

ACT 343

H.B. NO. 2007-86

A Bill for an Act Relating to Developmental Disabilities and Mental Retardation Records.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 333, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§333- Confidentiality of records. All certificates, applications, records, and reports made for the purposes of this chapter and directly or indirectly identifying a person subject hereto shall be kept confidential and shall not be disclosed to any other person except so far (1) as the person identified, or the person’s legal guardian, consents, or (2) as disclosure may be deemed necessary by the director of health to carry out this chapter, or (3) as disclosure may be deemed necessary under the federal Developmental Disabilities Act of 1984, P.L. 98-527, to protect and advocate the rights of persons with developmental disabilities who reside in facilities for persons with developmental disabilities, or (4) as disclosure may be deemed necessary by the family court for any case pending before a court.”

SECTION 2. Chapter 333E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§333E- Confidentiality of records. All certificates, applications, records, and reports made for the purposes of this chapter and directly or indirectly identifying a person subject hereto shall be kept confidential and shall not be disclosed to any other person except so far (1) as the person identified, or the person’s legal guardian, consents, or (2) as disclosure may be deemed necessary by the director of health to carry out this chapter, or (3) as disclosure may be deemed necessary under the federal Developmental Disabilities Act of 1984, P.L. 98-527, to protect and advocate the rights of persons with developmental disabilities who reside in facilities for persons with developmental disabilities, or (4) as disclosure may be deemed necessary by the family court for any case pending before a court.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 13, 1986.)

Note

1. Edited pursuant to HRS §23G-16.5.