
A BILL FOR AN ACT

RELATING TO EPIDEMIOLOGIC INVESTIGATIONS.

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

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

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

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



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

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

15 (d) When, in the opinion of the director or the director's
16 authorized representative, reasonable cause exists for the
17 investigation of a disease or series of injuries deemed by the
18 department to threaten the public health or safety that requires
19 the collection of plant, animal, food, or environmental samples
20 for testing, an authorized representative of the department,
21 during regular working hours or at other reasonable times, may
22 demand entry on to any premises, public or private, for the



1 purpose of conducting an administrative investigation to secure
2 or collect any samples or specimens deemed necessary to conduct
3 the investigation successfully, provided that:

- 4 (1) No entry shall occur without consent by the owner,
5 owner's agent, or person in lawful control of the
6 property to investigate or without the issuance of an
7 administrative investigation warrant, except when
8 exigent circumstances presenting imminent danger to
9 public health and safety or the environment exist;
- 10 (2) The investigation shall be limited to only those
11 actions that are necessary to confirm or deny the
12 cause which prompted the investigation;
- 13 (3) The authorized representatives shall be liable only
14 for damage caused by acts beyond the scope of the
15 representatives' authority or by the representatives'
16 gross negligence or intentional misconduct; and
- 17 (4) If the representative obtains any samples prior to
18 leaving the premises, the representative shall leave
19 an inventory describing any samples obtained and the
20 department shall make split samples available to the
21 person whose premises is being investigated.



1 For the purposes of this subsection, "administrative
2 investigation" means any investigation, independent of a
3 criminal investigation, that is conducted for the purpose of
4 determining the existence of disease or series of injuries
5 deemed by the department to threaten the public health or
6 safety. Administrative investigations may involve the
7 examination of real or personal property, equipment, buildings,
8 products, by-products, wastes, processes, activities,
9 environmental conditions (i.e. air, soil and water quality),
10 personnel or other property or activities. The scope of an
11 administrative investigation may be limited by consent, the
12 terms of an administrative investigation warrant or other court
13 order, or by circumstances surrounding a warrant-less
14 investigation.

15 (e) If consent to investigate is denied under subsection
16 (d), the department representative may apply to the district
17 court in the circuit in which the property is located for an
18 administrative investigation warrant to enter the premises to
19 effectuate the purposes of this section. The district court may
20 issue an administrative investigation warrant directing a police
21 officer of the circuit to assist the department representative
22 in gaining entry onto the premises during regular working hours



1 or at other reasonable times. The warrant may command the
2 police officer to take sufficient aid, and being accompanied by
3 a representative of the department, to go to the premises
4 described in the warrant and to seize, secure, or collect, under
5 directions of the representative, or to allow the representative
6 to seize, secure, or collect plant, animal, food, or
7 environmental samples deemed necessary to conduct the
8 investigation successfully. The authorized representatives and
9 police officers shall be liable only for damage caused by acts
10 beyond the scope of the representatives' or officers'
11 authorities or by the representatives' or officers' gross
12 negligence or intentional misconduct. A copy of the
13 administrative investigation warrant and all supporting
14 affidavits shall be provided to the person served or left at the
15 entry of the investigated premises.

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



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

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

16 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Epidemiologic Investigations

Description:

Grants the department of health authority to take samples necessary for epidemiologic investigations. (SD1)

