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# A BILL FOR AN ACT

RELATING TO EPIDEMIOLOGIC INVESTIGATIONS.

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

1           SECTION 1. Section 321-29, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " ~~[+]~~ §321-29 ~~[+]~~ **Epidemiologic investigations.** (a) The  
4 department may conduct investigations to determine the nature  
5 and extent of diseases and injuries deemed by the department to  
6 threaten the public health and safety.

7           (b) Every person, health care provider, and medical  
8 facility shall provide the patient's name, the name of a minor  
9 patient's parent or guardian, address, telephone number, age,  
10 sex, race or ethnicity, clinical signs and symptoms, laboratory  
11 test results, diagnostic interview data, treatment provided, and  
12 the disposition of the patient when requested by an authorized  
13 representative of the director for the purpose of conducting  
14 such an investigation. The authorized representative may ~~[only]~~  
15 view only the limited portion of the patient's medical record ~~[~~  
16 ~~which]~~ that is directly relevant in time and scope to the  
17 subject of the investigation.



1 (c) Every person, company, organization, association,  
2 health care provider, medical facility, or any other possible  
3 source of information shall provide names, addresses, telephone  
4 numbers, and locating information regarding an individual or  
5 group of individuals suspected of having been exposed to a  
6 disease or disease-causing substance that is the subject of an  
7 epidemiologic investigation when requested by an authorized  
8 representative of the director.

9 For the purposes of this subsection, "locating information"  
10 includes information contained in appointment, reservation,  
11 registration, invitation, attendance, billing, payment lists, or  
12 any other record that may help the department identify, locate,  
13 or contact individuals or groups suspected of having been  
14 exposed to a disease under investigation.

15 (d) When, in the written opinion of the director of health  
16 reasonable cause exists for the investigation of a disease or  
17 series of injuries that threatens public health or safety and  
18 that the collection of plant, animal, food, or environmental  
19 samples or specimens for immediate testing is necessary, an  
20 authorized representative of the department, during regular  
21 working hours or at other reasonable times may demand entry onto





1           obtained, and the department shall make split samples  
2           available to the person whose premises are subject to  
3           the investigation.

4           For the purposes of this subsection, "administrative  
5           investigation" means any investigation, independent of a  
6           criminal investigation, that is conducted for the purpose of  
7           determining the existence of disease or series of injuries  
8           deemed by the department to threaten the public health or  
9           safety. An administrative investigation may involve the  
10           examination of real or personal property, records, equipment,  
11           buildings, products, by-products, wastes, processes, activities,  
12           environmental conditions (i.e., air, soil, and water quality),  
13           or other property or activities.

14           (e) If consent to entry is denied under subsection (d),  
15           the department representative may apply to the district court in  
16           the circuit in which the property is located for an  
17           administrative investigation warrant to enter the premises to  
18           effectuate the purposes of this section. The district court may  
19           issue an administrative investigation warrant directing a police  
20           officer of the county in the circuit to assist the department  
21           representative in gaining entry onto the premises during regular  
22           working hours or at other reasonable times. The warrant may



1 command the police officer to take sufficient aid, and being  
2 accompanied by a representative of the department, to go to the  
3 premises described in the warrant and search for, seize, secure,  
4 or collect, under the specific direction of the representative,  
5 or allow the representative to search for, seize, secure, or  
6 collect, plant, animal, food, or environmental samples or  
7 specimens deemed necessary to conduct the investigation  
8 successfully. A district court may issue an administrative  
9 investigation warrant if sufficient facts are presented to the  
10 court that would establish probable cause for the need for the  
11 search. Probable cause for the need for the search shall be  
12 established by affidavit demonstrating:

- 13       (1) The opinion of the director of health that there is  
14           reasonable cause for the investigation of the  
15           particular premises at issue;  
16       (2) That the investigation is necessary for the protection  
17           of public health and safety under this section; and  
18       (3) That consent to search the particular premises has  
19           been denied under subsection (d) (1) (A) .

20 A copy of the administrative investigation warrant and all  
21 supporting affidavits shall be provided to the person served.

22 If a suitable person is not available to be served after



1 reasonable efforts to locate such a person, the administrative  
2 investigation warrant may be left at the principal entry of the  
3 investigated premises.

4 [~~d~~] (f) No person, company, organization, association,  
5 health care provider, medical facility, or other source that  
6 provides information requested by an authorized representative  
7 of the director, for the purpose of conducting an investigation  
8 under this section, shall be held civilly or criminally liable  
9 for providing that information to the department.

10 [~~e~~] (g) All information provided to the department under  
11 this section shall be kept strictly confidential, except as the  
12 director determines is necessary to protect the public health  
13 and safety. Access to confidential records shall be restricted  
14 to those individuals specifically authorized to participate in  
15 any given investigation. However, epidemiologic and statistical  
16 information with no individual identifying information may be  
17 released to the public. The identities of individuals whose  
18 medical records are investigated shall be disclosed only to  
19 those persons authorized by the director or the director's  
20 representative to conduct a specific investigation under this  
21 section or determined by the director to be necessary to protect  
22 the health and safety of the public.



1        (h) The director shall adopt rules under chapter 91 as are  
2 appropriate to carry out the purposes of this section and its  
3 efficient administration. The rules shall:

4        (1) Establish administrative remedies for the owner,  
5        owner's agent, or person in lawful control of the  
6        property to file a claim with the department for  
7        damaged and seized property; provided that there shall  
8        be no administrative remedy for the seizure of  
9        de minimis samples;

10       (2) Provide notice to the owner, owner's agent, or person  
11       in lawful control of the property of the  
12       administrative remedies available for damaged and  
13       seized property; and  
14       (3) Provide penalties for the failure to comply with any  
15       rule."

16       SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18       SECTION 3. This Act shall take effect on July 1, 2009.



S.B. NO. 931  
S.D. 1  
H.D. 1  
C.D. 1

**Report Title:**

Epidemiologic Investigations

**Description:**

Grants the Department of Health authority to take samples necessary for epidemiologic investigations. (CD1)

