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# 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 are able to 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 [~~ex~~  
16 by] and in a manner consistent with rules adopted by the  
17 department of health.



1 (b) The department shall not permit inspection of public  
2 health statistics records, or issue a certified copy of any such  
3 record or part thereof, unless it is satisfied that the  
4 applicant has a direct and tangible interest in the record. The  
5 following exclusive list of persons and agencies shall be  
6 considered to have a direct and tangible interest in a public  
7 health 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 of the registrant's estate;
- 16 (9) A person whose right to inspect or obtain a certified  
17 copy of the record is established by an order of a  
18 court of competent jurisdiction;
- 19 (10) Adoptive parents who have filed a petition for  
20 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 or agency who needs to determine the death of  
7 a [~~nonrelated~~] co-owner of real property [~~purchased~~  
8 ~~under a joint tenancy agreement~~; and
- 9 ~~(13) A person who needs a death certificate for the~~  
10 ~~determination of payments under a credit insurance~~  
11 ~~policy.] ;~~
- 12 (13) A person or agency who needs vital statistics records  
13 for a public health purpose, as determined by the  
14 director of health; and
- 15 (14) A government law enforcement agency with jurisdiction  
16 in the State of Hawaii that needs vital statistics  
17 records for a law enforcement purpose.
- 18 (c) The department may permit the use [+]of[+] the data  
19 contained in public health [~~statistical~~] statistics records for  
20 research purposes only, but no identifying use thereof shall be  
21 made. "Research purposes" under this section are limited to



1 those that have been approved by the department's institutional  
2 review committee.

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

6 ~~(e)]~~ (d) The department may permit persons working on  
7 genealogy projects access to microfilm or other copies of vital  
8 records of events that occurred more than seventy-five years  
9 prior to the current year.

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

16 ~~(g)]~~ (e) The department shall not issue a verification in  
17 lieu of a certified copy of any such record, or any part  
18 thereof, unless it is satisfied that the applicant requesting a  
19 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 agency that, for a legitimate  
5                   government purpose, maintains and needs to update  
6                   official lists of persons in the ordinary course of  
7                   the agency's activities. Notwithstanding other  
8                   provisions of this section, upon request from a  
9                   governmental agency of the State of Hawaii or its  
10                  political subdivisions, the department may further  
11                  disclose to that governmental agency the date of the  
12                  vital event that has been verified;
- 13          (3) A [~~governmental agency, or~~] government, private,  
14                  social, or educational agency or organization that  
15                  seeks confirmation of a certified copy of any such  
16                  record submitted in support of or information provided  
17                  about a vital event relating to any such record and  
18                  contained in an official application made in the  
19                  ordinary course of the agency's or organization's  
20                  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 private, social, or  
9 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 SECTION 3. Section 338-18.5, Hawaii Revised Statutes, is  
14 repealed.

15 ~~["§338-18.5] Sharing of vital statistics records with~~  
16 ~~department of health program employees for approved research~~  
17 ~~purposes. (a) Notwithstanding section 338-18, the department~~  
18 ~~may disclose public health statistics records to persons who are~~  
19 ~~employed by department of health programs, acting within the~~  
20 ~~scope of their employment, who need to use a public health~~  
21 ~~statistics record for research purposes, as approved by the~~



1 ~~department of health's institutional review committee. Upon the~~  
2 ~~institutional review committee's approval, the department may~~  
3 ~~disclose the following to department employees as specified in~~  
4 ~~this section:~~

- 5       ~~(1) Names, addresses, and contact information in the~~  
6           ~~record for the purpose of contacting persons~~  
7           ~~identified in the record to request informed consent~~  
8           ~~to use additional specified information in the record.~~  
9           ~~Upon confirmation of informed consent, the additional~~  
10           ~~specified information in the record may be disclosed~~  
11           ~~and used for approved research purposes; and~~
- 12       ~~(2) Information in the record as approved by the~~  
13           ~~institutional review committee without informed~~  
14           ~~consent of persons identified in the record; provided~~  
15           ~~that the institutional review committee:~~
- 16           ~~(A) Identifies the information in the record for~~  
17           ~~which disclosure is sought;~~
- 18           ~~(B) Determines that obtaining informed consent is not~~  
19           ~~practicable; and~~
- 20           ~~(C) Determines that there is a public health purpose~~  
21           ~~for the approved research that substantially~~



1                   ~~outweighs the confidentiality interest of persons~~  
2                   ~~identified in the record.~~

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

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

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

12          ~~(1) With authorization from the institutional review~~  
13             ~~committee; or~~

14          ~~(2) If the record has been redacted of identifying~~  
15             ~~personal information.~~

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

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

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



**Report Title:**

Disclosure of Vital Records for Public Health and Law  
Enforcement Purposes

**Description:**

Amends and repeals sections in chapter 338, Hawaii Revised Statutes, to allow the Department of Health to disclose vital statistics records for public health and law enforcement purposes. Updates eligibility requirements for access to confidential vital records. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

