

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 87

SENATE BILL 1303

AN ACT

AMENDING SECTIONS 36-301, 36-308, 36-322 AND 36-341, ARIZONA REVISED STATUTES; RELATING TO VITAL STATISTICS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-301, Arizona Revised Statutes, is amended to
3 read:

4 36-301. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Dead human remains" means a lifeless human body or parts OR BONES
7 of ~~such~~ THAT body or ~~bones~~ thereof from the state of which it may reasonably
8 be concluded that death recently occurred.

9 2. "ELECTRONIC" MEANS TECHNOLOGY THAT HAS ELECTRICAL, DIGITAL,
10 MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC OR SIMILAR CAPABILITIES.

11 ~~2.~~ 3. "Fetal death" means death prior to the complete expulsion or
12 extraction from its mother of a product of human conception, irrespective of
13 the duration of pregnancy. The death is indicated by the fact that after
14 ~~such~~ expulsion or extraction the fetus does not breathe or show any evidence
15 of life such as beating of the heart, pulsation of the umbilical cord, or
16 definite movement of voluntary muscles.

17 ~~3.~~ 4. "Filing" means the presentation of a certificate, report, or
18 other record provided for in this chapter, of a birth, death, fetal death,
19 or adoption for registration by the local registrar or the state registrar.

20 ~~4.~~ 5. "Final disposition" means the burial, interment, cremation,
21 or other disposition of a dead body or dead human remains.

22 ~~5.~~ 6. "Institution" means any establishment, public or private, which
23 THAT provides inpatient medical, surgical, or diagnostic care or treatment,
24 or nursing, custodial or domiciliary care to two or more unrelated persons,
25 or to which persons are committed by law.

26 ~~6.~~ 7. "Live birth" means the complete expulsion or extraction from
27 its mother of a product of human conception, irrespective of the duration of
28 pregnancy, which THAT, after ~~such~~ expulsion or extraction, breathes or shows
29 any other evidence of life such as beating of the heart, pulsation of the
30 umbilical cord, or definite movement of voluntary muscles, whether or not
31 the umbilical cord has been cut or the placenta is attached.

32 ~~7.~~ 8. "Physician" means a person ~~authorized~~ or licensed to practice
33 medicine ~~as provided in~~ PURSUANT TO title 32, chapters CHAPTER 13 and OR 17.

34 ~~8.~~ 9. "Registration" means the acceptance by the state registrar,
35 and the incorporation in ~~his~~ THE STATE REGISTRAR'S official records of
36 certificates, reports, or other records AS provided for in this chapter.

37 ~~9.~~ 10. "Vital records" means certificates, records, or reports of
38 birth, death, fetal death, AND adoption, and amendments and attachments
39 thereto TO THESE VITAL RECORDS.

40 ~~10.~~ 11. "Vital statistics" ~~include~~ MEANS the ELECTRONIC OR PHYSICAL
41 filing, registration, preservation, certification, transcription, amendment,
42 and analysis of vital records and RELATED activities ~~related~~ thereto
43 including the tabulation and publication of statistical data derived from
44 ~~such~~ THESE records.

1 C. If a birth occurs in an institution, the person in charge of the
2 institution or that person's designated representative shall obtain the
3 personal data, ~~AND prepare the certificate OR RECORD,~~. IF IT IS A PHYSICAL
4 CERTIFICATE OR RECORD, THE PERSON OR THE PERSON'S DESIGNEE SHALL obtain the
5 required signatures of the informant and attendant, ~~and file the certificate~~
6 ~~OR RECORD with the designated registrar. THE STATE REGISTRAR MAY ACCEPT~~
7 ~~CERTIFICATES OR RECORDS FILED ELECTRONICALLY WITHOUT SIGNATURES.~~ The
8 personal data shall include the social security numbers of the mother and
9 father. The social security numbers shall be filed with the certificate OR
10 RECORD as a separate document. The social security numbers shall not appear
11 on the birth certificate OR RECORD. The persons certifying to required
12 information shall furnish this information and affix their signatures in
13 sufficient time to enable the PHYSICAL certificate OR RECORD and the
14 accompanying document to be filed within the prescribed period. If a child
15 is born out of wedlock in an institution, the parents shall have an
16 opportunity to voluntarily acknowledge paternity immediately before or after
17 the birth of the child.

18 D. If the birth occurs outside an institution, the necessary data
19 prescribed in subsection C of this section shall be obtained and the
20 certificate and the accompanying document shall be prepared and filed by one
21 of the following in the indicated order of priority:

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

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

25 3. In the absence of the person prescribed in paragraph 2 of this
26 subsection, the mother, the father or any other family member who can supply
27 the required information, or the person in charge of the premises where the
28 birth occurred.

29 4. In the absence or inability of a person prescribed in paragraph 3
30 of this subsection to act, any other person who witnessed the birth and can
31 supply the required information.

32 E. If the mother of a child is married at the time of birth of the
33 child or was married at any time in the ten months immediately preceding
34 the birth, the name of her husband shall be entered on the birth certificate
35 as the father and is otherwise presumed to be the father of the child, ~~except~~
36 ~~where paternity has been established otherwise by a court of competent~~
37 ~~jurisdiction. IF A COURT OF COMPETENT JURISDICTION HAS ESTABLISHED THAT~~
38 ~~ANOTHER MAN IS THE CHILD'S FATHER, THAT MAN'S NAME in such instance, the name~~
39 ~~of the man so adjudged shall be entered on the record as the father.~~

40 F. If the mother of a child is unmarried at the time of birth of the
41 child and was unmarried throughout the ten months immediately preceding the
42 birth, the name of the alleged father, if any, shall not be entered on the
43 birth certificate unless sworn statements that comply with section 25-812,
44 subsection A, paragraph 2 acknowledging paternity are voluntarily presented
45 by both the alleged father and the mother, or unless paternity has been

1 established by a court of competent jurisdiction. The voluntary
2 acknowledgment of paternity that is made pursuant to this subsection is a
3 determination of paternity and has the same force ~~and effect~~ as a judgment
4 of the superior court subject to the right of the mother or alleged father
5 to rescind the acknowledgment pursuant to section 25-812.

6 G. The state registrar shall notify the state title IV-D agency of all
7 paternity determinations and rescissions.

8 H. Either parent may sign A PHYSICAL COPY OF the birth certificate OR
9 RECORD attesting to the accuracy of the personal data. If ~~no~~ A parent is NOT
10 available to sign, the record may be signed by another family member or other
11 person possessing personal knowledge of the information attested to.

12 I. Except in class A registration districts, the birth certificate OR
13 RECORD of a child born out of wedlock shall be filed directly with the state
14 registrar.

15 J. The state registrar shall not refuse to register a birth
16 certificate because the certificate ~~fails to~~ DOES NOT include the name of the
17 father required by subsection F of this section.

18 K. Registration of a birth certificate shall be accompanied by the
19 social security numbers of the mother and father. If ~~the provisions of~~
20 subsection G of this section ~~apply~~ APPLIES, the social security number of the
21 alleged father of the child shall be provided whether paternity has been
22 established or acknowledged. This information ~~shall be~~ IS available on
23 request to the child support enforcement agency ~~for purposes of locating~~ TO
24 LOCATE the absent parent or alleged father or ~~for establishment~~ TO ESTABLISH
25 or ~~enforcement of~~ ENFORCE child support orders.

26 L. If the mother or father does not have a social security number,
27 another legal identifying number may be used, including a tribal enrollment
28 number, an immigration and naturalization service alien registration number
29 or a nonimmigrant visa number. If a person has an immigration and
30 naturalization service alien registration number and a nonimmigrant visa
31 number, that person shall submit both numbers.

32 M. The department shall adopt rules providing for good cause
33 exceptions to the requirements of this section. Good cause exceptions shall
34 include a case in which:

- 35 1. A parent is not a United States citizen.
- 36 2. The name, identity or whereabouts of the father are unknown.
- 37 3. The name of the father does not appear on the birth certificate.
- 38 4. The child was conceived as a result of incest, sexual assault or
39 sexual conduct with a minor.
- 40 5. Legal proceedings for the adoption of the child are pending before
41 a court of competent jurisdiction.

42 N. The Arizona state library, archives and public records shall allow
43 a person access to all birth certificates if seventy-five years have passed
44 after the date of birth as registered on the birth certificate. The Arizona
45 state library, archives and public records shall allow a person to have

1 access to any records that are eligible for review under this subsection and
2 that have been transferred to the Arizona state library, archives and public
3 records pursuant to section 36-302, subsection B and shall make it known to
4 persons reviewing those records that they are not certified records. The
5 Arizona state library, archives and public records shall microfilm or
6 microfiche records that are available to the public pursuant to this
7 subsection. The department of health services shall provide for the
8 safekeeping of the original records until the department transfers the
9 records to the Arizona state library, archives and public records for
10 archiving pursuant to section 36-302, subsection B. The Arizona state
11 library, archives and public records shall provide for the continued
12 safekeeping of the original records after the department of health services
13 transfers the records pursuant to section 36-302, subsection B.

14 Sec. 4. Section 36-341, Arizona Revised Statutes, is amended to read:
15 36-341. Copies of and data from vital records

16 A. Upon ON written request, the state registrar shall issue a
17 certified copy of any certificate, record or report in his THE STATE
18 REGISTRAR'S custody to any person eligible to receive such THE copy, except
19 the portion of a birth certificate containing medical information, and except
20 such certificates, records or reports which THAT have been sealed in
21 accordance with provisions of PURSUANT TO this chapter or a court
22 order. Each copy issued shall show the date of original registration, and
23 copies issued from records marked "delayed", "amended" or "court order" shall
24 be similarly marked.

25 B. In class A registration districts, the local registrar may issue
26 certified copies of any birth, death, or fetal death certificate during the
27 period that the original record is in his custody. In accordance with the
28 provisions of PURSUANT TO this chapter and the rules adopted under this
29 chapter, AND the local registrar shall comply with such standards as
30 PRESCRIBED BY the state registrar prescribes to protect the integrity and
31 confidentiality of all certificates in his THE LOCAL REGISTRAR'S possession
32 and of all certified copies issued by him THAT REGISTRAR.

33 C. In a CLASS A OR class B registration district, the LOCAL OR county
34 registrar may issue certified copies of a death or fetal death certificate
35 during the period that the original record is in his THE LOCAL OR COUNTY
36 REGISTRAR'S custody. In accordance with the provisions of this chapter the
37 LOCAL OR county registrar shall comply with standards prescribed by the state
38 registrar to protect the integrity and confidentiality of all certificates
39 in his THE LOCAL OR COUNTY REGISTRAR'S possession and of all certified copies
40 he THE LOCAL OR COUNTY REGISTRAR issues.

41 D. A certified copy of a certificate, record or report or any part
42 thereof issued in accordance with subsection A of this section shall have HAS
43 the same status and shall be IS considered for all purposes the same as the
44 original, and shall be IS prima facie evidence of the facts therein stated
45 IN IT. The evidentiary value of a certificate or record filed more than one

1 year after the event, or a CERTIFICATE OR record which THAT has been amended,
2 may be determined by the judicial or administrative body or official before
3 whom the certificate OR RECORD is offered as evidence.

4 E. The UNITED STATES public health service shall be IS entitled to
5 receive copies, microfilm, automated data or other data from vital records
6 as it may require for the preparation of TO PREPARE national vital statistics
7 subject to the following limitations:

8 1. The public health service shall bear the cost of preparing and
9 transmitting such THIS data and the materials involved.

10 2. Such THE data shall not be used for other than statistical
11 purposes, and provision for anonymity of specific persons shall be assured
12 in accordance with the requirements of PURSUANT TO this chapter and the rules
13 adopted under this chapter.

14 F. ON REQUEST, federal, state, local, and such other agencies as
15 DESIGNATED BY the director of the department of health services may designate
16 may, upon request, MAY be furnished copies or data for statistical or
17 research purposes upon such UNDER terms and conditions PRESCRIBED BY THE
18 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, including fees and other costs
19 as the director of the department of health services may provide.

20 G. No A person shall NOT prepare or issue any certificate which THAT
21 purports to be an original, certified copy, or copy of a certificate or
22 record of birth, death or fetal death, except as authorized by this chapter
23 and the rules adopted under this chapter.

24 H. A school district or the county school superintendent may photocopy
25 an original, certified copy or copy of a certificate or record of birth for
26 the purposes of section 15-828, subsection C if the school district or county
27 school superintendent clearly identifies on the face of the copy that the
28 document is a photocopy.

29 I. In child support proceedings filed pursuant to 42 United States
30 Code sections 651 through 669, the department of economic security may
31 photocopy a certified copy of a birth certificate or other record received
32 from a parent and may request from the state registrar photocopies of an
33 original birth certificate or record. The department of economic security
34 shall not make any distribution of the copy except to file it in its child
35 support records or to file it in the superior court in relation to a case
36 filed pursuant to the requirements of title IV-D of the social security
37 act. The department of economic security shall clearly identify on the face
38 of the copy that the document is a photocopy.

39 Sec. 5. Vital statistics; filings; retroactivity

40 An electronic filing that was registered pursuant to title 36, chapter
41 3, Arizona Revised Statutes, after December 31, 1996 is an official record
42 for the purposes of this act.

APPROVED BY THE GOVERNOR APRIL 9, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2001.

Passed the House April 04, 2001,

by the following vote: 57 Ayes,

3 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 14, 2001,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
5 day of April, 2001,

at 1:07 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 9th day of

April, 2001,

at 11:53 o'clock A M.

[Signature]
Governor of Arizona

S.B. 1303

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 9 day of April, 2001,

at 4:33 o'clock P M.

[Signature]
Secretary of State