Report Title:
Epidemiologic Investigations

Description:
Grants the department of health authority to take samples necessary for epidemiologic investigations. (SD1)
A BILL FOR AN ACT

RELATING TO EPIDEMIOLOGIC INVESTIGATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 321-29, Hawaii Revised Statutes, is amended to read as follows:

"§321-29 Epidemiologic investigations. (a) The department may conduct investigations to determine the nature and extent of diseases and injuries deemed by the department to threaten the public health and safety.

(b) Every person, health care provider, and medical facility shall provide the patient's name, the name of a minor patient's parent or guardian, address, telephone number, age, sex, race or ethnicity, clinical signs and symptoms, laboratory test results, diagnostic interview data, treatment provided, and the disposition of the patient when requested by an authorized representative of the director for the purpose of conducting such an investigation. The authorized representative may [only] view only the limited portion of the patient's medical record[, which] that is directly relevant in time and scope to the subject of the investigation.

(c) Every person, company, organization, association, health care provider, medical facility, or any other possible source of information shall provide names, addresses, telephone numbers, and
locating information regarding an individual or group of individuals suspected of having been exposed to a disease or disease-causing substance that is the subject of an epidemiologic investigation when requested by an authorized representative of the director.

For the purposes of this subsection, "locating information" includes information contained in appointment, reservation, registration, invitation, attendance, billing, payment lists, or any other record that may help the department identify, locate, or contact individuals or groups suspected of having been exposed to a disease under investigation.

(d) When, in the opinion of the director or the director's authorized representative, reasonable cause exists for the investigation of a disease or series of injuries deemed by the department to threaten the public health or safety that requires the collection of plant, animal, food, or environmental samples for testing, an authorized representative of the department, during regular working hours or at other reasonable times, may demand entry on to any premises, public or private, for the purpose of conducting an administrative investigation to secure or collect any samples or specimens deemed necessary to conduct the investigation successfully, provided that:

(1) No entry shall occur without consent by the owner, owner's agent, or person in lawful control of the property to investigate or without the issuance of an administrative investigation warrant, except when exigent circumstances presenting imminent danger to public health and safety or the environment exist;

(2) The investigation shall be limited to only those actions
that are necessary to confirm or deny the cause which prompted the investigation;

(3) The authorized representatives shall be liable only for damage caused by acts beyond the scope of the representatives' authority or by the representatives' gross negligence or intentional misconduct; and

(4) If the representative obtains any samples prior to leaving the premises, the representative shall leave an inventory describing any samples obtained and the department shall make split samples available to the person whose premises is being investigated.

For the purposes of this subsection, "administrative investigation" means any investigation, independent of a criminal investigation, that is conducted for the purpose of determining the existence of disease or series of injuries deemed by the department to threaten the public health or safety. Administrative investigations may involve the examination of real or personal property, equipment, buildings, products, by-products, wastes, processes, activities, environmental conditions (i.e. air, soil and water quality), personnel or other property or activities. The scope of an administrative investigation may be limited by consent, the terms of an administrative investigation warrant or other court order, or by circumstances surrounding a warrant-less investigation.

(e) If consent to investigate is denied under subsection (d), the department representative may apply to the district court in the circuit in which the property is located for an administrative investigation warrant to enter the premises to effectuate the purposes of this section. The district court may issue an
administrative investigation warrant directing a police officer of the circuit to assist the department representative in gaining entry onto the premises during regular working hours or at other reasonable times. The warrant may command the police officer to take sufficient aid, and being accompanied by a representative of the department, to go to the premises described in the warrant and to seize, secure, or collect, under directions of the representative, or to allow the representative to seize, secure, or collect plant, animal, food, or environmental samples deemed necessary to conduct the investigation successfully. The authorized representatives and police officers shall be liable only for damage caused by acts beyond the scope of the representatives' or officers' authorities or by the representatives' or officers' gross negligence or intentional misconduct. A copy of the administrative investigation warrant and all supporting affidavits shall be provided to the person served or left at the entry of the investigated premises.

(f) No person, company, organization, association, health care provider, medical facility, or other source that provides information requested by an authorized representative of the director, for the purpose of conducting an investigation under this section, shall be held civilly or criminally liable for providing that information to the department.

(g) All information provided to the department under this section shall be kept strictly confidential, except as the director determines is necessary to protect the public health and safety. Access to confidential records shall be restricted to those individuals specifically authorized to participate in any given investigation. However, epidemiologic and statistical information
with no individual identifying information may be released to the public. The identities of individuals whose medical records are investigated shall be disclosed only to those persons authorized by the director or the director's representative to conduct a specific investigation under this section or determined by the director to be necessary to protect the health and safety of the public."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 2050.