

JAN 20 2010

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# 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 such record, except as authorized by this part or by  
10 rules adopted by the department of health.

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



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



1 (13) A person who needs a death certificate for the  
2 determination of payments under a credit insurance  
3 policy.

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

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

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

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

20 (g) The department shall not issue a verification in lieu  
21 of a certified copy of any such record, or any part thereof,



1 unless it is satisfied that the applicant requesting a  
2 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 governmental agency or organization who for a  
7 legitimate government purpose maintains and needs to  
8 update official lists of persons in the ordinary  
9 course of the agency's or organization's activities;

10 (3) A governmental, private, social, or educational agency  
11 or organization who seeks confirmation of a certified  
12 copy of any such record submitted in support of or  
13 information provided about a vital event relating to  
14 any such record and contained in an official  
15 application made in the ordinary course of the  
16 agency's or organization's activities by an individual  
17 seeking employment with, entrance to, or the services  
18 or products of the agency or organization;

19 (4) A private or government attorney who seeks to confirm  
20 information about a vital event relating to any such  
21 record which was acquired during the course of or for  
22 purposes of legal proceedings; or



1 (5) An individual employed, endorsed, or sponsored by a  
2 governmental, private, social, or educational agency  
3 or organization who seeks to confirm information about  
4 a vital event relating to any such record in  
5 preparation of reports or publications by the agency  
6 or organization for research or educational purposes.

7 (h) The department of health shall permit any person to  
8 inspect a birth certificate if the person complies with the  
9 following requirements:

10 (1) The person shall submit an application containing the  
11 applicant's name, address, and the last four digits of  
12 the applicant's social security number;

13 (2) The person shall provide two forms of valid  
14 government-issued photo identification, a photocopy of  
15 which shall be kept by the department;

16 (3) The person shall pay to the department a non-  
17 refundable application fee of \$50 for each birth  
18 certificate to be inspected;

19 (4) Inspection of the birth certificate shall take place  
20 at a department facility in a secured room; provided  
21 that the department may conduct camera surveillance  
22 during the inspection;



- 1       (5)   Inspection of the birth certificate shall take place
- 2           in the presence of and under the direct supervision of
- 3           a person employed by the department;
- 4       (6)   No photographs or copies of the birth certificate
- 5           shall be allowed;
- 6       (7)   Inspection shall take place within a maximum time
- 7           limit of fifteen minutes; and
- 8       (8)   Any material contained in the birth certificate that
- 9           is determined by the department to be sensitive or
- 10          confidential shall be redacted and shall not be
- 11          available for public inspection."

12       SECTION 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Will Syms



**Report Title:**

Vital Statistics; Birth Certificates

**Description:**

Permits the public inspection of birth certificates under certain conditions.

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

