

SENATE FILE 2452
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2304)

Passed Senate, Date 3/27/96 (P. 1095) Passed House, Date _____
Vote: Ayes 50 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the modernization of the vital statistics
2 process and establishing a fee.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2452

1 Section 1. Section 144.1, subsection 9, Code 1995, is
2 amended to read as follows:

3 9. "Live birth" means the complete expulsion or extraction
4 from its mother of a product of human conception, irrespective
5 of the duration of pregnancy, which, after such expulsion or
6 extraction, breathes or shows any other evidence of life such
7 as beating of the heart, pulsation of the umbilical cord, or
8 definite movement of voluntary muscles, whether or not the
9 umbilical cord has been cut or the placenta is attached.
10 Heartbeats are to be distinguished from transient cardiac
11 contractions. Respirations are to be distinguished from
12 fleeting respiratory efforts or gasps.

13 Sec. 2. Section 144.1, subsection 10, Code 1995, is
14 amended to read as follows:

15 10. "Registration" means the ~~acceptance-by-the-division~~
16 ~~and-the-incorporation-in-its-official-records-of-certificates,~~
17 ~~reports,-or-other-records,-provided-for-in-this-chapter,-of~~
18 ~~births,-deaths,-fetal-deaths,-adoptions,-marriages,-divorces,~~
19 ~~or-annulments~~ process by which vital statistics are completed,
20 filed, and incorporated by the division into its official
21 records.

22 Sec. 3. Section 144.5, subsection 4, Code 1995, is amended
23 to read as follows:

24 4. Prescribe, print, and distribute the forms required by
25 this chapter and other means for transmitting data to
26 accomplish the complete and accurate reporting.

27 Sec. 4. Section 144.12, Code 1995, is amended to read as
28 follows:

29 144.12 FORMS UNIFORM.

30 In order to promote and maintain uniformity in the system
31 of vital statistics, the forms of certificates, reports, and
32 other returns shall include as a minimum the items recommended
33 by the federal agency responsible for national vital
34 statistics, subject to approval and modification by the
35 department. Forms shall be furnished by the department. The

1 forms or other recording methods used ~~by-county-registrars-to~~
2 ~~record-copies-of-records-made~~ to register records required
3 under this chapter shall be prescribed by the department.

4 Sec. 5. Section 144.13, subsection 1, paragraphs a, b, and
5 c, Code Supplement 1995, are amended to read as follows:

6 a. A certificate of birth for each live birth which occurs
7 in this state shall be filed with the ~~county-registrar-of-the~~
8 ~~county-in-which-the-birth-occurs-within-ten~~ state registrar,
9 or as otherwise directed by the state registrar, within seven
10 days after the birth and shall be registered by the registrar
11 if it has been completed and filed in accordance with this
12 chapter. ~~However, when a birth occurs in a moving conveyance,~~
13 ~~a birth certificate shall be filed in the county in which the~~
14 ~~child was first removed from the conveyance.~~

15 b. When a birth occurs in an institution or en route to an
16 institution, the person in charge of the institution or the
17 person's designated representative shall obtain the personal
18 data, prepare the certificate, ~~secure the signatures required~~
19 ~~by the certificate,~~ and file the certificate with the ~~county~~
20 ~~registrar~~ state registrar, or as otherwise directed by the
21 state registrar. Either of the parents of the child or
22 another informant shall verify the accuracy of the personal
23 data to be entered on the certificate in order to permit the
24 filing of the certificate within the time prescribed. The
25 physician in attendance or the person in charge of the
26 institution or the person's designee shall certify to the
27 facts of birth either by signature or as otherwise authorized
28 by rule and provide the medical information required by the
29 certificate within ~~six~~ seven days after the birth.

30 c. When a birth occurs outside an institution, the
31 certificate shall be prepared and filed by one of the
32 following in the indicated order of priority:

33 (1) The physician in attendance at or immediately after
34 the birth.

35 (2) Any other person in attendance at or immediately after

1 the birth.

2 (3) The father or the mother.

3 (4) The person in charge of the premises where the birth
4 occurred.

5 The state registrar shall establish, by rule, what evidence
6 may be required to establish the facts of birth.

7 Sec. 6. Section 144.13, subsection 2, Code Supplement
8 1995, is amended to read as follows:

9 2. If the mother was married ~~either-at-the-time-of~~
10 conception-or-birth at any time during the period between
11 conception and birth, the name of the husband shall be entered
12 on the certificate as the father of the child unless paternity
13 has been determined otherwise by a court of competent
14 jurisdiction, in which case the name of the father as
15 determined by the court shall be entered by the department.

16 Sec. 7. Section 144.13, subsection 3, Code Supplement
17 1995, is amended to read as follows:

18 3. If the mother was not married ~~either-at-the-time-of~~
19 conception-or-birth at any time during the period between
20 conception and birth, the name of the father shall not be
21 entered on the certificate of birth without the written
22 consent of the mother and the person to be named as the
23 father, unless a determination of paternity has been made
24 pursuant to section 252A.3, in which case the name of the
25 father as established shall be entered by the department. If
26 the father is not named on the certificate of birth, no other
27 information about the father shall be entered on the
28 certificate.

29 Sec. 8. Section 144.14, Code 1995, is amended to read as
30 follows:

31 144.14 FOUNDLINGS.

32 A person who assumes the custody of a living infant of
33 unknown parentage shall report ~~on-a-form-and~~ in the manner
34 prescribed by the state registrar within five days to the
35 ~~county-registrar-of-the-county-in-which-the-child-was-found~~

1 state registrar, the following information:

- 2 1. The date and place of finding.
- 3 2. The sex, color or race, and approximate age of child.
- 4 3. The name and address of the person or institution which
- 5 has assumed custody of the child.
- 6 4. The name given to the child by the custodian.
- 7 5. Other data required by the state registrar.

8 The place where the child was found shall be entered as the
9 place of birth and the date of birth shall be determined by
10 approximation. A report registered under this section shall
11 constitute the certificate of birth for the infant.

12 If the child is identified and a certificate of birth is
13 found or obtained, any report registered under this section
14 shall be sealed and ~~filed~~ placed in a special file and may be
15 opened only by order of a court of competent jurisdiction or
16 as provided by regulation rule.

17 Sec. 9. Section 144.15, unnumbered paragraph 1, Code 1995,
18 is amended to read as follows:

19 When the birth of a person born in this state has not been
20 registered, a certificate may be filed in accordance with
21 regulations rule. The certificate shall be registered subject
22 to evidentiary requirements prescribed to substantiate the
23 alleged facts of birth. Certificates of birth registered one
24 year or more after the date of occurrence shall be marked
25 "delayed" and shall show on their face the date of the delayed
26 registration. A summary statement of the evidence submitted
27 in support of the delayed registration shall be endorsed on
28 the certificate. A delayed certificate of birth shall not be
29 registered for a deceased person.

30 Sec. 10. Section 144.26, Code 1995, is amended to read as
31 follows:

32 144.26 DEATH CERTIFICATE.

33 A death certificate for each death which occurs in this
34 state shall be filed with the ~~county-registrar-of-the-county~~
35 in-which-the-death-occurs state registrar or as otherwise

1 directed by the state registrar, within three days after the
2 death and prior to final disposition, and shall be registered
3 by the state registrar if it has been completed and filed in
4 accordance with this chapter. All information including the
5 certifying physician's name shall be typewritten.

6 ~~If the place of death is unknown, a death certificate shall~~
7 ~~be filed in the county in which a dead body is found within~~
8 ~~three days after the body is found.~~ The county in which a
9 dead body is found shall be the county of death. If death
10 occurs in a moving conveyance, ~~a death certificate shall be~~
11 ~~filed in~~ the county in which the dead body is first removed
12 from the conveyance shall be the county of death.

13 ~~If a person dies outside of the county of the person's~~
14 ~~residence, the state registrar shall send a copy of the death~~
15 ~~certificate to the county registrar of the county of the~~
16 ~~decedent's residence.--The county registrar shall record the~~
17 ~~death certificate in the same records in which death~~
18 ~~certificates of persons who died within the county are~~
19 ~~recorded.~~

20 Sec. 11. Section 144.27, Code 1995, is amended to read as
21 follows:

22 144.27 FUNERAL DIRECTOR'S DUTY.

23 The funeral director who first assumes custody of a dead
24 body shall file the death certificate, obtain the personal
25 data from the next of kin or the best qualified person or
26 source available and obtain the medical certification of cause
27 of death from the person responsible for ~~issuing and signing~~
28 completing the certification. When a person other than a
29 funeral director assumes custody of a dead body, the person
30 shall be responsible for carrying out the provisions of this
31 section.

32 Sec. 12. Section 144.28, Code 1995, is amended to read as
33 follows:

34 144.28 MEDICAL CERTIFICATE.

35 The medical certification shall be completed and signed

1 within twenty-four hours after death by the physician in
2 charge of the patient's care for the illness or condition
3 which resulted in death except when inquiry is required by the
4 county medical examiner. When inquiry is required by the
5 county medical examiner, the medical examiner shall
6 investigate the cause of death and shall complete ~~and-sign~~ the
7 medical certification within twenty-four hours after taking
8 charge of the case. The person completing the cause of death
9 shall attest to its accuracy either by signature or as
10 authorized by rule.

11 Sec. 13. Section 144.29, Code 1995, is amended to read as
12 follows:

13 144.29 FETAL DEATHS.

14 A fetal death certificate for each fetal death which occurs
15 in this state after a gestation period of twenty completed
16 weeks or greater, or where the fetus weighed three hundred
17 fifty grams or more shall be filed with the ~~county-registrar~~
18 ~~of-the-county-in-which-the-delivery-of-the-dead-fetus-occurs,~~
19 state registrar within three days after delivery and prior to
20 final disposition of the fetus. The certificate shall be
21 registered if it has been completed and filed in accordance
22 with this chapter.

23 The county in which a dead fetus is found shall be the
24 county of death. ~~If-the-place-of-delivery-of-a-dead-fetus-is~~
25 ~~unknown,-a-fetal-death-certificate-shall-be-filed-in-the~~
26 ~~county-in-which-a-dead-fetus-is-found,~~ The certificate shall
27 be filed within three days after the fetus is found. If a
28 fetal death occurs in a moving conveyance, ~~a-fetal-death~~
29 ~~certificate-shall-be-filed-in~~ the county in which the fetus is
30 first removed from the conveyance shall be the county of
31 death.

32 Sec. 14. Section 144.30, Code 1995, is amended to read as
33 follows:

34 144.30 FUNERAL DIRECTOR'S DUTY.

35 The funeral director who first assumes custody of a fetus

1 shall file the fetal death certificate. In the absence of
2 such a person, the physician or other person in attendance at
3 or after the delivery shall file the certificate of fetal
4 death. The person filing the certificate shall obtain the
5 personal data from the next of kin or the best qualified
6 person or source available and shall obtain the medical
7 certification of cause of death from the person responsible
8 for ~~issuing-and-signing~~ completing the certification. When a
9 person other than a funeral director assumes custody of a
10 fetus, the person shall be responsible for carrying out the
11 provisions of this section.

12 Sec. 15. Section 144.31, Code 1995, is amended to read as
13 follows:

14 144.31 MEDICAL CERTIFICATE.

15 The medical certification shall be completed ~~and-signed~~
16 within twenty-four hours after delivery by the physician in
17 attendance at or after delivery except when inquiry is
18 required by the county medical examiner.

19 When a fetal death occurs without medical attendance upon
20 the mother at or after delivery or when inquiry is required by
21 the county medical examiner, the medical examiner shall
22 investigate the cause of fetal death and shall complete ~~and~~
23 ~~sign~~ the medical certification within twenty-four hours after
24 taking charge of the case.

25 The person completing the cause of death shall attest to
26 its accuracy either by signature or by an approved electronic
27 process.

28 Sec. 16. Section 144.38, Code 1995, is amended to read as
29 follows:

30 144.38 AMENDMENT OF OFFICIAL RECORD.

31 To protect the integrity and accuracy of vital statistics
32 records, a certificate or record registered under this chapter
33 may be amended only in accordance with this chapter and
34 regulations rules adopted hereunder pursuant to this chapter.
35 A certificate that is amended under this section shall be

1 marked "amended" except as provided in section 144.40. The
2 date of amendment and a summary description of the evidence
3 submitted in support of the amendment shall be endorsed on or
4 made a part of the record. A file shall be maintained which
5 identifies the evidence upon which the amendment was based,
6 the date of the amendment, and the identity of the person
7 making the amendment. The department shall prescribe by
8 regulation rule the conditions under which additions or minor
9 corrections shall be made to birth certificates within one
10 year after the date of birth without the certificate being
11 marked "amended".

12 Sec. 17. Section 144.43, Code 1995, is amended to read as
13 follows:

14 144.43 VITAL RECORDS CLOSED TO INSPECTION -- EXCEPTIONS.

15 1. To protect the integrity of vital statistics records,
16 to ensure their proper use, and to ensure the efficient and
17 proper administration of the vital statistics system kept by
18 the state registrar, access to vital statistics records kept
19 by the state registrar shall be limited to the state registrar
20 and the state registrar's employees, and then only for
21 administrative purposes. It shall be unlawful for the state
22 registrar to permit inspection of, or to disclose information
23 contained in vital statistics records, or to copy or permit to
24 be copied all or part of any such record except as authorized
25 by regulation rule.

26 However, the following vital statistics records may be
27 inspected and copied as established by rule as of a right
28 under chapter 22 when they are in the custody of a county
29 registrar ~~or when they are in the custody of the state~~
30 ~~archivist and are at least seventy-five years old:~~

31 ~~1-~~ a. A record of birth.

32 ~~2-~~ b. A record of marriage.

33 ~~3-~~ c. A record of divorce, dissolution of marriage, or
34 annulment of marriage.

35 ~~4-~~ d. A record of death if that death was not a fetal

1 death.

2 When ninety-five years have elapsed after the date of
3 birth, or fifty years have elapsed after the date of death,
4 marriage, divorce, dissolution of marriage, or annulment, and
5 when the records of these events are in the custody of the
6 state archivist they shall become available to the public.
7 The state archivist shall establish a process for public
8 access that ensures the continued safekeeping of the records.

9 2. A public record shall not be withheld from the public
10 because it is combined with data processing software. The
11 state registrar shall not implement any electronic data
12 processing system for the storage, manipulation, or retrieval
13 of vital records that would impair the county registrar's
14 ability to permit the examination of a public record and the
15 copying of a public record, as established by rule. If it is
16 necessary to separate a public record from data processing
17 software in order to permit the examination of the public
18 record, the county registrar shall periodically generate a
19 written log available for public inspection.

20 Sec. 18. NEW SECTION. 144.45A. COMMEMORATIVE BIRTH AND
21 MARRIAGE CERTIFICATES.

22 Upon application and payment of a twenty-five dollar fee,
23 the director may issue a commemorative copy of a certificate
24 of birth or a certificate of marriage. Fees collected
25 pursuant to this section may be retained by and are
26 appropriated to the department to fund private, nonprofit
27 organization programs targeted at the prevention of child
28 abuse. The director or a designee shall keep an accurate
29 record of funds so retained.

30 Sec. 19. 1993 Iowa Acts, chapter 55, section 1, subsection
31 3, is amended to read as follows:

32 3. The project shall be completed on or before June 30,
33 1997, and existing vital records shall be converted to the
34 electronic system by that date. Moneys appropriated pursuant
35 to this section which remain unexpended unencumbered on June

1 30, 1997, shall revert to the general fund of the state. The
2 remaining encumbered moneys which remain unexpended on June
3 30, 1998, shall revert to the general fund of the state. For
4 the fiscal year beginning July 1, 1997, and succeeding fiscal
5 years, the provisions of section 144.46, requiring the vital
6 records fee to be set by rule based on the average admin-
7 istrative costs, shall apply.

8

EXPLANATION

9 This bill provides for the modernization of vital records
10 and facilitates the transition of registrar duties from the
11 clerk of the district court to the county recorder.

12 The bill establishes procedures for the electronic submis-
13 sion of vital records regarding birth and death certificates
14 and related data. The bill also provides for changes in the
15 birth registration process, and disallows issuance of a
16 delayed birth certificate for a deceased person.

17 The bill provides for adjustments in the length of time
18 that birth, death, and marriage vital statistics records are
19 archived and made available for public inspection. The bill
20 also provides that the director of public health may issue
21 commemorative birth and marriage certificates.

22 The bill provides that a public record shall not be
23 withheld from public access because of being combined with
24 data processing software, and instructs the state registrar
25 not to implement an electronic data processing system
26 interfering with the ability of a county registrar to
27 facilitate public inspection. The bill directs county
28 registrars to generate on a periodic basis a written log
29 available for public inspection in situations requiring the
30 separation of a public record from data processing software.

31 The bill makes changes relating to funding the vital
32 records conversion process to an electronic format through
33 encumbering fund moneys obligated on or prior to June 30,
34 1997.

35