federal orders regarding the wildfire 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 rendering assistance to the State by providing services, assistance, or support in response to the wildfire emergency, unless it is established that such death of or injury to persons, or property damage was caused by the willful misconduct, gross negligence, or recklessness of the health care volunteer.

§7 Miscellaneous. (a) Nothing in these rules shall be construed to preempt or limit any applicable immunity from civil liability available to any health care facility, health care professional, or health care volunteer.

(b) If any provision of these rules is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision, which can be given effect

without the invalid provision or application. To achieve this purpose, the provisions of this rule are declared to be severable.

(c) The provisions of these rules shall take effect nunc pro tunc to August 8, 2023, and shall remain in effect for the emergency period, unless terminated by separate proclamation, whichever shall occur first.