
A BILL FOR AN ACT

RELATING TO VITAL STATISTICS.

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

1 SECTION 1. Section 338-18, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§338-18 Disclosure of records.** (a) To protect the
4 integrity of vital statistics records, to ensure their proper
5 use, and to ensure the efficient and proper administration of
6 the vital statistics system, it shall be unlawful for any person
7 to permit inspection of, or to disclose information contained in
8 vital statistics records, or to copy or issue a copy of all or
9 part of any record, except as authorized by this part or in a
10 manner consistent with rules adopted by the department of
11 health.

12 (b) The department of health shall not permit inspection
13 of public health statistics records, or issue a certified copy
14 of any record or part thereof, unless it is satisfied that the
15 applicant has a direct and tangible interest in the record. The
16 following persons or agencies shall be considered to have a



- 1 direct and tangible interest in a public health statistics
2 record:
- 3 (1) The registrant;
 - 4 (2) The spouse of the registrant;
 - 5 (3) A parent of the registrant;
 - 6 (4) A descendant of the registrant;
 - 7 (5) A person having a common ancestor with the registrant;
 - 8 (6) A legal guardian of the registrant;
 - 9 (7) A person or agency acting on behalf of the registrant;
 - 10 (8) A personal representative or trustee of the
11 registrant's estate or trust;
 - 12 (9) A person whose right to inspect or obtain a certified
13 copy of the record is established by an order of a
14 court of competent jurisdiction;
 - 15 (10) Adoptive parents who have filed a petition for
16 adoption and who need to determine the death of one or
17 more of the prospective adopted child's natural or
18 legal parents;
 - 19 (11) A person who needs to determine the marital status of
20 a former spouse to determine the payment of alimony;



1 (12) A person, agency, or a beneficiary of a will or trust
2 who needs to determine the death of a co-owner of
3 property; and

4 (13) A person or agency who seeks access to vital
5 statistics records for a public health purpose, as
6 reviewed by the department of health's institutional
7 review committee and approved by the director of
8 health.

9 (c) The department of health may permit the use of the
10 data contained in public health statistics records for research
11 purposes only, but no identifying use thereof shall be made.

12 (d) [~~Index~~] Except for data relating to cause of death of
13 registrants, index data consisting of name and sex of the
14 registrant, type of vital event, and such other data as the
15 director may authorize shall be made available to the public.

16 (e) The department of health may permit persons working on
17 genealogy projects access to microfilm or other copies of vital
18 records of events that occurred more than one hundred fifteen
19 years before the current year.

20 (f) The department of health shall not issue a
21 verification in lieu of a certified copy of any record, or any



1 part thereof, unless it is satisfied that the applicant
2 requesting a verification is:

3 (1) A person who has a direct and tangible interest in the
4 record but requests a verification in lieu of a
5 certified copy;

6 (2) A government agency that, for a legitimate government
7 purpose, maintains and needs to update official lists
8 of persons in the ordinary course of the agency's
9 activities. Notwithstanding other provisions of this
10 section, upon request from a government agency of the
11 State or its political subdivisions, the department of
12 health may further disclose to that government agency
13 the date of the vital event that has been verified;

14 (3) A government, private, social, or educational agency
15 or organization that seeks confirmation of a certified
16 copy of any record submitted in support of or
17 information provided about a vital event relating to
18 any record and contained in an official application
19 made in the ordinary course of the agency's or
20 organization's activities by an individual seeking



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

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

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

13 (g) Notwithstanding any law to the contrary, the cause of
14 death portion of a death certificate or fetal death certificate
15 shall be held confidential and shall be protected from
16 disclosure to the public pursuant to section 92F-13(4) or to any
17 person who is not considered to have a direct and tangible
18 interest in that portion of a public health statistics record
19 pursuant to subsection (b), except when nondisclosure of that
20 information is deemed by the department of health to threaten
21 the public health or safety. The department of health shall



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1 redact the cause of death from a death certificate or fetal
 2 death certificate to prevent the unauthorized disclosure of that
 3 information.

4 [~~g~~] (h) For the purposes of this section, "research
 5 purposes" shall be limited to those purposes that have been
 6 reviewed by the department of health's institutional review
 7 committee and approved by the department of health's
 8 institutional review committee and the director of health."

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

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

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INTRODUCED BY: *Robert Raski*

JAN 20 2022



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Report Title:

Vital Statistics; Death Certificate; Fetal Death Certificate;
Cause of Death; Nondisclosure to Public

Description:

Provides that the cause of death portion of a death or fetal death certificate shall be held confidential and protected from disclosure to the public or to any person who is not considered to have a direct and tangible interest in that portion of a public health statistics record, except when nondisclosure of that information is deemed by the department of health to threaten the public health or safety. Requires the department of health to redact the cause of death from a death or fetal death certificate to prevent unauthorized disclosure.

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

