STAND. COM. REP. NO. 2865

Honolulu, Hawaii

FEB 2 9 2008

RE : S.B. No. 3075 S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 3075 entitled:

"A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS,"

begs leave to report as follows:

The purpose of this measure is to protect public health and safety by allowing the Department of Health to conduct epidemiological investigations in a timely manner in order to contain and prevent outbreaks of dangerous diseases.

Specifically, this measure amends section 321-29, Hawaii Revised Statutes, to allow the Department of Health to collect samples necessary for epidemiologic investigations.

Your Committee received testimony in support of this measure from the Department of Health. The American Civil Liberties Union submitted testimony in opposition to this measure.

Your Committee finds that epidemiological investigations have been impeded by the refusal of individuals who do not allow Department of Health investigators access to property, or permission to obtain samples necessary for analysis. Your Committee further finds that the timely collection of plant, animal, food, or environmental samples is necessary for the Department to conduct effective investigations and protect the public from outbreaks of dangerous diseases. However, your Committee is concerned with the competing governmental and individual interests and finds it necessary to ensure that

2008-1695 SSCR SMA.doc individuals will not be subject to unreasonable searches in violation of their privacy rights.

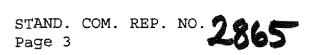
Accordingly, your Committee has amended this measure by clarifying that:

- Reasonable cause must exist for the investigation of a disease that may threaten the public health;
- (2) The investigation is an "administrative investigation", independent of a criminal investigation;
- (3) The Department of Health must obtain consent from the owner, owner's agent, or person in lawful control of the property or an administrative investigation warrant to investigate the property;
- (4) There is an exception to the consent and warrant requirements when exigent circumstances that present imminent danger to public health and safety or the environment exist;
- (5) The investigation shall be limited to only those actions that are necessary to confirm or deny the cause which prompted the investigation;
- (6) When samples are taken as a result of the investigation, the department shall make split samples available to the person whose property is being investigated; and
- (7) A copy of the administrative investigation warrant and all supporting affidavits shall be provided to the person served or left at the entry of the investigated premises.

Your Committee further amended this measure by changing the effective date to encourage further discussions and by making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3075, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3075, S.D. 1.





Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

BRIAN T. TANIGUCHI, Chal



The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee	Committee Referral:			$\rho \wedge d$
58 3075	HTH, JDL 2-29-08			.9-08	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)					
HEE, Clayton (VC)		/			
GABBARD, Mike					
KOKUBUN, Russell S.					V
NISHIHARA, Clarence K.		V_{\prime}			
SLOM, Sam					
TOTAL		H			2-
Recommendation:					
Char's of Designed's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes