

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . AGENT ORANGE

§321- Definitions. Whenever used in this part, unless the context otherwise requires:

"Agent orange" means the herbicide composed primarily of trichlorophenoxyacetic acid and dischlorophenoxyacetic acid.

"Exposed resident" means a person who is a resident of this State who was in Vietnam, Cambodia, or Laos during the Vietnam conflict for whatever reason.

"Veteran" means a person who is a resident of this State who served in Vietnam, Cambodia, or Laos during the Vietnam conflict.

§321- Department to administer part. Except as otherwise provided in section 321- , the department of health is designated as the agency of the State to carry out the activities and perform the functions provided in this part.

§321- Reports to the department. (a) A physician who has primary responsibility for treating a veteran or exposed resident who believes the veteran or exposed resident may have been exposed to chemical defoliants, herbicides, or other causative agents, including agent orange, at the request of the veteran or exposed resident, shall submit a report to the department of health on a form provided by the department. If there is no physician having primary responsibility for treating the veteran or exposed resident, the hospital treating the veteran or exposed resident, at the request of the veteran or exposed resident, shall submit the report to the department.

(b) The form provided by the department to the physician shall provide for nondisclosure of the identity of the veteran or exposed resident and shall require the following information:

- (1) Symptoms of the veteran or exposed resident which may be related to exposure to a chemical defoliant, herbicide, or other causative agent, including agent orange;
- (2) Diagnosis of the veteran or exposed resident; and
- (3) Methods of treatment prescribed.

(c) The department may require the veteran or exposed resident to provide such information as necessary.

§321- Reports by the department. The department of health, in consultation with a certified medical toxicologist, if appropriate, shall conduct epidemiological studies on veterans or exposed residents who have cancer or other medical problems associated with exposure to a chemical defoliant, herbicide, or any other causative agent, including agent orange, or who have children born with birth defects after the veterans' or exposed residents' exposure to a chemical defoliant, herbicide, or any other causative agent, including agent orange. The department shall obtain consent from each veteran or exposed resident to be studied under this section. The department of health shall obtain current research findings on the effects of exposure to chemical defoliants, herbicides, or other causative agents, including agent orange. The department shall evaluate the information required under this section and annually prepare a report to be distributed to the legislature, the Veterans Administration, the Veteran Affairs Commission, and other veteran

groups, including but not limited to, Veterans Administration Readjustment Counseling Service (the Vet Center).

§321- Confidentiality. The identity of a veteran or exposed resident about whom a report has been made under section 321- or 321- shall not be disclosed unless the veteran or exposed resident consents to the disclosure; provided that statistical information collected under this part is public information.

§321- Immunity from liability. A physician or a hospital which complies with this part shall not be held civilly or criminally liable for providing the information required under this part.

§321- Class action representation by attorney general. The attorney general may represent a class of individuals composed of veterans or exposed residents who may have been injured because of contact with chemical defoliants, herbicides, or other causative agents, including agent orange, in a suit for release of information relating to exposure to such chemicals during military service, or their presence in Vietnam, Cambodia, or Laos, and for release of individual medical records.

§321- Assistance programs. The department and the school of public health and other medical facilities or programs of the University of Hawaii shall within the funds appropriated by the legislature institute a cooperative program to:

- (1) Refer veterans or exposed residents to appropriate state and federal agencies for the purpose of filing claims to remedy medical and financial problems caused by the veterans' or exposed residents' exposure to chemical defoliants, herbicides, or other causative agents, including agent orange.
- (2) Provide veterans or exposed residents with genetic counseling and genetic screening, including but not limited to, appropriate diagnostic procedures to determine if the veteran or exposed resident has suffered physical damage as a result of exposure to chemical defoliants, herbicides, or other causative agents, including agent orange.

§321- Application. Sections 321- and 321- are applicable to all cases of veterans and exposed residents treated on or after July 1, 1982, for symptoms typical of a person who has been exposed to a chemical defoliant, herbicide, or any other causative agent, including agent orange. Sections 321- and 321- are applicable to all veterans and exposed residents.

§321- Termination of programs and duties. If the director of health determines that an agency of the federal government is performing the referral and screening functions required by section 321- , the director may discontinue any program required by or any duty required of a physician or hospital under this part.

§321- Adoption of rules. The director of health shall adopt rules necessary to the administration of the programs authorized by this part pursuant to chapter 91. The rules shall include information to be provided by a physician or hospital to a veteran or exposed resident of the veterans' or exposed residents' rights under this part."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000, or so much thereof as may be necessary for fiscal year 1982-1983, to carry out the purposes of this Act. The sum appropriated by this Act shall be expended by the department of health.

SECTION 3. This Act shall take effect on July 1, 1982.

(Approved June 10, 1982.)