

Introduced by

Senators Weston, Cleary, Lee

Representatives M. Ruby, Weisz

1 A BILL for an Act to amend and reenact section 23-02.1-01 and subsection 1 of section
2 23-02.1-27 of the North Dakota Century Code, relating to homeless youth access to birth
3 records; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 **23-02.1-01. Definitions.**

8 As used in this chapter:

- 9 1. "Authorized representative" means a person that has the legal authority to act on
10 behalf of the person named on a record, including a personal representative or
11 guardian.
- 12 2. "Certified" means a copy of the original record on file with the department of health
13 and human services which is signed and sealed by the state registrar or deputy state
14 registrar.
- 15 3. "Dead body" means a lifeless human body or parts of such body or bones thereof from
16 the state of which it may reasonably be concluded that death recently occurred.
- 17 4. "Electronic birth registration system" means the electronic birth registration system
18 maintained by the department of health and human services.
- 19 5. "Electronic death registration system" means the electronic death registration system
20 maintained by the department of health and human services.
- 21 6. "Facts of death" means the demographic and personal information pertaining to an
22 individual's death.
- 23 7. "Fetal death" or "birth resulting in stillbirth" means death occurring before the complete
24 expulsion or extraction from its mother of a product of human conception. The death is

- 1 indicated by the fact that after such expulsion or extraction the fetus does not breathe
2 or show any evidence of life such as beating of the heart, pulsation of the umbilical
3 cord, or definite movement of voluntary muscles.
- 4 8. "Filing" means the presentation of a record, report, or other information provided for in
5 this chapter of a birth, death, fetal death, adoption, marriage, divorce, or other event
6 as specified by the state health officer for registration by the state registrar.
- 7 9. "Final disposition" means the entombment, burial, interment, cremation, whole-body
8 donation to a school of medicine, removal from the state, or other disposition of a dead
9 body or fetus.
- 10 10. "Health statistics" means data derived from records of birth, death, fetal death,
11 marriage, divorce, or other records relating to the health of the populace or the state of
12 the environment.
- 13 11. "Homeless youth" means an individual under sixteen years of age living in one of the
14 situations described in 42 U.S.C. 11434(a)(2) and who is not in the care and physical
15 custody of a parent or legal guardian.
- 16 12. "Homeless youth agency" means an agency assisting a homeless youth in obtaining
17 the homeless youth's birth record.
- 18 13. "Institution" means any establishment, public or private, which provides inpatient
19 medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary
20 care to two or more individuals unrelated by blood, or to which individuals are
21 committed by law.
- 22 ~~12-14.~~ "Live birth" means the complete expulsion or extraction from its mother of a product of
23 human conception, irrespective of the duration of pregnancy, which after such
24 expulsion or extraction, breathes or shows any other evidence of life such as beating
25 of the heart, pulsation of the umbilical cord, or definite movement of voluntary
26 muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- 27 ~~13-15.~~ "Medical certification" means the medical information pertaining to an individual's
28 death, including the cause and manner of death.
- 29 ~~14-16.~~ "Miscarriage of birth" means the expulsion of a fetus from the womb, spontaneously or
30 as a result of an accident, before twenty weeks gestation.

- 1 ~~15-17.~~ "Personal or real property interests" means ownership or other legal rights or duties
2 concerning personal or real property.
- 3 ~~16-18.~~ "Physician" means an individual authorized or licensed to practice medicine or
4 osteopathy under chapter 43-17.
- 5 ~~17-19.~~ "Registration" means the acceptance by the state registrar and incorporation into
6 official records, reports, or other records provided for in this chapter, of birth, death,
7 fetal death, marriage, divorce, or other records as may be determined by the state
8 health officer.
- 9 ~~18-20.~~ "Relative" means an individual's current or surviving spouse, a parent or legal
10 guardian, a child, a grandparent, or a grandchild. The state registrar may require proof
11 of the relationship.
- 12 ~~19-21.~~ "Subregistrar" means a funeral practitioner or other suitable individual from a licensed
13 funeral home who is appointed by the state registrar for the purpose of issuing final
14 disposition-transit permits.
- 15 ~~20-22.~~ "System of health statistics tabulation and analysis" includes the tabulation, analysis,
16 and presentation or publication of statistical data derived from health statistics.
- 17 ~~21-23.~~ "System of vital records registration" includes the registration, collection, preservation,
18 amendment, and certification of birth, death, fetal death, marriage, divorce, or other
19 records as may be determined necessary by the state health officer or the state health
20 officer's designee.

21 **SECTION 2. AMENDMENT.** Subsection 1 of section 23-02.1-27 of the North Dakota
22 Century Code is amended and reenacted as follows:

- 23 1. A certified copy of a birth record may be issued to the individual named on the record if
24 that individual is at least sixteen years old, to a parent named on the record, to an
25 authorized representative, to a homeless youth agency, or by the order of a court of
26 competent jurisdiction. If the individual named on a birth record is deceased, a certified
27 copy of that record also may ~~also~~ be issued to a relative. If the date of birth on any
28 birth record is more than one hundred and twenty-five years old, that record is an open
29 record and a certified copy may be issued to anyone, except that adoption records
30 remain confidential.

31 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.