

## ACT 85

H.B. NO. 2311

A Bill for an Act Relating to Reporting Deaths to State Agencies.

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

SECTION 1. The legislature finds that some governmental agencies within the State that keep official lists of persons, in the ordinary course of the agency's activities, need to know when members on their lists have died so that they can, for example, discontinue providing benefits. Although section 338-18(g), Hawaii Revised Statutes, allows the department of health to verify information contained in vital statistics records by employing a process that matches its vital statistics information with information provided by agencies, that process cannot be used by state agencies whose lists are confidential under federal law.

The legislature also finds that it is unlawful for the department of health to disclose information contained in confidential vital statistics records, except as authorized by law. Allowing the department of health to report deaths to state agencies that maintain official lists that are confidential under federal law would assist state agencies to maximize the accuracy of their official lists and avoid overpaying benefits and wasting public funds.

SECTION 2. Act 27, Session Laws of Hawaii 2014, is amended by amending section 2 to read as follows:

“SECTION 2. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§338- Deaths reported to state agencies. (a) Notwithstanding section 338-18, the department of health, within six weeks after the end of each quarter or other agreed upon period, shall deliver to a state agency a list of the names of all persons whose deaths have been recorded by the department during that period; provided that this section shall only apply to a state agency that:

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- (1) Maintains official lists of persons in the ordinary course of the agency's activities and is prohibited by federal law from sharing information from the lists; and
- (2) Has requested the information from the department pursuant to a written agreement.

The list shall set forth the full name of the decedent ~~[and]~~, the dates of the decedent's birth and death, and the last four digits of the decedent's social security number, if known. The department and the requesting agency shall determine by agreement the form and format of providing the information to the agency.

(b) In response to an agency's first request pursuant to subsection (a), the department of health may provide a list of the persons whose deaths were recorded by the department during an agreed upon period in the past. The department may charge a reasonable fee to cover its cost of providing the list. If a state agency requires further information, the department may provide a certified copy of the death certificate to that state agency, subject to the fees required under section 338-14.5.

(c) Any state agency that obtains, pursuant to this section, a list of the names of persons whose deaths have been recorded by the department of health shall use the list only for the purposes for which it was obtained and shall not further disclose any information on the list.

(d) The department of health may develop and implement or assist with the development and implementation of a systems interface to electronically provide the information required pursuant to subsection (a) to a state agency.””

SECTION 3. Act 27, Session Laws of Hawaii 2014, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect upon its approval and shall be repealed on July 1, ~~[2016.] 2018.~~”

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

SECTION 5. This Act shall take effect on June 30, 2016.

(Approved June 21, 2016.)