

ACT 186

H.B. NO. 378

A Bill for an Act Relating to Environmentally-Related Human Illness and Injury.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that clear governmental authority to monitor human illness and injuries caused by pesticides, lead, and other potentially toxic substances through surveillance is an essential prerequisite to preventing human illness and injury. In order to ensure that the reporting of environmentally-related illness and injury is timely and complete, health care professionals should be required to report such incidents to the department of health. The purpose of this Act is to require health care professionals to report all cases of environmentally-related human illness or injury determined by the director to present a threat to public health to the department of health so that preventive measures can be more effectively implemented and evaluated.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . ENVIRONMENTALLY-RELATED
ILLNESS AND INJURY**

§321- Environmentally-related illness and injury surveillance. The department of health shall maintain, as it deems advisable and within available resources, an environmentally-related human illness and injury surveillance system for conditions determined by the director to present a threat to public health in order to ascertain the incidence, distribution, and other epidemiological characteristics of these illnesses and injuries.

§321- Definition of environmentally-related illness or injury. Environmentally-related human illnesses or injuries are those designated acute or chronic adverse health effects associated with exposure to pesticides, lead, or other toxic substances determined by the director to present a threat to public health.

§321- Definition of health care professional. A health care professional means a physician as licensed under chapter 453 and an osteopath as licensed under chapter 460.

§321- Reports to the department. Any health care professional who has the primary responsibility for the treatment of an individual who is suffering from environmentally-related illness or injury shall report the occurrence or suspected occurrence of such illness or injury to the department in writing or in the manner specified by the director of health. Every laboratory director having laboratory data regarding an individual affected by or suspected to be affected by a toxic substance determined by the director of health to present a threat to public health shall report such data to the department of health in a manner specified by the director. Forms for the reporting of environmentally-related illness or injury shall be provided by the department.

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§321- Confidentiality. Reports provided to the department under this section shall not be made public to protect the identity of the persons diagnosed to be suffering from an environmentally-related illness or injury; provided that statistical information collected under this part shall be public information.

§321- Immunity from liability. Any health care professional or laboratory director who complies with this part shall not be held civilly or criminally liable for providing the information required under this part.

§321- Rules. The director of health shall adopt rules necessary for the purposes of this part pursuant to chapter 91. The rules shall include the director's determination of the penalties to be assessed for any failure of a health care professional or laboratory director to comply with the reporting requirements established under this part."

SECTION 3. This Act shall take effect upon its approval.

(Approved June 6, 1987.)