

VITAL STATISTICS ACT

HB #217

TABLE OF CONTENTS

		<u>Page</u>
1		
2		
3		
4	Sec. 1. Definitions	1
5	Sec. 2. Bureau of Vital Statistics and Statewide System	3
6	Sec. 3. Power to Promulgate Regulations	3
7	Sec. 4. Appointment of State Registrar of	
8	Vital Statistics	3
9	Sec. 5. Duties of State Registrar of Vital Statistics	3
10	Sec. 6. Registration Districts	4
11	Sec. 7. Appointment of Local Registrars	5
12	Sec. 8. Duties of Local Registrars	5
13	Sec. 9. Compensation of Local Registrars	6
14	Sec. 10. Sub-registrars	7
15	Sec. 11. Payment of Fees to Local Registrars and Others	7
16	Sec. 12. Form of Certificates	7
17	Sec. 13. Birth Registration	8
18	Sec. 14. Foundling Registration	9
19	Sec. 15. Delayed Registration of Births; Deaths, Marriage	9
20	Sec. 16. Judicial Procedure to Establish Facts of Birth	12
21	Sec. 17. Court Reports of Adoption	14
22	Sec. 18. New Certificate of Birth	15
23	Sec. 19. Death Registration	16
24	Sec. 20. Fetal Death Registration	17
25	Sec. 21. Permits	19
26	Sec. 22. Extension of Time	19
27	Sec. 23. Marriage Registration	20
28	Sec. 24. Court Reports of Divorce and Annulment	21
29	Sec. 25. Corrections and Amendments	21

1	Sec. 26. Reproduction of Records	22
2	Sec. 27. Disclosure of Records	22
3	Sec. 28. Copies of Data from Vital Records	23
4	Sec. 29. Fees for Services; Vital Statistics Fund	24
5	Sec. 30. Persons Required to Keep Records	24
6	Sec. 31. Duty to Furnish Information	25
7	Sec. 32. Penalties	26
8	Sec. 33. Severability	27
9	Sec. 34. Uniformity of Interpretation	28
10	Sec. 35. Short Title	28
11	Sec. 36. Repeal	28
12	Sec. 37. Effective Date	28

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
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HB #217

1 IN THE HOUSE

BY THE HEALTH, WELFARE, AND  
EDUCATION COMMITTEE

2 HOUSE BILL NO. 217

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a Bureau of Vital Statis-  
7 tics and establishing a statewide system of  
8 vital statistics for Alaska; providing for  
9 local registration districts and the appoint-  
10 ment of local registrars of vital statistics;  
11 providing for the payment of fees for the  
12 collection of vital statistics records;  
13 providing for the certification of data from  
14 vital statistics records; providing for a  
15 vital statistics fund, and the depositing  
16 therein of fees collected for services per-  
17 formed; providing for penalties; repealing  
18 Section 21-1-16 ACLA 1949, last paragraph  
19 of Section 21-3-, ACLA 1949 as amended by  
20 Chapter 57 SLA 1951 as amended by Chapter  
21 115 SLA 1957, Section 21-3-20 AOLA 1949 as  
22 amended by Chapter 66 SLA 1951, and Chapter  
23 119 SLA 1949 as amended by Chapters 76 and  
24 86 SLA 1951 and Chapter 38 SLA 1953; and  
25 providing for an effective date."

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

27 Section 1. DEFINITIONS. As used in this Act:

28 (a) "Vital statistics" means records of birth, death,  
29 fetal death, marriage, divorce, adoption, and data related thereto.

1 (b) "System of vital statistics" includes the registra-  
2 tion, collection, preservation, amendment, and certification of  
3 vital statistics records, and activities related thereto in-  
4 cluding the tabulation, analysis, and publication of statistical  
5 data derived from such records.

6 (c) "Bureau" means the Bureau of Vital Statistics as  
7 established by this Act.

8 (d) "State Registrar" means the State Registrar of  
9 Vital Statistics.

10 (e) "Filing" means the presentation of a certificate,  
11 report, or other record provided for in this Act, of a birth,  
12 death, fetal death, adoption, marriage, or divorce for registra-  
13 tion by the Bureau of Vital Statistics.

14 (f) "Registration" means the acceptance by the Bureau  
15 of Vital Statistics and the incorporation in its official records  
16 of certificates, reports, or other records provided for in this  
17 Act, of births, deaths, fetal deaths, adoptions, marriages or  
18 divorces.

19 (g) "Live birth" means the complete expulsion or ex-  
20 traction from its mother of a product of human conception,  
21 irrespective of the duration of pregnancy, which, after such  
22 expulsion or extraction, breathes or shows any other evidence of  
23 life such as beating of the heart, pulsation of the umbilical  
24 cord, or definite movement of voluntary muscles, whether or not  
25 the umbilical cord has been cut or the placenta is attached.

26 (h) "Institution" means any establishment, public or  
27 private, which provides in-patient medical, surgical, or diagnos-  
28 tic care or treatment, or nursing, custodial or domiciliary care  
29 to two or more unrelated individuals, or to which persons are

1 committed by law.

2 (i) "Physician" means a person authorized or licensed  
3 to practice medicine pursuant to the laws of Alaska.

4 (j) "Dead body" means a lifeless human body or parts of  
5 such body or bones thereof from the state of which it reasonably  
6 may be concluded that death recently occurred.

7 (k) "Final disposition" means the burial, interment,  
8 cremation, or other disposition of a dead body or fetus.

9 (l) "Fetal death" means death prior to the complete ex-  
10 pulsion or extraction from its mother of a product of human con-  
11 ception, irrespective of the duration of pregnancy; the death is  
12 indicated by the fact that after such expulsion or extraction the  
13 fetus does not breathe or show any other evidence of life such as  
14 beating of the heart, pulsation of the umbilical cord, or definite  
15 movement of voluntary muscles.

16 Sec. 2. BUREAU OF VITAL STATISTICS AND STATEWIDE SYSTEM.  
17 There is hereby established within the Alaska Department of Health  
18 the Bureau of Vital Statistics which shall install, maintain, and  
19 operate the system of vital statistics throughout this State.

20 Sec. 3. POWER TO PROMULGATE REGULATIONS. The Bureau of  
21 Vital Statistics is authorized, in compliance with the Adminis-  
22 trative Procedures Act of 1959, to adopt, amend, and repeal  
23 regulations for the purpose of carrying out the provisions of this  
24 Act.

25 Sec. 4. APPOINTMENT OF STATE REGISTRAR OF VITAL STATISTICS.  
26 The State Commissioner of Health shall select in accordance with  
27 state personnel laws and regulations the State Registrar of Vital  
28 Statistics who shall carry out the provisions of this Act.

29 Sec. 5. DUTIES OF STATE REGISTRAR OF VITAL STATISTICS.

1 (a) The State Registrar of Vital Statistics shall:

2 (1) Administer and enforce this Act and the regula-  
3 tions issued hereunder, and issue instructions for the  
4 efficient administration of the statewide system of vital  
5 statistics.

6 (2) Direct and supervise the statewide system of  
7 vital statistics and the Bureau of Vital Statistics, and be  
8 custodian of its records.

9 (3) Direct, supervise, and control the activities  
10 of local registrars related to the operation of the vital  
11 statistics system.

12 (4) Prescribe and furnish such forms as are re-  
13 quired by this Act and the regulations issued hereunder.

14 (5) Prepare and publish reports of vital statistics  
15 of this State, and such other statistical reports as are re-  
16 quired.

17 (b) The State Registrar may delegate such functions and  
18 duties vested in him to employees of the Bureau and to local  
19 registrars as he deems necessary or expedient.

20 (c) The State Registrar of Vital Statistics shall have  
21 a seal as such, which shall bear within the perimeter of the  
22 seal the words "Seal of the State Registrar of Vital Statis-  
23 tics of Alaska," and within the circle, at the top of the  
24 seal, a star representing the North Star, beneath it the  
25 dipper of seven stars, and beneath this a quill. Such seal  
26 shall be used in the certification of copies of records under  
27 his custody; and to authenticate such other copies, documents,  
28 records, and reports as he deems necessary.

29 Sec. 6. REGISTRATION DISTRICTS. The State Registrar shall

1 establish registration districts throughout the State. He may  
2 consolidate or subdivide such districts to facilitate registration.  
3 Such registration districts shall take into account the boundary  
4 lines of local governmental units, election districts, judicial  
5 districts, and other local boundary lines in general use, wherever  
6 feasible.

7 Sec. 7. APPOINTMENT OF LOCAL REGISTRARS.

8 (a) The State Registrar shall appoint a local registrar  
9 and may appoint one or more deputy local registrars of vital  
10 statistics for each registration district.

11 (b) The State Registrar may remove a local registrar  
12 or a deputy local registrar.

13 Sec. 8. DUTIES OF LOCAL REGISTRARS.

14 (a) The local registrar, within his registration dis-  
15 trict, shall:

16 (1) Administer and enforce the provisions of this  
17 Act, and instructions and regulations issued hereunder.

18 (2) Require that certificates be completed and  
19 filed in accordance with provisions of this Act, and instruc-  
20 tions and regulations issued hereunder.

21 (3) Transmit monthly the certificates, reports, or  
22 other returns filed with him to the Bureau of Vital Statistics,  
23 or more frequently when directed to do so by the State  
24 Registrar.

25 (4) Maintain such records, make such reports, and  
26 perform such other duties as may be required by the State  
27 Registrar.

28 (b) The State Registrar may, where feasible, require  
29 the keeping of permanent local records in the form of copies of

1 the original vital statistics records. He shall designate in each  
2 case how this is to be done, by the local registrar, other local  
3 recording official, or by the two together; and he shall issue  
4 instructions concerning the keeping of these records, their dis-  
5 closure, corrections, issuance of copies, and fees to be charged,  
6 within the provisions of this Act. In all matters pertaining to  
7 the system of vital statistics, local officials, whether local  
8 registrars or other, shall be directly supervised in this work by  
9 the State Registrar.

10 (c) In accordance with regulations issued hereunder,  
11 the deputy local registrar shall perform the duties of the local  
12 registrar in the absence or incapacity of such local registrar;  
13 and shall perform such other duties as may be required by the  
14 State Registrar.

15 Sec. 9. COMPENSATION OF LOCAL REGISTRARS.

16 (a) For each certificate of birth, death, fetal death,  
17 or marriage occurring in his district and transmitted by him to  
18 the Bureau in accordance with its instructions and regulations,  
19 the local registrar shall be paid a fee in accordance with a  
20 schedule set by the Bureau. Such schedule of fees shall be  
21 governed by the funds allowed for this purpose by the Legislature,  
22 and may contain a differential reflecting the density of popula-  
23 tion of the registration district.

24 (b) If no birth, death, fetal death, or marriage  
25 is filed with him during any calendar month, the local registrar  
26 shall report that fact to the Bureau, for which he shall be paid  
27 a fee in accordance with the schedule.

28 (c) In cases where the person appointed as local  
29 registrar is an employee of a federal, state, or local govern-

1 mental agency, such fees due may be paid to such agency; pro-  
2 vided that such monies are used by the agency to offset the extra  
3 costs involved in such local registration duties.

4 Sec. 10. SUB-REGISTRARS.

5 (a) In registration districts containing scattered vil-  
6 lages, the local registrar may, with the approval of the State  
7 Registrar, designate one person in each such village as sub-  
8 registrar for his area.

9 (b) Such sub-registrar shall be responsible for pre-  
10 paring, signing, and filing with the local registrar a certificate  
11 for each birth, death, and fetal death occurring in the area  
12 designated and not attended by a physician or nurse, in accordance  
13 with instructions issued by the Bureau.

14 (c) For each such certificate, filed in accordance with  
15 instructions of the Bureau, the sub-registrar shall be paid a fee  
16 of one dollar (\$1.00).

17 Sec. 11. PAYMENT OF FEES TO LOCAL REGISTRARS AND OTHERS.

18 The State Registrar shall certify monthly, or at least quarterly,  
19 the number and type of records filed by, and the amount due to  
20 each local registrar and deputy registrar, and the amount due to  
21 each sub-registrar. Upon such certification, the amounts due  
22 shall be paid from the proper State funds by the Department of  
23 Administration.

24 Sec. 12. FORM OF CERTIFICATES. The forms of certificates,  
25 reports, and other returns required by this Act, or by regulations  
26 adopted hereunder, shall include as a minimum the items recom-  
27 mended by the Federal Agency responsible for national vital  
28 statistics subject to approval of and modification by the State  
29 Registrar. All forms shall be prescribed and furnished by the

1 Bureau.

2 Sec. 13. BIRTH REGISTRATION.

3 (a) A certificate of birth for each live birth which  
4 occurs in this State shall be filed with the local registrar of  
5 the registration district in which the birth occurred as provided  
6 in this section, within seven days after such birth. When a birth  
7 occurs on a moving conveyance a birth certificate shall be filed  
8 in the district in which the child was first removed from the  
9 conveyance.

10 (b) When a birth occurs in an institution, the person  
11 in charge of the institution or his designated representative shall  
12 obtain the personal data, prepare the certificate, secure signa-  
13 tures required on the certificate and shall file it with the  
14 local registrar. The physician in attendance shall certify to  
15 the facts of birth and provide the medical information required  
16 by the certificate within five days after the birth.

17 (c) When a birth occurs outside an institution, the  
18 certificate shall be prepared and filed by one of the following  
19 in the indicated order of priority:

20 (1) The physician in attendance at or immediately  
21 after the birth, or in the absence of such a person,

22 (2) Any other person in attendance at or immediately  
23 after the birth, or in the absence of such a person,

24 (3) The father, the mother, or, in the absence of  
25 the father and the inability of the mother, the person  
26 in charge of the premises where the birth occurred.

27 (d) (1) If the mother was married at the time of con-  
28 ception or birth, the name of the husband shall be  
29 entered on the certificate as the father of the child

1 unless paternity has been determined otherwise by a court  
2 of competent jurisdiction, in which case the name of the  
3 father, if determined by the court, shall be entered.

4 (2) If the mother was not married at the time of  
5 conception or birth, the name of the father shall not be  
6 be entered on the certificate of birth unless a determination  
7 of paternity has been made by a court of competent juris-  
8 diction, or otherwise as specified in the statutes.

9 (3) In the case of a child born out of wedlock, the  
10 certificate of birth shall be filed in accordance with sub-  
11 sections (a), (b), and (c) of this section, unless the State  
12 Registrar directs another procedure.

13 Sec. 14. FOUNDLING REGISTRATION.

14 (a) Whoever assumes the custody of a living infant of  
15 unknown parentage shall report on a form and in the manner pre-  
16 scribed by the State Registrar within seven days to the local  
17 registrar of the registration district in which the child was  
18 found, the information prescribed by the State Registrar.

19 (b) The place where the child was found shall be en-  
20 tered as the place of birth and the date of birth shall be  
21 determined by approximation.

22 (c) A report registered under this section shall  
23 constitute the certificate of birth for the infant.

24 (d) If the child is identified and a certificate of  
25 birth is found or obtained, any report registered under this  
26 section shall be sealed and filed in accordance with instructions  
27 of the State Registrar, and may be opened only by order of a  
28 superior court or as provided by regulation.

29 Sec. 15. DELAYED REGISTRATION OF BIRTHS; DEATHS, MARRIAGES.

1           (a) When the birth of a person born in this State has  
2 not been registered a certificate may be filed in accordance with  
3 regulations of the Bureau of Vital Statistics. Such certificate  
4 shall be registered subject to such evidentiary requirements as  
5 the Bureau shall by regulation prescribe to substantiate the  
6 alleged facts of birth.

7           (b) When the birth occurred more than seven days but  
8 less than one year prior to the application for registration, the  
9 birth may be filed with the proper local registrar in accordance  
10 with regulations of the Bureau.

11           (c) When the birth occurred one year or more prior to  
12 the application for registration, the birth shall be filed on a  
13 form prescribed by the Bureau of Vital Statistics, and shall be  
14 submitted to the Bureau for registration. The State Registrar  
15 may accept the certificate for registration when such evidence  
16 is submitted to substantiate the facts of birth as is required by  
17 regulation. Each certificate registered under this subsection  
18 shall be marked "delayed".

19           (d) When the birth occurred seven years or more prior  
20 to the application for registration, the certificate of birth shall  
21 be prepared on a form entitled "Delayed Certificate of Birth".  
22 The information provided on such form shall be subscribed and  
23 sworn to by the person whose birth is to be registered before an  
24 official authorized to administer oaths. When such person is not  
25 competent to swear to this information it shall be subscribed and  
26 sworn to by a parent, legal guardian, or the representative of  
27 this person.

28                   (1) The form shall provide for the name and sex of  
29 the person whose birth is to be registered; the place

1 and date of birth; and such other information as may be  
2 required by the Bureau.

3 (2) When the certificate is submitted, the State  
4 Registrar shall add a description and an abstract of each  
5 document submitted in support of the delayed registration.

6 (3) The original delayed certificate of birth  
7 shall be filed with the Bureau of Vital Statistics.

8 (e) (1) The State Registrar shall accept the regis-  
9 tration if the applicant was born in this State and if the  
10 applicant's sworn statements are established to the satis-  
11 faction of the State Registrar by the necessary evidence  
12 established by regulation.

13 (2) The items necessary to be substantiated, the  
14 type of documents acceptable as evidence, the number of  
15 necessary documents, and the form and content of the  
16 description and abstract of each document to be added to  
17 the certificate shall be prescribed by regulation of the  
18 Bureau. In general they shall follow the national standards  
19 recommended by the agencies responsible for national vital  
20 statistics and for the use of records in the interest of  
21 national security. The State Registrar may make exceptions  
22 when necessary by reducing the number of documents required  
23 for delayed filings by Indians, Eskimos and Aleuts, natives  
24 of Alaska, providing he is otherwise satisfied with the  
25 validity of the application.

26 (f) (1) When the applicant does not submit documenta-  
27 tion as required in support of his statements, or when the  
28 State Registrar finds reason to question the validity or  
29 adequacy of the certificate or the supporting evidence, the

1 State Registrar shall not accept the delayed certificate  
2 of birth and shall advise the applicant of the reasons for  
3 this action, and of his right of appeal to a superior court.

4 (2) The Bureau may by regulation provide for the  
5 dismissal of an application which is not actively prosecuted.

6 (g) When a death or marriage occurring in this State  
7 has not been registered a certificate may be filed in accordance  
8 with regulations of the Bureau of Vital Statistics. Such certifi-  
9 cate shall be registered subject to such evidentiary requirements  
10 as the Bureau shall by regulation prescribe to substantiate the  
11 alleged facts of death or marriage. Certificates of death and  
12 marriage registered one year or more after the date of occurrence  
13 shall be marked "Delayed".

14 Sec. 16. JUDICIAL PROCEDURE TO ESTABLISH FACTS OF BIRTH.

15 (a) If a delayed certificate of birth is not accepted  
16 under the provisions of the preceding section, a petition may be  
17 filed with the superior court for an order establishing a record  
18 of such person's date and place of birth.

19 (b) Such petition shall be made on a form prescribed  
20 and furnished by the Bureau of Vital Statistics, and shall contain  
21 the following statements, sworn to by the petitioner:

22 (1) That the person for whom a delayed certificate  
23 of birth is sought was born in this State.

24 (2) That no record of birth of such person can  
25 be found in the Bureau of Vital Statistics nor in the files  
26 of the local custodian of birth records.

27 (3) That diligent efforts by the petitioner have  
28 failed to obtain the necessary evidence to file a delayed  
29 certificate with the Bureau.

1                   (4) That the State Registrar has refused to  
2 register a delayed certificate of birth.

3                   (5) Such other statements and information as may  
4 be required.

5                   (c) The petition shall be accompanied by a statement  
6 of the State Registrar refusing to accept a delayed certificate of  
7 birth, or evidence of his refusal to accept such certificate in  
8 the event he refuses to make a statement available, and all  
9 documentary evidence which was submitted to the Bureau in support  
10 of such registration.

11                   (d) The court shall fix a time and place for hearing  
12 the petition, and the State Registrar shall be given fifteen days  
13 notice of said hearing. The State Registrar, or his authorized  
14 representative, may appear and testify in the proceeding.

15                   (e) If the court from the evidence presented finds that  
16 the person for whom a delayed certificate of birth is sought was  
17 born in this State, it shall make findings as to the place and  
18 date of birth, and such other findings as the petition may require  
19 and shall issue an order on a form prescribed and furnished by  
20 the Bureau of Vital Statistics to establish a record of birth.  
21 This order shall include the birth data to be registered, a  
22 description of the evidence presented in the manner prescribed  
23 pursuant to the preceding section, the date of the court's action,  
24 and shall be marked as a court order.

25                   (f) The clerks of the superior courts shall forward each  
26 such order to the Bureau of Vital Statistics not later than the  
27 10th day of the calendar month following the month in which it  
28 was entered. Such order shall be registered by the Bureau and  
29 shall constitute the record of birth, from which copies may be

1 issued in accordance with the provisions of this Act.

2 Sec. 17. COURT REPORTS OF ADOPTION.

3 (a) For each adoption decreed by any court in this  
4 State, the court shall require the preparation of a report of  
5 adoption on a form prescribed and furnished by the Bureau of  
6 Vital Statistics. The report shall include such facts as are  
7 necessary to locate and identify the original certificate of  
8 birth of the person adopted; provide information necessary to  
9 establish a new certificate of birth of the person adopted; and  
10 shall identify the order of adoption, and be certified by the  
11 court or the clerk thereof.

12 (b) Information in the possession of the petitioner  
13 necessary to prepare the adoption report shall be furnished with  
14 the petition for adoption by each petitioner for adoption or  
15 his attorney. The social, welfare agency or other person con-  
16 cerned shall supply the court with such additional information  
17 in their possession as may be necessary to complete the report.  
18 The provision of such information shall be a prerequisite to the  
19 issuance of a final decree in the matter by the court.

20 (c) Whenever an adoption decree is amended or annulled,  
21 the court shall prepare a report on a form prescribed and  
22 furnished by the Bureau. The report shall include such facts as  
23 are necessary to identify the original adoption report and the  
24 facts amended in the adoption decree as shall be necessary to  
25 properly amend the original report, or the new certificate of  
26 birth if already established.

27 (d) Not later than the 10th day of each calendar month,  
28 the court shall forward to the Bureau reports of decrees of  
29 adoption, annulment, or amendments thereof entered in the pre-

1 ceding month, together with such related reports as the Bureau  
2 shall require.

3 (e) When the Bureau shall receive a report of adoption,  
4 or annulment of adoption or amendment thereof from a court for  
5 a person born outside this State, a copy shall be made for the  
6 Bureau's files and the original of such report shall be for-  
7 warded to the appropriate registration authority in the state  
8 of birth.

9 Sec. 18. NEW CERTIFICATE OF BIRTH.

10 (a) The State Registrar shall establish a new certifi-  
11 cate of birth for a person born in this State, upon proper request  
12 that such certificate be made, and upon receipt of one of the  
13 following:

14 (1) An adoption report as provided in the pre-  
15 ceding section, or a certified copy of the decree of adoption  
16 from a court of competent jurisdiction in another state,  
17 together with the information necessary to identify the  
18 original certificate of birth and to establish the new  
19 certificate of birth; except that a new certificate of birth  
20 shall not be established if so requested by the court  
21 decreeing the adoption, the adoptive parents, or the adopted  
22 person if he is of legal age.

23 (2) Such evidence as required by law and regula-  
24 tion proving that such person has been legitimated, and that  
25 the parents have intermarried.

26 (b) When a new certificate of birth is established,  
27 the actual place and date of birth shall be shown. The new  
28 certificate shall be substituted for the original certificate of  
29 birth; and

1 (1) Thereafter, the original certificate and the  
2 evidence of adoption or legitimation shall not be subject  
3 to inspection except upon order of a superior court or as  
4 provided by regulation; provided any such regulation shall  
5 allow inspection by an agent of the State or Federal Govern-  
6 ment acting in the performance of official duties.

7 (2) Upon receipt of a report of annulment of  
8 adoption, the original certificate of birth shall be re-  
9 stored to its place in the files and the new certificate and  
10 evidence shall not be subject to inspection except upon order  
11 of a superior court.

12 (c) If no certificate of birth is on file for the person  
13 for whom a new certificate is to be established under this section  
14 a delayed certificate of birth shall be filed with the Bureau of  
15 Vital Statistics as provided in this Act, before a new certificate  
16 of birth may be established.

17 (d) When a new certificate of birth is established by  
18 the State Registrar, he shall direct the disposition of and any  
19 substitution for all copies of the original certificate of birth  
20 in the custody of a local registrar of vital statistics or other  
21 local custodian of such records. In cases of annulment of an  
22 adoption, he shall likewise instruct the local officials as to  
23 any necessary action.

24 Sec. 19. DEATH REGISTRATION.

25 (a) A death certificate for each death which occurs in  
26 this State shall be filed with the local registrar of the registra-  
27 tion district in which the death occurred within three days after  
28 such death and prior to final disposition of the body or removal  
29 of the body from the State, except as provided by regulation in

1 special problem cases.

2 (1) For the purposes of this section, if the place  
3 of death is unknown, a death certificate shall be filed in the  
4 registration district in which the dead body is found.

5 (2) When a death occurs on a moving conveyance a  
6 death certificate shall be filed in the registration district  
7 in which the dead body is first removed from such conveyance.

8 (b) The funeral director or person acting as such who  
9 first assumes custody of a dead body shall file the death certifi-  
10 cate. He shall obtain the personal data from the next of kin or  
11 the best qualified person or source available. He shall obtain  
12 the medical certification of cause of death from the person respon-  
13 sible for this information.

14 (c) The medical certification shall be completed and  
15 signed within twenty-four hours after death by the physician in  
16 charge of the patient's care for the illness or condition which  
17 resulted in death except when an official inquiry or inquest is  
18 required and except as provided by regulation in special problem  
19 cases.

20 (d) When a death occurs without medical attendance, or  
21 when official inquiry is required, the Bureau of Vital Statistics  
22 shall provide by regulation, in accordance with all existing laws,  
23 the responsibility for completing and signing the medical certifica-  
24 tion. Such provision is intended to include, among others, cases  
25 involving a medical examiner or a coroner, and cases involving  
26 presumption of death.

27 Sec. 20. FETAL DEATH REGISTRATION.

28 (a) A fetal death certificate for each fetal death which  
29 occurs in this State shall be filed with the local registrar of the

1 registration district in which the delivery occurred within three  
2 days after such delivery and prior to final disposition of the  
3 fetus or removal of the fetus from the State, except as provided  
4 by regulation in special problem cases; and further provided that  
5 the filing of such certificates for products of gestation with  
6 a duration of pregnancy of less than twenty weeks may be de-  
7 termined by regulation.

8 (1) For the purposes of this section, if the place  
9 of fetal death is unknown, a fetal death certificate shall  
10 be filed in the registration district in which such dead  
11 fetus is found.

12 (2) When a fetal death occurs on a moving con-  
13 veyance a fetal death certificate shall be filed in the  
14 registration district in which the fetus is first removed  
15 from such conveyance.

16 (b) The funeral director or person acting as such who  
17 first assumes custody of a fetus shall file the fetal death  
18 certificate. In the absence of such a person, the physician or  
19 other person in attendance at or after the delivery shall file  
20 the certificate of fetal death. He shall obtain the personal data  
21 from the next of kin or the best qualified person or source  
22 available. He shall obtain the medical certification of cause of  
23 death from the person responsible for this information.

24 (c) The medical certification shall be completed and  
25 signed within twenty-four hours after delivery by the physician  
26 in attendance at or after delivery except when an official inquiry  
27 or inquest is required and except as provided by regulation in  
28 special problem cases.

29 (d) When a fetal death occurs without medical attendance

1 upon the mother at or after the delivery, or when official inquiry  
2 is required, the Bureau of Vital Statistics shall provide by  
3 regulation, in accordance with all existing laws, the responsi-  
4 bility for completing and signing the medical certification.

5 Sec. 21. PERMITS.

6 (a) The funeral director or person acting as such who  
7 first assumes custody of a dead body or fetus shall obtain a  
8 burial-transit permit prior to final disposition or removal from  
9 the State of the body or fetus and within 72 hours after death,  
10 except as otherwise authorized by regulation for special problem  
11 cases.

12 (b) Such burial-transit permit shall be issued by the  
13 local registrar of the registration district where the death  
14 occurred when a certificate of death or fetal death has been filed  
15 in accordance with this Act, except as otherwise authorized by  
16 regulation in special problem cases.

17 (c) A burial-transit permit which accompanies a dead  
18 body or fetus brought into this State shall be authority for  
19 final disposition of the body or fetus in this State.

20 (d) A permit for disinterment and reinterment shall be  
21 required prior to disinterment of a dead body or fetus except as  
22 authorized by regulation or otherwise provided by law. Such per-  
23 mit shall be issued by the local registrar of vital statistics  
24 in accordance with instructions of the State Registrar, upon  
25 proper application.

26 Sec. 22. EXTENSION OF TIME.

27 (a) The Bureau of Vital Statistics may, by regulation  
28 and upon such conditions as it may prescribe to assure compliance  
29 with the purposes of this Act, provide for the extension of the

1 periods prescribed in Sections 13, 19, 20, and 21 of this Act  
2 for the filing of birth certificates, death certificates, fetal  
3 death certificates, medical certifications of cause of death,  
4 and for the obtaining of permits, in cases in which compliance  
5 with the applicable prescribed period would result in undue hard-  
6 ship.

7 (b) Regulations of the Bureau may provide for the  
8 issuance of a burial-transit permit under Section 21 of this Act  
9 prior to the filing of a certificate of death or fetal death  
10 upon conditions designed to assure compliance with the purposes  
11 of this Act in cases in which compliance with the requirement  
12 that the certificate be filed prior to the issuance of the permit  
13 would result in undue hardship.

14 Sec. 23. MARRIAGE REGISTRATION.

15 (a) A certificate of marriage for each marriage per-  
16 formed in this State shall be filed with the local registrar of  
17 vital statistics of the registration district in which the  
18 marriage was performed within seven days of such marriage.

19 (b) The official who issues the marriage license shall  
20 prepare the certificate of marriage on the forms prescribed and  
21 furnished by the Bureau of Vital Statistics, as specified else-  
22 where in the statutes, and in regulations issued hereunder.

23 (c) Every person who performs a marriage shall com-  
24 plete the forms as specified elsewhere in the statutes, or in  
25 regulations issued hereunder, and shall file the original certifi-  
26 cate of marriage with the local registrar.

27 (d) Each official issuing marriage licenses shall  
28 report to the State Registrar on or before the 10th of each  
29 calendar month, on forms prescribed and furnished by the Bureau,

1 the information required concerning each marriage license issued  
2 during the preceding month.

3 Sec. 24. COURT REPORTS OF DIVORCE AND ANNULMENT.

4 (a) For each divorce and annulment of marriage granted  
5 by any court in this State a certificate of divorce or annulment  
6 shall be prepared and filed by the clerk of the court with the  
7 Bureau of Vital Statistics, on forms prescribed and furnished by  
8 the Bureau. The information necessary to complete the certificate  
9 shall be furnished the court by the petitioner, and the furnishing  
10 of this information shall be prerequisite to the issuance of a  
11 decree.

12 (b) On or before the 10th day of each month each clerk  
13 of court shall forward to the Bureau the certificate of each  
14 divorce and annulment granted during the preceding calendar month  
15 and such related reports as may be required by regulations issued  
16 under this Act.

17 Sec. 25. CORRECTIONS AND AMENDMENTS.

18 (a) A certificate or record registered by the Bureau  
19 of Vital Statistics may be amended only in accordance with this  
20 Act and such regulations as the Bureau may adopt to protect the  
21 integrity and accuracy of vital statistics records.

22 (b) A certificate that is amended under this section  
23 shall be marked "amended," with the date of amendment; and a  
24 summary description of the evidence submitted in support of the  
25 amendment shall be endorsed on or made a part of the record. The  
26 Bureau shall prescribe by regulation the conditions under which  
27 additions or minor corrections may be made to vital records with-  
28 out such certificates being considered amended.

29 (c) Upon receipt of a certified copy of a court order

1 changing the name of a person born in this State and upon request  
2 of such person or his parent, guardian, or legal representative,  
3 the State Registrar shall amend the certificate of birth to  
4 reflect the new name.

5 (d) When a certificate is corrected or amended under  
6 this section, the State Registrar shall instruct the local  
7 custodian of the copy of the same certificate to make the same  
8 changes in said copy.

9 Sec. 26. REPRODUCTION OF RECORDS. To preserve original  
10 documents the State Registrar is authorized to prepare type-  
11 written, photographic, or other reproductions of original records  
12 and files in his office. Such reproductions when certified by  
13 him shall be accepted as the original record.

14 Sec. 27. DISCLOSURE OF RECORDS.

15 (a) To protect the integrity of vital statistics  
16 records, to insure their proper use, and to insure the efficient  
17 and proper administration of the vital statistics system, it  
18 shall be unlawful for any person to permit inspection of, or to  
19 disclose information contained in vital statistics records, or  
20 to copy or issue a copy of all or part of any such record, except  
21 as authorized by regulations issued under this Act.

22 (b) The Bureau of Vital Statistics may permit the use  
23 of data contained in vital statistics records for research pur-  
24 poses.

25 (c) Information in vital statistics records indicating  
26 that a birth occurred out of wedlock shall not be disclosed except  
27 upon order of a superior court or as provided by regulations.

28 (d) Appeals from decisions of the custodians of local  
29 records refusing disclosure under subsections (a) and (b) of this

1 section shall be made to the State Registrar, whose decisions shall  
2 be binding upon the custodians of local records.

3 Sec. 28. COPIES OF DATA FROM VITAL RECORDS. Except as other-  
4 wise provided and in accordance with the regulations adopted  
5 pursuant to the preceding section:

6 (a) The Bureau of Vital Statistics and the custodian of  
7 permanent local records shall upon request issue a certified  
8 copy of any certificate or record in their custody, or of a part  
9 thereof. Each copy issued shall show the date of registration;  
10 and copies issued from records marked "delayed," "amended," or  
11 "court order" shall be similarly marked and show the effective  
12 date.

13 (b) A certified copy of a certificate or any part  
14 thereof, issued in accordance with subsection (a), shall be  
15 considered for all purposes the same as the original, and shall be  
16 prime facie evidence of the facts therein stated, provided that  
17 the evidentiary value of a certificate or record filed more  
18 than one year after the event, or a record which has been amended,  
19 or a presumptive death certificate, shall be determined by the  
20 judicial or administrative body or official before whom the  
21 certificate is offered as evidence.

22 (c) The National Office of Vital Statistics may be  
23 furnished such copies or data as it may require for national  
24 statistics; provided that the Bureau of Vital Statistics shall be  
25 reimbursed for the cost of furnishing such data; and provided  
26 further that such data shall not be used for other than statistical  
27 purposes by the National Office of Vital Statistics unless so  
28 authorized by the State Registrar.

29 (d) Federal, State, local, and other public or private

1 agencies may, upon request, be furnished copies or data for  
2 statistical purposes upon such terms or conditions as may be  
3 prescribed by the Bureau.

4 (e) No person or agency shall prepare or issue any  
5 certificate or any part thereof which purports to be an original,  
6 certified copy, or copy of a certificate of birth, death, fetal  
7 death, or marriage, except as authorized in this Act or regula-  
8 tions adopted hereunder.

9 Sec. 29. FEES FOR SERVICES; VITAL STATISTICS FUND.

10 (a) The State Registrar shall prescribe the fees to be  
11 paid for certified copies of certificates, or for searches of  
12 the files or records, and for the filing of delayed or substitute  
13 certificates, for making amendments, and for supplying documentary  
14 evidence for such purposes, and for any special services rendered  
15 by the Bureau.

16 (b) There is hereby created and established a special  
17 fund in the State Treasury to be known as the "Vital Statistics  
18 Fund". All fees received by the Bureau pursuant to this section  
19 shall be accounted for by the State Registrar and paid to the  
20 State Treasurer who shall cover the same into the "Vital Statistics  
21 Fund". All moneys now or hereafter covered into the "Vital  
22 Statistics Fund" shall be expended for vital statistics purposes  
23 under the supervision of the State Registrar and paid out upon  
24 vouchers approved by the Department of Administration.

25 Sec. 30. PERSONS REQUIRED TO KEEP RECORDS.

26 (a) Every person in charge of an institution as defined  
27 in this Act shall keep a record of personal particulars and data  
28 concerning each person admitted or confined to such institution.  
29 This record shall include such information as required by the

1 certificates of birth, death, and fetal death issued under the  
2 provisions of this Act, and other information as may be required  
3 by the Bureau. The record shall be made at the time of admission  
4 from information provided by such person, but when it cannot be  
5 so obtained, the same shall be obtained from relatives or other  
6 sources acquainted with the facts. The name and address of the  
7 person providing the information shall be a part of the record.

8 (b) When a dead human body or fetus is released or  
9 disposed of by an institution, the person in charge of the  
10 institution shall keep a record showing the name of the deceased,  
11 date of death, name and address of the person to whom the body  
12 is released, date of removal from the institution, or if finally  
13 disposed of by the institution, the date, place, and manner of  
14 disposition shall be recorded.

15 (c) A funeral director, embalmer, or other person who  
16 removes from the place of death or transports or finally disposes  
17 of a dead body or fetus, in addition to filing any certificate or  
18 other form required by this Act, shall keep a record which shall  
19 identify the body, and such information pertaining to his receipt,  
20 removal, and delivery of such body as may be prescribed in  
21 regulations adopted by the Bureau.

22 (d) Records maintained under this section shall be  
23 retained for a period of not less than five years and shall be  
24 made available for inspection by the State Registrar or his  
25 representative upon demand.

26 Sec. 31. DUTY TO FURNISH INFORMATION. Any person having  
27 knowledge of the facts, shall furnish such information as he may  
28 possess regarding any birth, death, fetal death, marriage, or  
29 divorce, upon demand of the State Registrar.

1           Sec. 32. PENALTIES.

2           (a) (1) Any person who without lawful authority and  
3 with the intent to deceive, makes, alters, amends, or  
4 mutilates any certificate of birth or certified copy thereof  
5 with the intent that the same may be used; or

6           (2) Any person who willfully and knowingly uses  
7 or attempts to use, or furnishes to another for use, for  
8 any purpose of deception, any certificate of birth or certi-  
9 fied copy of a record of birth so made, altered, amended,  
10 or mutilated; or

11           (3) Any person who with the intention to deceive  
12 willfully uses or attempts to use any certificate of birth  
13 or certified copy of a record of birth knowing that such  
14 certificate or certified copy was issued upon a record which  
15 is false in whole or in part or which relates to the birth  
16 of another person; or

17           (4) Any person who willfully and knowingly  
18 furnishes a certificate of birth or certified copy of a  
19 record of birth with the intention that it be used by a  
20 person other than the person to whom the record of birth  
21 relates, shall be guilty of a misdemeanor and upon con-  
22 viction thereof shall be fined not more than \$1000 or  
23 imprisoned not more than one year, or both.

24           (b) (1) Any person who willfully and knowingly makes  
25 any false statement in a report or certificate of birth  
26 required to be filed under this Act or regulations issued  
27 hereunder, or in an application for amendment thereof, or  
28 in an affidavit or paper submitted in support of such a  
29 certificate or application, with intent to induce or secure

1 the registration of a birth, or the acceptance of a certi-  
2 ficate of birth as evidence of the date and place of birth,  
3 identity, or citizenship, or the amendment of a birth certi-  
4 ficate for any purpose of deception whatsoever; or

5 (2) Any person who willfully and knowingly  
6 falsifies, makes or alters any certificate or certified copy  
7 of a vital statistics record except as provided for in this  
8 Act or regulations issued hereunder, shall be guilty of a  
9 misdemeanor and upon conviction thereof shall be fined not  
10 more than \$300 or imprisoned not more than three months, or  
11 both, except where a more severe penalty is provided for in  
12 this Act.

13 (c) (1) Any person who knowingly transports or accepts  
14 for such transportation, interment, or other final disposi-  
15 tion a dead body without the required permit issued in  
16 accordance with this Act, or regulations issued hereunder; or

17 (2) Any person who refuses to provide information,  
18 or who knowingly furnishes false information, required by  
19 this Act, or regulations issued hereunder; or

20 (3) Any person who violates any of the provisions  
21 of this Act, or neglects or refuses to perform any of the  
22 duties imposed upon him by this Act, or regulations issued  
23 hereunder, shall be guilty of a misdemeanor, and upon  
24 conviction thereof shall be fined not more than \$100 or  
25 imprisoned not more than thirty days, or both, except where  
26 a different penalty is provided for in this Act.

27 Sec. 33. SEVERABILITY. If any provision of this Act or  
28 the application thereof to any person or circumstances is held  
29 invalid, such invalidity shall not affect other provisions or

1 applications of the Act which can be given effect without the  
2 invalid provision or application, and to this end the provisions  
3 of this Act are declared to be severable.

4 Sec. 34. UNIFORMITY OF INTERPRETATION. This Act shall be  
5 so construed as to effectuate its general purpose to make uniform  
6 the laws of those States which enact it.

7 Sec. 35. SHORT TITLE. This Act may be cited as the  
8 "Vital Statistics Act."

9 Sec. 36. REPEAL. Section 21-1-16 ACLA 1949; last paragraph  
10 of Section 21-3-3 ACLA 1949, as amended by Chapter 57, SLA 1951  
11 as amended by Chapter 115, SLA 1957; Section 21-3-20 ACLA 1949  
12 as amended by Chapter 66, SLA 1951; and Chapter 119, SLA 1949,  
13 as amended by Chapters 76 and 86, SLA 1951 and Chapter 38, SLA  
14 1953 are hereby repealed. All other laws or parts of laws which  
15 are inconsistent with the provisions of this Act are hereby  
16 repealed.

17 Sec. 37. EFFECTIVE DATE. This Act shall take effect  
18 January 1, 1960.

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