

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 2040  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committees on Health and Higher Education, to which was referred S.B. No. 2040, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CANCER SURVEILLANCE,"

beg leave to report as follows:

The purpose of this bill is to advance efforts to improve cancer control by removing the obstacles that impede surveillance of cancer incidence and survival. Specifically, this bill:

- (1) Allows the Department of Health (DOH) to collect data on the morbidity of cancer in cooperation with the University of Hawaii (UH);
- (2) Adds "biological specimens" to the materials that may be collected to assist in certain cancer research studies;
- (3) Requires hospitals, skilled nursing homes, intermediate care homes, free-standing radiation oncology facilities, and other treatment or pathology facilities to submit a report of individuals admitted with or diagnosed as having pre-cancer to the Hawaii Tumor Registry or participating hospital registry;
- (4) Authorizing the Hawaii Tumor Registry to reveal relevant information from cancer studies to appropriate human subject protection boards; and



- (5) Requires researchers to first obtain approval from a patient for a request of information regarding the patient's condition or treatment for certain research studies.

UH and the Hawaii Medical Association (HMA) testified in support of this bill. Kaiser Permanente Hawaii offered comments.

Your Committees have amended this bill by:

- (1) Clarifying the purpose language;
- (2) Allowing all data collected by the agency cooperating with DOH in the collection of morbidity data to be shared with DOH in the form specified by DOH;
- (3) Adding to the list of uses for morbidity data, an improvement in the reporting of the cause of death on death certificates;
- (4) If a cancer research study has been approved by the appropriate federally authorized human subjects protection board:
  - (A) Allowing researchers to use the names of persons or physicians about which statistical material are collected when requesting additional information for research studies;
  - (B) Allowing data or material provided to the Hawaii Tumor Registry to be used in the course of the study; and
  - (C) Allowing researchers to use the names of cancer research study subjects when requesting additional information for research studies;
- (5) Deleting the requirement that hospitals, skilled nursing homes, intermediate care homes, free-standing radiation oncology facilities, and other treatment or pathology facilities must submit a report of individuals admitted with or diagnosed as having pre-cancer to the Hawaii Tumor Registry or participating hospital registry, and instead simply allowing data or material relating to

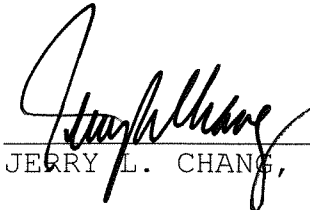


individuals with pre-cancerous conditions to be provided to the Hawaii Tumor Registry;

- (6) Deleting the requirement that researchers first obtain approval from the patient's attending physician for a request for additional information regarding the patient's condition or treatment for certain research studies, when the request is made directly from a patient;
- (7) Changing its effective date to upon its approval; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health and Higher Education that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2040, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2040, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and Higher  
Education,

  
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JERRY L. CHANG, Chair

  
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JOSHUA B. GREEN, M.D., Chair



State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

**HSCP 1326-08**

**Record of Votes of the Committee on Health**

<b>Bill/Resolution No.:</b> SB 2040, SD1	<b>Committee Referral:</b> HLT/HED, JUD	<b>Date:</b> 3-18-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. GREEN, Josh, M.D. (C)	✓			
2. MIZUNO, John (VC)	✓			
3. AWANA, Karen Leinani	✓			
4. BELATTI, Della Au				✓
5. BERTRAM, Joe, III				✓
6. CABANILLA, Rida T.R.	✓			
7. RHOADS, Karl	✓			
8. SHIMABUKURO, Maile S. L.	✓			
9. TOKIOKA, James Kunane	✓			
10. WARD, Gene, Ph.D.	✓			
<b>TOTAL (10)</b>	<b>8</b>			<b>2</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> <i>John M. Mizuno</i>				
<b>Distribution:</b> Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				

State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

HS CR 1326-08

Record of Votes of the Committee on Higher Education

Bill/Resolution No.: SB 2040, SDI	Committee Referral: HLT/HED, JHD	Date: 3/18/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HED Members	Ayes	Ayes (WR)	Nays	Excused
1. CHANG, Jerry L. (C)	✓			
2. BERTRAM, Joe, III (VC)				✓
3. BERG, Lyla B., Ph.D.				✓
4. CABANILLA, Rida T.R.	✓			
5. NISHIMOTO, Scott Y.	✓			
6. SAIKI, Scott K.				✓
7. SHIMABUKURO, Maile S. L.	✓			
8. TAKAI, K. Mark	✓			
9. TAKAMINE, Dwight Y.	✓			
10. TAKUMI, Roy M.	✓			
11. WAKAI, Glenn	✓			
12. CHING, Corinne W.L.	✓			
13. FINNEGAN, Lynn				✓
TOTAL (13)	9			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				