

**ACT 158**

H.B. NO. 937

A Bill for an Act Relating to the Department of Health.

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

SECTION 1. Section 321-1, Hawaii Revised Statutes, is amended to read as follows:

“§321-1 **General powers of the department.** (a) The department of health shall have general charge, oversight, and care of the health and lives of the people of the State.

[It] (b) The department shall have authority in matters of quarantine and other health matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established.

(c) When it is determined that there is imminent danger of epidemic or serious outbreak of communicable disease, [it] the department may refuse, modify, or limit attendance at any school in the State.

(d) When in the judgment of [its] the director, there is deemed to be a potential health hazard, the department, through [its] the director, may take precautionary measures to protect the public through the imposition of an embargo or the detention of products regulated by the department, or the removal of products regulated by the department from the market, or the declaration of quarantine; provided that the director must find evidence of a health hazard within seventy-two hours of the action taken or rescind the action. The director shall make public the findings.

(e) All county health authorities, sheriffs [and], police officers, and all other officers and employees of the State, and every county thereof, shall enforce the rules of the department. All such powers in health matters as have been or may be conferred upon any county shall be concurrent with those of the department. [It shall make,]

(f) The department may establish charges and collect fees for any of its services; provided that the department shall not refuse to provide services to any person due to the person's inability to pay the fee for the service. The department, through [its] the director, shall make an annual report to the governor, showing in detail all its expenditures and transactions, and such other information regarding the public health as [it] the department may deem of special interest.

(g) The department [shall also], during the prevalence of any severe pestilence or epidemic, shall publish a weekly report of the public health.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 23, 1991.)