
A BILL FOR AN ACT

RELATING TO MANDATORY REPORTING REQUIREMENTS.

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

1 SECTION 1. The legislature finds that it is critical to
2 understand the dynamic of coercion surrounding adult victims of
3 sex trafficking or promoting prostitution in the first degree
4 and labor trafficking. According to the Family Violence
5 Prevention Fund, in 2005, twenty-eight per cent of the of
6 twenty-one victims of human trafficking from San Francisco, Los
7 Angeles, and Atlanta received medical care while in their
8 trafficker's control. This statistic illustrates the fact that
9 encounters in the health care setting may offer opportunities
10 for identifying trafficking victims.

11 The legislature also finds that health care providers have
12 seen cases in hospitals where victims have been released into
13 the care of the victim's trafficker. Due to restrictions under
14 the federal Health Insurance Portability and Accountability Act,
15 P.L. 104-191, health care professionals find it difficult to
16 notify the proper authorities to ensure these individuals
17 receive the assistance they need.

18 The purpose of this Act is to:



1 (1) Allow medical personnel to report suspicious wounds to
2 authorities if the wounds appear to be associated with
3 human or labor trafficking; and

4 (2) Subject a person who reports wounds to physician-
5 patient privilege regarding patient communications for
6 the diagnosis of the treatment of the patient but not
7 regarding the physician's observations of the patient.

8 SECTION 2. Section 453-14, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§453-14 Duty of physician, osteopathic physician,**
11 **surgeon, hospital, clinic, etc., to report wounds.** (a) Every
12 physician, osteopathic physician, physician assistant, and
13 surgeon attending or treating a case of knife wound, bullet
14 wound, gunshot wound, powder burn, or any injury that would
15 seriously maim, produce death, or has rendered the injured
16 person unconscious caused by the use of violence or sustained in
17 a suspicious or unusual manner or in motor vehicle collisions
18 resulting in serious injury or death, or, whenever the case is
19 treated in a hospital, clinic, or other institution, the
20 manager, superintendent, or person in charge thereof, shall
21 report the case or provide requested information to the chief of
22 police of the county within which the person was attended or



1 treated, giving the name of the injured person, description of
2 the nature, type, and extent of the injury, together with other
3 pertinent information that may be of use to the chief of police.

4 (b) Every physician, osteopathic physician, physician
5 assistant, and surgeon attending or treating an injury
6 reasonably believed to have been caused by the use of violence
7 or sustained in a suspicious or unusual manner, including
8 injuries that result from labor trafficking or prostitution, may
9 report the case or provide requested information to the chief of
10 police of the county within which the person was attended or
11 treated, giving the name of the injured person, description of
12 the nature, type, and extent of the injury, together with other
13 pertinent information that may be of use to the chief of police.

14 (c) As used herein[, the term "chief of police"]:
15 "Chief of police" means the chief of police of each county
16 and any of the chief's authorized subordinates.

17 "Prostitution" has the same meaning as provided in section
18 712-1200.

19 "Victim" has the same meaning as provided in section
20 707-780.

21 ~~[(b)]~~ (d) This section shall not apply to wounds, burns,
22 or injuries received by a member of the armed forces of the



1 United States or of the State while engaged in the actual
2 performance of duty.

3 (e) A person who makes a report called for under this
4 section shall be subject to the physician-patient privilege
5 under section 626-1, rule 504, with regard to confidential
6 communications made by the patient for the purpose of diagnosis
7 or treatment of that patient, but shall not apply to testimony
8 about the physician's observations of the patient.

9 [~~e~~] (f) Any person who fails to make the report called
10 for herein within twenty-four hours after the attendance or
11 treatment shall be fined not less than \$50 nor more than \$500."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Labor Trafficking; Prostitution; Authority to Report

Description:

Allows certain medical personnel to report certain injuries, including injuries that result from labor trafficking or prostitution. Subjects a person who reports wounds to physician-patient privilege regarding patient communications for the diagnosis or treatment of the patient but not regarding physician's observations of patient. (SD1)

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