Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1129

Introduced by

Human Services Committee

(At the request of the State Department of Health)

A BILL for an Act to create and enact a new section to chapter 23-02.1 of the North Dakota Century Code, relating to electronic birth, marriage, fetal death, and death records and electronic filing and registration for birth, fetal death, and death records; to amend and reenact sections 23-02.1-01, 23-02.1-05, 23-02.1-08, 23-02.1-11, 23-02.1-12, 23-02.1-13, 23-02.1-14, 23-02.1-15, and 23-02.1-16, subsection 1 of section 23-02.1-17, sections 23-02.1-18, 23-02.1-19, and 23-02.1-20, subsection 2 of section 23-02.1-21, section 23-02.1-22, subsection 2 of section 23-02.1-23, sections 23-02.1-25, 23-02.1-26, 23-02.1-27, 23-02.1-28, 23-02.1-29, and 23-02.1-30, subsection 1 of section 23-02.1-32, and sections 23-06-07, 23-06-08, 23-06-09, and 23-06-10 of the North Dakota Century Code, relating to birth, marriage, and death records; to repeal sections 23-02.1-06, 23-02.1-07, 23-02.1-09, and 23-02.1-10 of the North Dakota Century Code, relating to registration districts and local registrars; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-01. Definitions. As used in this chapter:

1. <u>"Authorized representative" means a person who has the legal authority to act on behalf of the person named on a record, including a personal representative or guardian.</u>
2. <u>"Certified" means a copy of the original record on file with the state department of health that is signed and sealed by the state registrar or deputy state registrar.</u>
3. "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it may reasonably be concluded that death recently occurred.

4. "Electronic birth registration system" means the electronic birth registration system maintained by the state department of health.

5. "Electronic death registration system" means the electronic death registration system maintained by the state department of health.

6. "Facts of death" means the demographic and personal information pertaining to a person's death.

~~2.~~ 7. "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

~~3.~~ 8. "Filing" means the presentation of a ~~certificate~~ record, report, or other ~~record~~ information provided for in this chapter of a birth, death, fetal death, adoption, marriage, divorce, or other event as specified by the state health officer for registration by the state registrar.

~~4.~~ 9. "Final disposition" means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus.

~~5.~~ 10. "Health statistics" means data derived from records of birth, death, fetal death, marriage, divorce, or other records relating to the health of the populace or the state of the environment.

~~6.~~ 11. "Institution" means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to two or more individuals unrelated by blood, or to which persons are committed by law.

~~7.~~ 12. "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

13. "Medical certification" means the medical information pertaining to a person's death, including the cause and manner of death.

~~8.~~ 14. "Physician" means a person authorized or licensed to practice medicine or osteopathy pursuant to chapter 43-17.

~~9.~~ 15. "Registration" means the acceptance by the state registrar and incorporation into official records ~~of certificates~~, reports, or other records provided for in this chapter, of birth, death, fetal death, marriage, divorce, or other records as may be determined by the state health officer.

16. "Relative" means a person's current spouse, a parent or legal guardian, a child, a grandparent, or a grandchild. The state registrar may require proof of the relationship.

17. "Subregistrar" means a funeral director or other suitable person from a licensed funeral home who is appointed by the state registrar for the purpose of issuing burial-transit permits.

~~10.~~ 18. "System of health statistics tabulation and analysis" includes the tabulation, analysis, and presentation or publication of statistical data derived from health statistics.

~~11.~~ 19. "System of vital records registration" includes the registration, collection, preservation, amendment, and certification of ~~records of~~ birth, death, fetal death, marriage, divorce, or other records as may be determined necessary by the state health officer or the state health officer's designee.

SECTION 2. A new section to chapter 23-02.1 of the North Dakota Century Code is created and enacted as follows:

Birth, marriage, fetal death, and death records - Transition to electronic birth registration system and electronic death registration system.

1. Beginning January 1, 2008, all new birth, fetal death, and death certificates must be filed with the state registrar and maintained as birth, fetal death, or death records. The state registrar shall issue certified copies of any birth, fetal death, or death record, or informational copies of death and marriage records, to those persons entitled to the record in accordance with this chapter.

2. A certified copy of a birth, marriage, fetal death, or death record is considered to meet the requirements of any law requiring a birth, marriage, fetal death, or death certificate.
3. All birth, marriage, fetal death, and death certificates created or issued before January 1, 2008, remain legally valid if the certificate was valid under prior law.
4. Any reference to a birth, marriage, fetal death, and death record includes any birth, marriage, fetal death, and death certificate issued before January 1, 2008.
5. Amendments to birth records issued before 2006 and fetal death, or death records issued before 2008 must be made according to the procedures and processes used at the time the original record was created.

SECTION 3. AMENDMENT. Section 23-02.1-05 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-05. Duties of the state registrar.

1. The state registrar shall:
   a. Direct and supervise the statewide system of vital records and registration and be the primary custodian of said records.
   b. Direct, supervise, and control the activities of ~~local registrars~~ subregistrars and the activities of other local officials related to the operation of the vital records registration system.
   c. Prescribe, with the approval of the state department of health, and distribute such forms as required by this chapter and the rules and regulations issued hereunder.
2. The deputy state registrar shall possess the powers of the state registrar during the registrar's absence, delegation, inability to act, or during the time there is a vacancy in the office.

SECTION 4. AMENDMENT. Section 23-02.1-08 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-08. Duties of subregistrars. A subregistrar may ~~receive death certificates and~~ issue burial-transit permits for those ~~registration districts~~ counties served by the funeral home the subregistrar is employed by. The subregistrar shall ~~note on each certificate over the subregistrar's signature the date upon which it was filed and shall forward the same to the local~~

~~registrar~~ file all completed burial-transit permits with the county recorder in the county where the final disposition took place within ~~twenty-one~~ ten days after ~~death~~ the date of interment or within the time prescribed by the local board of health. The subregistrar is subject to the supervision and control of the state registrar and may be removed by the state registrar for reasonable cause. The subregistrar is subject to the ~~same~~ penalties for neglect of duties as ~~is the local registrar~~ provided in section 23-02.1-32.

SECTION 5. AMENDMENT. Section 23-02.1-11 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-11. Form of ~~certificates~~ records. The form of the ~~certificates~~ records, reports, and other ~~returns~~ information required by this chapter is subject to the approval of and modification by the state department of health. In order to maintain uniformity in the system of vital records registration and the system of health statistics tabulation and analysis, substantial efforts should be made to ensure that information collected parallels that collected by other primary registration areas.

SECTION 6. AMENDMENT. Section 23-02.1-12 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-12. Date of registration. Each ~~certificate~~ record, report, and other ~~form~~ information required to be filed under this chapter must have entered upon its face the date of registration duly attested.

SECTION 7. AMENDMENT. Section 23-02.1-13 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-13. Birth registration.

1. A ~~certificate of~~ birth record for each live birth that occurs in this state must be filed with the state registrar.
2. When a birth occurs in an institution, the person in charge of the institution or a designated representative ~~shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate, and file it with the state registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required by the certificate within six days after the birth~~ must use the state department of health's electronic birth registration system to report

the birth, including all personal and medical facts, to the state registrar within five days after the birth.

3. When a birth occurs outside an institution, the ~~certificate~~ required forms must be prepared and filed with the state registrar by one of the following in the indicated order of priority:

   a. The physician in attendance at or immediately after the birth, or in the absence of such a person~~.~~;

   b. Any other person in attendance at or immediately after the birth, or in the absence of such a person~~.~~; or

   c. The father, the mother, or in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

4. If a man and the mother are or have been married or have attempted to marry each other in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born during the marriage or attempted marriage, or within three hundred days after the termination of cohabitation or after the marriage or attempted marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court, the name of the man must be entered on the ~~certificate~~ record as the father of the child unless the presumption of paternity has been rebutted by a court decree.

5. If the child is not born during the marriage of the mother, or within three hundred days after a marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court, the name of the father may not be entered on the birth ~~certificate~~ record unless:

   a. After the child's birth, the father and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:

      (1) He has acknowledged his paternity of the child in writing filed with the state registrar; or

      (2) ~~With his consent, he is named as the child's father on the child's birth certificate; or~~

~~(3)~~ He is obligated to support the child under a written voluntary promise or by court order;

b. After the child's birth, the child's natural mother and the father voluntarily acknowledge the child's paternity in a writing signed by both and filed with the state registrar; or

c. A court or other entity of competent jurisdiction has adjudicated paternity.

6. If, in accordance with subsections 4 and 5, the name of the father of the child is not entered on the ~~certificate of~~ birth record, the child's surname must be shown on the birth ~~certificate~~ record as the current legal surname of the mother at the time of birth unless an affidavit or an acknowledgment of paternity signed by both parents is received stating the surname to be that of the father.

SECTION 8. AMENDMENT. Section 23-02.1-14 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-14. Infants of unknown parentage - Foundling registration.

1. Whoever assumes custody of a living infant of unknown parentage shall report using the electronic birth registration system or on a form and in the manner prescribed by the state registrar within seven days to the state registrar the following information:

   a. The date and place of finding.

   b. Sex, color, or race, and approximate age of child and approximate date of birth.

   c. Name and address of the persons or institution with whom the child has been placed for care.

   d. Name given to the child by the custodian.

   e. Other data required by the state registrar.

2. The place where the child was found must be entered as the place of birth and the date of birth must be determined by approximation.

3. A report registered under this section constitutes the ~~certificate of~~ birth record for the infant.

4. If the child is identified and a ~~certificate of~~ birth record is found or obtained, any report registered under this section must be sealed and filed and may be opened only by order of a court of competent jurisdiction or as provided by regulation.

SECTION 9. AMENDMENT. Section 23-02.1-15 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-15. Delayed registration of birth.

1. When the birth of a person born in this state has not been registered, a ~~certificate~~ record may be filed in accordance with the regulations of the state department of health. Such ~~certificate~~ record must be registered subject to such evidentiary requirements as the state department of health shall prescribe to substantiate the alleged facts of birth.
2. ~~Certificates~~ Records of birth registered one year or more after the date of occurrence must be marked "delayed" and show on their face the date of delayed registration.
3. A summary statement of the evidence submitted in support of the delayed registration must be endorsed on the ~~certificate~~ record.
4. a. When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the state registrar finds reason to question the validity or adequacy of the ~~certificate~~ record or documentary evidence, the state registrar may not register the delayed ~~certificate~~ record and shall advise the applicant of the reasons for this action. In the event that the deficiencies are not corrected, the state registrar shall advise the applicant of the right of appeal to a court of competent jurisdiction for a judicial determination of the birth facts.

   b. The state department of health may by regulation provide for the dismissal of an application which is more than two years old and is not being actively ~~prosecuted~~ pursued.

SECTION 10. AMENDMENT. Section 23-02.1-16 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-16. Delayed registration of death. When a death occurring in this state has not been registered within the time period specified in section 23-02.1-19, a ~~certificate~~ record may be filed in accordance with regulations of the state department of health.

1. Such ~~certificates~~ records must be registered subject to such evidentiary requirements as the state department of health ~~shall~~ may by regulation prescribe to substantiate the alleged facts of death.
2. ~~Certificates~~ Records of death registered one year or more after the date of occurrence must be marked "delayed" and must show on their face the date of delayed registration.

SECTION 11. AMENDMENT. Subsection 1 of section 23-02.1-17 of the North Dakota Century Code is amended and reenacted as follows:

1. For each adoption decreed by any court in this state, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the state registrar. The report must include such facts as are necessary to locate and identify the ~~certificate of~~ birth record for the person adopted; provide information necessary to establish a new ~~certificate of~~ birth record for the person adopted; and must identify the order of adoption and be certified by the clerk of court.

SECTION 12. AMENDMENT. Section 23-02.1-18 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-18. New ~~certificates of~~ birth records following adoption, legitimation, and paternity determination.

1. The state registrar shall establish a new ~~certificate of~~ birth record for a person born in this state when the registrar receives the following:
   a. An adoption report as provided in section 23-02.1-17 or a certified copy of the decree of adoption together with the information necessary to identify the original ~~certificate of~~ birth record and to establish a new ~~certificate of~~ birth record; except that a new ~~certificate of~~ birth record may not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adoptive person.
   b. A request that a new ~~certificate~~ record be established and such evidence as required by rules and regulations proving that such person has been

legitimated or that a court of competent jurisdiction has determined the paternity of such person.

2. For a person born in a foreign country whose adoptive parents are residents of the state of North Dakota at the time of the adoption, the state registrar shall prepare a new ~~certificate of~~ birth record:

   a. In the case of a foreign-born person adopted in North Dakota, upon presentation of a report of adoption as required by section 23-02.1-17.

   b. In the case of a foreign-born person adopted outside the state of North Dakota or outside the United States, or in the state of North Dakota prior to July 1, 1979, upon presentation of a certified copy of the adoption decree, and:

      (1) A certified copy of the ~~certificate of~~ birth record of the adopted person; or

      (2) An affidavit of an adoptive parent setting forth the true or probable date and place of birth and parentage of the adopted person.

   Any ~~certificate~~ certification of a birth record issued under this subsection must be in the same form as other ~~certificates~~ certifications of birth records issued in this state except that it must state that it does not purport to be evidence of United States citizenship.

3. When a new ~~certificate of~~ birth record is established, the actual place and date of birth must be shown. The new ~~certificate of~~ birth record must be substituted for the original ~~certificate of~~ birth record:

   a. Thereafter, the original ~~certificate of~~ birth record and the evidence of adoption, paternity, or legitimation is not subject to inspection except upon order of a court of competent jurisdiction or as provided by rules and regulations.

   b. Upon receipt of a notice of annulment of adoption, the original ~~certificate of~~ birth record must be restored to its place in the files and the new ~~certificate of~~ birth record and evidence is not subject to inspection except upon order of a court of competent jurisdiction.

4. If no ~~certificate of~~ birth record is on file for the person for whom a new ~~certificate of~~ birth record is to be established under this section, an original ~~certificate of~~ birth

record must be filed with the state registrar in accordance with the appropriate rules and regulations promulgated by the state department of health. The new ~~certificate~~ record is also to be prepared on the standard ~~certificate of birth form or the delayed birth certificate form~~ forms in use at the time of the adoption, legitimation, or paternity determination.

5. When a new ~~certificate of~~ birth record is established by the state registrar, all copies of the original ~~certificate of~~ birth record in the custody of any custodian of permanent local records in the state must be sealed from inspection or forwarded to the state registrar, as the registrar directs.

SECTION 13. AMENDMENT. Section 23-02.1-19 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-19. Death registration.

1. ~~A death certificate for each death which occurs in this state must be filed with the local registrar of the district in which the death occurred within fifteen days after the death and must be registered by the registrar if it has been completed and filed in accordance with this section, provided:~~

   ~~a. That if the place of death is unknown, a death certificate must be filed in the registration district in which a dead body is found within fifteen days after the occurrence.~~

   ~~b. That if a death occurs on a moving conveyance, a death certificate must be filed in the registration district in which the dead body was first removed from the conveyance.~~

~~2. Notwithstanding subsection 1, if the state registrar has implemented an automated system that allows each local registrar to produce certified copies of death certificates in the local registrar's offices within two working days of filing, death certificates must be filed with the state registrar.~~

~~3.~~ A death record for each death that occurs in this state must be filed with the state registrar in accordance with the rules and regulations set forth by the state department of health using the electronic death registration system. All registration and issuing of copies of death records will be completed by the state department of health.

2. The funeral director who first assumes custody of a dead body shall file the death ~~certificate~~ record. The funeral director shall obtain the ~~personal data~~ facts of death from the next of kin or the best qualified person or source available and must file the facts of death information using the electronic death registration system within three days after assuming custody of the dead body. The funeral director shall obtain the medical certification of ~~cause of~~ death from the person responsible for the medical certification.

~~4.~~ 3. The medical certification must be completed and ~~signed~~ filed using the electronic death registration system within fifteen days after death by the physician or nurse practitioner in charge of the patient's care for the illness or condition which resulted in death except when inquiry is required by the local health officer or coroner.

~~5.~~ 4. When death occurred without medical attendance or when inquiry is required by the local health officer or coroner, the county coroner shall investigate the cause of death, and shall obtain medical information about the individual from the individual's medical records or last-known physician, and shall complete and ~~sign~~ file the medical certification within fifteen days after taking charge of the case using the electronic death registration system.

~~6.~~ 5. If the cause of death cannot be determined within fifteen days after death, the medical certification may be filed after the prescribed period, in accordance with rules adopted by the state department of health. The attending physician, nurse practitioner, or coroner shall give the funeral director in custody of the body notice of the reason for the delay and final disposition may not be made until authorized by the attending physician, nurse practitioner, or coroner.

~~7.~~ 6. When a death is presumed to have occurred within this state but the body cannot be located, a death ~~certificate~~ record may be prepared by the state registrar upon receipt of findings of a court of competent jurisdiction, including the ~~personal data~~ facts of death and medical ~~data~~ certification required to complete the death ~~certificate~~ record. The death ~~certificate~~ record must be marked "presumptive" and must show on its face the date of registration and must identify the court and the date of the decree.

~~8.~~ 7. Each death ~~certificate~~ record must include the social security number of the decedent, if the information is available. A social security number included on a death ~~certificate~~ record is confidential and may be disclosed only to a relative or authorized representative of the individual named on the record or by an order of a court of competent jurisdiction.

SECTION 14. AMENDMENT. Section 23-02.1-20 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-20. Fetal death registration.

1. A fetal death ~~certificate~~ record for each fetal death which occurs in this state after a gestation period of twenty completed weeks or more or of less than twenty completed weeks of gestation when provided by rules of the state department of health must be filed with the state registrar.
2. The funeral director who first assumes custody of a fetus shall file the fetal death ~~certificate~~ record. In the absence of such a person, the physician or other person in attendance at or after delivery shall file the ~~certificate of~~ fetal death record. The person filing the ~~certificate of~~ fetal death record shall obtain the ~~personal data~~ facts of death from the next of kin or the best qualified person or source available and must file the facts of death information within fifteen days of the occurrence using the electronic death registration system. The person filing the ~~certificate of~~ fetal death record shall obtain the medical certification of ~~cause of~~ death from the person responsible for the medical certification.
3. The medical certification must be completed and ~~signed~~ filed using the electronic death registration system by the physician or a nurse practitioner in attendance at the delivery within fifteen days after the delivery except when inquiry is required by the local health officer or coroner.
4. When inquiry is required by the local health officer or coroner or in the absence of medical attendance, the county coroner shall investigate the cause of fetal death, and shall obtain medical information about the individual from that individual's medical records or last-known physician and ~~sign~~ file the medical certification within fifteen days after taking charge of the case using the electronic death registration system.

5. If the cause of fetal death cannot be determined within fifteen days after death, the medical certification may be filed after the prescribed period of time in accordance with rules adopted by the state department of health. The attending physician, nurse practitioner, or coroner shall give the funeral director in custody of the fetus the notice of the reason for the delay and final disposition may not be made until authorized by the attending physician, nurse practitioner, or coroner.
6. The provision for entering the name of the father of the fetus on the fetal death ~~certificate~~ record and the reporting of out-of-wedlock fetal deaths concur exactly with those set forth in section 23-02.1-13.

SECTION 15. AMENDMENT. Subsection 2 of section 23-02.1-21 of the North Dakota Century Code is amended and reenacted as follows:

2. The burial-transit permits must be issued by the state registrar or ~~the local registrar or~~ a subregistrar ~~of the district where the certificate of death or fetal death will~~ and must be filed in the office of the county recorder where the final disposition occurs in accordance with the requirements of sections 23-02.1-19 and 23-02.1-20.

SECTION 16. AMENDMENT. Section 23-02.1-22 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-22. Extension of time.

1. The state department of health may, by regulation and upon such conditions as it may prescribe to assure compliance with the purposes of this chapter, provide for the extension of the periods of time prescribed in sections 23-02.1-19, 23-02.1-20, and 23-02.1-21 for the filing of death ~~certificates~~ records, fetal death ~~certificates~~ records, medical certification of ~~cause of~~ death, and for the obtaining of burial-transit permits in cases in which compliance with the applicable prescribed period would result in undue hardship.
2. Regulations of the state department of health may provide for the issuance of a burial-transit permit under section 23-02.1-21 prior to the filing of a ~~certificate~~ record of death or fetal death upon conditions designed to assure compliance with the purposes of this chapter in cases in which compliance with the requirement that the ~~certificates~~ records be filed prior to the issuance of the permit would result in undue hardship.

SECTION 17. AMENDMENT. Subsection 2 of section 23-02.1-23 of the North Dakota Century Code is amended and reenacted as follows:

2. The officer who issues the marriage license shall prepare the ~~certificate~~ record on the form prescribed and furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to information by their signatures.

SECTION 18. AMENDMENT. Section 23-02.1-25 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-25. Correction and amendment of vital records.

1. A ~~certificate or~~ record registered under this chapter may be amended only in accordance with this chapter and regulations thereunder adopted by the state department of health to protect the integrity and accuracy of vital records.
2. A ~~certificate~~ record that is amended under this section must be marked "amended" except as provided in subsection 4. The date of amendment and a summary description of the evidence submitted in support of the amendment must be endorsed on or made a part of the record. The state department of health shall prescribe by regulation the conditions under which additions or minor corrections may be made to birth ~~certificates~~ records within one year after the date of birth without the ~~certificate~~ record being considered as amended.
3. Upon receipt of a certified copy of a court order changing the name of a person born in this state and upon request of such person or the person's parent, guardian, or legal representative, the state registrar shall amend the ~~certificate~~ record to reflect the new name.
4. Upon receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents and upon request, the state registrar shall amend a ~~certificate~~ record of birth to show such paternity if paternity is not shown on the ~~certificate~~ record. Upon request of the parents, the surname of the child must be changed on the appropriate ~~certificate~~ record to that of the father. Such ~~certificates~~ record may not be marked as "amended". The provisions of this subsection apply also in their entirety to ~~certificates~~ records of fetal death.

SECTION 19. AMENDMENT. Section 23-02.1-26 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-26. Reproduction of records. To preserve original documents, the state registrar is authorized to prepare typewritten, photographic, electronic, or other reproductions of original records and files in the state registrar's office. ~~Such~~ These reproductions when certified by the state registrar must be accepted as the original record.

SECTION 20. AMENDMENT. Section 23-02.1-27 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-27. Disclosure of records. Birth, death and fetal death records, filings, data, or other information are confidential and may not be disclosed except as authorized under this chapter. The state registrar~~, and local registrars, may supervise and regulate physical~~ shall restrict access to all vital records to protect vital records from loss, mutilation, or destruction and to prevent ~~improper~~ disclosure of the information contained in these records ~~that are confidential. Information relating to the birth or fetal death of a child to a woman who was not married to the child's father when the child was conceived or born may be disclosed only to the child's guardian, to the individual to whom the record relates if that individual is at least eighteen years old, to the parent of the child, or upon order of a court of competent jurisdiction. Information in vital records indicating cause of death may not be disclosed except to a relative or personal representative of the deceased, to the attorney or the agent of a relative or personal representative of the deceased, to the child fatality review panel, or upon order of a court of competent jurisdiction. An individual's social security number contained in vital records may not be disclosed except to the individual to whom it pertains, that individual's lawful agent or guardian, or by order of a court. Only a certified copy of a certificate or record may be provided to the public~~ except as authorized under this chapter.

1. A certified copy of a birth record may be issued to the individual named on the record if that individual is at least sixteen years old, to a parent named on the record, to an authorized representative, or by the order of a court of competent jurisdiction. If the individual named on a birth record is deceased, a certified copy of that record may also be issued to a relative. If the date of birth on any birth record is more than one hundred years old, that record is an open record and a

certified copy may be issued to anyone, except that adoption records remain confidential.

2. A certified copy of a death record may be issued to a relative, an authorized representative, the child fatality review board, the suicide prevention task force, or by the order of a court of competent jurisdiction and may include the cause of death and the social security number. A noncertified informational copy of a death record may be issued to the general public, but the copy may not contain the cause of death or the social security number.

3. A certified copy of a fetal death record may be issued to a parent named on the record, an authorized representative, or by the order of a court of competent jurisdiction.

4. A noncertified informational copy of a marriage record may be issued to the general public.

5. Any individual authorized to receive a certified copy of any specific record may grant another individual the same authority by completing a written authorization on a form prescribed by the state department of health.

6. The state department of health may grant limited access to birth and death information to the department of human services necessary for the purpose of completing its official duties.

SECTION 21. AMENDMENT. Section 23-02.1-28 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-28. Copies of data from vital records. In accordance with section 23-02.1-27 and the regulations adopted pursuant thereto:

1. The state registrar shall, upon request of a person entitled to a copy under section 23-02.1-27, issue a certified copy of any ~~certificate or~~ record or part of a record in the registrar's custody ~~or a part thereof~~. Each copy issued must show the date of registration; and copies issued from records marked "delayed", "amended", or "court order" must be similarly marked and show the effective date of filing.

2. A certified copy of a ~~certificate~~ record or any part ~~thereof~~ of the record issued in accordance with subsection 1 must be considered evidence of the facts ~~of birth~~ stated ~~therein~~ in the record, provided that the evidentiary value of a ~~certificate or~~

record filed more than one year after the event, or a record which has been amended, must be determined by the judicial or administrative body or official before whom the ~~certificate~~ record is offered as evidence.

3. Data or copies may be furnished for statistical purposes to federal, state, local, or other public or private agencies, including the federal agency responsible for national vital statistics, upon such terms and conditions as may be prescribed by the state department of health through rules and regulations adopted pursuant to this chapter.

4. No person may prepare or issue any certificate or record which purports to be an original, certified copy, or copy of a certificate or record of birth, death, or fetal death, except as provided in this chapter, or regulations adopted ~~hereunder~~ under this chapter.

5. A certified copy may not disclose an individual's social security number unless the copy is being provided to the individual to whom it pertains, ~~that individual's lawful agent or guardian~~ a relative or authorized representative, or by order of a court of competent jurisdiction.

SECTION 22. AMENDMENT. Section 23-02.1-29 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-29. Fees.

1. The state department of health shall prescribe the fees, if any, not to exceed five dollars, to be paid for the following:
   a. Each certified copy of a ~~certificate or~~ record.
   b. Each certified statement of the facts of birth other than a copy of the original birth ~~certificate~~ record.
   c. Each filing of a new ~~certificate~~ record of birth or fetal death following adoption, legitimation, or determination of paternity.
   d. Each filing of a delayed ~~certificate~~ record of birth or death except as provided for in subsection 4 of section 23-02.1-18.
   e. Each filing of an amendment to a birth or death ~~certificate~~ record.
   f. A search of the files or records when no copy is made.
   g. A noncertified informational copy of a death or marriage record.

The fee for each additional copy of the same document, requested at the same time, may not exceed two dollars.

2. Except as otherwise provided in subsection 3, fees collected under this section by the state registrar must be deposited in the general fund of this state, according to procedures established by the state treasurer. ~~When a local registrar of any county in the state has been duly authorized, by the state registrar, to prepare and issue certified copies of death certificates or fetal death certificates, said local registrar is entitled to charge a fee, not to exceed five dollars, for the first certified copy, and not to exceed two dollars for each additional certified copy of the same document requested at the same time. Fees collected under this section by local registrars must be deposited to the general fund of the respective counties.~~

3. The state department of health shall charge a fee, in addition to those fees authorized by subsection 1, in the amount of two dollars for the issuance of each certified copy of a birth ~~certificate~~ record. This additional fee must be paid to the state registrar prior to the issuance of each certified copy of a birth ~~certificate~~ record. The state registrar shall quarterly pay the additional fees collected pursuant to this subsection into the children's trust fund created by section 50-27-01.

SECTION 23. AMENDMENT. Section 23-02.1-30 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-30. Persons required to keep records.

1. Every person in charge of an institution as defined in this chapter shall keep a record of personal particulars and data concerning each person admitted or confined to such institution. This record must include ~~such~~ all information ~~as~~ required by the standard ~~certificate~~ record of birth, death, and fetal death forms issued under the provisions of this chapter. The record must be made at the time of admission from information provided by such person, but when it cannot be obtained from ~~said~~ that person, the ~~same~~ information must be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information must be a part of the record.

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

3. A funeral director, embalmer, or other person who removed from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any ~~certificate~~ record or other form required by this chapter, shall keep a record which must identify the body, and ~~such~~ the information pertaining to receipt, removal, and delivery of ~~such~~ the body as may be prescribed in regulations adopted by the state department of health.

4. Records maintained under this section must be made available to the state registrar or the registrar's representative for inspection upon demand.

5. On or before the fifth day of each month, each funeral director, embalmer, or person acting as such in this state shall report to the state registrar, on forms provided for this purpose, information required by the state registrar regarding each dead body or fetus handled by such person during the preceding calendar month.

SECTION 24. AMENDMENT. Subsection 1 of section 23-02.1-32 of the North Dakota Century Code is amended and reenacted as follows:

1. a. Any person who willfully and knowingly makes any false statement in a report, record, or certificate required to be filed under this chapter, or in application for an amendment thereof, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof;

   b. Any person who, without lawful authority and with the intent to deceive, makes, alters, or mutilates any report, record, or certificate required to be filed under this chapter or a certified copy of ~~such~~ a report, record, or certificate;

   c. Any person who willfully and knowingly uses or attempts to use or to furnish to another for use, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, altered, amended, or mutilated;

d. Any person who, with the intention to deceive, willfully uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person; ~~or~~

e. Any person who willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person to whom the record of birth relates; or

f. Any person who knowingly prepares, delivers, or uses a fraudulent or forged copy of a vital record;

is guilty of a class ~~A misdemeanor~~ C felony.

SECTION 25. AMENDMENT. Section 23-06-07 of the North Dakota Century Code is amended and reenacted as follows:

23-06-07. Regulation of burial - Issuance of burial-transit permit regulated. The body of any person whose death occurs in this state may not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, until a burial-transit permit has been properly issued by ~~the registrar of vital statistics of the registration district in which the death occurred~~ a subregistrar. A burial-transit permit may not be issued by any ~~registrar~~ subregistrar until a complete and satisfactory certificate and return of the death has been filed with the state registrar. If the certificate is incorrect or incomplete, the ~~registrar shall call attention to the defect and withhold issuing~~ subregistrar may not issue the permit until ~~the same~~ it is corrected or completed. In the case of any death outside of this state, a burial-transit permit issued in accordance with the law and the health regulations in force in the state where the death occurred, when accompanying a body shipped through or into this state, may be accepted with the same effect as a permit from a ~~local registrar~~ subregistrar. If the death occurred from some disease that is held to be communicable by the state department of health, the ~~registrar~~ subregistrar shall refuse to ~~grant~~ issue a permit for the removal or other disposition of the body except under the conditions prescribed by the state department of health and the local board of health.

SECTION 26. AMENDMENT. Section 23-06-08 of the North Dakota Century Code is amended and reenacted as follows:

23-06-08. Burial-transit permit - Contents. The burial-transit permit must be on the form prescribed by the state registrar of vital statistics, must be signed by the ~~registrar~~ subregistrar issuing it, and may be limited to a statement by the ~~local registrar~~ subregistrar showing:

1. That a satisfactory ~~certificate of~~ death record has been filed with the ~~local~~ state registrar as required by law.
2. That permission is granted to inter, remove, or otherwise dispose of the body of the deceased.
3. The name, age, sex, and the cause of death of the deceased and any other necessary details.

SECTION 27. AMENDMENT. Section 23-06-09 of the North Dakota Century Code is amended and reenacted as follows:

23-06-09. Disposition of burial-transit permit. The undertaker, or person acting as undertaker, shall secure the burial-transit permit from the ~~local registrar~~ subregistrar. The undertaker, or person acting as undertaker, shall deliver such permit to the sexton or person in charge of the place of burial before interring the body or shall attach it to the box containing the corpse when the same is shipped by any transportation company. Such permit must be accepted by the sexton as authority for the interment of the body. A body may not be accepted for carriage by a common carrier unless the permit is attached as required in this section.

SECTION 28. AMENDMENT. Section 23-06-10 of the North Dakota Century Code is amended and reenacted as follows:

23-06-10. Sextons to endorse and return burial-transit permit - Record of burials. Each sexton or person in charge of the burial ground shall endorse the date of interment upon the burial-transit permit over the person's signature, and return the burial-transit permit to the subregistrar. The ~~sexton or person in charge of the burial ground~~ subregistrar shall ~~return~~ file all completed permits, so endorsed, ~~to~~ with the ~~local registrar of that district~~ county recorder within ten days after the date of interment or within the time prescribed by the local board of health.

The sexton shall keep a record of all interments made in the premises under the sexton's charge, stating the name of the deceased person, the place of death, the date of burial, and the name and address of the undertaker or funeral director. The sexton is not

required to record the cause of death or the color of the deceased. Such record at all times must be open to public inspection.

In the absence of a sexton, the funeral director making the burial shall endorse and return the burial-transit permit to the ~~local registrar~~ subregistrar.

SECTION 29. REPEAL. Sections 23-02.1-06, 23-02.1-07, 23-02.1-09, and 23-02.1-10 of the North Dakota Century Code are repealed.

SECTION 30. EFFECTIVE DATE. This Act becomes effective on January 1, 2008.