
A BILL FOR AN ACT

RELATING TO DEPLETED URANIUM AND OTHER HAZARDOUS MATERIALS
EXPOSURE.

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

1 SECTION 1. The legislature finds that depleted uranium is
2 a chemically toxic and radioactive heavy metal and a waste
3 product of nuclear fuel or nuclear bomb production during which
4 natural uranium is depleted of uranium 235. Gram for gram,
5 depleted uranium is sixty per cent as radioactive as pure
6 uranium ore and has a half-life of four and one-half billion
7 years.

8 The legislature further finds that depleted uranium emits
9 radioactive alpha particles that can cause cancer when inhaled
10 or ingested and can cause kidney and lung damage. Depleted
11 uranium can also cause mutations that can be carried forward
12 from one generation to another.

13 The legislature further finds that at least sixteen
14 different munitions used by United States armed forces contain
15 depleted uranium because it is 1.7 times denser than lead,
16 making it a highly effective anti-tank weapon when the depleted
17 uranium slices through a tank's armor. When a depleted uranium



1 shell penetrates through tank armor, it ignites and spews an
2 extremely fine depleted uranium dust into the air. Such dust
3 can carry for miles and can be easily inhaled or ingested.

4 Depleted uranium is also used in the armor of Abrams tanks,
5 exposing the operators of those tanks to depleted uranium
6 radiation.

7 The legislature further finds that depleted uranium
8 munitions and armor have been used extensively in Iraq during
9 the 1991 Gulf War and the 2003 invasion and occupation of Iraq.
10 Members of Hawaii's national guard serving in Iraq, and in armed
11 services functions, facilities, vehicles, and aircraft involving
12 depleted uranium, have been exposed to depleted uranium in
13 unknown doses with unknown consequences to their health.

14 The purpose of this Act is to safeguard the health of
15 Hawaii's national guard veterans by assisting these veterans in
16 obtaining federal treatment services, including best practice
17 health screening tests capable of detecting low levels of
18 depleted uranium, and by establishing a task force to study the
19 health effects on these veterans of exposures to hazardous
20 materials, including depleted uranium, during their service.



1 SECTION 2. Chapter 363, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§363-A Test for exposure to depleted uranium. (a) As**
5 **used in this section, unless the context requires otherwise:**

6 "Depleted uranium" means uranium containing less uranium-
7 235 than the naturally occurring distribution of uranium
8 isotopes.

9 "Eligible member" means a member of the Hawaii national
10 guard who served in the Persian Gulf War, as defined in title 38
11 United States Code section 101, or in an area designated as a
12 combat zone or qualified hazardous duty area by the President of
13 the United States during Operation Enduring Freedom or Operation
14 Iraqi Freedom.

15 "Military physician" includes a physician who is under
16 contract with the United States Department of Defense to provide
17 physician services to members of the armed forces.

18 "Veteran" means a veteran, as defined in section 363-1, who
19 served as an eligible member.

20 (b) After October 1, 2006, the adjutant general and the
21 director of the office of veterans' affairs shall assist any
22 eligible member or veteran who:



- 1 (1) Has been assigned a risk level I, II, or III for
2 depleted uranium exposure by the veteran's branch of
3 service;
- 4 (2) Is referred by a military physician; or
- 5 (3) Has reason to believe that the veteran was exposed to
6 depleted uranium during such service,
7 in obtaining federal treatment services, including a best
8 practice health screening test for exposure to depleted uranium
9 using a bioassay procedure involving sensitive methods capable
10 of detecting depleted uranium at low levels and the use of
11 equipment with the capacity to discriminate between different
12 radioisotopes in naturally occurring levels of uranium and the
13 characteristic ratio and marker for depleted uranium. No state
14 funds shall be used to pay for these tests or any other federal
15 treatment services.
- 16 (c) Before October 1, 2006, the adjutant general shall
17 submit a report to the committees of the legislature having
18 cognizance of matters relating to military and veterans' affairs
19 on the scope and adequacy of training received by members of the
20 Hawaii national guard on detecting whether their service as
21 eligible members is likely to entail, or to have entailed,
22 exposure to depleted uranium. The report shall include an



1 assessment of the feasibility and cost of adding predeployment
2 training concerning potential exposure to depleted uranium and
3 other toxic chemical substances and the precautions recommended
4 under combat and noncombat conditions while in a combat zone."

5 SECTION 3. Exposure to hazardous materials; health
6 effects; task force; membership; study; termination. (a) There
7 is established a task force within the office of veterans'
8 services to study the health effects on eligible members, as
9 defined in section 363-A, Hawaii Revised Statutes, of exposure
10 to hazardous materials including depleted uranium, as they
11 relate to military service. The task force, within available
12 appropriations, shall:

13 (1) With the approval of the president of the senate and
14 the speaker of the house of representatives and
15 subject to subsection (c), commission a study to
16 consider the health of eligible members as defined in
17 section 363-A, Hawaii Revised Statutes, who may have
18 been exposed to hazardous materials since August 2,
19 1990, and conduct a scientific conference on the
20 health effects;

21 (2) Initiate a health registry for veterans, as defined in
22 section 363-1, and military personnel returning from



1 Afghanistan, Iraq, or other countries in which
2 depleted uranium or other hazardous materials may be
3 found;

4 (3) Develop a plan for outreach to and follow-up of
5 eligible members;

6 (4) Prepare a report for eligible members concerning
7 potential exposure to depleted uranium and other toxic
8 chemical substances and the precautions recommended
9 under combat and noncombat conditions while in a
10 combat zone; and

11 (5) Make any other recommendations the task force
12 considers appropriate.

13 (b) The task force shall consist of fourteen members as
14 follows:

15 (1) The director of the office of veterans' services or a
16 designee;

17 (2) The director of health or a designee;

18 (3) Six members of the legislature appointed by the
19 governor as nominated, one each, by the president of
20 the senate, the speaker of the house of
21 representatives, the majority and minority leaders of



1 the senate, and the majority and minority leaders of
2 the house of representatives;

3 (4) Two members who are veterans with knowledge of or
4 experience with exposure to hazardous materials
5 appointed by the governor as nominated, one each, by
6 the president of the senate and the speaker of the
7 house of representatives; and

8 (5) Four members who are physicians or scientists with
9 knowledge of or experience in the detection or health
10 effects of exposure to depleted uranium or other
11 hazardous materials appointed by the governor as
12 nominated, one each, by the majority and minority
13 leaders of the senate and the majority and minority
14 leaders of the house of representatives.

15 (c) The person or entity retained to conduct the study
16 under subsection (a) (1), prior to being retained, shall disclose
17 to the president of the senate and the speaker of the house of
18 representatives any research done by that person:

19 (1) On any matters related to depleted uranium; or

20 (2) That was funded by an entity that is engaged in any
21 manufacturing process that uses depleted uranium.



1 (d) All appointments to the task force shall be made no
2 later than thirty days after the effective date of this Act.

3 (e) The president of the senate and the speaker of the
4 house of representatives shall select as co-chairpersons of the
5 task force one senator and one representative, respectively,
6 from among the members appointed under subsection (b) (3). The
7 co-chairpersons shall schedule the first meeting of the task
8 force to be held no later than sixty days after the effective
9 date of this Act.

10 (f) The staff of the office of veteran's services shall
11 serve as administrative staff of the task force.

12 (g) The task force shall submit a report on its findings
13 and recommendations to the legislature not later than twenty
14 days prior to the convening of the regular session of 2007. The
15 task force shall cease to exist on June 30, 2007.

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$, or so
18 much thereof as may be necessary for fiscal year 2006-2007, for
19 the task force established in section 3 of this Act to carry out
20 the study of exposure of veterans to depleted uranium and other
21 hazardous materials.



H.B. NO. 2741

1 The sum appropriated shall be expended by the office of
2 veterans' affairs for the purposes of this Act.

3 SECTION 5. In codifying the new section added by section 2
4 of this Act, the revisor of statutes shall substitute an
5 appropriate section number for the letter used in designating
6 the new sections in this Act.

7 SECTION 6. New statutory material is underscored.

8 SECTION 7. This Act shall take effect upon its approval,
9 except that section 4 shall take effect on July 1, 2006.

10

INTRODUCED BY:

[Signature]

John Green

T. Stehli

Dr. G. Aronke

Michelle Carroll

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Maury B. Lee

JAN 25 2006



HB 2741

Report Title:

Hawaii National Guard Veterans; Depleted Uranium Testing; Study

Description:

Requires assisting returning Hawaii national guard veterans to obtain federal treatment services, including screening for low levels of depleted uranium. Establishes task force to study effects of exposures to hazardous materials, including depleted uranium. Commissions study. Appropriates \$.

