

VITAL STATISTICS ACT

CS for HB #217

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CS for HB #217

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 217

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a Bureau of Vital Statistics  
7 and establishing a statewide system of vital  
8 statistics for Alaska; providing for penal-  
9 ties; repealing Sec. 21-1-16, ACLA 1949, and  
10 Ch. 119, SLA 1949 as amended by Chs. 76 and  
11 86, SLA 1951 and Ch. 38, SLA 1953; and  
12 providing for an effective date."

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

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

15 (1) "vital statistics" means records of birth, death,  
16 fetal death, marriage, divorce, adoption, and data related thereto;

17 (2) "system of vital statistics" includes the registra-  
18 tion, collection, preservation, amendment, and certification of  
19 vital statistics records, and activities related thereto including  
20 the tabulation, analysis, and publication of statistical data  
21 derived from such records;

22 (3) "department" means the state Department of Health  
23 and Welfare;

24 (4) "bureau" means the Bureau of Vital Statistics as  
25 established by this Act;

26 (5) "state registrar" means the state registrar of vital  
27 statistics;

28 (6) "filing" means the presentation of a certificate,  
29 report, or other record provided for in this Act, of a birth,

1 death, fetal death, adoption, marriage, or divorce for registra-  
2 tion by the bureau;

3 (7) "registration" means the acceptance by the bureau  
4 and the incorporation in its official records of certificates,  
5 reports, or other records provided for in this Act, of births,  
6 deaths, fetal deaths, adoptions, marriages or divorces;

7 (8) "live birth" means the complete expulsion or extrac-  
8 tion from its mother of a product of human conception, irrespective  
9 of the duration of pregnancy, which, after such expulsion or ex-  
10 traction, breathes or shows any other evidence of life such as  
11 beating of the heart, pulsation of the umbilical cord, or definite  
12 movement of voluntary muscles, whether or not the umbilical cord  
13 has been cut or the placenta is attached;

14 (9) "institution" means any establishment, public or  
15 private, which provides in-patient medical, surgical, or diagnostic  
16 care or treatment, or nursing, custodial or domiciliary care to  
17 two or more unrelated individuals, or to which persons are  
18 committed by law;

19 (10) "physician" means a person authorized or licensed  
20 to practice medicine pursuant to the laws of Alaska;

21 (11) "dead body" means a lifeless human body or parts of  
22 such body or bones thereof from the state of which it reasonably  
23 may be concluded that death recently occurred;

24 (12) "final disposition" means the burial, interment,  
25 cremation, or other disposition of a dead body or fetus;

26 (13) "fetal death" means death prior to the complete  
27 expulsion or extraction from its mother of a product of human con-  
28 ception, irrespective of the duration of pregnancy; the death is  
29 indicated by the fact that after such expulsion or extraction the

1 fetus does not breathe or show any other evidence of life such as  
2 beating of the heart, pulsation of the umbilical cord, or definite  
3 movement of voluntary muscles.

4 Sec. 2. BUREAU OF VITAL STATISTICS AND STATEWIDE SYSTEM.

5 There is hereby established within the department a section to be  
6 called the Bureau of Vital Statistics which shall install, maintain,  
7 and operate the state system of vital statistics.

8 Sec. 3. POWER TO PROMULGATE REGULATIONS. The department is  
9 authorized, in compliance with the Administrative Procedure Act,  
10 to adopt, amend, and repeal regulations for the purpose of carry-  
11 ing out the provisions of this Act.

12 Sec. 4. APPOINTMENT OF STATE REGISTRAR OF VITAL STATISTICS.

13 The commissioner of health and welfare shall select in accordance  
14 with state personnel laws and regulations the state registrar of  
15 vital statistics who shall carry out the provisions of this Act.

16 Sec. 5. DUTIES OF STATE REGISTRAR. a. The state registrar  
17 shall:

18 (1) Administer and enforce this Act and the regulations  
19 issued hereunder, and issue instructions for the efficient adminis-  
20 tration of the statewide system of vital statistics.

21 (2) Direct and supervise the statewide system of vital  
22 statistics and the bureau, and be custodian of its records.

23 (3) Direct, supervise, and control the activities of  
24 local registrars related to the operation of the vital statistics  
25 system.

26 (4) Prescribe and furnish such forms as are required  
27 by this Act and the regulations issued hereunder.

28 (5) Prepare and publish reports of vital statistics  
29 and such other statistical reports as are required.

1           b. The state registrar may delegate such functions and duties  
2 vested in him to employees of the bureau and to local registrars  
3 as he deems necessary or expedient.

4           c. The state registrar shall have a seal as such, which shall  
5 bear within the perimeter of the seal the words "Seal of the State  
6 Registrar of Vital Statistics of Alaska," and within the circle,  
7 at the top of the seal, a star representing the north star, beneath  
8 it the dipper of seven stars, and beneath this a quill. Such seal  
9 shall be used in the certification of copies of records under his  
10 custody; and to authenticate such other copies, documents, records,  
11 and reports as he deems necessary.

12           Sec. 6. REGISTRATION DISTRICTS. The state registrar shall  
13 establish registration districts throughout the state. He may  
14 consolidate or subdivide such districts to facilitate registration.  
15 Such registration districts shall take into account the boundary  
16 lines of local governmental units, election districts, judicial  
17 districts, and other local boundary lines in general use, wherever  
18 feasible.

19           Sec. 7. APPOINTMENT OF LOCAL REGISTRARS. a. Wherever  
20 feasible, the state registrar shall utilize the services of any  
21 local recording official located within a registration district,  
22 as local registrar of vital statistics.

23           b. Where this is not feasible, and for all other registration  
24 districts, the state registrar shall appoint a local registrar and  
25 may appoint one or more deputy local registrars of vital statistics  
26 for each such registration district, to be compensated on a fee  
27 basis as specified in section 9.

28           c. The state registrar may remove a local registrar or a  
29 deputy local registrar appointed under subsection b. herein.

1           Sec. 8. DUTIES OF LOCAL REGISTRARS. a. The local registrar,  
2 within his registration district, shall:

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

5           (2) Require that certificates be completed and filed in  
6 accordance with provisions of this Act, and instructions and regu-  
7 lations issued hereunder.

8           (3) Transmit monthly, or more frequently when directed  
9 to do so by the state registrar, the certificates, reports, or  
10 other returns filed with him, to the local recording official or  
11 to the bureau in accordance with the regulations and instructions  
12 issued under this Act.

13           (4) Maintain such records, make such reports, and per-  
14 form such other duties as may be required by the state registrar.

15           b. The state registrar may, where feasible, require the  
16 keeping of permanent local records in the form of copies of the  
17 original vital statistics records. He shall designate in each  
18 case how this is to be done by the local recording official, in  
19 connection with any other local registrars of vital statistics  
20 within his recording area; and he shall issue instructions concern-  
21 ing the keeping of these records, their disclosure, corrections,  
22 issuance of copies, and fees to be charged, within the provisions  
23 of this Act. In all matters pertaining to the system of vital  
24 statistics, local recording officials as well as local registrars  
25 shall be directly supervised in this work by the state registrar.

26           c. In accordance with regulations issued hereunder, the  
27 deputy local registrar shall perform the duties of the local regis-  
28 trar in the absence or incapacity of such local registrar; and  
29 shall perform such other duties as may be required by the state

1 registrar.

2           Sec. 9. COMPENSATION OF LOCAL REGISTRARS. When a local  
3 recording official, receiving a salary or other regular compensa-  
4 tion for general recording duties, is serving as local registrar  
5 of vital statistics, he shall be paid no fees under this section.  
6 Otherwise, local registrars of vital statistics shall be paid,  
7 from funds appropriated for this purpose, as follows:

8           (1) For each certificate of birth, death, fetal death,  
9 or marriage occurring in his registration district, properly  
10 completed and transmitted by him in accordance with the regulations  
11 and instructions issued hereunder, two dollars.

12           (2) For each monthly report indicating the number of  
13 the various vital events which occurred in his registration  
14 district, properly made in accordance with the regulations and  
15 instructions issued hereunder, one dollar.

16           Sec. 10. SUB-REGISTRARS. a. In registration districts  
17 containing scattered villages, the local registrar may, with the  
18 approval of the state registrar, designate one person in each  
19 such village as sub-registrar for his area.

20           b. Such sub-registrar shall be responsible for preparing,  
21 signing, and filing with the local registrar a certificate for  
22 each birth, death, and fetal death occurring in the area designated  
23 and not attended by a physician or nurse, in accordance with  
24 instructions issued by the bureau.

25           c. For each such certificate, filed in accordance with  
26 instructions of the bureau, the sub-registrar shall be paid a fee  
27 of one dollar.

28           Sec. 11. PAYMENT OF FEES TO LOCAL REGISTRARS AND OTHERS.  
29 The state registrar shall certify monthly, or at least quarterly,

1 the number and type of records filed by, and the amount due to  
2 each local registrar and deputy registrar, and the amount due to  
3 each sub-registrar. Upon such certification, the amounts due  
4 shall be paid from the proper state appropriations by the Depart-  
5 ment of Administration.

6 Sec. 12. FORM OF CERTIFICATES. The forms of certificates,  
7 reports, and other returns required by this Act, or by regulations  
8 adopted hereunder, shall include as a minimum the items recom-  
9 mended by the federal agency responsible for national vital statis-  
10 tics subject to approval of and modification by the state registrar.  
11 All forms shall be prescribed and furnished by the bureau.

12 Sec. 13. BIRTH REGISTRATION. a. A certificate of birth  
13 for each live birth which occurs in this state shall be filed with  
14 the local registrar of the registration district in which the  
15 birth occurred as provided in this section, within seven days  
16 after such birth. When a birth occurs on a moving conveyance a  
17 birth certificate shall be filed in the district in which the  
18 child was first removed from the conveyance.

19 b. When a birth occurs in an institution, the person in  
20 charge of the institution or his designated representative shall  
21 obtain the personal data, prepare the certificate, secure signa-  
22 tures required on the certificate and shall file it with the local  
23 registrar. The physician in attendance shall certify to the facts  
24 of birth and provide the medical information required by the  
25 certificate within five days after the birth.

26 c. When a birth occurs outside an institution, the certifi-  
27 cate shall be prepared and filed by one of the following in the  
28 indicated order of priority:

29 (1) The physician in attendance at or immediately after

1 the birth, or in the absence of such a person,

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

4 (3) The father, the mother, or, in the absence of the  
5 father and the inability of the mother, the person in charge of  
6 the premises where the birth occurred.

7 d. If the mother was married at the time of conception or  
8 birth, the name of the husband shall be entered on the certificate  
9 as the father of the child unless paternity has been determined  
10 otherwise by a court of competent jurisdiction, in which case the  
11 name of the father, if determined by the court, shall be entered.

12 e. If the mother was not married at the time of conception  
13 or birth, the name of the father shall not be entered on the  
14 certificate of birth unless a determination of paternity has been  
15 made by a court of competent jurisdiction, or otherwise as speci-  
16 fied in the statutes.

17 f. In the case of a child born out of wedlock, the certificate  
18 of birth shall be filed in accordance with subsections a, b, and  
19 c of this section, unless the state registrar directs another  
20 procedure.

21 Sec. 14. FOUNDLING REGISTRATION. a. Whoever assumes the  
22 custody of a living infant of unknown parentage shall report on a  
23 form and in the manner prescribed by the state registrar within  
24 seven days to the local registrar of the registration district in  
25 which the child was found, the information prescribed by the state  
26 registrar.

27 b. The place where the child was found shall be entered as  
28 the place of birth and the date of birth shall be determined by  
29 approximation.

1 c. A report registered under this section shall constitute  
2 the certificate of birth for the infant.

3 d. If the child is identified and a certificate of birth  
4 is found or obtained, any report registered under this section  
5 shall be sealed and filed in accordance with instructions of the  
6 state registrar, and may be opened only by order of a superior  
7 court or as provided by regulation.

8 Sec. 15. DELAYED REGISTRATION. a. When the birth of a  
9 person born in this state has not been registered a certificate  
10 may be filed in accordance with regulations issued hereunder.  
11 Such certificate shall be registered subject to such evidentiary  
12 requirements as the department shall by regulation prescribe to  
13 substantiate the alleged facts of birth.

14 b. When the birth occurred more than seven days but less  
15 than one year prior to the application for registration, the birth  
16 may be filed with the proper local registrar in accordance with  
17 regulations issued hereunder.

18 c. When the birth occurred one year or more prior to the  
19 application for registration, the birth shall be filed on a form  
20 prescribed by the bureau, and shall be submitted to the bureau  
21 for registration. The state registrar may accept the certificate  
22 for registration when such evidence is submitted to substantiate  
23 the facts of birth as is required by regulation. Each certificate  
24 registered under this subsection shall be marked "delayed."

25 d. When the birth occurred 12 years or more prior to the  
26 application for registration, the certificate of birth shall be  
27 prepared on a form entitled "Delayed Certificate of Birth." The  
28 information provided on such form shall be subscribed and sworn to  
29 by the person whose birth is to be registered before an official

1 authorized to administer oaths. When such person is not competent  
2 to swear to this information it shall be subscribed and sworn to  
3 by a parent, legal guardian, or the representative of this person.

4 (1) The form shall provide for the name and sex of the  
5 person whose birth is to be registered; the place and date of  
6 birth; and such other information as may be required by the bureau.

7 (2) When the certificate is submitted, the state  
8 registrar shall add a description and an abstract of each document  
9 submitted in support of the delayed registration.

10 (3) The original delayed certificate of birth shall be  
11 filed with the bureau.

12 e. The state registrar shall accept the registration if the  
13 applicant was born in this state and if the applicant's sworn  
14 statements are established to the satisfaction of the state regis-  
15 trar by the necessary evidence established by regulation. The  
16 items necessary to be substantiated, the type of documents accept-  
17 able as evidence, the number of necessary documents, and the form  
18 and content of the description and abstract of each document to  
19 be added to the certificate shall be prescribed by regulation.  
20 In general they shall follow the national standards recommended by  
21 the agencies responsible for national vital statistics and for  
22 the use of records in the interest of national security. The  
23 state registrar may make exceptions when necessary by reducing the  
24 number of documents required for delayed filings by Indians,  
25 Eskimos and Aleuts, natives of Alaska, providing he is otherwise  
26 satisfied with the validity of the application.

27 f. When the applicant does not submit documentation as  
28 required in support of his statements, or when the state registrar  
29 finds reason to question the validity or adequacy of the certificate

1 or the supporting evidence, the state registrar shall not accept  
2 the delayed certificate of birth and shall advise the applicant  
3 of the reasons for this action, and of his right of appeal to a  
4 superior court. The bureau may provide for the dismissal of an  
5 application which is not actively prosecuted.

6 g. When a death or marriage occurring in this state has not  
7 been registered a certificate may be filed in accordance with  
8 regulations issued hereunder. Such certificate shall be registered  
9 subject to such evidentiary requirements as the department shall  
10 by regulation prescribe to substantiate the alleged facts of death  
11 or marriage. Certificates of death and marriage registered one  
12 year or more after the date of occurrence shall be marked "Delayed."

13 Sec. 16. JUDICIAL PROCEDURE TO ESTABLISH FACTS OF BIRTH. a.  
14 If a delayed certificate of birth is not accepted under the pro-  
15 visions of the preceding section, a petition may be filed with the  
16 superior court for an order establishing a record of such person's  
17 date and place of birth.

18 b. Such petition shall be made on a form prescribed and  
19 furnished by the bureau, and shall contain the following statements,  
20 sworn to by the petitioner:

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

23 (2) That no record of birth of such person can be  
24 found in the bureau nor in the files of the local custodian of  
25 birth records.

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

29 (4) That the state registrar has refused to register

1 a delayed certificate of birth.

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

4 c. The petition shall be accompanied by a statement of the  
5 state registrar made in accordance with section 15 f. and all  
6 documentary evidence which was submitted to the bureau in support  
7 of such registration.

8 d. The court shall fix a time and place for hearing the  
9 petition, and the state registrar shall be given fifteen days  
10 notice of said hearing. The state registrar, or his authorized  
11 representative, may appear and testify in the proceeding.

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

22 f. The clerks of the superior courts shall forward each such  
23 order to the bureau not later than the 10th day of the calendar  
24 month following the month in which it was entered. Such order  
25 shall be registered by the bureau and shall constitute the record  
26 of birth, from which copies may be issued in accordance with the  
27 provisions of this Act.

28 Sec. 17. COURT REPORTS OF ADOPTION. a. For each adoption  
29 decreed by any court in this state, the court shall require the

1 preparation of a report of adoption on a form prescribed and  
2 furnished by the bureau. The report shall include such facts as  
3 are necessary to locate and identify the original certificate of  
4 birth of the person adopted; provide information necessary to  
5 establish a new certificate of birth of the person adopted; and  
6 shall identify the order of adoption, and be certified by the court  
7 or the clerk thereof.

8 b. Information in the possession of the petitioner necessary  
9 to prepare the adoption report shall be furnished with the petition  
10 for adoption by each petitioner for adoption or his attorney. The  
11 social, welfare agency or other person concerned shall supply the  
12 court with such additional information in their possession as may  
13 be necessary to complete the report. The provision of such  
14 information shall be a prerequisite to the issuance of a final  
15 decree in the matter by the court.

16 c. Whenever an adoption decree is amended or vacated, the  
17 court shall prepare a report on a form prescribed and furnished  
18 by the bureau. The report shall include such facts as are necessary  
19 to identify the original adoption report and the facts amended in  
20 the adoption decree as shall be necessary to properly amend the  
21 original report, or the new certificate of birth if already  
22 established.

23 d. Not later than the 10th day of each calendar month, the  
24 court shall forward to the bureau reports of decrees of adoption,  
25 including those vacated or amended, which were entered in the  
26 preceding month, together with such related reports as the bureau  
27 shall require.

28 e. When the bureau shall receive a report of an adoption, or  
29 vacation or amendment thereof from a court for a person born

1 outside this state, a copy shall be made for the bureau's files  
2 and the original of such report shall be forwarded to the appro-  
3 priate registration authority in the state of birth.

4 Sec. 18. NEW CERTIFICATE OF BIRTH. a. The state registrar  
5 shall establish a new certificate of birth for a person born in  
6 this state, upon proper request that such certificate be made, and  
7 upon receipt of one of the following:

8 (1) An adoption report as provided in the preceding  
9 section, or a certified copy of the decree of adoption from a court  
10 of competent jurisdiction in another state, together with the  
11 information necessary to identify the original certificate of  
12 birth and to establish the new certificate of birth; except that  
13 a new certificate of birth shall not be established if so requested  
14 by the court decreeing the adoption, the adoptive parents, or the  
15 adopted person if he is of legal age.

16 (2) Such evidence as required by law and regulation  
17 proving that such person has been legitimated.

18 b. When a new certificate of birth is established, the  
19 actual place and date of birth shall be shown. The new certificate  
20 shall be substituted for the original certificate of birth; and

21 (1) Thereafter, the original certificate and the  
22 evidence of adoption or legitimation shall not be subject to  
23 inspection except upon order of a superior court or as provided by  
24 regulation; provided any such regulation shall allow inspection  
25 by an agent of the state or federal government acting in the  
26 performance of official duties.

27 (2) Upon receipt of a report that an adoption has been  
28 vacated, the original certificate of birth shall be restored to  
29 its place in the files and the new certificate and evidence shall

1 not be subject to inspection except upon order of a superior court.

2 c. If no certificate of birth is on file for the person for  
3 whom a new certificate is to be established under this section,  
4 a delayed certificate of birth shall be filed with the bureau as  
5 provided in this Act, before a new certificate of birth may be  
6 established.

7 d. When a new certificate of birth is established by the  
8 state registrar, he shall direct the disposition of and any  
9 substitution for all copies of the original certificate of birth  
10 in the custody of a local registrar of vital statistics or other  
11 local custodian of such records. When an adoption has been  
12 vacated, he shall likewise instruct the local officials as to any  
13 necessary action.

14 Sec. 19. DEATH REGISTRATION. a. A death certificate for  
15 each death which occurs in this state shall be filed with the  
16 local registrar of the registration district in which the death  
17 occurred within three days after such death and prior to final  
18 disposition of the body or removal of the body from the state,  
19 except as provided by regulation in special problem cases.

20 (1) For the purposes of this section, if the place of  
21 death is unknown, a death certificate shall be filed in the regis-  
22 tration district in which the dead body is found.

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

26 b. The funeral director or person acting as such who first  
27 assumes custody of a dead body shall file the death certificate.  
28 He shall obtain the personal data from the next of kin or the best  
29 qualified person or source available. He shall obtain the medical

1 certification of cause of death from the person responsible for  
2 this information.

3 c. The medical certification shall be completed and signed  
4 within twenty-four hours after death by the physician in charge  
5 of the patient's care for the illness or condition which resulted  
6 in death except when an official inquiry or inquest is required  
7 and except as provided by regulation in special problem cases.

8 d. When a death occurs without medical attendance, or when  
9 official inquiry is required, the department shall provide by  
10 regulation, in accordance with all existing laws, the responsibility  
11 for completing and signing the medical certification. Such pro-  
12 vision is intended to include, among others, cases involving a  
13 medical examiner or a coroner, and cases involving presumption of  
14 death.

15 Sec. 20. FETAL DEATH REGISTRATION. a. A fetal death certifi-  
16 cate for each fetal death which occurs in this state shall be  
17 filed with the local registrar of the registration district in  
18 which the delivery occurred within three days after such delivery  
19 and prior to final disposition of the fetus or removal of the  
20 fetus from the state, except as provided by regulation in special  
21 problem cases; and further provided that the filing of such certifi-  
22 cates for products of gestation with a duration of pregnancy of  
23 less than twenty weeks may be determined by regulation.

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

27 (2) When a fetal death occurs on a moving conveyance a  
28 fetal death certificate shall be filed in the registration district  
29 in which the fetus is first removed from such conveyance.

1           b. The funeral director or person acting as such who first  
2 assumes custody of a fetus shall file the fetal death certificate.  
3 In the absence of such a person, the physician or other person in  
4 attendance at or after the delivery shall file the certificate of  
5 fetal death. He shall obtain the personal data from the next of  
6 kin or the best qualified person or source available. He shall  
7 obtain the medical certification of cause of death from the person  
8 responsible for this information.

9           c. The medical certification shall be completed and signed  
10 within twenty-four hours after delivery by the physician in  
11 attendance at or after delivery except when an official inquiry  
12 or inquest is required and except as provided by regulation in  
13 special problem cases.

14           d. When a fetal death occurs without medical attendance upon  
15 the mother at or after the delivery, or when official inquiry is  
16 required, the department shall provide by regulation, in accordance  
17 with all existing laws, the responsibility for completing and  
18 signing the medical certification.

19           Sec. 21. PERMITS. a. The funeral director or person acting  
20 as such who first assumes custody of a dead body or fetus shall  
21 obtain a burial-transit permit prior to final disposition or  
22 removal from the state of the body or fetus and within 72 hours  
23 after death, except as otherwise authorized by regulation for  
24 special problem cases.

25           b. Such burial-transit permit shall be issued by the local  
26 registrar of the registration district where the death occurred  
27 when a certificate of death or fetal death has been filed in  
28 accordance with this Act, except as otherwise authorized by regu-  
29 lation in special problem cases.

1 c. A burial-transit permit which accompanies a dead body or  
2 fetus brought into this state shall be authority for final dis-  
3 position of the body or fetus in this state.

4 d. A permit for disinterment and reinterment shall be  
5 required prior to disinterment of a dead body or fetus except as  
6 authorized by regulation or otherwise provided by law. Such permit  
7 shall be issued by the local registrar of vital statistics in  
8 accordance with instructions of the state registrar, upon proper  
9 application.

10 Sec. 22. EXTENSION OF TIME. a. The department may, by  
11 regulation and upon such conditions as it may prescribe to assure  
12 compliance with the purposes of this Act, provide for the extension  
13 of the periods prescribed in sections 13, 19, 20, and 21 of this  
14 Act for the filing of birth certificates, death certificates, fetal  
15 death certificates, medical certifications of cause of death, and  
16 for the obtaining of permits, in cases in which compliance with the  
17 applicable prescribed period would result in undue hardship.

18 b. Regulations may provide for the issuance of a burial-  
19 transit permit under section 21 of this Act prior to the filing of  
20 a certificate of death or fetal death upon conditions designed to  
21 assure compliance with the purposes of this Act in cases in which  
22 compliance with the requirement that the certificate be filed  
23 prior to the issuance of the permit would result in undue hardship.

24 Sec. 23. MARRIAGE REGISTRATION. a. A certificate of  
25 marriage for each marriage performed in this state shall be filed  
26 with the local registrar of vital statistics of the registration  
27 district in which the marriage was performed within seven days of  
28 such marriage.

29 b. The official who issues the marriage license shall prepare

1 the certificate of marriage on the forms prescribed and furnished  
2 by the bureau, as specified elsewhere in the statutes, and in  
3 regulations issued hereunder.

4 c. Every person who performs a marriage shall complete the  
5 forms as specified elsewhere in the statutes, or in regulations  
6 issued hereunder, and shall file the original certificate of  
7 marriage with the local registrar.

8 d. Each official issuing marriage licenses shall report to  
9 the state registrar on or before the 10th of each calendar month,  
10 on forms prescribed and furnished by the bureau, the information  
11 required concerning each marriage license issued during the pre-  
12 ceding month.

13 Sec. 24. COURT REPORTS OF DIVORCE AND ANNULMENT. a. For  
14 each divorce and annulment of marriage granted by any court in  
15 this state a certificate of divorce or annulment shall be prepared  
16 and filed by the clerk of the court with the bureau, on forms  
17 prescribed and furnished by the bureau. The information necessary  
18 to complete the certificate shall be furnished the court by the  
19 plaintiff, and the furnishing of this information shall be pre-  
20 requisite to the issuance of a decree.

21 b. On or before the 10th day of each month each clerk of  
22 court shall forward to the bureau the certificate of each divorce  
23 and annulment granted during the preceding calendar month and  
24 such related reports as may be required by regulations issued under  
25 this Act.

26 Sec. 25. CORRECTIONS AND AMENDMENTS. a. A certificate or  
27 record registered by the bureau may be amended only in accordance  
28 with this Act and such regulations as the department may adopt to  
29 protect the integrity and accuracy of vital statistics records.

1           b. A certificate that is amended under this section shall  
2 be marked "amended," with the date of amendment; and a summary  
3 description of the evidence submitted in support of the amendment  
4 shall be endorsed on or made a part of the record. The department  
5 shall prescribe by regulation the conditions under which additions  
6 or minor corrections may be made to vital records without such  
7 certificates being considered amended.

8           c. Upon receipt of a certified copy of a court order changing  
9 the name of a person born in this state and upon request of such  
10 person or his parent, guardian, or legal representative, the state  
11 registrar shall amend the certificate of birth to reflect the new  
12 name.

13           d. When a certificate is corrected or amended under this  
14 section, the state registrar shall instruct the local custodian  
15 of the copy of the same certificate to make the same changes in  
16 said copy.

17           Sec. 26. REPRODUCTION OF RECORDS. To preserve original  
18 documents the state registrar is authorized to prepare typewritten,  
19 photographic, or other reproductions of original records and files  
20 in his office. Such reproductions when certified by him shall be  
21 accepted as the original record.

22           Sec. 27. DISCLOSURE OF RECORDS. a. To protect the integrity  
23 of vital statistics records, to insure their proper use, and to  
24 insure the efficient and proper administration of the vital  
25 statistics system, it shall be unlawful for any person to permit  
26 inspection of, or to disclose information contained in vital  
27 statistics records, or to copy or issue a copy of all or part of  
28 any such record, except as authorized by regulations issued under  
29 this Act.

1           b. The bureau may permit the use of data contained in vital  
2 statistics records for research purposes.

3           c. Information in vital statistics records indicating that  
4 a birth occurred out of wedlock shall not be disclosed except  
5 upon order of a superior court or as provided by regulations.

6           d. Appeals from decisions of the custodians of local records  
7 refusing disclosure under subsections a and b of this section  
8 shall be made to the state registrar, whose decisions shall be  
9 binding upon the custodians of local records.

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

13           (1) The bureau and the custodian of permanent local  
14 records shall upon request issue a certified copy of any certifi-  
15 cate or record in their custody, or of a part thereof. Each copy  
16 issued shall show the date of registration or recording; and  
17 copies issued from records marked "delayed," "amended," or "court  
18 order" shall be similarly marked and show the effective date.

19           (2) A certified copy of a certificate or any part  
20 thereof, issued in accordance with subsection (1), shall be con-  
21 sidered for all purposes the same as the original, and shall be  
22 prima facie evidence of the facts therein stated, provided that  
23 the evidentiary value of a certificate or record filed more than  
24 one year after the event, or a record which has been amended, or  
25 a presumptive death certificate, shall be determined by the judicial  
26 or administrative body or official before whom the certificate is  
27 offered as evidence.

28           (3) The National Office of Vital Statistics may be  
29 furnished such copies or data as it may require for national

1 statistics; provided that the bureau shall be reimbursed for the  
2 cost of furnishing such data; and provided further that such data  
3 shall not be used for other than statistical purposes by the  
4 National Office of Vital Statistics unless so authorized by the  
5 state registrar.

6 (4) Federal, state, local, and other public or private  
7 agencies may, upon request, be furnished copies or data for  
8 statistical purposes upon such terms or conditions as may be pre-  
9 scribed by the bureau.

10 (5) No person or agency shall prepare or issue any  
11 certificate or any part thereof which purports to be an original,  
12 certified copy, or copy of a certificate of birth, death, fetal  
13 death, or marriage, except as authorized in this Act or regulations  
14 adopted hereunder.

15 Sec. 29. FEES FOR SERVICES. a. The state registrar shall  
16 prescribe the fees to be paid for certified copies of certificates,  
17 or for searches of the files or records, and for the filing of  
18 delayed or substitute certificates, for making amendments, and for  
19 supplying documentary evidence for such purposes, and for any  
20 special services rendered by the bureau.

21 b. All fees received by the bureau pursuant to this section  
22 shall be accounted for by the state registrar and paid to the  
23 department of revenue, which shall cover the same into the general  
24 fund.

25 Sec. 30. PERSONS REQUIRED TO KEEP RECORDS. a. Every person  
26 in charge of an institution as defined in this Act shall keep a  
27 record of personal particulars and data concerning each person  
28 admitted or confined to such institution. This record shall include  
29 such information as required by the certificates of birth, death,

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

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

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

21 d. Records maintained under this section shall be retained  
22 for a period of not less than five years and shall be made avail-  
23 able for inspection by the state registrar or his representative  
24 upon demand.

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

29 Sec. 32. PENALTIES. a. Any person who:

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

5 (2) wilfully and knowingly uses or attempts to use, or  
6 furnishes to another for use, for any purpose of deception, any  
7 certificate of birth or certified copy of a record of birth so  
8 made, altered, amended, or mutilated; or

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

14 (4) wilfully and knowingly furnishes a certificate of  
15 birth or certified copy of a record of birth with the intention  
16 that it be used by a person other than the person to whom the  
17 record of birth relates; shall be guilty of a misdemeanor and upon  
18 conviction thereof shall be fined not more than \$1000 or imprisoned  
19 not more than one year, or both.

20 b. Any person who:

21 (1) wilfully and knowingly makes any false statement in  
22 a report or certificate of birth required to be filed under this  
23 Act or regulations issued hereunder, or in an application for  
24 amendment thereof, or in an affidavit or paper submitted in support  
25 of such a certificate or application, with intent to induce or  
26 secure the registration of a birth, or the acceptance of a certifi-  
27 cate of birth as evidence of the date and place of birth, identity,  
28 or citizenship, or the amendment of a birth certificate for any  
29 purpose of deception whatsoever; or

1 (2) wilfully and knowingly falsifies, makes or alters  
2 any certificate or certified copy of a vital statistics record  
3 except as provided for in this Act or regulations issued hereunder;  
4 shall be guilty of a misdemeanor and upon conviction thereof shall  
5 be fined not more than \$300 or imprisoned not more than three months,  
6 or both, except where a more severe penalty is provided for in  
7 this Act.

8 c. Any person who:

9 (1) knowingly transports or accepts for such transporta-  
10 tion, interment, or other final disposition a dead body without  
11 the required permit issued in accordance with this Act, or regula-  
12 tions issued hereunder; or

13 (2) refuses to provide information, or who knowingly  
14 furnishes false information, required by this Act, or regulations  
15 issued hereunder; or

16 (3) violates any of the provisions of this Act, or  
17 neglects or refuses to perform any of the duties imposed upon him  
18 by this Act, or regulations issued hereunder; shall be guilty of  
19 a misdemeanor, and upon conviction thereof shall be fined not more  
20 than \$100, except where a different penalty is provided for in  
21 this Act.

22 Sec. 33. SHORT TITLE. This Act may be cited as the "Vital  
23 Statistics Act."

24 Sec. 34. REPEAL. Sec. 21-1-16, ACLA 1949, and Ch. 119, SLA  
25 1949, as amended by Chs. 76 and 86, SLA 1951 and Ch. 38, SLA 1953  
26 are hereby repealed. All other laws or parts of laws which are  
27 inconsistent with the provisions of this Act are hereby repealed.

28 Sec. 35. EFFECTIVE DATE. This Act shall take effect July 1,  
29 1960.