
A BILL FOR AN ACT

RELATING TO BIRTH DEFECTS.

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

1 SECTION 1. Section 324-43, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§324-43[+] Use of collected information. (a) The
4 information collected under this part shall be used by the
5 department of health or researchers only for the purpose of
6 advancing medical and public health research, medical education,
7 or education of the public and healthcare providers in the
8 interest of reducing morbidity or mortality[~~7~~] or increasing
9 physicians' knowledge of resources available for families with
10 birth defects, and only as approved or exempted by an
11 institutional review board.

12 (b) The identity of, or any information which alone or in
13 combination with other reasonably available information that may
14 be used to identify, any person whose condition or treatment has
15 been studied under this part shall be confidential.

16 (c) If the [+]birth defects program[+] or researchers
17 intend to collect additional information directly from a patient
18 or patient's relative for research studies approved by an

H.B. NO. 2356

1 institutional review board, the researcher shall first obtain
2 approval for the request from the patient's primary care
3 provider. If the patient's current physician is not known, the
4 patient may be contacted directly using a method approved by an
5 institutional review board. The use of the additional
6 information obtained by researchers shall be governed by
7 subsection (a)."

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 Statutory material to be repealed is bracketed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

10 SECTION 3. This Act, upon its approval, shall take effect
11 on July 1, 2016.

12
13
14 INTRODUCED BY



BY REQUEST

15
16 JAN 25 2016

H.B. NO. 2356

Report Title:

Birth Defects Program

Description:

Clarifies the use of the birth defects data to include health care providers.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO BIRTH DEFECTS.

PURPOSE: To allow the Department of Health to communicate with the primary care provider of a child identified with a birth defect as a result of information collected pursuant to birth defect studies in order to provide information about programs and resources that may help the child.

MEANS: Amend section 324-43, Hawaii Revised Statutes.

JUSTIFICATION: The current statute prohibits the Department from using the information collected on birth defects for purposes other than advancing medical and public health research, medical education, or public education, and then only as approved by an institutional review board.

Impact on the public: A small number of potentially high-needs children and their families may become eligible for services.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 560.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: July 1, 2016.