

JAN 24 2018

---

# A BILL FOR AN ACT

---

RELATING TO THE SHARING OF VITAL STATISTICS RECORDS WITH  
DEPARTMENT OF HEALTH PROGRAM EMPLOYEES FOR APPROVED  
RESEARCH PURPOSES.

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

1       SECTION 1. Chapter 338, Hawaii Revised Statutes, is  
2       amended by adding a new section to part I to be appropriately  
3       designated and to read as follows:

4       "338-       Sharing of vital statistics records with  
5       department of health program employees for approved research  
6       purposes. (a) Notwithstanding section 338-18, the department  
7       may disclose public health statistics records to persons who are  
8       employed by department of health programs, acting within the  
9       scope of their employment, who need a public health statistics  
10       record for research purposes, as approved by the department of  
11       health's institutional review committee. Upon the institutional  
12       review committee's approval, the department may disclose the  
13       following to department employees as specified in this section:

14       (1) Names, addresses, and contact information in the  
15       record for the purpose of contacting persons  
16       identified in the record to request informed consent  
17       to use additional specified information in the record.

# S.B. NO. 2800

1        If informed consent is provided, the additional  
2        specified information in the record may be disclosed;  
3        and

4        (2) Information in the record as approved by the  
5        institutional review committee without informed  
6        consent of persons identified in the record so long as  
7        the institutional review committee:

8        (A) Identifies the information in the record that may  
9        be shared;

10       (B) Determines that obtaining informed consent is not  
11       practicable; and

12       (C) Determines that there is a public health purpose  
13       of the research that outweighs the  
14       confidentiality interest of persons identified in  
15       the record.

16       (b) For purposes of this chapter, research purposes are  
17       those that have been approved by the department's institutional  
18       review committee.

19       (c) For purposes of this section, the requirements for  
20       informed consent shall be determined by the department's  
21       institutional review committee in its approval of the research  
22       purposes for which the information in the record with be shared.

# S.B. NO. 2800

1        (d) Information disclosed pursuant to this section may  
2        only be re-disclosed with authorization from the institutional  
3        review committee or if it is first de-identified."

4        SECTION 2. New statutory material is underscored.

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

6  
7        INTRODUCED BY: 

**By Request**

## S.B. NO. 2800

**Report Title:** Vital Statistics Records; Disclosure within the Department for Approved Research Purposes

**Description:** Authorizes the Department of Health to disclose public health statistics records internally within the Department of Health for approved research purposes. Permits the Department of Health to disclose information from a public health statistics record for the purpose of contacting persons identified in the record to request further information. If consent is obtained, additional information from the record may be disclosed. Information may also be disclosed when the Department's institutional review committee determines that obtaining consent is impracticable and the public health purpose outweighs the confidentiality interest in the record.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

# SB. NO. 2800

## JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO THE SHARING OF VITAL STATISTICS RECORDS WITH DEPARTMENT OF HEALTH PROGRAM EMPLOYEES FOR APPROVED RESEARCH PURPOSES.

PURPOSE: The purpose of this bill is to allow limited sharing within Department of Health programs of otherwise confidential vital record data for public health or research purposes.

MEANS: Add a new section to part I of chapter 338, Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill will enable the Department of Health to preserve the important privacy interests of vital records while providing limited circumstances in which some vital record information can be shared within the Department of Health for research purposes with informed consent or where there is a public health interest that outweighs the privacy interest. Under current state law, it is unlawful for the Department of Health to permit inspection of, or to disclose information contained in, vital statistics records unless that disclosure is specifically authorized by section 338-18, HRS. While the department may permit de-identified data to be used for research purposes, there are many circumstances where the use of identified data within programs of the Department of Health is required. One of the many Department of Health programs that would benefit is the Pregnancy Risk Assessment Monitoring System.

Impact on the public: Confidential vital records would still be treated with confidentiality and protected within the department of health, but would be made

**SB. NO. 2800**

available to department employees for research purposes pursuant to authorization from the department's institutional review committee. The public could benefit from the new opportunities for health studies and statistical comparisons aimed at reducing health problems among the general public as well as reducing health disparities among special populations. Data will be available to department employees to conduct surveys to improve services to women and infants in Hawaii that are at risk for health problems.

Impact on the department and other agencies:

Passage of this bill would allow some programs of the department to participate in studies for which grant funds are available, thus enhancing the scope and breadth of those programs' ability to perform their functions in serving the public. The bill would enable the department to conduct health research studies which could provide valuable data that could be used to formulate policies and strategies aimed at reducing health problems among the citizens of Hawaii. This additional data would provide valuable information that can be used to review programs and policies to ensure that public resources are used in the most efficient and effective manner.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	HTH 760.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.