

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 3075
S.D. 1

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

Sir:

Your Committee on Health, to which was referred S.B. No. 3075, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS,"

begs leave to report as follows:

The purpose of this bill is to authorize the Department of Health (DOH) to demand entry on to any premises to collect samples deemed necessary to conduct an administrative investigation to determine the existence of a disease or series of injuries deemed to threaten the public health or safety. Under this bill:

- (1) The Director of Health must believe that reasonable cause exists for the investigation;
- (2) No entry can occur without the consent of the person in lawful control of the premises, except when exigent circumstances exist. Under these conditions, DOH may apply for an administrative investigation warrant from the appropriate district court to enter the premises;
- (3) The investigation shall be limited to only those actions necessary to confirm or deny the cause that prompted the investigation; and
- (4) When samples are taken, split samples shall be made available to the person whose premise was under investigation.



DOH testified in support of this bill. The American Civil Liberties Union of Hawaii offered comments.

This bill will address recent epidemiological investigations relating to Salmonella and E. coli outbreaks which were impeded by the refusal of certain parties to allow DOH to collect samples.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3075, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

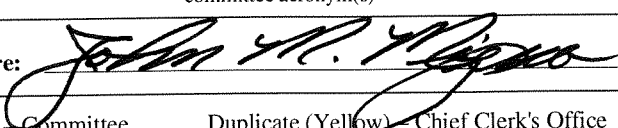
Respectfully submitted on
behalf of the members of the
Committee on Health,



JOSHUA B. GREEN, M.D., Chair



Record of Votes of the Committee on Health

Bill/Resolution No.: SB 3075, SD1	Committee Referral: HLT, JUD	Date: 3-19-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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.	✓			
TOTAL (10)	6			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				