

ACT 161

H.B. NO. 172

A Bill for an Act Relating to Health.

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

SECTION 1. Chapter 325, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . SEXUALLY TRANSMITTED DISEASES

§325- Confidentiality of records and information. All information and records containing any information which identifies any person who has or may have any condition related to a sexually transmitted disease which is required to be reported under this chapter and which are held or maintained by any state agency, health care provider or facility, physician, laboratory, clinic, blood bank, third party payor, or any other agency, individual, or organization in the State shall be strictly confidential. Such information shall not be released or made public upon subpoena or any other method of discovery except under the following circumstances:

- (1) Release is made of specific medical or epidemiological information for statistical purposes in such a way that no person can be identified;
- (2) Release is made of specific medical or epidemiological information with the written consent of the person or persons identified in the information released;
- (3) Release is made of medical or epidemiological information to medical personnel in a medical emergency only to the extent necessary to protect the health, life, or well-being of the named party;

- (4) Release is necessary to protect the health and well-being of the general public; provided that release is made in such a way that no person can be identified;
- (5) Release is made of medical or epidemiological information to medical personnel, appropriate state agencies, or county or district courts to enforce the provisions of this part and related rules concerning the control and treatment of sexually communicable diseases; or
- (6) Release is made for the purpose of enforcing the provisions of chapter 350.

For the purpose of this part, the term "medical emergency" means any disease-related situation which threatens life or limb, and the term "medical personnel" means any health care provider, as provided in section 323D-2, in the State, who deals directly or indirectly with the identified patient or the patient's contacts, and includes hospital emergency room personnel, the staff of the communicable disease division of the department of health, and any other department personnel as designated by the director.

§325- Civil penalty. Any person or institution who willfully violates any provision of this part shall be fined not less than \$1,000 nor more than \$10,000 plus court costs as determined by the court, which penalty and costs shall be paid to the person or persons whose records were released.

§325- Custodian of records. No officer or employee of the department of health shall be examined in any civil, criminal, special, or other proceeding as to the existence or content of any individual's records retained by the department pursuant to this part, or as to the existence or contents of such reports received from any private physician or private health facility, without written consent of the affected individual.

§325- Responsibility to report. Notwithstanding any other law to the contrary, no provision in this part shall be construed so as to diminish, limit, or eliminate the responsibility of any person to report sexually transmitted diseases to the proper authorities."

SECTION 2. This Act shall take effect on July 1, 1986.

(Approved May 14, 1986.)