A BILL FOR AN ACT

RELATING TO REPORTING DEATHS TO STATE AGENCIES.

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

SECTION 1. The legislature finds that some governmental agencies within the State that keep official lists of persons, in the ordinary course of the agency's activities, need to know when members on their lists have died so that they can, for example, discontinue providing benefits. Although section 338-18(g), Hawaii Revised Statutes, allows the department of health to verify information contained in vital statistics records by employing a process that matches its vital statistics information with information provided by agencies, that process cannot be used by state agencies whose lists are confidential under federal law.

The legislature also finds that it is unlawful for the department of health to disclose information contained in confidential vital statistics records, except as authorized by law. Allowing the department of health to report deaths to state agencies that maintain official lists that are confidential under federal law would assist state agencies to
maximize the accuracy of their official lists and avoid
overpaying benefits and wasting public funds.

SECTION 2. Chapter 338, Hawaii Revised Statutes, is
amended by adding a new section to be appropriately designated
and to read as follows:

§338- Deaths reported to state agencies. (a)
Notwithstanding section 338-18, the department of health, within
six weeks after the end of each quarter or other agreed upon
period, shall deliver to a state agency a list of the names of
all persons whose deaths have been recorded by the department
during that period; provided that this section shall only apply
to a state agency that:

(1) Maintains official lists of persons in the ordinary
course of the agency's activities and is prohibited by
federal law from sharing information from the lists;
and

(2) Has requested the information from the department
pursuant to a written agreement.

The list shall set forth the full name of the decedent and the
dates of the decedent's birth and death, if known. The
department and the requesting agency shall determine by
agreement the form and format of providing the information to
the agency.

(b) In response to an agency's first request pursuant to
subsection (a), the department of health may provide a list of
the persons whose deaths were recorded by the department during
an agreed upon period in the past. The department may charge a
reasonable fee to cover its cost of providing the list. If a
state agency requires further information, the department may
provide a certified copy of the death certificate to that state
agency, subject to the fees required under section 338-14.5.

(c) Any state agency that obtains, pursuant to this
section, a list of the names of persons whose deaths have been
recorded by the department of health shall use the list only for
the purposes for which it was obtained and shall not further
disclose any information on the list.

(d) The department of health may develop and implement or
assist with the development and implementation of a systems
interface to electronically provide the information required
pursuant to subsection (a) to a state agency."

SECTION 3. New statutory material is underscored.
SECTION 4. This Act shall take effect upon its approval and shall be repealed on July 1, 2016.
Report Title:
Vital Records; Reporting Deaths to State Agencies

Description:
Authorizes the Department of Health to disclose, including through electronic means, lists of names of persons whose deaths have been recorded by DOH, to state agencies that maintain official lists of persons and are prohibited by federal law from sharing information from the lists. Sunsets on July 1, 2016.
(HB2262 HD2)

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