

ACT 180

S.B. NO. 911

A Bill for an Act Relating to Latex.

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

SECTION 1. The legislature finds that the unrestricted use of latex is a serious concern because it can cause allergic reactions including mild rash, impaired breathing, and even deadly anaphylaxis. Approximately 3,000,000 people in the general population of the United States are allergic to latex, and the incidence rate of the allergy is higher in certain at-risk populations. Nearly sixty-eight per cent of children with spina bifida and nearly seventeen per cent of health care workers have a latex allergy.

Exposure to the allergen latex proteins can occur in a variety of settings. Research has shown that latex proteins can be transferred from natural rubber latex gloves to the food that is prepared and served in food establishments.

The legislature also finds that major leading hospitals ban the use of latex gloves. For example, Johns Hopkins Hospital banned almost all latex medical products, including latex gloves, which were banned since 2008. Furthermore, several states prohibit or strictly regulate the use of latex gloves in food establishments.

The legislature believes that the significant risk of a severe allergic reaction to latex justifies limiting its use. The purpose of this Act is to protect the public by prohibiting the use of latex gloves:

- (1) With limited exceptions, by personnel working in dental health facilities or health care facilities;
- (2) By personnel providing ambulance services or emergency medical services; and
- (3) By personnel working in food establishments.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§321- Dental health facilities; health care facilities; use of latex gloves. All personnel working in dental health facilities or health care facilities, including all facilities listed in section 321-11(10), shall be prohibited from using latex gloves for patient care where the patient is unconscious or otherwise physically unable to communicate. Where the patient is conscious and physically able to communicate, latex gloves may be used if the patient affirmatively states that the patient is not allergic to latex.”

SECTION 3. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part XVIII to be appropriately designated and to read as follows:

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“§321- Emergency medical services; use of latex gloves prohibited. The use of latex gloves by personnel providing ambulance services or emergency medical services pursuant to this part shall be prohibited.”

SECTION 4. Chapter 328, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§328- Food establishments; use of latex gloves prohibited. The use of latex gloves by personnel in a food establishment permitted under title 11, chapter 50 of the Hawaii administrative rules, shall be prohibited.”

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval; provided that sections 2, 3, and 4 shall take effect on January 1, 2017.

(Approved July 1, 2016.)

Note

1. Edited pursuant to HRS §23G-16.5.