

H B

91

COMMITTEE REPORT  
SENATE

FURTHER: JUDICIARY

4/20/63

Date: May 30, 1963

Mr. President:

The Committee on HESS has had CSHB 91 (Jud)

Relating to disclosure of vital statistics records and information;  
off. data.

under consideration and (a majority of the committee) (the committee)  
reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 311  same title
- new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

\_\_\_\_\_

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[Signature]  
CHAIRMAN

TO: Nancy Dietrick  
FROM: H.M. Lancaster II   
DATE: April 25, 1983

RE: CSHB 91 - VITAL STATISTICS

Mr. Wallace Olson, Prof. of Anthropology, UAJ, came by the office to comment on CSHB 91. He opposes the exclusion of researchers on line 20 of the bill. He feels that vital statistics should at least be required to divulge the date of birth or date of death of a person to anyone in the public that asks for it. His rationale being that the information is or was at one point public, due to newspaper coverage, and should thus remain accessible to the public at large. The overall availability of the information would at least help researchers start their searches for information on individuals.

POSITION PAPER

CS FOR HOUSE BILL NO. 91 (Judiciary)

"An Act relating to disclosure of vital statistics records"

In February, 1983, this department recommended passage of House Bill No. 91. Our position as stated then was that the amendment to AS 18.50.310 to add a new subsection under (f) is similar to a provision in the Model State Vital Statistics Act which is endorsed by the Council of State Governments.

By making public, birth records after 100 years, and death, marriage, and divorce records after 50 years, it will satisfy the need expressed by many who desire to research their "roots". Because of the model law, many states have enacted this provision, with success, because, those vital records relating to the living and next of kin, are still primarily protected.

Passage of this legislation would make public about 33,000 of the 675,000 records in the custody of the State Registrar of Vital Statistics.

It is acknowledged that care must be exercised in providing a place for the public review of these records, while assuring the continued safekeeping of the documents. The existing staff can monitor the record review.

The committee substitute makes two changes to the original bill. It adds the words "other than genealogical or historical research" to AS 18.50.310 (b). This addition is helpful in clarification.

The second change is to delete the words "or as provided by regulations" from AS 18.50.310 (c). The regulation involved is 7 AAC 05.935 (1) which specifically protects records of out-of-wedlock births, legitimations and adoptions. However, that same regulation authorizes the Bureau of Vital Statistics to issue a birth record of a person born out of wedlock, if needed by the parent or the registrant (when of legal age). By deleting the words "or as provided by regulations" it prevents the bureau from issuing birth certificates for out-of-wedlock births, unless ordered by the superior court. In 1983 it is estimated that we will register close to 11,000 births. Approximately 15 percent of the births in Alaska are out of wedlock. Therefore, this could require 1,650 petitions to be filed in the superior court.

POSITION PAPER

CS FOR HOUSE BILL NO. 91 (Judiciary)

PAGE 2

The department recommends a Senate Substitute for Committee Substitute for House Bill No. 91 (Judiciary) which deletes the amendment to AS 18.50.310 (c), lines 22 through 25. With this change, the Department of Health and Social Services would recommend passage of this legislation.

RECOMMENDED BY:

*Joan P. Brooks*  
JOAN P. BROOKS  
STATE REGISTRAR  
BUREAU OF VITAL STATISTICS

Date:

*May 4, 1983*

APPROVED BY:

*for Rob. L. Smith*  
ROBERT LONDON SMITH, Ph.D.  
COMMISSIONER  
DEPARTMENT OF HEALTH &  
SOCIAL SERVICES

Date:

*May 9, 1983*

**WHILE YOU WERE AWAY**FOR Nancy DATE 4-21 TIME 9:48  A.M.  P.M.M Wally OlsonOF Alaska Historical Society TELEPHONEDPHONE 789-4420 RETURNED YOUR CALL.MESSAGE Re: CSHB 91 PLEASE CALLWill you be having hearings WILL CALL AGAINWill you want testimony CAME TO SEE YOUSIGNED W WANTS TO SEE YOU



Memo from Bettisworth  
be a good idea?

From The  
House

Finance Committee

Nancy -

HB 91 -

(H) jud. (in their wisdom)

did a number on us.

Sec. 2 please delete  
other ... research. -

this makes the vital statistics  
records closed to genealog-  
ical + historical research

Sec. 3, or as provided  
by regulation should be  
put back in the bill.



Thanks -  
In other words the original "B 91  
would do just fine.

CS HB 91 Bettisworth

Line 20,

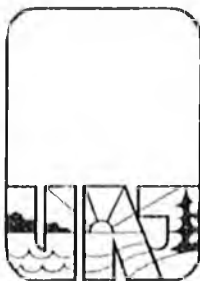
Why discriminate against  
genealogical or historical  
research

4.20 (5) AESS

Info already public should  
be disclosable. Partin  
record availability

DOB or DOD w/o knowing  
causes.

Wallace Olson



Wallace Olson  
Professor of Anthropology

University of Alaska, Juneau  
11120 Glacier Highway  
Juneau, AK 99801  
(907) 789-2101

I. REQUEST  
 Bill/Resolution No.: CS HB 91  
 Title: Disclosure of vital statistics records  
 Sponsor: \_\_\_\_\_  
 Requestor: Representative Bettisworth

II. FISCAL DETAIL  
 Agency Affected: H&SS  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program of Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME	0	0	0	0	0	
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Adam P. Drachs Phone: 155-3391  
 Division: Planning, Policy and Program Evaluation Date: 5-4-83  
 Approved by Commissioner: JSH Date: 6/9/83  
 Department: H&SS

Distribution:

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- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

SENATE CS FOR CS FOR HOUSE BILL NUMBER 91 (HESS)

"An Act relating to disclosure of vital statistics records"

The amendment to AS 18.50.310 to add a new subsection under (f) is similar to a provision in the Model State Vital Statistics Act which is endorsed by the Council of State Governments.

By making public, birth records after 100 years, and death, marriage, and divorce records after 50 years, it will satisfy the need expressed by many who desire to research their "roots". Because of the model law, many states have enacted this provision, with success, because, those vital records relating to the living and next of kin, are still primarily protected.

Passage of Senate CS For CS For House Bill No. 91 (HESS) would make public about 33,000 of the 700,000 records in the custody of the State Registrar of Vital Statistics.

It is acknowledged that care must be exercised in providing a place for the public review of these records, while assuring the continued safekeeping of the documents. The existing staff can monitor the record review.

The Department of Health and Social Services recommends passage of Senate CS for CS for House Bill No. 91 (HESS).

RECOMMENDED BY: Joan P. Brooks  
JOAN P. BROOKS  
STATE REGISTRAR  
BUREAU OF VITAL STATISTICS

DATE: June 2, 1983

RECOMMENDED BY: Daniel J. Middleton  
DANIEL J. MIDDLETON  
DIRECTOR  
DIVISION OF PLANNING, POLICY,  
AND PROGRAM EVALUATION

DATE: June 2, 1983

APPROVED BY: Robert London Smith  
ROBERT LONDON SMITH, PH.D.  
COMMISSIONER

DATE: 6/7/83

RECEIVED  
JUN 10 1983

Josephson,

I. REQUEST  
 Bill/Resolution No.: SCS for CS for HB91  
 Title: Disclosure of Vital Statistics  
 Sponsor: Bettisworth  
 Requestor: Senate HESS

II. FISCAL DETAIL  
 Agency Affected: Health & Social Services  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program of Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funding was not identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Joan P. Brooks Phone: 465-3391  
 Division: Planning, Policy & Program Evaluation/ Vital Statistics Date: June 2, 1983

Approved by Commissioner: Robert Landon Smith, M.D. Date: 6/7/83  
 Department: Department of Health and Social Services

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May 30, 1983

Joe, Rick, Pappy.

CSHB 91 - Vital Statistics, effect. date  
draft CS from Bottisworth.

Joan Brooks - Div. of Vit Stat. - State Registrar  
support of bill. Returns to original bill  
except for line 19 change. Like Model Vit Stat  
Act. Other states no problem. 50-100 yrs  
would protect records of those who are  
alive.

(H) Jud. CS problems w/ ~~the~~ access to  
birth certificates of children out of wedlock  
no fiscal impact.

HB 403 - Insur. Trade Practices.

Jeff Barry - Lab. & Comm.

would be identical to SB 177 except  
for changes in house floor.  
add back "unfair"  
delete "and midwife".

Don Koch - Div. of Insurance  
agree with Barry.

Wes Comer - All Nat'l Insurance Company

SEN 23 - Sign Language

Steve Hole

AB 352 - Definition of Death

Supports CS - a housekeeping bill makes definition more explicit and closer to uniform Definition of Death.

**Effect of amendments.** — The 1980 amendment inserted "dissolution" near the beginning and near the middle of the first sentence of subsection (a) and near

the middle of subsection (b), and inserted "petitioner or" at the beginning of the second sentence of subsection (a).

**Article 4. Records.**

- Section**  
 290. Corrections and amendments  
 300. Reproduction of records  
 310. Disclosure of records  
 320. Copies of data from vital records

- Section**  
 330. Fees for services  
 340. Persons required to keep records  
 350. Duty to furnish information

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**Collateral references.** — 39 Am. Jur. 2d, Health, § 51; 66 Am. Jur. 2d, Records and Recording Laws, §§ 1-30. 39A C.J.S., Health and Environment, §§ 41, 42.

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**Sec. 18.50.290. Corrections and amendments.** (a) A certificate or record registered by the bureau may be amended only in accordance with this chapter and the regulations the department adopts to protect the integrity and accuracy of vital statistics records.

(b) A certificate that is amended under this section shall be marked "amended," with the date of amendment. A summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The department shall prescribe by regulation the conditions under which additions or minor corrections may be made to vital statistics records without the certificate being considered amended.

(c) Upon receipt of a certified copy of a court order changing the name of a person born in the state and upon request of the person or his parent, guardian, or legal representative, the state registrar shall amend the certificate of birth to reflect the new name.

(d) When a certificate is corrected or amended under this section, the state registrar shall instruct the local custodian of the copy of the certificate to make the changes in the copy. (§ 25 ch 118 SLA 1960)

**Sec. 18.50.300. Reproduction of records.** To preserve original documents the state registrar may prepare typewritten, photographic, or other reproductions of original records and files in his office. When certified by him, the reproduction shall be accepted as the original record. (§ 26 ch 118 SLA 1960)

**Sec. 18.50.310. Disclosure of records.** (a) To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system, it is unlawful for a person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or

part of a record, except as authorized by regulations issued under this chapter.

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

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

(d) Appeals from decisions of the custodians of local records refusing disclosure under (a) and (b) of this section shall be made to the state registrar, whose decision is binding upon the custodian of local records.

(e) The department may by regulation provide for the release of information to authorized representatives of organizations or foundations that counsel the next of kin of victims of infant sudden death syndrome. (§ 27 ch 118 SLA 1960; am § 1 ch 132 SLA 1978)

Effect of amendments. — The 1978 amendment added subsection (e).

**Sec. 18.50.320. Copies of data from vital records.** Except as otherwise provided and in accordance with the regulations adopted under AS 18.50.310,

(1) the bureau and the custodian of permanent local records shall, upon request, issue a certified copy of a certificate or record in their custody, or a part of it and each copy issued shall show the date of registration or recording; and copies issued from records marked "delayed," "amended," or "court order" shall be similarly marked and shall show the effective date;

(2) a certified copy of a certificate or a part of it issued in accordance with (1) of this section is considered the original for all purposes, and is prima facie evidence of the facts stated, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, or a presumptive death certificate, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence;

(3) the National Office of Vital Statistics may be furnished the copies or data it requires for national statistics, if the bureau is reimbursed for the cost of furnishing the data and the National Office of Vital Statistics shall not use the data for purposes other than statistical purposes unless authorized by the state registrar;

(4) federal, state, local, and other public or private agencies, upon request, may be furnished copies or data for statistical purposes on the terms or conditions prescribed by the bureau;

(5) no person or agency may prepare or issue a certificate or part of a certificate which purports to be an original, certified copy, or copy of a certificate of birth, death, fetal death, or marriage, except as authorized in this chapter or the regulations adopted under it. (§ 28 ch 118 SLA 1960)

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09.25.120.

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**Cross references.** — As to inspection and copying of public records, see AS 09.25.120.

**Sec. 18.50.330. Fees for services.** (a) The state registrar shall prescribe the fees to be paid for certified copies of certificates, for searches of the files or records, for the filing of delayed or substitute certificates, for making amendments, for supplying documentary evidence for these purposes, and for special services rendered by the bureau.

(b) The state registrar shall account for fees received by the bureau under this section and shall pay them to the Department of Revenue. The Department of Revenue shall deposit them in the general fund. (§ 29 ch 116 SLA 1960)

**Sec. 18.50.340. Persons required to keep records.** (a) A person in charge of an institution as defined in this chapter shall keep a record of personal particulars and data concerning each person admitted or confined to the institution. This record shall include the information required by the certificates of birth, death, and fetal death issued under the provisions of this chapter, and other information required by the bureau. The record shall be made at the time of admission from information provided by the person, but when it cannot be obtained from him it shall be obtained from relatives or other sources acquainted with the facts. The name and address of the person providing the information shall be a part of the record.

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

(c) A funeral director, embalmer, or other person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing a certificate or form required by this chapter, shall keep a record identifying the body, and the information pertaining to his receipt, removal, and delivery of the body required by the bureau.

(d) Records maintained under this section shall be retained for a period of not less than five years and shall be made available for inspection by the state registrar or his representative upon demand. (§ 30 ch 118 SLA 1960)

**Sec. 18.50.350. Duty to furnish information.** A person having knowledge of the facts shall furnish the information he possesses regarding a birth, death, fetal death, marriage, or divorce, upon demand of the state registrar. (§ 31 ch 118 SLA 1960)

Article 5. General Provisions.

Section

- 360. Prohibited acts and penalties
- 370. Definitions
- 380. Short title

**Sec. 18.50.360. Prohibited acts and penalties.** (a) A person is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both, who

(1) without lawful authority and with the intent to deceive, makes, alters, amends, or mutilates a certificate of birth or certified copy of a certificate of birth with the intent that it may be used; or

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

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

(4) wilfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person to whom the record of birth relates.

(b) A person is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$300, or by imprisonment for not more than three months, or by both, except where a more severe penalty is provided for in this chapter, who

(1) wilfully and knowingly makes a false statement in a report or certificate of birth required to be filed under this chapter or regulations issued under it, or in an application for amendment of it, or in an affidavit or paper submitted in support of such a certificate or application, with intent to induce or secure the registration of a birth, or the acceptance of a certificate of birth as evidence of the date and place of birth, identity, or citizenship, or the amendment of a birth certificate for a purpose of deception; or

(2) wilfully and knowingly falsifies, makes, or alters a certificate or certified copy of a vital statistics record except as provided in this chapter or regulations issued under it.

(c) A person is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$100, except where a different penalty is provided for in this chapter, who

(1) knowingly transports or accepts for transportation, interment, or other final disposition a dead body without the required permit issued in accordance with this chapter, or regulations issued under it; or

(2) refuses to provide information, or who knowingly furnishes false information, required by this chapter, or regulations issued under it; or

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Sec. 18.50

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(3) violates the provisions of this chapter, or neglects or refuses to perform a duty imposed upon him by this chapter, or the regulations issued under it. (§ 32 ch 118 SLA 1960)

**Sec. 18.50.370. Definitions.** In this chapter

(1) "bureau" means the Bureau of Vital Statistics;

(2) "dead body" means a lifeless human body or parts or bones of it from the state of which it reasonably may be concluded that death recently occurred;

(3) "department" means the Department of Health and Social Services;

(4) "fetal death" means death before the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, and the death is indicated by the fact that after expulsion or extraction the fetus does not breathe or show evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles;

(5) "filing" means the presentation of a certificate, report, or other record provided for in this chapter, of a birth, death, fetal death, adoption, marriage, or divorce for registration by the bureau;

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

(7) "institution" means a public or private establishment which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to two or more unrelated individuals, or to which persons are committed by law;

(8) "live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after expulsion or extraction, breathes or shows evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached;

(9) "physician" means a person authorized or licensed to practice medicine under the laws of the state;

(10) "registration" means the acceptance by the bureau and the incorporation in its official records of certificates, reports, or other records provided for in this chapter, of births, deaths, fetal deaths, adoptions, marriages, or divorces;

(11) "state registrar" means the state registrar of vital statistics;

(12) "system of vital statistics" includes the registration, collection, preservation, amendment, and certification of vital statistics records, and related activities including the tabulation, analysis, and publication of statistical data derived from them;

(13) "vital statistics" means records of birth, death, fetal death, marriage, divorce, adoption, and related data. (§ 1 ch 118 SLA 1960; am § 6 ch 104 SLA 1971)

Sec. 18.50.380. Short title. This chapter may be cited as the Vital Statistics Act. (§ 33 ch 118 SLA 1960)

### Chapter 54. Housing Development Revolving Loan Fund.

<b>Section</b>	<b>Section</b>
10. Declaration of purpose	50. Eligibility for loans
20. Fund established	60. Interest
30. Powers and duties of the department	70. Senior citizen housing development
40. Repayment of loan	

Sec. 18.54.010. Declaration of purpose. There exists within the state a serious shortage of decent, safe and sanitary residential housing available at low or moderate prices or rentals to persons of lower and moderate income. There also exists in the state organizations whose purposes are to provide the kinds of housing needed to alleviate this shortage. Development work to provide such housing involves substantial expense which is often beyond the resources of the organizations. (§ 10 ch 151 SLA 1975; AS 18.100.010)

Revisor's notes. — This section was formerly designated 18.100.010 and was renumbered by the revisor of statutes pursuant to AS 01.05.031.

Sec. 18.54.020. Fund established. There is created in the Department of Community and Regional Affairs a housing development revolving loan fund to be administered by the community planning division. (§ 10 ch 151 SLA 1975; AS 18.100.020)

Revisor's notes. — This section was formerly designated 18.100.020 and was renumbered by the revisor of statutes pursuant to AS 01.05.031.

Sec. 18.54.030. Powers and duties of the department. The department may

(1) make loans to sponsors, builders and developers of residential housing for the costs approved by the division as appropriate expenditures which may be incurred by sponsors, builders and developers of residential housing, before commitment and initial advance of the proceeds of a construction loan or of a mortgage loan, including but not limited to

(A) payments for options to purchase properties on the proposed residential housing site;

(B) legal and organizational expenses, including payments of attorney fees, project manager, clerical and other staff salaries, office rent and other incidental expenses;

(C) payment for planning,  
(D) expense  
(E) necessary  
(2) designation  
(3) adopt re chapter;  
(4) determination. (§ 10 ch 1

Revisor's not formerly designa

Sec. 18.54. made under 1 designates bu project. The de contemplated 18.100.040)

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Sec. 18.54. private corpo nonprofit corp 501 (c) (3), an SLA 1975; AS

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\* Sec. 18.54. this chapter s the administri exceed three

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Sec. 18.54. created withi senior citizen tion or throug grants or loa under AS 18 housing. A gr to municipali

have to the money, instrument, or property, or he waives it. If the objection is to the amount of money, the terms of the instrument, or the amount or kind of property, he shall specify the amount, terms, or kind which he requires, or is precluded from objecting later. This section shall not be construed to modify or change in any manner corresponding provisions of the Uniform Commercial Code (AS 45.05). (§ 3.20 ch 101 SLA 1962)

It is not necessary to tender cash. constitute a proper tender. *Ward v. Ward v. Miller*, 13 Alaska 752 (1952). *Miller*, 13 Alaska 752 (1952).  
And a check, unobjected to, would

**Sec. 09.25.100. Disposition of tax information.** Information in the possession of the department of revenue which discloses the particulars of the business or affairs of a taxpayer or other person is not a matter of public record, except for purposes of investigation and law enforcement. The information shall be kept confidential, except when its production is required in an official investigation or court proceeding. These restrictions do not prohibit the publication of statistics presented in a manner that prevents the identification of particular reports and items, or prohibit the publication of tax lists showing the names of taxpayers who are delinquent and relevant information which may assist in the collection of delinquent taxes. (§ 3.21 ch 101 SLA 1962)

**Sec. 09.25.110. Inspection and copies of public records.** Unless specifically provided otherwise the books, records, papers, files, accounts, writings, and transactions of all agencies and departments are public records and are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of costs a certified copy of the public record. (§ 3.22 ch 101 SLA 1962)

Cross references.—See Civ. R. 44-(b)(4). As to management and preservation of public records, see AS 40.21.

It is "specifically provided otherwise" by AS 12.45.050.—With respect to the right of inspection and copying records under this section, it is "specifically provided otherwise," so far as police records are concerned, by the terms of AS 12.45.050, thus meeting the express exception to this section. *Howard v. Jackson*, 7 Alas. L.J. No. 3, p. 431 (March 12, 1969).

Stated in *State v. Coon*, 2 Alas. L.J. No. 1, p. 3 (Jan. 1964).

ALR and C.J.S. references.—Finding of draft board as evidence of physical condition of one registered, 16 ALR 247.

Admissibility of report of public officer or employee on cause of or responsibility for injury to person or damage to property, 153 ALR 163.

32 C.J.S. Evidence §§ 649 to 675.

**Sec. 09.25.120. Inspection and copying of public records.** Every person has a right to inspect a public writing or record in the state, including public writings and records in recorders' offices except (1) records of vital statistics and adoption proceedings which shall be treated in the manner required by AS 18.50.010—

18.50.380; (2) records pertaining to juveniles; (3) medical and related public health records; (4) records required to be kept confidential by a federal law or regulation or by state law. Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the legal fees therefor a certified copy of the writing or record, and the copy shall in all cases be evidence of the original. Recordors shall permit memoranda, transcripts, and copies of the public writings and records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public writings and records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public writings and records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of the writings and records and to prevent interference with the regular discharge of the duties of the recordors and their employees. (§ 3.23 ch 101 SLA 1962)

Cross references.—See Civ. R. 44-40.21. *ervation of public records, see AS (b)(4). As to management and pres-*

**Sec. 09.25.130. Effect of private seals and scrolls.** Private seals and scrolls as a substitute for seals are abolished. They are not required to an instrument, but when used their effect remains unchanged. (§ 3.10 ch 101 SLA 1962)

**Sec. 09.25.150. Claiming of privilege by public official or reporter.** Except as provided in §§ 150—220 of this chapter, no public official or reporter may be compelled to disclose the source of information procured or obtained by him while acting in the course of his duties as a public official or reporter. (§ 1 ch 115 SLA 1967)

Editor's note.—Section 2, ch. 115, adding to the privileges there listed, SLA 1967, provides: "This shall the conditional privilege for public changes Rule 43(h) of the Supreme officers and reporters as to sources Court Rules [of Civil Procedure] by of information."

**Sec. 09.25.160. Challenge of privilege.** (a) When a public official or reporter claims the privilege in a cause being heard before the supreme court or a superior court of this state, a person who has the right to question him in that proceeding, or the court on its own motion, may challenge the claim of privilege. The court shall make or cause to be made whatever inquiry the court thinks necessary to a determination of the issue. The inquiry may be made instantly by way of questions put to the witness claiming the privilege and a decision then rendered, or the court may require the presence of other witnesses or documentary showing or may

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**2d** requires public disclosure and inspection of applications for posts having substantial discretionary authority. *City of Kenai v. Kenai Peninsula Newspapers, Inc.*, Sup. Ct. Op. No. 2479 (File Nos. 4954, 5433), 642 P.2d 1316 (1982).

**Annotations for public posts.** — Strong public interest in the disclosure of the affairs of government generally, and in an open selection process for high public officials in particular

**Sec. 09.25.121. Copies of public records for veterans.** When a copy of a public record is required by the division of veterans' affairs, Department of Commerce and Economic Development or by the United States Veterans' Administration to be used in determining the eligibility of a person to participate in benefits, the official custodian of the public record shall, without charge, provide the applicant for the benefits, a person acting on his behalf, or an authorized representative of the division of veterans' affairs or the United States Veterans' Administration with a certified copy of the record. (AS 09.25.123; § 1 ch 35 SLA 1981)

**Cross references.** — As to records of veterans of the armed forces, see AS 26.10.070. enacted as AS 09.25.123 but was renumbered by the revisor of statutes pursuant to AS 01.05.031.

**Editor's notes.** — This section was

**Sec. 09.25.125. Enforcement: Injunctive relief.** A person having custody or control of a public record who obstructs or attempts to obstruct, or a person not having custody or control who aids or abets another person in obstructing or attempting to obstruct, the inspection of a public record subject to inspection under AS 09.25.110 or 09.25.120 may be enjoined by the superior court from obstructing, or attempting to obstruct, the inspection of public records subject to inspection under AS 09.25.110 or 09.25.120. (§ 1 ch 74 SLA 1975)

**Sec. 09.25.160. Challenge of privilege.**

#### NOTES TO DECISIONS

Cited in *Allred v. State*, Sup. Ct. Op. No. 1304 (File No. 2343), 554 P.2d 411 (1976).

**Sec. 09.25.220. Definitions.** In AS 09.25.150 — 09.25.220, unless the context otherwise requires,

(1) "privilege" means the conditional privilege granted to public officials and reporters to refuse to testify as to a source of information;

(2) "public official" means a person elected to a public office created by the Constitution or laws of this state, whether executive, legislative or judicial, and who was holding that office at the time of the communication for which privilege is claimed;



**Municipality  
of  
Anchorage**



POUCH 6-650  
ANCHORAGE, ALASKA 99502-0650  
(907) 264-4111

TONY KNOWLES,  
MAYOR

DEPARTMENT OF HEALTH AND ENVIRONMENTAL PROTECTION

January 11, 1984

RECEIVED

JAN 22 1984

Josephson

Representative Robert H. Bettisworth  
Alaska State House  
Pouch V (Mail Stop 3100)  
Juneau, Alaska 99811

Subj: HB 91 Relating to vital statistics

Dear Mr. Bettisworth:

Attached are copies of a proposal to amend statutes to allow municipal health officers to obtain vital statistics. I recently submitted this suggestion to both HESS committee chairmen.

Afterwards I learned that you had already introduced a bill pertaining to disclosure of vital statistics. Perhaps the proposal from the Municipality of Anchorage could be melded into HB 91.

Sincerely,

Rodman Wilson, M.D.  
Director, Department of Health  
and Environmental Protection

cc: ✓ Senator Joe P. Josephson  
Representative Milo H. Fritz, M.D.  
Representative Mae Tischer

Introduced: \_\_\_\_\_

Referred: \_\_\_\_\_

\_\_\_\_\_

IN THE SENATE

SENATE BILL NO. \_\_\_\_\_  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE - SECOND SESSION  
A BILL

For an Act entitled: "An Act Relating to Vital Records; and  
providing for an effective date."

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

\*Section 1. AS 18.50.310(a) is amended to read:

Sec. 18.50.310. Disclosure of records. (a) To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system, it is unlawful for a person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of a record, except as authorized by paragraph (b) of this section or as authorized by regulations issued under this chapter.

\*Section 2. AS 18.50.310 is amended by adding a new paragraph (b) to read:

(b) The principal health officer of a municipality organized under the laws of the State, or his designee, is entitled to inspect vital statistics records including, but not limited to, certificates of live births and certificates of death.

\*Section 3. AS 18.50.310 is amended to re-letter paragraphs (b) through (e) to (c) through (f).

\*Section 4. This act takes effect immediately in accordance with AS 01.10.070(c).



February 24, 1983

House Health, Education and  
Social Services Committee  
Room 112, Capitol Building  
Pouch V  
Juneau, AK 99811

attn: Mr. Dave Palmer

Although I earnestly wish to testify in person on HB91, I am unable to postpone a trip on March 4th and, therefore, am submitting the following testimony in favor of the bill:

I am both a family and professional genealogist (Alaskan Records Research, Business License number BLO00201); hold a BLA with history emphasis from the University of Alaska, Juneau; am a full-time student in the Master of Arts in Teaching program at Alaska Pacific University; am employed half-time at the UAJ library; tutor history, english, geography, and logic at UAJ; am Alumni Representative on the UAJ Assembly; have published a family history and am currently working (in my spare time) on an historical novel.

With this variety of efforts underway, you can understand why I have little time to spend writing back and forth to prospective clients to obtain the written permissions required before I can access vital statistics data as my client's personal representative.

As it stands now, individuals can obtain vital statistics on their own ancestors but professionals or those working on far distant lateral relatives may not easily do so. A business must be cost-effective. Repeated correspondence is not (unless I raised my fees to cover it, which would price me out of the market). Thus, I simply refer many inquiries to the office of Vital Statistics and so lose the fees I could obtain for doing the research myself.

Passage of this bill will help all who are searching for long-lost relatives who "went up north to the goldrush and were never heard of again."

Being the first of my family to reside in Alaska, I have no family interest in opening Alaska's records. However, I would personally like to see my state on a par with the rest of the country. After tracing several thousand of my own ancestors, lateral, and collateral relatives through most of the northern states and Ontario, and collecting hundreds of official documents dated from 1738 to 1978, I have never been refused a record because of access restrictions except hospital patient records. I feel that this bill is a step in the right direction but could go further. People researching in Alaska should meet with no more roadblocks than I have experienced in other states. I would like to see the time limits of 100 and 50 years reduced to about 30 years, if the purpose is genealogical research. The most persuasive argument against opening birth records is the problem of illegitimacy. Besides the fact that it no longer carries the stigma it once did, a professional genealogist couldn't care less what the records say, all he or she is interested in

is locating them for the client. The client or individual researcher is a member of the illegitimate child's family and thus has a personal interest in keeping the fact of illegitimacy within the family.

I feel a person's right to know about their own heritage outweighs any "right to privacy" of their ancestors and this includes a person's right to hire a researcher if unable or unwilling to travel to Juneau to do their own research. Therefore, I highly recommend passage of this bill, preferably with an amendment allowing disclosure to genealogists of those vital records not made public by AS 18.50.310(f).

Sincerely

*Kit Stewart*

Kit Stewart  
9119 Nagoon Lane  
Juneau, AK 99801  
789-9411

"An Act relating to disclosure of vital statistics records"

The amendment to AS 18.50.310 to add a new subsection under (f) is similar to a provision in the Model State Vital Statistics Act which is endorsed by the Council of State Governments.

By making public, birth records after 100 years, and death, marriage, and divorce records after 50 years, it will satisfy the need expressed by many who desire to research their "roots". Because of the model law, many states have enacted this provision, with success, because, those vital records relating to the living and next of kin, are still primarily protected.

Passage of H. B. 91 would make public about 33,000 of the 675,000 records in the custody of the State Registrar of Vital Statistics.

It is acknowledged that care must be exercised in providing a place for the public review of these records, while assuring the continued safekeeping of the documents. The existing staff can monitor the record review.

The Department of Health and Social Services recommends passage of House Bill Number 91.

RECOMMENDED BY:

*Joan P. Brooks*  
JOAN P. BROOKS  
STATE REGISTRAR  
BUREAU OF VITAL STATISTICS

Date:

*February 8, 1983*

APPROVED BY:

*Robert London Smith*  
ROBERT LONDON SMITH, Ph.D.  
COMMISSIONER  
DEPARTMENT OF HEALTH &  
SOCIAL SERVICES

Date:

*2/11/83*

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill Number 91 . Date on Bill: \_\_\_\_\_  
 Title: "An Act Relating to disclosure of vital statistics records"  
 Sponsor: \_\_\_\_\_  
 Requestor: Representative Bettisworth

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			0	0	0	0		

b. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

Responsibility for identification of funding is that of the author of the bill.

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared by: Jan Brooks by D. Lee 1983 Phone: 465-3391  
 Division: Planning, Policy and Evaluation/Vital Statistics Date: February 22, 1983

Approved by Commissioner: Robert Gordon Smith Date: 2/22/83  
 Department: 2855

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

10 ing a false status, occupation, membership, license, privilege, or identity  
 11 for himself or another person shall be fined not more than \$[        ]  
 12 or imprisoned not more than [        ] years, or both.

13 (c) Any person who uses any such document to commit a crime shall  
 14 be punished by fine or imprisonment or both equal to that required by  
 15 statute for the accompanying offense. Such sentence shall be served con-  
 16 secutively with that of the accompanying offense.

1 Section 4. [*Severability.*] [Insert severability clause.]

1 Section 5. [*Repeal.*] [Insert repealer clause.]

1 Section 6. [*Effective Date.*] [Insert effective date.]

### Model State Vital Statistics Act (1977 Revision)

The Model State Vital Statistics Act is a document designed to be used by state registrars of vital statistics and state legislators when considering revision of the vital statistics laws. The main objectives of the 1977 revision of the model act are (1) to incorporate current social customs and practices and current technology into the policies and procedures of the vital statistics system in the states, (2) to promote the uniformity of these policies and procedures to the end that all vital records will be readily acceptable in all places as prima facie evidence of the facts therein recorded, (3) to enhance the level of comparability of vital statistics data among the states, and (4) to minimize duplication within the vital statistics system and thereby achieve maximum administrative economy.

The historical philosophy of the vital statistics systems in the United States is that vital events be registered only in the state in which they occur. This concept is maintained in this revision of the model act. The jurisdiction of the state registrar extends only to boundaries of his state, and standards for registration may be set and enforced only for those events occurring within those boundaries. This is a very important concept in maintaining the validity of vital records in their use for legal purposes. If it is to be respected, the appropriate procedures for recording birth and death information for United States citizens born or dying in foreign countries and certification of birth information for aliens adopted by United States citizens must continue to be the responsibility of those federal agencies which retain jurisdiction over recording these events.

While this revision of the model act does not constitute an abrupt departure from earlier acts, there are several modifications that should be noted. The most significant change relates to the establishment of a centralized system for the collection, processing, registration, and certification of vital records in each state, whereby all vital events are reported directly to the State Office of Vital Statistics. However, the model act contains authorization for local offices to perform those functions the state registrar may direct, including the receipt and processing of vital records and the issuance of certified copies, when such offices can be shown to be an aid to efficient and effective operation of the system. The model act further provides for the options of allowing such local offices to work with records only for their designated geographic area or to be given access to the entire state file and allowing them to issue certified copies without regard to where the event occurred within the state. The important concept, however, is that these offices are part of the State Office of Vital Statistics and are under the direct control of the state registrar.

The recommendation for a change from a locally oriented vital statistics system to a centralized system is based on several considerations: (1) a centralized system produces more timely registration of the records, thereby improving the timeliness of all operations, including publication of statistical data as well as fulfillment of citizens' needs for vital records services; (2) it decreases duplication and cost since many activities presently performed at local vital records offices are repeated at the state office; (3) it reduces the opportunity for fraudulent use of certified copies because amendments to the records will be easier to control and certified copies will

be issued only from the original record and not from copies of the original record; and (4) due to the mobility of the population, it frequently is of no benefit to maintain a file of records in the county or town of birth or death because many people do not reside in the place where they were born or where a family member dies.

This revision of the model act also makes a significant change in the registration of fetal deaths. Spontaneous fetal deaths of 20 completed weeks gestation or more and all induced terminations of pregnancy, irrespective of duration of gestation, will be reported as legally required statistical reports, which will not be incorporated into the official vital records file. This change recognizes the fact that spontaneous fetal death and induced abortion are not legal events in the sense that they neither create nor change a legal status.

This revision of the model act also recognizes concerns about invasion of privacy, confidentiality, and fraudulent use of vital records and includes specific provision concerning these matters. In particular, the penalty provisions of the model act have been strengthened to serve as a deterrent to illegal use of vital records and to provide adequate penalties when prosecution is necessary.

In addition to this model act, model regulations have been developed to standardize many of the administrative practices and procedures in effect in vital statistics offices. The model act and the model regulations should be considered jointly whenever vital statistics statutes are to be revised.

Suggested Legislation

(Title, enacting clause, etc.)

1 Section 1. [Short Title.] This act may be cited as the [state] Vital Sta-  
2 tistics Act.

1 Section 2. [Definitions.] As used in this act:

2 (1) "Vital statistics" means the data derived from certificates and  
3 reports of birth, death, spontaneous fetal death, induced termination of  
4 pregnancy, marriage (divorce, dissolution of marriage, or annulment),  
5 and related reports.

6 (2) "System of vital statistics" means the registration, collection,  
7 preservation, amendment, and certification of vital records; the collection  
8 of other reports required by this act; and activities related thereto includ-  
9 ing the tabulation, analysis, and publication of vital statistics.

10 (3) "Vital records" means certificates or reports of birth, death, mar-  
11 riage (divorce, dissolution of marriage, or annulment), and data related  
12 thereto.

13 (4) "File" means the presentation of a vital record provided for in  
14 this act for registration by the [Office of Vital Statistics].

15 (5) "Registration" means the acceptance by the [Office of Vital

16 Statistics] and the incorporation of vital records provided for in this act  
17 into its official records.

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

24 (7) "Fetal death" means death prior to the complete expulsion or  
25 extraction from its mother of a product of human conception, irrespective  
26 of the duration of pregnancy; the death is indicated by the fact that after  
27 such expulsion or extraction, the fetus does not breathe or show any other  
28 evidence of life such as beating of the heart, pulsation of the umbilical  
29 cord, or definite movement of voluntary muscles.

30 (i) "Induced termination of pregnancy" means the purposeful in-  
31 terruption of pregnancy with the intention other than to produce a live-  
32 born infant or to remove a dead fetus and which does not result in a live  
33 birth.

34 (ii) "Spontaneous fetal death" means the expulsion or extraction  
35 of a product of human conception resulting in other than a live birth and  
36 which is not an induced termination of pregnancy.

37 (8) "Dead body" means a human body or such parts of such human  
38 body from the condition of which it reasonably may be concluded that  
39 death recently occurred.

40 (9) "Final disposition" means the burial, interment, cremation, re-  
41 moval from the state, or other authorized disposition of a dead body or  
42 fetus.

43 (10) "Physician" means a person authorized or licensed to practice  
44 medicine or osteopathy pursuant to the laws of this state.

45 (11) "Institution" means any establishment, public or private, which  
46 provides in-patient medical, surgical, or diagnostic care or treatment, or  
47 nursing, custodial, or domiciliary care, or to which persons are com-  
48 mitted by law.

1 Section 3. [Office of Vital Statistics and Statewide System of Vital  
2 Statistics.] There is hereby established in the [state public health ad-  
3 ministrative agency] an [Office of Vital Statistics] which shall install,  
4 maintain, and operate the only system of vital statistics throughout this  
5 state. The [Office of Vital Statistics] shall be provided with sufficient  
6 staff, suitable offices, and other resources for the proper administration  
7 of the system of vital statistics and for the preservation of its official  
8 records.

1 Section 4. [Rules and Regulations.] The [state public health admin-  
2 istrative agency], hereinafter referred to as "state agency," is authorized

3 to adopt, amend, and repeal rules and regulations for the purpose of car-  
4 rying out the provisions of this act.

1 Section 5. [*Appointment of State Registrar of Vital Statistics.*] The  
2 [state health officer] shall appoint the state registrar of vital statistics,  
3 hereinafter referred to as "state registrar," in accordance with civil  
4 service laws and regulations.

1 Section 6. [*Duties of State Registrar.*]

2 (a) The state registrar shall:

3 (1) Administer and enforce the provisions of this act and the rules  
4 and regulations issued hereunder, and issue instructions for the efficient  
5 administration of the system of vital statistics.

6 (2) Direct and supervise the system of vital statistics and the [Office  
7 of Vital Statistics] and be custodian of its records.

8 (3) Direct, supervise, and control the activities of all persons when  
9 they are engaged in activities pertaining to the operation of the system of  
10 vital statistics.

11 (4) Conduct training programs to promote uniformity of policy and  
12 procedures throughout the state in matters pertaining to the system of  
13 vital statistics.

14 (5) Prescribe, with the approval of the state agency, furnish, and  
15 distribute such forms as are required by this act and the rules and regu-  
16 lations issued hereunder, or prescribe such other means for transmittal  
17 of data as will accomplish the purpose of complete and accurate reporting  
18 and registration.

19 (6) Prepare and publish reports of vital statistics of this state and  
20 such other reports as may be required by the state agency.

21 (7) Provide to local health agencies copies of or data derived from  
22 certificates and reports required under this act, as he or she shall determine  
23 are necessary for local health planning and program activities. The state  
24 registrar shall establish a schedule with each local health agency for trans-  
25 mittal of the copies or data. The copies or data shall remain the property  
26 of the [Office of Vital Statistics], and the uses which may be made of them  
27 shall be governed by the state registrar.

28 (b) The state registrar may establish or designate offices in the state  
29 to aid in the efficient administration of the system of vital statistics.

30 (c) The state registrar may delegate such functions and duties vested  
31 in him or her to employees of the [Office of Vital Statistics] and to employ-  
32 ees of any office established or designated under Section 6(b).

1 Section 7. [*Content of Certificates and Reports.*]

2 (a) In order to promote and maintain nationwide uniformity in the sys-  
3 tem of vital statistics, the forms of certificates and reports required by this  
4 act, or by regulations adopted hereunder, shall include as a minimum the

5 items recommended by the federal agency responsible for national vital  
6 statistics.

7 (b) Each certificate, report, and other document required by this act  
8 shall be on a form or in a format prescribed by the state registrar.

9 (c) All vital records shall contain the date received for registration.

10 (d) Information required in certificates or reports authorized by this  
11 act may be filed and registered by photographic, electronic, or other means  
12 as prescribed by the state registrar.

1 Section 8. [*Birth Registration.*]

2 (a) A certificate of birth for each live birth which occurs in this state  
3 shall be filed with the [Office of Vital Statistics], or as otherwise directed  
4 by the state registrar, within five days after such birth and shall be regis-  
5 tered if it has been completed and filed in accordance with this section.

6 (b) When a birth occurs in an institution or en route thereto, the per-  
7 son in charge of the institution or his or her designated representative  
8 shall obtain the personal data, prepare the certificate, secure the signa-  
9 tures required, and file the certificate as directed in Section 8(a) or as  
10 otherwise directed by the state registrar within the required five days.  
11 The physician or other person in attendance shall provide the medical  
12 information required by the certificate and certify to the facts of birth  
13 within 72 hours after the birth. If the physician or other person in attend-  
14 ance does not certify to the facts of birth within the 72-hour period, the  
15 person in charge of the institution shall complete and sign the certificate.

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

19 (1) The physician in attendance at or immediately after the birth.

20 (2) Any other person in attendance at or immediately after the birth.

21 (3) The father, the mother, or, in the absence of the father and the  
22 inability of the mother, the person in charge of the premises where the  
23 birth occurred.

24 (d) When a birth occurs on a moving conveyance within the United  
25 States and the child is first removed from the conveyance in this state,  
26 the birth shall be registered in this state and the place where it is first  
27 removed shall be considered the place of birth. When a birth occurs on a  
28 moving conveyance while in international waters or air space or in a for-  
29 eign country or its air space and the child is first removed from the con-  
30 veyance in this state, the birth shall be registered in this state but the cer-  
31 tificate shall show the actual place of birth insofar as can be determined.

32 (e)(1) If the mother was married at the time of either conception or  
33 birth, or between conception and birth, the name of the husband shall be  
34 entered on the certificate as the father of the child [and the surname of  
35 the child shall be entered on the certificate as that of the husband], unless  
36 paternity has been determined otherwise by [a court of competent juris-

37 diction].

38 (2) If the mother was not married at the time of either conception or  
39 birth or between conception and birth, the name of the father shall not  
40 be entered on the certificate without the written consent of the mother and  
41 the person to be named as the father, in which case, upon written re-  
42 quest of both parents, the surname of the child shall be entered on the  
43 certificate as that of the father.

44 (3) In any case in which paternity of a child is determined by [a  
45 court of competent jurisdiction], the name of the father and surname  
46 of the child shall be entered on the certificate of birth in accordance with  
47 the finding and order of the court.

48 (4) If the father is not named on the certificate of birth, no other in-  
49 formation about the father shall be entered on the certificate.

50 [(5) In all other cases, the surname of the child shall be the legal sur-  
51 name of the mother at the time of the birth.]

52 (f) The birth certificate of a child born to a married woman as a result  
53 of artificial insemination, with consent of her husband, shall be completed  
54 in accordance with the provisions of Section 8(e)(1).

55 (g) Either of the parents of the child, or other informant, shall attest  
56 to the accuracy of the personal data entered on the certificate in time to  
57 permit the filing of the certificate within the five days prescribed in Sec-  
58 tion 8(a).

1 Section 9. [*Infants of Unknown Parentage; Foundling Registration.*]

2 (a) Whoever assumes the custody of a live-born infant of unknown  
3 parentage shall report on a form and in a manner prescribed by the state  
4 registrar within five days to the [Office of Vital Statistics] the following  
5 information:

- 6 (1) The date and place of finding.
- 7 (2) Sex, color or race, and approximate birth date of child.
- 8 (3) Name and address of the person or institution with whom the  
9 child has been placed for care.
- 10 (4) Name given to the child by the custodian of the child.
- 11 (5) Other data required by the state registrar.

12 (b) The place where the child was found shall be entered as the place  
13 of birth.

14 (c) A report registered under this section shall constitute the certificate  
15 of birth for the child.

16 (d) If the child is identified and a certificate of birth is found or ob-  
17 tained, the report registered under this section shall be placed in a special  
18 file and shall not be subject to inspection except upon order of [a court  
19 of competent jurisdiction] or as provided by regulation.

1 Section 10. [*Delayed Registration of Birth.*]

2 (a) When a certificate of birth of a person born in this state has not

3 been filed within the time period provided in Section 8, a certificate of birth  
4 may be filed in accordance with regulations of the state agency. The cer-  
5 tificate shall be registered subject to such evidentiary requirements as  
6 the state agency shall by regulation prescribe to substantiate the alleged  
7 facts of birth.

8 (b) Certificates of birth registered one year or more after the date of  
9 birth shall be made on forms prescribed and furnished by the state regis-  
10 trar, marked "Delayed," and shall show on their face the date of the de-  
11 layed registration.

12 (c) A summary statement of the evidence submitted in support of the  
13 delayed registration shall be endorsed on the certificate.

14 (d)(1) When an applicant does not submit the minimum documentation  
15 required in the regulations for delayed registration or when the state  
16 registrar has reasonable cause to question the validity or adequacy of the  
17 applicant's sworn statement or the documentary evidence, and if the de-  
18 ficiencies are not corrected, the state registrar shall not register the de-  
19 layed certificate of birth and shall advise the applicant of the reasons for  
20 this action, and shall further advise the applicant of his or her right of ap-  
21 peal to [court of competent jurisdiction].

22 (2) The state agency may by regulation provide for the dismissal  
23 of an application which is not actively prosecuted.

1 Section 11. [*Judicial Procedure to Establish Facts of Birth.*]

2 (a) If a delayed certificate of birth is rejected under the provisions of  
3 Section 10, a petition signed and sworn to by the petitioner may be  
4 filed with [court of competent jurisdiction] for an order establishing a  
5 record of the date and place of the birth and the parentage of the person  
6 whose birth is to be registered.

7 (b) The petition shall be made on a form prescribed and furnished by  
8 the state registrar and shall allege:

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

11 (2) That no certificate of birth of such person can be found in the  
12 [Office of Vital Statistics] or [the office of any local custodian of birth cer-  
13 tificates].

14 (3) That diligent efforts by the petitioner have failed to obtain the  
15 evidence required in accordance with Section 10 and regulations adopted  
16 pursuant thereto.

17 (4) That the state registrar has refused to register a delayed cer-  
18 tificate of birth.

19 (5) Such other allegations as may be required.

20 (c) The petition shall be accompanied by a statement of the state  
21 registrar made in accordance with Section 10 and all documentary evi-  
22 dence which was submitted to the state registrar in support of such regis-  
23 tration.

24 (d) The court shall fix a time and place for hearing the petition and  
25 shall give the state registrar [ ] days notice of said hearing. The  
26 state registrar or his authorized representative may appear and testify in  
27 the proceeding.

28 (e) If the court finds, from the evidence presented, that the person for  
29 whom a delayed certificate of birth is sought was born in this state, it  
30 shall make findings as to the place and date of birth, parentage, and such  
31 other findings as may be required and shall issue an order, on a form pre-  
32 scribed and furnished by the state registrar, to establish a certificate of  
33 birth. This order shall include the birth data to be registered, a descrip-  
34 tion of the evidence presented and the date of the court's action.

35 (f) The clerk of the court shall forward each such order to the state  
36 registrar not later than the tenth day of the calendar month following the  
37 month in which it was entered. The order shall be registered by the state  
38 registrar and shall constitute the certificate of birth.

1 Section 12. [*Court Reports of Adoption.*]

2 (a) For each adoption decreed by [court of competent jurisdiction]  
3 in this state, the court shall require the preparation of a report of adoption  
4 on a form prescribed and furnished by the state registrar. The report shall  
5 include such facts as are necessary to locate and identify the certificate of  
6 birth of the person adopted, shall provide information necessary to estab-  
7 lish a new certificate of birth of the person adopted, and shall identify the  
8 order of adoption and be certified by the clerk of the court.

9 (b) Information necessary to prepare the report of adoption shall be  
10 furnished by each petitioner for adoption or his attorney. The [social, wel-  
11 fare agency] or any person having knowledge of the facts shall supply  
12 the court with such additional information as may be necessary to com-  
13 plete the report. The provision of such information shall be prerequisite  
14 to the issuance of a final decree in the matter by the court.

15 (c) Whenever an adoption decree is amended or annulled, the clerk  
16 of the court shall prepare a report thereof, which shall include such  
17 facts as are necessary to identify the original adoption report and the facts  
18 amended in the adoption decree as shall be necessary to properly amend  
19 the birth record.

20 (d) Not later than the [ ] day of each calendar month or more  
21 frequently, as directed by the state registrar, the clerk of the court shall  
22 forward to the state registrar reports of decrees of adoption, annulment of  
23 adoption, and amendments of decrees of adoption which were entered in  
24 the preceding month, together with such related reports as the state  
25 registrar shall require.

26 (e) When the state registrar shall receive a report of adoption, annul-  
27 ment of adoption, or amendment of a decree of adoption for a person born  
28 outside this state, he or she shall forward such report to the state registrar  
29 in the state of birth. If the birth occurred in a foreign country, the report

30 of adoption shall be returned to the attorney or agency handling the adop-  
31 tion for submission to the appropriate federal agency.

1 Section 13. [*New Certificates of Birth Following Adoption; Legitima-  
2 tion; Paternity Determination; and Paternity Acknowledgment.*]

3 (a) The state registrar shall establish a new certificate of birth for a  
4 person born in this state when he or she receives the following:

5 (1) A report of adoption as provided in Section 12 or a report of  
6 adoption prepared and filed in accordance with the laws of another state  
7 or foreign country, or a certified copy of the decree of adoption, together  
8 with the information necessary to identify the original certificate of birth  
9 and to establish a new certificate of birth; except that a new certificate of  
10 birth shall not be established if so requested by the court decreeing the  
11 adoption, the adoptive parents, or the adopted person.

12 (2) A request that a new certificate be established as prescribed by  
13 regulation and such evidence as required by regulation proving that such  
14 person has been legitimated, or that [court of competent jurisdiction] has  
15 determined the paternity of such a person, or that both parents have ack-  
16 knowledged the paternity of such person and request that the surname be  
17 changed to that of the father.

18 (b) When a new certificate of birth is established, the actual place and  
19 date of birth shall be shown. The new certificate shall be substituted for  
20 the original certificate of birth in the files, and the original certificate of  
21 birth and the evidence of adoption, legitimation, paternity determination,  
22 or paternity acknowledgment shall not be subject to inspection except  
23 upon order of [court of competent jurisdiction] or as provided by regula-  
24 tion.

25 (c) Upon receipt of a report of an amended decree of adoption, the  
26 certificate of birth shall be amended as provided by regulation.

27 (d) Upon receipt of a report or decree of annulment of adoption, the  
28 original certificate of birth shall be restored to its place in the files and  
29 the new certificate and evidence shall not be subject to inspection except  
30 upon order of [court of competent jurisdiction] or as provided by regula-  
31 tion.

32 (e) If no certificate of birth is on file for the person for whom a new  
33 birth certificate is to be established under this section, and the date and  
34 place of birth have not been determined in the adoption or paternity  
35 proceedings, a delayed certificate of birth shall be filed with the state  
36 registrar as provided for in Sections 10 or 11 before a new certificate of  
37 birth is established. The new birth certificate shall be prepared on the  
38 delayed birth certificate form.

39 (f) When a new certificate of birth is established by the state registrar,  
40 all copies of the original certificate of birth in the custody of any other  
41 custodian of vital records in this state shall be sealed from inspection or  
42 forwarded to the state registrar, as he or she shall direct.

1 Section 14. [*Death Registration.*]

2 (a) A certificate of death for each death which occurs in this state  
3 shall be filed with the [Office of Vital Statistics], or as otherwise directed by  
4 the state registrar, within five days after death and prior to final disposi-  
5 tion, and shall be registered if it has been completed and filed in accord-  
6 ance with this section.

7 (1) If the place of death is unknown but the dead body is found in  
8 this state, the certificate of death shall be completed and filed in accord-  
9 ance with this section. The place where the body is found shall be shown  
10 as the place of death. If the date of death is unknown, it shall be deter-  
11 mined by approximation.

12 (2) When death occurs in a moving conveyance in the United States  
13 and the body is first removed from the conveyance in this state, the death  
14 shall be registered in this state and the place where it is first removed shall  
15 be considered the place of death. When a death occurs on a moving convey-  
16 ance while in international waters or air space or in a foreign country or  
17 its air space and the body is first removed from the conveyance in this state,  
18 the death shall be registered in this state but the certificate shall show the  
19 actual place of death insofar as can be determined.

20 (b) The funeral director or person acting as such who first assumes  
21 custody of the dead body shall file the certificate of death. He or she shall  
22 obtain the personal data from the next of kin or the best qualified person  
23 or source available and shall obtain the medical certification from the per-  
24 son responsible therefor.

25 (c) The medical certification shall be completed, signed, and returned  
26 to the funeral director within 48 hours after death by the physician in  
27 charge of the patient's care for the illness or condition which resulted in  
28 death, except when inquiry is required by the [postmortem examinations  
29 act]. In the absence of said physician or with his or her approval the cer-  
30 tificate may be completed and signed by his or her associate physician,  
31 the chief medical officer of the institution in which death occurred, or the  
32 physician who performed an autopsy upon the decedent, provided, that  
33 individual has access to the medical history of the case, views the de-  
34 ceased at or after death, and death is due to natural causes.

35 (d) When death occurs more than [10] days after the decedent was  
36 last treated by a physician, the case shall be referred to the [medical ex-  
37 aminer, coroner] for investigation to determine and certify the cause of  
38 death.

39 (e) When inquiry is required by the [postmortem examinations act],  
40 the [medical examiner, coroner] shall determine the cause of death and  
41 shall complete and sign the medical certification within 48 hours after tak-  
42 ing charge of the case.

43 (f) If the cause of death cannot be determined within 48 hours after  
44 death, the medical certification shall be completed as provided by regula-  
45 tion. The attending physician or [medical examiner, coroner] shall give

46 the funeral director or person acting as such notice of the reason for the  
47 delay, and final disposition of the body shall not be made until authorized  
48 by the attending physician or [medical examiner, coroner].

49 (g) When a death is presumed to have occurred within this state but the  
50 body cannot be located, a death certificate may be prepared by the state  
51 registrar upon receipt of an order of [court of competent jurisdiction],  
52 which shall include the finding of facts required to complete the death  
53 certificate. Such a death certificate shall be marked "Presumptive" and  
54 shall show on its face the date of registration and shall identify the  
55 court and the date of decree.

1 Section 15. [*Delayed Registration of Death.*]

2 (a) When a death occurring in this state has not been registered within  
3 the time period prescribed by Section 14, a certificate of death may be  
4 filed in accordance with regulations of the state agency. Such certificate  
5 shall be registered subject to such evidentiary requirements as the state  
6 agency shall by regulation prescribe to substantiate the alleged facts of  
7 death.

8 (b) Certificates of death registered one year or more after the date of  
9 death shall be marked "Delayed" and shall show on their face the date of  
10 the delayed registration

1 Section 16. [*Reports of Spontaneous Fetal Death.*]

2 (a) Each spontaneous fetal death of 20 completed weeks gestation or  
3 more, calculated from the date last normal menstrual period began to the  
4 date of delivery, or a weight of 350 grams or more, which occurs in this  
5 state shall be reported within five days after delivery to the [Office of Vital  
6 Statistics] or as otherwise directed by the state registrar. All induced ter-  
7 minations of pregnancy shall be reported in the manner prescribed in Sec-  
8 tion 17 and shall not be reported as spontaneous fetal deaths.

9 (1) When a dead fetus is delivered in an institution, the person in  
10 charge of the institution or his or her designated representative shall pre-  
11 pare and file the report.

12 (2) When a dead fetus is delivered outside an institution, the physi-  
13 cian in attendance at or immediately after delivery shall prepare and file  
14 the report.

15 (3) When a spontaneous fetal death required to be reported by this  
16 section occurs without medical attendance at or immediately after the  
17 delivery or when inquiry is required by the [postmortem examinations  
18 act], the [medical examiner, coroner] shall investigate the cause of fetal  
19 death and shall prepare and file the report within five days.

20 (4) When a spontaneous fetal death occurs in a moving conveyance  
21 and the fetus is first removed from the conveyance in this state or when a  
22 dead fetus is found in this state and the place of fetal death is unknown,  
23 the fetal death shall be reported in this state. The place where the fetus

24 was first removed from the conveyance or the dead fetus was found shall  
25 be considered the place of fetal death.

26 (b) The name of the father shall be entered on the spontaneous fetal  
27 death report in accordance with the provisions of Section 8.

1 Section 17. [*Reports of Induced Termination of Pregnancy.*] Each in-  
2 duced termination of pregnancy which occurs in this state, regardless of  
3 the length of gestation, shall be reported to the [Office of Vital Statistics]  
4 within five days by the person in charge of the institution in which the  
5 induced termination of pregnancy was performed. If the induced termina-  
6 tion of pregnancy was performed outside an institution, the attending phy-  
7 sician shall prepare and file the report.

1 Section 18. [*Statistical Reports.*] The reports required under Sections  
2 16 and 17 are statistical reports to be used only for medical and health  
3 purposes and shall not be incorporated into the permanent official records  
4 of the system of vital statistics. A schedule for the disposition of these re-  
5 ports may be provided by regulation.

1 Section 19. [*Authorization for Final Disposition.*]

2 (a) The funeral director or person acting as such who first assumes cus-  
3 tody of a dead body shall, prior to final disposition of the body, obtain  
4 authorization for final disposition of the body. The physician or [medical  
5 examiner, coroner] when certifying the cause of death also shall authorize  
6 final disposition of the body on a form prescribed and furnished by the  
7 state registrar. If the body is to be cremated, additional authorization for  
8 cremation must be obtained from the [medical examiner, coroner] on a  
9 form prescribed and furnished by the state registrar.

10 (b) Prior to final disposition of a dead fetus, irrespective of the dura-  
11 tion of pregnancy, the funeral director, the person in charge of the institu-  
12 tion, or other person assuming responsibility for final disposition of the  
13 fetus shall obtain from the parents authorization for final disposition.  
14 Such authorization shall be on a form prescribed and furnished or ap-  
15 proved by the state registrar.

16 (c) With the consent of the physician or [medical examiner, coroner]  
17 who is to certify the cause of death, a dead body may be moved from the  
18 place of death for the purpose of being prepared for final disposition.

19 (d) An authorization for final disposition issued under the law of an-  
20 other state which accompanies a dead body or fetus brought into this  
21 state shall be authority for final disposition of the body or fetus in this  
22 state.

23 (e) No sexton or other person in charge of any place in which interment  
24 or other disposition of dead bodies is made shall inter or allow interment  
25 or other disposition of a dead body or fetus unless it is accompanied by  
26 authorization for final disposition.

27 (f) Each person in charge of any place for final disposition shall in-  
28 clude in the authorization the date of disposition and shall sign and return  
29 all authorizations to the funeral director or person acting as such within 10  
30 days after the date of disposition. When there is no person in charge of  
31 the place for final disposition, the funeral director or person acting as such  
32 shall endorse the authorization. At the close of each month the funeral di-  
33 rector or person acting as such shall transmit to the state registrar, in the  
34 state where death occurred, all endorsed authorizations received during  
35 the month.

36 (g) Authorization for disinterment and reinterment shall be required  
37 prior to disinterment of a dead body or fetus. Such authorization shall  
38 be issued by the state registrar to a licensed funeral director or person act-  
39 ing as such, upon proper application.

1 Section 20. [*Marriage Registration.*]

2 (a) A record of each marriage performed in this state shall be filed  
3 with the [Office of Vital Statistics] and shall be registered if it has been com-  
4 pleted and filed in accordance with this section.

5 (b) The official who issues the marriage license shall prepare the rec-  
6 ord on the form prescribed and furnished by the state registrar upon the  
7 basis of information obtained from [one of] the parties to be married.

8 (c) Each person who performs a marriage shall certify the fact of mar-  
9 riage and return the record to the official who issued the license within  
10 [ ] days after the ceremony. [This record shall be signed by the  
11 witnesses to the ceremony.] [A signed copy shall be given to the parties.]

12 (d) Every official issuing marriage licenses shall complete and forward  
13 to the [Office of Vital Statistics] on or before the [ ] day of each cal-  
14 endar month the records of marriages returned to such official during  
15 the preceding calendar month.

16 (e) A marriage record not filed within the time prescribed by statute  
17 may be registered in accordance with regulations of the state agency.

18 [(f) [Provision for a recording fee may be added here if desired.]]

1 Section 21. [*[Divorce, Dissolution of Marriage, or Annulment] Regis-  
2 tration.*]

3 (a) A record of each [divorce, dissolution of marriage, or annulment]  
4 granted by any court in this state shall be filed by the [clerk of the court]  
5 with the [Office of Vital Statistics] and shall be registered if it has been  
6 completed and filed in accordance with this section. The record shall be  
7 prepared by the petitioner or his or her legal representative on a form pre-  
8 scribed and furnished by the state registrar and shall be presented to the  
9 [clerk of the court] with the petition. In all cases the completed record  
10 shall be prerequisite to the granting of the final decree.

11 (b) The [clerk of the court] shall complete and forward to the [Office  
12 of Vital Statistics] on or before the [ ] day of each calendar month

13 the records of each [divorce, dissolution of marriage, or annulment] decree  
 14 granted during the preceding calendar month.  
 15 [(c) [Provision for a recording fee may be added here if desired.]]

1 Section 22. [*Amendment of Vital Records.*]  
 2 (a) A certificate or report registered under this act may be amended  
 3 only in accordance with this act and regulations adopted by the state agen-  
 4 cy to protect the integrity and accuracy of vital records.

5 (b) A certificate or report that is amended under this section shall be  
 6 marked "Amended," except as otherwise provided in this section. The  
 7 date of amendment and a summary description of the evidence submitted  
 8 in support of the amendment shall be endorsed on or made a part of the  
 9 record. The state agency shall prescribe by regulation the conditions un-  
 10 der which additions or minor corrections may be made to certificates or  
 11 records within one year after the date of the event without the certificate  
 12 or record being marked "Amended."

13 (c) Upon written request of both parents and receipt of a sworn ac-  
 14 knowledgment of paternity signed by both parents of a child born out of  
 15 wedlock, the state registrar shall amend the certificate of birth to show  
 16 such paternity if paternity is not already shown on the certificate of birth.  
 17 Such certificate shall not be marked "Amended."

18 (d) Upon receipt of a certified copy of an order of [court of competent  
 19 jurisdiction] changing the name of a person born in this state and upon  
 20 request of such person or his or her parents, guardian, or legal represent-  
 21 ative, the state registrar shall amend the certificate of birth to show the  
 22 new name.

23 (e) Upon receipt of a certified copy of an order of [court of competent  
 24 jurisdiction] indicating the sex of an individual born in this state has been  
 25 changed by surgical procedure and that such individual's name has been  
 26 changed, the certificate of birth of such individual shall be amended [as  
 27 prescribed in Regulation 10.8(a)(5)] to reflect such changes.

28 (f) When an applicant does not submit the minimum documentation  
 29 required in the regulations for amending a vital record or when the state  
 30 registrar has reasonable cause to question the validity or adequacy of  
 31 the applicant's sworn statements or the documentary evidence, and if the  
 32 deficiencies are not corrected, the state registrar shall not amend the  
 33 vital record and shall advise the applicant of the reason for this action and  
 34 shall further advise the applicant of the right of appeal to [court of com-  
 35 petent jurisdiction].

36 (g) When a certificate or report is amended under this section, the  
 37 state registrar shall report the amendment to any other custodians of the  
 38 vital record and their record shall be amended accordingly.

1 Section 23. [*Reproduction of Vital Records.*] To preserve vital records,  
 2 the state registrar is authorized to prepare typewritten, photographic,

3 electronic, or other reproductions of certificates or reports in the [Of-  
 4 fice of Vital Statistics]. Such reproductions when certified by the state  
 5 registrar shall be accepted as the original records. The documents from  
 6 which permanent reproductions have been made and verified may be  
 7 disposed of as provided by regulation.

1 Section 24. [*Disclosure of Information from Vital Records.*]

2 (a) To protect the integrity of vital records, to ensure their proper use,  
 3 and to ensure the efficient and proper administration of the system of vital  
 4 statistics, it shall be unlawful for any person to permit inspection of, or  
 5 to disclose information contained in vital records, or copy or issue a  
 6 copy of all or part of any such record except as authorized by this act and  
 7 by regulation or by order of [court of competent jurisdiction]. Regulations  
 8 adopted under this section shall provide for adequate standards of securi-  
 9 ty and confidentiality of vital records.

10 (b) The state agency may authorize by regulation the disclosure of in-  
 11 formation contained in vital records for research purposes.

12 (c) Appeals from decisions of custodians of vital records, as designated  
 13 under authority of Section 6(b), who refuse to disclose information, or to  
 14 permit inspection or copying of records as prescribed by this section and  
 15 regulations issued hereunder, shall be made to the state registrar whose  
 16 decisions shall be binding upon such custodians.

17 (d) When 100 years have elapsed after the date of birth, or 50 years  
 18 have elapsed after the date of death, marriage, or [divorce, dissolution of  
 19 marriage, or annulment], the records of these events in the custody of the  
 20 state registrar shall become public records and information shall be made  
 21 available in accordance with regulations which shall provide for the con-  
 22 tinued safekeeping of the records.

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*10*

1 Section 25. [*Copies or Data from the System of Vital Statistics.*] In ac-  
 2 cordance with Section 24 and the regulations adopted pursuant thereto:

3 (1) The state registrar [and other custodian(s) of vital records au-  
 4 thorized by the state registrar to issue certified copies] shall upon receipt  
 5 of a written application issue a certified copy of a vital record in his or her  
 6 custody or a part thereof to any applicant having a direct and tangible in-  
 7 terest in the vital record. Each copy issued shall show the date of registra-  
 8 tion and copies issued from records marked "Delayed" or "Amended"  
 9 shall be similarly marked and show the effective date. The documentary  
 10 evidence used to establish a delayed certificate shall be shown on all  
 11 copies issued. All forms and procedures used in the issuance of certified  
 12 copies of vital records in the state shall be provided or approved by the  
 13 state registrar.

14 (2) A certified copy of a vital record or any part thereof, issued in  
 15 accordance with Section 25(1), shall be considered for all purposes the  
 16 same as the original and shall be prima facie evidence of the facts stated

17 therein, provided that the evidentiary value of a certificate or record filed  
18 more than one year after the event, or a record which has been amended,  
19 shall be determined by the judicial or administrative body or official be-  
20 fore whom the certificate is offered as evidence.

21 (3) The federal agency responsible for national vital statistics may  
22 be furnished such copies or data from the system of vital statistics as it  
23 may require for national statistics, provided such federal agency share in  
24 the cost of collecting, processing, and transmitting such data, and pro-  
25 vided further that such data shall not be used for other than statistical  
26 purposes by the federal agency unless so authorized by the state registrar.

27 (4) Federal, state, local, and other public or private agencies may,  
28 upon request, be furnished copies or data from the system of vital statis-  
29 tics for statistical or administrative purposes upon such terms or condi-  
30 tions as may be prescribed by regulation, provided that such copies or  
31 data shall not be used for purposes other than those for which they  
32 were requested unless so authorized by the state registrar.

33 (5) The state registrar may, by agreement, transmit copies of records  
34 and other reports required by this act to offices of vital statistics outside  
35 this state when such records or other reports relate to residents of those  
36 jurisdictions or persons born in those jurisdictions. The agreement shall  
37 require that the copies be used for statistical and administrative purposes  
38 only and the agreement shall further provide for the retention and dispo-  
39 sition of such copies. Copies received by the [Office of Vital Statistics] from  
40 offices of vital statistics in other states shall be handled in the same  
41 manner as prescribed in this section.

42 (6) No person shall prepare or issue any certificate which purports to  
43 be an original, certified copy, or copy of a vital record except as autho-  
44 rized in this act or regulations adopted hereunder.

1 Section 26. [*Fees for Copies and Searches.*]

2 (a) The state agency shall prescribe by regulation the fees to be paid  
3 for certified copies of certificates or records, or for a search of the files or  
4 records when no copy is made, or for copies or information provided for  
5 research, statistical, or administrative purposes.

6 (b) Fees collected under this section by the state registrar shall be de-  
7 posited in the [general fund, special vital statistics fund] of this state, ac-  
8 cording to the procedures established by [the laws governing collection,  
9 the state treasurer].

1 Section 27. [*Persons Required to Keep Records.*]

2 (a) Every person in charge of an institution shall keep a record of per-  
3 sonal data concerning each person admitted or confined to such institu-  
4 tion. This record shall include such information as required for the certi-  
5 ficates of birth and death and the reports of spontaneous fetal death and  
6 induced termination of pregnancy required by this act. The record shall

7 be made at the time of admission from information provided by the person  
8 being admitted or confined, but when it cannot be so obtained, the infor-  
9 mation shall be obtained from relatives or other persons acquainted with  
10 the facts. The name and address of the person providing the information  
11 shall be a part of the record.

12 (b) When a dead body or dead fetus is released or disposed of by an  
13 institution, the person in charge of the institution shall keep a record show-  
14 ing the name of the decedent, date of death, name and address of the per-  
15 son to whom the body or fetus is released, and the date of removal from  
16 the institution. If final disposition is made by the institution, the date,  
17 place, and manner of disposition shall also be recorded.

18 (c) A funeral director, embalmer, sexton, or other person who removes  
19 from the place of death, transports, or makes final disposition of a dead  
20 body or fetus, in addition to filing any certificate or other report required  
21 by this act or regulations promulgated hereunder, shall keep a record  
22 which shall identify the body, and such information pertaining to his or  
23 her receipt, removal, delivery, burial, or cremation of such body as may be  
24 required by regulations adopted by the state agency.

25 (d) Records maintained under this section shall be retained for a period  
26 of not less than [ ] years and shall be made available for inspec-  
27 tion by the state registrar or his or her representative upon demand.

1 Section 28. [*Duties to Furnish Information.*]

2 (a) Any person having knowledge of the facts shall furnish such infor-  
3 mation as he or she may possess regarding any birth, death, spontaneous  
4 fetal death, induced termination of pregnancy, marriage, or [divorce,  
5 dissolution of marriage, or annulment], upon demand of the state registrar.

6 [(b) Not later than the tenth day of the month following the month of  
7 occurrence, the administrator of each institution shall send to the [Office  
8 of Vital Statistics] a list showing all births and deaths occurring in that in-  
9 stitution during the preceding month. Such lists shall be on forms provided  
10 by the state registrar.]

11 [(c) Not later than the tenth day of the month following the month of  
12 occurrence, each funeral director shall send to the [Office of Vital Statistics]  
13 a list showing all dead bodies embalmed or otherwise prepared for final  
14 disposition or dead bodies finally disposed of by the funeral director dur-  
15 ing the preceding month. Such list shall be made on forms provided by  
16 the state registrar.]

1 Section 29. [*Matching of Birth and Death Certificates.*] To protect the  
2 integrity of vital records and to prevent the fraudulent use of birth certi-  
3 ficates of deceased persons, the state registrar is hereby authorized to  
4 match birth and death certificates, in accordance with written standards  
5 promulgated by the state registrar to prove beyond a reasonable doubt  
6 the fact of death, and to post the facts of death to the appropriate birth

7 certificate. Copies issued from birth certificates marked deceased shall  
8 be similarly marked.

1 Section 30. [*Penalties.*]

2 (a) A fine of not more than \$10,000 or imprisonment of not more than  
3 five years, or both, shall be imposed on:

4 (1) Any person who willfully and knowingly makes any false state-  
5 ment in a certificate, record, or report required by this act, or in an appli-  
6 cation for an amendment thereof, or in an application for a certified copy  
7 of a vital record, or who willfully and knowingly supplies false informa-  
8 tion intending that such information be used in the preparation of any such  
9 report, record, or certificate, or amendment thereof.

10 (2) Any person who without lawful authority and with the intent to  
11 deceive makes, counterfeits, alters, amends, or mutilates any certificate,  
12 record, or report required by this act or a certified copy of such certificate,  
13 record, or report.

14 (3) Any person who willfully and knowingly obtains, possesses, uses,  
15 sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to an-  
16 other, for any purpose of deception, any certificate, record, or report re-  
17 quired by this act or certified copy thereof so made, counterfeited, altered,  
18 amended, or mutilated, or which is false in whole or in part or which re-  
19 lates to the birth of another person, whether living or deceased.

20 (4) Any employee of the [Office of Vital Statistics or any office desig-  
21 nated under Section 6(b)] who willfully and knowingly furnishes or  
22 processes a certificate of birth, or certified copy of a certificate of birth,  
23 with the knowledge or intention that it be used for the purposes of decep-  
24 tion.

25 (5) Any person who without lawful authority possesses any certificate,  
26 record, or report, required by this act or a copy or certified copy of such  
27 certificate, record, or report knowing same to have been stolen or other-  
28 wise unlawfully obtained.

29 (b) A fine of not more than \$1,000 or imprisonment of not more than  
30 one year, or both, shall be imposed on:

31 (1) Any person who willfully and knowingly refuses to provide in-  
32 formation required by this act or regulations adopted hereunder.

33 (2) Any person who willfully and knowingly transports or accepts  
34 for transportation, interment, or other disposition a dead body without an  
35 accompanying permit as provided in this act.

36 (3) Any person who willfully and knowingly neglects or violates any  
37 of the provisions of this act or refuses to perform any of the duties imposed  
38 upon him or her by this act.

1 Section 31. [*Applicability.*] The provisions of this act also apply to all  
2 certificates of birth, death, marriage, and reports of [divorce, dissolution  
3 of marriage, or annulment], spontaneous fetal death, and induced termina-

4 tion of pregnancy previously received by the [Office of Vital Statistics]  
5 and in the custody of the state registrar or any other [custodian of vital  
6 records].

1 Section 32. [*Uniformity of Interpretation.*] This act shall be so con-  
2 structed as to effectuate its general purpose to make uniform the laws of  
3 those states which enact it.

1 Section 33. [*Severability.*] [Insert severability clause.]

1 Section 34. [*Repeal.*] [Insert repealer clause.]

1 Section 35. [*Effective Date.*] [Insert effective date.]

• 1  
Model State Vital Statistics Regulations

This set of Model State Vital Statistics Regulations has been developed to supplement the Model State Vital Statistics Act of 1977 and to serve as a more detailed guide to state and local registration officials who administer the vital statistics system of the United States.

Regulation 1. Duties of State Registrar.

(Authorization: Section 6 of the model act)

Regulation 1.1. [*Forms.*] All forms, certificates, and reports used in the system of vital statistics are the property of the [state public health administrative agency], hereinafter referred to as "state agency," and shall be surrendered to the state registrar of vital statistics hereinafter referred to as "state registrar," upon demand. The forms prescribed and distributed by the state registrar for reporting vital statistics shall be used only for official purposes. Only those forms furnished or approved by the state registrar shall be used in the reporting of vital statistics or in making copies thereof.

Regulation 1.2. [*Requirements for Preparation of Certificates.*] All certificates and records relating to vital statistics must either be prepared on a typewriter with a black ribbon or printed legibly in black, unfading ink. All signatures required shall be entered in black, unfading ink. Unless otherwise directed by the state registrar, no certificate shall be complete and correct and acceptable for registration:

- (1) That does not have the certifier's name typed or printed legibly under his or her signature.
- (2) That does not supply all items of information called for thereon or satisfactorily account for their omission.
- (3) That contains alterations or erasures.
- (4) That does not contain handwritten signatures as required.
- (5) That is marked "copy" or "duplicate."
- (6) That is a carbon copy.
- (7) That is prepared on an improper form.
- (8) That contains improper or inconsistent data.
- (9) That contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease.
- (10) That is not prepared in conformity with regulations or instructions issued by the state registrar.

### Regulation 1.3. [Designation of Additional Offices.]

(a) The state registrar shall determine whether offices other than the [Office of Vital Statistics] are needed in this state to aid in the efficient administration of the system of vital statistics. Such determination shall be based on an evaluation of the most efficient method to meet the needs of the people of this state with respect to the establishment and operation of the system of vital statistics.

(b) If the state registrar determines that additional offices are necessary, such offices shall be designated with the approval of the state agency. The duties and responsibilities may be assigned to currently existing offices or special branch offices of the [Office of Vital Statistics] may be established in those areas where they are deemed necessary, or a combination of existing offices and branch offices may be used. In all cases where existing offices are utilized, the employees of such offices shall be subject to the control of the state registrar when they are performing functions relating to the system of vital statistics.

(c) The state registrar shall delegate such duties and responsibilities to such offices as he deems necessary to ensure the efficient operation of the system of vital statistics. These may include any or all of the following:

(1) The receipt and processing of birth, death, and spontaneous fetal death records. This would include the receipt of these records from the person responsible for filing the record, checking them for accuracy and completeness, and forwarding them to the [Office of Vital Statistics] at intervals prescribed by the state registrar.

(2) Issuance of certified copies of birth and/or death records. The records from which the certified copies are issued shall be provided by the [Office of Vital Statistics]. All forms and procedures used to issue the copies shall be provided or approved by the state registrar. If it is deemed appropriate and feasible, any such office may be provided access to all birth and/or death records filed in this state.

(3) Acting as the agent of the state registrar in their designated area and providing assistance to physicians, hospitals, funeral directors, and others in matters related to the system of vital statistics.

(d) The state registrar, with the approval of the state agency, shall determine the responsibilities and duties of each office independently.

### Regulation 2. Infants of Unknown Parentage; Foundling Registration.

(Authorization: Section 9 of the model act)

(a) The report for an infant of unknown parentage shall be registered on a regular certificate of live birth and shall:

- (1) Have "foundling" plainly marked in the top margin of the certificate.
- (2) Show the required facts as determined by approximation and have parentage data left blank.
- (3) Show the signature and title of the custodian in lieu of the attendant.

(b) When a report has been placed in a special file as provided by [Section 9(d) of the model act], the state registrar may inspect such information for purposes of properly administering the vital statistics program.

### Regulation 3. Delayed Registration of Birth.

(Authorization: Section 10 of the model act)

#### Regulation 3.1. [Registration—Five Days to One Year.]

(a) Certificates of birth filed after five days, but within one year from the date of birth, shall be registered on the standard form of live birth certificate in the manner prescribed in [Section 8 of the model act]. Such certificate shall not be marked "Delayed."

(b) In any case where the certificate is signed by someone other than the attendant or person in charge of the institution where birth occurred, a notarized statement setting forth the reason therefor must be attached to the certificate. The state registrar may require additional evidence in support of the facts of birth and/or an explanation of why the certificate of birth was not filed within the required five days.

Regulation 3.2. [Delayed Certificate of Birth Form.] All certificates registered one year or more after the date of birth are to be registered on a delayed certificate of birth form prescribed by the state registrar.

#### Regulation 3.3. [Who May Request the Registration of and Sign a Delayed Certificate of Birth.]

(a) Any person born in this state whose birth is not recorded in this state, or his parent, guardian, next of kin, or older person acting for the registrant and having personal knowledge of the facts of birth may request the registration of a delayed certificate of birth, subject to these regulations and instructions issued by the state registrar.

(b) Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered if such person is 18 years of age or over and is competent to sign and swear to the accuracy of the facts stated therein; otherwise the certificate shall be signed and sworn to by one of the following in the indicated order of priority.

- (1) One of the parents of the registrant.
- (2) The guardian of the registrant.
- (3) The next of kin of the registrant.
- (4) Any older person having personal knowledge of the facts of birth.

Regulation 3.4. [Facts to be Established for a Delayed Registration of Birth.] The minimum facts which must be established by documentary evidence shall be the following:

- (1) The full name of the person at the time of birth.
- (2) The date of birth and place of birth.
- (3) The full maiden name of the mother.
- (4) The full name of the father; except that if the mother was not married either at the time of conception or birth the name of the father shall not be entered on the delayed certificate except as provided in Regulation 3.5.

#### Regulation 3.5. [Delayed Registration Following a Legal Change of Status.]

(a) When evidence is presented reflecting a legal change of status by adoption, legitimation, paternity determination, or acknowledgment of paternity, a new delayed certificate may be established to reflect such change.

(b) The existing certificate and the evidence upon which the new certificate was based shall be placed in a special file. Such file shall not be subject to inspection except upon order of [court of competent jurisdiction] or by the state registrar for purposes of properly administering the vital statistics program.

#### Regulation 3.6. [Documentary Evidence—Requirements.]

(a) To be acceptable for filing, the name of the registrant and the date and place of birth entered on a delayed certificate of birth shall be supported by at least:

- (1) Two pieces of documentary evidence, only one of which may be an affidavit of personal knowledge, if the record is filed within seven years after the date of birth.
- (2) Three pieces of documentary evidence, only one of which may be an affidavit of personal knowledge, if the record is filed seven years or more after the date of birth.

(b) Facts of parentage shall be supported by at least one document which may be one of the documents above other than an affidavit of personal knowledge.

#### Regulation 3.7. [Documentary Evidence—Acceptability.]

(a) The state registrar may establish a priority of best evidence.

(b) Documents presented, such as census, hospital, church, and school records, must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or record.

(c) All documents submitted in evidence, other than an affidavit of personal knowledge, must have been established at least 10 years prior to the date of application or have been established prior to the applicant's tenth birthday.

(d) An affidavit of personal knowledge, to be acceptable, must be prepared by one of the parents, other relative, or any older person and must be signed before an official authorized to administer oaths. In all cases, the affiant must be at least 10 years older than the applicant and have personal knowledge of the facts of birth.

#### Regulation 3.8. [Abstraction of Documentary Evidence.]

(a) The state registrar, or his or her designated representative, shall abstract on the delayed certificate of birth a description of each document submitted to support the facts shown on the delayed birth certificate. This description shall include:

- (1) The title or description of the document.
  - (2) The name and address of the affiant, if the document is an affidavit of personal knowledge, or of the custodian, if the document is an original or certified copy of a record or a signed statement from the custodian.
  - (3) The date of the original filing of the document being abstracted.
  - (4) The information regarding the birth facts contained in the document.
- (b) All documents submitted in support of the delayed birth registration shall be returned to the applicant after review.

**Regulation 3.9. [Certification by the State Registrar.]** The state registrar, or his or her designated representative, shall, by signature, certify:

- (1) That no prior birth certificate is on file for the person whose birth is to be recorded.
- (2) That he or she has reviewed the evidence submitted to establish the facts of birth.
- (3) That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

**Regulation 3.10. [Dismissal after One Year.]** Applications for delayed certificates which have not been completed within one year from the date of application may be dismissed at the discretion of the state registrar. Upon dismissal, the state registrar shall so advise the applicant and all documents submitted in support of such registration shall be returned to the applicant.

**Regulation 4. New Certificates of Birth Following Adoption, Legitimation, Paternity Determination, and Paternity Acknowledgment.**  
(Authorization: Section 13 of the model act)

**Regulation 4.1. [Legitimation.]** If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the state registrar for a child born in this state upon receipt of a sworn acknowledgment of paternity signed by the natural parents of said child together with a certified copy of the parents' marriage record. However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity is made by [court of competent jurisdiction], or following adoption.

**Regulation 4.2. [Determination of Paternity.]** A new certificate of birth shall be prepared by the state registrar for a child born in this state upon receipt of a certified copy of a court determination of paternity, together with a request from the natural mother or person having legal custody of said child that such new certificate be prepared. If the surname of the child is not decreed by the court, the request for the new certificate shall specify the surname to be placed on the certificate.

**Regulation 4.3. [Acknowledgment of Paternity.]** A new certificate of birth shall be prepared by the state registrar for a child born out of wedlock in this state upon receipt of a sworn acknowledgment of paternity signed by both parents and a written request by both parents that the child's surname be changed on the certificate to that of the father. However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity is made by [court of competent jurisdiction], or following adoption.

**Regulation 4.4. [New Certificate.]**

- (a) The new certificate of birth prepared after adoption, legitimation, determination of paternity, or acknowledgment of paternity shall be on the form in use at the time of its preparation and shall include the following items and such other information necessary to complete the certificate:
- (1) The name of the child.
  - (2) The date and place of birth as transcribed from the original certificate.

(3) The names and personal particulars of the adoptive parents or of the natural parents, whichever is appropriate.

(4) The name of the attendant, printed or typed.

(5) The birth number assigned to the original birth certificate.

(6) The original filing date.

(b) The information necessary to locate the existing certificate and to complete the new certificate shall be submitted to the state registrar on forms prescribed or approved by him or her.

**Regulation 4.5. [Existing Certificate to be Placed in a Special File.]** After preparation of the new certificate, the existing certificate and the evidence upon which the new certificate was based are to be placed in a special file. Such file shall not be subject to inspection except upon order of [court of competent jurisdiction] or by the state registrar for purposes of properly administering the vital statistics program.

**Regulation 5. Death Registration.**

(Authorization: Section 14 of the model act)

**Regulation 5.1. [Acceptance of Incomplete Death Certificate.]**

(a) If all the information necessary to complete a death certificate is not available within the time prescribed for filing of the certificate, the funeral director shall file the certificate completed with all information that is available. In all cases the medical certification must be signed by the person responsible for such certification. If the cause of death is unknown or undetermined, the cause of death shall be shown as such on the certificate. The person signing the medical certification of cause of death also shall sign the authorization for final disposition of the body.

(b) A supplemental report providing the information missing from the original certificate shall be filed with the state registrar as soon as possible, but in all cases within 30 days of the date the death occurred.

(c) The supplemental report shall be made a part of the existing death certificate. Such report shall be considered an amendment, and the death certificate shall be marked "Amended."

**Regulation 5.2. [Hospital or Institution May Assist in Preparation of Certificate.]** When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the [medical examiner, coroner], the person in charge of such institution, or his or her designated representative, may initiate the preparation of the death certificate as follows:

(1) Place the full name of the decedent and the date and place of death on the death certificate and obtain from the attending physician the medical certification of cause of death and the physician's signature.

(2) Present the partially completed death certificate to the funeral director or person acting as such.

**Regulation 6. Delayed Registration of Death.**

(Authorization: Section 15 of the model act)

(a) The registration of a death after the time prescribed by statute and regulations shall be registered on the regular certificate of death form in the manner prescribed below:

(1) If the attending physician or [medical examiner, coroner] at the time of death and the attending funeral director or person who acted as such are available to complete and sign the certificate of death, it may be completed without additional evidence and filed with the state registrar. For those certificates filed one year or more after the date of death, the physician or [medical examiner, coroner] and the funeral director or person who acted as such must state in accompanying affidavits that the information on the certificate is based on records kept in their files.

(2) In the absence of the attending physician or [medical examiner, coroner] and the funeral director or person who acted as such, the certificate may be filed by the next of kin of the decedent and shall be accompanied by:

(i) An affidavit of the person filing the certificate swearing to the accuracy of the information

on the certificate.

(ii) Two documents which identify the decedent and his or her date and place of death.

(b) In all cases, the state registrar may require additional documentary evidence to prove the facts of death.

(c) A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

#### Regulation 7. Disposition of Reports of Spontaneous Fetal Death and Induced Termination of Pregnancy.

(Authorization: Section 18 of the model act)

(a) Reports of spontaneous fetal death and reports of induced termination of pregnancy are statistical reports only and are not to be incorporated into the official records of the [Office of Vital Statistics]. The state registrar is authorized to dispose of such reports when all statistical processing of the records has been accomplished. However, the state registrar may establish a file of such records so they will be available for future statistical and research projects provided such file is not made a part of the official records and the reports are not made available for the issuance of certified copies. Such file shall be retained for as long as the state registrar deems necessary and it shall then be destroyed. The file may be maintained by photographic, electronic, or other means as determined by the state registrar, in which case the original report from which the photographic, electronic, or other file was made shall be destroyed.

(b) The provisions of this regulation shall also apply to all records of spontaneous fetal death or induced termination of pregnancy filed prior to the adoption of this regulation.

#### Regulation 8. Authorization for Final Disposition.

(Authorization: Section 19 of the model act)

Regulation 8.1. [*Removal of Body.*] Before removing a dead body or fetus from the place of death, the funeral director or person acting as such shall:

(1) Obtain assurance from the attending physician that death is from natural causes and that the physician will assume responsibility for certifying to the cause of death or fetal death and receive permission to remove the body from the place of death.

(2) Notify the [medical examiner, coroner] if the case comes within his or her jurisdiction and obtain authorization to remove the body.

#### Regulation 8.2. [*Authorization for Disinterment and Reinterment.*]

(a) An authorization for disinterment and reinterment of a dead body shall be issued by the state registrar upon receipt of a written application signed by the next of kin and the person who is in charge of the disinterment or upon receipt of an order of [court of competent jurisdiction] directing such disinterment.

(b) Upon receipt of a court order or signed permission of the next of kin, the state registrar may issue one authorization to permit disinterment and reinterment of all remains in a mass disinterment, provided, that, insofar as possible, the remains of each body be identified and the place of disinterment and reinterment specified. The authorization shall be permission for disinterment, transportation, and reinterment.

(c) A dead body properly prepared by an embalmer and deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.

#### Regulation 9. Delayed Registration of Marriage.

(Authorization: Section 20 of the model act)

(a) The registration of a marriage after the time prescribed by statute shall be made on the regular certificate of marriage form in the manner prescribed below:

(1) The certificate must be filed with the [appropriate official] where the marriage license was originally issued.

(2) To be acceptable for registration by the state registrar, the delayed certificate of marriage must

be supported by:

(i) A copy of the license or of the application for license if the license was granted.

(ii) A signed statement from the officiant or the custodian of the official record and from one witness to the wedding ceremony proving that a marriage ceremony was performed and the date and place of the marriage.

(b) In all cases, the state registrar may require additional documentary evidence to prove the facts of marriage.

#### Regulation 10. Amendment of Vital Records.

(Authorization: Section 22 of the model act)

Regulation 10.1. [*Amendment of Minor Errors on Birth Certificates during the First Year.*] Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions may be made by the state registrar within the first year after the date of birth either upon his or her own observation or query or upon request of a person with a direct and tangible interest in the certificate, as defined in Regulation 12. When such additions or minor amendments are made by the state registrar, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change, shall be made on the certificate in such a way as not to become a part of any certification issued. The certificate shall not be marked "Amended."

#### Regulation 10.2. [*All Other Amendments.*]

(a) Unless otherwise provided in these regulations or in the statute, all other amendments to vital records shall be supported by:

(1) An affidavit setting forth:

(i) Information to identify the certificate.

(ii) The incorrect data as it is listed on the certificate.

(iii) The correct data as it should appear.

(2) One or more items of documentary evidence which support the alleged facts and which were established at least five years prior to the date of application for amendment or within seven years of the date of the event.

(b) The state registrar shall evaluate the evidence submitted in support of any amendment, and when he or she finds reason to doubt its validity or adequacy the amendment may be rejected and the applicant advised of the reasons for this action.

#### Regulation 10.3. [*Who May Apply*]

(a) To amend a birth certificate, application may be made by one of the parents, the guardian, the registrant if 18 years of age or over, or the individual responsible for filing the certificate.

(b) To amend a death certificate, application may be made by the next of kin or the funeral director or person acting as such who signed the death certificate. Applications to amend the medical certification of cause of death shall be made only by the physician who signed the medical certification or the [medical examiner, coroner].

(c) To amend certificates of marriage and reports of [divorce, dissolution of marriage, or annulment], a signed statement must be received from the custodian of the official record from which the report or certificate was prepared, stating in what manner such record has been amended. Those items appearing on the [divorce, dissolution of marriage, or annulment] record which are not a part of the [divorce, dissolution of marriage, or annulment] decree may be amended either upon query by the state registrar or application of the parties to the [divorce, dissolution of marriage, or annulment], or their legal representatives.

#### Regulation 10.4. [*Amendment of Registrant's Given Names on Birth Certificates within the First Year.*]

(a) Until the registrant's first birthday, given names may be amended upon written request of:

(1) Both parents.

(2) The mother in the case of a child born out of wedlock.

- (3) The father in the case of the death or incapacity of the mother.
- (4) The mother in the case of the death or incapacity of the father.
- (5) The guardian or agency having legal custody of the registrant.

(b) After one year from the date of birth, the provisions of Regulation 10.2 must be followed to amend a given name if the name was entered incorrectly on the birth certificate. A legal change of name order must be submitted from [court of competent jurisdiction] to change a given name after one year.

**Regulation 10.5. [Addition of Given Names on Birth Certificates.]**

(a) Until the registrant's seventh birthday, given names, for a child whose birth was recorded without given names, may be added to the certificate upon written request of:

- (1) Both parents.
- (2) The mother in the case of a child born out of wedlock.
- (3) The father in the case of the death or incapacity of the mother.
- (4) The mother in the case of the death or incapacity of the father.
- (5) The guardian or agency having legal custody of the registrant.

(b) After seven years the provisions of Regulation 10.2 must be followed to add a given name.

**Regulation 10.6. [Medical Items.]** All items of a medical nature may be amended only upon receipt of a signed statement from those persons responsible for the completion of such items. The state registrar may require documentary evidence to substantiate the requested amendment.

**Regulation 10.7. [Amendment of the Same Item More than Once.]** Once an amendment of an item is made on a vital record, that item shall not be amended again except upon receipt of a court order from [court of competent jurisdiction].

**Regulation 10.8. [Methods of Amending Certificates.]**

(a) Certificates of birth, death, and marriage and reports of [divorce, dissolution of marriage, or annulment] may be amended by the state registrar in the following manner:

(1) Preparing a new certificate showing the correct information when the state registrar deems that the nature of the amendment so requires. The new certificate shall be prepared on the form used for registering current events at the time of amendment. Except as provided elsewhere in these regulations, the item number of the entry that was amended shall be identified on the new certificate. In all cases, the new certificate shall show the date the amendment was made and be given the same state file number as the existing certificate. Signatures appearing on the existing certificate shall be typed on the new certificate.

(2) Completing the item in any case where the item was left blank on the existing certificate.

(3) Drawing a single line through the item to be amended and inserting the correct data immediately above or to the side thereof. The line drawn through the original entry shall not obliterate such entry.

(4) Completing a special form for attachment to the original record. Such form shall include the incorrect information as it appears on the original certificate, the correct information as it should appear, an abstract of the documentation used to support the amendment, and sufficient information about the registrant to link the special form to the original record. When a copy of the original record is issued, a copy of the amendment must be attached.

(5) A certificate of birth amended pursuant to the provisions of [Section 22(e) of the model act] shall be amended by preparing a new certificate. The item numbers of the entries that were amended shall not, however, be identified on the new certificate or on any certified copies that may be issued of that certificate.

(b) In all cases, there shall be inserted on the certificate a statement identifying the affidavit and documentary evidence used as proof of the correct facts, the date the amendment was made, and the initials of the person making the change. As required by statute or regulation, the certificate shall be marked "Amended."

**Regulation 11. Record Preservation.**

(Authorization: Section 23 of the model act)

(a) When an authorized reproduction of a vital record has been properly prepared by the state registrar and when all steps have been taken to ensure the continued preservation of the information, the record from which such authorized reproduction was made may be disposed of by the state registrar. Such record may not be disposed of, however, until the quality of the authorized reproduction has been tested to ensure that acceptable certified copies can be issued and until a security copy of such document has been placed in a secure location removed from the building where the authorized reproduction is housed.

(b) The state registrar shall offer the original documents from which the authorized reproductions are made to the [state archival authority]. The [state archival authority] may be allowed to retain permanently such records provided they adhere to the restrictions in the vital statistics law related to access to such records. If the [state archival authority] does not wish to place such records in its files, the state registrar shall be authorized to destroy the documents. Such destruction shall be by approved methods for disposition of confidential or sensitive documents.

**Regulation 12. Disclosure of Records.**

(Authorization: Section 24 of the model act)

(a) To protect the integrity of vital records:

(1) The state registrar or other custodians of vital records shall not permit inspection of, or disclose information contained in vital statistics records, or copy or issue a copy of all or part of any such record unless he or she is satisfied that the applicant has a direct and tangible interest in such record.

(i) The registrant, a member of his or her immediate family, his or her guardian, or their respective legal representatives shall be considered to have a direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.

(ii) The term "legal representative" shall include an attorney, physician, funeral director, or other authorized agent acting in behalf of the registrant or his or her family.

(iii) The natural parents of adopted children, when neither has custody, and commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.

(2) The state registrar may permit the use of data from vital statistics records for statistical or research purposes, subject to such conditions as the state registrar may impose. No data shall be furnished from records for research purposes until the state registrar has prepared, in writing, the conditions under which the records or data will be used and received an agreement signed by a responsible agent of the research organization agreeing to meet with and conform to such conditions.

(3) The state registrar or the local custodian may disclose data from vital statistics records to federal, state, county, or municipal agencies of government which request such data in the conduct of their official duties.

(4) Information from vital statistics records indicating a birth occurred out of wedlock may be disclosed only if it can be shown that disclosure of the information will be of benefit to the registrant.

(5) The state registrar or local custodian shall not issue a certified copy of a record until a signed application has been received from the applicant. Whenever it shall be deemed necessary to establish an applicant's right to information from a vital record, the state registrar or local custodian may also require identification of the applicant or a sworn statement.

(6) Nothing in this regulation shall be construed to permit disclosure of information contained in the "Information for Medical and Health Use Only" section of the birth certificate or the "Information for Statistical Purposes Only" section of the certificate of marriage or report of [divorce, dissolution of marriage, or annulment] unless specifically authorized by the state registrar for statistical or research purposes or if authorized by [court of competent jurisdiction].

(7) When 100 years have elapsed after the date of birth or 50 years have elapsed after the date of death, marriage, or [divorce, dissolution of marriage, or annulment], such records in the custody of the state registrar shall become public records and any person may obtain copies of such records, upon submission of an application containing sufficient information to locate the record. For each copy issued

or search of the files made, the state registrar shall collect the same fee as is charged for the issuance of certified copies or a search of the files for other records in his or her possession.

[(b) The state registrar shall establish a public room where copies of these public records will be made available for viewing. Such records will be made available in photographic or other suitable format and adequate facilities for viewing will be provided. Each person using this facility will be charged a fee of \$[ ] per hour or fraction thereof.]

#### Regulation 13. Copies of Data from Vital Records.

(Authorization: Section 25 of the model act)

(a) Full or short form certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except that the information contained in the "Information for Medical and Health Use Only" section of the birth certificate or the "Information for Statistical Purposes Only" section of the certificate of marriage and report of [divorce, dissolution of marriage, or annulment] shall not be included.

(b) When a certified copy is issued, each certification shall be certified as a true copy by the officer in whose custody the record is entrusted and shall include the date issued, the name of the issuing officer, the registrar's signature or an authorized facsimile thereof, and the seal of the issuing office.

(c) Confidential verification of the facts contained in a vital record may be furnished by the state registrar to any federal, state, county, or municipal government agency or to any other agency representing the interest of the registrant, subject to the limitations as indicated in (a) above. Such confidential verifications shall be on forms prescribed and furnished by the state registrar or on forms furnished by the requesting agency and acceptable to the state registrar; or, the state registrar may authorize the verification in other ways when it shall prove in the best interests of his or her office.

(d) When the state registrar finds evidence that a certificate was registered through misrepresentation or fraud, he or she shall have authority to withhold the issuance of a certified copy of such certificate until a court determination of the facts has been made.

#### Regulation 14. Fees for Copies and Searches.

(Authorization: Section 26 of the model act)

(a) No certified copy shall be issued until the fee for such copy is received unless specific approval has been obtained from the state registrar or otherwise provided for by statute or regulation.

(b) For the issuance of a full certified copy or short form or birth card certification of a vital record, the fee shall be \$[ ] per copy. For each search of the files when no record is found or no copy is made, the fee shall be \$[ ]. For statistical research purposes, the state registrar shall determine the fee for such services on the basis of the costs of providing such services and determine the manner in which such costs must be paid.

#### Regulation 15. Persons Required to Keep Records.

(Authorization: Section 27 of the model act)

(a) Each funeral director shall keep a record containing, as a minimum, the following information about each dead body or fetus the funeral director handles:

- (1) The date, place, and time of receipt.
- (2) The date, place, and manner of disposition.
- (3) If the dead body or fetus is delivered to another funeral director, the date of such delivery and the name and address of the funeral director to whom delivered.
- (4) The items required by the certificate of death for those deaths for which the funeral director was required to file the certificate.

#### Regulation 16. Matching of Birth and Death Certificates.

(Authorization: Section 29 of the model act)

(a) When carrying out the birth and death matching program, the state registrar shall establish written guidelines which provide the standards for determining a match does exist. These standards shall specify the information about the decedent which must be available and which must be compared to the information on the birth certificate before a match can be made. These items shall include as a minimum:

name of decedent, name of father and maiden name of mother, date of birth or age of decedent, state of birth of decedent, and marital status of decedent. No match shall be made unless there is documented proof of the fact of death.

(b) The date of death, the state where death occurred, and the death certificate number shall be posted to the birth certificate.