
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 immediately threatens public health or
18 safety and that the collection of plant, animal, food, natural
19 resource, or hazardous material samples or specimens for
20 immediate testing is necessary, an authorized representative of
21 the department, during regular working hours or at other
22 reasonable times may demand entry onto any premises, public or



1 private, for the purpose of conducting an investigation for the
2 sole purpose of securing or collecting any samples or specimens
3 specified as necessary to conduct the investigation
4 successfully; provided that:

5 (1) (A) Entry shall only occur with the consent of the
6 owner, owner's agent, or person in lawful control
7 of the property to investigate and collect
8 relevant samples; or

9 (B) If consent is not obtained, entry shall only
10 occur after issuance of an administrative
11 investigation warrant pursuant to subsection (e),
12 specifying the area to be searched and the types
13 of samples and specimens sought;

14 (2) The investigation shall be limited to only those
15 samples, specimens, and investigative actions that are
16 necessary to confirm or deny the cause that prompted
17 the investigation;

18 (3) An authorized representative of the director shall be
19 liable only for damage caused by acts beyond the scope
20 of the representative's authority, or by the
21 representative's gross negligence or intentional
22 misconduct; and



1 (4) The director's authorized representative shall leave
2 an inventory describing any samples or specimens
3 obtained, and the department shall make split samples
4 available to the person whose premises are subject to
5 the investigation.

6 (e) If consent to entry is denied under subsection (d),
7 the department representative may apply to the district court in
8 the circuit in which the property is located for an
9 administrative investigation warrant to enter the premises to
10 effectuate the purposes of this section. The district court may
11 issue an administrative investigation warrant directing a police
12 officer of the county in the circuit to assist the department
13 representative in gaining entry onto the premises during regular
14 working hours or at other reasonable times. The warrant may
15 command the police officer to take sufficient aid, and being
16 accompanied by a representative of the department, to go to the
17 premises described in the warrant and search for, seize, secure,
18 or collect, under the specific direction of the representative,
19 or allow the representative to search for, seize, secure, or
20 collect, plant, animal, food, natural resource, or hazardous
21 material samples or specimens deemed necessary to conduct the
22 investigation successfully. A district court may issue an



1 administrative investigation warrant if sufficient facts are
2 presented to the court that would establish probable cause for
3 the need for the search. Probable cause for the need for the
4 search shall be established by affidavit demonstrating:

- 5 (1) The opinion of the director of health that there is
6 reasonable cause for the investigation of the
7 particular premises at issue;
8 (2) That the investigation is necessary for the protection
9 of public health and safety under this section; and
10 (3) That consent to search the particular premises has
11 been denied under subsection (d) (1) (A).

12 A copy of the administrative investigation warrant and all
13 supporting affidavits shall be provided to the person served.
14 If a suitable person is not available to be served after
15 reasonable efforts to locate such a person, the administrative
16 investigation warrant may be left at the principal entry of the
17 investigated premises.

18 ~~(d)~~ (f) No person, company, organization, association,
19 health care provider, medical facility, or other source that
20 provides information requested by an authorized representative
21 of the director, for the purpose of conducting an investigation



1 under this section, shall be held civilly or criminally liable
2 for providing that information to the department.

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

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

19 (1) Establish administrative remedies for the owner,
20 owner's agent, or person in lawful control of the
21 property to file a claim with the department for
22 damaged and seized property; provided that there shall



1 be no administrative remedy for the seizure of
2 de minimis samples;
3 (2) Provide notice to the owner, owner's agent, or person
4 in lawful control of the property of the
5 administrative remedies available for damaged and
6 seized property; and
7 (3) Provide penalties for the failure to comply with any
8 rule."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect on January 1, 2046.



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

Report Title:

Epidemiologic Investigations

Description:

Grants the Department of Health authority to take samples necessary for epidemiologic investigations. (SB931 SD1)

SB931 HD1 HMS 2009-3704

