
A BILL FOR AN ACT

RELATING TO ACCESS TO VITAL RECORDS FOR THE DEPARTMENT OF
HAWAIIAN HOME LANDS.

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

1 SECTION 1. Section 338-18, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

- 10 (1) The registrant;
- 11 (2) The spouse of the registrant;
- 12 (3) A parent of the registrant;
- 13 (4) A descendant of the registrant;
- 14 (5) A person having a common ancestor with the registrant;
- 15 (6) A legal guardian of the registrant;
- 16 (7) A person or agency acting on behalf of the registrant;



- 1 (8) A personal representative or trustee of the
- 2 registrant's estate or trust;
- 3 (9) A person whose right to inspect or obtain a certified
- 4 copy of the record is established by an order of a
- 5 court of competent jurisdiction;
- 6 (10) Adoptive parents who have filed a petition for
- 7 adoption and who need to determine the death of one or
- 8 more of the prospective adopted child's natural or
- 9 legal parents;
- 10 (11) A person who needs to determine the marital status of
- 11 a former spouse to determine the payment of alimony;
- 12 (12) A person, agency, or a beneficiary of a will or trust
- 13 who needs to determine the death of a co-owner of
- 14 property; [~~and~~]
- 15 (13) A person or agency who seeks access to vital
- 16 statistics records for a public health purpose, as
- 17 reviewed by the department of health's institutional
- 18 review committee and approved by the director of
- 19 health[~~-~~]; and
- 20 (14) The department of Hawaiian home lands for purposes of
- 21 verifying eligibility for Native Hawaiian beneficiary



1 programs with the permission of the registrant or the
2 descendants of the registrant; provided that the
3 department of health and the department of Hawaiian
4 home lands shall enter into a memorandum of agreement
5 to ensure appropriate handling of records prior to
6 allowing the department of Hawaiian home lands to
7 access the subject records."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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



Report Title:

DOH; DHHL; Memorandum of Agreement; Vital Records

Description:

Authorizes the Department of Hawaiian Home Lands to access vital records for purposes of verifying Native Hawaiian ancestry for beneficiary programs. Requires the Department of Health and the Department of Hawaiian Home Lands to enter into a Memorandum of Agreement to assure appropriate access and handling of confidential records and sealed records that have been unsealed pursuant to court order. (SD2)

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