

ACT 265

S.B. NO. 994

A Bill for an Act Relating to Health.

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

SECTION 1. Section 325-1, Hawaii Revised Statutes, is amended to read as follows:

“§325-1 Diseases or conditions declared [infectious and] communicable[.] or dangerous to public health. [Cerebro-spinal meningitis, cholera asiatic, conjunctivitis follicular, diphtheria, dysentery amoebic, enteric (or typhoid) fever, fever paratyphoid, Hansen’s disease, measles, dengue, paralysis infantile, pertussis, plague, scarlet fever (or scarlatina), tetanus, trachoma, tuberculosis, typhus fever, varicella, variola, varioloid, yellow fever, are declared to be infectious and communicable diseases dangerous to the

public health, but this enumeration shall not be held to exclude any other disease that is infectious, communicable, or dangerous to the public health, though not specifically named herein.] The director of health by rules adopted pursuant to chapter 91, may declare diseases or conditions to be communicable or dangerous to the public health."

SECTION 2. Section 325-2, Hawaii Revised Statutes, is amended to read as follows:

"§325-2 Physicians, laboratory directors, and health care professionals to report. [Every physician and every chiropractor having a patient infected with any of the diseases enumerated in section 325-1, or any other infectious or communicable or other disease dangerous to the public health, shall give immediate notice thereof to the department of health, or its nearest agent, in writing, and in like manner report to the department, or its agent, every case of death which takes place in the physician's or chiropractor's practice from any such disease; provided that whenever a physician has a patient infected with variola, varioloid, scarlet fever, diphtheria, plague, cholera, yellow fever, typhus fever, cerebro-spinal meningitis or amoebic dysentery, the physician, in addition to the notice in writing required to be given as above, shall immediately notify the department or its nearest agent, either by telephone or by direct oral communication.] Every physician or health care professional having a client affected by or suspected of being affected by a disease or condition declared to be communicable or dangerous to the public health by the director of health shall report the incidence or suspected incidence of such disease or condition to the department of health in writing or in the manner specified by the department of health. Every laboratory director having laboratory data regarding an individual affected by or suspected of being affected by a disease or condition declared to be communicable or dangerous to the public health shall report such diseases or conditions to the department of health in writing or in a manner specified by the health department. Every physician, laboratory director, or health care professional who refuses or neglects to give such notice, or make such report, shall be [deemed] guilty of a misdemeanor punishable as provided in section 325-14. In addition, the director of health may assess an administrative fine not to exceed \$1,000 per violation."

SECTION 3. Section 325-3, Hawaii Revised Statutes, is amended to read as follows:

"§325-3 Others to report. [Every householder, keeper of a boarding or lodging house, or master of a vessel, shall report immediately to the department of health, or its nearest agent, any person in or about his house, or vessel, whom he has reason to believe to be sick, or to have died, of any infectious, communicable, or other disease dangerous to the public health; and all police officers who are aware of any person suffering from any infectious, communicable, or other disease dangerous to the public health, shall immediately report the same to the department, or its nearest agent. Any such householder, keeper of a boarding or lodging house, master of a vessel, or police officer who refuses or neglects to so report immediately to the department, or its nearest agent, shall be fined not more than \$100 for each offense.] The director of health shall have the authority to determine which other persons shall report to the department of health communicable diseases or conditions dangerous to the public health. The director of health may assess an administrative fine not to exceed \$1,000 per violation against persons who refuse or neglect to report immediately such diseases or conditions to the department of health. Persons assessed an administrative fine

ACT 265

under this section shall not be subject to other sanctions provided by this chapter."

SECTION 4. It is the intent of the legislature to appropriate funds to the department of health to perform long-term epidemiologic studies of persons potentially at risk of AIDS in Hawaii. The department of health may designate the funds as necessary for the purchase of services.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000, or so much thereof as may be necessary for fiscal year 1987-1988, and \$200,000, or so much thereof as may be necessary for fiscal year 1988-1989, for epidemiological research on AIDS.

SECTION 6. The sums appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 1987.

(Approved June 24, 1987.)