

ACT 17

S.B. NO. 2024

A Bill for an Act Relating to Medical Research on Cancer Studies.

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

SECTION 1. While cancer is a reportable disease in Hawaii, the legislature finds that current law is limited because it only requires hospitals, skilled nursing homes, and intermediate care homes to report cancer cases to the Hawaii Tumor Registry. Advances in medicine have allowed for the treatment of many cases outside a hospital setting, such as the dermatologist's office. Yet the law does not require physicians and other health care providers to report cases they diagnose and treat in an out-patient setting to the Hawaii Tumor Registry or hospital-based registries. As a result, the statistics on the incidence rate of cancer in the state are inaccurate due to underreporting.

The purpose of this Act is to improve cancer statistics by requiring cancer cases detected in physician's offices, laboratories, free-standing radiation oncology facilities, and other treatment and pathology facilities to be reported to the Hawaii Tumor Registry or hospital-based registries.

SECTION 2. Section 324-21, Hawaii Revised Statutes, is amended to read as follows:

“§324-21 Sources of information protected. (a) Any person, public or private medical facility, or social or educational agency, may provide information, interviews, reports, statements, memoranda, or other data or relevant material relating to individuals with cancer to the Hawaii Tumor Registry. [Such] This

information may be used in the course of any cancer research study approved by the cancer commission of the Hawaii Medical Association.

(b) Hospitals, skilled nursing homes [and], intermediate care homes, free-standing radiation oncology facilities, and other treatment or pathology facilities shall submit a report of any person admitted with or diagnosed as having cancer to the Hawaii Tumor Registry [on a form] or participating hospital registry according to a format approved by the cancer commission of the Hawaii Medical Association. Physicians who diagnose or treat a patient for cancer shall also submit a report to the Hawaii Tumor Registry or participating hospital registry unless the patient has previously been admitted or treated at a hospital, skilled nursing home, intermediate care home, or free-standing radiation oncology facility for that particular cancer. The Hawaii Tumor Registry staff or their representative or hospital-based registry staff may assist [such] the hospitals [and], institutions, treatment or pathology facilities, and physician offices in the preparation of [such report forms.] the reports.

(c) No liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided the information or material, or by reason of having released or published the findings, conclusions, and summaries of the researchers to advance medical research and medical education.’’

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 11, 2000.)