



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2017

GOV. MSG. NO. 1258

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2017, the following bill was signed into law:

SB1171 SD1 HD1 CD1

RELATING TO THE HEALTH CARE PRIVACY
HARMONIZATION ACT
ACT 157 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

JUL 10 2017

A BILL FOR AN ACT

RELATING TO THE HEALTH CARE PRIVACY HARMONIZATION ACT.

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

1 SECTION 1. The purpose of this Act is to identify the
2 circumstances in which the State has a compelling interest in
3 the use and disclosure of de-identified protected health
4 information under the Health Care Privacy Harmonization Act. It
5 is not the intent of the legislature to foreclose other
6 circumstances in which the State may similarly have a compelling
7 interest in the use or disclosure of this information.

8 SECTION 2. Chapter 323B, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§323B- Disclosure, use, and production of de-identified
12 protected health information. (a) Provided that individually
13 identifiable protected health information has been de-identified
14 pursuant to title 45 Code of Federal Regulations part 164, as
15 may be amended, the State shall have a compelling interest in
16 the public and private disclosure, use, and production of the
17 de-identified protected health information for the purposes of
18 medical or economic research, protecting patient or public



1 safety, ensuring proper operation of facilities providing
2 medical care, and health care operations as defined in title 45
3 Code of Federal Regulations part 164, as may be amended.

4 (b) Public and private uses of de-identified protected
5 health information in which the State shall have a compelling
6 interest include but are not limited to:

7 (1) De-identified protected health information from state
8 agencies, hospitals, medical and health care
9 facilities, health care providers, and providers of
10 health insurance relating to:

11 (A) Medical or economic research; and

12 (B) Public safety;

13 (2) De-identified protected health information from state
14 agencies, pharmacies, hospitals, medical and health
15 care facilities, health care providers, and providers
16 of health insurance relating to patient protection and
17 public safety involving unfair or deceptive acts or
18 practices, restraints of trade, and price-fixing in
19 violation of chapter 480; and

20 (3) De-identified protected health information from state
21 agencies, hospitals, medical and health care



- 1 facilities, and health care providers relating to the
- 2 proper operation of medical and health care facilities
- 3 that includes:
- 4 (A) Quality assessment and improvement activities;
- 5 (B) Patient protection and safety activities;
- 6 (C) Population based activities relating to improving
- 7 health or reducing health care costs;
- 8 (D) Fraud and abuse detection and compliance; and
- 9 (E) Employment actions."

10 SECTION 3. Section 323B-2, Hawaii Revised Statutes, is
 11 amended by adding a new definition to be appropriately inserted
 12 and to read as follows:

13 "De-identified protected health information" has the same
 14 meaning as in title 45 Code of Federal Regulations section
 15 164.514(a), as may be amended."

16 SECTION 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2017.

APPROVED this 10 day of JUL, 2017





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate

SB No. 1171, SD 1, HD 1, CD 1

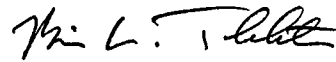
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives