THE SENATE TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

S.B. NO. ²⁰⁴⁰ S.D. 1

A BILL FOR AN ACT

RELATING TO CANCER SURVEILLANCE.

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

SECTION 1. The legislature finds that surveillance of
 cancer incidence and survival to assist individuals to make
 informed decisions is but one of eight goals to advance cancer
 control in Hawaii. The other seven goals revolve around the
 following issues:

- 6 (1) Prevention, primarily through education and behavior7 change;
- 8 (2) Early detection and assurance of coordination with
 9 cancer management services;
- 10 (3) Treatment with the most current and effective11 treatments available;
- 12 (4) Quality of life enhancement for all cancer survivors;
- 13 (5) Research to advance the capabilities in Hawaii for
 14 prevention, early detection, treatment, and quality of
 15 life;
- 16 (6) Uniform access to cancer services; and
- 17 (7) Adequate insurance.

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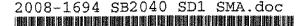
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1 However, several obstacles impede the fulfillment of the goal of cancer incidence and survival surveillance. First, the 2 3 Hawaii Tumor Registry is currently unable to directly contact 4 cancer survivors in Hawaii to educate them on the work of the Hawaii Tumor Registry for cancer research, including clinical 5 trials they may be eligible to participate in, to assist in the 6 7 fight against cancer. Second, it is unclear under existing law 8 that collection of data on pre-cancerous conditions is permissible. Third, the collection of biological specimens that 9 10 may assist in cancer prognosis and outcome is also uncertain 11 under existing law. The purpose of this Act is to remove the obstacles impeding 12 the fulfillment of the goal of cancer incidence and survival 13

14 surveillance by:

15 (1) Allowing a cancer patient to be contacted directly,
16 without initial physician contact, to inform the
17 patient that the patient is registered in the state
18 cancer surveillance and registration program;
19 (2) Adding "pre-cancer" to the diseases about which data
20 are authorized for collection in order to monitor

21 cancer screening activities and the efficacy of cancer
22 vaccines; and



(3) Adding "biological specimens" to the materials that
 may be collected to assist in research efforts to
 reduce, mitigate, and ameliorate the morbidity and
 mortality of cancer in Hawaii.
 SECTION 2. Section 321-43, Hawaii Revised Statutes, is

6 amended to read as follows:

7 "§321-43 Statistical activities. The department of health 8 shall engage in the collection and analysis of statistical 9 information on the morbidity and mortality of cancer in the 10 State. The morbidity data may be collected in cooperation with the University of Hawaii, the Hawaii state medical association, 11 12 and the Hawaii cancer society. The mortality data as collected 13 from death certificates shall be analyzed by the staff of the 14 department in order to determine the significance of cancer in 15 the State by race, sex, age, occupation, site in the body, and 16 in any other way found desirable for the purpose of determining 17 the areas where greatest emphasis should be laid in the 18 statewide cancer control program. The morbidity data shall be 19 used [in]:

20 (1) In determining the prognosis and chance of cure, as
21 well as the number of persons cured of cancer in the
22 State; [for]

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1	(2)	For assisting in the direction of tumor research;
2		[for]
3	(3)	For determining, if possible, the tendencies of benign
4		tumors to become malignant; and [for]
5	(4)	For assisting in the follow-up of diagnosed or treated
6		tumor cases as requested by attending physicians.
7	All stati	stical material collected under this section shall be
8	considered	d confidential as to the names of persons or physicians
9	concerned	, except that researchers may use the names of [such]
10	those pers	sons when requesting additional information for
11	research studies when [such] <u>the</u> studies have been approved by	
12	the cance	r commission of the Hawaii medical association."
13	SECT	ION 3. Section 324-21, Hawaii Revised Statutes, is
14	amended by	γ amending subsections (a) and (b) to read as follows:
15	"(a)	Any person, public or private medical facility, or
16	social or	educational agency, may provide information,
17	interview	s, reports, statements, memoranda, <u>biological</u>
18	specimens	, or other data or relevant material relating to
19	individua	ls with cancer to the Hawaii Tumor Registry. This
20	informatio	on may be used in the course of any cancer research
21	study app	roved by the cancer commission of the Hawaii Medical
22	Associatio	on.

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1 (b) Hospitals, skilled nursing homes, intermediate care 2 homes, free-standing radiation oncology facilities, and other 3 treatment or pathology facilities shall submit a report of any 4 person admitted with or diagnosed as having cancer or pre-cancer 5 to the Hawaii Tumor Registry or participating hospital registry 6 according to a format approved by the cancer commission of the Hawaii Medical Association. Physicians who diagnose or treat a 7 8 patient for cancer shall also submit a report to the Hawaii 9 Tumor Registry or participating hospital registry unless the 10 patient has previously been admitted or treated at a hospital, skilled nursing home, intermediate care home, or free-standing 11 12 radiation oncology facility for that particular cancer[-] or pre-cancer. The Hawaii Tumor Registry staff or their 13 14 representative or hospital-based registry staff may assist the 15 hospitals, institutions, treatment or pathology facilities, and 16 physician offices in the preparation of the reports."

SECTION 4. Section 324-22, Hawaii Revised Statutes, isamended to read as follows:

19 "§324-22 Identity of persons studied and material,
20 restrictions. (a) The material collected under this part shall
21 be used or published only for the purpose of advancing medical
22 research, medical education, or education of the public in the
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1 interest of reducing morbidity or mortality; provided that the
2 Hawaii Tumor Registry may reveal all relevant information to [a
3 patient's attending physician.] appropriate human subject
4 protection boards.

5 (b) The identity $[\tau]$ or any group of facts [which] that 6 tends to lead to the identity $[\tau]$ of any person whose condition 7 or treatment has been studied shall be confidential and shall 8 not be revealed in any report or any other matter prepared, 9 released, or published. Researchers [may], however, may use the 10 names of persons when requesting additional information for 11 research studies approved by the cancer commission; provided 12 that when a request for additional information is to be made 13 directly from a patient, the researcher shall first obtain 14 approval for [such] the request from the [patient's attending 15 physician.] patient.

(c) The use of [such] additional information obtained by
researchers shall also be governed by subsection (a) and, in
addition, where the patient is still living and the information
is to be obtained directly from the patient, the researcher
shall first obtain the approval of the patient[7] or the
patient's immediate family, including a reciprocal beneficiary
[- or attending physician], in that order of priority."

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- SECTION 5. Statutory material to be repealed is bracketed
 and stricken. New statutory material is underscored.
- 3 SECTION 6. This Act shall take effect on January 1, 2050.

Report Title:

Cancer Surveillance and Research; Data Collection

Description:

Allows a cancer patient to be contacted directly without initial physician contact for purposes of cancer surveillance. Adds pre-cancer to diseases about which data are authorized for collection. Adds biological specimens to the materials that may be collected to assist cancer research. (SD1)