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**MODEL STATE VITAL STATISTICS ACT**  
**and**  
**MODEL STATE VITAL STATISTICS REGULATIONS**  
**2024 Revision**

Endorsed by the National Association for Public Health Statistics and Information Systems.

This revision replaces the 2011 Revision of the Model State Vital Statistics Act and Model State Vital Statistics Regulations (PHS 95-1115).

34 **WORKING GROUP TO REVISE THE MODEL STATE VITAL STATISTICS ACT AND MODEL**  
35 **STATE VITAL STATISTICS REGULATIONS**

36

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70 **Preface**

71  
72 The Model State Vital Statistics Act and Regulations were developed to serve as models for  
73 Jurisdictions in preparing their own laws and regulations. The Model Act has been designed to  
74 improve the quality and uniformity of Jurisdiction data by establishing standard reporting  
75 requirements, authorities, definitions, security, registration and issuance practices, preservation,  
76 disclosures, fees, penalties, and other functions that comprise a Jurisdiction system of vital  
77 statistics. The Model Law has an impact on how vital statistics data are reported and tabulated  
78 at the State level, which in turn impacts national vital statistics.

79  
80  
81 This is the seventh revision of the Model State Vital Statistics Act (the first was in 1907) and the  
82 fourth revision of the Model State Vital Statistics Regulations (the first was in 1977). The Model  
83 Act and Regulations provide detailed guidance to Jurisdiction Registrars of vital statistics and  
84 State legislators to guide them in updating their Jurisdiction vital statistics laws and regulations.  
85 A Jurisdiction may wish to adopt this revision in total or may wish to adopt various sections of  
86 the Model Act and Regulations.

87  
88 Major goals of this revision of the Model Act and Regulations are to provide guidance for vital  
89 event registration, issuance, security and fraud prevention, and protection of confidential  
90 information in an electronic environment. In addition, the Model Act and Regulation should be  
91 used to promote uniformity within all vital record jurisdictions.

92  
93 New terminology has been introduced. A report of a vital event is submitted and becomes a  
94 vital record when accepted for registration by the Registrar. In addition, certification (either  
95 paper or electronic) is used instead of certified copy. Other laws or policies may use the old  
96 terminology, (birth certificate or death certificate), instead of the new terminology used in this  
97 revision (birth certification or death certification).

98  
99 In developing this revision, input was sought not only from Jurisdiction vital records and  
100 statistics offices but also from other persons and organizations, including Federal agencies such  
101 as the National Center for Health Statistics (NCHS) and Uniform Law Commission, with an  
102 interest in the vital statistics system as a source of legal records, statistical data, or for public  
103 health or administrative purposes. Comments from these interested persons and organizations  
104 provided invaluable assistance in developing the revision and should help guarantee that the  
105 vital statistics system continues to serve the interests of its many users.

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**MODEL (STATE) VITAL STATISTICS ACT AND REGULATIONS**

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NOTE: Where the need for variation was apparent, parentheses, "( )," have been placed around the word or phrase. In cases where recommendations were considered optional, brackets "[ ]," have been placed around the word or phrase.

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189 **Section 1. Short Title**

190  
191 This Act may be cited as the "Vital Statistics Act."  
192

193 **Section 2. Definitions**

194  
195 As used in this Act:

196  
197 "Amendment" means a change to a certification item made by the (State) Registrar  
198 upon request by an entitled person to modify any information from the original  
199 information provided at the time the vital record was created, submitted or filed.

200  
201 "Authentication" means the process of verifying user identity and their administrative  
202 role

203  
204 "Authorization" means the process of verifying role-based access of an authenticated  
205 user within an electronic vital records system

206  
207 "Certification" means the document, paper or electronic format, issued by the (State)  
208 Registrar and containing all or a part of the exact information contained on the original  
209 vital record, and which, when issued by the (State) Registrar, has the full force and  
210 effect of the original vital record.

211  
212 "Certification item" means any item of information that appears on certifications, whether  
213 paper or electronic, that are issued.

214  
215 "Certifier" means a person required to attest to the accuracy of the information  
216 submitted on a report of a vital event.

217  
218 "Conveyance" means any form of transportation that moves an individual from one  
219 place to another.

220  
221 "Correction" means a change to a certification item made by the (State) Registrar upon  
222 request by an entitled person to rectify a data entry error that was made at the time the  
223 vital record was created, submitted or filed and within ninety days from the date of  
224 event. Entitled person shall include the individual or institution responsible for creating,  
225 submitting or filing the vital record.

226  
227 "Court of competent jurisdiction" means a court within the United States or federally  
228 recognized tribal court with jurisdiction over the registrant and such other individuals  
229 that the court deems necessary.

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230  
231 "Dead body" means a human body or such parts of such human body from the condition  
232 of which it reasonably may be concluded that death occurred.  
233  
234 "Death" means the condition determined by the following standard: A person will be  
235 considered dead if in the opinion of a certifier licensed or authorized pursuant to (state)  
236 act or regulation, based on ordinary standards of (medical) practice, that the person has  
237 experienced an irreversible cessation of spontaneous respiratory or circulatory functions.  
238  
239 "Disclosure" means to make available or make known personally identifiable information  
240 contained in a vital record, by any means of communication whether intentional or  
241 unintentional.  
242  
243 "Disposition, final" means the burial, interment, cremation, removal from the (State), or  
244 other authorized disposition of a dead body or fetus.  
245  
246 "Electronic signature" means an electronic sound, symbol, or process attached to or  
247 logically associated with a contract or other record and executed or adopted by a  
248 person with the intent to attest to the accuracy of the facts in the record.  
249  
250 "Facts of live birth" means the child's name, date of birth, place of birth and sex, and the  
251 parent'(s) name(s) appearing on the record of live birth.  
252  
253 "Fetal death" means the spontaneous intrauterine death of a fetus at any time during  
254 pregnancy. Death prior to the complete expulsion or extraction from its mother of a  
255 product of human conception, irrespective of the duration of pregnancy and which is not  
256 an induced termination of pregnancy. The death is indicated by the fact that after such  
257 expulsion or extraction, the fetus does not breathe or show any other evidence of life,  
258 such as beating of the heart, pulsation of the umbilical cord, or definite movement of  
259 voluntary muscles. Heartbeats are to be distinguished from transient cardiac  
260 contractions; respirations are to be distinguished from fleeting respiratory efforts or  
261 gasps.  
262  
263 "Gender" means a gender-related identity, appearance, expression or behavior of an  
264 individual regardless of the individual's sex at birth.  
265  
266 "Government agency" means a unit of local, state, federal, or tribal government.  
267  
268 "Healthcare provider" means an individual licensed under the (Jurisdiction statute) or  
269 any individual who provides medical services under the authorization of the licensee  
270

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271 "Human Remains" means a dead body, or any part of the body of a human being from  
272 the condition of which it reasonably can be concluded that death occurred but does not  
273 include human ashes recovered after cremation.

274  
275 "Individual" means a natural person.

276  
277 "Induced termination of pregnancy" means the purposeful interruption of an intrauterine  
278 pregnancy with the intention other than to produce a live-born infant, and which does  
279 not result in a live birth. This definition excludes management of prolonged retention of  
280 products of conception following fetal death.

281  
282 "Informant" means a person who provides information for a report of a vital event.

283  
284 "Institution" means any establishment, public or private, which provides:  
285 1) In-patient or out-patient medical, surgical, or diagnostic care or treatment, or  
286 2) Nursing, custodial, or domiciliary care, or  
287 3) To which persons are committed by law.

288  
289 "Inter-jurisdictional exchange" means a process whereby registration areas agree to  
290 exchange vital records information with the (State) Registrars of other States, territories,  
291 and neighboring countries.

292  
293 "Interment" means the disposition of human remains by entombment or burial.

294  
295 "Jurisdiction" means the state, territory, county or city to which legal authority for the  
296 system of vital statistics has been granted by statute.

297  
298 "Legal representative" means a licensed attorney representing the registrant or other  
299 qualified applicant.

300  
301 "Live birth" means the complete expulsion or extraction from its mother of a product of  
302 Human conception, irrespective of the duration of pregnancy, which, after such  
303 expulsion or extraction, breathes, or shows any other evidence of life, such as beating  
304 of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles,  
305 whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats  
306 are to be distinguished from transient cardiac contractions; respirations are to be  
307 distinguished from fleeting respiratory efforts or gasps.

308  
309 "Medical Certification" means the process of completing the medical portion of the death  
310 certificate inclusive of the cause and manner of death sections, relevant accident  
311 information, and any other medical information required by the (State) Registrar.

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312  
313 "Medical Certifier" means a physician, physician's assistant, advanced nurse  
314 practitioner, coroner, or medical examiner who is in charge of certifying the cause of  
315 death on a death certificate.  
316  
317 "Midwife" means a person trained (or licensed) to assist with childbirth.  
318  
319 "Next of kin" means a person's closest live relative or relatives as established by the  
320 certificate of live birth.  
321  
322 "Personally identifiable information" (PII) means information that can be used to  
323 distinguish or trace an individual's identity, such as but not limited to his or her name,  
324 Social Security number, biometric records or address, alone, or when combined with  
325 other personal or identifying information which is linked or linkable to a specific  
326 individual.  
327  
328 "Person in charge of an institution" means the officer or employee who is responsible for  
329 administration and includes but is not limited to a person holding the title of chief  
330 executive officer, administrator, superintendent, director or executive director.  
331  
332 "Presumptive Death" means a determination by (a court or law enforcement) that a  
333 death has occurred or suspected to have occurred and the human remains have not  
334 been located or recovered.  
335  
336 "Public health purpose" means a purpose that seeks to support or evaluate public  
337 health activities which include, but are not limited to, health surveillance; identifying  
338 population health trends; health assessments; implementing educational programs;  
339 program evaluation; developing and implementing policies; determining needs for  
340 access to services and administering services; creating emergency response plans;  
341 promoting healthy lifestyles; and preventing, detecting, and responding to infectious  
342 diseases, injury, and chronic and inheritable conditions. Public health purpose does not  
343 include research as defined in this section.  
344  
345 "Physician" means a person authorized or licensed to practice (medicine, naturopathy  
346 or osteopathy) pursuant to the laws of this (State).  
347  
348 "Record" means a report of a vital event that has been registered by the (State)  
349 Registrar.  
350

351 "Record of foreign live birth" means a document registered by the (State) Registrar for a  
352 person born in a foreign country who may or may not be a citizen of the U.S. and who  
353 was adopted through a court with competent jurisdiction over the (State) Agency.

354  
355 "Registration" means the electronic process by which a vital record is accepted and  
356 incorporated into the official records of the (Office of Vital Statistics).

357  
358 "Registration, date of" means the month, day, and year a vital record is incorporated  
359 into the official records of the (Office of Vital Statistics).

360  
361 "Report" means the official electronic notice that a vital event has occurred which  
362 contains data to establish a vital record and is submitted in accordance with this act to  
363 the (State) Registrar.

364  
365 "Research" means a systematic study conforming to or in accordance with generally  
366 accepted standards or principles governing research and designed to develop or  
367 contribute to generalizable knowledge, emphasizing the general character rather than  
368 specific details of, to formulate general principles or inferences from particulars.

369  
370 "Role-based access" means the method of restricting access based on the  
371 administrative role/job requirements of authenticated users within an electronic vital  
372 records system

373  
374 "Sealed record" means the original record of a vital event and the evidence submitted to  
375 support the change and shall not be subject to inspection except upon order of a court  
376 with competent jurisdiction over the (State) Agency or as provided by regulation.

377  
378 "(State) agency" means the (State) public health administrative agency that oversees  
379 the (Office of Vital Statistics).

380  
381 "Sex" means the sex (male, female or not yet determined) given to a child at birth, most  
382 often based on the child's external anatomy.

383  
384 "Standard Certificate" means a document issued from a vital record which is prepared in  
385 a manner that contains data consistent with national standards for certification.

386  
387 "System of vital statistics" means the collection, registration, preservation, amendment,  
388 certification, verification, and the maintenance of the security and integrity of vital  
389 records; the collection of other reports required by this act; and activities related thereto  
390 including the tabulation, analysis, publication, and dissemination of vital statistics;

391 includes but is not limited to staffing, electronic systems and other management  
392 requirements outlined in this act.

393  
394 "Verification" means a confirmation of the information on an original vital record based  
395 on the facts contained in a certification.

396  
397 "Vital records" means reports of live birth, death, fetal death, marriage, (divorce,  
398 dissolution of marriage, or annulment) and data related thereto which have been  
399 accepted for registration and incorporated into the official records of the (Office of Vital  
400 Statistics).

401  
402 "Vital statistics" means the aggregated data derived from the records and reports of live  
403 birth, death, fetal death, induced termination of pregnancy, marriage, (divorce,  
404 dissolution of marriage, or annulment) and supporting documentation and related  
405 reports.

406  
407 **Section 3. Office of Vital Statistics and (State)wide System of Vital Statistics**

408  
409 There is hereby established in the (State) (agency name) an (Office of Vital Statistics)  
410 which shall maintain, operate and advance the only system of vital statistics throughout  
411 this (State). The (Office of Vital Statistics) shall be provided with sufficient staff, secure  
412 and suitable offices, and other resources for the proper administration of the system of  
413 vital statistics and for the preservation and security of its official records. The (Office of  
414 Vital Statistics) shall consider all national standards for the collection, issuance,  
415 reporting and preservation of vital statistics subject to approval by the (State) Registrar.

416  
417 **Section 4. Regulations**

418  
419 The (State) Agency is authorized to adopt, amend, and repeal regulations for the  
420 purpose of carrying out the provisions of this act.

421  
422 **Section 5. Appointment of (State) Registrar of Vital Statistics**

423  
424 The (State Health Officer) shall appoint the (State) Registrar of Vital Statistics,  
425 hereinafter referred to as "(State) Registrar," in accordance with (applicable civil service  
426 laws and regulations).

427  
428 **Regulations 1-5 intentionally left blank**

429  
430 **Section 6. Duties of (State) Registrar**

431  
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432 Version 1 (State) Registrar authority

433 The (State) Registrar shall:

- 434 1) Administer and enforce the provisions of this act and the regulations issued
- 435 hereunder, and issue instructions for the efficient administration of the system of
- 436 vital statistics for the purpose of maintaining the integrity of vital records.
- 437 2) Direct and supervise the system of vital statistics and the (Office of Vital
- 438 Statistics) and be custodian of its records.
- 439 3) Provide for the confidentiality of vital records, data, reports and other documents.
- 440 4) Provide for the security of the system of vital statistics, including but not limited:
- 441 (a) Security of personnel
- 442 (b) Physical security of office and storage space;
- 443 (c) Security of technical systems used for the registration and issuance of vital
- 444 records;
- 445 (d) Security of vital statistics to prevent identity theft, fraudulent use and
- 446 terrorism.
- 447 5) Direct, supervise, and control the activities of all persons engaged in the
- 448 operations of the system of vital statistics.
- 449 6) Develop and conduct training programs to promote uniformity of policy and
- 450 procedures throughout the (State) in matters pertaining to the system of vital
- 451 statistics.
- 452 7) Prescribe, furnish, and distribute all forms required by this Act and the
- 453 regulations issued hereunder, and prescribe such other means for transmission
- 454 of data, including electronic submission, which shall provide for complete,
- 455 accurate, and timely reporting and registration of vital records.
- 456 8) Prepare and publish reports of vital statistics of this (State) and such other
- 457 reports as may be required by the Agency.
- 458 9) Provide for the release of vital statistics data or records for authorized
- 459 government agency use or for public health purpose or research purposes in a
- 460 manner that protects personally identifiable information.
- 461 10) Shall prepare a plan to provide for the continuity of operations of the system of
- 462 vital statistics in the event of an emergency.
- 463 11) The (State) Registrar may establish, designate or eliminate offices in the (State)
- 464 to aid in the efficient administration of the system of vital statistics.
- 465 12) The (State) Registrar may delegate such functions and duties vested in him or
- 466 her to employees of the (Office of Vital Statistics) and to employees of any office
- 467 established or designated under Section 6(b).

468  
469 *Version 2– legislative authority*

470 The (State) Registrar shall:

471

- 472 1) Administer and enforce the provisions of this act and the regulations issued  
473 hereunder, and issue instructions for the efficient administration of the system of  
474 vital statistics.
- 475 2) Provide for the confidentiality of vital records, data, reports and other documents.
- 476 3) Provide for the security of the system of vital statistics, including but not limited to  
477 physical security of office and storage space, and the security of technical  
478 systems used for the registration and issuance of vital records.
- 479 4) Direct, supervise, and control the activities of all persons engaged in the  
480 operations of the system of vital statistics.
- 481 5) Shall conduct system, financial and field audits with any office or persons  
482 engaged in the operations of the system of vital statistics.
- 483 6) Develop and conduct training programs to promote uniformity of policy and  
484 procedures throughout the (State) in matters pertaining to the system of vital  
485 statistics.
- 486 7) Prescribe, furnish, and distribute all forms required by this act and the regulations  
487 issued hereunder, and prescribe such other means for transmission of data,  
488 including electronic submission, which shall provide for complete, accurate, and  
489 timely reporting and registration of vital records.
- 490 8) Prepare and publish reports of vital statistics of this (State) and such other  
491 reports as may be required by the Agency.
- 492 9) Provide for the release of vital statistics data or records for authorized  
493 government agency use or for public health surveillance or research purposes in  
494 a manner that protects personally identifiable information.
- 495 10) Shall prepare a plan to provide for the continuity of operations of the system of  
496 vital statistics in the event of an emergency.
- 497 11) The (State) Registrar may delegate such functions and duties vested in him or  
498 her to employees of the (Office of Vital Statistics) and to employees of any office  
499 established or designated under Section 6(b).

500  
501 (County/Local) recorder as registrar.

502 The (county recorder) is the (county/local) Registrar and with respect to the county  
503 shall:

- 504 1) Administer and enforce this chapter and the rules issued by the department.
- 505 2) Record and transmit the certificates, reports, or other returns filed with the county  
506 registrar as directed by the (State) Registrar.

507  
508 **Regulation 6. Duties of (State) Registrar**

509 (Authorization: Section 6 of the Model Act)

510  
511 **Regulation 6.1 Forms, Records, Reports, Electronic Data Files**

512

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513 All forms, records, electronic data files, reports, and supporting documentation used in  
514 the system of vital statistics and are the property of the (State) Agency and shall be  
515 surrendered to the (State) Registrar upon demand. The forms prescribed and  
516 distributed by the (State) Registrar for reporting vital statistics shall be used only for  
517 official purposes. Only those forms, including worksheets used in the preparation of  
518 vital records or vital reports, furnished or approved by the (State) Registrar shall be  
519 used for the submission of vital reports or certification of vital records. Electronic data  
520 records will be accepted only when standards set by the (State) Registrar are met. Only  
521 computer programs specified and provided or otherwise authorized by the (State)  
522 Registrar shall be used for the submission of vital records and vital reports.

### 524 **Regulation 6.2 Requirements for Preparation of Records and Reports**

526 All individuals preparing or certifying a vital record or vital report shall be trained or  
527 approved by the (Office of Vital Statistics). All forms, records, and reports relating to  
528 vital statistics must be completed in a manner approved by the (State) Registrar. A vital  
529 report may be acceptable for registration when the vital report includes:

- 531 1) The certifier's name;
- 532 2) Contains all items of information required for registration;
- 533 3) Is properly signed or certified; and
- 534 4) Contains all data collected in a manner prescribed by the (State) Registrar and in  
535 a manner consistent with (state) and federal reporting requirements.

537 A vital report not filed within one year from the date of event shall be filed as a delayed  
538 vital record.

### 540 **Regulation 6.3 Designation of Local or Branch Registration Offices**

542 *Version 1 – (State) Registrar authority – Remove if legislative authority exists*  
543 The (State) Registrar shall determine whether offices other than the (Office of Vital  
544 Statistics) are needed in this (State) to aid in the efficient administration of the system of  
545 vital statistics.

547 If the (State) Registrar determines that additional offices are necessary, such offices  
548 shall be designated with the approval of the (State) Agency. The duties and  
549 responsibilities may be assigned to currently existing offices or special branch offices of  
550 the (Office of Vital Statistics) may be established in those areas where they are deemed  
551 necessary, or a combination of existing offices and branch offices may be used. The  
552 employees of all offices shall be subject to the control of the (State) Registrar when they  
553 are performing functions relating to the system of vital statistics.

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554  
555 Any local registrar shall be appointed by the (State) Registrar. The local registrars shall,  
556 with the approval of the (State) Registrar, appoint one or more deputy local registrars of  
557 vital statistics. The deputy local registrars shall perform the duties of the Local Registrar  
558 in the absence or incapacity of such local registrar and shall perform such other duties  
559 as may be prescribed. The (State) Registrar may remove a local registrar or deputy  
560 local registrar without cause.

561  
562 The (State) Registrar shall delegate such duties and responsibilities to such offices as  
563 they deem necessary to provide for the efficient operation of the system of vital  
564 statistics.

#### 565 **Regulation 6.4 - Continuity of Operations**

566  
567  
568 The (State) Registrar shall maintain a continuity of operations plan to ensure the  
569 continued operations of the system of vital statistics.

570  
571 The plan must address to the extent practicable, natural or man-made events that  
572 interrupt normal activities of the system of vital statistics, identify essential vital statistics  
573 services, and provide guidance for maintaining such services.

- 574 1) Components of the plan must include alternative locations for operations,  
575 identification of essential equipment and document needs and where to obtain  
576 them, and identification of essential staff and how to communicate with them in  
577 an emergency.
- 578 2) Components of the plan may include guidance for maintaining services for local  
579 registrar offices impacted by such event.
- 580 3) Such plan shall be confidential and shall not be subject to disclosure unless  
581 authorized by the (State) Registrar. The (State) Registrar may, however,  
582 authorize disclosure of all or part of the plan as the (State) Registrar may deem  
583 necessary for the purpose of implementing the plan.
- 584 4) This documentation may be included in the overall department Emergency  
585 Operations Plan if the vital records/health statistics role and functions are  
586 specified.

#### 587 **Section 7. Security of Vital Statistics System**

588 The (State) Registrar shall take measures to prevent the fraudulent creation and use  
589 of vital records for purposes such as identity theft or terrorism. The (State) Registrar  
590 shall maintain security of personnel, physical environments, electronic systems and vital  
591 statistics data, and preservation methods as required by this act and national standards.  
592 In addition, the (State) Registrar shall perform data assurance and record matching  
593 activities to protect the confidentiality and security of vital records and prevent their  
594

595 fraudulent use.

596 1) The (State) Registrar shall:

597 (a) Provide authenticated users with role-based access to the vital records  
598 system that is necessary to fulfill their official duties;

599 (b) establish separation of duties between staff roles and routinely perform  
600 audits of staff work;

601 (c) require that authenticated and authorized users maintain a specified level  
602 of training related to security of vital records, vital statistics data and  
603 validate data provided in reports submitted for registration through site  
604 visits or with independent sources outside the registration system at a  
605 frequency specified by the (State) Registrar to maximize the integrity of  
606 the data collected;

607 (d) protect personally identifiable information (PII) and maintain systems that  
608 provide for audits of use and include protocols for breach identification and  
609 notification;

610 (e) match all death records registered or filed in the vital records jurisdiction  
611 and all death records provided in accordance with this act to any live birth  
612 records registered or filed in the vital records jurisdiction;

613 (f) work with law enforcement to provide evidence for fraud investigations;

614 (g) provide secure physical workplace, storage and technology environments  
615 that have limited role-based access;

616 (h) maintain overt, covert and forensic security measures for certifications,  
617 verifications and automated systems that are part of the vital statistics  
618 system;

619 (i) comply with applicable laws and regulations associated with information  
620 technology systems and related information security requirements;

621 (j) and comply with national standards that apply to the vital statistics system  
622 and its components.

623

624 2) The (State) Registrar shall (rescind, void, cancel) a registered vital record if the  
625 (State) Registrar determines that:

626 (a) Another registered vital record for the individual exists; or

627 (b) The information submitted for registration of the vital record was  
628 fraudulent, a misrepresentation of facts, or based on false documents.

629 (c) If the (State) Registrar intends to cancel a registered vital record as  
630 prescribed in this act, the (State) Registrar shall provide written notice of  
631 the intent to cancel and the right to appeal the intent to cancel, as  
632 prescribed in this act:

633 i) The individual, if the individual is of legal age or is married; or

634 ii) The individual's parent, if the individual is not of legal age and is not  
635 married, or,

- 636                   iii) if applicable, the individual’s guardian, or
- 637                   iv) the informant listed on a death record.

638

639 **Regulation 7: Security of Vital Statistics System**

640 (Authorization: Section 7 of the Model Act)

641

642 Certifications issued from vital statistics systems shall have security features.

- 643     1) All certifications, paper and electronic, must include standard overt, covert, and
- 644         forensic security features that are designed to prevent tampering, counterfeiting,
- 645         or otherwise duplicating the certification for fraudulent purposes and align with
- 646         current national standards.

- 647         (a) Overt features must enable instant authentication through visual
- 648             inspection by the user without requiring expert knowledge. Overt features
- 649             may include but are not limited to color changing inks, holograms, fibers,
- 650             latent images, watermarks and security threads.

- 651         (b) Covert features must be detectable with specific tools. Covert features
- 652             may include but are not limited to micro printing, fibers, and UV-
- 653             fluorescent inks.

- 654         (c) Forensic features must be detectable in a forensic laboratory by an expert
- 655             examiner or a code known only to the (State) Registrar.

- 656         (d) Electronic certification must include security features such as password or
- 657             biometric login.

- 658     2) Electronic vital statistics systems shall have robust security features to protect all
- 659         vital statistics data.

- 660         (a) All systems shall maintain reasonable and appropriate security practices
- 661             in accordance with current industry best practices. This includes but is not
- 662             limited to:

- 663             i) Providing a secure and redundant environment;

- 664             ii) Establishing administrative, technical and physical safeguards;

- 665             iii) Require strong passwords that must be reset on a scheduled basis;

- 666             iv) Multi-factor authentication for authorized users;

- 667             v) Encryption;

- 668             vi) Appropriate auditing mechanisms and routine audits of authorized
- 669             user activity in order to assess and address potential risks and
- 670             vulnerabilities;

- 671             vii) Ongoing assessment of potential vulnerabilities and threats to
- 672             security, advance planning, and other reasonable controls and risk
- 673             minimization;

- 674             viii) Security incident notification, investigation and mitigation planning;

- 675             ix) Continuity of operations and contingency planning;

- 676             x) Annual staff security awareness training.

- 677 3) Matching of all death records to live birth records as authorized in this act shall  
678 include the following actions:  
679 (a) Upon matching the death record to the live birth record, the live birth  
680 record shall be marked or flagged deceased.  
681 (b) The date of death and the (State) or country where death occurred shall  
682 be documented with the live birth record.  
683 (c) The (State) Registrar shall have documented procedures for performing  
684 the match of the death record to the live birth record.  
685 (d) Initial matching and marking or flagging of records shall occur within (10)  
686 calendar days after receipt of records.  
687 (e) Certifications and verifications issued from live birth records marked or  
688 flagged deceased shall be similarly marked or flagged.  
689 (f) When there is knowledge of a live birth record marked deceased for a  
690 person that is living, the (State) Registrar shall take appropriate action to  
691 correct the error.
- 692 4) The (State) Registrar shall periodically test and audit the vital statistics system for  
693 purposes of detecting fraud.  
694 (a) Both internal processes and such external processes that interface with  
695 internal processes shall be tested and audited on a frequency specified by  
696 the (State) Registrar.  
697 (b) The (State) Registrar shall provide copies of relevant findings and  
698 documentation to appropriate authorities for further investigation.  
699 (c) The results of such tests and audits shall be retained by the (State)  
700 Registrar but shall not be subject to inspection or copying except by the  
701 (State) Registrar for purposes of administering the vital statistics program.  
702

## 703 **Section 8. Persons Required to Keep Records**

704

705 Every person in charge of an institution shall keep a record of personal data concerning  
706 each person admitted or confined to such institution.

- 707 1) This record shall include such information as required for the reports of live birth,  
708 death, fetal death or induced termination of pregnancy required by this act.  
709 2) The record shall be made at the time of admission from information provided by  
710 the person being admitted or confined, or from relatives or other persons  
711 acquainted with the facts.  
712 3) The name and address of the person providing the information shall be a part of  
713 the record.  
714  
715 4) Any health care provider or certifier shall keep a record of personal data  
716 concerning each person under the provider's care for the purpose of reporting a

- 717 vital event and when such documentation is not maintained by an institution as  
718 described above.
- 719 5) When a dead body or fetus is released or disposed of by an institution, the  
720 person in charge of the institution shall keep a record showing the name of the  
721 decedent, date of death, name and address of the person to whom the body or  
722 fetus is released, and the date of removal from the institution.
- 723 6) If final disposition is made by the institution, the date, place, and manner of  
724 disposition shall also be recorded.
- 725 7) A funeral director, embalmer, or other person who removes from the place of  
726 death, transports, or makes final disposition of a dead body or fetus, in addition  
727 to filing any record or other report required by this act or regulation, shall keep a  
728 record which identifies the dead body or fetus, and such information pertaining to  
729 receipt, removal, delivery, burial, or cremation of such dead body or fetus.
- 730

731 Records maintained under this section shall be retained for a period of not less than (7)  
732 years and shall be made available for inspection by the (State) Registrar or their  
733 representative upon demand.

734

735 **Regulation 8. Persons Required to Keep Records**  
736 (Authorization: Section 8 of the Model Act)

737

738 Every person in charge of an institution, or individual medical certifier if records are not  
739 maintained by an institution, shall keep a record containing, at minimum, the following  
740 information about each person admitted or cared for if the condition results in a  
741 reportable vital event

- 742 1) Full legal name, date of birth and residence of the person;  
743 2) Record of the condition which results in a vital event.
- 744

745 When a dead body or fetus is released or disposed of by an institution, the person in  
746 charge of the institution shall keep a record containing, at minimum, the following  
747 record:

- 748 1) Full legal name, date of event and residence of the person;  
749 2) Name and address of the person to whom the dead body or fetus is released;  
750 3) Date of removal from the institution.
- 751

752 If final disposition is made by the institution, the date, place, and manner of disposition  
753 shall also be recorded.

754

755 Each funeral director shall keep a record containing, at a minimum, the following  
756 information about each dead body or fetus the funeral director handles:

- 757 1) The date, place, and time of receipt;

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- 758 2) The date, place, and manner of disposition;  
759 3) If the dead body or fetus is delivered to another funeral director, the date of such  
760 delivery and the name and address of the funeral director to whom delivered; and  
761 4) The items required by the report of death for those deaths for which the funeral  
762 director was required to register the report.

763

## 764 **Section 9. Duties to Furnish Information**

765

766 Any person(s) having knowledge of facts or are required to report a vital record event or  
767 information related to a vital record event shall furnish such information they possess  
768 upon demand of the (State) Registrar and in the manner required by the (State)  
769 Registrar.

770

771 Any person or institution that in good faith provides information required by this act or  
772 regulations shall not be subject to any action for damages resulting from such provision  
773 of information.

774

775 The (State) Registrar shall have the authority to require alternative documentation from  
776 the data provider or any person having knowledge of the facts of the vital event for the  
777 purpose of quality assurance and event verification.

778

## 779 **Regulation 9. Intentionally left blank**

780

## 781 **Section 10. Content of Vital Records and Vital Reports**

782

783 In order to promote and maintain nationwide uniformity in the system of vital statistics,  
784 the forms of vital records and vital reports required by this act, or by regulations adopted  
785 hereunder, shall include, at minimum, the items recommended by the federal agency  
786 responsible for national vital statistics, subject to approval and modification by the  
787 (State) Agency.

788

789 Each vital record, vital report, and other document required by this act shall be prepared  
790 in the format or collected in a manner prescribed by the (State) Registrar.

791

792 All vital records shall contain the date of registration.

793

794 Information required in forms, vital records, or vital reports authorized by this act may be  
795 submitted, verified, registered, and stored in electronic means as prescribed by the  
796 (State) Registrar.

797

## 798 **Regulation 10 – Content of Vital Records and Vital Reports**

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799 (Authorization: Section 10 of the Model Act)

800

801 All forms, certifications and reports pertaining to the registration of vital events are the  
802 property of the (State) Agency. Official designated forms used for the express purpose  
803 of creating a vital report or vital record shall not be accessible to the general public  
804 unless authorized by this act.

805 1) The forms supplied or approved for reporting vital events shall be used for official  
806 purposes as provided for by law, rules and policies of the (State) Registrar.

807 2) No forms or systems, except those furnished or approved by the (State)  
808 Registrar, shall be used in the reporting of vital events or certification of vital  
809 records.

810 3) Security paper as prescribed by the (State) Registrar shall be used to issue  
811 certifications of vital records and shall be maintained in a secure location  
812 accessible only to the (state) (and county/local registrars) and their employees  
813 for administrative purposes.

814 4) Electronic (certification) of vital records shall be performed in a manner provided  
815 by or prescribed by the (State) Registrar.

816 5) All vital records shall contain the date of registration.

817 6) Information required in forms, vital records, or vital reports authorized by this act  
818 may be submitted, verified, registered, and stored by photographic, electronic, or  
819 other means as prescribed by the (State) Registrar.

820

## 821 **Section 11. Live Birth Registration**

822

823 Each live birth that occurs in this (State) shall be reported to the (State) Registrar using  
824 the electronic birth registration system, or as directed by the (State) Register, within five  
825 calendar days from the date of the event.

826

827 1) When a live birth occurs in an institution or en route thereto, the person in charge  
828 of the institution or authorized designee shall obtain all data in a manner required  
829 by the (State) Registrar, prepare the report, certify that the child was born alive at  
830 the place, time and on the date stated either by signature or by an approved  
831 electronic process, and submit the report as directed by this act.

832 2) When a live birth occurs outside an institution and not en route to an institution,  
833 the information for the report of live birth shall be submitted in the format  
834 prescribed by the (State) Registrar in the following order of priority within five  
835 calendar days of the live birth:

836 (a) the physician in attendance at the live birth, or

837 (b) any other licensed or certified health care provider [authorized to attend  
838 the live birth] in attendance at the live birth, or

- 839 (c) the physician who examines the (birth mother/parent) and the child within  
840 five calendar days of the live birth; or  
841 (d) any other licensed or certified health care provider who examines the  
842 (birth mother/parent) and the child within five calendar days of the live  
843 birth; or  
844 (e) the (father/parent), the (birth mother/parent), or, in the absence of the  
845 (father/parent), the (birth mother/parent), the person in charge of the  
846 premises where the live birth occurred.
- 847 3) The (State) Agency shall by regulation determine what evidence may be required  
848 to establish the facts of live birth.
- 849 (a) When a report is submitted for an out of institution live birth that does not  
850 include the minimum acceptable documentation required in the regulation  
851 or when the (State) Registrar has cause to question the validity or  
852 adequacy of the documentary evidence, the (State) Registrar shall not  
853 register the report of live birth. The (State) Registrar shall advise the birth  
854 (birth mother/parent) or guardian of the reasons for this action, and shall  
855 further advise such person of the right to seek an order from a court with  
856 competent jurisdiction over the (State) Agency which requires the  
857 registration of the report of live birth.
- 858 (b) When a live birth occurs on a moving conveyance within the United States  
859 and the child is first removed from the conveyance in this (State), the live  
860 birth shall be registered in this (State) and the place where the child is first  
861 removed shall be considered the place of live birth. When a live birth  
862 occurs on a moving conveyance while in international waters or air space  
863 or in a foreign country or its air space and the child is first removed from  
864 the conveyance in this (State), the live birth shall be registered in this  
865 (State), but the report shall show the actual place of live birth as can be  
866 determined.
- 867 4) For purposes of filing for registration of a live birth record by a gestational  
868 surrogate, the (woman/individual) who gives birth to the child shall be the (birth  
869 mother/parent). The information required by the report of live birth shall be that  
870 of the (birth mother/parent) and such information shall be reported to the (State)  
871 Registrar). The (State) Registrar shall establish regulation which outlines the  
872 requirements to reestablish a report of live birth when the (birth mother/parent) is  
873 a gestational surrogate.
- 874 5) For the purposes of live birth registration, if the (birth mother/parent) was married  
875 at the time of conception, live birth, or at any time between conception and live  
876 birth, the name of the (husband/spouse) shall be entered on the report as the  
877 (father/parent) of the child.
- 878 (a) If parentage has been determined by a court of competent jurisdiction to  
879 be someone other than the (birth mother's/parent's), (husband/spouse),

- 880 the (father/parent) as determined by the court shall be entered on the  
881 record of live birth by the department.
- 882 6) If the (birth mother/parent) was not married at the time of conception, live birth or  
883 at any time between conception and live birth, the name of the (father/parent)  
884 shall be entered on the report upon submission of an acknowledgment of  
885 (parentage/paternity) to the (State) Registrar.
- 886 (a) In any case in which (parentage/paternity) of a child is determined by a  
887 court of competent jurisdiction, the name of the (father/parent) and  
888 surname of the child shall be entered on the report of live birth in  
889 accordance with the court order from a court of competent jurisdiction.
- 890 (b) If the (birth mother/parent) claims that the (father/parent) of the child is not  
891 her (husband/spouse), the (husband/spouse) agrees to the claim and the  
892 putative (father/parent) agrees to the claim, a three (3) way affidavit of  
893 (parentage/paternity) may be signed by the respective parties and duly  
894 (notarized, witnessed, sworn). The (State) registrar shall enter the name of  
895 a putative (father/parent) on the live birth record as the (father/parent) and  
896 the surname of the child may be mutually established by the putative  
897 (father/parent) and (birth mother/parent) as outlined in regulation. If a  
898 question of paternity determination arises which is not resolved under this  
899 act, a court order establishing (paternity, parentage) issued by a court of  
900 competent jurisdiction is required.
- 901 7) Reports of live birth submitted after five calendar days, but within one year from  
902 the date of live birth shall be registered in the standard format of live birth in the  
903 manner prescribed by this act. Such reports shall not be marked or flagged  
904 "Delayed."
- 905 8) The (State) Registrar may require additional evidence in support of the facts of  
906 live birth.

## 907 **Regulation 11. Live Birth Registration**

908 (Authorization: Section 11 of the Model Act)

### 909 **Regulation 11.1 Institution births**

910  
911 A report of live birth which occurs in this jurisdiction shall be filed as directed by the  
912 (State) Registrar within 5 calendar days from the date of event. Upon sufficient proof of  
913 the facts of live birth, the (State) Registrar shall accept the report of live birth for  
914 registration.  
915  
916

### 917 **Regulation 11.2 Non-Institution births**

- 920 When a live birth occurs outside of an institution, sufficient proof by the individual  
921 responsible for submitting the report shall include the minimum:  
922 1) Evidence of pregnancy, such as but not limited to:  
923 (a) Prenatal record;  
924 (b) A statement from a physician or other health care provider qualified to  
925 determine pregnancy;  
926 (c) Documentation of a home visit by a public health nurse or other health  
927 care provider; or  
928 (d) Other evidence acceptable to the (State) Registrar.  
929 2) Evidence that the infant was born alive in this jurisdiction, such as but not limited  
930 to:  
931 (a) A statement from the physician or other health care provider who saw or  
932 examined the infant;  
933 (b) Documentation of a home visit by a public health nurse who observed the  
934 infant; or  
935 (c) Other evidence acceptable to the (State) Registrar.  
936 3) Additional evidence to support the facts of live birth may be required.  
937

### 938 **Regulation 11.3 Surrogacy**

939  
940 All live births shall be considered the product of the (woman/individual) who delivered  
941 the live infant and shall be filed in the manner prescribed by the (State) Registrar, with  
942 that (woman/individual) named as the (birth mother/parent) on the vital report  
943 submitted for registration.

- 944 1) Intended parents are biological parents to the child when the intended  
945 (mother/parent) is the egg donor and the intended (father/parent) is the sperm  
946 donor to the child being carried by the gestational surrogate:  
947 a) After the birth of the child, the intended parents shall petition a court of  
948 competent jurisdiction to establish legal (paternity and  
949 maternity/parentage) of the child.  
950 b) The court shall enter an order requiring the (State) registrar to reestablish  
951 the certificate of live birth naming the intended (mother and father/parents)  
952 as the legal (mother and father/parents) and requiring the (State) registrar  
953 to seal the original birth record and all related documentation.  
954 c) The court order shall:  
955 i) Identify the child's full name as stated on the original certificate of  
956 live birth;  
957 ii) State the child's date of birth and place of birth;  
958 iii) Identify the full names of the (birth mother/parent) and (her/their)  
959 legal spouse, if married;  
960 iv) Disestablish the (birth mother/parent) and (her/their) legal spouse, if

- 961 married, as the legal parents of the child; and  
962 v) Identify the intended parents' full names prior to any marriage, full  
963 current legal names, dates of birth, birthplaces, social security  
964 numbers, and full current residential address.  
965 d) The intended parents or their legal representative shall:  
966 i) Submit a certified copy of the court order to the (State) registrar;  
967 and  
968 ii) Remit administrative fees pursuant to this act.
- 969 2) The intended (mother/parent) is biological to the child when the intended  
970 (mother/parent) is the egg donor. The intended (mother/parent) shall petition a  
971 court of competent jurisdiction after the birth of the child to establish legal  
972 (maternity/parentage).  
973 (a) The court shall enter an order requiring the (State) registrar to reestablish  
974 the certificate of live birth record naming the intended (mother/parent) as  
975 the legal (mother/parent) and shall require the (State) registrar to seal the  
976 original live birth record and all related documents.  
977 (b) The court order establishing legal (maternity/parentage) shall:  
978 i. Identify the child's full name as stated on the original certificate of  
979 live birth;  
980 ii. State the child's date of birth and place of birth;  
981 iii. Identify the full names of the (birth mother/parent) and (her/their)  
982 legal spouse, if married;  
983 iv. Disestablish the (birth mother/parent) and (her/their) legal spouse, if  
984 married, as the legal parents of the child; and  
985 v. Identify the intended (mother's/parent's) full name prior to any  
986 marriage, full current name, date of birth, birthplace, social security  
987 number, and full current residential address including county.  
988 vi. If the intended (mother/parent) is married, adoption laws shall be  
989 followed to reestablish the certificate of live birth when establishing  
990 the nonbiological parent on the certificate of live birth pursuant to  
991 jurisdiction statute.  
992 (c) The intended (mother/parent) or her legal representative shall:  
993 i. Submit a certified copy of the court order to the (State) registrar;  
994 and  
995 ii. Remit administrative fees pursuant to this act.
- 996 3) The intended (father/parent) is biological (father/parent) to the child when the  
997 intended (father/parent) is the sperm donor.  
998 (a) If the surrogate (birth mother/parent) is unmarried and the intended  
999 (father/parent) is the sperm donor, the unmarried surrogate (birth  
1000 mother/parent) and the intended (father/parent) may complete a  
1001 (parentage/paternity) affidavit after the child's birth to place the intended

- 1002 (father's/parent's) name and information on the certificate of live birth.  
1003 (b) If the surrogate (birth mother/parent) is married and the intended  
1004 (father/parent) is the sperm donor, the surrogate (birth mother/parent), her  
1005 legal (husband/spouse) and the biological (father/parent) may sign a  
1006 three-way (parentage/paternity) affidavit to establish the biological  
1007 (father/parent) as the (father/parent) on the child's birth record.  
1008 (c) The intended (father/parent) shall petition a court of competent jurisdiction  
1009 after the birth of the child to disestablish the (birth mother/parent) as the  
1010 legal parent of the child.  
1011 (d) If the intended (father/parent) is married, adoption laws shall be followed  
1012 to reestablish the certificate of live birth to establishing the nonbiological  
1013 parent on the certificate of live birth pursuant to jurisdiction statute.  
1014 4) When the live birth of a child is to a gestational surrogate, and the intended  
1015 parent(s) are neither the egg donor nor sperm donor, adoption laws shall be  
1016 followed to reestablish the certificate of live birth by disestablishing the (birth  
1017 mother/parent) and (her/their) legal spouse, if any, and establishing the  
1018 nonbiological parent(s) on the certificate of live birth pursuant to jurisdiction  
1019 statute.  
1020 5) The (State) Registrar shall seal the original live birth record. The (State) Registrar  
1021 shall place the original live birth record and all related documents in a sealed file,  
1022 and the file shall not be opened and inspected except by the (State) registrar for  
1023 administrative purposes or upon an order from a court of competent jurisdiction  
1024 pursuant to this act.  
1025 6) The new certificate of live birth shall not be marked "amended."

## 1026 **Section 12. Infants of Unknown Parentage; Foundling Registration**

1027  
1028  
1029 Whoever assumes the custody of a live born infant of unknown parentage shall report  
1030 the following information in a manner prescribed by the (State) Registrar within five  
1031 calendar days:

- 1032 1) The date and city and/or county where the infant was found;  
1033 2) Sex and approximate live birth date of child;  
1034 3) Name and address of the person or institution submitting this report;  
1035 4) Name given to the child by the custodian of the child;  
1036 5) Other data required by the (State) Registrar.  
1037

1038 The place where the child was found shall be entered as the place of live birth.  
1039

1040 Information submitted under this section shall constitute the basis for the report of live  
1041 birth for the child.  
1042

1043 If the child is identified and a live birth registration is found or obtained, the report  
1044 submitted under this Section and any live birth registration resulting from that report  
1045 shall be void and placed in a sealed file and shall not be subject to inspection except  
1046 upon order of a court with competent jurisdiction over the (State) Agency or as provided  
1047 by regulation.  
1048

1049

1050 **Regulation 12. Infants of Unknown Parentage; Foundling Registration**  
1051 (Authorization: Section 12 of the Model Act)  
1052

1053 The report for an infant of unknown parentage or foundling shall be registered as  
1054 directed by the (State) Registrar:

- 1055 1) The person assuming physical custody of an infant of unknown parentage or  
1056 foundling shall, within one business day of finding the infant, contact the (state)  
1057 registrar for specific directions and guidance for filing the certificate of live birth.
- 1058 2) Infant of unknown parentage or foundling registration shall be completed in the  
1059 standard manner prescribed by the (State) Registrar pursuant to this Act. Within  
1060 five days after assuming physical custody of the infant of unknown parentage or  
1061 foundling, the custodian of the infant of unknown parentage or foundling shall  
1062 provide the following minimum birth data and other data required by the (State)  
1063 Registrar:
  - 1064 (a) The date when and the place where the child was found;
  - 1065 (b) The sex, race and ethnicity, if known;
  - 1066 (c) Approximate age of the child;
  - 1067 (d) The name and address of the person or institution that has assumed  
1068 physical custody of the child;
  - 1069 (e) The name given to the child by the custodian;
  - 1070 (f) The name, title, and license number, if any, of the person acting as the  
1071 certifier to the facts of the infant of unknown parentage or foundling  
1072 registration;
  - 1073 (g) Parentage information, if the parent is known;
  - 1074 (h) A cover letter with supporting documentation;
  - 1075 (i) Any additional information known.
- 1076 3) The place where the child was found shall be entered as the place of birth and  
1077 the date of birth shall be determined by approximation. The information provided  
1078 in the report of live birth shall constitute the vital event record.
- 1079 4) The record shall be on file at the (State) Registrar's office only, and all  
1080 supporting documentation shall be placed in a sealed file, which shall be opened  
1081 only by order of a court of competent jurisdiction or for vital records  
1082 administrative purposes.
- 1083 5) Pursuant to this act, if the child is properly identified after the registration, the

1084 certificate of live birth shall be reestablished as directed by the (State) Registrar  
1085 and all records pertaining to the foundling registration shall be sealed along with  
1086 the original supporting documentation, which shall be opened only by order of a  
1087 court of competent jurisdiction or for vital records administrative purposes.  
1088  
1089

1090 **Section 13. Delayed Registration of Live Birth**  
1091

1092 When a report of a live birth of a person born in this (State) has not been registered  
1093 within one year from the date of event, a report of live birth may be submitted to the  
1094 (State) Registrar in accordance with this act and regulations. The report of live birth  
1095 shall be registered subject to evidentiary requirements which substantiate the alleged  
1096 facts of live birth. A report of live birth registered one year or more after the date of  
1097 event shall be marked “delayed” and shall show on the face of the certificate the date of  
1098 the delayed registration and a summary statement of the evidence submitted in support  
1099 of the delayed registration.  
1100

1101 A delayed report of live birth shall not be registered for a deceased person.  
1102

1103 When an applicant does not submit the substantiating evidence required for delayed  
1104 registration or when the (state) registrar finds reason to question the validity or  
1105 adequacy of the evidence, the (state) registrar shall deny registration of the delayed  
1106 report of live birth and shall advise the applicant of the reasons for this action. The  
1107 (state) registrar shall advise the applicant of the applicant’s right of (appeal/petition) to a  
1108 court of competent jurisdiction.  
1109

1110 **Regulation 13. Delayed Registration of Live Birth**  
1111 (Authorization: Section 13 of the Model Act)  
1112

1113 **Regulation 13.1 Who May Request the Registration of a Delayed Registration of**  
1114 **Live Birth**  
1115

1116 Any person (18) years of age or older born in this (State) whose live birth is not  
1117 recorded in this (State) may request the registration of a delayed report of live birth,  
1118 subject to these regulations and instructions issued by the (State) Registrar. If a person  
1119 is under (18) years of age, their legal parent or guardian, or in the absence, inability or  
1120 refusal of their parent(s) or guardian, any immediate next of kin (18) years of age or  
1121 older who is at least ten years older than the registrant acting for the registrant and  
1122 having personal knowledge of the facts of live birth may request the registration of a  
1123 delayed report of live birth.  
1124

1125 **Regulation 13.2 Facts to be Established for a Delayed Registration of Live Birth**

1126  
1127 The following minimum facts supporting the registration of a delayed registration of live  
1128 birth must be established by documentary evidence:

- 1129 1) The full name of the person at the time of live birth;
- 1130 2) Current legal name of the registrant;
- 1131 3) The date of live birth;
- 1132 4) The town, city or county in this (State) where the live birth occurred;
- 1133 5) The full name of the mother prior to first marriage.
- 1134 6) Proof that no live birth record exists in this (state);
- 1135 7) Attestation that no live birth record exists in any other state or country

1136  
1137 **Regulation 13.3 Documentary Evidence – Requirements**

1138  
1139 To be acceptable for registration, the facts of live birth must be consistently supported  
1140 by:

- 1141 1) Three pieces of acceptable documentary evidence that will establish the facts of  
1142 live birth and facts of parentage as stated in the application;
- 1143 2) Notwithstanding the provisions of this regulation, the original birth worksheet  
1144 established at the time of birth and affidavit from the institution may be accepted  
1145 as the evidence to establish the delayed report of live birth.

1146  
1147  
1148 **Regulation 13.4 Documentary Evidence – Acceptability**

1149  
1150 The (State) Registrar shall determine the acceptability of all documentary evidence  
1151 submitted.

- 1152  
1153 1) Documents must be from independent sources and shall be in the form of the  
1154 original record or a duly certified copy or a signed statement from the custodian  
1155 of the record or document.
- 1156 2) Documents may include but are not limited to:
  - 1157 (a) census records;
  - 1158 (b) hospital records;
  - 1159 (c) military records;
  - 1160 (d) Social Security records;
  - 1161 (e) voter registration records;
  - 1162 (f) school records; or
  - 1163 (g) other documents as prescribed by the (State) Registrar.

- 1164 3) One document shall establish the facts of the live birth and one document shall  
1165 establish the legal identity of the registrant and be dated within 2 years from the  
1166 date of application of delayed report of live birth.  
1167 4) The documents shall not be contradictory.  
1168 5) The (State) Registrar shall have the authority to require additional documentation  
1169 that supports the facts of live birth.  
1170

### 1171 **Regulation 13.5 Abstraction of Documentary Evidence**

1172

1173 The (State) Registrar or their designated representative shall maintain an abstract of the  
1174 description of each document submitted to support the facts of the delayed registration  
1175 of live birth. This description shall include:

- 1176 1) The title or description of the document  
1177 2) The name and address of the custodial organization, if any  
1178 3) The creation date of the original document  
1179 4) All live birth facts required by regulation contained in each document accepted as  
1180 evidence.  
1181

1182 Original documents submitted in support of the delayed live birth registration shall be  
1183 returned to the applicant after review. Copies of all documents submitted shall be  
1184 preserved in an electronic manner.  
1185

### 1186 **Regulation 13.6 Verification by the (State) Registrar**

1187

1188 The (State) Registrar, or their designated representative, shall verify:

- 1189 1) That no prior report of live birth is registered in this (State) or any other vital  
1190 record jurisdiction for the person whose live birth is to be recorded;  
1191 2) That the evidence submitted to establish the facts of live birth has been reviewed  
1192 by the (State) Registrar or their designee;  
1193 3) That the abstract of the evidence appearing on the delayed record of live birth  
1194 accurately reflects the nature and content of the document.  
1195

### 1196 **Regulation 13.7 Dismissal After One Year**

1197

1198 An application for a delayed registration of live birth that has not been completed within  
1199 one year from the date of application may be dismissed at the discretion of the (State)  
1200 Registrar. Upon dismissal, the (State) Registrar shall advise the applicant of the  
1201 dismissal and evidentiary documents submitted in support of such registration shall be  
1202 returned to the applicant.  
1203

## 1204 **Section 14. Judicial Procedures to Register a Live Birth**

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1205  
1206 If the (State) Registrar denies the report of live birth under the provisions of this act or  
1207 regulations, a petition signed and (sworn, notarized, witnessed) to by the petitioner may  
1208 be filed with a court with competent jurisdiction over the (State) Agency for an order  
1209 establishing the facts of the live birth.  
1210

- 1211 1) Such petition shall be made on a form prescribed and furnished or approved by  
1212 the (State) Registrar and shall include, at minimum:
- 1213 (a) That the person for whom a report of live birth is sought was born in this  
1214 (State);
  - 1215 (b) That no report of live birth of such person can be found in the (Office of  
1216 Vital Statistics) or (the office of any local custodian of live birth records);
  - 1217 (c) That diligent efforts by the petitioner have failed to obtain the evidence  
1218 required in accordance with this act and regulations;
  - 1219 (d) That the (State) Registrar has denied the application to register a report of  
1220 live birth and;
  - 1221 (e) The petition shall be accompanied by a statement of the (State) Registrar  
1222 made in accordance with this act or regulations and all documentary  
1223 evidence to support such registration which was submitted to the (State)  
1224 Registrar.
- 1225 2) The court shall fix a time and place for hearing the petition and shall give the  
1226 (State) Registrar 30 calendar days' notice of said hearing. The (State) Registrar  
1227 or their authorized representative may appear and testify in the proceeding.
- 1228 (a) If the court finds by clear and convincing evidence that the person for  
1229 whom a report of live birth is sought was born in this (State), the court  
1230 shall make findings as to the place and date of live birth, parentage, and  
1231 such other findings as may be required and shall issue an order [on a form  
1232 prescribed and furnished or approved by the (State) Registrar] to establish  
1233 a report of live birth. This order shall include the live birth data to be  
1234 registered, a description of the evidence relied upon by the court to make  
1235 the determination, and the date of the court's action. If the issuance of the  
1236 court order is one year or more after the date of live birth, the report of live  
1237 birth shall be marked as "delayed".
  - 1238 (b) The clerk of court shall forward each such order to the (State) Registrar  
1239 within three calendar days of the order being entered. Such order shall be  
1240 used to register a report of live birth for the individual. The record of live  
1241 birth shall include a statement that it was registered based on a court  
1242 order.  
1243

1244 **Regulation 14 intentionally left blank**  
1245

1246 **Section 15. Death Registration**

1247  
1248 Each death that occurs in this (State) shall be reported to the (State) Registrar using the  
1249 electronic death registration system, or as otherwise directed by the (State) Registrar,  
1250 within five calendar days after the date of death or date found and prior to final  
1251 disposition. The report of death shall be registered if it has been completed and  
1252 submitted in accordance with this section.

- 1253
- 1254 1) If the place of death is unknown but the dead body is found in this (State), the  
1255 report of death shall be completed and submitted in accordance with this section.  
1256 The place where the body is found shall be noted as the place of death.
  - 1257 2) When death occurs in a moving conveyance within or outside the United States  
1258 and the body is first removed from the conveyance in this (State), the death shall  
1259 be registered in this (State) and the place where it is first removed shall be  
1260 deemed the place of death, and may show the actual location of death when it  
1261 can be determined.
  - 1262 3) In all other cases, the place where death is pronounced shall be considered the  
1263 place where death occurred.
  - 1264 4) If the date of death is unknown, the medical (certifier) shall determine the date by  
1265 approximation. If the date cannot be determined by approximation, the date  
1266 found shall be entered and identified as the date found.
  - 1267 5) The funeral director or person acting as such who first assumes custody of the  
1268 dead body shall submit the report of death as required by the (State) Registrar.
  - 1269 6) The funeral director or person acting as such shall obtain the personal data from  
1270 the informant and shall obtain the medical certification from the Medical Certifier.
  - 1271 7) For purposes of this section, the medical certification shall be certified and signed  
1272 by the physician, physician assistant, or advanced registered nurse practitioner in  
1273 charge of the patient's care for the illness or condition which resulted in death  
1274 within seventy-two hours after receiving notice of the death. The person  
1275 completing the cause of death shall attest to its accuracy by an approved  
1276 electronic process.
  - 1277 8) When inquiry is required by the (Medical Examiner/Coroner Act), the (medical  
1278 examiner/ coroner) in the jurisdiction where death occurred or the body was  
1279 found shall determine the cause and manner of death and shall complete and  
1280 sign the medical certification within 72 hours after receiving notice of the death.
  - 1281 9) The (State) Registrar may require a medical certifier to provide additional or  
1282 clarifying information to properly code and classify cause of death.
  - 1283 10) Each person with a duty related to death certificates shall participate in the  
1284 electronic death record system. A person with a duty related to a death certificate  
1285 includes but is not limited to a physician as defined by (state) statute or  
1286 regulation, a physician assistant, an advanced registered nurse practitioner, and

1287 a funeral director.

1288  
1289 **Regulation 15. Death Registration**

1290 (Authorization: Section 15 of the Model Act)

1291  
1292 Each death that occurs in this (State) shall be reported to the (State) Registrar in  
1293 accordance with this act. Certification of the manner and cause of death shall be  
1294 reported to the (State) Registrar in accordance with this act.

- 1295  
1296 1) A (body removal permit) shall be issued by the (healthcare provider or facility)  
1297 where the death occurred on a form prescribed by the (State) Registrar. The  
1298 (body removal permit) shall accompany any dead body that is released to any  
1299 person not acting on behalf of a licensed funeral (director/establishment). The  
1300 (body removal permit) shall be reported to the (State) Registrar within 24 hours in  
1301 a manner prescribed by the (State) Registrar.
- 1302 2) The medical certification shall be completed by the decedent's primary or  
1303 attending physician within 72 hours after having access to the report of death,  
1304 except when inquiry is required by the medical (examiner or coroner Act).
- 1305 (a) If the cause or manner of death is unknown or pending investigation, the  
1306 cause or manner of death shall be noted pending investigation on the  
1307 report and reported within 48 hours after death.
- 1308 (b) For cases in which a medical certifier is unavailable, the (medical  
1309 examiner/coroner) shall prepare the medical certification of cause of  
1310 death.
- 1311 3) Upon receipt of autopsy results or other information that would modify the report  
1312 of death from that originally reported, the medical (certifier) shall within five days  
1313 submit to the (Office of Vital Statistics) a supplemental report to (amend/update)  
1314 the report of death.
- 1315 4) When a death is presumed to have occurred within this (State), but no remains of  
1316 the presumed deceased can be located, a report of death may be prepared by  
1317 the (State) Registrar upon receipt of an order of court with competent jurisdiction  
1318 over the (State) Agency, which shall include the finding of facts required to  
1319 complete the report of death.
- 1320 (a) Such a report of death shall be marked or flagged "Presumptive" and shall  
1321 show on its face the date of death as determined by the court, the date of  
1322 registration, the identity of the court and the date of the order.
- 1323 5) If the report of death is submitted more than one year after the date of death or  
1324 date the body was found, the report of death shall be considered delayed. The  
1325 certification of death shall be marked "delayed".

1326  
1327 **Section 16. Judicial Procedures to Register a Death**

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1328  
1329 A death may be registered by the (State) Registrar upon receipt of an order of a court  
1330 with competent jurisdiction over the (State) Agency which contains the minimum facts to  
1331 establish the report of death.

1332  
1333 1) The death report shall be prepared by the (funeral director, medical examiner/  
1334 coroner) and be submitted to the (State) Registrar for registration. This report  
1335 shall be prepared from the information in the court order.

1336 2) All certifications issued shall show the date of the court order and the name of  
1337 the court issuing that order.

1338  
1339 **Regulation 16. Judicial Procedures to Register a Death**

1340 (Authorization: Section 16 of the Model Act)

1341  
1342 A death may be registered by the (State) Registrar as specified in this act or regulation,  
1343 upon receipt of an order of a court with competent jurisdiction over the (State) Agency.

1344  
1345 The court order to establish a death record shall include the following minimum facts:

- 1346 1) Decedent's legal name (first, middle, last and suffix, if any);  
1347 2) Date of death as determined from the evidence presented;  
1348 3) City, county and place of death as determined from the evidence presented;  
1349 4) Decedent's date of live birth, city and State or country of live birth, race(s),  
1350 ethnicity, (sex/gender), social security number, and parent(s) name(s) prior to  
1351 first marriage;  
1352 5) Decedent's address including street address, city, county, State, and zip code at  
1353 time of death  
1354 6) Decedent's marital status at time of death;  
1355 7) Name, prior to first marriage, of surviving spouse (if any); and  
1356 8) The information necessary to complete the medical certification including the  
1357 cause and manner of death. If the death occurred from an injury, information on  
1358 how and when the injury occurred. If such information is unknown, the order shall  
1359 indicate such.  
1360 9) The death report shall be prepared and submitted to the (State) Registrar for  
1361 registration. This report shall be prepared from the information in the court order.  
1362 10) All certifications issued shall show the date of the court order and the name of  
1363 the court issuing that order  
1364 11) If the death was registered pursuant to , a court order the record shall be marked  
1365 or flagged "Presumptive."  
1366 12) If the death was registered one or more years after the date of death, the record  
1367 shall be marked or flagged "Delayed."  
1368

1369 **Section 17. Fetal Death Registration**

1370  
1371 Each fetal death that occurs in this (State) shall be reported to the (State) Registrar  
1372 using the (electronic) fetal death registration system within five calendar days from the  
1373 date of event. All induced terminations of pregnancy shall be reported in the manner  
1374 prescribed in this act and shall not be reported as fetal deaths.

- 1375  
1376 1) When a fetus is delivered in an institution or en route thereto, the person in  
1377 charge of the institution, their designated representative (or funeral director) shall  
1378 obtain all data in the manner prescribed by the (State) Registrar to prepare and  
1379 submit the report.  
1380 2) When a fetus is delivered outside an institution, the physician in attendance at or  
1381 immediately after delivery (or funeral director) shall prepare and submit the report  
1382 in accordance with this act.  
1383 3) When a fetal death required to be reported by this act occurs without medical  
1384 attendance at or immediately after the delivery or when inquiry is required by the  
1385 (Medical examiner/Coroner Act), the (medical examiner/coroner) shall investigate  
1386 the cause of fetal death and shall prepare and submit the report within five  
1387 calendar days in accordance with this act.  
1388 4) If the cause of fetal death is unknown or pending investigation, the cause of fetal  
1389 death shall be noted as such on the report.  
1390 5) When a fetal death occurs in a moving conveyance and the fetus is first removed  
1391 from the conveyance in this (State) or when a fetus is found in this (State) and  
1392 the place of fetal death is unknown, the fetal death shall be reported in this  
1393 (State). The place where the fetus was first removed from the conveyance or  
1394 where the fetus was found shall be considered the place of fetal death.

1395  
1396 **Regulation 17 intentionally left blank**

1397  
1398 **Section 18. Authorization for Transportation and Final Disposition**

1399  
1400 Human remains shall be transported or disposed of in accordance with (State) law.

- 1401  
1402 1) A funeral director, medical examiner, or emergency medical service which  
1403 assumes custody of a dead body or fetus shall have the authority to transport a  
1404 dead body or fetus for purposes of autopsy or final disposition within this (state).  
1405 (a) If a person other than a funeral director, medical examiner, or emergency  
1406 medical service assumes custody of a dead body or fetus, the person  
1407 shall secure a transportation and final disposition permit.  
1408 (b) To be valid, the transportation and final disposition permit must be issued  
1409 by the county medical examiner, a funeral director, or the (State) (or local)

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- 1410 Registrar. The permit shall be obtained prior to the removal of the body or  
1411 fetus from the place of death. The person who assumes custody of the  
1412 dead body or fetus shall produce the permit upon demand.
- 1413 (c) A death record or fetal death record shall be filed with the (State) Registrar  
1414 prior to final disposition of the dead body or fetus.
- 1415 (d) To transfer a dead body or fetus outside of this (state), the funeral director  
1416 who first assumes custody of the dead body or fetus shall obtain a  
1417 transportation and final disposition permit prior to the transfer. The permit  
1418 shall accompany the dead body or fetus to the place of final disposition.
- 1419 (e) A dead body or fetus brought into this (state) for final disposition shall be  
1420 accompanied by a transportation and final disposition permit under the law  
1421 of the (state) in which the death occurred, and said permit provide the  
1422 authority for final disposition in this (state).
- 1423 (f) A transportation and final disposition permit shall not be issued to a  
1424 person other than a funeral director when the cause of death is or is  
1425 suspected to be a communicable disease as defined by (state) statute or  
1426 rule.

1427  
1428 **Regulation 18. Authorization for Transportation and Final Disposition**  
1429 (Authorization: Section 18 of the Model Act)  
1430

1431 Transportation and Final Disposition permits shall be issued in accordance with this Act.  
1432

- 1433 1) The Transportation and Final Disposition Form shall be in a format prescribed by  
1434 the (State) Registrar.
- 1435 2) The permit shall, at minimum, include:
- 1436 (a) The name of the decedent  
1437 (b) If fetal death, name of mother  
1438 (c) The date and time of death  
1439 (d) Location of Death  
1440 (e) Place of final disposition if known  
1441 (f) Person assuming custody of the dead body, including address and phone  
1442 number  
1443 (g) Certifier if known  
1444 (h) Confirmation that cause of death is not from or suspected to be from a  
1445 communicable disease.
- 1446 3) Notice that a transportation and final disposition permit was issued by the county  
1447 medical examiner and a funeral director shall be filed with the (State) Registrar  
1448 prior to final disposition and in a format prescribed by the (State) Registrar.
- 1449 4) If final disposition is to be cremation, resomation or burial at sea, additional  
1450 authorization must be obtained from the (medical examiner/coroner) in a format

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- 1451 prescribed by the (State) Registrar.
- 1452 5) Cremation is considered final disposition. A death record shall be on file with the
- 1453 (State) Registrar prior to the issuance of a cremation permit.
- 1454 6) The person in charge of any place in which interment or other disposition of
- 1455 human remains is made shall inter or allow interment or other disposition of
- 1456 human remains upon receipt of a transportation and final disposition permit.
- 1457 7) Each person in charge of any place of final disposition shall indicate on the
- 1458 disposition permit the date of disposition and maintain the permit for a period of 5
- 1459 years.

1460

1461 **Section 19. Authorization for Disinterment and Reinterment**

1462 Authorization for disinterment and reinterment shall be required prior to disinterment of

1463 human remains. The authorization for disinterment and reinterment shall be requested

1464 by a licensed funeral director in a manner prescribed by the (State) Registrar. Such

1465 authorization shall be issued by the (State) Registrar to a licensed funeral director upon

1466 proper application.

1467

1468 An authorization for disinterment and reinterment of human remains shall be issued by

1469 the (State) Registrar upon receipt of a written application signed by the next of kin and

1470 the person who is in charge of the disinterment or upon receipt of an order of a court

1471 with competent jurisdiction over the (State) Agency directing such disinterment. The

1472 licensed funeral director shall document the date of disinterment and date of reinterment

1473 on the permit and file the final disinterment permit with the (State) Registrar within 5

1474 business days.

1475

1476 Upon receipt of such a court order, the (State) Registrar may issue one authorization to

1477 permit the disinterment and reinterment of all human remains from one location

1478 provided that the remains of each body be identified and the place of disinterment and

1479 reinterment specified. The authorization shall be permission for disinterment,

1480 transportation, and reinterment. The disinterment, transportation and reinterment of said

1481 remains shall be supervised by a licensed funeral director.

1482

1483 Human remains deposited in a receiving vault shall not be considered a disinterment

1484 when removed from the vault for final disposition.

1485

1486 **Section 20. Marriage Registration**

1487 A report of each marriage performed in this (State) shall be submitted to the (Office of

1488 Vital Statistics) and shall be registered if it has been completed in accordance with this

1489 section and regulations pursuant to this act.

1490

1491 The (official) who issues the marriage license shall prepare the report in the format  
1492 prescribed by the (State) Registrar upon the basis of information obtained from the  
1493 parties to be married.

1494  
1495 Each person who performs a marriage shall certify the fact of marriage and submit the  
1496 report to the (official) who issued the license within five calendar days after the  
1497 ceremony.

1498  
1499 Every (official) issuing marriage licenses shall complete and submit such licenses to the  
1500 (Office of Vital Statistics) within fifteen calendar days after the ceremony.

1501  
1502 **Section 21. Delayed Registration of Marriage**

1503 The registration of a marriage after one year from the date of marriage shall be made on  
1504 the current report of marriage and shall be registered if it is submitted by the official  
1505 responsible for issuing marriage licenses.

1506  
1507 The report of marriage shall indicate it is a delayed registration and show the date of  
1508 registration.

1509  
1510 **Section 22. (Divorce, Dissolution of Marriage, or Annulment) Registration**

1511  
1512 A report of each (divorce, dissolution of marriage, or annulment) (decreed, ordered) by  
1513 any court in this (State) shall be submitted by the (clerk of court) to the (Office of Vital  
1514 Statistics) and shall be registered if it has been completed and submitted in accordance  
1515 with this section. The report shall be prepared by the petitioner or his or her legal  
1516 representative in the format prescribed by the (State) Registrar and shall be submitted  
1517 to the (clerk of court) with the petition. In all cases the report shall be completed and  
1518 submitted to the (clerk of court) prior to the granting of the (decree, order).

1519  
1520 The (clerk of court) shall complete and submit the report of each (divorce, dissolution of  
1521 marriage, or annulment) to the (Office of Vital Statistics) within five calendar days of  
1522 granting the (divorce, dissolution of marriage, or annulment).]

1523  
1524 **Regulations 19-22 intentionally left blank**

1525  
1526 **Section 23. Reports of Adoption**

1527  
1528 For each adoption decreed by a court of competent jurisdiction in this (State), the court  
1529 shall require the preparation of a report of adoption on a form prescribed by the (State)  
1530 Registrar. The report of adoption shall include such facts as are necessary to locate and  
1531 identify the report of live birth of the person adopted. The report of adoption shall

1532 include information necessary to establish a replacement report of live birth of the  
1533 person adopted; shall identify the order of adoption; and shall be certified by the clerk of  
1534 the court.

- 1535
- 1536 1) Information necessary to prepare the report of adoption shall be furnished by  
1537 each petitioner for adoption or by his or her attorney. The (social service agency)  
1538 or any person having knowledge of the facts shall supply the court with such  
1539 additional information as may be necessary to complete the report of adoption.
  - 1540 2) Whenever an adoption decree is amended or annulled, the clerk of the court  
1541 shall prepare a report which shall include such facts as are necessary to identify  
1542 the original report of adoption and the facts amended in the adoption decree to  
1543 properly amend the report of live birth.
  - 1544 3) The clerk of the court shall forward to the (State) Registrar reports of adoption,  
1545 reports of annulment of adoption and amendments of decrees of adoption within  
1546 five calendar days of the order being entered.
  - 1547 4) Upon receipt of an adoption report, the (State) Registrar shall establish a  
1548 replacement report of live birth of the individual adopted.
  - 1549 5) A vital record that is established as a replacement report under this section shall  
1550 not indicate that it has been amended, except as otherwise provided for by  
1551 regulation.
  - 1552 6) When the (State) Registrar receives a report of adoption, report of annulment of  
1553 adoption, or amendment of a decree of adoption for a person born outside this  
1554 (State), the report shall be forwarded to the (State) Registrar in the (State) of live  
1555 birth. Notwithstanding requirements required by this act, a record of live birth  
1556 shall not be established upon the receipt of a report of the adoption if the birth did  
1557 not occur in this jurisdiction.
  - 1558 7) The (State) Registrar shall adopt regulation pursuant to (state) act to establish a  
1559 procedure for the issuance of a certificate of live birth for a child born outside of  
1560 the United States or United States territories, under the age of 18 years of age  
1561 and an intercountry adoption has occurred.
  - 1562 8) If the child was born outside of the United State or United States territories and  
1563 through parentage is a citizen of the United States, the (State) Registrar shall not  
1564 prepare a "Record of Foreign Live Birth" and shall notify the adoptive parents of  
1565 the procedures for obtaining a live birth record for their child through the United  
1566 States Department of State.

1567  
1568 **Regulation 23. Report of Adoption or Foreign / International Adoption**

1569 (Authorization: Section 23 of the Model Act)

1570  
1571 **Regulation 23.1 – Report of Adoption**

1572 Upon receipt of a report of adoption and other required documents, the (State) Registrar

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1573 shall establish the new certificate of live birth as required by the report. A fee shall be  
1574 assessed pursuant to this act and regulation.  
1575

- 1576 1) A court of competent jurisdiction shall order the (state) registrar establish the  
1577 certificate of live birth to reflect two legal parents. If more than two legal parents  
1578 are established to have guardianship or custody of the registrant, the court order  
1579 is the prima face evidence of legal parentage.
  - 1580 2) The original report of live birth, and all adoption documents used to establish the  
1581 new report of live birth shall be sealed, and closed to inspection unless ordered  
1582 by a court of competent jurisdiction to release the original report of live birth.
  - 1583 3) A court order of adoption must contain at minimum:
    - 1584 (a) The name of the child as listed on the original record
    - 1585 (b) The new name of the child after adoption or parentage
    - 1586 (c) The date of birth of the child
    - 1587 (d) The place of birth of the child
    - 1588 (e) Parent(s) established on the original record of live birth, if known
    - 1589 (f) The new legal parents to establish the replacement record of live birth
- 1590

### 1591 **Regulation 23.2 – Report of Foreign Born Adoption**

1592 A certificate of foreign birth shall be established by the (State) Registrar for a child  
1593 under the age of 18 years old and born in a foreign nation upon the (state) registrar’s  
1594 receipt of a completed Certificate of Adoption Report form from a court of competent  
1595 jurisdiction or upon request of the resident adoptive parent or parents and the (state)  
1596 registrar’s receipt of all of the following documents:

- 1597 1) Request to establish foreign born certificate must be within two years of the  
1598 foreign adoption;
- 1599 2) The authenticated adoption decree in both the foreign language and the English  
1600 translation, which shall contain the official signature of the translator, the  
1601 adoptee’s authenticated birth certificate in both the foreign language and the  
1602 English translation, which shall contain the official signature of the translator; and  
1603 a certified copy of an adoption decree from a (state name) court of competent  
1604 jurisdiction;
- 1605 3) Evidence of the adoptee’s permanent residence such as a passport or citizenship  
1606 papers;
- 1607 4) A certified copy of the certificate of live birth of each adoptive parent; and
- 1608 5) A (notarized, witness, sworn) statement that is on letterhead from the licensed  
1609 adoption agency or certified adoption investigator and that establishes the parent  
1610 or parents were residents of this (state) at the time the adoption was final in the  
1611 foreign nation. The statement will not be required if the parent’s or parents’  
1612 (state) address is shown in the adoption documents.  
1613

1614 The certificate of foreign birth shall not constitute U.S. citizenship.

1615  
1616 The (State) Registrar shall charge the adoptive parent or parents the appropriate fee for  
1617 the registration of a certificate of foreign birth for a foreign-born child adopted by a  
1618 parent who resided in this (State) at the time of adoption pursuant to (State) law.

1619  
1620 The evidence presented shall be on file only at the (State) Registrar's office, and all  
1621 supporting documentation shall be placed in a sealed file which shall be opened only by  
1622 order of a court of competent jurisdiction or for vital records administrative purposes.

1623  
1624 **Section 24. Amendment and Correction of Vital Records**

1625  
1626 To protect the integrity and accuracy of vital statistics records, a certificate or record  
1627 registered under this Act may be amended only in accordance with this Act and  
1628 regulations adopted hereunder. A certificate that is amended under this section shall be  
1629 marked "amended" except as provided in this Act or regulation. The date of amendment  
1630 and a summary description of the evidence submitted in support of the amendment  
1631 shall be endorsed on or made a part of the record. The (State) Registrar shall prescribe  
1632 by regulation the conditions under which additions or minor corrections shall be made to  
1633 vital records within one year after the date of birth without the certificate being marked  
1634 "amended".

1635  
1636 **Regulation 24. Amendment and Correction of Vital Records**  
1637 (Authorization: Section 24 of the Model Act)

1638  
1639 **Regulation 24.1 Amendment and Correction of Vital Records**

1640  
1641 Any amendment or correction to a report of live birth shall be submitted by:  
1642 1) The registrant if (18) years of age or older;  
1643 2) The registrant if they are an emancipated minor as declared by a court of  
1644 competent jurisdiction; or  
1645 3) If less than (18) years of age, the parent(s) listed on the registrant's report of live  
1646 birth, guardian, or legal representative.

1647  
1648 Any amendment or correction to a report of death record shall be submitted by:  
1649 1) The next of kin as specified in this Act, or;  
1650 2) The informant listed on the death record or the funeral director or person acting  
1651 as such who submitted the report of death may apply to amend the personal  
1652 information on the death record.

1653

1654 When an amendment is made to a marriage record or to information contained on a  
1655 record of (divorce, dissolution of marriage, or annulment) by the local official issuing the  
1656 marriage license or the court which entered the decree of (divorce, dissolution of  
1657 marriage, or annulment), copies of such amendment shall be forwarded to the (State)  
1658 Registrar.

1659  
1660 If a record of (divorce, dissolution of marriage, or annulment) is set aside by the court  
1661 which entered the decree of (divorce, dissolution of marriage, or annulment), a copy of  
1662 the notice of set aside shall be forwarded to the (State) Registrar and the (State)  
1663 Registrar shall void the original divorce record.

1664  
1665 Documentation of the amendment or correction shall be maintained by the (State)  
1666 Registrar that identifies the evidence upon which the amendment or correction was  
1667 based and the date of the amendment or correction. The original vital record and  
1668 documentation supporting the amendment or correction (may/shall) become a sealed  
1669 vital record and not be subject to inspection except upon order of the court or by  
1670 regulation.

1671  
1672 Upon receipt of an order of a court of competent jurisdiction changing the name of a  
1673 person born in this (State), the (State) Registrar shall amend the live birth record to  
1674 show the new name. A fee shall be assessed pursuant to this Act or regulation.

1675  
1676 Upon acceptance of the requested amendment by the (State) Registrar, records of live  
1677 birth, death, fetal death, [marriage, (divorce, dissolution of marriage, annulment)] shall  
1678 be amended by the (State) Registrar in a manner that preserves the existing  
1679 information.

1680  
1681 The description of amendment and a summary description of the evidence submitted in  
1682 support of the amendment shall be endorsed on or made a part of the record. A notation  
1683 indicating the record was amended shall be shown on certifications of the record. The  
1684 date of the change and what item was changed shall also be shown on certifications of  
1685 the record.

1686  
1687 When an applicant does not submit the minimum documentation required for amending  
1688 or correcting a vital record or when the (State) Registrar has cause to question the  
1689 validity or adequacy of the applicant's (sworn, notarized, witness) statements or the  
1690 documentary evidence, and the (State) Registrar shall not amend or correct the vital  
1691 record. The (State) Registrar shall advise the applicant of the reason for this action and  
1692 shall further advise the applicant of the right of appeal to a court with competent  
1693 jurisdiction over the (State) Agency.

1694

1695 A delayed record of live birth placed on file with supporting documentation or by an  
1696 order of a court of competent jurisdiction shall not be amended except to reflect  
1697 correction at time of registration or upon receipt of a subsequent order of competent  
1698 jurisdiction.

1699  
1700

### 1701 **Regulation 24.2 Correction of Vital Records**

1702

1703 Correction of items that do not appear on certifications may be made by the (State)  
1704 Registrar upon identification, query, or request of a person as prescribed by this act or  
1705 regulation.

1706

1707 Correction of items that appear on certifications may be made by the (State) Registrar if  
1708 a request is submitted by the licensed facility, licensed provider, health care provider,  
1709 medical examiner/coroner, funeral director, other person knowledgeable about the facts  
1710 who originally provided the information to the (State) Registrar or the parents listed on  
1711 the certificate. The submission shall include supporting documentation as prescribed by  
1712 this act or regulation.

1713

1714 Only the medical certifier or (medical examiner/coroner) may correct the medical  
1715 certifier section of the death record, including the manner, cause and date of death.

1716

1717 When such corrections are made by the (State) Registrar, a notation as to the source of  
1718 the information and the date the change was made shall be documented. Any  
1719 certification may not be marked as corrected if the vital record has never been issued  
1720 for certification. Any previous certifications shall be remitted to the (State) Registrar at  
1721 the time the correction is requested.

1722

### 1723 **Regulation 24.3 Application for Amendments to Vital Records**

1724

1725 Unless otherwise provided in these regulations or in the statute, all amendments to live  
1726 birth and death records shall be supported by a (sworn, notarized, witnessed) affidavit  
1727 prescribed by the (State) Registrar setting forth:

- 1728 1) Information to identify the record;
- 1729 2) The items to be amended;
- 1730 3) The incorrect information as it appears; and
- 1731 4) The correct information as it should appear.

1732

### 1733 **Regulation 24.4 Documentary Evidence Required to Amend or Correct Vital** 1734 **Records**

1735

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1736 With the exception of corrections as outlined in regulation, or an amendment to the  
1737 medical certification, one or more items of documentary evidence must be presented  
1738 that support the alleged facts. All documents presented must contain sufficient  
1739 information to clearly indicate that the documentation pertains to the registrant on the  
1740 record for which the amendment or correction has been requested. All evidence  
1741 submitted is subject to verification by the (State) Registrar.

- 1742 1) Acceptable documents include, but are not limited to:
- 1743 (a) Certified copy of a marriage record;
  - 1744 (b) Certified copy of a live birth record of the registrant's child;
  - 1745 (c) School records;
  - 1746 (d) Social Security records;
  - 1747 (e) Passports or visas;
  - 1748 (f) Military records;
  - 1749 (g) Federal government census records;
  - 1750 (h) Government agency records for benefit establishment such as social  
1751 services, Medicaid, clinical services, or similar services;
  - 1752 (i) Court orders clearly establishing the facts to be amended;
  - 1753 (j) Medical records; or
  - 1754 (k) Other documents deemed to be valid and adequate by the (State)  
1755 Registrar to support the requested change.
- 1756 2) Documents presented must be from independent sources. Family documents  
1757 such as records from bibles or genealogical records are not acceptable.
- 1758 3) Documents must be in the form of the original record or must be a duly certified  
1759 copy or excerpt thereof from the original custodian of the record.
- 1760 4) Only one document of each type listed in this regulation may be used in cases  
1761 where more than one document is required to support the facts.
- 1762 5) For live birth records, the documents submitted must have been established prior  
1763 to the registrant's (18th) birthday or at least ten years prior to the date of  
1764 application for the amendment or correction. The (State) Registrar may make  
1765 exceptions for other documents such as court orders, passports, or other  
1766 evidence that clearly support the facts of live birth.

1767  
1768 **Regulation 24.5 Amendment or Addition of Registrant's First or Middle Names on**  
1769 **Live Birth Records**

1770  
1771 Until the registrant's first birthday, first and/or middle names may be [amended or]  
1772 added upon receipt of an affidavit signed by the parents named on the record or the  
1773 legal guardian of the registrant when the first and middle name of the child is not  
1774 provided at time of birth.

1775

1776 After one year from the date of live birth, a legal change of name order must be  
1777 submitted from a court of competent jurisdiction to amend a first or middle name.  
1778

1779 After one year from the date of live birth, first or middle names may be added pursuant  
1780 to this act.  
1781

### 1782 **Regulation Regulation 24.6 Amendment of the Same Item More than Once**

1783

1784 Once an amendment of an item is made on a vital record, except for cause and manner  
1785 of death to be amended by the Medical Certifier or clerical error on the part of the  
1786 (State) Registrar, that item shall not be amended again except upon receipt of a court  
1787 order from a court of competent jurisdiction.  
1788

1789 Once a vital record has been established or amended by an order of the court, except  
1790 for clerical error on the part of the (State) Registrar, that record shall not be amended  
1791 again except upon receipt of a court order from a court of competent jurisdiction.  
1792

### 1793 **Section 25. Establishing Replacement Records of Live Birth**

1794

1795 The (State) Registrar shall establish a replacement record of live birth for a person born  
1796 in this (State) upon receipt of one of the following:

- 1797 1) A report of adoption as provided in this act or a certified copy of the decree of  
1798 adoption, together with the information necessary to identify the original record of  
1799 live birth and to establish a replacement record of live birth
- 1800 2) Upon receipt of a report or decree of annulment of adoption, the original vital  
1801 record of live birth shall be restored. The annulled vital record of live birth and  
1802 evidence shall become a sealed vital record and not be subject to inspection  
1803 except upon order of a court or as provided by statute or regulation adopted by  
1804 the secretary.
- 1805 3) A request that a replacement record of live birth be prepared as prescribed by a:  
1806 a. Statute establishing [parentage/paternity] of a child, or  
1807 b. court order establishing parentage of a child.  
1808

1809 A replacement record of live birth may be prepared by a request to amend the  
1810 (sex/gender) of the registrant upon receipt one of the following (state specific)  
1811 requirements:

- 1812 1) A certified copy of an order of a court of competent jurisdiction stating that the  
1813 (sex/gender) designation of the person has been changed.
- 1814 2) An affidavit signed and notarized by a licensed physician in charge of the  
1815 registrant's care that states that the registrant has undergone the necessary

1816 medical treatment that results in their (sex/gender) being different from their sex  
1817 at birth.  
1818 3) An affidavit signed and notarized by the registrant requesting a change to the  
1819 (sex/gender) designation on the birth certificate if they are 18 years of age or  
1820 older. If the registrant is under 18 years of age, the affidavit must be signed by  
1821 the parents listed on the birth certificate or the legal guardian(s) of the minor  
1822 child.

1823  
1824 If the individual's name has been changed pursuant to this section, the order or request  
1825 shall include the name that currently appears on the live birth record and the new name  
1826 to be designated on the replacement record of live birth. The new name of the  
1827 individual shall be shown on the replacement record.

1828  
1829 When a replacement vital record of live birth is prepared, it will be prepared on the  
1830 current form prescribed by the (State) Registrar. The replacement vital record of live  
1831 birth shall supersede the original vital record of live birth. Documentation shall be  
1832 maintained by the (State) Registrar that identifies the evidence upon which the  
1833 replacement record was based and the date the replacement record was prepared. The  
1834 original vital record of live birth and the evidence submitted in support of the  
1835 replacement record shall be sealed and not be subject to inspection except upon order  
1836 of a court.

1837  
1838 If no record of live birth is found for the person for whom a replacement record of live  
1839 birth is to be prepared under this section, and the court order indicates a date of live  
1840 birth more than one year from the date submitted to the (Office of Vital Statistics), the  
1841 replacement record of live birth shall be prepared in the format of a delayed record of  
1842 live birth.

1843  
1844 When a replacement record of live birth is registered by the (State) Registrar, all copies  
1845 of the original record of live birth in the custody of any other custodian of vital records in  
1846 this (State) shall be forwarded to the (State) Registrar.

1847  
1848 **Regulation 25. Establishing Replacement Records of Live Birth**  
1849 (Authorization: Section 25 of the Model Act)

1850  
1851 **Regulation 25.1 Court Determination of Parentage**

1852  
1853 A replacement record of live birth shall be prepared by the (State) Registrar for a child  
1854 born in this (State) upon receipt of a court order from a court of competent jurisdiction  
1855 determining parentage.

1856

- 1857 A court order of parentage must contain at minimum:  
1858 1) The full name of the child as listed on the original record  
1859 2) The new full name of the child after parentage if modified by court order  
1860 3) The date of birth of the child  
1861 4) The place of birth of the child  
1862 5) Parent(s) established on the original record of live birth, if known  
1863 6) The new legal parent(s) to establish the replacement record of live birth  
1864

### 1865 **Regulation 25.2 Establishment of Parentage**

1866

1867 A replacement record of live birth shall be prepared by the (State) Registrar for a child  
1868 born in this (State) upon receipt of a (sworn, notarized, witnessed) acknowledgment of  
1869 parentage signed by both parents and a written request by both parents that the child's  
1870 surname be changed on the record of live birth. However, if another man is noted as  
1871 the (father/parent) of the child on the original record of live birth, a replacement record  
1872 of live birth may be prepared only when a determination of paternity is made by a court  
1873 of competent jurisdiction, upon receipt of denial of paternity in accordance with [state  
1874 parentage law based on Uniform Parentage Act].  
1875

### 1876 **Regulation 25.3 Contents of Replacement Record of Live Birth**

1877

1878 The replacement record of live birth prepared pursuant to this act shall be on the form  
1879 prescribed by the (State) Registrar and shall at minimum include the following items  
1880 necessary to complete the record of live birth:

- 1881 1) The name of the child;  
1882 2) The date and location (city and county) of live birth;  
1883 3) The name(s), date of birth and place of birth of the parent(s);  
1884 4) The (State) file number assigned to the original record of live birth;  
1885 5) The original date of registration.  
1886

1887 The information necessary to locate the existing report of live birth and to complete the  
1888 replacement report of live birth shall be submitted to the (State) Registrar on forms  
1889 prescribed by the (State) Registrar.  
1890

### 1891 **Regulation 25.4 Prior Record of Live Birth - Sealed**

1892

1893 After preparation of the replacement record of live birth, the prior record of live birth and  
1894 the evidence upon which the replacement record of live birth was based are to be  
1895 sealed. Such file shall not be subject to inspection except upon order of a court with  
1896 competent jurisdiction over the (State) Agency or by the (State) Registrar for purposes

1897 of properly administering the vital statistics program or as otherwise provided by (State)  
1898 law.

1899  
1900 **Section 26. Reports of Induced Termination of Pregnancy**

1901  
1902 Each induced termination of pregnancy which occurs in this (State) shall be reported to  
1903 the (Office of Vital Statistics) within thirty calendar days by the person in charge of the  
1904 institution in which the induced termination of pregnancy was performed. If the induced  
1905 termination of pregnancy was performed outside an institution, it shall be reported by  
1906 the attending medical provider.

1907  
1908 (Reports, Summaries) of induced termination of pregnancy are statistical reports to be  
1909 used only for public health purposes. Reports of induced termination of pregnancy are  
1910 not subject to inspection by court order or public record request. The (State) Registrar  
1911 shall collect, reproduce, release, and disclose induced termination of pregnancy  
1912 information or data in a manner that ensures the anonymity of the patient and health  
1913 care provider, hospital, clinic or other health facility. After collection of data from any  
1914 report of induced termination of pregnancy, the (state) registrar shall securely destroy  
1915 any reports collected in accordance with (state) record retention guidelines. The  
1916 (department, (State) Registrar) shall publish, annually, a demographic summary of the  
1917 information obtained pursuant to this section in a manner that ensures the anonymity of  
1918 the patient and health care provider, hospital, clinic or other health facility.

1919  
1920 **Regulation 26 intentionally left blank**

1921  
1922 **Section 27. Preservation of Vital Records**

1923  
1924 The (State) Registrar shall develop and implement a preservation management  
1925 program to preserve vital record documents and information and meet generally  
1926 accepted standards for permanent preservation.

1927  
1928 **Regulation 27. Preservation of Vital Records**

1929 (Authorization: Section 27 of the Model Act)

1930  
1931 The (State) Registrar shall prepare reproductions of records or reports in the (Office of  
1932 Vital Statistics). Such reproductions when verified and approved by the (State)  
1933 Registrar shall be accepted as the original vital record documents. The original vital  
1934 record documents from which permanent reproductions have been made may be  
1935 disposed of as provided by jurisdiction regulation or (State) law.

1936

1937 The (State) Registrar shall provide for the continued availability and integrity of vital  
1938 event information. Mechanisms may include redundant copies of information in multiple  
1939 locations and formats such as microfilm/microfiche, imaging and electronic databases.

1940  
1941 Vital records will be considered historic when:

- 1942 1) 125 years have elapsed after the date of live birth and registrant must be  
1943 deceased,
- 1944 2) 75 years have elapsed after the date of death or fetal death,
- 1945 3) 100 years after the date of marriage, or (divorce, dissolution of marriage, or  
1946 annulment).

1947  
1948 Historic vital records may be transferred to the (State) Archives in accordance with  
1949 archival procedures which shall provide for the continued safekeeping of the records.  
1950 There shall be no cost to the (Office of Vital Statistics) for such transfer or maintenance.  
1951 Prior to transferring live birth and death records to the (State) Archives, the (State)  
1952 Registrar shall redact all information identified in the U.S. Standard Certificates of Live  
1953 Birth, Death, and Report of Fetal Death, or as identified by the (State) (in regulation) as  
1954 medical or health use only. The (State) Registrar shall maintain legal authority of all vital  
1955 records transferred under this section.

## 1956 **Section 28. Confidentiality and Disclosure of Information from Vital Records or** 1957 **Vital Reports**

1958  
1959 Vital records, vital reports, indices, related documents, and data or information  
1960 contained therein shall be confidential and shall not be considered public records under  
1961 the Federal Freedom of Information Act or this (State's) (public records laws).

1962  
1963 It shall be unlawful for any person to permit inspection of, or to disclose data or  
1964 information contained in vital records, vital records related documents or in vital reports  
1965 or to copy or issue a copy of all or part of any such record or report unless authorized by  
1966 this Act. No person shall violate the provisions of this Act, the regulations promulgated  
1967 hereunder, or of any agreement entered into in accordance with this act or such  
1968 regulations. The (State) Registrar may adopt regulations consistent with this section of  
1969 the act.

1970  
1971 Personally identifiable information which may identify any natural person named in any  
1972 vital record or report may be disclosed for public health research purposes only upon  
1973 approval by the (State) Registrar or his/her designee and execution of a research  
1974 agreement. To obtain approval:

- 1975 1) a researcher must submit a request that includes, at a minimum:  
1976 (a) a description of the research project;

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- 1978 (b) documentation of Institutional Review Board review and approval, if  
1979 appropriate; and  
1980 (c) documentation of security measures in place to protect confidentiality of  
1981 the information.  
1982 2) the research agreement must, at a minimum, include:  
1983 (a) prohibition on re-release or linkage without explicit permission from the  
1984 (State) Registrar or his/her designee  
1985 (b) restriction on use of the data only for the purpose specified in the research  
1986 request  
1987 (c) ownership of the vital records data provided remains with the (State)  
1988 Registrar, not the researcher, and  
1989 (d) specification of payment, if any.  
1990

1991 Government entities, including federal, state, local and tribal agencies may be furnished  
1992 copies of records, reports or data from the system of vital statistics only upon approval  
1993 by the (State) Registrar or his/her designee and execution of a data sharing agreement.

1994 Approval is contingent upon the following:

- 1995 1) such copies or data shall be used solely in the conduct of the government  
1996 agency's official duties and  
1997 2) the federal, state, local or tribal agency shared in the cost of collecting  
1998 processing and transmitting the data.  
1999

2000 The data sharing agreement must include:

- 2001 1) prohibition on re-release or linkage without explicit permission from the (State)  
2002 Registrar or his/her designee;  
2003 2) restriction on use of the data only for the purpose specified in the agreement;  
2004 3) documentation of security measures in place to protect confidentiality of the  
2005 information;  
2006 4) ownership of the vital records data provided remains with the (State) Registrar;  
2007 and;  
2008 5) specification of payment, if any.  
2009

2010 The (State) Registrar may, by the inter-jurisdictional exchange agreement, transmit vital  
2011 records data or copies of records and other reports required by this act to other  
2012 participating vital record jurisdictions or participating countries when such data, records  
2013 or other reports relate to residents of those participating vital record jurisdictions or  
2014 participating countries or persons born or who die in those vital record jurisdictions or  
2015 participating countries.

- 2016 1) This exchange agreement shall specify the purposes for which the data or  
2017 records may be used by each vital record jurisdictions or participating country,  
2018 and the agreement shall further provide instructions for the proper retention and

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- 2019 destruction of such data or copies of records.
- 2020 2) Any vital records data or copies of such records received by the (State) Registrar
- 2021 from another vital record jurisdictions or participating country as a result of this
- 2022 exchange shall be deemed confidential and ownership shall be retained by the
- 2023 vital records jurisdiction or country where the event occurred.
- 2024 3) Such data or records may be used by the recipient participating vital records
- 2025 jurisdiction or participating country only for the purposes specified in the
- 2026 agreement and the recipient participating vital records jurisdiction or participating
- 2027 country may not otherwise disclose other vital records jurisdictions or countries'
- 2028 records.
- 2029

2030 When the vital records jurisdiction receives notice that a death of a United States citizen

2031 has occurred outside the United States, the (State) Registrar shall file the notice of

2032 death for purposes of health statistics data reporting if the decedent was a resident of

2033 that state. The (State) Registrar shall ensure that the birth record of the decedent is

2034 marked as deceased if the decedent was born in that jurisdiction.

- 2035 1) The (State) Registrar may transfer vital record events to the (state) archives as
- 2036 follows:)
- 2037 (a) Live birth events after 125 years from date of event
- 2038 (b) Death records after 75 years from date of event
- 2039 (c) Fetal death records after 75 years from date of event
- 2040 (d) Marriage records after 100 years from date of event
- 2041 (e) (Divorce, Dissolution of marriage, or annulment records after 100 years
- 2042 from date of event)
- 2043

2044 Ownership of vital records data or records shall remain with the (State) Registrar.

2045 There shall be no cost to the (State) Registrar for such transfer or maintenance. Prior to

2046 sending vital records to the (State) Archives, the (State) Registrar shall redact all

2047 information identified in the vital record event as medical or health use only.

2048

2049 A decision of the (State) Registrar with regard to the inspection or disclosure of data or

2050 information contained in a vital record or vital report shall constitute a final agency

2051 determination.

2052

2053 **Regulation 28. Confidentiality and Disclosure of Information from Vital Records or**

2054 **Vital Reports**

2055 (Authorization: Section 28 of the Model Act)

2056

2057 To protect the confidentiality and security of vital records and vital reports:

- 2058 1) The (State) Registrar shall not permit access to or disclosure of vital records
- 2059 data, or issue a copy of all or part of any such vital record unless the applicant is

- 2060 authorized to obtain such record for a proper purpose under this act, or is  
2061 authorized to obtain such record under this act.
- 2062 2) Vital records or data shall not be used for the following purposes:
- 2063 (a) Sale or release to the public;
  - 2064 (b) Direct or indirect marketing of goods or services;
  - 2065 (c) Other non-research solicitation of registrants or families of registrants;
  - 2066 (d) Any commercial or speculative purposes.
- 2067 3) The (State) Registrar may impose reasonable conditions as to the use and re-  
2068 disclosure of information, and may limit access to the minimum data necessary to  
2069 fulfill the purpose for which information is requested.
- 2070 4) Requests for vital records data for public health research purposes shall be  
2071 submitted as required by the (State) Registrar.
- 2072 5) Each request shall contain at a minimum:
- 2073 (a) Name, title, organizational affiliation and contact information (mailing  
2074 address, telephone number, and email address) of the requestor and the  
2075 organizational official authorized to execute agreements;
  - 2076 (b) Title, objectives, purpose and description of the proposed research study;
  - 2077 (c) Institutional Review Board (IRB) approval of study protocol or notice of  
2078 exemption of IRB approval;
  - 2079 (d) Physical and electronic storage and security measures to be taken to  
2080 assure confidentiality and security of vital records data, and provision for  
2081 return or destruction of the data at the conclusion of the research study;
  - 2082 (e) Time frame of the research study;
  - 2083 (f) Names of all persons on the research study team who will have access to  
2084 the vital records data; and
  - 2085 (g) Plan for dissemination of the results.
- 2086 6) Each request for vital records data to be used for public health research  
2087 purposes shall be reviewed, and may be approved at the discretion of the (State)  
2088 Registrar, when the agreement:
- 2089 (a) Contains all required elements;
  - 2090 (b) Compliance with past data use agreements;
  - 2091 (c) The (State) Registrar has adequate resources to fulfill the request.
- 2092 7) Requests by government agencies for any vital records data or record  
2093 maintained pursuant to this act, or for verifications thereof, may be granted by the  
2094 (State) Registrar or his/her designee only if the purpose for the request is within  
2095 the scope of the official duties of the agency.
- 2096 8) Each request shall contain at a minimum:
- 2097 (a) Name, title, agency, and contact information (mailing address, telephone  
2098 number, and email address) of the requestor and the agency official  
2099 authorized to execute agreements;
  - 2100 (b) Purpose or intended use of the vital records data or records being

- 2101 requested;
- 2102 (c) Physical and electronic storage and security measures to be taken to
- 2103 assure confidentiality and security of vital records data or record, and
- 2104 provision for return or destruction of the data or record at the conclusion of
- 2105 the intended use;
- 2106 (d) Time frame of intended use; and
- 2107 (e) Names of all persons who will have access to the records data being
- 2108 requested.
- 2109 9) Each request from a government agency for vital records data or records shall be
- 2110 reviewed to determine compliance with, at minimum, the following:
- 2111 (a) Contains all required elements;
- 2112 (b) Adequately justifies the need for the requested information;
- 2113 (c) Compliance with past data use agreements;
- 2114 (d) The (State) Registrar has adequate resources to fulfill the request.
- 2115 10)The (State) Registrar may enter into data use agreements for approved public
- 2116 health research and government agency requests for vital records data or
- 2117 records. Each data use agreement shall include at minimum:
- 2118 (a) The description of the vital records data that will be disclosed to the
- 2119 requestor;
- 2120 (b) The purpose and manner for which the data shall be used;
- 2121 (c) The charges or fees, if any, to be paid by the requestor to the (State)
- 2122 Registrar for use of the vital records data;
- 2123 (d) Provisions which prohibit the re-release of any vital records data without
- 2124 the prior written approval of the (State) Registrar;
- 2125 (e) A provision that ownership of all vital records data provided by the (State)
- 2126 Registrar shall remain exclusively that of the (State) Registrar and that the
- 2127 data use agreement constitutes a license to use the vital records data
- 2128 provided only for the purpose and in the manner set forth in the
- 2129 agreement;
- 2130 (f) A provision that prohibits linking vital records data to any other data set or
- 2131 source without the prior written approval of the (State) Registrar;
- 2132 (g) A provision that prohibits the use of vital records data to identify any
- 2133 person without the prior written approval of the (State) Registrar;
- 2134 (h) A provision that requires the recipient to immediately notify the (State)
- 2135 Registrar if the identity of any person is discovered inadvertently;
- 2136 (i) Require the recipient to follow protocols for the destruction of data which
- 2137 led to the identification of the individual as requested by the (State)
- 2138 Registrar;
- 2139 (j) And acknowledgment and agreement that the requestor shall be
- 2140 responsible for any breach of security, including but not limited to any
- 2141 notifications to affected persons required by law or by the (State)

2142 Registrar, and any fines, penalties or other sanctions that may be imposed  
2143 pursuant to applicable law.

2144

2145 **Section 29. Certifications from the System of Vital Statistics**

2146

2147 In accordance with this Act and the regulations adopted pursuant thereto:

2148

2149 The (State) Registrar (and the county registrar) shall, upon written request from any  
2150 applicant entitled to a record, issue a certified copy of any certificate or record in the  
2151 registrar's custody. Each copy issued shall show the date of registration; and copies  
2152 issued from records marked "delayed", "amended", or "court order" shall be similarly  
2153 marked and show the effective date.

2154

2155 A certified copy of a vital record or any part thereof, issued in accordance with this  
2156 section, shall be considered for all purposes the same as the original and shall be prima  
2157 facie evidence of the facts therein stated, provided that the evidentiary value of a record  
2158 submitted more than one year after the event, a record which has been amended, or a  
2159 record of foreign live birth shall be determined by the judicial or administrative body or  
2160 official before whom the certification is offered as evidence.

2161

2162 No person shall prepare or issue any certificate which purports to be an original certified  
2163 copy, or copy of a certificate of birth, death, fetal death or marriage except as authorized  
2164 by this act.

2165

2166

2167 **Regulation 29. Certifications from the System of Vital Statistics**

2168 (Authorization: Section 29 of the Model Act)

2169

2170 **Regulation 29.1 - Application and Entitlement to Vital Records**

2171

2172 The (State) Registrar shall require the applicant for a certification to submit a signed  
2173 application, identity documentation, and evidence of eligibility. Upon receipt of an  
2174 application and before issuing a certification the (State) Registrar shall review the  
2175 identity documents provided by the applicant. Such documentation must be acceptable  
2176 to the (State) Registrar and shall include:

- 2177 1) government issued identification that includes a photograph; or
- 2178 2) at least two alternate forms of identification acceptable to the (State) Registrar  
2179 which proves the identity of the applicant; or
- 2180 3) an alternative electronic process.

2181

2182 The (State) Registrar shall review the evidence of eligibility provided by the applicant for  
2183 a certification. Such documentation may consist of copies of vital records establishing  
2184 eligibility, court documents establishing eligibility, or alternative methods identified and  
2185 accepted by the (State) Registrar. Evidence of eligibility shall demonstrate that the  
2186 applicant is qualified to receive a certification.  
2187

2188 A qualified applicant must have reached (18) years of age or any age if the applicant  
2189 has the status of emancipated minor. A qualified applicant for a certification of a vital  
2190 record shall be limited to the:

- 2191 1) The registrant of record;
- 2192 2) A member of the registrant's immediate legal family, including;
- 2193 3) Current (spouse, domestic partner, civil partner);
- 2194 4) Children;
- 2195 5) Parents if listed on the registrant's birth certificate;
- 2196 6) Sibling;
- 2197 7) Grandparents if parent is listed on the birth certificate;
- 2198 8) Grandchild;
- 2199 9) Documented legal representative of the registrant or the registrant's immediate  
2200 legal family, including:
  - 2201 (a) Court appointed guardian,
  - 2202 (b) Attorney
  - 2203 (c) Foster parent
  - 2204 (d) Legal Executor or Trustee
- 2205 10) Upon court order from a court of competent jurisdiction ordering that the  
2206 applicant is entitled to the record or
- 2207 11) A government agency in the conduct of its official duties.
- 2208 12) Other persons who demonstrate a direct tangible interest and entitlement when it  
2209 is shown that the certified copy is needed to determine or protect a personal  
2210 property interest and the interest is for the benefit of the registrant.  
2211

2212 A funeral director from the funeral home or a person acting as the funeral director  
2213 named on the death record is a qualified applicant for a period not to exceed 12 months  
2214 after the date of death.  
2215

2216 The (State) Registrar may verify with originating agencies the identity documents and  
2217 evidence of eligibility submitted in support of an application.  
2218

2219 The (State) Registrar shall, upon receipt and approval of an application, issue a  
2220 certification of a vital record in the form of a physical image or electronic certification to  
2221 the qualified applicant.  
2222

2223 The (State) Registrar shall require all vital records be certified from the (State) vital  
2224 records registration system and in a manner prescribed or approved by the (State)  
2225 Registrar.

2226  
2227 Each certification issued for a vital record shall indicate the date of registration. A  
2228 certification issued from a live birth record that has been matched to a death record  
2229 shall be marked or flagged "Deceased".

2230  
2231 Information identified by (State regulation) as medical or health use only from any vital  
2232 record shall not be subject to subpoena or court order and shall not be admissible  
2233 before any court, tribunal, or judicial body. Information identified as administrative,  
2234 statistical, medical, or health use only shall not be included in a certification of the vital  
2235 record.

2236  
2237 After acceptance of an application by a qualified applicant, if no record is identified as  
2238 matching the application criteria, the (State) Registrar shall issue a certification as  
2239 outlined in this act indicating that no matching record was identified and the specific  
2240 criteria used in the attempt to identify the record, including type of event, name of  
2241 registrant, date or range of dates of event, and other criteria used.

#### 2242 **Regulation 29.2 - Fraud or Misrepresentation**

2243  
2244  
2245 When the (State) Registrar receives information that a record may have been  
2246 registered, corrected or amended through fraud or misrepresentation, the (State)  
2247 Registrar may withhold issuance of any certification of that record pending inquiry by  
2248 appropriate authorities to determine whether fraud or misrepresentation has occurred.

2249  
2250 If upon conclusion of the inquiry no fraud or misrepresentation is found, certifications  
2251 shall be issued upon the request of a qualified applicant.

2252  
2253 If upon conclusion of the inquiry there is reasonable cause to suspect fraud or  
2254 misrepresentation, the (State) Registrar shall provide an opportunity to the registrant or  
2255 the registrant's representative to respond to the findings prior to voiding [and sealing]  
2256 the record. The (State) Registrar may consult with appropriate authorities for further  
2257 investigation.

2258  
2259 The voided record and evidence shall be retained but shall not be subject to inspection  
2260 or copying except upon order of a court with competent jurisdiction over the (State)  
2261 Agency or by the (State) Registrar for purposes of administering the vital statistics  
2262 program.

2263

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2264 When the (State) Registrar receives information that an application for a certification  
2265 may have been submitted for purposes of fraud or misrepresentation, the (State)  
2266 Registrar may withhold issuance of the certification requested pending inquiry by  
2267 appropriate authorities to determine whether fraud or misrepresentation has occurred.  
2268

2269 If upon conclusion of the inquiry no fraud or misrepresentation is found, certification  
2270 shall be issued.

2271  
2272 If upon conclusion of the inquiry there is reasonable cause to suspect fraud or  
2273 misrepresentation, the requested certification shall not be issued and the (State)  
2274 Registrar shall provide copies of the application and evidence to appropriate authorities  
2275 for further investigation.  
2276

2277 The application and evidence shall be retained but shall not be subject to inspection or  
2278 copying except upon order of a court with competent jurisdiction over the (State)  
2279 Agency or by the (State) Registrar for purposes of administering the vital statistics  
2280 program.  
2281

2282 All applications and supporting documentation submitted for the purpose of issuing  
2283 certifications of vital records shall be sealed and shall not be released except upon  
2284 receipt of an order from a court with competent jurisdiction over the (State) Agency  
2285 ordering such release.  
2286

### 2287 **Regulation 29.3 - Certification of Vital Records**

2288 Each certification issued shall be certified in accordance with this act and regulation and  
2289 in accordance with national standards for certification of a vital record.  
2290

### 2291 **Section 30. Fees**

2292  
2293 The (State) Agency shall prescribe [by regulation] the fee to be paid for the following  
2294 services:

- 2295 1) Certifications of records, whether paper or electronic; or for a search when no  
2296 certification is made; or for copies or information provided for health research,  
2297 statistical, or administrative purposes, or in response to subpoena or court order;
- 2298 2) Verifications of information contained in vital records when such information is  
2299 provided
- 2300 3) Upon receipt of a request to modify, replace, or establish a delayed a vital record  
2301 in accordance with this act;
  - 2302 a. A fee shall not be assessed to modify the cause or manner of death or for  
2303 a correction to public health statistical data collected through vital record  
2304 registration;

2305 4) Other services as determined by the (State) Registrar.  
2306

2307 The (Office of Vital Statistics) shall issue certified copies of vital records in accordance  
2308 with regulation without charge:

- 2309 1) When requested in connection with a pending application for benefits from the  
2310 Department of Veterans Affairs, if written proof of the application is first  
2311 submitted;  
2312 2) Or upon Governor's declaration of a natural disaster within this state, and when  
2313 the (Commissioner of Health) declares a waiver of the fee for vital record  
2314 certificates of the victims of the disaster.  
2315

2316 The (Office of Vital Statistics) may waive the fee of a verification of a vital event from a  
2317 member of a local, state, or federal law enforcement agency authorized to investigate  
2318 matters involving public safety.  
2319

2320 All fees collected by the (State) Registrar shall be deposited in the (State) Vital Statistics  
2321 Fund. Funds collected pursuant to this section shall be used to operate and maintain of  
2322 the system of vital statistics in this (State).  
2323

2324 Fees collected under this section by the (State) Registrar shall be deposited in the  
2325 dedicated vital statistics fund of this (State), according to the procedures established by  
2326 (the laws governing collection, the (State) Treasurer). Fees for the (State) Vital  
2327 Statistics Fund shall be retained in a non-lapsing fund for the operations and  
2328 maintenance of the system of vital statistics.  
2329

### 2330 **Regulation 30. Fees**

2331 (Authorization: Section 30 of the Model Act)  
2332

2333 No certification shall be issued until the fee for such certification is received unless  
2334 specific approval has been obtained from the (State) Registrar or otherwise provided for  
2335 by statute or regulation.  
2336

- 2337 1) The fee for a search of a vital record and issuance of a certification or a public  
2338 statement for genealogy purposes, whether paper or electronic, of a vital record if  
2339 found is \$\_\_\_\_.  
2340 2) The fee for each additional certification, whether paper or electronic, of the same  
2341 vital record issued at the same time is \$\_\_\_\_.  
2342  
2343 3) The fee for a (5) year search of the vital record files when no record is found and  
2344 issuance of a certification of Failure to Find, whether paper or electronic is \$\_\_\_\_.  
2345 4) The fee for a verification of the facts contained in a vital record is \$\_\_\_\_.

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- 2346 5) The fee for a request to modify or replace a vital record in accordance with this  
2347 act is \$\_\_\_\_.
- 2348 6) The fee for additional charges for expedited certification services that require  
2349 special attention is \$\_\_\_\_.
- 2350 7) The fee for additional charges for expedited correction and amendment services  
2351 is \$\_\_\_\_\_.
- 2352 8) The fee for additional charges for expedited programming and analysis in  
2353 response to statistical data requests is \$\_\_\_\_\_.
- 2354 9) The fee for issuing disinterment and re-interment permits is \$\_\_\_\_\_.
- 2355 10)The (State) Registrar shall charge a reasonable fee for verification or data  
2356 requests associated with is act or regulation.
- 2357 11)The (State) registrar shall charge a reasonable fee for providing vital event data  
2358 or data files in accordance with this act. The reasonable fee shall, at minimum,  
2359 cover staff time, programming and analytic services provided to fulfil the request.
- 2360 12)A fee may be charged for special services not specified above. The fee shall be  
2361 the actual cost for providing the service as determined by the (State) Registrar.  
2362

### 2363 **Section 31. Penalties**

2364  
2365 Any person who commits any of the following is guilty of (felony/misdemeanor) pursuant  
2366 to (state law):  
2367

- 2368 1) willfully and knowingly makes any false statement to the (State) Registrar or  
2369 designee when submitting information required by this Act, including  
2370 (a) reports;  
2371 (b) applications for amendments or corrections, including associated  
2372 evidence;  
2373 (c) applications for certifications and verifications;  
2374 (d) applications for access to information in vital records;  
2375 (e) applications for creation of a vital record, including delayed records; or  
2376 2) Any person who without lawful authority and with the intent to deceive, makes,  
2377 counterfeits, alters, amends, or mutilates any record, report, application or  
2378 supporting documentation required by this Act, a certification or verification of  
2379 such record, or security paper; or  
2380 3) Any person who willfully and knowingly obtains, possesses, uses, sells,  
2381 furnishes, or attempts to obtain, possess, use, sell, or furnish vital record  
2382 documents, whether physical or electronic, which have been counterfeited,  
2383 altered, amended, or mutilated, or which are false in whole or in part, for  
2384 purposes other than specified in this Act, including:  
2385 (a) (State) vital records security paper;  
2386 (b) any record or report required by this Act;

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- 2387 (c) certification or verification; or  
2388 (d) information in vital records.
- 2389 4) Any person who without lawful authority possesses any record, report or  
2390 application required by this act or a certification, verification or security paper,  
2391 knowing same to have been stolen or otherwise unlawfully obtained; or  
2392 5) Any person who willfully and knowingly misrepresents any person's relationship  
2393 to the registrant of record, or  
2394 6) Any employee of the (Office of Vital Statistics) or any office designated under this  
2395 act who willfully and knowingly furnishes security paper, certifications or  
2396 verifications with the knowledge or intention that they will be used for purposes  
2397 other than those specified in this act.

2398  
2399 Any person who commits any of the following is guilty of (felony/misdemeanor) pursuant  
2400 to (state law):

- 2401  
2402 1) Any person who willfully and knowingly refuses to provide information as required  
2403 by this Act or regulations adopted hereunder; or  
2404 2) Any person who willfully and knowingly transports or accepts for transportation,  
2405 interment, or other disposition human remains without an accompanying permit  
2406 as provided in this Act; or  
2407 3) Any person who willfully and knowingly neglects or violates any of the provisions  
2408 of this act or the regulations promulgated hereunder, or of any agreement  
2409 entered into in accordance with this act, or who refuses to perform any of the  
2410 duties required by this act or by such regulations or agreements.

2411  
2412 For each instance of an occurrence set forth in this subsection, and in addition or as an  
2413 alternative to the sanctions set forth in the act, a civil penalty of not more than \$10,000  
2414 shall be imposed on any person who violates any of the provisions of this act, the  
2415 regulations promulgated hereunder, or of any agreement entered into in accordance  
2416 with this act, or who fails to perform any of the duties required by this Act or by such  
2417 regulations or agreements. Any such civil penalties shall be credited to the (State's)  
2418 Vital Statistics Fund.

2419  
2420 Upon request of the (State) Registrar, the attorney general shall assist in the  
2421 enforcement of the provisions of this act.

2422  
2423 **Section 32. Applicability**

2424  
2425 The provisions of this act apply to the maintenance, operation and advancement of the  
2426 system of vital statistics, and shall also apply to all vital records and vital reports

2427 previously received by the (Office of Vital Statistics) and in the custody of the (State)  
2428 Registrar or any other (custodian of vital records).

2429  
2430 **Section 33. Severability**

2431  
2432 If any provision of this act (or the application thereof to any person or circumstances) is  
2433 held invalid, such invalidity shall not affect other provisions or applications of the act  
2434 which can be given effect without the invalid provision or application, and to this end the  
2435 provisions of the act are declared to be severable.

2436  
2437 **Section 34. Repeal**

2438  
2439 (Section \_\_\_\_ and Section \_\_\_\_, \_\_\_\_ Laws of \_\_\_\_ are hereby repealed; and) all other  
2440 laws or parts of laws which are inconsistent with the provisions of this act are hereby  
2441 repealed.

2442  
2443 **Section 35. Time of Taking Effect**

2444  
2445 This Act shall take effect \_\_\_\_.

2446  
2447 **Regulations 31-35 intentionally left blank**