

STAND. COM. REP. NO.

603

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 1171
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 1171 entitled:

"A BILL FOR AN ACT RELATING TO THE HEALTH CARE PRIVACY
HARMONIZATION ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to identify the
circumstances in which the State has a compelling interest in the
use and disclosure of de-identified protected health information
under the Health Care Privacy Harmonization Act.

Your Committee received testimony in support of this measure
from the Department of Commerce and Consumer Affairs, Chamber of
Commerce Hawaii, Hawai'i Pacific Health, and The Queen's Health
Systems. Your Committee received comments on this measure from
the Department of the Attorney General.

Your Committee finds that there are situations in which the
State has a compelling interest in the use and disclosure of de-
identified protected health information. Your Committee further
finds that medical and economic research, patient protection,
public safety, and the proper operation of medical and healthcare
facilities are areas in which a compelling interest may arise for
the use of de-identified protected health information. Your
Committee notes that it is important for use of de-identified



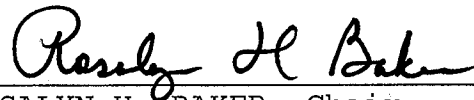
protected health information to be consistent with federal regulations.

Your Committee has amended this measure by:

- (1) Clarifying that for the State to have a compelling interest in the public and private disclosure, use, and production of de-identified protected health information, the information must be de-identified pursuant to title 45 Code of Federal Regulations part 164;
- (2) Inserting language to provide examples of when the State shall have a compelling interest in the use of de-identified protected health information; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1171, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1171, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* <i>SB1171</i>	Committee Referral: <i>CPH</i>	Date: <i>2/22/17</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
KIDANI, Michelle N.	/			
RUDERMAN, Russell E.				/
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Clarence K. Nishihara</i></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes