

STAND. COM. REP. NO.

1265

Honolulu, Hawaii

**MAR 25 2021**

RE: H.B. No. 991  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 991, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Department of Health to disclose vital statistics records for public health and law enforcement purposes; and
- (2) Update eligibility requirements for access to confidential vital statistics records.

Your Committee received testimony in support of this measure from the Department of Health, Department of Transportation, Office of Hawaiian Affairs, and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Civil Beat Law Center for the Public Interest, Society of Professional Journalists Hawaii Chapter, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Information Practices.



Your Committee finds that the appropriate sharing of vital records to be in the public interest, particularly to expedite law enforcement or judicial proceedings and research to help define unique issues in the State. This measure will allow the Department of Health greater discretion to disclose vital records in certain circumstances for legitimate government and research functions. Your Committee received testimony from the Department of Health that the proposed process of review by its Institutional Review Committee for disclosures made for "research purposes" is consistent with academic and scientific human subject research protocols and standards and assures that requests serve an ethical public good, individual privacy is maintained, and records are appropriately handled. This measure seeks to provide needed data governance and disclosure practices to increase agency and service provider access to public health data, which may be critical to identifying and addressing social determinants of health.

Your Committee heard the testimony of the Department of Health, which noted that vital records include information such as births, deaths, and marriage/civil unions, which contain information such as race and ethnicity, cause of death, relative health at birth, and other qualitative data. The Department recognizes that chapter 338, Hawaii Revised Statutes, provides a high standard for access to vital records; however, flexibility to disclose for situations is required to provide a transparent baseline where affirmative "direct and tangible interests" present. Therefore, amendments to this measure are needed to address the Department's concerns.

Your Committee has amended this measure by:

- (1) Permitting the discretionary publication of vital records index data;
- (2) Providing that 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 one hundred fifteen years before the current year;
- (3) Adding a personal representative or trustee of the registrant's estate or trust as a party that has a



direct and tangible interest in a public health statistics record;

- (4) Adding a person, agency, or beneficiary of a will or trust who needs access to determine the death of a co-owner of property as a party that has a direct and tangible interest in a public health statistics record;
- (5) Making it effective upon its approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 991, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 991, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



---

JARRETT KEOHOKALOOLE, Chair



