Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 117

HOUSE BILL 2200

AN ACT

AMENDING SECTIONS 8-106, 11-593, 25-502, 25-817, 32-1301 AND 32-1309, ARIZONA REVISED STATUTES; REPEALING TITLE 36, CHAPTER 3, ARIZONA REVISED STATUTES; AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING A NEW CHAPTER 3; AMENDING SECTION 36-341, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; PROVIDING FOR THE DELAYED REPEAL OF SECTION 36-341.01, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; RELATING TO VITAL RECORDS AND PUBLIC HEALTH STATISTICS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

STATE OF SENATE

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 8-106, Arizona Revised Statutes, is amended to
3 read:
4 8-106. Consent to adoption; waiver; consent to the release of
5 information; notification to potential fathers
6 A. The court shall not grant an adoption of a child unless consent to
7 adopt has been obtained and filed with the court from the following:
8 1. The child's birth or adoptive mother, if living.
9 2. The child's father if any of the following is true:
10 (a) The father was married to the child's mother at the time of
11 conception or at any time between conception and the child's birth unless his
12 paternity is excluded or another man's paternity is established pursuant to
13 title 25, chapter 6, article 1.
14 (b) The father has adopted the child.
15 (c) The father's paternity is established under title 25, chapter 6,
16 article 1 or section ~~36-322~~ 36-334.
17 3. A child who is twelve years of age or older and who gives consent
18 in open court.
19 4. Any guardian of the person of the child who is appointed by a court
20 and given authority by it to consent to the child's adoption.
21 5. An agency or the division that has been given consent to place the
22 child for adoption by the parent or parents whose consent would be necessary
23 under paragraph 1 or 2 of this subsection, or that has been given authority
24 in other legal proceedings to place the child for adoption.
25 6. The guardian of any adult parent for whom a guardian is currently
26 appointed.
27 B. It is not necessary for a person to obtain consent to adopt from
28 the following:
29 1. An adult parent for whom a guardian is currently appointed.
30 2. A parent whose parental rights have been terminated by court order.
31 3. A parent who has previously consented to an agency's or the
32 division's placement of the child for adoption.
33 4. A person whose consent is not required under subsection A of this
34 section.
35 C. The minority of the child or parent does not affect the child's or
36 parent's competency to give consent in the instances set forth in this
37 section.
38 D. A consent to adopt is irrevocable unless obtained by fraud, duress
39 or undue influence.
40 E. An agency, the division or an attorney participating or assisting
41 in a direct placement adoption pursuant to section 8-130 shall obtain from
42 a birth parent, at the time consent for adoption is obtained, a notarized
43 statement granting permission or withholding permission for the child being
44 adopted, when the child reaches eighteen years of age, to obtain identifying
45 and nonidentifying information about the child and the consenting birth

parent. The agency, division or attorney shall inform the birth parent at the time of obtaining the notarized statement that the decision to grant permission or withhold permission may be changed at any time by filing a notarized statement with the court. The most recent notarized statement shall operate as consent for the court to grant or withhold identifying and nonidentifying information.

F. A notarized affidavit signed by the mother listing all potential fathers shall be filed with the court. The affidavit shall attest that all of the information contained in the affidavit is complete and accurate.

G. Notice shall be served on each potential father as provided for the service of process in civil actions. The notice shall be substantially in the form prescribed in subsection I of this section and shall inform the potential father of all of the following:

1. That adoption is planned.

2. The potential father's right to consent or withhold consent to the adoption.

3. The potential father's responsibility to initiate paternity proceedings under title 25, chapter 6, article 1, and to serve the mother within thirty days of completion of service.

4. The potential father's responsibility to proceed to judgment in the paternity action.

5. The potential father's right to seek custody.

6. The potential father's responsibility to begin to provide financial support for the child if paternity is established.

7. That the potential father's failure to file a paternity action pursuant to title 25, chapter 6, article 1, and to serve the mother and proceed to judgment in the paternity action as prescribed by this section, bars the potential father from bringing or maintaining any action to assert any interest in the child.

H. A mother may apply to the court for permission to omit her address from the affidavit and from the notice to potential fathers. The court shall grant this request if the mother shows to the court's satisfaction this is necessary to protect her safety.

I. The notice required pursuant to subsection G of this section shall be in substantially the following form:

Notice:

Notice is given to _____ that you have been identified by _____, the natural mother, residing at _____, as a potential father of a child to be born or, born on _____, in _____.

You are informed of the following:

1. _____, the natural mother, plans to place the child for adoption.

2. Under sections 8-106 and 8-107, Arizona Revised Statutes, you have the right to consent or withhold consent to the adoption.

3. Your written consent to the adoption is irrevocable once you give it.

4. If you withhold consent to the adoption, you must initiate paternity proceedings under title 25, chapter 6, article 1, Arizona Revised Statutes, and serve the mother within thirty days after completion of service of this notice.

5. You have the obligation to proceed to judgment in the paternity action.

6. You have the right to seek custody.

7. If you are established as the child's father, you must begin to provide financial support for the child.

8. If you do not file a paternity action under title 25, chapter 6, article 1, ARIZONA REVISED STATUTES, and do not serve the mother within thirty days after completion of the service of this notice and pursue the action to judgment, you cannot bring or maintain any action to assert any interest in the child.

9. The Indian child welfare act may supersede the Arizona Revised Statutes regarding adoption and paternity.

10. You may wish to consult with an attorney to assist you in responding to this notice.

Sec. 2. Section 11-593, Arizona Revised Statutes, is amended to read:

11-593. Reporting of certain deaths; autopsies; failure to report; classification

A. Any person having knowledge of the death of a human being including a fetal death shall promptly notify the nearest peace officer of all information in the person's possession regarding the death and the circumstances surrounding it under any of the following circumstances:

1. Death when not under the current care of a physician OR NURSE PRACTITIONER for a potentially fatal illness or when an attending physician OR NURSE PRACTITIONER is unavailable to sign the death certificate.

2. Death resulting from violence.

3. Death occurring suddenly when in apparent good health.

4. Death occurring in a prison.

5. Death of a prisoner.

6. Death occurring in a suspicious, unusual or unnatural manner.

7. Death from disease or accident believed to be related to the deceased's occupation or employment.

8. Death believed to present a public health hazard.

9. Death occurring during anesthetic or surgical procedures.

B. The peace officer shall promptly notify the county medical examiner and, except in deaths occurring during surgical or anesthetic procedures from natural diseases, shall promptly make or cause to be made an investigation

of the facts and circumstances surrounding the death and report the results to the medical examiner. If there is no county medical examiner appointed and serving within the county, the county sheriff shall be notified by the peace officer and the sheriff shall in turn notify and secure a licensed physician to perform the medical examination or autopsy.

C. An autopsy is not required for deaths due to natural diseases that occur during surgical or anesthetic procedures, except where the medical examiner determines an autopsy is necessary because any of the following exist:

1. A public health risk.
2. Evidence of a crime.
3. Evidence of inadequate health care.
4. No clinically evident cause of death.

D. Every person who knows of the existence of a body where death occurred as specified in subsection A of this section and who knowingly fails to notify the nearest peace officer as soon as possible unless the person has good reason to believe that notice has already been given is guilty of a class 2 misdemeanor.

E. If the deceased was under treatment for accident or illness by prayer or spiritual means alone, in accordance with the tenets and practices of a well-recognized church or religious denomination, and death occurred without a physician OR NURSE PRACTITIONER in attendance, the person who has knowledge of the death shall report all information in his possession regarding the death and circumstances surrounding it directly to the county medical examiner or the person performing the duties of a county medical examiner who may waive an autopsy if he is satisfied that the death of such person resulted from natural causes.

F. Each county shall provide to the criminal identification section of the department of public safety fingerprints of all deceased persons whose deaths are required to be investigated pursuant to this section. These fingerprints shall be on a form provided by the criminal identification section and shall be accompanied by such other information regarding the physical description and the date and place of death as the criminal identification section may require. Fingerprints taken pursuant to this section shall be used only for the purpose of purging criminal history files. All information and data in the criminal identification section of the department of public safety furnished in compliance with this section is confidential and may be disclosed only upon written approval of the director of public safety to the juvenile court, social agencies, public health and law enforcement agencies, licensed or regulated by this state.

Sec. 3. Section 25-502, Arizona Revised Statutes, is amended to read:

25-502. <u>Jurisdiction, venue and procedure; additional enforcement provisions</u>

A. The superior court has original jurisdiction in proceedings brought by the department, its agents, a person having physical custody of a child

1 or a party to the case to establish, enforce or modify the duties of support
2 as prescribed in this chapter. All such proceedings are civil actions except
3 as provided in section 25-511. Proceedings to enforce the duties of support
4 as prescribed in this chapter may be originated in the county of residence
5 of the respondent or the petitioner or of the child or children who are the
6 subject of the action.
7 B. A proceeding to establish support must originate in the county
8 where the child resides or, if the child resides out of state, the county of
9 this state where the party filing the petition to establish support resides,
10 if either of the following applies:
11 1. An action does not exist under this title.
12 2. Paternity was established without a court order pursuant to section
13 ~~36-322~~ 36-334.
14 C. A person or the department or its agent must file a petition to
15 establish or modify a child support order in the superior court in the county
16 of the last order issued under this title if an order exists in this state.
17 If a person wishes the case transferred to the county of this state where the
18 child resides or, if the child resides out of state, the county of this state
19 where the party requesting the transfer resides, the person must file a
20 request for transfer with the clerk of the superior court that issued the
21 last order.
22 D. A request for transfer pursuant to subsection C of this section
23 must include a petition or motion regarding support, a statement of payments
24 in default, if applicable, and the transmittal fee prescribed in section
25 12-284. The responding party may object to the transfer by filing an
26 objection and affidavit within twenty days after service of the request to
27 transfer.
28 E. If the clerk does not receive an objection and affidavit pursuant
29 to subsection D of this section, the clerk shall issue the transfer order and
30 transfer the proceeding and all related court files to the other county
31 within thirty days after service of the request to transfer. If the clerk
32 receives an objection and affidavit within the time prescribed in subsection
33 D of this section, the clerk shall notify all parties of the date of the
34 hearing at least ten days before the hearing date. The court may hear
35 evidence relevant only to the issue of the transfer. If after that hearing
36 the court orders the transfer, the clerk shall transfer the proceeding and
37 court files within ten days after the order. The county to which the
38 transfer is made retains the court files and venue for all purposes and the
39 transferring county shall not retain a copy of those files.
40 F. The county to which a transfer is made pursuant to subsection D or
41 E of this section shall proceed as if the proceeding were brought in that
42 county originally. A judgment from that county has the same effect and may
43 be enforced or modified as a judgment from the original county.
44 G. The party who petitioned for transfer must pay the postadjudication
45 fee prescribed in section 12-284 to the county to which the proceeding was

1 transferred within ten days after the date the clerk of the court mails the
2 notice of the requirement to pay the postadjudication fee. If the party does
3 not pay the fee by that date, the transfer order is automatically nullified
4 and the court clerk shall return the proceeding and all related court files
5 to the original county.
6 H. Except as provided in section 25-510, in title IV-D cases the
7 superior court shall accept for filing any documents that are received
8 through electronic transmission if the electronically reproduced document
9 states that the copy used for the electronic transmission was certified
10 before it was electronically transmitted.
11 I. On filing of the petition and, if applicable, after a transfer is
12 completed, the court shall issue an order requiring the responding party to
13 appear at the time and place set for the hearing on the petition. The
14 petition shall include each person's and child's social security number if
15 known. Service of the order and a copy of the petition shall be as provided
16 in the Arizona rules of civil procedure. If the responding party receives
17 notice of a hearing but fails to appear, the court may issue a child support
18 arrest warrant as provided in article 5 of this chapter and shall require
19 that the responding party pay at the time of arrest an amount set by the
20 court to secure the responding party's release from custody pending an
21 appearance at the next scheduled hearing. The court also may find the party
22 to be in contempt of court pursuant to section 12-864.01 and set an amount
23 to be paid to purge the contempt. Any purge amount set by the court shall
24 supersede the amount required to be set to secure the responding party's
25 release, and the responding party shall pay only the purge amount as a
26 condition of release from custody. Any amounts paid under this section shall
27 be deposited with the clerk of the court or the support payment clearinghouse
28 and credited first to the responding party's current child support obligation
29 and then to arrearages. The court may grant a default judgment for
30 arrearages on a prima facie showing of the amount due.
31 J. The department or its agent or a parent, guardian or custodian may
32 file with the clerk of the superior court a request to establish child
33 support. The request must include a proposed order, the worksheet for child
34 support and a notice of the right to request a hearing within twenty days
35 after service in this state or within thirty days after service outside this
36 state. The request must also include the social security number of the child
37 and each party to the proceeding. The request, proposed order, worksheet and
38 notice shall be served pursuant to the Arizona rules of civil procedure on
39 all parties, and in a title IV-D case, on the department or its agent. In
40 a title IV-D case, the department or its agent may serve all parties by
41 certified mail, return receipt requested. If a party does not request a
42 hearing within the time prescribed by this subsection, the court shall review
43 the proposed order and worksheet and enter an appropriate order or set the
44 matter for a hearing. In a title IV-D case, the department or its agent
45 shall enforce the order.

K. Each licensing board or agency that issues professional, recreational or occupational licenses or certificates shall record on the application the social security number of the applicant and shall enter this information in its database in order to aid the department of economic security in locating parents or their assets or to enforce child support orders. This subsection does not apply to a license that is issued pursuant to title 17 and that is not issued by an automated drawing system. If a licensing board or agency allows an applicant to use a number other than the social security number on the face of the license or certificate while the licensing board or agency keeps the social security number on file, the licensing board or agency shall advise an applicant of this fact.

Sec. 4. Section 25-817, Arizona Revised Statutes, is amended to read:

25-817. Temporary support orders; presumption of paternity

A. The court shall issue a temporary order of support pending a judicial determination of paternity if either:

1. Genetic testing affirms at least a ninety-five per cent probability of paternity.

2. A notarized or witnessed statement is signed by both parents acknowledging paternity or separate substantially similar notarized or witnessed statements are signed acknowledging paternity and filed with the department of health services pursuant to section ~~36-322~~ 36-334 or filed with the department of economic security.

3. There is other clear and convincing evidence as determined by a court.

B. A temporary order of support does not prejudice the rights of a person or child that are adjudicated at subsequent hearings in the proceeding.

C. A temporary order of support may be revoked or modified and terminates when the final support order is entered or when the petition for support is dismissed.

Sec. 5. Section 32-1301, Arizona Revised Statutes, is amended to read:

32-1301. Definitions

In this chapter, unless the context otherwise requires:

1. "Accredited" means recognized or authorized by the American board of funeral service education.

2. "Administrative costs and expenses" means the cost of copies, transcripts, court reporter and witness fees, reimbursement for mileage and office of administrative hearings costs.

3. "Alternative container" means any unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, that is designed for the encasement of human remains.

4. "Apprentice embalmer" means a person who is registered pursuant to this chapter and who is engaged in embalming under the supervision of a licensed embalmer.

1 5. "Authorizing agent" means a person who is legally entitled to order
2 the cremation, disinterment or embalming of human remains pursuant to section
3 32-1365.02.
4 6. "Beneficiary" means a person whose future funeral arrangements will
5 be handled by a funeral establishment pursuant to a prearranged funeral
6 agreement.
7 7. "Board" means the state board of funeral directors and embalmers.
8 8. "Business entity" includes any corporation, association, limited
9 liability company, professional corporation, partnership, limited
10 partnership, sole proprietorship, business trust, trust, joint venture and
11 other business entity.
12 9. "Casket" means a rigid container that is designed for the permanent
13 encasement of human remains and that is usually constructed of wood, metal
14 or synthetic substances and ornamented and lined with fabric.
15 10. "Change of ownership" means a transfer of a controlling legal or
16 equitable interest in a licensed funeral establishment or crematory resulting
17 from a sale or merger. If the establishment or crematory is operated by a
18 business entity, any transfer of the ownership of ten per cent or more of the
19 entity constitutes a change of ownership.
20 11. "Conviction" means a criminal adjudication or conviction by any
21 state or federal court of competent jurisdiction, including a judgment based
22 on a no contest plea, without regard to whether civil rights have been
23 restored.
24 12. "Cremated remains" means the remaining bone fragments after
25 cremation.
26 13. "Cremation" means the heating process that reduces human remains
27 to bone fragments by combustion and evaporation.
28 14. "Cremation container" means a leak and spill resistant, rigid,
29 combustible, closed receptacle into which human remains are placed before
30 cremation.
31 15. "Cremationist" means a person who operates a crematory retort, who
32 performs the actual cremation of human remains and who is licensed pursuant
33 to article 6 of this chapter.
34 16. "Crematory" means a building or portion of a building that is
35 licensed pursuant to article 6 of this chapter and that houses a retort in
36 which only human remains are cremated.
37 17. "Disciplinary action" means action taken by the board to revoke or
38 suspend a license or registration, to impose probationary requirements or
39 civil penalties or to issue a letter of censure or reprimand to any person
40 who is subject to this chapter and who violates any provision of this chapter
41 or rules adopted by the board.
42 18. "Embalmer" means a person who is licensed pursuant to this chapter
43 and who is engaged in embalming.

1 19. "Embalmer's assistant" means a person who is registered pursuant
2 to this chapter and who is engaged in embalming without the supervision of
3 a licensed embalmer.
4 20. "Embalming" means the implementation of reconstructive procedures
5 ~~or~~ AND the process of disinfecting and preserving a dead human body to retard
6 organic decomposition by treating the body to reduce the presence and growth
7 of organisms.
8 21. "Financial institution" means a bank, savings and loan association,
9 trust company or credit union that is lawfully doing business in this state
10 and that is not affiliated with a funeral establishment.
11 22. "Fixed price prearranged funeral agreement funded by trust" means
12 any agreement or combination of agreements that establishes a fixed price for
13 funeral goods and services, that requires a funeral establishment to provide
14 those funeral goods and services at the price levels in effect at the time
15 of the execution of the agreement and that requires the purchaser to convey
16 all or a portion of the accrued interest to the funeral establishment at the
17 time that the funeral goods and services are actually provided.
18 23. "Funded by insurance" means that monies for a prearranged funeral
19 agreement are paid directly to an insurance company licensed pursuant to
20 title 20 on behalf of the beneficiary of the agreement.
21 24. "Funeral directing" means arranging, directing or providing a
22 service in the disposition of dead human bodies for compensation.
23 25. "Funeral director" means a person who is licensed pursuant to this
24 chapter and who is engaged in funeral directing.
25 26. "Funeral establishment" means a business at a specific location
26 that is licensed pursuant to this chapter and that is devoted to the care,
27 storage or preparation for final disposition or transportation of dead human
28 bodies.
29 27. "Funeral goods and services" means any personal property or
30 services typically sold or provided in connection with the final disposition
31 of human remains, including caskets, alternative containers, outer burial
32 containers, cremation containers, transportation containers, funeral clothing
33 or accessories, monuments, grave markers, urns, embalming services, funeral
34 directing services and similar funeral or burial items. Funeral goods and
35 services does not include goods and services sold by cemeteries.
36 28. "Good moral character" means that a person:
37 (a) Has not been convicted of a class 1 or 2 felony by a court of
38 competent jurisdiction.
39 (b) Has not, within five years of application for licensure or
40 registration, been convicted of a felony or misdemeanor if the offense has
41 a reasonable relationship to the person's proposed area of licensure or
42 registration.
43 (c) Has not, within five years of application for licensure or
44 registration, committed any act involving dishonesty, fraud,
45 misrepresentation, breach of fiduciary duty, gross negligence or incompetence

1 if the act has a reasonable relationship to the person's proposed area of
2 licensure or registration.
3 (d) Is not currently incarcerated in or on community supervision after
4 a period of imprisonment in a local, state or federal penal institution or
5 on criminal probation.
6 (e) Has not engaged in fraud or misrepresentation in connection with
7 an application for licensure or registration under this chapter or an
8 examination required for licensure or registration.
9 (f) Has not, within five years of application for licensure or
10 registration, had a license, registration or endorsement revoked or suspended
11 by the board or by the funeral services licensing authority of any other
12 jurisdiction.
13 (g) Has not surrendered a license, registration or endorsement to the
14 board or the funeral licensing authority of any other jurisdiction in lieu
15 of disciplinary action.
16 (h) Has not practiced funeral directing or embalming without a license
17 in this state or any other jurisdiction that requires licensure to perform
18 these activities.
19 29. "Holding facility" means a designated area for the retention of
20 human remains.
21 30. "Human remains" means a ~~dead human body.~~ LIFELESS HUMAN BODY OR
22 PARTS OF A HUMAN BODY THAT PERMIT A REASONABLE INFERENCE THAT DEATH OCCURRED.
23 31. "Intern" means a person who is licensed pursuant to this chapter
24 and who is engaged in embalming under the supervision of a licensed embalmer.
25 32. "License" means a written authorization that is issued by the board
26 and that entitles a person to act as a funeral director, embalmer or intern
27 or to operate a funeral establishment or crematory in this state.
28 33. "Licensee" means a person to whom the board has issued a license
29 to act as a funeral director, embalmer or intern or to operate a funeral
30 establishment or crematory in this state.
31 34. "Manage" means:
32 (a) For a responsible funeral director to exercise control and
33 oversight over all employees of a funeral establishment and over funeral
34 transactions, including the care of dead human bodies, funeral services and
35 activities and the documentation and retention of records.
36 (b) For a responsible cremationist to exercise control and oversight
37 over all employees of a crematory and crematory operations.
38 35. "National board examination" means the test or tests given by the
39 conference of funeral service examining boards to determine the entry level
40 knowledge and skills of a person regarding funeral directing and embalming.
41 36. "Net interest" means interest earned on a prearranged funeral trust
42 account less applicable taxes, reasonable and necessary charges made by the
43 financial institution and the annual service fee permitted to be deducted by
44 the funeral establishment according to section 32-1391.06, subsection B.

1 37. "Outer burial container" means a container that is designed for
2 placement in a grave around a casket, including burial vaults, grave boxes
3 and grave liners.
4 38. "Owner" means a person who owns ten per cent or more of a business
5 entity. Owner does not include shareholders of companies who have a class
6 of common equity stock listed or authorized to be listed on the New York
7 stock exchange or the American stock exchange or listed on the NASDAQ stock
8 market.
9 39. "Person legally responsible" means the person responsible for
10 burying a dead body as determined in section 36-831.
11 40. "Prearranged funeral agreement" means any agreement or combination
12 of agreements under which a payment is made before the death of the intended
13 beneficiary for funeral goods and services to be delivered or performed after
14 the death of the beneficiary.
15 41. "Prearranged funeral trust account" means a trust account that is
16 established at a financial institution and into which all monies paid on
17 behalf of a beneficiary pursuant to a prearranged funeral agreement are
18 deposited.
19 42. "Preparation" means washing, shaving, dressing or arranging hair
20 on, applying cosmetics to or positioning bodily features on a dead human body
21 and placing a dead human body in a casket.
22 43. "Processed cremated remains" means cremated remains after they are
23 pulverized and cleaned, leaving primarily small bone fragments.
24 44. "Provisionally accredited" means granted candidacy status by the
25 American board of funeral service education.
26 45. "Registration" means a written authorization that is issued by the
27 board and that entitles a person to act as an apprentice embalmer, an
28 assistant funeral director, an embalmer's assistant or a prearranged funeral
29 salesperson in this state.
30 46. "Responsible cremationist" means a licensed cremationist who
31 manages a crematory.
32 47. "Responsible funeral director" means a person who is licensed
33 pursuant to this chapter, who is engaged in funeral directing and who manages
34 and is accountable for a funeral establishment.
35 48. "Retort" means an enclosed space within which cremation takes
36 place.
37 49. "State equivalent examination" means the test or tests provided by
38 the conference of funeral service examining boards and offered by the board
39 to determine the entry level knowledge and skills of a person regarding
40 funeral directing and embalming.
41 50. "Supervise" or "supervision" means a licensed embalmer has
42 responsibility for and is within sight and sound of a registered apprentice
43 embalmer or licensed intern who is embalming a dead human body or a student
44 who is assisting in embalming a dead human body.

1 51. "Temporary container" means a receptacle that is usually made of
2 cardboard, rigid plastic or another similar material and that is designed to
3 hold processed cremated remains until they are placed in an urn or another
4 permanent container.
5 52. "Trust funds" means all monies deposited on behalf of a beneficiary
6 of a prearranged funeral agreement funded by trust and all accrued net
7 interest. Trust funds shall be considered an account kept in suspense until
8 distributed to the beneficiary, the funeral establishment or the estate of
9 the beneficiary in accordance with this article.
10 53. "Universal precautions" means the universal blood and fluid
11 precautions recommended by the centers for disease control of the United
12 States public health service to prevent the transmission of blood-borne and
13 bodily fluid-borne infectious diseases.
14 54. "Unprofessional conduct" includes the following acts, whether
15 occurring in this state or elsewhere:
16 (a) Commission of a class 1 or 2 felony.
17 (b) Commission of a felony or misdemeanor if the offense has a
18 reasonable relationship to funeral directing or embalming. Conviction by any
19 court of competent jurisdiction or a plea of no contest is conclusive
20 evidence of the commission.
21 (c) Providing false, misleading or deceptive information on an
22 application for licensure or registration pursuant to this chapter or on an
23 examination required for licensure or registration.
24 (d) Bribing or offering to bribe, directly or indirectly, a member of
25 the board to influence the member's actions in the performance of the
26 member's duties.
27 (e) Wilfully interfering with an embalmer, funeral director or
28 cremationist who has lawful custody of a dead human body in the performance
29 of the embalmer's, ~~or~~ funeral director's or cremationist's duty to embalm or
30 prepare the body for burial, ~~or~~ transportation or cremation.
31 (f) Paying or causing money or other valuable consideration to be paid
32 to a person, other than an employee of a funeral establishment, to secure
33 business regulated pursuant to this chapter from or through the person.
34 (g) Violating any law of this state or any rule adopted by the
35 department of health services that relates to the embalming or preparation
36 of dead human bodies.
37 (h) Certifying falsely to having embalmed or prepared a dead human
38 body that was embalmed by a person other than a licensed embalmer making the
39 certification or an intern or apprentice embalmer under the supervision of
40 a licensed embalmer making the certification.
41 (i) Falsely advertising or labeling any service or merchandise with
42 the intention of deceiving the public.
43 (j) Shipping or delivering any merchandise or supplies that are not
44 the substantial equivalent of or superior in quality to merchandise or
45 supplies previously presented to the purchaser as samples.

1 (k) Committing any act involving dishonesty, fraud, misrepresentation,
2 breach of fiduciary duty, gross negligence or incompetence if the act has a
3 reasonable relationship to funeral directing or embalming.
4 (l) Engaging in any conduct or practice that is reasonably related to
5 funeral directing or embalming and that is or may be harmful or dangerous to
6 the health, safety or welfare of the public.
7 (m) Within a period of five years, having a license, registration or
8 endorsement suspended or revoked by the board or by the funeral services
9 licensing authority of any other jurisdiction or surrendering a license,
10 registration or endorsement in lieu of disciplinary action.
11 55. "Urn" means a receptacle into which processed cremated remains are
12 placed for disposition.
13 Sec. 6. Section 32-1309, Arizona Revised Statutes, is amended to read:
14 32-1309. Fees
15 A. The board shall establish and collect the following application
16 fees:
17 1. For a funeral director license, eighty-five dollars.
18 2. For an embalmer license, eighty-five dollars.
19 3. For an embalmer's assistant registration, eighty-five dollars.
20 4. For an intern license, eighty-five dollars.
21 5. For a funeral director or embalmer license for a person who does
22 not reside in this state, eighty-five dollars.
23 6. For a prearranged funeral salesperson registration, eighty-five
24 dollars.
25 7. For a funeral establishment license:
26 (a) For a new establishment, new owner or new location, five hundred
27 dollars.
28 (b) For a change of name, one hundred seventy-five dollars.
29 8. For a prearranged funeral sales establishment endorsement, one
30 hundred eighty-five dollars.
31 9. For a crematory license:
32 (a) For a new crematory, new owner or new location, one hundred
33 dollars per retort.
34 (b) For a change of name, one hundred seventy-five dollars.
35 10. For a cremationist license, eighty-five dollars.
36 B. The board shall establish and collect the following examination
37 fees:
38 1. For the funeral director state laws and rules examination, eighty
39 dollars.
40 2. For the embalmer state laws and rules examination, eighty dollars.
41 3. For the prearranged funeral salesperson state laws and rules
42 examination, eighty dollars.
43 4. For the funeral service science section of the state equivalent
44 examination, one hundred fifty dollars.

5. For the funeral service arts section of the state equivalent examination, one hundred fifty dollars.

C. The board shall establish and collect the following license and registration issuance fees:

1. For a funeral director license, eighty-five dollars.

2. For an embalmer license, eighty-five dollars.

3. For an embalmer's assistant registration, eighty-five dollars.

4. For an intern license, eighty-five dollars.

5. For a prearranged funeral salesperson registration, eighty-five dollars.

6. For a cremationist license, eighty-five dollars.

D. The board shall establish and collect the following renewal fees:

1. For a funeral director license, eighty-five dollars.

2. For an embalmer license, eighty-five dollars.

3. For an embalmer's assistant registration, eighty-five dollars.

4. For an intern license, eighty-five dollars.

5. For an apprentice embalmer registration, eighty-five dollars.

6. For an assistant funeral director registration, eighty-five dollars.

7. For a prearranged funeral salesperson registration, eighty-five dollars.

8. For an establishment license, four dollars for each disposition performed by the establishment during the immediately preceding calendar year. For the purposes of this paragraph, a funeral establishment performs a disposition each time the establishment files a death certificate pursuant to section ~~36-331~~ 36-325.

9. For a prearranged funeral sales establishment endorsement, one hundred eighty-five dollars.

10. For a crematory license, two hundred dollars per retort.

11. For a cremationist license, eighty-five dollars.

E. The board shall establish and collect the following fees:

1. For a duplicate license or registration, twenty-five dollars.

2. For a reexamination:

(a) For a state laws and rules examination, fifty dollars.

(b) For the funeral service science section or the funeral service arts section of the state equivalent examination, sixty-five dollars.

3. For late renewal of a licensee or registration, thirty-five dollars.

4. For late renewal of an establishment license or endorsement, sixty dollars.

5. For inactive licensure or registration, twenty-five dollars.

6. For reinstatement of an inactive license, fifty dollars.

7. For reinstatement of an inactive registration, one hundred thirty dollars.

8. For an interim funeral establishment permit, twenty-five dollars.

1 9. For filing an annual trust report, a fee of not more than two
2 hundred dollars.
3 10. For filing a late or incomplete annual trust report, a penalty of
4 not more than two hundred dollars.
5 Sec. 7. Repeal
6 Title 36, chapter 3, Arizona Revised Statutes, is repealed.
7 Sec. 8. Title 36, Arizona Revised Statutes, is amended by adding a new
8 chapter 3, to read:
9 CHAPTER 3
10 VITAL RECORDS AND PUBLIC HEALTH STATISTICS
11 ARTICLE 1. GENERAL PROVISIONS
12 36-301. Definitions
13 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:
14 1. "ADMINISTRATIVE ORDER" MEANS A WRITTEN DECISION ISSUED BY AN
15 ADMINISTRATIVE LAW JUDGE OR QUASI-JUDICIAL ENTITY.
16 2. "AMEND" MEANS TO MAKE A CHANGE, OTHER THAN A CORRECTION, TO A
17 REGISTERED CERTIFICATE BY ADDING, DELETING OR SUBSTITUTING INFORMATION ON
18 THAT CERTIFICATE.
19 3. "BIRTH" OR "LIVE BIRTH" MEANS THE COMPLETE EXPULSION OR EXTRACTION
20 OF A PRODUCT OF HUMAN CONCEPTION FROM ITS MOTHER, IRRESPECTIVE OF THE
21 DURATION OF THE PREGNANCY, THAT SHOWS EVIDENCE OF LIFE, WITH OR WITHOUT A CUT
22 UMBILICAL CORD OR AN ATTACHED PLACENTA, SUCH AS BREATHING, HEARTBEAT,
23 UMBILICAL CORD PULSATION OR DEFINITE VOLUNTARY MUSCLE MOVEMENT AFTER
24 EXPULSION OR EXTRACTION OF THE PRODUCT OF HUMAN CONCEPTION.
25 4. "CERTIFICATE" MEANS A RECORD THAT DOCUMENTS A BIRTH OR DEATH.
26 5. "CERTIFIED COPY" MEANS A WRITTEN REPRODUCTION OF A REGISTERED
27 CERTIFICATE THAT A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE
28 REGISTRAR HAS AUTHENTICATED AS A TRUE AND EXACT WRITTEN REPRODUCTION OF A
29 REGISTERED CERTIFICATE.
30 6. "CORRECTION" MEANS A CHANGE MADE TO A REGISTERED CERTIFICATE
31 BECAUSE OF A TYPOGRAPHICAL ERROR INCLUDING MISSPELLING AND MISSING OR
32 TRANSPOSED LETTERS OR NUMBERS.
33 7. "COURT ORDER" MEANS A WRITTEN DECISION ISSUED BY:
34 (a) THE SUPERIOR COURT, AN APPELLATE COURT OR THE SUPREME COURT OR AN
35 EQUIVALENT COURT IN ANOTHER STATE.
36 (b) A COMMISSIONER OR JUDICIAL HEARING OFFICER OF THE SUPERIOR COURT.
37 (c) A JUDGE OF A TRIBAL COURT IN THIS STATE.
38 8. "CUSTODY" MEANS LEGAL AUTHORITY TO ACT ON BEHALF OF A CHILD.
39 9. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.
40 10. "ELECTRONIC" MEANS TECHNOLOGY THAT HAS ELECTRICAL, DIGITAL,
41 MAGNETIC, WIRELESS, OPTICAL OR ELECTROMAGNETIC CAPABILITIES OR TECHNOLOGY
42 WITH SIMILAR CAPABILITIES.
43 11. "EVIDENTIARY DOCUMENT" MEANS WRITTEN INFORMATION USED TO PROVE THE
44 FACT FOR WHICH IT IS PRESENTED.
45 12. "FAMILY MEMBER" MEANS:

1 (a) A PERSON'S SPOUSE, NATURAL OR ADOPTED OFFSPRING, FATHER, MOTHER,
2 GRANDPARENT, GRANDCHILD TO ANY DEGREE, BROTHER, SISTER, AUNT, UNCLE OR FIRST
3 OR SECOND COUSIN.
4 (b) THE NATURAL OR ADOPTED OFFSPRING, FATHER, MOTHER, GRANDPARENT,
5 GRANDCHILD TO ANY DEGREE, BROTHER, SISTER, AUNT, UNCLE OR FIRST OR SECOND
6 COUSIN OF THE PERSON'S SPOUSE.
7 13. "FETAL DEATH" MEANS THE CESSATION OF LIFE BEFORE THE COMPLETE
8 EXPULSION OR EXTRACTION OF A PRODUCT OF HUMAN CONCEPTION FROM ITS MOTHER AND
9 THAT IS EVIDENCED BY THE ABSENCE OF BREATHING, HEARTBEAT, UMBILICAL CORD
10 PULSATION OR DEFINITE VOLUNTARY MUSCLE MOVEMENT AFTER EXPULSION OR
11 EXTRACTION.
12 14. "FINAL DISPOSITION" MEANS THE INTERMENT, CREMATION, REMOVAL FROM
13 THIS STATE OR OTHER DISPOSITION OF HUMAN REMAINS.
14 15. "FOUNDLING" MEANS:
15 (a) A NEWBORN INFANT LEFT WITH A SAFE HAVEN PROVIDER PURSUANT TO
16 SECTION 13-3623.01.
17 (b) A CHILD WHOSE FATHER AND MOTHER CANNOT BE DETERMINED.
18 16. "FUNERAL ESTABLISHMENT" HAS THE SAME MEANING PRESCRIBED IN SECTION
19 32-1301.
20 17. "HEALTH CARE INSTITUTION" HAS THE SAME MEANING PRESCRIBED IN
21 SECTION 36-401.
22 18. "HUMAN REMAINS" MEANS A LIFELESS HUMAN BODY OR PARTS OF A HUMAN
23 BODY THAT PERMIT A REASONABLE INFERENCE THAT DEATH OCCURRED.
24 19. "ISSUE" MEANS:
25 (a) TO PROVIDE A COPY OF A REGISTERED CERTIFICATE.
26 (b) AN ACTION TAKEN BY A COURT OF COMPETENT JURISDICTION,
27 ADMINISTRATIVE LAW JUDGE OR QUASI-JUDICIAL ENTITY.
28 20. "LEGAL AGE" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE
29 OR WHO IS EMANCIPATED BY A COURT ORDER.
30 21. "MEDICAL EXAMINER" MEANS A PHYSICIAN WHO MEETS THE REQUIREMENTS OF
31 SECTION 11-591, SUBSECTION B.
32 22. "MIDWIFE" MEANS A PERSON WHO IS EITHER:
33 (a) LICENSED PURSUANT TO CHAPTER 6, ARTICLE 7 OF THIS TITLE.
34 (b) CERTIFIED AS A NURSE MIDWIFE PURSUANT TO TITLE 32, CHAPTER 15.
35 23. "NAME" MEANS A DESIGNATION THAT IDENTIFIES A PERSON INCLUDING A
36 FIRST NAME, MIDDLE NAME, LAST NAME OR SUFFIX.
37 24. "NURSE PRACTITIONER" MEANS A PERSON LICENSED AND CERTIFIED AS A
38 NURSE PRACTITIONER PURSUANT TO TITLE 32, CHAPTER 15.
39 25. "PHYSICIAN" MEANS A PERSON LICENSED PURSUANT TO TITLE 32, CHAPTER
40 13 OR 17.
41 26. "PRESUMPTIVE DEATH" MEANS A DETERMINATION BY A COURT THAT A DEATH
42 HAS OCCURRED OR IS PRESUMED TO HAVE OCCURRED BUT THE HUMAN REMAINS HAVE NOT
43 BEEN LOCATED OR RECOVERED.
44 27. "REGISTER" MEANS TO ASSIGN AN OFFICIAL STATE NUMBER AND TO
45 INCORPORATE INTO THE STATE REGISTRAR'S OFFICIAL RECORDS.

1 28. "RESPONSIBLE PERSON" MEANS A PERSON LISTED IN SECTION 36-831.
2 29. "SEAL" MEANS TO BAR FROM ACCESS.
3 30. "SUBMIT" MEANS TO PRESENT, PHYSICALLY OR ELECTRONICALLY, A
4 CERTIFICATE, EVIDENTIARY DOCUMENT OR FORM PROVIDED FOR IN THIS CHAPTER TO A
5 LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR.
6 31. "SYSTEM OF PUBLIC HEALTH STATISTICS" MEANS THE PROCESSES AND
7 PROCEDURES FOR:
8 (a) TABULATING, ANALYZING AND PUBLISHING PUBLIC HEALTH INFORMATION
9 DERIVED FROM VITAL RECORDS DATA AND OTHER SOURCES AUTHORIZED PURSUANT TO
10 SECTION 36-125.05 OR SECTION 36-132, SUBSECTION A, PARAGRAPH 3.
11 (b) PERFORMING OTHER ACTIVITIES RELATED TO PUBLIC HEALTH INFORMATION.
12 32. "SYSTEM OF VITAL RECORDS" MEANS THE STATEWIDE PROCESSES AND
13 PROCEDURES FOR:
14 (a) ELECTRONICALLY OR PHYSICALLY COLLECTING, CREATING, REGISTERING,
15 MAINTAINING, COPYING AND PRESERVING VITAL RECORDS.
16 (b) PREPARING AND ISSUING CERTIFIED AND NONCERTIFIED COPIES OF VITAL
17 RECORDS.
18 (c) PERFORMING OTHER ACTIVITIES RELATED TO VITAL RECORDS.
19 33. "VITAL RECORD" MEANS A REGISTERED BIRTH CERTIFICATE OR A REGISTERED
20 DEATH CERTIFICATE.
21 36-302. System of vital records; powers and duties of the state
22 registrar
23 A. THE DIRECTOR OF THE DEPARTMENT IS THE STATE REGISTRAR OF VITAL
24 RECORDS.
25 B. THE STATE REGISTRAR OF VITAL RECORDS SHALL:
26 1. ADOPT RULES TO IMPLEMENT A STATEWIDE SYSTEM OF VITAL RECORDS
27 PURSUANT TO THIS CHAPTER USING THE RECOMMENDATIONS OF THE FEDERAL AGENCY
28 RESPONSIBLE FOR NATIONAL VITAL STATISTICS AS GUIDELINES SUBJECT TO
29 MODIFICATION BY THE STATE REGISTRAR.
30 2. ADMINISTER AND ENFORCE THIS CHAPTER AND THE RULES ADOPTED PURSUANT
31 TO THIS CHAPTER AND PROVIDE FOR THE EFFICIENT ADMINISTRATION OF A STATEWIDE
32 SYSTEM OF VITAL RECORDS.
33 3. ORGANIZE, OPERATE AND MAINTAIN THE ONLY SYSTEM OF VITAL RECORDS IN
34 THIS STATE.
35 4. DIRECT AND SUPERVISE THE CREATION AND REGISTRATION OF VITAL
36 RECORDS, ELECTRONICALLY AND PHYSICALLY, AND BE THE CUSTODIAN OF VITAL
37 RECORDS.
38 5. ESTABLISH REGISTRATION DISTRICTS THROUGHOUT THIS STATE.
39 6. APPOINT, DIRECT AND REMOVE LOCAL REGISTRARS.
40 7. PRESCRIBE AND DISTRIBUTE FORMS REQUIRED PURSUANT TO THIS CHAPTER
41 AND RULES ADOPTED PURSUANT TO THIS CHAPTER.
42 8. PREPARE AND ISSUE COPIES OF VITAL RECORDS.
43 9. PROVIDE A MEANS FOR THE PUBLIC TO REQUEST A COPY OF A VITAL RECORD
44 AND GRANT OR DENY THE REQUEST ACCORDING TO CRITERIA PRESCRIBED BY RULES
45 ADOPTED PURSUANT TO THIS CHAPTER. THESE RULES SHALL INCLUDE ELIGIBILITY

1 CRITERIA, PROOF OF IDENTITY REQUIREMENTS AND PAYMENT REQUIREMENTS TO OBTAIN
2 THE REQUESTED VITAL RECORD.
3 10. PURSUANT TO SECTION 16-165, TRANSMIT EACH MONTH TO THE COUNTY
4 RECORDER A RECORD OF THE DEATH OF EACH RESIDENT OF THE COUNTY RECORDER'S
5 COUNTY WHO IS AT LEAST SIXTEEN YEARS OF AGE.
6 11. DETERMINE ACCEPTABILITY AND COMPLETENESS OF A CERTIFICATE,
7 EVIDENTIARY DOCUMENT OR FORM SUBMITTED TO THE STATE REGISTRAR.
8 12. INVESTIGATE VIOLATIONS OF THIS CHAPTER AND RULES ADOPTED PURSUANT
9 TO THIS CHAPTER.
10 13. REPORT VIOLATIONS OF THIS CHAPTER AND RULES ADOPTED PURSUANT TO
11 THIS CHAPTER TO THE COUNTY ATTORNEY IN THE REGISTRATION DISTRICT IN WHICH THE
12 VIOLATION OCCURS OR TO THE ATTORNEY GENERAL.
13 C. THE STATE REGISTRAR MAY:
14 1. APPOINT, IN WRITING, ONE OR MORE PERSONS TO SERVE AS ASSISTANT
15 STATE REGISTRARS WITH ANY OR ALL POWERS AND DUTIES VESTED IN THE STATE
16 REGISTRAR.
17 2. APPOINT, DIRECT AND REMOVE A DEPUTY LOCAL REGISTRAR.
18 3. INSPECT A REGISTRATION DISTRICT'S CERTIFICATES, EVIDENTIARY
19 DOCUMENTS, FORMS OR OTHER INFORMATION RELATED TO THE SYSTEM OF VITAL RECORDS.
20 4. ESTABLISH QUALITY CONTROL PROCEDURES THAT INCLUDE ON-SITE
21 INSPECTIONS AND REVIEW OF EVIDENTIARY DOCUMENTS, FORMS AND OTHER INFORMATION
22 USED IN THE CREATION OF VITAL RECORDS.
23 5. CONSOLIDATE OR SUBDIVIDE REGISTRATION DISTRICTS.
24 36-303. System of public health statistics; powers and duties
25 of the department
26 A. THE DEPARTMENT SHALL:
27 1. ADMINISTER AND ENFORCE THIS CHAPTER AND RULES ADOPTED PURSUANT TO
28 THIS CHAPTER.
29 2. PROVIDE FOR THE EFFICIENT ADMINISTRATION OF A SYSTEM OF PUBLIC
30 HEALTH STATISTICS.
31 B. THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT A SYSTEM OF PUBLIC
32 HEALTH STATISTICS PURSUANT TO THIS CHAPTER.
33 ARTICLE 2. REGISTRATION OFFICIALS
34 36-311. Appointment and removal of local registrars and deputy
35 local registrars
36 A. THE STATE REGISTRAR SHALL APPOINT THE COUNTY HEALTH OFFICER OF THE
37 COUNTY HEALTH DEPARTMENT AS THE LOCAL REGISTRAR FOR A REGISTRATION DISTRICT.
38 IF A COUNTY HEALTH DEPARTMENT DOES NOT HAVE A COUNTY HEALTH OFFICER, THE
39 STATE REGISTRAR SHALL APPOINT AN EMPLOYEE OF THE COUNTY HEALTH DEPARTMENT AS
40 THE LOCAL REGISTRAR FOR A REGISTRATION DISTRICT.
41 B. WITH NOTICE TO THE STATE REGISTRAR, THE LOCAL REGISTRAR MAY APPOINT
42 ONE OR MORE PERSONS TO SERVE AS DEPUTY LOCAL REGISTRARS WITH ANY OF THE
43 DUTIES VESTED IN THE LOCAL REGISTRAR.

1 C. THE STATE REGISTRAR MAY REMOVE A LOCAL REGISTRAR OR A DEPUTY LOCAL
2 REGISTRAR WHO DOES NOT COMPLY WITH THIS CHAPTER OR RULES ADOPTED PURSUANT TO
3 THIS CHAPTER OR FOR ANY OTHER REASONABLE CAUSE.
4 D. AFTER NOTICE TO THE STATE REGISTRAR, THE LOCAL REGISTRAR MAY REMOVE
5 A DEPUTY LOCAL REGISTRAR WHO DOES NOT COMPLY WITH THIS CHAPTER OR RULES
6 ADOPTED PURSUANT TO THIS CHAPTER OR FOR ANY OTHER REASONABLE CAUSE.
7 E. THE STATE REGISTRAR MAY ABOLISH THE OFFICE OF A LOCAL REGISTRAR IF
8 THE REGISTRATION DISTRICT FOR WHICH THE LOCAL REGISTRAR IS APPOINTED IS
9 COMBINED WITH ANOTHER REGISTRATION DISTRICT.
10 36-312. Local registrars and deputy local registrars; powers
11 and duties
12 A LOCAL REGISTRAR AND DEPUTY LOCAL REGISTRAR OF A REGISTRATION DISTRICT
13 SHALL:
14 1. ADMINISTER AND ENFORCE THIS CHAPTER AND RULES ADOPTED PURSUANT TO
15 THIS CHAPTER.
16 2. ASSIST THE STATE REGISTRAR IN INVESTIGATING VIOLATIONS OF THIS
17 CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.
18 3. ELECTRONICALLY OR PHYSICALLY SUBMIT CERTIFICATES, EVIDENTIARY
19 DOCUMENTS AND FORMS TO THE STATE REGISTRAR AS DIRECTED BY THE STATE
20 REGISTRAR.
21 4. REGISTER CERTIFICATES ONLY AS DIRECTED BY THE STATE REGISTRAR.
22 5. PRESERVE AND MAINTAIN RECORDS AND PERFORM OTHER DUTIES REQUIRED BY
23 THE STATE REGISTRAR.
24 6. AT THE REQUEST OF THE STATE REGISTRAR, MAKE CERTIFICATES,
25 EVIDENTIARY DOCUMENTS OR FORMS RELATED TO THE SYSTEM OF VITAL RECORDS
26 AVAILABLE TO THE STATE REGISTRAR FOR INSPECTION.
27 7. AT THE REQUEST OF THE STATE REGISTRAR, PROVIDE BIRTH CERTIFICATES
28 AND DEATH CERTIFICATES TO THE STATE REGISTRAR.
29 8. PREPARE AND ISSUE COPIES OF CERTIFICATES ACCORDING TO RULES ADOPTED
30 PURSUANT TO THIS CHAPTER.
31 36-313. Deputy local registrars; compensation
32 A. A DEPUTY LOCAL REGISTRAR SHALL RECEIVE FROM THE COUNTY GENERAL FUND
33 IN THAT REGISTRATION DISTRICT ONE DOLLAR FOR EACH BIRTH CERTIFICATE, DEATH
34 CERTIFICATE OR FETAL DEATH CERTIFICATE REGISTERED BY THE DEPUTY LOCAL
35 REGISTRAR AND SUBMITTED TO THE STATE REGISTRAR PURSUANT TO THIS CHAPTER AND
36 RULES ADOPTED PURSUANT TO THIS CHAPTER.
37 B. AT LEAST QUARTERLY THE STATE REGISTRAR SHALL PROVIDE WRITTEN
38 NOTIFICATION TO THE CLERK OF THE BOARD OF SUPERVISORS IN EACH REGISTRATION
39 DISTRICT THAT SPECIFIES THE NUMBER OF BIRTH CERTIFICATES, DEATH CERTIFICATES
40 AND FETAL DEATH CERTIFICATES REGISTERED BY THE DEPUTY LOCAL REGISTRAR
41 PRESCRIBED IN SUBSECTION A AND THE AMOUNT OF COMPENSATION THE DEPUTY LOCAL
42 REGISTRAR IS ENTITLED TO FOR THE PERIOD PURSUANT TO THIS SECTION.

1 ARTICLE 3. DEATH REGISTRATION AND BIRTH REGISTRATION
2 CERTIFICATE REQUIREMENTS,
3 36-321. Information required for a certificate
4 A. THE STATE REGISTRAR SHALL PRESCRIBE BY RULE THE INFORMATION
5 REQUIRED TO BE SUBMITTED TO CREATE OR AMEND A VITAL RECORD.
6 B. A PERSON WHO SUBMITS A CERTIFICATE FOR REGISTRATION MUST MAKE A
7 REASONABLE EFFORT TO ENSURE THAT THE INFORMATION ON THE CERTIFICATE IS
8 CORRECT AND ACCURATE.
9 C. A CERTIFICATE REGISTERED PURSUANT TO THIS CHAPTER MUST INCLUDE AN
10 OFFICIAL STATE NUMBER AND THE DATE OF REGISTRATION.
11 36-322 Sealing a certificate
12 A. THE STATE REGISTRAR SHALL SEAL A CERTIFICATE AND EVIDENTIARY
13 DOCUMENTS WHEN THE STATE REGISTRAR AMENDS THE REGISTERED CERTIFICATE.
14 B. UNLESS REQUIRED BY A COURT ORDER, THE STATE REGISTRAR SHALL NOT
15 ISSUE A COPY OF A CERTIFICATE OR OTHER RECORD SEALED PURSUANT TO THIS
16 SECTION.
17 36-323. Amending registered certificates; corrections
18 A. THE STATE REGISTRAR SHALL AMEND A REGISTERED CERTIFICATE PURSUANT
19 TO THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.
20 B. THE STATE REGISTRAR SHALL AMEND A REGISTERED BIRTH CERTIFICATE TO
21 SHOW THE NEW NAME OF A PERSON BORN IN THIS STATE IF:
22 1. THE PERSON, THE PERSON'S PARENT OR THE PERSON'S LEGAL GUARDIAN
23 REQUESTS THE NEW NAME AND THE STATE REGISTRAR RECEIVES A COURT ORDER TO
24 CHANGE THE PERSON'S NAME ON THE REGISTERED BIRTH CERTIFICATE.
25 2. A VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY SUBMITTED PURSUANT TO
26 SECTION 25-812 INCLUDES A REQUEST TO CHANGE THE PERSON'S NAME ON THE
27 REGISTERED BIRTH CERTIFICATE.
28 C. THE STATE REGISTRAR SHALL ADOPT RULES FOR MAKING CORRECTIONS TO
29 VITAL RECORDS.
30 36-324. Vital records; copies; access
31 A. ON WRITTEN REQUEST, A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR
32 THE STATE REGISTRAR SHALL ISSUE A CERTIFIED COPY OF A REGISTERED CERTIFICATE,
33 EXCEPT THE PORTION OF THE CERTIFICATE THAT CONTAINS MEDICAL INFORMATION, TO
34 ANY PERSON DETERMINED TO BE ELIGIBLE TO RECEIVE THE CERTIFIED COPY PURSUANT
35 TO CRITERIA PRESCRIBED BY RULES.
36 B. A CERTIFIED COPY OF A REGISTERED CERTIFICATE HAS THE SAME STATUS
37 AS THE REGISTERED CERTIFICATE.
38 C. THE UNITED STATES PUBLIC HEALTH SERVICE MAY RECEIVE COPIES,
39 MICROFILM AND OTHER INFORMATION FROM THE STATE REGISTRAR TO PREPARE NATIONAL
40 VITAL STATISTICS SUBJECT TO THE FOLLOWING LIMITATIONS:
41 1. THE UNITED STATES PUBLIC HEALTH SERVICE BEARS THE COST OF PREPARING
42 AND TRANSMITTING THE COPIES, MICROFILM AND OTHER INFORMATION.
43 2. THE COPIES, MICROFILM AND OTHER INFORMATION ARE USED FOR
44 STATISTICAL PURPOSES AND THE UNITED STATES PUBLIC HEALTH SERVICE ASSURES A
45 PERSON'S ANONYMITY.

1 D. IN CHILD SUPPORT CASES UNDER 42 UNITED STATES CODE SECTIONS 651
2 THROUGH 669, IN CHILD WELFARE CASES UNDER TITLE 8 OR IN PUBLIC BENEFIT
3 MATTERS UNDER CHAPTER 29 OF THIS TITLE OR TITLE 46, THE STATE REGISTRAR SHALL
4 PROVIDE COPIES OF OR ACCESS TO VITAL RECORDS WITHOUT CHARGE TO THE DEPARTMENT
5 OF ECONOMIC SECURITY OR ITS ATTORNEYS. A VITAL RECORD OBTAINED AS AUTHORIZED
6 IN THIS SECTION MUST BE USED ONLY FOR OFFICIAL PURPOSES AND, IF USED IN A
7 PUBLIC PROCEEDING, MUST BE SEALED BY THE COURT OR HEARING OFFICER.
8 E. THE STATE REGISTRAR SHALL PROVIDE A COPY OF OR ACCESS TO A VITAL
9 RECORD TO A GOVERNMENT AGENCY FOR ITS OFFICIAL PURPOSES.
10 36-325. Death certificate registration; moving human remains;
11 definition
12 A. WITHIN SEVEN CALENDAR DAYS AFTER RECEIVING POSSESSION OF HUMAN
13 REMAINS, A FUNERAL ESTABLISHMENT OR RESPONSIBLE PERSON WHO TAKES POSSESSION
14 OF THE HUMAN REMAINS SHALL:
15 1. OBTAIN AND COMPLETE THE INFORMATION, INCLUDING THE SOCIAL SECURITY
16 NUMBER OF THE DECEDENT, ON THE DEATH CERTIFICATE REQUIRED PURSUANT TO THIS
17 CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.
18 2. PROVIDE ON THE DEATH CERTIFICATE THE NAME AND ADDRESS OF THE PERSON
19 COMPLETING THE DEATH CERTIFICATE.
20 3. SUBMIT THE DEATH CERTIFICATE FOR REGISTRATION TO A LOCAL REGISTRAR,
21 A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR. THE FUNERAL ESTABLISHMENT
22 OR RESPONSIBLE PERSON MAY SUBMIT THE DEATH CERTIFICATE BY ELECTRONIC MEANS
23 IN THE FORMAT PRESCRIBED BY THE STATE REGISTRAR.
24 B. A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR
25 SHALL REGISTER A DEATH CERTIFICATE IF IT IS ACCURATE AND COMPLETE AND
26 SUBMITTED PURSUANT TO THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS
27 CHAPTER.
28 C. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, IF A PERSON
29 DIES UNDER ANY OF THE CIRCUMSTANCES DESCRIBED IN SECTION 11-593, SUBSECTION
30 A, THE MEDICAL EXAMINER SHALL COMPLETE AND SIGN THE MEDICAL CERTIFICATION OF
31 DEATH ON A DEATH CERTIFICATE WITHIN SEVENTY-TWO HOURS. IF THE MEDICAL
32 EXAMINER CANNOT DETERMINE THE CAUSE OF DEATH WITHIN THAT TIME, THE MEDICAL
33 EXAMINER SHALL ENTER "PENDING" FOR THE CAUSE OF DEATH AND SIGN THE MEDICAL
34 CERTIFICATION OF DEATH.
35 D. A LOCAL REGISTER, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR
36 SHALL REGISTER A DEATH CERTIFICATE IF THERE IS A MEDICAL CERTIFICATION OF
37 DEATH SIGNED BY THE MEDICAL EXAMINER WITH A PENDING CAUSE OF DEATH.
38 E. FINAL DISPOSITION OF HUMAN REMAINS WITH A PENDING CAUSE OF DEATH
39 SHALL NOT OCCUR UNTIL THE MEDICAL EXAMINER RELEASES THE HUMAN REMAINS FOR
40 FINAL DISPOSITION.
41 F. WHEN THE MEDICAL EXAMINER DETERMINES THE CAUSE OF DEATH, THE
42 MEDICAL EXAMINER SHALL SUBMIT THE INFORMATION TO THE LOCAL REGISTRAR, DEPUTY
43 LOCAL REGISTRAR OR STATE REGISTRAR.

1 G. IF A PERSON UNDER THE CURRENT CARE OF A PHYSICIAN OR NURSE
2 PRACTITIONER FOR A POTENTIALLY FATAL ILLNESS DIES OF THAT ILLNESS, THE
3 PHYSICIAN OR NURSE PRACTITIONER, IF AVAILABLE, SHALL COMPLETE AND SIGN THE
4 MEDICAL CERTIFICATION OF DEATH ON A DEATH CERTIFICATE WITHIN SEVENTY-TWO
5 HOURS. IF THE PHYSICIAN OR NURSE PRACTITIONER IS NOT AVAILABLE, THE MEDICAL
6 EXAMINER SHALL COMPLETE AND SIGN THE MEDICAL CERTIFICATION OF DEATH ON A
7 DEATH CERTIFICATE.
8 H. IF A PERSON DIES IN A HOSPITAL, NURSING CARE INSTITUTION OR HOSPICE
9 INPATIENT FACILITY, THE FOLLOWING PERSON SHALL COMPLETE AND SIGN THE MEDICAL
10 CERTIFICATION OF DEATH WITHIN SEVENTY-TWO HOURS OF THE DEATH.
11 1. IF THE PERSON IS UNDER THE CARE OF A NURSE PRACTITIONER, THE NURSE
12 PRACTITIONER OR ATTENDING PHYSICIAN, IF AVAILABLE.
13 2. IF THE PERSON IS NOT UNDER THE CARE OF A NURSE PRACTITIONER, THE
14 ATTENDING PHYSICIAN, IF AVAILABLE.
15 3. IF THE NURSE PRACTITIONER OR ATTENDING PHYSICIAN IS NOT AVAILABLE,
16 THE MEDICAL EXAMINER.
17 I. IF A PERSON DIES ON AN INDIAN RESERVATION IN THIS STATE AND A
18 COUNTY MEDICAL EXAMINER IS NOT AVAILABLE, THE TRIBAL LAW ENFORCEMENT
19 AUTHORITY, ACTING IN AN OFFICIAL INVESTIGATIVE CAPACITY, MAY COMPLETE AND
20 SIGN THE MEDICAL CERTIFICATION OF DEATH.
21 J. IF THE PLACE OF DEATH IS UNKNOWN, THE DEATH IS CONSIDERED TO HAVE
22 OCCURRED IN THE PLACE WHERE THE HUMAN REMAINS WERE FOUND.
23 K. IF A PERSON DIES IN A MOVING CONVEYANCE, THE DEATH IS CONSIDERED
24 TO HAVE OCCURRED IN THE PLACE WHERE THE HUMAN REMAINS WERE INITIALLY REMOVED
25 FROM THE CONVEYANCE. IN ALL OTHER CASES, THE PLACE WHERE DEATH IS PRONOUNCED
26 IS CONSIDERED THE PLACE WHERE THE DEATH OCCURRED.
27 L. THE STATE REGISTRAR SHALL CREATE AND REGISTER A DEATH CERTIFICATE
28 WHEN THE STATE REGISTRAR RECEIVES A COURT ORDER OF A PRESUMPTIVE DEATH. THE
29 COURT ORDER SHALL CONTAIN THE FOLLOWING INFORMATION, IF KNOWN:
30 1. THE DECEDENT'S NAME, SOCIAL SECURITY NUMBER, DATE OF BIRTH, DATE
31 OF DEATH, CAUSE OF DEATH AND LOCATION OF DEATH.
32 2. ANY OTHER INFORMATION NECESSARY TO COMPLETE A DEATH CERTIFICATE FOR
33 A PRESUMPTIVE DEATH.
34 M. IF A MURDER VICTIM'S BODY IS NOT RECOVERED, A CONVICTION FOR THE
35 MURDER IS PROOF OF DEATH. THE COURT SHALL FORWARD A RECORD OF THE CONVICTION
36 TO THE STATE REGISTRAR. THE STATE REGISTRAR SHALL OBTAIN THE PERSONAL DATA
37 REGARDING THE MURDER VICTIM FROM INFORMATION PROVIDED BY THE COURT, A FAMILY
38 MEMBER OF THE MURDER VICTIM OR OTHER RELIABLE SOURCE AND CREATE AND REGISTER
39 THE DEATH CERTIFICATE.
40 N. FOR THE PURPOSES OF THIS SECTION, "MEDICAL CERTIFICATION" MEANS
41 CONFIRMATION OF A CAUSE OF DEATH.
42 36-325.01. Delayed death certificate registration
43 IF A DEATH OCCURS IN THIS STATE AND IS NOT REGISTERED WITHIN ONE YEAR
44 AFTER THE DATE OF THE DEATH, THE LOCAL REGISTRAR, DEPUTY LOCAL REGISTRAR OR

1 STATE REGISTRAR SHALL REGISTER THE DEATH CERTIFICATE AS A DELAYED DEATH
2 CERTIFICATE.
3 36-326. Disposition-transit permits
4 A. A FUNERAL ESTABLISHMENT OR RESPONSIBLE PERSON WHO TAKES POSSESSION
5 OF HUMAN REMAINS SHALL OBTAIN A DISPOSITION-TRANSIT PERMIT FROM A LOCAL
6 REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR BEFORE PROVIDING
7 FINAL DISPOSITION OF THE HUMAN REMAINS.
8 B. A FUNERAL ESTABLISHMENT OR RESPONSIBLE PERSON WHO TAKES POSSESSION
9 OF HUMAN REMAINS SHALL OBTAIN A DISPOSITION-TRANSIT PERMIT FROM A LOCAL
10 REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR BEFORE MOVING THE
11 HUMAN REMAINS OUT OF THIS STATE.
12 C. HUMAN REMAINS MOVED FROM A HOSPITAL, NURSING CARE INSTITUTION OR
13 HOSPICE INPATIENT FACILITY MUST BE ACCOMPANIED BY A FORM PROVIDED BY THE
14 HOSPITAL, NURSING CARE INSTITUTION OR HOSPICE INPATIENT FACILITY AUTHORIZING
15 THE RELEASE OF THE HUMAN REMAINS. THE FORM SHALL CONTAIN THE INFORMATION
16 REQUIRED IN RULES ADOPTED PURSUANT TO THIS CHAPTER.
17 D. A FUNERAL ESTABLISHMENT OR RESPONSIBLE PERSON MAY MOVE HUMAN
18 REMAINS FROM A HOSPITAL, NURSING CARE INSTITUTION OR HOSPICE INPATIENT
19 FACILITY WHERE DEATH OCCURRED WITHOUT OBTAINING A DISPOSITION-TRANSIT PERMIT
20 IF THE FUNERAL ESTABLISHMENT OR RESPONSIBLE PERSON DOES NOT REMOVE THE HUMAN
21 REMAINS FROM THIS STATE AND PROVIDES NOTICE TO THE LOCAL REGISTRAR OR DEPUTY
22 LOCAL REGISTRAR IN THE REGISTRATION DISTRICT WHERE THE DEATH OCCURRED WITHIN
23 TWENTY-FOUR HOURS AFTER MOVING THE HUMAN REMAINS.
24 E. A FUNERAL ESTABLISHMENT OR RESPONSIBLE PERSON MAY MOVE HUMAN
25 REMAINS FROM A PLACE OTHER THAN A HOSPITAL, NURSING CARE INSTITUTION OR
26 HOSPICE INPATIENT FACILITY WHERE DEATH OCCURRED WITHOUT OBTAINING A
27 DISPOSITION-TRANSIT PERMIT IF THE FUNERAL ESTABLISHMENT OR RESPONSIBLE PERSON
28 DOES NOT REMOVE THE HUMAN REMAINS FROM THIS STATE AND PROVIDES NOTICE TO THE
29 LOCAL REGISTRAR OR DEPUTY LOCAL REGISTRAR IN THE REGISTRATION DISTRICT WHERE
30 DEATH OCCURRED WITHIN SEVENTY-TWO HOURS AFTER MOVING THE HUMAN REMAINS.
31 F. A HOSPITAL OR ABORTION CLINIC IS NOT REQUIRED TO OBTAIN A
32 DISPOSITION-TRANSIT PERMIT IF A PRODUCT OF HUMAN CONCEPTION IS EXPELLED OR
33 EXTRACTED AT THE HOSPITAL OR ABORTION CLINIC AND ALL THE FOLLOWING APPLY:
34 1. THE GESTATION PERIOD OF THE PRODUCT OF HUMAN CONCEPTION IS LESS
35 THAN TWENTY WEEKS OR, IF THE GESTATION PERIOD IS UNKNOWN, THE WEIGHT OF THE
36 PRODUCT OF HUMAN CONCEPTION IS LESS THAN THREE HUNDRED FIFTY GRAMS.
37 2. A COUNTY MEDICAL EXAMINER'S INVESTIGATION IS NOT REQUIRED.
38 3. THE WOMAN ON WHOM THE ABORTION WAS PERFORMED HAS AUTHORIZED THE
39 HOSPITAL OR ABORTION CLINIC TO DISPOSE OF THE PRODUCT OF HUMAN CONCEPTION.
40 G. TO OBTAIN A DISPOSITION-TRANSIT PERMIT, A FUNERAL ESTABLISHMENT OR
41 RESPONSIBLE PERSON MUST SUBMIT THE INFORMATION REQUIRED PURSUANT TO THIS
42 CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER TO THE STATE REGISTRAR OR
43 TO THE LOCAL REGISTRAR OR DEPUTY LOCAL REGISTRAR OF THE REGISTRATION DISTRICT
44 WHERE THE DEATH OCCURRED.

1 H. A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR
2 SHALL PROVIDE A DISPOSITION-TRANSIT PERMIT TO A FUNERAL ESTABLISHMENT OR
3 OTHER RESPONSIBLE PERSON IF THE INFORMATION PROVIDED PURSUANT TO SUBSECTION
4 B COMPLIES WITH THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.
5 I. A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR
6 SHALL PROVIDE A DISPOSITION-TRANSIT PERMIT FOR INTERMENT OF HUMAN REMAINS IN
7 A CEMETERY ONLY IF THE LOCATION OF THE CEMETERY HAS BEEN RECORDED IN THE
8 OFFICE OF THE COUNTY RECORDER IN THE COUNTY WHERE THE CEMETERY IS LOCATED OR
9 THE CEMETERY IS LOCATED ON FEDERAL OR TRIBAL LAND.
10 J. A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR
11 SHALL PROVIDE A DISPOSITION-TRANSIT PERMIT ISSUED BY THIS STATE FOR THE FINAL
12 DISPOSITION OF HUMAN REMAINS IN THIS STATE ON RECEIPT OF A
13 DISPOSITION-TRANSIT PERMIT FROM ANOTHER STATE THAT ACCOMPANIES THE HUMAN
14 REMAINS FROM THE OTHER STATE.
15 36-327. Disinterment-reinterment permit
16 A. EXCEPT AS OTHERWISE PROVIDED BY LAW, A DISINTERMENT-REINTERMENT
17 PERMIT IS REQUIRED BEFORE A PERSON DISINTERS HUMAN REMAINS. THE STATE
18 REGISTRAR SHALL PROVIDE A PERMIT TO DISINTER HUMAN REMAINS EITHER BY A COURT
19 ORDER ISSUED IN THIS STATE OR BY THE WRITTEN CONSENT OF THE DECEDENT'S FAMILY
20 MEMBER WHO HAS THE HIGHEST PRIORITY. THE PRIORITY IS AS FOLLOWS:
21 1. SPOUSE OF THE DECEDENT AT THE TIME OF DEATH.
22 2. ALL ADULT OFFSPRING.
23 3. PARENTS.
24 4. ALL ADULT SIBLINGS.
25 5. ANY OTHER FAMILY MEMBER OF LEGAL AGE.
26 B. A DISINTERMENT-REINTERMENT PERMIT IS NOT REQUIRED IF DISINTERMENT
27 AND REINTERMENT OCCURS IN THE SAME CEMETERY FOR ORDINARY RELOCATION OR FOR
28 REASONS OF INTERNAL MANAGEMENT OF THE CEMETERY
29 36-328. Registration of a death certificate for a foreign
30 presumptive death
31 A. THE STATE REGISTRAR SHALL CREATE AND REGISTER A DEATH CERTIFICATE
32 FOR A FOREIGN PRESUMPTIVE DEATH IF THE STATE REGISTRAR RECEIVES A COURT ORDER
33 ISSUED IN THIS STATE OF A PRESUMPTIVE DEATH OF A RESIDENT OF THIS STATE IN
34 A FOREIGN COUNTRY. THE COURT ORDER SHALL CONTAIN THE FOLLOWING INFORMATION,
35 IF KNOWN:
36 1. THE DECEDENT'S NAME, SOCIAL SECURITY NUMBER, DATE OF BIRTH, DATE
37 OF DEATH, CAUSE OF DEATH AND LOCATION OF DEATH.
38 2. ANY OTHER INFORMATION NECESSARY TO COMPLETE A DEATH CERTIFICATE FOR
39 A FOREIGN PRESUMPTIVE DEATH
40 B. A DEATH CERTIFICATE FOR A FOREIGN PRESUMPTIVE DEATH SHALL STATE ON
41 THE DEATH CERTIFICATE THE NAME OF THE FOREIGN COUNTRY WHERE DEATH IS PRESUMED
42 TO HAVE OCCURRED.

36-329. Fetal death certificate registration

A. A HOSPITAL, ABORTION CLINIC, PHYSICIAN OR MIDWIFE SHALL SUBMIT A COMPLETED FETAL DEATH CERTIFICATE TO THE STATE REGISTRAR FOR REGISTRATION WITHIN SEVEN DAYS AFTER THE FETAL DEATH FOR EACH FETAL DEATH OCCURRING IN THIS STATE AFTER A GESTATIONAL PERIOD OF TWENTY COMPLETED WEEKS OR IF THE PRODUCT OF HUMAN CONCEPTION WEIGHS MORE THAN THREE HUNDRED FIFTY GRAMS.

B. THE REQUIREMENTS FOR REGISTERING A FETAL DEATH CERTIFICATE ARE THE SAME AS THE REQUIREMENTS FOR REGISTERING A DEATH CERTIFICATE PRESCRIBED IN SECTION 36-325.

36-329.01. Delayed fetal death certificate registration

A. IF A FETAL DEATH OCCURS IN THIS STATE AND IS NOT REGISTERED WITHIN ONE YEAR AFTER THE DATE OF THE FETAL DEATH, THE LOCAL REGISTRAR, DEPUTY LOCAL REGISTRAR OR STATE REGISTRAR SHALL REGISTER THE FETAL DEATH CERTIFICATE AS A DELAYED FETAL DEATH CERTIFICATE.

B. THE REQUIREMENTS FOR REGISTERING A DELAYED FETAL DEATH CERTIFICATE ARE THE SAME AS THE REQUIREMENTS FOR REGISTERING A DELAYED DEATH CERTIFICATE PRESCRIBED IN SECTION 36-325.01.

36-330. Certificate of birth resulting in stillbirth; requirements

A. IN ADDITION TO THE REQUIREMENTS OF SECTION 36-329, THE STATE REGISTRAR SHALL ESTABLISH A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH ON A FORM APPROVED BY THE STATE REGISTRAR FOR EACH FETAL DEATH OCCURRING IN THIS STATE AFTER A GESTATIONAL PERIOD OF AT LEAST TWENTY COMPLETED WEEKS. THIS CERTIFICATE SHALL BE OFFERED TO THE PARENT OR PARENTS OF A STILLBORN CHILD.

B. A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH SHALL MEET ALL OF THE FORMAT AND FILING REQUIREMENTS FOR BIRTH CERTIFICATES PRESCRIBED IN SECTION 36-333.

C. THE PERSON WHO PREPARES A CERTIFICATE PURSUANT TO THIS SECTION SHALL LEAVE BLANK ANY REFERENCES TO THE STILLBORN CHILD'S NAME IF THE STILLBORN CHILD'S PARENT OR PARENTS DO NOT WISH TO PROVIDE A NAME FOR THE STILLBORN CHILD.

D. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, THE CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH SHALL BE SUBMITTED TO THE DESIGNATED REGISTRAR WITHIN SEVEN DAYS FOLLOWING THE DELIVERY AND BEFORE THE CREMATION OR REMOVAL OF THE FETUS FROM THE REGISTRATION DISTRICT.

36-330.01. Delayed registration of certificate of birth resulting in stillbirth

IF A BIRTH RESULTING IN STILLBIRTH OCCURRING IN THIS STATE HAS NOT BEEN REGISTERED WITHIN ONE YEAR AFTER THE DATE OF DELIVERY, A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH MARKED "DELAYED" MAY BE SUBMITTED AND REGISTERED PURSUANT TO THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER AND OTHER REQUIREMENTS SUFFICIENT TO SUBSTANTIATE THE ALLEGED FACTS OF A BIRTH RESULTING IN STILLBIRTH.

36-331. Duties of persons in charge of place of disposition

A. EXCEPT AS OTHERWISE PROVIDED BY LAW, A PERSON IN CHARGE OF A PLACE OF DISPOSITION SHALL NOT INTER, CREMATE OR ALLOW OTHER DISPOSITION OF HUMAN REMAINS WITHOUT RECEIVING A DISPOSITION-TRANSIT PERMIT WITH THE HUMAN REMAINS.

B. A PERSON IN CHARGE OF A PLACE OF DISPOSITION SHALL MAINTAIN A RECORD OF A DISPOSITION PURSUANT TO RULES ADOPTED PURSUANT TO THIS CHAPTER.

C. A PERSON IN CHARGE OF A PLACE OF DISPOSITION SHALL PERMIT THE STATE REGISTRAR TO INSPECT THE DISPOSITION RECORDS.

36-332. Notification of death to responsible person and release of human remains

A HEALTH CARE INSTITUTION SHALL NOT RELEASE HUMAN REMAINS OR ALLOW THE REMOVAL OF HUMAN REMAINS FROM THE HEALTH CARE INSTITUTION UNTIL THE HEALTH CARE INSTITUTION MAKES A DILIGENT EFFORT TO NOTIFY THE RESPONSIBLE PERSON AND OBTAIN THE NAME OF THE ENTITY TO WHOM THE HUMAN REMAINS ARE TO BE RELEASED.

36-333. Birth certificate registration

A. WITHIN SEVEN DAYS AFTER A CHILD'S BIRTH IN THIS STATE, A PERSON SHALL SUBMIT TO A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR, A BIRTH CERTIFICATE FOR REGISTRATION ACCORDING TO RULES ADOPTED PURSUANT TO THIS CHAPTER. THE BIRTH CERTIFICATE SHALL BE SUBMITTED PHYSICALLY OR ELECTRONICALLY THROUGH THE STATE DESIGNATED ELECTRONIC REGISTRATION SYSTEM. A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR MAY ACCEPT A CERTIFICATE SUBMITTED ELECTRONICALLY WITHOUT THE SIGNATURES REQUIRED BY RULE.

B. IF A BIRTH OCCURS AT A HOSPITAL, THE CHIEF ADMINISTRATIVE OFFICER OF THE HOSPITAL OR THAT PERSON'S DESIGNEE SHALL:

1. OBTAIN THE INFORMATION FOR A BIRTH CERTIFICATE, INCLUDING SIGNATURES AND SOCIAL SECURITY NUMBERS REQUIRED BY RULE.

2. FILL OUT THE BIRTH CERTIFICATE.

3. SUBMIT THE BIRTH CERTIFICATE FOR REGISTRATION TO A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR.

4. MAINTAIN A COPY OF THE EVIDENTIARY DOCUMENTS USED TO FILL OUT THE BIRTH CERTIFICATE FOR TEN YEARS AFTER THE DATE OF SUBMISSION.

C. IF A BIRTH DOES NOT OCCUR AT A HOSPITAL ONE OF THE FOLLOWING PERSONS SHALL OBTAIN THE INFORMATION, EVIDENTIARY DOCUMENTS, SOCIAL SECURITY NUMBERS AND SIGNATURES REQUIRED BY RULE FOR A BIRTH CERTIFICATE, FILL OUT THE BIRTH CERTIFICATE AND SUBMIT THE BIRTH CERTIFICATE FOR REGISTRATION TO A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR:

1. A PHYSICIAN, NURSE OR MIDWIFE WHO IS PRESENT AT THE BIRTH AND WHO IS WILLING AND ABLE TO DO SO DURING OR IMMEDIATELY AFTER THE BIRTH.

2. IF A PHYSICIAN, NURSE OR MIDWIFE IS NOT PRESENT AT THE BIRTH OR IS NOT WILLING OR ABLE TO DO SO, THE CHILD'S MOTHER OR FATHER OR A FAMILY MEMBER OF LEGAL AGE WHO IS PRESENT, WILLING AND ABLE TO DO SO DURING OR IMMEDIATELY AFTER THE BIRTH.

1 3. IF THE CHILD'S FATHER OR OTHER FAMILY MEMBER OF LEGAL AGE IS NOT
2 PRESENT OR IS NOT WILLING OR ABLE AND THE CHILD'S MOTHER IS NOT WILLING OR
3 ABLE TO SUPPLY THE REQUIRED INFORMATION, ANY OTHER PERSON WHO IS PRESENT
4 DURING OR IMMEDIATELY AFTER THE CHILD'S BIRTH AND WHO CAN SUPPLY THE REQUIRED
5 INFORMATION.
6 D. IF A BIRTH OCCURS IN A MOVING CONVEYANCE, THE BIRTH IS CONSIDERED
7 TO HAVE OCCURRED IN THE PLACE WHERE THE CHILD IS INITIALLY REMOVED FROM THE
8 CONVEYANCE. IF THE CHILD IS INITIALLY REMOVED FROM THE CONVEYANCE AT A
9 HOSPITAL, THE PERSON NAMED IN SUBSECTION B SHALL SUBMIT THE BIRTH CERTIFICATE
10 TO THE STATE REGISTRAR OR THE LOCAL REGISTRAR OR DEPUTY LOCAL REGISTRAR OF
11 THE REGISTRATION DISTRICT WHERE THE CHILD IS FIRST REMOVED. IF THE CHILD IS
12 INITIALLY REMOVED FROM THE CONVEYANCE AT ANY LOCATION OTHER THAN AT A
13 HOSPITAL, THE PERSON IDENTIFIED IN SUBSECTION C SHALL SUBMIT THE BIRTH
14 CERTIFICATE TO THE STATE REGISTRAR OR TO THE LOCAL REGISTRAR OR DEPUTY LOCAL
15 REGISTRAR OF THE REGISTRATION DISTRICT WHERE THE CHILD IS FIRST REMOVED.
16 E. A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE REGISTRAR
17 SHALL REGISTER A BIRTH CERTIFICATE IF THE BIRTH CERTIFICATE IS ACCURATE AND
18 COMPLETE AND SUBMITTED ACCORDING TO THIS CHAPTER AND RULES ADOPTED PURSUANT
19 TO THIS CHAPTER.
20 36-333.01 Late birth certificate registration
21 IF A COMPLETED BIRTH CERTIFICATE AND EVIDENTIARY DOCUMENTS ARE
22 SUBMITTED TO A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE
23 REGISTRAR FOR REGISTRATION MORE THAN SEVEN DAYS BUT LESS THAN ONE YEAR AFTER
24 THE DATE OF BIRTH, THE LOCAL REGISTRAR, DEPUTY LOCAL REGISTRAR OR STATE
25 REGISTRAR SHALL REGISTER THE BIRTH CERTIFICATE AS A LATE BIRTH CERTIFICATE
26 IF THE INFORMATION ON THE BIRTH CERTIFICATE AND EVIDENTIARY DOCUMENTS ARE
27 ACCURATE AND COMPLETE, SUPPORT THE REGISTRATION OF THE LATE BIRTH CERTIFICATE
28 AND ARE SUBMITTED PURSUANT TO THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS
29 CHAPTER.
30 36-333.02 Delayed birth certificate registration
31 A. IF A BIRTH CERTIFICATE OF A PERSON WHO IS BORN IN THIS STATE IS NOT
32 REGISTERED WITHIN ONE YEAR AFTER THE DATE OF BIRTH, A PERSON AUTHORIZED BY
33 THIS CHAPTER MAY SUBMIT TO THE STATE REGISTRAR INFORMATION AND EVIDENTIARY
34 DOCUMENTS THAT SUPPORT THE CREATION AND REGISTRATION OF A DELAYED BIRTH
35 CERTIFICATE.
36 B. THE STATE REGISTRAR MAY WAIVE THE INFORMATION AND EVIDENTIARY
37 DOCUMENT REQUIREMENTS IN SUBSECTION A FOR A BIRTH THAT OCCURRED BEFORE 1950.
38 C. THE STATE REGISTRAR SHALL CREATE A DELAYED BIRTH CERTIFICATE THAT
39 INCLUDES A LISTING OF THE INFORMATION AND EVIDENTIARY DOCUMENTS SUBMITTED
40 PURSUANT TO SUBSECTION A.
41 D. THE STATE REGISTRAR SHALL REGISTER A DELAYED BIRTH CERTIFICATE IF
42 THE INFORMATION AND EVIDENTIARY DOCUMENTS ARE ACCURATE AND COMPLETE, SUPPORT
43 THE REGISTRATION OF THE DELAYED BIRTH CERTIFICATE AND ARE SUBMITTED PURSUANT
44 TO THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

1 36-334. Determining maternity and paternity for birth
2 certificates
3 A. A PERSON COMPLETING A BIRTH CERTIFICATE SHALL STATE THE NAME OF THE
4 WOMAN WHO GAVE BIRTH TO THE CHILD ON THE BIRTH CERTIFICATE AS THE CHILD'S
5 MOTHER UNLESS OTHERWISE PROVIDED BY LAW OR COURT ORDER.
6 B. THE STATE REGISTRAR SHALL NOT REFUSE TO REGISTER A BIRTH
7 CERTIFICATE BECAUSE THE BIRTH CERTIFICATE DOES NOT INCLUDE THE NAME OF THE
8 FATHER.
9 C. IF A FATHER'S NAME IS STATED ON A BIRTH CERTIFICATE, THE FATHER'S
10 NAME SHALL BE STATED ON A BIRTH CERTIFICATE AS FOLLOWS:
11 1. EXCEPT AS PROVIDED IN SECTION 25-814, IF THE MOTHER IS MARRIED AT
12 THE TIME OF BIRTH OR WAS MARRIED AT ANY TIME IN THE TEN MONTHS BEFORE THE
13 BIRTH, THE NAME OF THE MOTHER'S HUSBAND.
14 2. IF A MOTHER AND FATHER WHO ARE NOT MARRIED TO EACH OTHER AT THE
15 TIME OF BIRTH AND WERE NOT MARRIED TO EACH OTHER IN THE TEN MONTHS BEFORE THE
16 BIRTH VOLUNTARILY ACKNOWLEDGE PATERNITY PURSUANT TO SECTION 25-812, THE NAME
17 OF THE FATHER ACKNOWLEDGING PATERNITY.
18 3. IF THE STATE REGISTRAR RECEIVES AN ADMINISTRATIVE ORDER OR A COURT
19 ORDER ESTABLISHING PATERNITY, THE FATHER'S NAME IN THE ORDER.
20 D. IF THE ACKNOWLEDGEMENT OF PATERNITY IS RESCINDED PURSUANT TO
21 SECTION 25-812, THE STATE REGISTRAR SHALL REMOVE THE FATHER'S NAME FROM THE
22 REGISTERED BIRTH CERTIFICATE.
23 36-335. Birth registration for foundlings
24 A. A PERSON WHO HAS CUSTODY OF A FOUNDLING SHALL SUBMIT TO THE STATE
25 REGISTRAR OR TO THE LOCAL REGISTRAR OR A DEPUTY LOCAL REGISTRAR OF THE
26 REGISTRATION DISTRICT WHERE THE FOUNDLING WAS FOUND THE FOLLOWING
27 INFORMATION:
28 1. THE DATE THE FOUNDLING WAS FOUND.
29 2. THE LOCATION WHERE THE FOUNDLING WAS FOUND.
30 3. THE SEX, APPROXIMATE RACE AND APPROXIMATE AGE OF THE FOUNDLING.
31 4. THE NAME AND ADDRESS OF THE PERSON WHO HAS CUSTODY OF THE
32 FOUNDLING.
33 5. THE NAME GIVEN TO THE FOUNDLING BY THE PERSON WHO HAS CUSTODY OF
34 THE FOUNDLING.
35 6. ANY OTHER DATA REQUIRED BY RULES ADOPTED PURSUANT TO THIS CHAPTER.
36 B. THE STATE REGISTRAR SHALL CREATE AND REGISTER A BIRTH CERTIFICATE
37 FOR A FOUNDLING AND ENTER ON THE BIRTH CERTIFICATE THE FOLLOWING INFORMATION:
38 1. THE LOCATION WHERE THE FOUNDLING WAS FOUND AS THE PLACE OF BIRTH.
39 2. THE DATE OF BIRTH BASED ON THE APPROXIMATE AGE OF THE FOUNDLING.
40 C. A PERSON WHO HAS CUSTODY OF A FOUNDLING AND DETERMINES THE
41 FOUNDLING'S IDENTITY SHALL NOTIFY THE STATE REGISTRAR IN WRITING OF THE
42 DETERMINATION.
43 D. IF THE IDENTITY OF A FOUNDLING IS DETERMINED, THE STATE REGISTRAR
44 SHALL SEAL THE FOUNDLING'S REGISTERED BIRTH CERTIFICATE AND PROVIDE ACCESS

1 TO THE FOUNDLING'S REGISTERED BIRTH CERTIFICATE ONLY PURSUANT TO A COURT
2 ORDER ISSUED IN THIS STATE.
3 36-336. Adoption certificate
4 A. FOR AN ADOPTION OF A PERSON BORN IN THIS STATE, A STATE COURT SHALL
5 SUBMIT TO THE STATE REGISTRAR AN ADOPTION CERTIFICATE ON A FORM APPROVED BY
6 THE STATE REGISTRAR OR PURSUANT TO A COURT ORDER THAT INCLUDES:
7 1. INFORMATION REQUIRED BY RULE ABOUT THE ADOPTIVE FATHER AND ADOPTIVE
8 MOTHER.
9 2. INFORMATION REQUIRED BY RULE ABOUT THE CHILD BEING ADOPTED.
10 3. A STATEMENT BY THE COURT THAT THE INFORMATION ON THE ADOPTION
11 CERTIFICATE IS ACCURATE.
12 B. FOR AN ADOPTION OF A PERSON BORN IN THIS STATE AND ORDERED BY A
13 COURT IN ANOTHER STATE, THE STATE REGISTRAR SHALL ACCEPT AN ORDER FOR AN
14 ADOPTION OR AN ADOPTION CERTIFICATE THAT CONTAINS THE INFORMATION IN
15 SUBSECTION A.
16 C. IF A COURT MODIFIES A COURT ORDER FOR ADOPTION, THE STATE REGISTRAR
17 SHALL FOLLOW THE PROCEDURES IN THIS CHAPTER FOR AMENDING A REGISTERED
18 CERTIFICATE.
19 D. BY THE TENTH DAY OF EACH MONTH, A COURT IN THIS STATE SHALL SUBMIT
20 TO THE STATE REGISTRAR ALL ADOPTION CERTIFICATES, COURT ORDERS FOR ADOPTION
21 AND COURT ORDERS FOR MODIFICATION OF ADOPTION FOR THE PRECEDING MONTH.
22 E. WHEN THE STATE REGISTRAR RECEIVES AN ADOPTION CERTIFICATE, A COURT
23 ORDER FOR ADOPTION, A CHANGE TO A COURT ORDER FOR ADOPTION OR AN ANNULMENT
24 OF AN ADOPTION FOR A PERSON BORN IN ANOTHER STATE, THE STATE REGISTRAR SHALL
25 SEND THE DOCUMENT TO THE APPROPRIATE REGISTRATION AUTHORITY IN THE STATE
26 WHERE THE PERSON WAS BORN.
27 36-337. Amending birth certificates after adoption, surgical
28 alteration and court order
29 A. THE STATE REGISTRAR SHALL AMEND THE BIRTH CERTIFICATE FOR A PERSON
30 BORN IN THIS STATE WHEN THE STATE REGISTRAR RECEIVES ANY OF THE FOLLOWING:
31 1. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, AN ADOPTION
32 CERTIFICATE OR A COURT ORDER FOR ADOPTION REQUIRED PURSUANT TO SECTION
33 36-336.
34 2. A VOLUNTARY ACKNOWLEDGMENT OF PATERNITY PURSUANT TO SECTION 25-812.
35 3. FOR A PERSON WHO HAS UNDERGONE A SEX CHANGE OPERATION OR HAS A
36 CHROMOSOMAL COUNT THAT ESTABLISHES THE SEX OF THE PERSON AS DIFFERENT THAN
37 IN THE REGISTERED BIRTH CERTIFICATE, BOTH OF THE FOLLOWING:
38 (a) A WRITTEN REQUEST FOR AN AMENDED BIRTH CERTIFICATE FROM THE PERSON
39 OR, IF THE PERSON IS A CHILD, FROM THE CHILD'S PARENT OR LEGAL GUARDIAN.
40 (b) A WRITTEN STATEMENT BY A PHYSICIAN THAT VERIFIES THE SEX CHANGE
41 OPERATION OR CHROMOSOMAL COUNT.
42 4. A COURT ORDER ORDERING AN AMENDMENT TO A BIRTH CERTIFICATE.
43 B. THE STATE REGISTRAR SHALL CHANGE THE NAME OF THE FATHER ON A
44 REGISTERED BIRTH CERTIFICATE IF:

1 1. THE STATE REGISTRAR RECEIVES AN ADMINISTRATIVE ORDER OR A COURT
2 ORDER ORDERING THE STATE REGISTRAR TO CHANGE THE FATHER'S NAME ON THE
3 REGISTERED BIRTH CERTIFICATE.
4 2. PATERNITY IS ESTABLISHED THROUGH A VOLUNTARY ACKNOWLEDGEMENT OF
5 PATERNITY PURSUANT TO SECTION 25-812.
6 C. IF A REGISTERED BIRTH CERTIFICATE DOES NOT EXIST FOR A PERSON BORN
7 IN THIS STATE WHO IS REQUESTING TO AMEND A BIRTH CERTIFICATE THE PERSON
8 MAKING THAT REQUEST SHALL COMPLY WITH THE REQUIREMENTS ESTABLISHED BY RULE.
9 D. THE STATE REGISTRAR SHALL RETAIN THE INFORMATION ON A PERSON'S
10 REGISTERED BIRTH CERTIFICATE AFTER THE PERSON'S ADOPTION IF ALL OF THE
11 FOLLOWING DOCUMENTS ARE SUBMITTED TO THE STATE REGISTRAR:
12 1. A WRITTEN REQUEST TO RETAIN THE INFORMATION SIGNED BY THE ADOPTIVE
13 PARENT OR A COURT ORDER CONTAINING A REQUEST TO RETAIN THE INFORMATION ON THE
14 REGISTERED BIRTH CERTIFICATE.
15 2. A WRITTEN STATEMENT AGREEING TO RETAIN THE MOTHER'S NAME ON THE
16 PERSON'S REGISTERED BIRTH CERTIFICATE, SIGNED BY THE MOTHER, OR IF THE MOTHER
17 IS DECEASED, A CERTIFIED COPY OF A REGISTERED DEATH CERTIFICATE FOR THE
18 MOTHER.
19 3. IF THERE IS A FATHER'S NAME STATED ON THE REGISTERED BIRTH
20 CERTIFICATE, A WRITTEN STATEMENT AGREEING TO RETAIN THE FATHER'S NAME ON THE
21 PERSON'S REGISTERED BIRTH CERTIFICATE, SIGNED BY THE FATHER, OR IF THE FATHER
22 IS DECEASED, A CERTIFIED COPY OF A REGISTERED DEATH CERTIFICATE FOR THE
23 FATHER.
24 E. IF THE STATE REGISTRAR AMENDS A REGISTERED BIRTH CERTIFICATE
25 FOLLOWING ADOPTION, THE BIRTH CERTIFICATE SHALL STATE THE CITY OR COUNTY OF
26 BIRTH STATED ON THE EXISTING REGISTERED BIRTH CERTIFICATE AND THE DATE OF
27 BIRTH STATED ON THE EXISTING REGISTERED BIRTH CERTIFICATE. THE STATE
28 REGISTRAR MAY OMIT THE EXACT LOCATION OF BIRTH ON THE REGISTERED BIRTH
29 CERTIFICATE.
30 F. IF A LOCAL REGISTRAR OR DEPUTY LOCAL REGISTRAR AMENDS A REGISTERED
31 BIRTH CERTIFICATE, THE LOCAL REGISTRAR OR DEPUTY LOCAL REGISTRAR SHALL
32 FORWARD ALL EVIDENTIARY DOCUMENTS PROVIDED TO CREATE THE NEW BIRTH
33 CERTIFICATE TO THE STATE REGISTRAR.
34 G. IF THE STATE REGISTRAR AMENDS A REGISTERED BIRTH CERTIFICATE, THE
35 STATE REGISTRAR SHALL SEAL THE PREVIOUSLY REGISTERED BIRTH CERTIFICATE AND
36 THE EVIDENTIARY DOCUMENTS PROVIDED TO AMEND THE REGISTERED BIRTH
37 CERTIFICATE. THE STATE REGISTRAR SHALL PROVIDE ACCESS TO A SEALED
38 CERTIFICATE OR EVIDENTIARY DOCUMENTS ONLY PURSUANT TO SECTION 36-322, A COURT
39 ORDER ISSUED IN THIS STATE OR AS PRESCRIBED BY RULE.
40 H. IF THE STATE REGISTRAR RECEIVES A COURT ORDER ANNULLING AN
41 ADOPTION, THE STATE REGISTRAR SHALL UNSEAL THE SEALED REGISTERED BIRTH
42 CERTIFICATE AND SHALL SEAL THE NEW BIRTH CERTIFICATE AND EVIDENTIARY
43 DOCUMENTS.

1 36-338. Foreign birth certificates for adoptees
2 A. THE STATE REGISTRAR SHALL CREATE AND REGISTER A FOREIGN BIRTH
3 CERTIFICATE FOR AN ADOPTED PERSON WHO IS NOT A UNITED STATES CITIZEN AND WHO
4 IS BORN IN A FOREIGN COUNTRY IF A COURT IN THIS STATE, AN ADOPTIVE PARENT OR
5 AN ADOPTED PERSON OF LEGAL AGE SUBMITS ALL OF THE FOLLOWING INFORMATION:
6 1. A BIRTH CERTIFICATE FROM THE COUNTRY OF THE ADOPTED PERSON'S BIRTH
7 THAT HAS BEEN TRANSLATED INTO ENGLISH OR WRITTEN DOCUMENTATION OF THE DATE
8 AND PLACE OF THE ADOPTED PERSON'S BIRTH.
9 2. A COURT ORDER OF ADOPTION OR ADOPTION CERTIFICATE.
10 3. IF NOT ADOPTED IN THIS STATE, A COURT ORDER ISSUED IN THIS STATE
11 THAT RECOGNIZES THE ADOPTION PURSUANT TO SECTION 36-336.
12 B. A FOREIGN BIRTH CERTIFICATE FOR AN ADOPTED PERSON SHALL SHOW THE
13 COUNTRY OF BIRTH AND INCLUDE LANGUAGE STATING THAT THE CERTIFICATE IS NOT
14 EVIDENCE OF UNITED STATES CITIZENSHIP FOR THE PERSON FOR WHOM IT IS ISSUED.
15 C. THE STATE REGISTRAR SHALL NOT CREATE A FOREIGN BIRTH CERTIFICATE
16 FOR AN ADOPTED PERSON BORN IN A FOREIGN COUNTRY WHO IS A UNITED STATES
17 CITIZEN AT THE TIME OF BIRTH. THE STATE REGISTRAR SHALL INFORM THE ADOPTIVE
18 PARENTS OR THE ADOPTED PERSON OF LEGAL AGE THAT A BIRTH CERTIFICATE MAY BE
19 OBTAINED THROUGH THE UNITED STATES DEPARTMENT OF STATE.
20 36-339. Missing children; notification; flagging birth
21 certificate records; definitions
22 A. IF A CHILD IS REPORTED MISSING TO A LAW ENFORCEMENT AGENCY IN THIS
23 STATE, THAT AGENCY SHALL NOTIFY THE STATE REGISTRAR IN THE STATE OF THE
24 CHILD'S BIRTH. THE NOTIFICATION SHALL INCLUDE THE MISSING CHILD'S NAME, DATE
25 OF BIRTH AND COUNTY OF BIRTH.
26 B. IF THE STATE REGISTRAR IS NOTIFIED PURSUANT TO SUBSECTION A THAT
27 A CHILD BORN IN THIS STATE IS MISSING, THE STATE REGISTRAR SHALL FLAG THE
28 CHILD'S REGISTERED BIRTH CERTIFICATE. IF THE MISSING CHILD IS FOUND, THE LAW
29 ENFORCEMENT AGENCY THAT REPORTED THE CHILD MISSING SHALL NOTIFY THE STATE
30 REGISTRAR AND THE STATE REGISTRAR SHALL REMOVE THE FLAG FROM THE CHILD'S
31 REGISTERED BIRTH CERTIFICATE.
32 C. IF THE STATE REGISTRAR RECEIVES A REQUEST FOR A REGISTERED
33 CERTIFICATE THAT IS FLAGGED, THE STATE REGISTRAR SHALL:
34 1. MAKE A PHOTOCOPY OF THE PHOTO IDENTIFICATION OF THE PERSON MAKING
35 THE REQUEST.
36 2. DOCUMENT THE PHYSICAL DESCRIPTION OF THE PERSON MAKING THE REQUEST.
37 3. IMMEDIATELY NOTIFY A LAW ENFORCEMENT AGENCY IN THIS STATE OF THE
38 REQUEST.
39 D. FOR THE PURPOSES OF THIS SECTION:
40 1. "FLAG" MEANS TO INDICATE ON A CHILD'S REGISTERED BIRTH CERTIFICATE
41 THAT THE CHILD IS A MISSING CHILD.
42 2. "MISSING CHILD" MEANS A CHILD WHOSE LOCATION CANNOT BE DETERMINED
43 AND WHO IS REPORTED TO A LAW ENFORCEMENT AGENCY AS ABDUCTED, LOST OR A
44 RUNAWAY.

ARTICLE 4. FEES AND VITAL RECORD INFORMATION

36-341. Fees received by state and local registrars

A. THE STATE REGISTRAR SHALL ESTABLISH BY RULE THE FEES, IF ANY, TO BE CHARGED FOR SEARCHES, COPIES OF REGISTERED CERTIFICATES, CERTIFIED COPIES OF REGISTERED CERTIFICATES, AMENDING REGISTERED CERTIFICATES AND CORRECTING CERTIFICATES.

B. IN ADDITION TO FEES COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION, THE STATE REGISTRAR SHALL ASSESS AN ADDITIONAL ONE DOLLAR SURCHARGE ON FEES FOR ALL CERTIFIED COPIES OF REGISTERED BIRTH CERTIFICATES. THE STATE REGISTRAR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL MONIES RECEIVED FROM THE SURCHARGE IN THE CONFIDENTIAL INTERMEDIARY AND FIDUCIARY FUND ESTABLISHED BY SECTION 8-135.

C. THE STATE REGISTRAR SHALL KEEP A TRUE AND ACCURATE ACCOUNT OF ALL FEES COLLECTED BY THE STATE REGISTRAR UNDER THIS CHAPTER AND, UNTIL JULY 1, 2006, SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, FORTY PER CENT OF THESE MONIES IN THE VITAL RECORDS ELECTRONIC SYSTEMS FUND ESTABLISHED BY SECTION 36-341.01 AND THE REMAINING SIXTY PER CENT IN THE STATE GENERAL FUND. BEGINNING ON JULY 1, 2006, THE STATE REGISTRAR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL OF THESE MONIES IN THE STATE GENERAL FUND.

D. A LOCAL REGISTRAR SHALL KEEP A TRUE AND ACCURATE ACCOUNT OF ALL FEES COLLECTED BY THE LOCAL REGISTRAR UNDER THIS CHAPTER AND SHALL DEPOSIT THEM WITH THE COUNTY TREASURER TO BE CREDITED TO A SPECIAL REGISTRATION AND STATISTICAL REVENUE ACCOUNT OF THE HEALTH DEPARTMENT FUND.

E. IN ADDITION TO FEES COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION, THE DEPARTMENT SHALL ASSESS AN ADDITIONAL ONE DOLLAR SURCHARGE ON FEES FOR ALL CERTIFIED COPIES OF REGISTERED DEATH CERTIFICATES. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES RECEIVED FROM THE SURCHARGE IN THE CHILD FATALITY REVIEW FUND ESTABLISHED BY SECTION 36-3504.

F. THE STATE REGISTRAR MAY EXEMPT AN AGENCY AS DEFINED IN SECTION 41-1001 FROM ANY FEE REQUIRED BY THIS SECTION, SECTION 8-135 OR SECTION 36-3504.

36-341.01. Vital records electronic systems fund; purpose; nonlapsing

A. THE VITAL RECORDS ELECTRONIC SYSTEMS FUND IS ESTABLISHED CONSISTING OF MONIES COLLECTED PURSUANT TO SECTION 36-341. THE DIRECTOR SHALL ADMINISTER THE FUND. THE DIRECTOR SHALL USE FUND MONIES FOR COSTS ASSOCIATED WITH THE VITAL RECORDS AUTOMATION SYSTEM.

B. FUND MONIES:

1. DO NOT REVERT TO THE STATE GENERAL FUND.

2. ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

3. ARE CONTINUOUSLY APPROPRIATED.

1 C. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND
2 DIVEST THE MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES
3 EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.
4 36-342. Disclosure of information; prohibition
5 A. THE STATE REGISTRAR MAY PROVIDE INFORMATION CONTAINED IN VITAL
6 RECORDS TO PERSONS, INCLUDING FEDERAL, STATE, LOCAL AND OTHER AGENCIES, AS
7 REQUIRED BY LAW AND FOR STATISTICAL OR RESEARCH PURPOSES.
8 B. EXCEPT AS AUTHORIZED BY LAW, A LOCAL REGISTRAR, A DEPUTY LOCAL
9 REGISTRAR OR THE STATE REGISTRAR OR THEIR EMPLOYEES SHALL NOT:
10 1. PERMIT INSPECTION OF A VITAL RECORD OR EVIDENTIARY DOCUMENT
11 SUPPORTING THE VITAL RECORD.
12 2. DISCLOSE INFORMATION CONTAINED IN A VITAL RECORD.
13 3. TRANSCRIBE OR ISSUE A COPY OF ALL OR PART OF A VITAL RECORD.
14 36-343. Duty to provide information to the state registrar
15 A PERSON WHO HAS KNOWLEDGE OF INFORMATION RELATING TO A BIRTH, DEATH
16 OR FETAL DEATH MUST PROVIDE THIS INFORMATION TO THE STATE REGISTRAR ON
17 REQUEST.
18 36-344. Violation; classification
19 A. A PERSON IS GUILTY OF A CLASS 1 MISDEMEANOR IF THE PERSON:
20 1. KNOWINGLY MAKES A FALSE STATEMENT IN A CERTIFICATE OR RECORD
21 REQUIRED TO BE FILED PURSUANT TO THIS CHAPTER OR IN AN APPLICATION FOR AN
22 AMENDMENT OF A CERTIFICATE OR WHO KNOWINGLY SUBMITS FALSE INFORMATION
23 INTENDING THAT THE INFORMATION BE USED IN THE CREATION OR AMENDMENT OF A
24 CERTIFICATE.
25 2. WITHOUT LAWFUL AUTHORITY AND WITH THE INTENT TO DECEIVE MAKES,
26 ALTERS, AMENDS, MUTILATES OR REMOVES A CERTIFICATE OR RECORD REQUIRED TO BE
27 SUBMITTED PURSUANT TO THIS CHAPTER OR A CERTIFIED COPY OF A REGISTERED
28 CERTIFICATE.
29 3. KNOWINGLY USES OR FURNISHES FOR USE TO ANOTHER FOR THE PURPOSE OF
30 DECEPTION A CERTIFICATE OR RECORD REQUIRED TO BE SUBMITTED PURSUANT TO THIS
31 CHAPTER OR A CERTIFIED COPY OF A REGISTERED CERTIFICATE THAT HAS BEEN MADE,
32 ALTERED, AMENDED OR MUTILATED.
33 4. WITH THE INTENT TO DECEIVE, KNOWINGLY USES A BIRTH CERTIFICATE OR
34 A CERTIFIED COPY OF A REGISTERED BIRTH CERTIFICATE KNOWING THAT THE BIRTH
35 CERTIFICATE OR CERTIFIED COPY OF THE REGISTERED BIRTH CERTIFICATE WAS ISSUED
36 ON A RECORD THAT IS FALSE IN WHOLE OR IN PART OR THAT RELATES TO THE BIRTH
37 OF ANOTHER PERSON.
38 5. KNOWINGLY FURNISHES A BIRTH CERTIFICATE OR CERTIFIED COPY OF A
39 REGISTERED BIRTH CERTIFICATE WITH THE INTENT THAT IT BE USED BY A PERSON
40 OTHER THAN THE PERSON NAMED ON THE BIRTH CERTIFICATE.
41 6. KNOWINGLY FAILS OR REFUSES TO REPORT A DEATH TO A PEACE OFFICER OR,
42 WITHOUT PROPER AUTHORITY, TAKES, REMOVES OR OTHERWISE DISTURBS THE HUMAN
43 REMAINS, CLOTHING OR ARTICLES OF THE DECEASED PERSON.
44 B. A PERSON IS GUILTY OF A CLASS 3 MISDEMEANOR IF THE PERSON:

1 1. KNOWINGLY TRANSPORTS OR ACCEPTS FOR TRANSPORTATION OR DISPOSITION
2 HUMAN REMAINS WITHOUT AN ACCOMPANYING DISPOSITION-TRANSIT PERMIT AS REQUIRED
3 BY THIS CHAPTER.
4 2. REFUSES TO PROVIDE INFORMATION REQUIRED BY THIS CHAPTER.
5 3. KNOWINGLY DISREGARDS ANY PROVISION OF THIS CHAPTER OR REFUSES TO
6 PERFORM ANY OF THE DUTIES IMPOSED BY THIS CHAPTER.
7 36-345. Effect of registration
8 A CERTIFICATE REGISTERED PURSUANT TO THIS CHAPTER AND RULES ADOPTED
9 PURSUANT TO THIS CHAPTER IS PRIMA FACIE EVIDENCE OF THE FACTS STATED IN THE
10 CERTIFICATE.
11 ARTICLE 5. PRESERVING AND ARCHIVING VITAL RECORDS
12 36-351. Duties of the director; Arizona state library, archives
13 and public records
14 A. THE DIRECTOR SHALL PROVIDE SAFE, SECURE AND PERMANENT PRESERVATION
15 OF VITAL RECORDS. THE DIRECTOR SHALL COMPLY WITH PRESERVATION REQUIREMENTS
16 ESTABLISHED BY THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS
17 PURSUANT TO SECTION 39-101.
18 B. THE DIRECTOR SHALL SUBMIT TO THE ARIZONA STATE LIBRARY, ARCHIVES
19 AND PUBLIC RECORDS FOR PERMANENT PRESERVATION, A COPY OF A PERSON'S:
20 1. REGISTERED BIRTH CERTIFICATE SEVENTY-FIVE YEARS AFTER THE PERSON'S
21 DEATH.
22 2. REGISTERED DEATH CERTIFICATE FIFTY YEARS AFTER THE PERSON'S DEATH.
23 C. PURSUANT TO SECTION 41-1339, SUBSECTION D, THE ARIZONA STATE
24 LIBRARY, ARCHIVES AND PUBLIC RECORDS SHALL PROVIDE ACCESS TO REGISTERED BIRTH
25 CERTIFICATES AND REGISTERED DEATH CERTIFICATES SUBMITTED PURSUANT TO
26 SUBSECTION B OF THIS SECTION.
27 D. EACH CALENDAR YEAR, THE DIRECTOR SHALL REPRODUCE ON PERMANENT MEDIA
28 ESTABLISHED BY THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS
29 PURSUANT TO SECTION 39-101, VITAL RECORDS REGISTERED FOR THE CALENDAR YEAR
30 INCLUDING AN INDEX. THE DIRECTOR SHALL SUBMIT THE VITAL RECORDS AND INDEX
31 TO THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS, WHICH SHALL
32 PROVIDE FOR THE CONFIDENTIAL SAFEKEEPING OF THE VITAL RECORDS AND INDEX.
33 Sec. 9. Section 36-341, Arizona Revised Statutes, as added by this
34 act, is amended to read:
35 36-341. Fees received by state and local registrars
36 A. The state registrar shall establish by rule the fees, if any, to
37 be charged for searches, copies of registered certificates, certified copies
38 of registered certificates, amending registered certificates and correcting
39 certificates.
40 B. In addition to fees collected pursuant to subsection A of this
41 section, the state registrar shall assess an additional one dollar surcharge
42 on fees for all certified copies of registered birth certificates. The state
43 registrar shall deposit, pursuant to sections 35-146 and 35-147, all monies
44 received from the surcharge in the confidential intermediary and fiduciary
45 fund established by section 8-135.

C. The state registrar shall keep a true and accurate account of all fees collected by the state registrar under this chapter and~~, until July 1, 2006, shall deposit, pursuant to sections 35-146 and 35-147, forty per cent of these monies in the vital records electronic systems fund established by section 36-341.01 and the remaining sixty per cent in the state general fund. Beginning on July 1, 2006, the state registrar~~ shall deposit, pursuant to sections 35-146 and 35-147, all of these monies in the state general fund.

D. A local registrar shall keep a true and accurate account of all fees collected by the local registrar under this chapter and shall deposit them with the county treasurer to be credited to a special registration and statistical revenue account of the LOCAL REGISTRAR health department fund.

E. In addition to fees collected pursuant to subsection A of this section, the department shall assess an additional one dollar surcharge on fees for all certified copies of registered death certificates. The department shall deposit, pursuant to sections 35-146 and 35-147, monies received from the surcharge in the child fatality review fund established by section 36-3504.

F. The state registrar may exempt an agency as defined in section 41-1001 from any fee required by this section, section 8-135 or section 36-3504.

Sec. 10. Nurse practitioner education requirements

A. Notwithstanding section 36-325, Arizona Revised Statutes, as added by this act, a nurse practitioner shall not complete and sign a medical certification of death until that nurse practitioner has completed education and documentation requirements prescribed by the state board of nursing.

B. On or before December 1, 2004, the state board of nursing, after consultation with an advisory committee appointed by the board, shall adopt policies prescribing a curriculum and documentation procedure for compliance with this section.

C. The advisory committee shall include a representative of the department of health services appointed by the director of the department, a public health officer from a county with a population of more than one million persons and a county medical examiner appointed by the board.

D. The board is exempt from title 41, chapter 6, articles 3 and 5, Arizona Revised Statutes, for the purposes of prescribing education and documentation requirements pursuant to this section.

Sec. 11. Retention of rules

All rules adopted pursuant to title 36, chapter 3, Arizona Revised Statutes, as repealed by this act and in effect before the effective date of this act remain in full force and effect until amended by the department of health services pursuant to title 36, chapter 3, Arizona Revised Statutes, as added by this act.

1 Sec. 12. Effective date
2 Section 36-341, Arizona Revised Statutes, as amended by section 9 of
3 this act, is effective from and after June 30, 2006.
4 Sec. 13. Delayed repeal
5 Section 36-341.01, Arizona Revised Statutes, as added by this act, is
6 repealed from and after June 30, 2006.

APPROVED BY THE GOVERNOR APRIL 19, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2004.

STATE OF SENATE

Passed the House March 9, 2004, by the following vote: 57 Ayes, 1 Nays, 2 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 6, 2004, by the following vote: 30 Ayes, 0 Nays, 0 Not Voting

Ken Bennett
President of the Senate

Charmin Bishop
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

_____
Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

_____
Secretary of State

H.B. 2200

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 13, 2004,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2004,

at 12:59 o'clock P. M.

Jennifer Upharra
Secretary to the Governor

Approved this 19 day of

April, 2004,

at 11 o'clock A. M.

Jd Napolitano
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19 day of April, 2004,

at 4:30 o'clock P. M.

Janice K. Brewer
Secretary of State

H.B. 2200