H.B. NO. 3153

A BILL FOR AN ACT

RELATING TO EPIDEMIOLOGIC INVESTIGATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 321-29, Hawaii Revised Statutes, is amended to read as follows:

"[~~[~~]**§321-29**[~~]~~] **Epidemiologic investigations.** (a) The department may conduct investigations to determine the nature and extent of diseases and injuries deemed by the department to threaten the public health and safety.

(b) Every person, health care provider, and medical facility shall provide the patient's name, the name of a minor patient's parent or guardian, address, telephone number, age, sex, race or ethnicity, clinical signs and symptoms, laboratory test results, diagnostic interview data, treatment provided, and the disposition of the patient when requested by an authorized representative of the director for the purpose of conducting such an investigation. The authorized representative may [~~only~~] view only the limited portion of the patient's medical record[, which] that is directly relevant in time and scope to the subject of the investigation.

(c) Every person, company, organization, association, health care provider, medical facility, or any other possible source of information shall provide names, addresses, telephone numbers, and locating information regarding an individual or group of individuals suspected of having been exposed to a disease or disease-causing substance that is the subject of an epidemiologic investigation when requested by an authorized representative of the director.

For the purposes of this subsection, "locating information" includes information contained in appointment, reservation, registration, invitation, attendance, billing, payment lists, or any other record that may help the department identify, locate, or contact individuals or groups suspected of having been exposed to a disease under investigation.

(d) When, in the opinion of the director or the director's authorized representative, investigation of a disease or series of injuries deemed by the department to threaten the public health or safety requires collection of plant, animal, food, or environmental samples for testing, an authorized representative of the department shall, during regular working hours or at other reasonable times, be permitted access to any premises and permitted to secure or collect any samples or specimens deemed

necessary to conduct the investigation successfully. The authorized representatives shall be liable only for damage caused by acts beyond the scope of the representatives' authority or by the representatives' gross negligence or intentional misconduct. If the representative obtains any samples prior to leaving the premises, the representative shall leave a receipt describing any samples obtained.

(e) If entry is refused under subsection (d), the department representative may apply to the district court in the circuit in which the property is located for a warrant to enter the premises to effectuate the purposes of this section. The district court may issue a warrant directing a police officer of the circuit to assist the department representative in gaining entry onto the premises during regular working hours or at other reasonable times. The warrant may command the police officer to take sufficient aid, and being accompanied by a representative of the department, to go to the premises described in the warrant and to seize, secure, or collect, under directions of the representative, or to allow the representative to seize, secure, or collect plant, animal, food, or environmental samples deemed necessary to conduct the investigation successfully. The authorized representatives and police officers shall be liable

only for damage caused by acts beyond the scope of the representatives' or officers' authorities or by the representatives' or officers' gross negligence or intentional misconduct.

[~~(d)~~] (f) No person, company, organization, association, health care provider, medical facility, or other source that provides information requested by an authorized representative of the director, for the purpose of conducting an investigation under this section, shall be held civilly or criminally liable for providing that information to the department.

[~~(e)~~] (g) All information provided to the department under this section shall be kept strictly confidential, except as the director determines is necessary to protect the public health and safety. Access to confidential records shall be restricted to those individuals specifically authorized to participate in any given investigation. However, epidemiologic and statistical information with no individual identifying information may be released to the public. The identities of individuals whose medical records are investigated shall be disclosed only to those persons authorized by the director or the director's representative to conduct a specific

investigation under this section or determined by the director to be necessary to protect the health and safety of the public."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

Report Title:
Epidemiologic Investigations

Description:
Grants the Department of Health authority to take samples necessary for epidemiologic investigations.

HB 3153

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS.

PURPOSE: To grant the Department of Health authority to take samples necessary for an epidemiologic investigation.

MEANS: Amend section 321-29, Hawaii Revised Statutes.

JUSTIFICATION: Interruption, containment, and prevention of outbreaks of dangerous diseases depend on timely epidemiological investigations that include tracing the possible sources and tracking the spread of disease. Epidemiological investigations have been impeded by refusal of individuals to allow Department of Health investigators to obtain samples necessary for analysis. Collection and analysis of plant, animal, food, or environmental samples associated with an outbreak investigation can identify the source and specific type of microbiological or chemical contamination. Analytical testing results provide essential data needed to make recommendations for remediation of an existing outbreak as well as prevention of future serious outbreaks. Lack of authority to take samples of potentially contaminated materials can impede an epidemiological investigation necessary to protect the public health.

Impact on the public: Authority to take samples for laboratory analysis can protect the public health and welfare by enabling or facilitating accurate determination of disease threats which is needed to prevent and control associated disease outbreaks.

Impact on the department and other agencies: Authority to take samples for laboratory

analysis will facilitate the department's ability to investigate, control, and prevent threats to public health.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-131.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.