

STAND. COM. REP. NO.

3544

Honolulu, Hawaii

APR 06 2018

RE: H.B. No. 2373
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2373, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE SHARING OF VITAL STATISTICS RECORDS WITH DEPARTMENT OF HEALTH PROGRAM EMPLOYEES FOR APPROVED RESEARCH PURPOSES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Health to disclose certain vital statistic records to Department program employees with the approval of the Department's institutional review committee.

Your Committee received testimony in support of this measure from the Department of Health, Hawaii Primary Care Association, and O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i.

Your Committee finds that individuals have a significant privacy interest in their records that are held and maintained by the Department of Health. The State and, by extension, the Department of Health has an interest in conducting research using public health statistics, but this interest must be properly balanced against the significant privacy interests of the individuals whose records are used in the research. This measure will protect the privacy interest of individuals while allowing



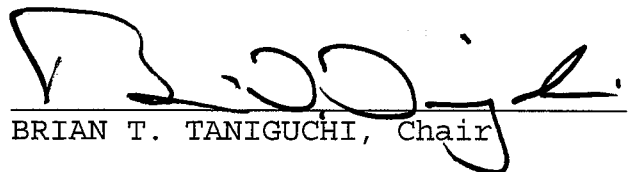
employees of the Department of Health to use vital statistics records for the purposes of research.

Your Committee has amended this measure by:

- (1) Clarifying that the information to be disclosed by the Department of Health may only be used for approved research purposes;
- (2) Requiring that the public health purpose for the approved research that outweighs the confidentiality interest of persons identified in the record must substantially outweigh that interest in order for information to be disclosed without informed consent;
- (3) Clarifying that information disclosed for approved research may only be re-disclosed if the record has been redacted of identifying personal information;
- (4) Defining "department" to mean "Department of Health";
- (5) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2373, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2373, H.D. 2, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


BRIAN T. TANIGUCHI, Chair



