
A BILL FOR AN ACT

RELATING TO VITAL STATISTICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The state department of health has continued to
2 be inundated with requests from various individuals and parties
3 for information regarding President Barack Obama's birth. The
4 continually increasing number of requests have caused the
5 department of health distress as state resources, including
6 employee time and energy, have to be diverted from other
7 department responsibilities. It may be the case that if
8 requesters were to have access to the actual birth records of
9 officials who require United States citizenship to hold public
10 office, any ambiguity surrounding the issue may be dispelled.

11 The purpose of this Act, therefore, is to allow the
12 department of health to disclose the birth records of officials
13 who require United States citizenship to hold public office.

14 SECTION 2. Section 338-1, Hawaii Revised Statutes, is
15 amended by adding a new definition to be appropriately inserted
16 and to read as follows:

17 "Person of civic prominence" means a person who is a
18 candidate for, or elected to, a public office that requires the



1 person to be a United States citizen, either natural born or
2 naturalized, to hold the public office for which they are a
3 candidate or to which they have been elected."

4 SECTION 3. Section 338-14.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§338-14.5 Copies of certificate; fees.** (a) The fees for
7 certified copies of birth, marriage, divorce, or death
8 certificates issued by the department of health shall consist of
9 \$10 for the first copy issued and \$4 for each copy issued
10 thereafter. These fees shall be collected for each single
11 request for certified copies. All fees received for the
12 issuance of certified copies of birth, marriage, divorce, or
13 death certificates shall be remitted to the director of health.
14 Upon the receipt of remittances under this section, the director
15 of health shall deposit:

16 (1) \$1 for each certified copy to the credit of the spouse
17 and child abuse special account established under
18 section 346-7.5;

19 (2) \$1 for each certified copy to the credit of the spouse
20 and child abuse special account established under
21 section 601-3.6;



- 1 (3) \$1 for each certified copy to the credit of the
2 domestic violence and sexual assault special fund
3 established under section 321-1.3;
- 4 (4) \$1 for each certified copy to the credit of the vital
5 statistics improvement special fund established under
6 section 338-14.6; and
- 7 (5) The remainder of the fee for each certified copy to
8 the credit of the state general fund.

9 (b) The fee for a copy of a birth record of a person of
10 civic prominence shall be \$100, which shall be in addition to
11 the fee charged by the department under subsection (a)."

12 SECTION 4. Section 338-18, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§338-18 Disclosure of records.** (a) To protect the
15 integrity of vital statistics records, to ensure their proper
16 use, and to ensure the efficient and proper administration of
17 the vital statistics system, it shall be unlawful for any person
18 to permit inspection of, or to disclose information contained in
19 vital statistics records, or to copy or issue a copy of all or
20 part of any such record, except as authorized by this part or by
21 rules adopted by the department of health.



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

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



1 (11) A person who needs to determine the marital status of
2 a former spouse [~~in order~~] to determine the payment of
3 alimony;

4 (12) A person who needs to determine the death of a
5 nonrelated co-owner of property purchased under a
6 joint tenancy agreement; and

7 (13) A person who needs a death certificate for the
8 determination of payments under a credit insurance
9 policy.

10 (c) Notwithstanding subsection (b), the department may
11 issue, for an additional fee as described in section 338-
12 14.5(b), a copy of the birth record of a person of civic
13 prominence to a member of the general public who requests the
14 record in a form and manner as prescribed by the department.

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

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

21 [~~(e)~~] (f) The department may permit persons working on
22 genealogy projects access to microfilm or other copies of vital



1 records of events that occurred more than seventy-five years
2 prior to the current year.

3 ~~[(f)]~~ (g) Subject to this section, the department may
4 direct its local agents to make a return upon filing of birth,
5 death, and fetal death certificates with them, of certain data
6 shown to federal, state, territorial, county, or municipal
7 agencies. Payment by these agencies for these services may be
8 made as the department shall direct.

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

13 (1) A person who has a direct and tangible interest in the
14 record but requests a verification in lieu of a
15 certified copy;

16 (2) A governmental agency or organization who for a
17 legitimate government purpose maintains and needs to
18 update official lists of persons in the ordinary
19 course of the agency's or organization's activities;

20 (3) A governmental, private, social, or educational agency
21 or organization who seeks confirmation of a certified
22 copy of any such record submitted in support of or



1 information provided about a vital event relating to
 2 any such record and contained in an official
 3 application made in the ordinary course of the
 4 agency's or organization's activities by an individual
 5 seeking employment with, entrance to, or the services
 6 or products of the agency or organization;

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

11 (5) An individual employed, endorsed, or sponsored by a
 12 governmental, private, social, or educational agency
 13 or organization who seeks to confirm information about
 14 a vital event relating to any such record in
 15 preparation of reports or publications by the agency
 16 or organization for research or educational purposes."

17 SECTION 5. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.

20 INTRODUCED BY:

Ride Acosta

Calvin K. Boy

Jaralmon

Hayden



John M. Nigro

JAN 24 2011



Report Title:

Birth Records; Persons of Civic Prominence

Description:

Allows the Department of Health to issue a copy of the birth certificate of a person who is a candidate for, or elected to, a public office that requires the person to be a United States citizen for an additional \$100 fee.

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

