

ACT 135

H.B. NO. 2373

A Bill for an Act Relating to the Sharing of Vital Statistics Records with Department of Health Program Employees for Approved Research Purposes.

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

SECTION 1. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§338- Sharing of vital statistics records with department of health program employees for approved research purposes. (a) Notwithstanding section 338-18, the department may disclose public health statistics records to persons who are employed by department of health programs, acting within the scope of their employment, who need to use a public health statistics record for research purposes, as approved by the department of health’s institutional review committee. Upon the institutional review committee’s approval, the department may disclose the following to department employees as specified in this section:

- (1) Names, addresses, and contact information in the record for the purpose of contacting persons identified in the record to request informed consent to use additional specified information in the record. Upon confirmation of informed consent, the additional specified information in the record may be disclosed and used for approved research purposes; and
- (2) Information in the record as approved by the institutional review committee without informed consent of persons identified in the record; provided that the institutional review committee:
 - (A) Identifies the information in the record for which disclosure is sought;
 - (B) Determines that obtaining informed consent is not practicable; and
 - (C) Determines that there is a public health purpose for the approved research that substantially outweighs the confidentiality interest of persons identified in the record.

(b) Research purposes under this section are limited to those that have been approved by the department’s institutional review committee.

(c) Requirements for informed consent shall be determined by the department’s institutional review committee as part of its approval of the research purposes for which the information in the record will be disclosed and used.

(d) Information disclosed pursuant to this section may only be re-disclosed:

- (1) With authorization from the institutional review committee; or
- (2) If the record has been redacted of identifying personal information.

(e) For the purposes of this section, “department” means the department of health.”

SECTION 2. New statutory material is underscored.¹

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

(Approved July 5, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.