

# Senate Study Bill 2155

## Conference Committee Text

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1 1 Section 1. Section [144.1](#), subsection 9, Code 1995, is  
1 2 amended to read as follows:  
1 3 9. "Live birth" means the complete expulsion or extraction  
1 4 from its mother of a product of human conception, irrespective  
1 5 of the duration of pregnancy, which, after such expulsion or  
1 6 extraction, breathes or shows any other evidence of life such  
1 7 as beating of the heart, pulsation of the umbilical cord, or  
1 8 definite movement of voluntary muscles, whether or not the  
1 9 umbilical cord has been cut or the placenta is attached.  
1 10 Heartbeats are to be distinguished from transient cardiac  
1 11 contractions. Respirations are to be distinguished from  
1 12 fleeting respiratory efforts or gasps.  
1 13 Sec. 2. Section [144.1](#), subsection 10, Code 1995, is  
1 14 amended to read as follows:  
1 15 10. "Registration" means the

~~acceptance by the division~~

1 16

~~and the incorporation in its official records of certificates,~~

1 17

~~reports, or other records, provided for in this chapter, of~~

1 18

~~births, deaths, fetal deaths, adoptions, marriages, divorces,~~

1 19

~~or annulments~~

~~process by which vital statistics are completed.~~

1 20 filed, and incorporated by the division into its official  
1 21 records.

1 22 Sec. 3. Section [144.5](#), subsection 4, Code 1995, is amended  
1 23 to read as follows:

1 24 4. Prescribe, print, and distribute the forms required by  
1 25 this chapter and other means for transmitting data to  
1 26 accomplish the complete and accurate reporting.

1 27 Sec. 4. Section [144.12](#), Code 1995, is amended to read as  
1 28 follows:

1 29 144.12 FORMS UNIFORM.

1 30 In order to promote and maintain uniformity in the system  
1 31 of vital statistics, the forms of certificates, reports, and  
1 32 other returns shall include as a minimum the items recommended  
1 33 by the federal agency responsible for national vital  
1 34 statistics, subject to approval and modification by the  
1 35 department. Forms shall be furnished by the department. The  
2 1 forms or other recording methods used

~~by county registrars to~~

2 2

~~record copies of records made~~

~~to register records required~~

2 3 under this chapter shall be prescribed by the department.

2 4 Sec. 5. Section 144.13, subsection 1, paragraphs a, b, and

2 5 c, Code Supplement 1995, are amended to read as follows:

2 6 a. A certificate of birth for each live birth which occurs

2 7 in this state shall be filed with the

~~county registrar of the~~

2 8

~~county in which the birth occurs within ten~~

~~state registrar.~~

2 9 or as otherwise directed by the state registrar, within seven

2 10 days after the birth and shall be registered by the registrar

2 11 if it has been completed and filed in accordance with this

2 12 chapter.

~~However, when a birth occurs in a moving conveyance,~~

2 13

~~a birth certificate shall be filed in the county in which the~~

2 14

~~child was first removed from the conveyance.~~

2 15 b. When a birth occurs in an institution or en route to an

2 16 institution, the person in charge of the institution or the

2 17 person's designated representative shall obtain the personal

2 18 data, prepare the certificate,

~~secure the signatures required~~

2 19

~~by the certificate,~~

~~and file the certificate with the~~

~~county~~

2 20

~~registrar~~

~~state registrar, or as otherwise directed by the~~

2 21 state registrar. Either of the parents of the child or

2 22 another informant shall verify the accuracy of the personal

2 23 data to be entered on the certificate in order to permit the

2 24 filing of the certificate within the time prescribed. The

2 25 physician in attendance or the person in charge of the

2 26 institution or the person's designee shall certify to the

2 27 facts of birth either by signature or as otherwise authorized

2 28 by rule and provide the medical information required by the

2 29 certificate within

~~six~~

~~seven~~ days after the birth.

2 30 c. When a birth occurs outside an institution, the

2 31 certificate shall be prepared and filed by one of the

2 32 following in the indicated order of priority:

2 33 (1) The physician in attendance at or immediately after

2 34 the birth.

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

3 1 the birth.

3 2 (3) The father or the mother.

3 3 (4) The person in charge of the premises where the birth  
3 4 occurred.  
3 5 The state registrar shall establish, by rule, what evidence  
3 6 may be required to establish the facts of birth.  
3 7 Sec. 6. Section 144.13, subsection 2, Code Supplement  
3 8 1995, is amended to read as follows:  
3 9 2. If the mother was married

~~either at the time of~~

3 10

~~conception or birth~~

~~at any time during the period between~~

3 11 conception and birth, the name of the husband shall be entered  
3 12 on the certificate as the father of the child unless paternity  
3 13 has been determined otherwise by a court of competent  
3 14 jurisdiction, in which case the name of the father as  
3 15 determined by the court shall be entered by the department.  
3 16 Sec. 7. Section 144.13, subsection 3, Code Supplement  
3 17 1995, is amended to read as follows:  
3 18 3. If the mother was not married

~~either at the time of~~

3 19

~~conception or birth~~

~~at any time during the period between~~

3 20 conception and birth, the name of the father shall not be  
3 21 entered on the certificate of birth without the written  
3 22 consent of the mother and the person to be named as the  
3 23 father, unless a determination of paternity has been made  
3 24 pursuant to section 252A.3, in which case the name of the  
3 25 father as established shall be entered by the department. If  
3 26 the father is not named on the certificate of birth, no other  
3 27 information about the father shall be entered on the  
3 28 certificate.  
3 29 Sec. 8. Section 144.14, Code 1995, is amended to read as  
3 30 follows:  
3 31 144.14 FOUNDLINGS.  
3 32 A person who assumes the custody of a living infant of  
3 33 unknown parentage shall report

~~on a form and~~

~~in the manner~~

3 34 prescribed by the state registrar within five days to the  
3 35

~~county registrar of the county in which the child was found~~

4 1 state registrar, the following information:

- 4 2 1. The date and place of finding.
  - 4 3 2. The sex, color or race, and approximate age of child.
  - 4 4 3. The name and address of the person or institution which  
4 5 has assumed custody of the child.
  - 4 6 4. The name given to the child by the custodian.
  - 4 7 5. Other data required by the state registrar.
- 4 8 The place where the child was found shall be entered as the  
4 9 place of birth and the date of birth shall be determined by  
4 10 approximation. A report registered under this section shall  
4 11 constitute the certificate of birth for the infant.  
4 12 If the child is identified and a certificate of birth is  
4 13 found or obtained, any report registered under this section  
4 14 shall be sealed and

~~filed~~

- placed in a special file and may be  
4 15 opened only by order of a court of competent jurisdiction or  
4 16 as provided by

~~regulation~~

- rule.

4 17 Sec. 9. Section 144.15, unnumbered paragraph 1, Code 1995,  
4 18 is amended to read as follows:

4 19 When the birth of a person born in this state has not been  
4 20 registered, a certificate may be filed in accordance with  
4 21

~~regulations~~

- rule. The certificate shall be registered subject

4 22 to evidentiary requirements prescribed to substantiate the  
4 23 alleged facts of birth. Certificates of birth registered one  
4 24 year or more after the date of occurrence shall be marked  
4 25 "delayed" and shall show on their face the date of the delayed  
4 26 registration. A summary statement of the evidence submitted  
4 27 in support of the delayed registration shall be endorsed on  
4 28 the certificate. A delayed certificate of birth shall not be  
4 29 registered for a deceased person.

4 30 Sec. 10. Section 144.26, Code 1995, is amended to read as  
4 31 follows:

4 32 144.26 DEATH CERTIFICATE.

4 33 A death certificate for each death which occurs in this  
4 34 state shall be filed with the

~~county registrar of the county~~

-  
4 35

~~in which the death occurs~~

- state registrar or as otherwise

5 1 directed by the state registrar, within three days after the  
5 2 death and prior to final disposition, and shall be registered  
5 3 by the state registrar if it has been completed and filed in  
5 4 accordance with this chapter. All information including the  
5 5 certifying physician's name shall be typewritten.  
5 6

~~If the place of death is unknown, a death certificate shall~~

-  
5 7

~~be filed in the county in which a dead body is found within~~

-  
5 8

~~three days after the body is found.~~

- The county in which a

5 9 dead body is found shall be the county of death. If death  
5 10 occurs in a moving conveyance,

~~a death certificate shall be~~

-  
5 11

~~filed in~~

- the county in which the dead body is first removed

5 12 from the conveyance shall be the county of death.  
5 13

~~If a person dies outside of the county of the person's~~

-  
5 14

~~residence, the state registrar shall send a copy of the death~~

5 15

~~certificate to the county registrar of the county of the~~

5 16

~~decedent's residence. The county registrar shall record the~~

5 17

~~death certificate in the same records in which death~~

5 18

~~certificates of persons who died within the county are~~

5 19

~~recorded.~~

5 20 Sec. 11. Section [144.27](#), Code 1995, is amended to read as  
5 21 follows:

5 22 144.27 FUNERAL DIRECTOR'S DUTY.

5 23 The funeral director who first assumes custody of a dead  
5 24 body shall file the death certificate, obtain the personal  
5 25 data from the next of kin or the best qualified person or  
5 26 source available and obtain the medical certification of cause  
5 27 of death from the person responsible for

~~issuing and signing~~

5 28 completing the certification. When a person other than a  
5 29 funeral director assumes custody of a dead body, the person  
5 30 shall be responsible for carrying out the provisions of this  
5 31 section.

5 32 Sec. 12. Section [144.28](#), Code 1995, is amended to read as  
5 33 follows:

5 34 144.28 MEDICAL CERTIFICATE.

5 35 The medical certification shall be completed

~~and signed~~

6 1 within twenty-four hours after death by the physician in  
6 2 charge of the patient's care for the illness or condition  
6 3 which resulted in death except when inquiry is required by the  
6 4 county medical examiner. When inquiry is required by the  
6 5 county medical examiner, the medical examiner shall  
6 6 investigate the cause of death and shall complete

~~and sign~~

~~the~~

6 7 medical certification within twenty-four hours after taking  
6 8 charge of the case. The person completing the cause of death  
6 9 shall attest to its accuracy either by signature or as  
6 10 authorized by rule.

6 11 Sec. 13. Section [144.29](#), Code 1995, is amended to read as  
6 12 follows:

6 13 144.29 FETAL DEATHS.

6 14 A fetal death certificate for each fetal death which occurs  
6 15 in this state after a gestation period of twenty completed  
6 16 weeks or greater, or where the fetus weighed three hundred  
6 17 fifty grams or more shall be filed with the

~~county registrar~~

~~of the county in which the delivery of the dead fetus occurs,~~

6 19 state registrar within three days after delivery and prior to  
6 20 final disposition of the fetus. The certificate shall be  
6 21 registered if it has been completed and filed in accordance  
6 22 with this chapter.

6 23 The county in which a dead fetus is found shall be the  
6 24 county of death.

~~If the place of delivery of a dead fetus is~~

6 25

~~unknown, a fetal death certificate shall be filed in the~~

6 26

~~county in which a dead fetus is found,~~

~~The certificate shall~~

6 27 be filed within three days after the fetus is found. If a  
6 28 fetal death occurs in a moving conveyance,

~~a fetal death~~

6 29

~~certificate shall be filed in~~

~~the county in which the fetus is~~

6 30 first removed from the conveyance shall be the county of  
6 31 death.

6 32 Sec. 14. Section 144.30, Code 1995, is amended to read as  
6 33 follows:

6 34 144.30 FUNERAL DIRECTOR'S DUTY.

6 35 The funeral director who first assumes custody of a fetus  
7 1 shall file the fetal death certificate. In the absence of  
7 2 such a person, the physician or other person in attendance at  
7 3 or after the delivery shall file the certificate of fetal  
7 4 death. The person filing the certificate shall obtain the  
7 5 personal data from the next of kin or the best qualified  
7 6 person or source available and shall obtain the medical  
7 7 certification of cause of death from the person responsible  
7 8 for

~~issuing and signing~~

~~completing~~ the certification. When a

7 9 person other than a funeral director assumes custody of a  
7 10 fetus, the person shall be responsible for carrying out the  
7 11 provisions of this section.

7 12 Sec. 15. Section 144.31, Code 1995, is amended to read as  
7 13 follows:

7 14 144.31 MEDICAL CERTIFICATE.

7 15 The medical certification shall be completed

~~and signed~~

7 16 within twenty-four hours after delivery by the physician in  
7 17 attendance at or after delivery except when inquiry is  
7 18 required by the county medical examiner.

7 19 When a fetal death occurs without medical attendance upon  
7 20 the mother at or after delivery or when inquiry is required by  
7 21 the county medical examiner, the medical examiner shall  
7 22 investigate the cause of fetal death and shall complete

~~and~~

~~sign~~

- the medical certification within twenty-four hours after  
7 24 taking charge of the case.

7 25 The person completing the cause of death shall attest to  
7 26 its accuracy either by signature or by an approved electronic  
7 27 process.

7 28 Sec. 16. Section 144.38, Code 1995, is amended to read as  
7 29 follows:

7 30 144.38 AMENDMENT OF OFFICIAL RECORD.

7 31 To protect the integrity and accuracy of vital statistics  
7 32 records, a certificate or record registered under this chapter  
7 33 may be amended only in accordance with this chapter and  
7 34

~~regulations~~

- rules adopted

~~hereunder~~

- pursuant to this chapter.

7 35 A certificate that is amended under this section shall be  
8 1 marked "amended" except as provided in section 144.40. The  
8 2 date of amendment and a summary description of the evidence  
8 3 submitted in support of the amendment shall be endorsed on or  
8 4 made a part of the record. A file shall be maintained which  
8 5 identifies the evidence upon which the amendment was based,  
8 6 the date of the amendment, and the identity of the person  
8 7 making the amendment. The department shall prescribe by  
8 8

~~regulation~~

- rule the conditions under which additions or minor  
8 9 corrections shall be made to birth certificates within one  
8 10 year after the date of birth without the certificate being  
8 11 marked "amended".

8 12 Sec. 17. Section 144.43, Code 1995, is amended to read as  
8 13 follows:

8 14 144.43 VITAL RECORDS CLOSED TO INSPECTION & EXCEPTIONS.

8 15 To protect the integrity of vital statistics records, to  
8 16 ensure their proper use, and to ensure the efficient and  
8 17 proper administration of the vital statistics system kept by  
8 18 the state registrar, access to vital statistics records kept  
8 19 by the state registrar shall be limited to the state registrar  
8 20 and the state registrar's employees, and then only for  
8 21 administrative purposes. It shall be unlawful for the state  
8 22 registrar to permit inspection of, or to disclose information  
8 23 contained in vital statistics records, or to copy or permit to  
8 24 be copied all or part of any such record except as authorized  
8 25 by

~~regulation~~

- rule.

8 26 However, the following vital statistics records may be  
8 27 inspected

~~and copied~~

- as of right under chapter 22 when they  
8 28 are in the custody of a county registrar

~~or when they are in~~

-  
8 29

~~the custody of the state archivist and are at least seventy~~

-  
8 30

~~five years old~~

-:

- 8 31 1. A record of birth.  
8 32 2. A record of marriage.  
8 33 3. A record of divorce, dissolution of marriage, or  
8 34 annulment of marriage.  
8 35 4. A record of death if that death was not a fetal death.

9 1 When ninety-five years have elapsed after the date of  
9 2 birth, or fifty years have elapsed after the date of death,  
9 3 marriage, divorce, dissolution of marriage, or annulment, and  
9 4 when the records of these events are in the custody of the  
9 5 state archivist they shall become available to the public.  
9 6 The state archivist shall establish a process for public  
9 7 access that ensures the continued safekeeping of the records.

9 8 Sec. 18. NEW SECTION. 144.45A COMMEMORATIVE BIRTH AND  
9 9 MARRIAGE CERTIFICATES.

9 10 Upon application and payment of a twenty-five dollar fee,  
9 11 the director may issue a commemorative copy of a certificate  
9 12 of birth or a certificate of marriage. Fees collected  
9 13 pursuant to this section may be retained by and are  
9 14 appropriated to the department to fund private, nonprofit  
9 15 organization programs targeted at the prevention of child  
9 16 abuse. The director or a designee shall keep an accurate  
9 17 record of funds so retained.

9 18 Sec. 19. 1993 Iowa Acts, chapter 55, section 1, subsection  
9 19 3, is amended to read as follows:

9 20 3. The project shall be completed on or before June 30,  
9 21 1997, and existing vital records shall be converted to the  
9 22 electronic system by that date. Moneys appropriated pursuant  
9 23 to this section which remain

~~unexpended~~

- unencumbered on June

9 24 30, 1997, shall revert to the general fund of the state. The  
9 25 remaining encumbered moneys which remain unexpended on June  
9 26 30, 1998, shall revert to the general fund of the state. For  
9 27 the fiscal year beginning July 1, 1997, and succeeding fiscal  
9 28 years, the provisions of section 144.46, requiring the vital  
9 29 records fee to be set by rule based on the average admin-  
9 30 istrative costs, shall apply.

9 31 EXPLANATION

9 32 This bill provides for the modernization of vital records  
9 33 and facilitates the transition of registrar duties from the  
9 34 clerk of the district court to the county recorder.

9 35 The bill establishes procedures for the electronic submis-  
10 1 sion of vital records regarding birth and death certificates  
10 2 and related data. The bill also provides for changes in the  
10 3 birth registration process, and disallows issuance of a  
10 4 delayed birth certificate for a deceased person.

10 5 The bill provides for adjustments in the length of time  
10 6 that birth, death, and marriage vital statistics records are  
10 7 archived and made available for public inspection. The bill  
10 8 also provides that the director of public health may issue  
10 9 commemorative birth and marriage certificates.

10 10 The bill makes changes relating to funding the vital  
10 11 records conversion process to an electronic format through  
10 12 encumbering fund moneys obligated on or prior to June 30,  
10 13 1997.

10 14 BACKGROUND STATEMENT

10 15 SUBMITTED BY THE AGENCY

10 16 This bill proposes additional statutory changes necessary  
10 17 to complete the process of modernization of vital records  
10 18 initiated by the 1992 Session of the General Assembly. The  
10 19 bill also makes additional changes required to effect the  
10 20 transition of registrar duties from the clerk of the district  
10 21 court to the county recorder scheduled to be concluded by July

10 22 1, 1997.

10 23 The bill clarifies the definition of live birth to  
10 24 distinguish between an actual live birth and various anomalies  
10 25 and establishes the process which will allow the electronic  
10 26 submission of vital records.

10 27 Changes are made to procedures for the filing of birth  
10 28 certificates necessary to allow for the electronic  
10 29 registration of births. The electronic birth certificate  
10 30 process enables the electronic submission of birth data  
10 31 directly to the state and will facilitate the availability of  
10 32 birth certificates at all county registrar offices, regardless  
10 33 of county of birth. The electronic registration also allows  
10 34 for a more timely submission of birth data, reduced from 10  
10 35 days to seven days.

11 1 The bill provides that the state registrar shall establish,  
11 2 by rule, a process to determine the legitimacy of birth data  
11 3 and codifies the current practice of determining when to enter  
11 4 the father's name on the birth certificate. Nonsubstantive  
11 5 changes are provided consistent with the other changes in the  
11 6 birth registration process.

11 7 The bill disallows the issuance of a delayed birth  
11 8 certificate for a deceased person. This language will  
11 9 strengthen antifraud efforts to reduce the possibility of  
11 10 delayed certificates being filed to establish false  
11 11 identities.

11 12 The bill makes changes to the filing of death certificates  
11 13 necessary to allow for the electronic submission directly to  
11 14 the state and clarifies the determination of the county of  
11 15 death. The availability of electronic death certificate  
11 16 information in every county registrar's office eliminates the  
11 17 need to send copies of death certificates to the counties.

11 18 The bill establishes a process of electronic signatures  
11 19 necessary for the submission of death data from funeral  
11 20 directors, attending physicians, and medical examiners.

11 21 The bill clarifies the definition of fetal death beyond  
11 22 gestation to also include weight and makes nonsubstantive  
11 23 changes similar and consistent with the electronic reporting  
11 24 of death certificates.

11 25 The bill delineates what information shall be filed in sup-  
11 26 port of an amended certificate.

11 27 The bill makes changes to the process in which vital  
11 28 statistics records are archived and made available for public  
11 29 inspection. The proposed language increases from 75 years to  
11 30 95 years the length of time before birth records are made  
11 31 public and reduces from 75 years to 50 years the length of  
11 32 time before death and marriage records are made available.  
11 33 These changes reflect the increasing life span of Iowans and  
11 34 the increasing interest in death records by genealogists.

11 35 The bill provides that the director of public health may  
12 1 issue commemorative birth and marriage certificates. A fee of  
12 2 \$25 is established and funds generated are directed to be used  
12 3 for child abuse prevention.

12 4 The bill makes changes in the fund established to finance  
12 5 the modernization of vital statistics. Fees associated with  
12 6 issuing copies of vital records prior to June 30, 1997, are  
12 7 deposited in the fund. The proposed language retains the  
12 8 reversion of unspent funds after the completion of the  
12 9 modernization project, however, it does allow the department  
12 10 to encumber fund moneys obligated prior to the June 30, 1997,  
12 11 reversion date. Such a change is necessary to fund the  
12 12 multiyear conversion process of existing vital records into an  
12 13 electronic format.

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