

ACT 199

H.B. NO. 991

A Bill for an Act Relating to the Disclosure of Vital Statistics Records.

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

SECTION 1. The purpose of this Act is to:

- (1) Enable the department of health to disclose vital statistics records for public health purposes; and
- (2) Update the categories of those who may access otherwise confidential vital statistics records.

SECTION 2. 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 ensure their proper use, and to 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]~~ in a manner consistent with rules adopted by the department of health.

(b) The department of health 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 or agencies shall be considered to have a direct and tangible interest in a public health statistics record:

- (1) The registrant;
- (2) The spouse of the registrant;
- (3) A parent of the registrant;
- (4) A descendant of the registrant;
- (5) A person having a common ancestor with the registrant;
- (6) A legal guardian of the registrant;
- (7) A person or agency acting on behalf of the registrant;
- (8) A personal representative or trustee of the registrant’s estate~~;~~ or trust;
- (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;
- (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;
- (11) A person who needs to determine the marital status of a former spouse ~~[in order]~~ to determine the payment of alimony;
- (12) A person, agency, or a beneficiary of a will or trust who needs to determine the death of a ~~[nonrelated]~~ co-owner of property ~~[purchased under a joint tenancy agreement; and~~
- ~~(13) A person who needs a death certificate for the determination of payments under a credit insurance policy; and~~
- (13) A person or agency who seeks access to vital statistics records for a public health purpose, as reviewed by the department of health’s institutional review committee and approved by the director of health.

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

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

(e) The department of health may permit persons working on genealogy projects access to microfilm or other copies of vital records of events that occurred more than ~~[seventy-five]~~ one hundred fifteen years ~~[prior to]~~ before 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 to federal, state, territorial, county, or municipal agencies. Payment by these agencies for these services may be made as the department shall direct.~~

~~(g)~~ (f) The department of health shall not issue a verification in lieu of a certified copy of any [~~such~~] record, or any part thereof, unless it is satisfied that the applicant requesting a verification is:

- (1) A person who has a direct and tangible interest in the record but requests a verification in lieu of a certified copy;
- (2) A [~~governmental~~] government agency that, for a legitimate government purpose, maintains and needs to update official lists of persons in the ordinary course of the agency’s activities. Notwithstanding other provisions of this section, upon request from a [~~governmental~~] government agency of the State [~~of Hawaii~~] or its political subdivisions, the department of health may further disclose to that [~~governmental~~] government agency the date of the vital event that has been verified;
- (3) A [~~governmental agency, or~~] government, private, social, or educational agency or organization that seeks confirmation of a certified copy of any [~~such~~] record submitted in support of or information provided about a vital event relating to any [~~such~~] record and contained in an official application made in the ordinary course of the agency’s or organization’s activities by an individual seeking employment with, entrance to, or the services or products of the agency or organization;
- (4) A private or government attorney who seeks to confirm information about a vital event relating to any [~~such~~] record that was acquired during the course of or for purposes of legal proceedings; or
- (5) An individual employed, endorsed, or sponsored by a [~~governmental agency, or~~] government, private, social, or educational agency or organization who seeks to confirm information about a vital event relating to preparation of reports or publications by the agency or organization for research or educational purposes.

(g) For the purposes of this section, “research purposes” shall be limited to those purposes that have been reviewed by the department of health’s institutional review committee and approved by the department of health’s institutional review committee and the director of health.”

SECTION 3. Section 338-18.5, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

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

(Approved July 6, 2021.)

Note

1. Edited pursuant to HRS §23G-16.5.