

## ACT 158

H.B. NO. 1038

A Bill for an Act Relating to Infectious Diseases.

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

SECTION 1. Section 325-2, Hawaii Revised Statutes is amended to read:

**“§325-2 Physicians, laboratory directors, and health care professionals to report.** Every physician or health care professional having a client affected by or suspected of being affected by a disease or condition declared to be communicable or dangerous to the public health by the director of health shall report the incidence or suspected incidence of such disease or condition to the department of health in writing or in the manner specified by the department of health. Every laboratory director having laboratory data regarding an individual affected by or suspected of being affected by a disease or condition declared to be communicable or dangerous to the public health shall report such diseases or conditions to the department of health in writing or in a manner specified by the health department. Every physician, laboratory director, or health care professional who refuses or neglects to give such notice, or make such report, [shall] may be [guilty of a misdemeanor punishable as provided in section 325-14. In addition, the director of health may assess an administrative fine] fined in an amount not to exceed \$1,000 per violation[.], to be assessed by the director of health. The director of health is authorized to impose the penalty pursuant to this section.”

SECTION 2. Section 325-53, Hawaii Revised Statutes, is amended to read as follows:

**“§325-53 Reports of blood tests.** In reporting a birth or fetal death, every physician or other person required to make such reports shall state, in a report accompanying the certificate, whether, according to the physician’s or other person’s knowledge or information, a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which the birth or stillbirth certificate is filed and the approximate date when the specimen was taken. The department of health may investigate the circumstances surrounding the birth of any baby on whose mother no serologic test, as required by this part, appears to have been taken. Failure on the part of any physician or other person permitted by law to attend pregnant women to comply with this part [shall] may be [considered a misdemeanor.] punished by an administrative fine in an amount not to exceed \$1,000 per violation, to be assessed by the director of health. The director of health is authorized to impose the penalty pursuant to this section.”

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SECTION 3. Section 325-56, Hawaii Revised Statutes, is amended to read as follows:

“**§325-56 Penalty.** Any physician or other person permitted by law to attend pregnant women, and any other person, who violates this part or any rule [or regulation] of the department of health adopted pursuant to this part, [shall] may be [guilty of a misdemeanor, punishable as provided by section 321-18.] fined in an amount not to exceed \$1,000 per violation, to be assessed by the director of health. The director of health is authorized to impose the penalty pursuant to this section.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 1, 1988.)