



**GOV. MSG. NO. 759**

**EXECUTIVE CHAMBERS  
HONOLULU**

**LINDA LINGLE  
GOVERNOR**

May 27, 2008

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 27, 2008, the following bill was signed into law:

SB2040 SD1 HD2

A BILL FOR AN ACT RELATING TO CANCER  
SURVEILLANCE.  
(ACT 117)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

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## A BILL FOR AN ACT

RELATING TO CANCER SURVEILLANCE.

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

1           SECTION 1. The legislature finds that surveillance of  
2 cancer incidence and survival to assist individuals to make  
3 informed decisions is but one of eight goals of the Hawaii  
4 comprehensive cancer control coalition to advance cancer control  
5 in Hawaii. The other seven goals revolve around the following  
6 issues:

7           (1) Prevention, primarily through education and behavioral  
8 change;

9           (2) Early detection and assurance of coordination with  
10 cancer management services;

11           (3) Treatment with the most current and effective  
12 treatments available;

13           (4) Quality-of-life enhancement for all cancer survivors;

14           (5) Research to advance the capabilities in Hawaii for  
15 prevention, early detection, treatment, and quality of  
16 life;

17           (6) Uniform access to cancer services; and



1 (7) Adequate insurance.

2 However, several obstacles impede the fulfillment of the  
3 goal of cancer incidence and survival surveillance. First, the  
4 Hawaii Tumor Registry is currently unable to contact cancer  
5 survivors in Hawaii directly to educate them on the work of the  
6 Hawaii Tumor Registry for cancer research. Second, it is  
7 unclear under existing law that the collection of data on pre-  
8 cancerous conditions is permissible. Third, the collection of  
9 biological specimens that may assist in cancer prognosis and  
10 outcome is also uncertain under existing law.

11 The purpose of this Act is to remove the obstacles impeding  
12 the fulfillment of the goals of cancer incidence and survival  
13 surveillance by:

14 (1) Allowing a cancer patient to be contacted directly,  
15 without initial physician contact, to inform the  
16 patient that the patient is registered in the state  
17 cancer surveillance and registration program;

18 (2) Adding "pre-cancerous" to the conditions about which  
19 data collection is authorized to monitor cancer  
20 screening activities and the efficacy of cancer  
21 vaccines; and



1 (3) Adding "biological specimens" to the materials that  
2 may be collected to assist in research efforts to  
3 reduce, mitigate, and ameliorate the morbidity and  
4 mortality of cancer in Hawaii.

5 SECTION 2. Section 321-43, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§321-43 Statistical activities.** The department of health  
8 shall engage in the collection and analysis of statistical  
9 information on the morbidity and mortality of cancer in the  
10 [~~State.~~] state. The morbidity data may be collected in  
11 cooperation with the [~~Hawaii state medical association~~]  
12 University of Hawaii, Hawaii Medical Association, and the Hawaii  
13 cancer society. All data collected by a cooperating agency may  
14 be shared with the department of health in the form specified by  
15 the department of health. The mortality data as collected from  
16 death certificates shall be analyzed by the staff of the  
17 department in order to determine the significance of cancer in  
18 the [~~State~~] state by race, sex, age, occupation, site in the  
19 body, and in any other way found desirable for the purpose of  
20 determining the areas where greatest emphasis should be laid in  
21 the statewide cancer control program. The morbidity data shall  
22 be used [~~in~~]:



1        (1)    In determining the prognosis and chance of cure, as  
2                    well as the number of persons cured of cancer in the  
3                    [~~State; for~~] state;

4        (2)    For assisting in the direction of tumor research;  
5                    [~~for~~]

6        (3)    For determining, if possible, the tendencies of benign  
7                    tumors to become malignant; [~~and for~~]

8        (4)    For assisting in the follow-up of diagnosed or treated  
9                    tumor cases as requested by attending physicians[~~-~~];

10                    and

11        (5)    For improving the reporting of the cause of death on  
12                    death certificates.

13 All statistical material collected under this section shall be  
14 considered confidential as to the names of persons or physicians  
15 concerned, except that researchers may use the names of [~~such~~]  
16 those persons when requesting additional information for  
17 research studies when [~~such~~] the studies have been approved by  
18 the cancer commission of the [~~Hawaii medical association.~~]  
19 Hawaii Medical Association and the appropriate federally  
20 authorized human subjects protection board."

21        SECTION 3.    Section 324-21, Hawaii Revised Statutes, is  
22 amended by amending subsection (a) to read as follows:

1           "(a) Any person, public or private medical facility, or  
2 social or educational agency, may provide information,  
3 interviews, reports, statements, memoranda, biological  
4 specimens, or other data or relevant material relating to  
5 individuals with cancer or pre-cancerous conditions to the  
6 Hawaii Tumor Registry. This information may be used in the  
7 course of any cancer research study approved by the cancer  
8 commission of the Hawaii Medical Association[+] and the  
9 appropriate federally authorized human subjects protection  
10 board."

11           SECTION 4. Section 324-22, Hawaii Revised Statutes, is  
12 amended by amending subsections (b) and (c) to read as follows:

13           "(b) The identity[+] or any group of facts [~~which~~] that  
14 tends to lead to the identity[+] of any person whose condition  
15 or treatment has been studied shall be confidential and shall  
16 not be revealed in any report or any other matter prepared,  
17 released, or published. Researchers [~~may~~], however, may use the  
18 names of persons when requesting additional information for  
19 research studies after being approved by the cancer commission[+]  
20 ~~provided that when a request for additional information is to be~~  
21 ~~made directly from a patient, the researcher shall first obtain~~  
22 ~~approval for such request from the patient's attending~~



1 ~~physician,~~] of the Hawaii Medical Association and the  
2 appropriate federally authorized human subjects protection  
3 board.

4 (c) The use of [~~such~~] additional information obtained by  
5 researchers shall also be governed by subsection (a) and, in  
6 addition, where the patient is still living and the information  
7 is to be obtained directly from the patient, the researcher  
8 shall first obtain the approval of the patient[~~7~~] or the  
9 patient's immediate family, including a reciprocal beneficiary  
10 [~~7 or attending physician~~], in that order of priority."

11 SECTION 5. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.



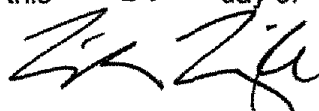
1 ~~physician]~~ of the Hawaii Medical Association and the  
2 appropriate federally authorized human subjects protection  
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APPROVED this 27 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII





