

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 931

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 931, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to grant the Department of Health authority to demand entry onto any premises, public or private, when the Director of Health finds that reasonable cause exists to secure or collect samples necessary for an epidemiologic investigation, based on a threat to the public health and safety.

Additionally, this measure:

- (1) Defines and limits the scope of such administrative investigations;
- (2) Addresses the liability of authorized representatives of the Department of Health and police officers in conducting the administrative investigations;
- (3) Provides for the obtaining of consent from the affected property owner and procedures for obtaining an administrative investigation warrant if consent is denied; and
- (4) Authorizes the Director of Health to adopt rules to, among other things, establish administrative remedies, notice requirements, and penalties.



The interruption, containment, and prevention of outbreaks of dangerous diseases depend on timely epidemiological investigations that often include the collection of samples to determine the source and track the spread of the disease. One of the most common reasons for the Department of Health to conduct an epidemiologic investigation is the outbreak of food borne disease, such as *E. coli* or salmonella. However, such investigations have been impeded by individuals who fail to cooperate with the Department. This measure remedies the situation by ensuring timely access to samples needed for these investigations to ensure that the public health will not be compromised.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 931, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,



BRIAN T. TANIGUCHI, Chair



