

JAN 17 2008

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# A BILL FOR AN ACT

RELATING TO VETERANS.

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

1           SECTION 1. The legislature finds that the chemical and  
2 radiological toxicity of depleted uranium has been a reported  
3 cause of kidney dysfunction, lung damage, neurological  
4 disorders, liver infection, and high miscarriage rates among  
5 military personnel. These health problems have been reported  
6 from military personnel who served in designated combat zones  
7 where depleted uranium munitions and armor were used, including  
8 the 1991 Gulf War and the 2003 invasion of Iraq.

9           The purpose of this Act is to provide access to information  
10 for returning veterans on health screening tests for exposure to  
11 depleted uranium.

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

15                   **"PART           .    NATIONAL GUARD VETERANS' EXPOSURE**  
16   **TO HAZARDOUS MATERIALS**

17           **§321-A Definitions.** Whenever used in this part, unless  
18 the context requires otherwise:



1 "Department" means the department of health.

2 "Depleted uranium" means uranium containing less uranium-  
3 235 than the naturally-occurring distribution of uranium  
4 isotopes.

5 "Eligible member" means a member of the Hawaii national  
6 guard who served in the Persian Gulf War, as defined in Title  
7 38, United States Code, Section 101, or in an area designated as  
8 a combat zone or qualified hazardous duty area by the President  
9 of the United States during Operation Enduring Freedom or  
10 Operation Iraqi Freedom, or recognized as such by the Internal  
11 Revenue Service for purposes of exclusion from income tax.

12 "Military physician" includes a physician who is under  
13 contract with the United States Department of Defense to provide  
14 physician services to members of the armed forces.

15 "Veteran" means any person honorably discharged, or  
16 released under honorable conditions, from active service in the  
17 armed forces who served as an eligible member.

18 **§321-B Assistance in obtaining treatment information.**

19 Beginning October 1, 2008, the department shall assist any  
20 eligible member or veteran in obtaining information on available  
21 federal treatment services who:



- 1           (1) Has been assigned a risk level I, II, or III for  
2           depleted uranium exposure by the eligible member's or  
3           veteran's branch of service;
- 4           (2) Is referred by a military physician; or
- 5           (3) Has reason to believe that the eligible member or  
6           veteran was exposed to depleted uranium during  
7           service.

8 The available screening services shall include a best practice  
9 health screening test for exposure to depleted uranium using a  
10 bioassay procedure that uses sensitive methods capable of  
11 detecting depleted uranium at low levels and also uses equipment  
12 with the ability to discriminate among different radioisotopes  
13 in naturally-occurring levels of uranium and the characteristic  
14 ratio and marker for depleted uranium.

15           (b) No state funds shall be used to pay for these tests or  
16 other federal treatment services."

17           SECTION 3. No later than twenty days prior to the  
18 convening of the regular session of 2009, the director of health  
19 shall certify to the legislature that members of the Hawaii  
20 national guard have been informed of possible health risks  
21 associated with exposure to depleted uranium. The certification



1 shall apply to both pre-deployment and post-mobilization  
2 information activities and post-deployment health screening.

3 SECTION 4. (a) There is created a task force on depleted  
4 uranium exposure, to be placed within the department of health.

5 (b) The task force shall consist of fifteen members, as  
6 follows:

7 (1) The director of health or a designee;

8 (2) Eight members who are members of the legislature, two  
9 each appointed by the president of the senate, the  
10 speaker of the house of representatives, the minority  
11 leader of the senate, and the minority leader of the  
12 house of representatives;

13 (3) Two members who are veterans with knowledge of or  
14 experience with exposure to hazardous materials, one  
15 each appointed by the president of the senate and the  
16 speaker of the house of representatives; and

17 (4) Four members who are physicians or scientists with  
18 knowledge of or experience in the detection or health  
19 effects of exposure to depleted uranium or other  
20 hazardous materials, one each appointed by the  
21 president of the senate, the minority leader of the  
22 senate, the speaker of the house of representatives,



1           and the minority leader of the house of  
2           representatives.

3           (c) The task force shall do the following:

4           (1) Consider initiation of a health registry for veterans  
5           returning from Afghanistan, Iraq, or other countries  
6           in which depleted uranium or other similar hazardous  
7           materials may be found;

8           (2) Develop a plan for an outreach program to ensure that  
9           veterans and military personnel are informed of  
10          available resources;

11          (3) Prepare a report for service members concerning  
12          potential exposure to depleted uranium and other toxic  
13          chemical substances and the precautions recommended  
14          under combat and noncombat conditions while in a  
15          combat zone; and

16          (4) Make any other recommendations that the task force  
17          considers appropriate.

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

20          Any vacancy shall be filled by the appointing authority.

21          (e) The members of the task force shall select as  
22          co-chairpersons of the task force, one senator and one



1 representative from among the members. The co-chairpersons  
2 shall schedule the first meeting of the task force, which shall  
3 be held no later than sixty days after the effective date of  
4 this Act.

5 (f) The task force shall report its findings and  
6 recommendations to the legislature no later than twenty days  
7 prior to the convening of the regular session of 2009.

8 (g) The department of health shall provide administrative,  
9 professional, technical, and clerical support required by the  
10 task force.

11 SECTION 5. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so much  
13 thereof as may be necessary for fiscal year 2008-2009 for the  
14 purposes of this Act.

15 The sum appropriated shall be expended by the department of  
16 health for the purposes of this Act.

17 SECTION 6. This Act shall take effect on July 1, 2008.

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INTRODUCED BY: Sharonne Chun Okunaka



**Report Title:**

Depleted Uranium; Health Effects

**Description:**

Provides access for Hawaii national guard veterans to information on health screening tests for exposure to depleted uranium. Establishes a task force to study the health effects of depleted uranium exposure.

