
A BILL FOR AN ACT

RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Enable the department of health to disclose vital
3 statistics records for public health and law
4 enforcement purposes; and

5 (2) Update the categories of those who may access
6 otherwise confidential vital statistics records.

7 SECTION 2. Section 338-18, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§338-18 Disclosure of records.** (a) To protect the
10 integrity of vital statistics records, to ensure their proper
11 use, and to ensure the efficient and proper administration of
12 the vital statistics system, it shall be unlawful for any person
13 to permit inspection of, or to disclose information contained in
14 vital statistics records, or to copy or issue a copy of all or
15 part of any [~~such~~] record, except as authorized by this part or
16 [~~by~~] in a manner consistent with rules adopted by the department
17 of health.



1 (b) The department of health shall not permit inspection
2 of public health statistics records, or issue a certified copy
3 of any [~~such~~] record or part thereof, unless it is satisfied
4 that the applicant has a direct and tangible interest in the
5 record. The following persons or agencies shall be considered
6 to have a direct and tangible interest in a public health
7 statistics record:

8 (1) The registrant;

9 (2) The spouse of the registrant;

10 (3) A parent of the registrant;

11 (4) A descendant of the registrant;

12 (5) A person having a common ancestor with the registrant;

13 (6) A legal guardian of the registrant;

14 (7) A person or agency acting on behalf of the registrant;

15 (8) A personal representative or trustee of the

16 registrant's estate[+] or trust;

17 (9) A person whose right to inspect or obtain a certified

18 copy of the record is established by an order of a

19 court of competent jurisdiction;

20 (10) Adoptive parents who have filed a petition for

21 adoption and who need to determine the death of one or



- 1 more of the prospective adopted child's natural or
2 legal parents;
- 3 (11) A person who needs to determine the marital status of
4 a former spouse [~~in order~~] to determine the payment of
5 alimony;
- 6 (12) A person, agency, or a beneficiary of a will or trust
7 who needs to determine the death of a [nonrelated] co-
8 owner of property [purchased under a joint tenancy
9 agreement; and
- 10 ~~(13) A person who needs a death certificate for the~~
11 ~~determination of payments under a credit insurance~~
12 ~~policy.];~~
- 13 (13) A person or agency who seeks access to vital
14 statistics records for a public health purpose, as
15 reviewed by the department of health's institutional
16 review committee and approved by the director of
17 health; and
- 18 (14) A government law enforcement agency with jurisdiction
19 in the State that seeks access to vital statistics
20 records for a law enforcement purpose.



1 (c) The department of health may permit the use ~~[+]~~of~~[+]~~
2 the data contained in public health ~~[statistical]~~ statistics
3 records for research purposes only, but no identifying use
4 thereof shall be made.

5 (d) Index data consisting of name and sex of the
6 registrant, type of vital event, and such other data as the
7 director may authorize shall be made available to the public.

8 (e) The department of health may permit persons working on
9 genealogy projects access to microfilm or other copies of vital
10 records of events that occurred more than ~~[seventy five]~~ one
11 hundred fifteen years ~~[prior to]~~ before the current year.

12 ~~[(f) Subject to this section, the department may direct~~
13 ~~its local agents to make a return upon filing of birth, death,~~
14 ~~and fetal death certificates with them, of certain data shown to~~
15 ~~federal, state, territorial, county, or municipal agencies.~~
16 ~~Payment by these agencies for these services may be made as the~~
17 ~~department shall direct.~~

18 ~~(g)]~~ (f) The department of health shall not issue a
19 verification in lieu of a certified copy of any ~~[such]~~ record,
20 or any part thereof, unless it is satisfied that the applicant
21 requesting a verification is:



- 1 (1) A person who has a direct and tangible interest in the
2 record but requests a verification in lieu of a
3 certified copy;
- 4 (2) A [~~governmental~~] government agency that, for a
5 legitimate government purpose, maintains and needs to
6 update official lists of persons in the ordinary
7 course of the agency's activities. Notwithstanding
8 other provisions of this section, upon request from a
9 [~~governmental~~] government agency of the State [~~of~~
10 ~~Hawaii~~] or its political subdivisions, the department
11 of health may further disclose to that [~~governmental~~]
12 government agency the date of the vital event that has
13 been verified;
- 14 (3) A [~~governmental agency, or~~] government, private,
15 social, or educational agency or organization that
16 seeks confirmation of a certified copy of any [~~such~~]
17 record submitted in support of or information provided
18 about a vital event relating to any [~~such~~] record and
19 contained in an official application made in the
20 ordinary course of the agency's or organization's
21 activities by an individual seeking employment with,



1 entrance to, or the services or products of the agency
2 or organization;

3 (4) A private or government attorney who seeks to confirm
4 information about a vital event relating to any ~~[such]~~
5 record that was acquired during the course of or for
6 purposes of legal proceedings; or

7 (5) An individual employed, endorsed, or sponsored by a
8 ~~[governmental agency, or]~~ government, private, social,
9 or educational agency or organization who seeks to
10 confirm information about a vital event relating to
11 preparation of reports or publications by the agency
12 or organization for research or educational purposes.

13 (g) For the purposes of this section, "research purposes"
14 shall be limited to those purposes that have been reviewed by
15 the department of health's institutional review committee and
16 approved by the department of health's institutional review
17 committee and the director of health."

18 SECTION 3. Section 338-18.5, Hawaii Revised Statutes, is
19 repealed.

20 ~~["[§338-18.5] Sharing of vital statistics records with~~
21 ~~department of health program employees for approved research~~



1 ~~purposes. (a) Notwithstanding section 338-18, the department~~
2 ~~may disclose public health statistics records to persons who are~~
3 ~~employed by department of health programs, acting within the~~
4 ~~scope of their employment, who need to use a public health~~
5 ~~statistics record for research purposes, as approved by the~~
6 ~~department of health's institutional review committee. Upon the~~
7 ~~institutional review committee's approval, the department may~~
8 ~~disclose the following to department employees as specified in~~
9 ~~this section:~~

- 10 ~~(1) Names, addresses, and contact information in the~~
11 ~~record for the purpose of contacting persons~~
12 ~~identified in the record to request informed consent~~
13 ~~to use additional specified information in the record.~~
14 ~~Upon confirmation of informed consent, the additional~~
15 ~~specified information in the record may be disclosed~~
16 ~~and used for approved research purposes; and~~
- 17 ~~(2) Information in the record as approved by the~~
18 ~~institutional review committee without informed~~
19 ~~consent of persons identified in the record, provided~~
20 ~~that the institutional review committee:~~



- 1 ~~(A) Identifies the information in the record for~~
- 2 ~~which disclosure is sought;~~
- 3 ~~(B) Determines that obtaining informed consent is not~~
- 4 ~~practicable; and~~
- 5 ~~(C) Determines that there is a public health purpose~~
- 6 ~~for the approved research that substantially~~
- 7 ~~outweighs the confidentiality interest of persons~~
- 8 ~~identified in the record.~~

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

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

16 ~~(d) Information disclosed pursuant to this section may~~
17 ~~only be re-disclosed.~~

18 ~~(1) With authorization from the institutional review~~
19 ~~committee; or~~

20 ~~(2) If the record has been redacted of identifying~~
21 ~~personal information.~~



1 ~~(e) For the purposes of this section, "department" means~~
2 ~~the department of health."]~~

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

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



Report Title:

Department of Health; Vital Statistics Records; Disclosure;
Public Health; Law Enforcement

Description:

Authorizes the Department of Health to disclose vital statistics records for public health and law enforcement purposes. Updates eligibility requirements for access to confidential vital statistics records. (SD1)

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