

S.B. NO. 3123

JAN 24 2024

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;

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- 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
22 programs with the permission of the registrant or the

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

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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY: 
BY REQUEST

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Report Title:

Vital Records; DOH; DHHL; Memorandum of Agreement

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.

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

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO ACCESS TO VITAL RECORDS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: To authorize the Department to permit inspection or issue a certified copy of a vital record to the Department of Hawaiian Home Lands for purposes of verifying eligibility for benefit programs.

MEANS: Amend section 338-18(b), Hawaii Revised Statutes.

JUSTIFICATION: Hawaii is a "closed record" state, which means that persons or entities must demonstrate a direct and tangible interest in a vital record - birth, death, marriage - to have access to the record.

Amending the statute to allow access to vital records to the Department of Hawaiian Home Lands for certain purposes and under certain conditions, greatly reduces the administrative barriers to vetting claims of Native Hawaiian ancestry to facilitate participation in beneficiary programs like while still protecting the privacy of vital records.

Impact on the public: Wait time to determine eligibility for Native Hawaiian individuals and families may be reduced.

Impact on the department and other agencies: Fewer administrative burdens for the Department and the Department of Hawaiian Home Lands for accessing vital records.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HTH-760.

OTHER AFFECTED
AGENCIES: Department of Hawaiian Home Lands.

EFFECTIVE DATE: Upon approval.