

**ACT 25**

**S. B. NO. 87**

**A Bill for an Act Relating to Morbidity and Mortality Information for Cancer Research.**

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Chapter 324, Hawaii Revised Statutes, is amended by adding a new part to read as follows:**

### “PART III. CANCER STUDIES

**Sec. 324-21 Sources of information protected.** Any person, public or private medical facility, or social or educational agency, may provide information, interviews, reports, statements, memoranda, or other data or relevant material relating to individuals with cancer to the Hawaii tumor registry. Such information may be used in the course of any cancer research study approved by the cancer commission of the Hawaii medical association.

No liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided the information or material, or by reason of having released or published the findings, conclusions, and summaries of the researchers to advance medical research and medical education.

**Sec. 324-22 Identity of persons studied and material, restrictions.** (a) The material collected under this part shall be used or published only for the purpose of advancing medical research, medical education, or education of the public in the interest of reducing morbidity or mortality; provided that the Hawaii tumor registry may reveal all relevant information to a patient's attending physician.

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

(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, his immediate family, or attending physician, in that order of priority.

**Sec. 324-23 Legal proceedings; information excluded from.** Except as otherwise provided, findings, conclusions, or summaries resulting from medical studies within the scope of this part shall not be used or made available in any legal proceeding. Any information provided to any researcher or study committee shall not be used or made available in any legal proceeding unless it is unobtainable from the original source. In such event, the judicial officer shall in chambers inspect the findings, conclusions, or summaries and make available factual information contained therein.

**Sec. 324-24 Penalty.** Any person violating this part shall be guilty of a misdemeanor and fined not more than \$500.”

SECTION 2. Section 321-43, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 321-43 Statistical activities.** The department of health shall engage in the collection and analysis of statistical information on the morbidity and mortality of cancer in the State. The morbidity data may be collected in co-

operation with the Hawaii state medical association and the Hawaii cancer society. The mortality data as collected from death certificates shall be analyzed by the staff of the department in order to determine the significance of cancer in the State by race, sex, age, occupation, site in the body, and in any other way found desirable for the purpose of determining the areas where greatest emphasis should be laid in the statewide cancer control program. The morbidity data shall be used in determining the prognosis and chance of cure, as well as the number of persons cured of cancer in the State; for assisting in the direction of tumor research; for determining, if possible, the tendencies of benign tumors to become malignant; and for assisting in the follow-up of diagnosed or treated tumor cases as requested by attending physicians. All statistical material collected under this section shall be considered confidential as to the names of persons or physicians concerned, except that researchers may use the names of such persons when requesting additional information for research studies when such studies have been approved by the cancer commission of the Hawaii medical association.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 4, 1973.)

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\*Edited accordingly.