

A Bill for an Act Relating to Vital Statistics.

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

SECTION 1. Section 338-10, Hawaii Revised Statutes, is amended to read as follows:

**“§338-10 [Delayed] Late determination of the cause of death.** If the cause of death cannot be determined within three days, the certification of its cause may be filed after the prescribed period, but the attending physician[,] or coroner’s physician shall notify in writing the local agent of the department of health of the district in which the death occurred[,] of the reason for [the delay,] late filing, in order that a permit for the disposition of the body may be issued.  
As used in this section, “late” means more than three days after the date of death.”

SECTION 2. Section 338-15, Hawaii Revised Statutes, is amended to read as follows:

**“§338-15 [Delayed] Late or altered certificates.** A person born in the State may file or amend a certificate after the time prescribed, upon submitting [such] proof as [shall be] required by [regulations of] rules adopted by the department of health. Certificates registered after the time prescribed for filing by the [regulations] rules of the department of health shall be registered subject to [such] any evidentiary requirements [as] that the department [shall by regulation prescribe] adopts by rule to substantiate the alleged facts of birth.”

SECTION 3. Section 338-16, Hawaii Revised Statutes, is amended to read as follows:

**“§338-16 Procedure concerning [delayed] late and altered birth certificates.** (a) Birth certificates registered one year or more after the date of birth, and certificates which have been altered after being filed with the department of health, shall contain the date of the [delayed] late filing and the date of the alteration and be marked distinctly [“delayed”] “late” or “altered”.

(b) A summary statement of the evidence submitted in support of the acceptance for [delayed] late filing or the alteration shall be endorsed on the certificates.

(c) Such evidence shall be kept in a special permanent file.

(d) When an applicant does not submit the minimum documentation required by the [regulations] rules for [delayed] late registration or when the state registrar finds reasons to question the validity or adequacy of the certificate or the documentary evidence, the [State] state registrar shall not register the [delayed] late certificate and shall advise the applicant of the reason for this action.

The department of health may by [regulation] rule provide for the dismissal of an application which is not actively prosecuted.

(e) As used in this section, “late” means one year or more after the date of birth.”

SECTION 4. Section 338-17, Hawaii Revised Statutes, is amended to read as follows:

“§338-17 [Delayed] **Late or altered certificate as evidence.** The probative value of a [“delayed”] “late” or “altered” certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.”

SECTION 5. Section 338-18, Hawaii Revised Statutes, is amended to read as follows:

“§338-18 **Disclosure of records.** (a) To protect the integrity of vital statistics records, to [insure] ensure their proper use, and to [insure] ensure 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] rules adopted by the department of health [may make].

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

- (1) The registrant[, the];
- (2) The spouse of the registrant[.];
- (3) A parent of the registrant[, a];
- (4) A descendant of the registrant[, a];
- (5) A person having a common ancestor with the registrant[, a];
- (6) A legal guardian of the registrant[, a];
- (7) A person or agency acting on behalf of the registrant[, a];
- (8) A personal representative of the registrant’s estate[, or a];
- (9) A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction[, adoptive];
- (10) Adoptive parents who have filed a petition for adoption and who need to determine the death of one or more of the prospective adopted child’s natural or legal parents[, a];
- (11) A person who needs to determine the marital status of a former spouse in order to determine the payment of alimony[, a];
- (12) A person who needs to determine the death of a nonrelated co-owner of property purchased under a joint tenancy agreement[.]; and [a]
- (13) A person who needs a death certificate for the determination of payments under a credit insurance policy.

(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] of vital event, and such other data as the director may authorize [may] shall 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] these agencies for [such] these services may be made as the department shall direct.”

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SECTION 6. Section 338-29.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§338-29.5]]~~ **[Delayed] Late registration of death, fetal death, marriage, and divorce.** (a) When a death, fetal death, marriage, or divorce occurring in this State has not been registered, a certificate may be filed in accordance with [regulations of] rules adopted by the department of health. [Such] The certificate shall be registered subject to [such] any evidentiary requirements [as] that the department [shall by regulation prescribe] adopts by rule to substantiate the alleged facts of death, fetal death, [or] marriage, or divorce.

(b) Certificates of death, fetal death, marriage, or divorce registered one year or more after the date of occurrence shall be marked [“delayed”] “late” and shall show on the face the date of the [delayed] late registration.

(c) As used in this section, “late” means one year or more after the date of the death, fetal death, marriage, or divorce.”

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 21, 1997.)