
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 opinion of the director of health or the
16 director's authorized representative, reasonable cause exists
17 for the investigation of a disease or series of injuries deemed
18 by the department to threaten the public health or safety that
19 requires the collection of plant, animal, food, or environmental
20 samples for testing, an authorized representative of the
21 department, during regular working hours or at other reasonable
22 times may demand entry onto any premises, public or private, for

1 the purpose of conducting an administrative investigation, to
2 secure or collect any samples or specimens deemed necessary to
3 conduct the investigation successfully, provided that:

4 (1) No entry shall occur without consent by the owner,
5 owner's agent, or person in lawful control of the
6 property to investigate and collect samples or without
7 the issuance of an administrative investigation
8 warrant, except when exigent circumstances presenting
9 imminent danger to public health and safety or the
10 environment exist;

11 (2) The investigation shall be limited to only those
12 actions that are necessary to confirm or deny the
13 cause that prompted the investigation;

14 (3) The authorized representatives shall be liable only
15 for damage caused by acts beyond the scope of the
16 representatives' authority or by the representatives'
17 gross negligence or intentional misconduct; and

18 (4) If the representative obtains any samples prior to
19 leaving the premises, the representative shall leave
20 an inventory describing any samples obtained, and the
21 department shall make split samples available to the
22 person whose premises is being investigated.

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

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

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

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

17 The authorized representatives and police officers shall be
18 liable only for damage caused by acts beyond the scope of the
19 representatives' or officers' authorities or by the
20 representatives' or officers' gross negligence or intentional
21 misconduct. A copy of the administrative investigation warrant

1 and all supporting affidavits shall be provided to the person
2 served or left at the entry of the investigated premises.

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

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

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

11 (2) Provide notice to the owner, owner's agent, or person
12 in lawful control of the property of the
13 administrative remedies available for damaged and
14 seized property; and

15 (3) Provide penalties for the failure to comply with any
16 rule."

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

19 SECTION 3. This Act shall take effect upon its approval.

Report Title:

Epidemiologic Investigations

Description:

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