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FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 251

HOUSE BILL 2010

AN ACT

AMENDING SECTIONS 36-322, 36-327 AND 36-329, ARIZONA REVISED STATUTES;
RELATING TO VITAL STATISTICS.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-322, Arizona Revised Statutes, is amended to
3 read:

4 36-322. Birth registration

5 A. A certificate of live birth for each child born alive in this state
6 shall be filed with the designated registrar within seven days following the
7 birth with the document prescribed in subsection C of this section. THIS MAY
8 BE DONE BY ELECTRONIC MEANS AS PRESCRIBED BY THE STATE REGISTRAR OF VITAL
9 STATISTICS. If a statement is filed pursuant to section 12-852, subsection
10 ~~D~~ A, the document shall be forwarded to the designated registrar with the
11 birth certificate.

12 B. If a birth occurs in a moving conveyance, ~~such~~ THE birth shall be
13 considered to have occurred in the place where the child was initially
14 removed from the conveyance.

15 C. ~~When~~ IF a birth occurs in an institution, the person in charge of
16 the institution or ~~his~~ THAT PERSON'S designated representative shall obtain
17 the personal data, prepare the certificate, obtain the required signatures
18 of the informant and attendant, and file the certificate with the designated
19 registrar. The personal data shall include the social security numbers of
20 the mother and father. The social security numbers shall be filed with the
21 certificate as a separate document. The social security numbers shall not
22 appear on the birth certificate. The persons certifying to required
23 information shall furnish this information and affix their signatures in
24 sufficient time to enable the certificate and the accompanying document to

1 be filed within the prescribed period. If a child is born out of wedlock in
2 an institution, the parents shall have an opportunity to voluntarily
3 acknowledge paternity immediately before or after the birth of the child.

4 ~~D. If the mother or father does not have a social security number,~~
5 ~~another legal identifying number may be used pursuant to subsection L of this~~
6 ~~section.~~

7 ~~E.~~ D. ~~When~~ IF the birth occurs outside an institution, the necessary
8 data prescribed in subsection C of this section shall be obtained and the
9 certificate and the accompanying document shall be prepared and filed by one
10 of the following in the indicated order of priority:

11 1. The physician in attendance at or immediately after the birth.

12 2. In the absence of a physician, any other person in medical
13 attendance at or immediately after the birth.

14 3. In the absence of the person prescribed in paragraph 2 OF THIS
15 SUBSECTION, the mother, the father, or any other family member who can supply
16 the required information, or the person in charge of the premises where the
17 birth occurred.

18 4. In the absence or inability of a person prescribed in paragraph 3
19 OF THIS SUBSECTION to act, any other person who witnessed the birth and can
20 supply the required information.

21 ~~F.~~ E. If the mother of a child is married at the time of birth of the
22 child or was married at any time in the ten months immediately preceding ~~such~~
23 THE birth, the name of her husband shall be entered on the birth certificate
24 as the father and is otherwise presumed to be the father of the child, except
25 where paternity has been established otherwise by a court of competent
26 jurisdiction. In such instance, the name of the man so adjudged shall be
27 entered on the record as the father.

28 ~~G.~~ F. If the mother of a child is unmarried at the time of birth of
29 the child and was unmarried throughout the ten months immediately preceding
30 ~~such~~ THE birth, the name of the alleged father, if any, shall not be entered
31 on the birth certificate unless sworn statements acknowledging ~~such~~ paternity
32 are voluntarily presented by both the alleged father and the mother, or
33 unless paternity has been established by a court of competent jurisdiction.

34 ~~H.~~ G. Either parent may sign the birth certificate attesting to the
35 accuracy of the personal data. If no parent is available to sign, the record
36 may be signed by another family member or other person possessing personal
37 knowledge of the information attested to.

38 ~~I.~~ H. Except in class A registration districts, the birth certificate
39 of a child born out of wedlock shall be filed directly with the state
40 registrar.

41 ~~J.~~ I. The state registrar shall not refuse to register a birth
42 certificate because the certificate fails to include the name of the father
43 required by subsection F of this section.

1 ~~K~~ J. Registration of a birth certificate shall be accompanied by the
2 social security numbers of the mother and father. If the provisions of
3 subsection G of this section apply, the social security number of the alleged
4 father of the child shall be provided whether paternity has been established
5 or acknowledged. This information shall be available on request to the child
6 support enforcement agency for purposes of locating the absent parent or
7 alleged father or for establishment or enforcement of child support orders.

8 ~~L~~ K. If the mother or father does not have a social security number,
9 another legal identifying number may be used, including a tribal enrollment
10 number, an immigration AND naturalization service alien registration number
11 or a nonimmigrant visa number. If a person has an immigration AND
12 naturalization service alien registration number and a nonimmigrant visa
13 number, that person shall submit both numbers.

14 ~~M~~ L. The department shall adopt rules providing for good cause
15 exceptions to the requirements of this section. Good cause exceptions shall
16 include a case in which:

- 17 1. A parent is not a United States citizen, ~~in which.~~
- 18 2. The name, identity or whereabouts of the father ~~is~~ ARE unknown, ~~in~~
19 which.
- 20 3. The name of the father does not appear on the birth certificate, ~~-~~
21 in which.
- 22 4. The child was conceived as a result of incest or ~~forcible rape~~
23 SEXUAL ASSAULT, ~~or in which.~~
- 24 5. Legal proceedings for the adoption of the child are pending before
25 a court of competent jurisdiction.

26 Sec. 2. Section 36-327, Arizona Revised Statutes, is amended to read:
27 36-327. Death registration

28 A. A death certificate for each person dying in this state shall be
29 filed with the local registrar within three days following ~~such~~ THE death and
30 prior to cremation or removal of the dead body from that registration
31 district. THIS MAY BE DONE BY ELECTRONIC MEANS AS PRESCRIBED BY THE STATE
32 REGISTRAR OF VITAL STATISTICS. If the place of death is unknown, the death
33 shall be considered to have occurred in the place where the dead human
34 remains were found. If the person died in a moving conveyance, the death
35 shall be considered to have occurred in the place where the body was
36 initially removed from the conveyance.

37 B. The funeral director or person acting in ~~such~~ THAT capacity who
38 first assumes custody of a dead body or dead human remains is responsible for
39 executing and filing the death certificate ~~and he.~~ BEFORE FILING THE
40 CERTIFICATE THAT PERSON shall:

- 41 1. Obtain the personal data from the next of kin or the best qualified
42 person or source available.

1 2. Obtain the medical certification of cause of death from the person
2 hereinafter designated, ~~and he shall.~~

3 3. Enter the date, place and method of final disposition ~~and.~~

4 4. Affix ~~his~~ THAT PERSON'S signature and address ~~before filing the~~
5 ~~certificate with the registrar.~~

6 C. The medical certification shall be completed and signed within
7 seventy-two hours by the physician in charge of the patient's care for the
8 illness or condition resulting in death, except as may be provided by
9 regulation for special situations or when death is subject to county medical
10 examiner jurisdiction.

11 D. ~~When~~ IF THE death occurred without medical attendance or under such
12 circumstances as to require county medical examiner investigation under
13 section 11-593, the medical examiner shall complete and sign the medical
14 certification in sufficient time to enable the certificate to be filed within
15 the prescribed time period, except as may be provided by ~~regulation~~ RULE for
16 special situations.

17 E. If death occurs without medical attendance on an Indian reservation
18 in this state and a county medical examiner is not available, the tribal law
19 enforcement authority, acting in an official investigative capacity, may
20 certify as to the cause and manner of death.

21 Sec. 3. Section 36-329, Arizona Revised Statutes, is amended to read:

22 36-329. Fetal death registration

23 A. A fetal death certificate for each fetal death occurring in this
24 state after a gestation period of twenty completed weeks or more shall be
25 filed with the designated registrar within three days following delivery and
26 prior to cremation or removal of the fetus from the registration district.
27 THIS MAY BE DONE BY ELECTRONIC MEANS AS PRESCRIBED BY THE STATE REGISTRAR OF
28 VITAL STATISTICS. If the place of occurrence of the fetal death is unknown,
29 the fetal death shall be considered to have occurred in the place where the
30 fetal remains were found. If the fetal death occurred in a moving
31 conveyance, the fetal death shall be considered to have occurred in the place
32 where the fetal remains were initially removed from the conveyance.

33 B. The funeral director or person acting in ~~such~~ THAT capacity, or the
34 person in charge of an institution or ~~his~~ THAT PERSON'S designated
35 representative who first assumes custody of a dead fetus for disposal
36 purposes ~~shall be~~ IS responsible for executing and filing the fetal death
37 certificate. The requirements for gathering the necessary information,
38 preparing the fetal death certificate, obtaining the required signatures, and
39 filing the certificate with the registrar ~~shall be~~ ARE the same as provided
40 in section 36-327, subsection B, for death certificates.

41 C. If no funeral director is employed, or if delivery occurred outside
42 an institution, the fetal death certificate shall be prepared and filed by
43 one of the following in the indicated order of priority:

- 1 1. The physician in attendance at or after delivery;~~or.~~
- 2 2. In the absence of a physician any other person in medical
- 3 attendance at or after delivery, or in the absence of ~~such~~ THAT person, the
- 4 mother, the father, or any other relative or family member who can supply the
- 5 required information or the person in charge of the premises where delivery
- 6 occurred;~~or.~~
- 7 3. In the absence or inability of ~~such~~ THAT person to act any other
- 8 person who witnessed the delivery and can supply the information.
- 9 D. The medical certification shall be completed and signed within
- 10 seventy-two hours by the physician in attendance at or immediately after
- 11 delivery, except as may be provided by regulation in special situations or
- 12 where a county medical examiner's investigation is required.
- 13 E. If delivery occurred without medical attendance or under such
- 14 circumstances as to require a county medical examiner's investigation under
- 15 section 11-593, the medical examiner or a person performing the duties of
- 16 county medical examiner shall complete and sign the medical certification in
- 17 sufficient time to enable the certificate to be filed within the prescribed
- 18 time period, except as may be provided by regulation for special situations.
- 19 Sec. 4. Advisory committee on electronic death certificates
- 20 A. The advisory committee on electronic death certificates is
- 21 established to assist the department of health services to develop and
- 22 implement an electronic death certificate system.
- 23 B. The director of the department of health services shall appoint the
- 24 following persons to the advisory committee:
- 25 1. The director of the department of health services or the director's
- 26 designee.
- 27 2. The manager of the office of vital records in the department of
- 28 health services.
- 29 3. The chief of the office of planning and health statistics in the
- 30 department of health services.
- 31 4. A representative of an urban county medical examiner's office.
- 32 5. A representative of a rural county medical examiner's office.
- 33 6. A representative of an urban hospital.
- 34 7. A representative of a rural hospital.
- 35 8. A representative of an urban county funeral establishment.
- 36 9. A representative of a rural county funeral establishment.
- 37 10. An allopathic physician licensed pursuant to title 32, chapter 13,
- 38 Arizona Revised Statutes.
- 39 11. An osteopathic physician licensed pursuant to title 32, chapter 17,
- 40 Arizona Revised Statutes.
- 41 12. A local registrar of an urban county.
- 42 13. A local registrar of a rural county.
- 43 C. Committee members are not eligible to receive compensation or
- 44 reimbursement of expenses.

1 D. The director of the department of health services or the director's
2 designee shall serve as the chairperson. The advisory committee shall meet
3 at the call of the chairperson.

4 E. For purposes of this section an urban county shall be one with a
5 population of five hundred thousand or more persons. A rural county shall
6 be one with a population of less than five hundred thousand persons.
7 Population shall be as determined by the most recent United States decennial
8 census.

9 F. The advisory committee shall submit a report of its findings and
10 recommendations to the governor, the speaker of the house of representatives,
11 the president of the senate, the secretary of state, the director of library,
12 archives and public records and the director of the department of health
13 services on or before July 31, 1997.

14 Sec. 5. Delayed repeal

15 Section 4 of this act is repealed from and after July 31, 1997.

APPROVED BY THE GOVERNOR APRIL 23, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 1996