

ACT 118

H.B. NO. 202

A Bill for an Act Relating to Vital Statistics Registration.

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

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

**"Sec. 338-18 Disclosure of records.** (a) To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of any such record, except as authorized by this part, or by such regulation as the department of health may make.

(b) The department shall not permit inspection of the records, or issue a certified copy of a certificate, or part thereof, unless it is satisfied that the applicant therefor is the registrant, the spouse of the registrant, parent of the registrant, a descendant of the registrant, a person having a common ancestor with the registrant, a legal guardian of the registrant, a person or agency acting on behalf of the registrant, a personal representative of the registrant's estate, or by order of a court of competent jurisdiction, and that the information contained therein is necessary for the determination of personal or property rights.

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

(d) Index data consisting of name, age, and sex of the registrant and date, type and file number of the vital event and such other data as the director may authorize may be made available to the public.

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

(f) Subject to this section, the department may direct its local agents to make a return upon filing of birth, death, and fetal death certificates with them, of certain data shown thereon to federal, state, territorial, county, or municipal agencies. Payment by such agencies for such services may be made as the department shall direct."

SECTION 2. Section 338-30, Hawaii Revised Statutes, is amended to read:

**“Sec. 338-30 Penalties.** (a) Except where a different penalty is provided in this part, any person who violates this part, or neglects or refuses to perform any of the duties imposed upon him by this part, shall be fined not more than \$100.

(b) Any person who wilfully makes or alters any certificate or certified copy thereof provided for in this part except in accordance with this part, shall be fined not more than \$1,000, or imprisoned not more than six months, or both.

(c) Any person, who knowingly transports, or accepts for transportation, interment, or other disposition, a dead body without an accompanying permit issued in accordance with this part, shall be fined not more than \$500.

(d) Any person who presents false information in order to obtain access to or a certified copy of a vital record for which he is not eligible is guilty of a misdemeanor and shall be fined not more than \$1,000.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 31, 1977.)

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\*Edited accordingly.