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**A BILL FOR AN ACT**

MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH  
FOR PANDEMIC INFLUENZA PREPAREDNESS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. This Act is recommended by the governor for  
2 immediate passage in accordance with section 9 of article VII of  
3 the Constitution of the State of Hawaii.

4           SECTION 2. Although funds were appropriated to the  
5 department of health for control of infectious diseases for the  
6 fiscal period beginning July 1, 2005, and ending June 30, 2006,  
7 a critical funding emergency now exists.

8           The purpose of this Act is to appropriate an additional  
9 \$15,000,000 in general funds for fiscal year 2005-2006 to  
10 prepare for a novel strain of influenza by acquiring  
11 medications, mass clinic supplies, laboratory supplies and  
12 equipment, personal protective equipment, and a data management  
13 system for tracking cases and contacts.

14           Highly pathogenic avian influenza has spread across Asia  
15 and has been detected in Eastern Europe. While primarily  
16 affecting birds at the present time, at least 144 human cases

1 have been reported in China, Vietnam, Thailand, Indonesia,  
2 Cambodia, and Turkey, with a mortality rate of approximately  
3 fifty percent. Scientists are particularly concerned about the  
4 highly pathogenic avian influenza (H5N1) currently circulating  
5 in Asia and parts of Europe and agree that another influenza  
6 pandemic is inevitable and possibly imminent.

7 Based on historical patterns, influenza pandemics can be  
8 expected to occur, on average, three to four times each century  
9 when new virus subtypes emerge and are readily transmitted from  
10 person to person. However, the occurrence of influenza  
11 pandemics is unpredictable. In the twentieth century, the great  
12 influenza pandemic of 1918-1919, which caused an estimated forty  
13 to fifty million deaths worldwide, was followed by pandemics in  
14 1957-1958 and 1968-1969.

15 An influenza pandemic has the potential to cause more death  
16 and illness than any other public health threat. If a pandemic  
17 influenza virus with similar virulence to the 1918 strain  
18 emerged today, in the absence of intervention, it is estimated  
19 that 1.9 million Americans could die and almost ten million  
20 could be hospitalized over the course of the pandemic, which may  
21 evolve over a year or more. Preparedness to lessen the impact  
22 of a pandemic is imperative.

H.B. NO. 2385

1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$15,000,000 or so  
3 much thereof as may be necessary, for fiscal years 2005-2006 to  
4 prepare for a pandemic of a novel strain of influenza.

5 The sum appropriated shall be expended by the department of  
6 health.

7 SECTION 4. Any provision of this Act to the contrary  
8 notwithstanding, the appropriation authorized under this Act  
9 shall not lapse at the end of the fiscal year for which the  
10 appropriation is made. Any unexpended and unencumbered balance  
11 of the appropriation made in this Act as of the close of the  
12 business on June 30, 2007, shall lapse.

13 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. I. Iy  
BY REQUEST

JAN 23 2006

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS.

PURPOSE: The purpose of this Act is to appropriate an additional \$15,000,000 in general funds to prepare for a pandemic of a novel strain of influenza. This emergency appropriation is necessary because a pandemic of H5N1 influenza may be imminent, the people of Hawaii are currently unprotected, and time is of the essence in preparing to protect our population.

MEANS: Emergency appropriation of general funds for the Department of Health.

JUSTIFICATION: Highly pathogenic avian influenza has spread across Asia and has been detected in Eastern Europe. While primarily affecting birds at the present time, at least 144 human cases have been reported in China, Vietnam, Thailand, Indonesia, Cambodia and Turkey, with a mortality rate of approximately fifty percent.

A pandemic occurs when a novel influenza virus emerges that can infect and be efficiently transmitted among individuals because of a lack of pre-existing immunity in the population. The extent and severity of a pandemic depends on the specific characteristics of the virus. Although a novel influenza virus could emerge from anywhere in the world at any time, scientists are particularly concerned about the avian influenza (H5N1)

currently circulating in Asia and parts of Europe.

Based on historical patterns, influenza pandemics can be expected to occur, on average, three to four times each century when new virus subtypes emerge and are readily transmitted from person to person. However, the occurrence of influenza pandemics is unpredictable. In the 20th century, the great influenza pandemic of 1918-1919, which caused an estimated 40 to 50 million deaths worldwide, was followed by pandemics in 1957-1958 and 1968-1969.

Experts agree that another influenza pandemic is inevitable and possibly imminent.

An influenza pandemic has the potential to cause more death and illness than any other public health threat. If a pandemic influenza virus with similar virulence to the 1918 strain emerged today, in the absence of intervention, it is estimated that 1.9 million Americans could die and almost 10 million could be hospitalized over the course of the pandemic, which may evolve over a year or more. Although the timing, nature and severity of the next pandemic cannot be predicted with any certainty, preparedness to lessen the impact of a pandemic is imperative. It is unlikely that there will be sufficient federal resources to respond adequately to multiple areas of the country for a sustained period of time. We need to anticipate and prepare for a pandemic now to minimize the impact on our people and economy.

Demand for the medications which can protect against and treat H5N1 influenza has soared in recent months. It is therefore important for Hawaii to

order as soon as possible. It is also important to initiate the procurement process as soon as possible in order to minimize delays in receiving supplies and equipment.

The amount of medications budgeted is based on 25 percent of the State's population (the midpoint between the low and high expert opinions about the likely attack rate of pandemic influenza). Medication for the full number of cases is sought because human H5N1 influenza currently has a mortality rate of 50 percent. We would hope to have medicine to treat all cases. The testing equipment and tests are requested because it is desirable to test sick individuals and only give the medication to those with H5N1 influenza, not those with other flu-like respiratory infections. The personal protective equipment (PPE) is needed to protect from infection persons who must come in contact with infected persons, such as public health workers, public safety workers, and others providing treatment and investigating cases, as well as personnel who are enforcing quarantine and isolation and providing food and care to persons in quarantine and isolation. Additional funds are sought for a public information campaign to explain to the public how to protect themselves, why quarantine is important, how to treat influenza in the home, and when to seek medical attention or hospitalization. An electronic tracking system is very important to maintain such data as records of cases and contacts, who has been given medication and their medical outcomes, who has been placed in quarantine or isolation and for what periods of time, and, when a vaccine

becomes available, who is vaccinated and how effective the vaccine is.

The general fund recommendation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to section 37-92, Hawaii Revised Statutes. Including appropriations made up to and including the regular and special sessions of 2005, the Executive Branch appropriation ceiling for fiscal year 2005-2006 has already been exceeded by \$165,665,981 or 3.83 percent. Funds requested in this measure are for the purposes of paying for preparing for a pandemic of a novel strain of influenza, and will result in the appropriation ceiling for the Executive Branch to now be exceeded in fiscal year 2005-2006 by \$15,000,000 or .35 percent. This current declaration takes into account additional general fund appropriations authorized for fiscal year 2005-2006 in this measure only, and does not include other general fund appropriations for fiscal year 2005-2006 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2006.

Impact on the public: Reduction in morbidity and mortality from anticipated pandemic of highly pathogenic avian influenza,

Impact on the department and other agencies: Provide funding for medications, mass clinic supplies, laboratory equipment, personal protective equipment, and a data management system for tracking cases and contacts.

GENERAL FUND: \$15,000,000.

OTHER FUNDS: None.

PPBS PROGRAM  
DESTINATION: HTH-131.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval.