



# House of Representatives

General Assembly

**File No. 450**

February Session, 2004

Substitute House Bill No. 5628

*House of Representatives, April 5, 2004*

The Committee on Public Health reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING FUNERAL DIRECTORS AND VITAL RECORDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-42 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 Each registrar of vital statistics shall ascertain as accurately as the  
4 registrar can all marriages, deaths and fetal deaths, and all births, upon  
5 the affidavit of the father or mother, occurring in the registrar's town,  
6 and record the same in such form and with such particulars as are  
7 prescribed by the department. The registrar shall give licenses to  
8 marry, according to provisions of law, shall make and perfect all  
9 records of the birth and death of the persons born or deceased in the  
10 registrar's town, and, when any birth or death happens of which no  
11 certificate is returned to the registrar, shall obtain the information  
12 required by law respecting such birth or death. The registrar shall  
13 ensure that all certificates of birth, marriage, death and fetal death are

14 fully completed before accepting the certificate for filing. The registrar  
15 shall include the Social Security numbers of both persons on all  
16 marriage licenses. The registrar shall make available to all persons in  
17 the registrar's town who, in the registrar's judgment, are likely to need  
18 them, blank forms for the certificates and returns required by law to be  
19 made to the registrar, and shall amend or correct certificates of births,  
20 marriages, deaths and fetal deaths that occurred in the registrar's town,  
21 and the records thereof, whenever the registrar discovers transcribing,  
22 typographical or clerical errors upon the face thereof. When the  
23 registrar makes a correction on a certificate of birth, marriage, death or  
24 fetal death, the registrar shall, within ten days, forward an  
25 authenticated copy of the corrected certificate to the department and  
26 any other registrar having a copy of the certificate. The registrar shall  
27 maintain sufficient documentation, as prescribed by the commissioner,  
28 to support such correction, and shall ensure the confidentiality of such  
29 documentation as required by law. The date of the correction and a  
30 summary description of the evidence submitted in support of the  
31 correction shall be made part of the record. The certificate shall not be  
32 marked "Amended" unless an amendment is made as provided in  
33 subdivision (10) of section 7-36, as amended. The registrar shall record  
34 on each certificate of birth, marriage, death or fetal death received for  
35 record the date of its receipt, by writing on the certificate or through  
36 electronic means. The registrar of vital statistics from the town where a  
37 child was born may electronically access birth data for such child to  
38 make corrections and amendments as requested by the parent or  
39 parents, the reporting hospital, or the department, excluding  
40 amendments regarding parentage and gender change. Amendments to  
41 vital records made by the registrar of vital statistics in the town of  
42 occurrence shall be made in accordance with section 19a-42, as  
43 amended. The registrar shall keep the records of the registrar's office,  
44 when a fireproof safe is not provided for the registrar's use, in the  
45 vaults provided for the land records of the town. The registrar may,  
46 with the approval of the department, store any records not in current  
47 use in a location other than the registrar's office or such vaults,  
48 provided such location shall be approved by the Public Records

49 Administrator, and provided such location is within the limits of such  
50 town. The registrar shall, on or before the fifteenth day of each month,  
51 send to the commissioner an authenticated copy of each certificate of  
52 birth, marriage, death and fetal death received by the registrar for the  
53 calendar month next preceding or a notification that no such certificate  
54 has been received. Such notification shall be in a format prescribed by  
55 the department. Copies of certificates of births, marriages, deaths and  
56 fetal deaths, transmitted to the commissioner as required under this  
57 section, shall be plain, complete and legible transcripts of the  
58 certificates. If a transcript is illegible or incomplete, the commissioner  
59 shall require of the registrar a complete or legible copy. Each registrar  
60 of vital statistics shall also transmit to the registrars of voters for the  
61 registrar's town a notice of the death of any person seventeen years of  
62 age or older, at the same time the registrar transmits the authenticated  
63 copy of the certificate of death for such person to the commissioner  
64 under this section.

65 Sec. 2. Subsection (a) of section 7-44 of the general statutes is  
66 repealed and the following is substituted in lieu thereof (*Effective*  
67 *October 1, 2004*):

68 (a) When it appears from the certificate of a birth, marriage, death or  
69 fetal death filed with any registrar of vital statistics that the residence  
70 of the mother of the child or that of either of the parties to the marriage  
71 or that of the deceased was in some other town in this state [or a town  
72 in any other state where town officials retain custody of such  
73 certificates,] at the time of such birth, marriage, death or fetal death,  
74 such registrar shall at once transmit an authenticated copy of such  
75 certificate of birth, marriage, death or fetal death, including all  
76 information contained on such certificate, to the registrar of the town  
77 in which the mother of such child or either of the contracting parties to  
78 such marriage or such deceased resided at the time of such birth,  
79 marriage, death or fetal death. Such copy shall be in the format  
80 prescribed by the department. Any registrar of vital statistics of any  
81 town or city in this state, receiving such authenticated copy of a birth,  
82 marriage, death or fetal death certificate from a registrar of a town or

83 city in this [or any other] state, shall record the same, but shall not  
84 transmit a copy thereof to the commissioner.

85 Sec. 3. Subsection (a) of section 7-48 of the general statutes is  
86 repealed and the following is substituted in lieu thereof (*Effective*  
87 *October 1, 2004*):

88 (a) Not later than ten days after each live birth which occurs in this  
89 state, a birth certificate shall be filed with the registrar of vital statistics  
90 in the town in which the birth occurred and the certificate shall be  
91 registered if properly filed, by manual or electronic systems as  
92 prescribed by the commissioner. On and after January 1, 1994, each  
93 hospital with two hundred or more live births in calendar year 1990, or  
94 any subsequent calendar year, shall electronically transmit birth  
95 information data to the department in a computer format approved by  
96 the department. Each birth certificate shall contain such information as  
97 the department may require and shall be completed in its entirety.  
98 Medical and health information which is required by the department,  
99 including information regarding voluntary acknowledgments of  
100 paternity and whether the child was born out of wedlock, shall be  
101 recorded on a confidential portion of the certificate to be sent directly  
102 to the department. Such confidential records may be used for statistical  
103 and health purposes by the department or by a local director of health,  
104 as authorized by the department, for records related to the town  
105 served by the local director of health and where the mother was a  
106 resident at the time of the birth of the child. Such birth certificate and  
107 confidential records may be used internally by the hospital for records  
108 transmitted by the hospital for statistical, health and quality assurance  
109 purposes. The department shall give due consideration to national  
110 uniformity in vital statistics in prescribing the format and content of  
111 such certificate.

112 Sec. 4. Section 7-50 of the general statutes is repealed and the  
113 following is substituted in lieu thereof (*Effective October 1, 2004*):

114 (a) No certificate of birth shall contain any specific statement that  
115 the child was born in or out of wedlock or reference to illegitimacy of

116 the child or to the marital status of the mother, except that information  
117 on whether the child was born in or out of wedlock and the marital  
118 status of the mother shall be recorded on a confidential portion of the  
119 certificate pursuant to section 7-48, as amended by this act. Upon the  
120 completion of an acknowledgment of paternity at a hospital,  
121 concurrent with the hospital's electronic transmission of birth data to  
122 the department, or at a town in the case of a home birth, concurrent  
123 with the registration of the birth data by the town, the  
124 acknowledgment shall be filed in the paternity registry maintained by  
125 the department, as required by section 19a-42a, as amended by this act,  
126 and the name of the father of a child born out of wedlock shall be  
127 entered in or upon the birth certificate or birth record of such child. All  
128 properly completed post birth acknowledgments or certified  
129 adjudications of paternity received by the department shall be filed in  
130 the paternity registry maintained by the department, and the name of  
131 the father of the child born out of wedlock shall be entered in or upon  
132 the birth record or certificate of such child by the department, if there  
133 is no paternity already recorded on the birth certificate. If another  
134 father's information is recorded on the certificate, the original father's  
135 information shall not be removed except upon receipt by the  
136 department of [an] a certified order by a court of competent  
137 jurisdiction in which there is a finding that the individual recorded on  
138 the birth certificate, specifically referenced by name, is not the child's  
139 father, or a finding that a different individual than the one recorded,  
140 specifically referenced by name, is the child's father. The name of the  
141 father on a birth certificate or birth record shall otherwise be removed  
142 or changed only upon the filing of a rescission in such registry, as  
143 provided in section 19a-42a, as amended by this act. The Social  
144 Security number of the father of a child born out of wedlock may be  
145 entered in or upon the birth certificate or birth record of such child if  
146 such disclosure is done in accordance with 5 USC 552a note.

147 (b) The department shall restrict access to and issuance of certified  
148 copies of acknowledgements of paternity as provided in section 19a-  
149 42a, as amended by this act.

150 Sec. 5. Section 7-62b of the general statutes is repealed and the  
151 following is substituted in lieu thereof (*Effective October 1, 2004*):

152 (a) A death certificate for each death which occurs in this state shall  
153 be completed in its entirety and filed with the registrar of vital  
154 statistics in the town in which the death occurred no later than five  
155 days after death if filing a paper certificate and no later than three days  
156 after death if filing through an electronic death registry system, in  
157 order to obtain a burial permit prior to final disposition. The death  
158 certificate shall be registered if properly filed. If the place of death is  
159 unknown but the body is found in this state, the death certificate shall  
160 be completed and filed in accordance with this section, provided the  
161 place where the body is found shall be shown as the place of death.

162 (b) The funeral director or embalmer licensed by the department, or  
163 the funeral director or embalmer licensed in another state and  
164 complying with the terms of a reciprocal agreement on file with the  
165 department, in charge of the burial of the deceased person shall  
166 complete the death certificate on a form provided by the department,  
167 [and shall file it] Said certificate shall be filed by a licensed embalmer  
168 or such embalmer's designee or a funeral director or such director's  
169 designee, in accordance with the provisions of this section, except  
170 when inquiry is required by the Chief Medical Examiner's Office, in  
171 which case the death certificate shall be filed in accordance with  
172 section 19a-409. The Social Security number of the deceased person  
173 shall be recorded on such certificate. Such licensed funeral director or  
174 licensed embalmer shall obtain the personal data from the next of kin  
175 or the best qualified person or source available and shall obtain a  
176 medical certification from the person responsible therefor, in  
177 accordance with the provisions of this section. Only a licensed  
178 embalmer may assume charge of the burial of a deceased person who  
179 [died from] had a communicable disease, as designated in the Public  
180 Health Code, at the time of death and such licensed embalmer shall file  
181 [the death certificate and a certificate] an affidavit, on a form provided  
182 by the department, signed and sworn to by such licensed embalmer [or  
183 another licensed embalmer] stating that the body has been disinfected

184 in accordance with the Public Health Code.

185 (c) The medical certification portion of the death certificate shall be  
186 completed, signed and returned to the licensed funeral director or  
187 licensed embalmer [within] no later than twenty-four hours after death  
188 by the physician or advanced practice registered nurse in charge of the  
189 patient's care for the illness or condition which resulted in death. In the  
190 absence of such physician or advanced practice registered nurse, or  
191 with [his] the physician's or advanced practice registered nurse's  
192 approval, the medical certification may be completed and signed by [a  
193 designated] an associate physician, an advanced practice registered  
194 nurse, a physician assistant as provided in subsection (d) of section 20-  
195 12d, as amended by this act, a registered nurse as provided in section  
196 20-101a, as amended by this act, the chief medical officer of the  
197 institution in which death occurred, or by the pathologist who  
198 performed an autopsy upon the decedent. No physician, advanced  
199 practice registered nurse, physician assistant, registered nurse, chief  
200 medical officer or pathologist shall sign and return the medical  
201 certification unless [he] such physician, advanced practice registered  
202 nurse, physician assistant, registered nurse, chief medical officer or  
203 pathologist has personally viewed and examined the body of the  
204 person to whom the medical certification relates and [has satisfied  
205 himself] is satisfied that at the time of the examination such person  
206 was in fact dead. [, except that in the event a] In the event the medical  
207 certification is completed by a physician, advanced practice registered  
208 nurse, physician assistant, registered nurse, chief medical officer or  
209 pathologist other than the one who made the determination and  
210 pronouncement of death, [has been made by a registered nurse  
211 pursuant to section 20-101a,] such personal viewing and examination  
212 of the body shall not be required. If a physician, advanced practice  
213 registered nurse, physician assistant, registered nurse, chief medical  
214 officer or pathologist refuses or otherwise fails to complete, sign and  
215 return the medical portion of the death certificate to the licensed  
216 funeral director or licensed embalmer within twenty-four hours after  
217 death, such licensed funeral director or embalmer may notify the  
218 Commissioner of Public Health of such refusal. The commissioner

219 may, upon receipt of notification and investigation, assess a civil  
220 penalty against such physician, advanced practice registered nurse,  
221 physician assistant, registered nurse, chief medical officer or  
222 pathologist not to exceed two hundred fifty dollars. The medical  
223 certification shall state the cause of death, defined so that such death  
224 may be classified under the international list of causes of death, the  
225 duration of disease if known and such additional information as the  
226 Department of Public Health requires. The department shall give due  
227 consideration to national uniformity in vital statistics in prescribing the  
228 form and content of such information.

229 (d) If the cause of death cannot be determined within twenty-four  
230 hours after death and inquiry is not required by the Chief Medical  
231 Examiner, the medical certification may be completed in such manner  
232 as may be provided by regulation, adopted by the Commissioner of  
233 Public Health in accordance with chapter 54. The attending physician  
234 or advanced practice registered nurse shall give the licensed funeral  
235 director or licensed embalmer notice of the reason for the delay and  
236 final disposition of the body shall not be made until a signed medical  
237 certification is obtained from the attending physician or advanced  
238 practice registered nurse.

239 (e) When a death is presumed to have occurred within this state but  
240 the body cannot be located, a death certificate may be prepared by the  
241 Chief Medical Examiner upon receipt of an order of a court of  
242 competent jurisdiction, which shall include the finding of facts  
243 required to complete the death certificate. Such death certificate shall  
244 be filed with the Department of Public Health and marked  
245 "presumptive" and shall show on its face the date of filing and shall  
246 identify the court and the date of decree.

247 (f) The Commissioner of Public Health may by regulation, adopted  
248 in accordance with chapter 54, provide for the extension of time  
249 periods prescribed for the filing of death certificates in cases where  
250 compliance therewith would result in undue hardship.

251 Sec. 6. Section 7-64 of the general statutes is repealed and the

252 following is substituted in lieu thereof (*Effective October 1, 2004*):

253 The body of each person who dies in this state shall be buried,  
254 removed or cremated within a reasonable time after death. The person  
255 to whom the custody and control of the remains of any deceased  
256 person are granted by law shall see that the certificate of death  
257 required by law has been completed and filed in accordance with  
258 section 7-62b, as amended by this act, prior to final disposition of the  
259 body. An authorization for final disposition issued under the law of  
260 another state which accompanies a dead body or fetus brought into  
261 this state shall be authority for final disposition of the body or fetus in  
262 this state. The final disposition of a cremated body shall be recorded as  
263 the crematory. The provisions of this section shall not in any way  
264 impair the authority of directors of health in cases of death resulting  
265 from communicable diseases, nor conflict with any statutes regulating  
266 the delivery of bodies to any medical school, nor prevent the placing of  
267 any body temporarily in the receiving vault of any cemetery. The  
268 placing of any body in a family vault or tomb within any cemetery  
269 shall be deemed a burial under the provisions of this section. Any  
270 person who violates any provision of this section shall be fined not  
271 more than five hundred dollars or imprisoned not more than five  
272 years.

273 Sec. 7. Section 7-65 of the general statutes is repealed and the  
274 following is substituted in lieu thereof (*Effective October 1, 2004*):

275 [No deceased person shall be buried in the town in which he dies  
276 until a burial permit, specifying] The embalmer or funeral director  
277 licensed by the department, or licensed in a state having a reciprocal  
278 agreement on file with the department and complying with the terms  
279 of such agreement, who assumes custody of a dead body shall obtain a  
280 burial transit removal permit from the registrar of the town in which  
281 the death occurred not later than five calendar days after death, and  
282 prior to final disposition or removal of the body from the state. The  
283 burial permit shall specify the place of burial [by section, lot or grave]  
284 or other place of interment and [stating] state that the death certificate

285 and any other certificate required by law have been returned and  
286 recorded. [ has been issued by the registrar of vital statistics, and the  
287 registrar shall record the place of any burial other than a public  
288 cemetery.] Such registrar shall appoint suitable persons as  
289 subregistrars, who shall be authorized to issue [burial permits based  
290 upon certificates as hereinbefore provided, and also to issue removal  
291 permits based upon certificates as provided in sections 7-68 and 7-69,  
292 in the same manner as is required of the registrar] a burial transit  
293 removal permit based upon receipt of a completed death certificate as  
294 provided in section 7-62b, as amended by this act, during the hours in  
295 which the registrar of vital records is closed. All such certificates upon  
296 which a permit is issued shall be forwarded to the registrar within  
297 seven days after receiving such certificates. The appointment of  
298 subregistrars shall be made in writing, with the approval of the  
299 selectmen of such town, and shall be made with reference to locality, to  
300 best accommodate the inhabitants of the town. Such subregistrars shall  
301 be sworn, and their term of office shall not extend beyond the term of  
302 office of the appointing registrar. The names of such subregistrars shall  
303 be reported to the Department of Public Health. The Chief Medical  
304 Examiner, Deputy Chief Medical Examiner and associate medical  
305 examiners shall be considered subregistrars of any town in which  
306 death occurs for the purpose of issuing burial permits and removal  
307 permits. The fee for such burial permit and burial transit removal  
308 permit shall be paid to the town in which the death occurred.

309 Sec. 8. Section 7-66 of the general statutes is repealed and the  
310 following is substituted in lieu thereof (*Effective October 1, 2004*):

311 [The burial or removal permit required under the provisions of  
312 sections 7-65 and 7-67 to 7-70, inclusive, shall be required in each case  
313 mentioned in section 7-64 except that, in cases where any body is  
314 placed temporarily in the receiving vault of any cemetery and  
315 subsequently buried in the same cemetery, no additional burial permit  
316 shall be required for such subsequent burial, and except that, in  
317 disposing of the ashes of any body that has been cremated, either by  
318 burial or by placing such ashes in any cemetery vault, no additional

319 burial permit shall be required.]

320 The sexton of a cemetery shall specify on the burial permit the place  
321 of burial, by section, lot or grave, or other place of interment. No  
322 additional burial or burial transit removal permit shall be required for  
323 a body that is placed temporarily in a receiving vault of any cemetery  
324 and subsequently buried in the same cemetery. In each case herein  
325 provided for, the sexton of such cemetery shall endorse upon the  
326 [original] burial permit the date when the body was placed in the  
327 temporary receiving vault, [or when the ashes were buried or were  
328 placed in such vault,] and the date when and the place where such  
329 body was subsequently buried. [, or where such ashes were buried or  
330 placed; and he] The sexton shall also include a statement of the same in  
331 [his] the monthly returns to the registrar of vital statistics. If such  
332 subsequent burial is to be in any cemetery other than the cemetery  
333 where the body was temporarily deposited or if the body is to be  
334 cremated, the sexton shall return the burial permit [or transit permit]  
335 to the issuing registrar, who shall thereupon issue the necessary  
336 permits. Any person who violates any provision of this section shall be  
337 fined not more than five hundred dollars or imprisoned not more than  
338 five years.

339 Sec. 9. Section 7-68 of the general statutes is repealed and the  
340 following is substituted in lieu thereof (*Effective October 1, 2004*):

341 On receipt by the registrar of vital statistics of any town of a  
342 certificate of death containing the facts required by section 7-65, as  
343 amended by this act, for a permit for burial, or when it appears that  
344 such certificate is already a matter of record, or that the original burial  
345 permit, by virtue of which the body of any deceased person was  
346 brought into such town, is on file or recorded in such registrar's office,  
347 the registrar, upon request, shall issue a permit for the disinterment or  
348 removal of such body to the responsible licensed funeral director or  
349 embalmer, as indicated on the death certificate or burial permit, stating  
350 therein the locality of the interment, disinterment or removal; but no  
351 permit for the disinterment of the body of any deceased person shall

352 be issued in any case where death was caused by a communicable  
353 disease, except by the permission and under the direction of the town  
354 director of health.

355 Sec. 10. Section 7-69 of the general statutes is repealed and the  
356 following is substituted in lieu thereof (*Effective October 1, 2004*):

357 [Except as provided in section 7-70 no] No person except a licensed  
358 embalmer or funeral director licensed by the department, or licensed  
359 in a state having a reciprocal agreement on file with the department  
360 and complying with the terms of such agreement, shall remove the  
361 body of a deceased person, [from one town to another or into the limits  
362 of any town in this state unless a permit for such removal has been  
363 obtained, as provided by section 7-68, and no] except that once a dead  
364 body has been embalmed or prepared in accordance with the Public  
365 Health Code and applicable provisions of the general statutes, a  
366 licensed embalmer or funeral director may authorize an unlicensed  
367 employee to transport such body. No person except a licensed  
368 embalmer or funeral director licensed by the department, or licensed  
369 in a state having a reciprocal agreement on file with the department,  
370 shall remove the body of any deceased person from this state to  
371 another state [unless a death certificate signed by a person licensed by  
372 the department, or licensed in a state having a reciprocal agreement on  
373 file with the department and complying with the terms of such  
374 agreement, has been procured] until a burial transit removal permit  
375 has been issued in accordance with section 7-65, as amended by this  
376 act. No burial [or] transit removal permit shall be issued unless the  
377 death certificate has been signed by a licensed embalmer or funeral  
378 director licensed by the department, or licensed in a state having a  
379 reciprocal agreement on file with the department and complying with  
380 the terms of such agreement. [Any embalmer or funeral director  
381 licensed by the department, or licensed in a state having a reciprocal  
382 agreement on file with the department, may remove the body of any  
383 deceased person from or into the limits of any town in this state,  
384 provided there shall be attached to the coffin or case containing such  
385 body a written or printed permit, signed by the registrar of vital

386 statistics in the town in which such person died, certifying the cause of  
387 death or disease of which such person died and the town in which  
388 such person is to be buried. The permit shall also certify that, when  
389 death was due to any communicable disease specified by the Public  
390 Health Code, the body has been] In the case of a deceased person who,  
391 at the time of death, had a communicable disease specified by the  
392 Public Health Code, the permit shall certify that the body was  
393 prepared in accordance with the regulations of the Public Health Code.  
394 Such permit shall be sufficient to permit the burial of such deceased  
395 person in any town in this state other than the town in which such  
396 person died, without a burial permit from the registrar of the town  
397 where such person is to be buried. If the body of a deceased person is  
398 brought into the state for burial and is accompanied by a burial transit  
399 removal permit issued by the legally constituted authorities of the state  
400 from which it was brought, such permit shall be received as sufficient  
401 authority for burial; but, if it is not accompanied by such permit, then  
402 the person or persons in charge of it shall apply for a burial permit to  
403 the registrar of vital statistics of the town in which it is to be buried,  
404 and such registrar shall issue such permit when furnished with such  
405 information as to the identity of the deceased and the cause of death as  
406 is required by section 7-62b, as amended by this act, concerning a  
407 person dying in this state. Any person who violates any provision of  
408 this section, or who knowingly signs a false permit or knowingly  
409 allows a false permit to be used in lieu of a permit required by this  
410 section, shall be fined not more than five hundred dollars or  
411 imprisoned not more than six months, or both.

412 Sec. 11. Section 7-72 of the general statutes is repealed and the  
413 following is substituted in lieu thereof (*Effective October 1, 2004*):

414 (a) Each [person] sexton having charge of any burial place shall,  
415 during the first week of each month, return a list of all interments,  
416 disinterments and removals made by [him] such sexton during the  
417 month next preceding, with the dates thereof, to the registrar of the  
418 town and also, within said time, file with the registrar permits received  
419 by [him] such sexton by virtue of which a body has been brought into

420 the town from another town or state for burial, with [his] such sexton's  
421 endorsement thereon showing when and in what cemeteries the  
422 interments took place. The registrar shall inscribe upon [the back of]  
423 each certificate and each permit so received the date of its reception  
424 and record such lists and permits in books to be furnished by the  
425 Department of Public Health. When a permit has been given for the  
426 disinterment and removal of a body, the registrar shall make a  
427 memorandum on [his] the registrar's records of such removal and the  
428 place to which such body was removed.

429 (b) Any sexton who fails to make the appropriate filing of reports as  
430 required by subsection (a) of this section by the end of the third week  
431 of a month to the registrar of the town, shall be subject to a fine of not  
432 more than one hundred dollars per day.

433 Sec. 12. Subsection (a) of section 7-73 of the general statutes is  
434 repealed and the following is substituted in lieu thereof (*Effective*  
435 *October 1, 2004*):

436 (a) To any person performing the duties required by the provisions  
437 of the general statutes relating to registration of births, marriages,  
438 deaths and fetal deaths, the following fees shall be allowed: (1) To the  
439 registrar for completing each record of birth by procuring and  
440 inserting the full name of the child, or for the recording, indexing,  
441 copying and endorsing of each birth, marriage, death or fetal death  
442 certificate, two dollars; (2) for the license to marry, ten dollars; and (3)  
443 for issuing each burial or burial transit removal permit, three dollars.

444 Sec. 13. Section 7-74 of the general statutes is repealed and the  
445 following is substituted in lieu thereof (*Effective October 1, 2004*):

446 The fee for a certification of birth registration shall be five dollars  
447 and the fee for a certified copy of a certificate of birth shall be five  
448 dollars, except that the fee for such certifications and copies when  
449 issued by the department shall be fifteen dollars. The fee for a certified  
450 copy of a certificate of marriage or death shall be five dollars. Such fees  
451 shall not be required of [any federal agency or] the department.

452 Sec. 14. Subsection (a) of section 19a-42 of the general statutes is  
453 repealed and the following is substituted in lieu thereof (*Effective*  
454 *October 1, 2004*):

455 (a) To protect the integrity and accuracy of vital records, a certificate  
456 registered under chapter 93 may be amended only in accordance with  
457 sections 19a-41 to 19a-45, inclusive, chapter 93, regulations adopted by  
458 the Commissioner of Public Health pursuant to chapter 54 and  
459 uniform procedures prescribed by the commissioner. Only the  
460 commissioner may amend birth certificates to reflect changes  
461 concerning parentage or gender change. Amendments related to  
462 parentage or gender change shall result in the creation of a  
463 replacement certificate that supersedes the original, and shall in no  
464 way reveal the original language changed by the amendment. Any  
465 amendment to a vital record made by the registrar of vital statistics of  
466 the town in which the vital event occurred or by the commissioner  
467 shall be in accordance with such regulations and uniform procedures.

468 Sec. 15. Subsection (d) of section 19a-42 of the general statutes is  
469 repealed and the following is substituted in lieu thereof (*Effective*  
470 *October 1, 2004*):

471 (d) (1) Upon receipt of (A) an acknowledgment of paternity  
472 executed in accordance with the provisions of subsection (a) of section  
473 46b-172 by both parents of a child born out of wedlock, or (B) a  
474 certified copy of an order of a court of competent jurisdiction  
475 establishing the paternity of a child born out of wedlock, the  
476 commissioner shall include on or amend, as appropriate, such child's  
477 birth certificate to show such paternity if paternity is not already  
478 shown on such birth certificate [or to change the name of the child or  
479 both. If another father is listed on the birth certificate, the department  
480 shall not remove or replace the father's information unless presented  
481 with a court order that meets the requirements specified in section 7-  
482 50. Birth certificates amended under this subsection shall not be  
483 marked "Amended"] and to change the name of the child if so  
484 indicated on the acknowledgment of paternity form or within the

485 certified court order as part of the paternity action.

486 (2) If another father is listed on the birth certificate, the  
487 commissioner shall not remove or replace the father's information  
488 unless presented with a certified court order that meets the  
489 requirements specified in section 7-50, as amended by this act, or upon  
490 the proper filing of a rescission, in accordance with the provisions of  
491 section 46b-172. The commissioner shall thereafter amend such child's  
492 birth certificate to remove or change the father's name and to change  
493 the name of the child, as requested at the time of the filing of a  
494 rescission, in accordance with the provisions of section [7-50] 46b-172.  
495 Birth certificates amended under this subsection shall not be marked  
496 "Amended".

497 (3) A fee of twenty-five dollars shall be charged by the department  
498 for each amendment to a birth certificate requested pursuant to this  
499 subsection which request is not received from a hospital, a state agency  
500 or a court of competent jurisdiction.

501 Sec. 16. Section 19a-42a of the general statutes is repealed and the  
502 following is substituted in lieu thereof (*Effective October 1, 2004*):

503 (a) All (1) voluntary acknowledgments of paternity and rescissions  
504 of such acknowledgments executed in accordance with subsection (a)  
505 of section 46b-172, and (2) adjudications of paternity issued by a court  
506 or family support magistrate under section 46b-171, section 46b-172a  
507 or any other provision of the general statutes shall be filed in the  
508 paternity registry maintained by the Department of Public Health. All  
509 information in such registry shall be made available to the IV-D  
510 agency, as defined in subdivision (12) of subsection (b) of section 46b-  
511 231, as amended, for comparison with information in the state case  
512 registry established under subsection (l) of section 17b-179, as  
513 amended.

514 (b) Except for the IV-D agency, as provided in subsection (a) of this  
515 section, the department shall restrict access to and issuance of certified  
516 copies of acknowledgements of paternity to the following parties: (1)

517 Parents named on the acknowledgment of paternity; (2) the person  
518 whose birth is acknowledged, if such person is over eighteen years of  
519 age; (3) an authorized representative of the Department of Social  
520 Services; (4) an attorney representing such person or a parent named  
521 on the acknowledgment; or (5) agents of a state or federal agency, as  
522 approved by the department.

523 Sec. 17. Section 19a-44 of the general statutes is repealed and the  
524 following is substituted in lieu thereof (*Effective October 1, 2004*):

525 To protect the integrity of vital records and to prevent the  
526 fraudulent use of birth certificates of deceased persons, the  
527 Commissioner of Public Health [is] and the local registrars of vital  
528 records are hereby authorized to match birth and death certificates and  
529 to post the facts of death to the appropriate birth certificate. Copies  
530 issued from birth certificates marked deceased shall be similarly  
531 marked.

532 Sec. 18. Section 19a-270 of the general statutes is repealed and the  
533 following is substituted in lieu thereof (*Effective October 1, 2004*):

534 The first selectman of any town, the mayor of any city, the  
535 administrative head of any state correctional institution or the  
536 superintendent or person in charge of any almshouse, asylum,  
537 hospital, morgue or other public institution which is supported, in  
538 whole or in part, at public expense, having in his possession or control  
539 the dead body of any person which, if not claimed as hereinafter  
540 provided, would have to be buried at public expense, or at the expense  
541 of any such institution, shall, immediately upon the death of such  
542 person, notify his relatives thereof, if known, and, if such relatives are  
543 not known, shall notify the person or persons bringing or committing  
544 him to such institution. Such official shall, within twenty-four hours  
545 from the time such body came into his possession or control, give  
546 notice thereof to the Department of Public Health and shall deliver  
547 such body to The University of Connecticut, the Yale University School  
548 of Medicine or the University of Bridgeport College of Chiropractic or  
549 its successor institution, as said department may direct and in

550 accordance with an agreement to be made among said universities in  
551 such manner as is directed by said department and at the expense of  
552 the university receiving the body, if The University of Connecticut,  
553 Yale University, or the University of Bridgeport College of  
554 Chiropractic or its successor institution, at any time within one year,  
555 has given notice to any of such officials that such bodies would be  
556 needed for the purposes specified in section 19a-270b; provided any  
557 such body shall not have been claimed by a relative, either by blood or  
558 marriage, or a legal representative of such deceased person prior to  
559 delivery to any of said universities. The university receiving such body  
560 shall not embalm such body for a period of at least forty-eight hours  
561 after death, and any relative, either by blood or marriage, or a legal  
562 representative of such deceased person may claim such body during  
563 said period. If any such body is not disposed of in either manner  
564 herein specified, it may be cremated or buried. When any person has  
565 in his possession or control the dead body of any person which would  
566 have to be buried at public expense or at the expense of any such  
567 institution, he shall, within forty-eight hours after such body has come  
568 into his possession or control, file, with the registrar of the town within  
569 which such death occurred, a certificate of death as provided in section  
570 7-62b, as amended by this act, unless such certificate has been filed by  
571 a funeral director. Before any such body is removed to any of said  
572 universities, the official or person contemplating such removal shall  
573 secure a [burial or transit] burial transit removal permit which shall be  
574 delivered with the body to the official in charge of such university,  
575 who shall make return of such [burial or transit] burial transit removal  
576 permit in the manner provided in section 7-72, as amended by this act.  
577 [; except that any such body removed to such university under the  
578 provisions of section 7-70 shall not be required to be returned to the  
579 town where death occurred, provided the permit for permanent  
580 removal as required under the provisions of section 7-69 shall be  
581 secured as soon as practicable after such removal.]

582 Sec. 19. Section 19a-322 of the general statutes is repealed and the  
583 following is substituted in lieu thereof (*Effective October 1, 2004*):

584 The managers of each crematory shall keep books of record, which  
585 shall be open at reasonable times for inspection, in which shall be  
586 entered the name, age, sex and residence of each person whose body is  
587 cremated, together with the authority for such cremation and the  
588 disposition of the ashes. The owner or superintendent shall  
589 [immediately forward to the registrar by whom the permit required by  
590 section 19a-323 was issued a certified duplicate of such record, which  
591 duplicate the] complete the cremation permit required by section 19a-  
592 323, as amended by this act, retain a copy for record and immediately  
593 forward the original permit to the registrar of the town in which the  
594 death occurred. The registrar shall keep the cremation permit on file  
595 and record it with other vital statistics. When any body is removed  
596 from this state for the purpose of cremation, the person having the  
597 legal custody and control of such body shall cause a certificate to be  
598 procured from the person in charge of the crematory in which such  
599 body is incinerated, stating the facts called for in this section, and  
600 cause such certificate to be filed for record with the registrar [by whom  
601 the permit was issued] of the town in which the death occurred.

602 Sec. 20. Section 19a-323 of the general statutes is repealed and the  
603 following is substituted in lieu thereof (*Effective October 1, 2004*):

604 The body of any deceased person may be disposed of by  
605 incineration or cremation in this state or may be removed from the  
606 state for such purpose. If death occurred in this state, the death  
607 certificate required by law shall be filed with the registrar of vital  
608 statistics for the town in which such person died, if known, or, if not  
609 known, for the town in which the body was found. [, and a cremation  
610 certificate from the] The Chief Medical Examiner, Deputy Chief  
611 Medical Examiner, associate medical examiner, or an authorized  
612 assistant medical examiner shall complete the cremation certificate,  
613 stating that [he] such medical examiner has made inquiry into the  
614 cause and manner of death and is of the opinion that no further  
615 examination or judicial inquiry is necessary. [,] The cremation  
616 certificate shall be [filed with] submitted to the registrar of vital  
617 statistics of the town in which such person died, if known, or, if not

618 known, of the town in which the body was found, or with the registrar  
619 of vital statistics of the town in which the funeral director having  
620 charge of the body is located. Upon receipt of the cremation certificate,  
621 the registrar shall authorize the cremation certificate, keep it on  
622 permanent record, and issue a cremation permit, except that if the  
623 cremation certificate is submitted to the registrar of the town where the  
624 funeral director is located, such certificate shall be forwarded to the  
625 registrar of the town where the person died to be kept on permanent  
626 record. The estate of the deceased person, if any, shall pay the sum of  
627 forty dollars for the issuance of the cremation certificate or an amount  
628 equivalent to the compensation then being paid by the state to  
629 authorized assistant medical examiners, if greater. [Upon receiving  
630 such certificate, the registrar shall issue a permit for the cremation of  
631 such body; except that no such] No cremation certificate shall be  
632 required for a permit to cremate the remains of bodies pursuant to  
633 section 19a-270a, [and except that, when] When the cremation  
634 certificate is issued in a town other than that where the person died,  
635 the registrar of vital statistics for such other town shall ascertain from  
636 the original burial transit removal permit that the certificates required  
637 by the state statutes have been received and recorded, that the body  
638 has been prepared in accordance with the Public Health Code and that  
639 the entry regarding the place of disposal is correct. Whenever the  
640 registrar finds that the place of disposal is incorrect, [he] the registrar  
641 shall issue a corrected burial transit removal permit and, after  
642 inscribing and recording the original permit in the manner prescribed  
643 for sextons' reports under section 7-72, as amended by this act, shall  
644 then immediately give written notice to the registrar for the town  
645 where the death occurred of the change in place of disposal stating the  
646 name and place of the crematory and the date of cremation. Such  
647 written notice shall be sufficient authorization to correct these items on  
648 the original certificate of death. No body shall be cremated until at  
649 least forty-eight hours after death, unless such death was the result of  
650 communicable disease, and no body shall be received by any  
651 crematory unless accompanied by the permit provided for in this  
652 section. The fee for a cremation permit shall be three dollars and for

653 the written notice one dollar. The Department of Public Health shall  
654 provide forms for such permits, which shall not be the same as for  
655 regular burial permits, and such blanks and books as may be required  
656 by the registrars.

657 Sec. 21. Subsection (d) of section 20-12d of the general statutes is  
658 repealed and the following is substituted in lieu thereof (*Effective*  
659 *October 1, 2004*):

660 (d) A physician assistant licensed under this chapter may make the  
661 actual determination and pronouncement of death of a patient,  
662 provided: (1) The death is an anticipated death; (2) the physician  
663 assistant attests to such pronouncement on the certificate of death; and  
664 (3) the physician assistant or a physician licensed by the state of  
665 Connecticut certifies the death and signs the certificate of death  
666 [within] no later than twenty-four hours [of] after the pronouncement.  
667 [by the physician assistant.]

668 Sec. 22. Subsection (b) of section 20-87a of the general statutes is  
669 repealed and the following is substituted in lieu thereof (*Effective*  
670 *October 1, 2004*):

671 (b) Advanced nursing practice is defined as the performance of  
672 advanced level nursing practice activities that, by virtue of postbasic  
673 specialized education and experience, are appropriate to and may be  
674 performed by an advanced practice registered nurse. The advanced  
675 practice registered nurse performs acts of diagnosis and treatment of  
676 alterations in health status, as described in subsection (a) of this  
677 section, and shall collaborate with a physician licensed to practice  
678 medicine in this state. If practicing in (1) an institution licensed  
679 pursuant to subsection (a) of section 19a-491, as amended, as a  
680 hospital, residential care home, health care facility for the  
681 handicapped, nursing home, rest home, mental health facility,  
682 substance abuse treatment facility, infirmary operated by an  
683 educational institution for the care of students enrolled in, and faculty  
684 and staff of, such institution, or facility operated and maintained by  
685 any state agency and providing services for the prevention, diagnosis

686 and treatment or care of human health conditions, or (2) an industrial  
687 health facility licensed pursuant to subsection (h) of section 31-374  
688 which serves at least two thousand employees, or (3) a clinic operated  
689 by a state agency, municipality, or private nonprofit corporation, or (4)  
690 a clinic operated by any educational institution prescribed by  
691 regulations adopted pursuant to section 20-99a, the advanced practice  
692 registered nurse may, in collaboration with a physician licensed to  
693 practice medicine in this state, prescribe, dispense, and administer  
694 medical therapeutics and corrective measures. In all other settings, the  
695 advanced practice registered nurse may, in collaboration with a  
696 physician licensed to practice medicine in the state, prescribe and  
697 administer medical therapeutics and corrective measures and may  
698 dispense drugs in the form of professional samples in accordance with  
699 sections 20-14c to 20-14e, inclusive, except that an advanced practice  
700 registered nurse licensed pursuant to section 20-94a and maintaining  
701 current certification from the American Association of Nurse  
702 Anesthetists who is prescribing and administrating medical  
703 therapeutics during surgery may only do so if the physician who is  
704 medically directing the prescriptive activity is physically present in the  
705 institution, clinic or other setting where the surgery is being  
706 performed. For purposes of this subsection, "collaboration" means a  
707 mutually agreed upon relationship between an advanced practice  
708 registered nurse and a physician who is educated, trained or has  
709 relevant experience that is related to the work of such advanced  
710 practice registered nurse. The collaboration shall address a reasonable  
711 and appropriate level of consultation and referral, coverage for the  
712 patient in the absence of the advanced practice registered nurse, a  
713 method to review patient outcomes and a method of disclosure of the  
714 relationship to the patient. Relative to the exercise of prescriptive  
715 authority, the collaboration between an advanced practice registered  
716 nurse and a physician shall be in writing and shall address the level of  
717 schedule II and III controlled substances that the advanced practice  
718 registered nurse may prescribe and provide a method to review  
719 patient outcomes, including, but not limited to, the review of medical  
720 therapeutics, corrective measures, laboratory tests and other diagnostic

721 procedures that the advanced practice registered nurse may prescribe,  
722 dispense and administer. An advanced practice registered nurse  
723 licensed under the provisions of this chapter may make the  
724 determination and pronouncement of death of a patient, provided the  
725 advanced practice registered nurse attests to such pronouncement on  
726 the certificate of death and signs the certificate of death no later than  
727 twenty-four hours after the pronouncement.

728 Sec. 23. Section 20-101a of the general statutes is repealed and the  
729 following is substituted in lieu thereof (*Effective October 1, 2004*):

730 (a) A registered nurse, licensed under this chapter, in charge in a  
731 hospice or nursing home facility as defined in section 19a-521, or a  
732 registered nurse, licensed under this chapter or a registered nurse  
733 employed by a home health care agency licensed by the state of  
734 Connecticut, in a home or residence may make the actual  
735 determination and pronouncement of death of a patient provided that  
736 the following conditions are satisfied: (1) The death is an anticipated  
737 death; (2) the registered nurse attests to such pronouncement on the  
738 certificate of death; and (3) the registered nurse, an advanced practice  
739 registered nurse licensed under chapter 378, or a physician licensed  
740 [by the state of Connecticut] under chapter 370 certifies the death and  
741 signs the certificate of death [within] no later than twenty-four hours  
742 [of] after the pronouncement. [by the registered nurse.]

743 (b) The Department of Public Health shall adopt regulations, in  
744 accordance with the provisions of chapter 54, to establish the  
745 procedures for the implementation of this section. [The department  
746 shall be required to notify all persons affected by such implementation,  
747 including, but not limited to, hospices, nursing home facilities,  
748 physicians, home health care agencies, emergency medical technicians,  
749 funeral directors and medical examiners.]

750 Sec. 24. Section 20-212 of the general statutes is repealed and the  
751 following is substituted in lieu thereof (*Effective October 1, 2004*):

752 No person, except a licensed embalmer, shall inject any fluid or

753 substance into any dead human body, except that a registered student  
754 embalmer may, even if not in the presence of a licensed embalmer,  
755 make such injection or perform any other act under his instruction;  
756 and no person, firm or corporation shall enter, engage in, carry on or  
757 manage for another the business of caring for, preserving or disposing  
758 of dead human bodies until each person, firm or corporation so  
759 engaged has obtained from the Department of Public Health and holds  
760 a license as provided in this chapter; nor shall any person be employed  
761 to remove a dead human body, except a licensed embalmer, a  
762 registered student embalmer, a licensed funeral director, or a person  
763 authorized in each instance by the Chief Medical Examiner, Deputy  
764 Medical Examiner or assistant medical examiner incidental to  
765 examining the body of a deceased person, except that once a dead  
766 human body has been prepared in accordance with the Public Health  
767 Code and the applicable provisions of the general statutes, an  
768 embalmer or funeral director licensed in this state may authorize [a  
769 nonlicensed] an unlicensed employee to [remove] transport such body.  
770 [Nothing in this section shall be construed to affect any provision of  
771 section 7-70.] Nothing in this section shall be construed to prohibit any  
772 person licensed as an embalmer or as a funeral director under the laws  
773 of another state from bringing into or removing from this state a dead  
774 human body, provided any and all other laws of this state relative to  
775 such body have been complied with.

776 Sec. 25. Section 20-215 of the general statutes is repealed and the  
777 following is substituted in lieu thereof (*Effective October 1, 2004*):

778 No licensed embalmer shall sign [a certificate] an affidavit attesting  
779 the preparation or embalming of any body unless such body has been  
780 prepared or embalmed by him, or by a registered student embalmer  
781 under his personal supervision.

782 Sec. 26. Section 46b-25 of the general statutes is repealed and the  
783 following is substituted in lieu thereof (*Effective October 1, 2004*):

784 No license may be issued by the registrar until both persons have  
785 appeared before the registrar and made application for a license. The

786 license shall be completed in its entirety, dated, signed and sworn to  
 787 by each applicant and shall state each applicant's name, age, race,  
 788 birthplace, residence, whether single, widowed or divorced and  
 789 whether under the supervision or control of a conservator or guardian.  
 790 The Social Security numbers of the bride and the groom shall be  
 791 recorded in the "administrative purposes" section of the license. If the  
 792 license is signed and sworn to by the applicants on different dates, the  
 793 earlier date shall be deemed the date of application.

794 Sec. 27. Subsection (a) of section 46b-34 of the general statutes is  
 795 repealed and the following is substituted in lieu thereof (*Effective*  
 796 *October 1, 2004*):

797 (a) Each person who joins any person in marriage shall certify upon  
 798 the license certificate the fact, time and place of the marriage, and  
 799 return it to the registrar of the town where [it was issued] the marriage  
 800 took place, before or during the first week of the month following the  
 801 marriage. Any person who fails to do so shall be fined not more than  
 802 ten dollars.

803 Sec. 28. (*Effective October 1, 2004*) Sections 7-70 and 46b-32 of the  
 804 general statutes, as amended, are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>October 1, 2004</i>
Sec. 11	<i>October 1, 2004</i>
Sec. 12	<i>October 1, 2004</i>
Sec. 13	<i>October 1, 2004</i>
Sec. 14	<i>October 1, 2004</i>

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Sec. 15	<i>October 1, 2004</i>
Sec. 16	<i>October 1, 2004</i>
Sec. 17	<i>October 1, 2004</i>
Sec. 18	<i>October 1, 2004</i>
Sec. 19	<i>October 1, 2004</i>
Sec. 20	<i>October 1, 2004</i>
Sec. 21	<i>October 1, 2004</i>
Sec. 22	<i>October 1, 2004</i>
Sec. 23	<i>October 1, 2004</i>
Sec. 24	<i>October 1, 2004</i>
Sec. 25	<i>October 1, 2004</i>
Sec. 26	<i>October 1, 2004</i>
Sec. 27	<i>October 1, 2004</i>
Sec. 28	<i>October 1, 2004</i>

**PH**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 05 \$</b>	<b>FY 06 \$</b>
Public Health, Dept.	GF - Revenue Impact	Minimal	Minimal
Health Care Access, Off.	GF - None	None	None

Note: GF=General Fund

#### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 05 \$</b>	<b>FY 06 \$</b>
All Municipalities	Revenue Gain	Potential Minimal	Potential Minimal

### **Explanation**

The bill removes a waiver of fees for agencies of the federal government seeking copies of vital records. A minimal revenue gain (not expected to exceed \$500) to the Department of Public Health is expected. To the extent that federal agencies seek vital records from local registrars a minimal local revenue gain will result.

A potential minimal revenue gain to the state would result should fines of up to \$100 per day be imposed upon sextons failing to report as required by law. A potential minimal revenue loss will result from repealing Section 46b-32 CGS.

Other provisions of the bill make technical or clarifying changes, or repeal various obsolete portions of statute. No associated fiscal impact is expected, as these changes are not anticipated to materially alter the responsibilities of the State or local registrars of vital statistics.

Passage of the bill is not anticipated to result in a fiscal impact to the Office of the Chief Medical Examiner, although it may result in administrative efficiencies for the agency.

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**OLR Bill Analysis**

sHB 5628

***AN ACT CONCERNING FUNERAL DIRECTORS AND VITAL RECORDS***

**SUMMARY:**

This bill authorizes advanced practiced registered nurses (APRNs) to make death determinations and pronouncements under certain conditions. It also expands the list of those licensed health care practitioners who can certify a death to include APRNs, physician assistants, and registered nurses (RNs) in addition to physicians, chief medical officers of health care institutions in which the death occurred, and pathologists.

The bill gives local registrars of vital statistics the authority the Department of Public Health (DPH) commissioner currently has to match birth and death certificates and to post the facts of death to the appropriate birth certificate in order to protect the integrity of vital records and prevent their fraudulent use.

The bill also:

1. requires registrars of vital statistics to ensure that various certificates are complete before accepting them for filing;
2. amends the law on acknowledgment of paternity and changes to birth certificates to reflect this;
3. clarifies existing provisions on completion of death certificates addressing time frames for filing and who make may actual filings;
4. requires funeral directors and embalmers to make certain filings concerning death certificates and requires filing of an affidavit in the case of a communicable disease;
5. makes changes to cremation records and permit requirements;

6. requires burial transit removal permits in certain situations;
7. imposes penalties on sextons failing to make required reports on a timely basis;
8. allows unlicensed individuals to transport a body in certain situations; and
9. makes numerous technical and conforming changes.

The bill repeals provisions concerning (1) temporary removal of a body to another town or state and (2) fines against registrars for failure to make license applications available for public examination during office hours.

EFFECTIVE DATE: October 1, 2004

### **COMPLETENESS OF VITAL RECORDS; TRANSMITTING TO OTHER TOWNS**

The bill requires registrars of vital statistics to ensure that all certificates of birth, marriage, death, and fetal death are fully completed before accepting the certificate for filing.

The law requires the registrar in a town where a birth, marriage, death, or fetal death certificate is filed to make a certified copy of it and send it to the registrar of another town when it appears that the child's mother, either party to the marriage, or the deceased resided in that town. The bill eliminates a requirement that a certified copy be sent when it involves an out-of-state location.

### **FEES**

The bill subjects the federal government to various fees for birth and marriage-related records.

### **BIRTH CERTIFICATES**

The bill requires a birth certificate to be completed in its entirety containing such information that DPH requires.

### ***Acknowledgement of Paternity***

The law allows recording information on whether a child was born in or out of wedlock and the mother's marital status on a confidential portion of the birth certificate. The name of the father is entered on the birth certificate after an acknowledgment of paternity is completed at a hospital, or in a town in the case of a home birth, and transmitted to DPH. If another father's information is already recorded on the certificate it cannot be removed unless DPH receives a court order finding that (1) the person recorded on the birth certificate is not the child's father or (2) a person other than the one recorded is the child's father. The bill requires that this court order be certified. It also requires DPH to restrict access to, and issuance of, certified copies of acknowledgements of paternity.

Current law requires DPH to include on, or amend, a child's birth certificate to show paternity if it is not already shown or to change the child's name, or both, upon receiving (1) a lawfully executed acknowledgment of paternity by both parents of a child born out of wedlock or (2) a certified order of a court establishing the paternity of such a child. If another man's name is on the birth certificate, DPH must not remove or replace his information unless it is presented with court order meeting the requirements cited above.

The bill instead directs DPH to change the name of the child if so indicated on the acknowledgement of paternity form or in the certified court order as part of the paternity action. It also prohibits DPH from removing or replacing the father's information on the birth certificate if another father is listed unless (1) presented with a certified court order meeting the requirements cited above or (2) upon proper filing of a rescission.

The bill requires DPH to restrict access to and issuance of certified copies of acknowledgements of paternity to (1) parents named on the acknowledgement; (2) the person whose birth is acknowledged, if over 18; (3) an authorized Department of Social Services (DSS) representative; (4) an attorney representing the person or a parent named on the acknowledgment; or (5) state or federal agency agents, as approved by DPH. Access is not restricted for the "IV-D agency", which refers to DSS' Bureau of Child Support Enforcement, which is authorized to administer the child support program mandated by Title IV-D of the Social Security Act.

## **DETERMINATION AND PRONOUNCEMENT OF DEATH**

Under the bill, an APRN can make a determination and pronouncement of death of a patient if the APRN (1) attests to the pronouncement on the death certificate and (2) signs it within 24 hours of the pronouncement.

By law, RNs in charge of a hospice or nursing home facility, or employed by a licensed home health care agency in a home or residence, can make a determination and pronouncement of death of a patient if certain conditions are met. The bill eliminates a requirement that DPH notify all people and facilities affected by regulations it adopts to implement the law on death pronouncement. This includes hospices, nursing homes, physicians, home health care agencies, emergency medical technicians, funeral directors, and medical examiners.

## **DEATH CERTIFICATES**

### ***Filing Periods***

The bill requires death certificates to be completed in their entirety and filed with the registrar of vital statistics in the town where the death occurred within (1) five days of death, if filing a paper certificate and (2) three days of death, if filing through an electronic death registry system.

### ***Completion of Death Certificate; Affidavit Concerning Communicable Disease***

The law requires licensed funeral directors or embalmers, including those from another state who comply with DPH reciprocal agreements, to complete a death certificate when they are in charge of the burial. The bill allows their designees to file the certificate.

By law, only a licensed embalmer can take charge of the burial of a person who died from a communicable disease; the embalmer must file the death certificate and a signed and sworn certificate stating that the body has been disinfected according to the Public Health Code. The bill requires the embalmer to file an affidavit, on a DPH form, concerning the disinfection when the person who died had a communicable disease. It also eliminates the option in current law of another embalmer, other than the one filing the death certificate, to file the document about disinfection.

**Medical Certification Portion of Death Certificate**

Current law requires the physician in charge of the patient's care to complete, sign, and return the medical certification portion of the death certificate to the funeral director or embalmer within 24 hours after death. The bill allows an APRN to fill out the medical certification portion of the death certificate. Under current law, in the absence of the physician, or with his consent, the medical certification can be filled out by an associate physician, chief medical officer of the institution in which the death occurred, or the pathologist who performed the autopsy. The bill broadens this by (1) allowing an APRN to make the delegation and (2) allowing an APRN, RN, or physician assistant to make the certification.

The bill prohibits any of these health care practitioners from signing and returning the medical certification unless he has personally viewed and examined the body and is satisfied that death has occurred. The bill specifies that an additional viewing of the body is not required if the practitioner who completed the certification was not the one who made the death determination. This exception already applies if an RN makes the pronouncement.

Under the bill, any practitioner listed above, rather than just physicians, refusing or otherwise failing to complete, sign, and return the medical portion of the death certificate within 24 hours can be reported to DPH by the funeral director or embalmer. DPH can fine the person up to \$250 a day, following notification and investigation.

The bill requires an APRN, as the attending physician must do now, to give the funeral home or embalmer notice of the reason for delay when the cause of death cannot be determined within 24 hours of death and the Chief Medical Examiner does not require an inquiry. Final disposition of the body cannot be made without the signed medical certification from the physician or APRN.

**CREMATION**

The bill requires that the final disposition of a cremated body be recorded at the crematory. The law requires that the chief, deputy chief, associate, or authorized assistant medical examiner complete the cremation certificate stating that no further inquiry is needed and file it

with the registrar of vital statistics of the town in which the person died, or if not known, of the town where the body was found or with the registrar of the town of the funeral director who has the body.

The bill requires the registrar, after receiving the certificate, to authorize it and keep it on permanent record. But if the certificate is submitted to the registrar of the town where the funeral director is located, the certificate must be forwarded to the registrar of the town where the person died and kept on permanent record.

The law requires crematory managers to keep record books that include information (name, age, sex, residence) of each person cremated, together with the authority for the cremation and the disposition of the ashes. Current law requires the owner or superintendent of the crematory to forward to the registrar receiving the cremation permit a certified duplicate of the record. The registrar must keep this duplicate on file and record it with other vital statistics.

The bill instead requires the crematory manager or superintendent to complete the required cremation permit, retain a copy for record keeping, and immediately forward the original permit to the registrar of the town in which death occurred. The registrar must keep the cremation permit on file

## **BURIAL PERMITS**

### ***Burial Transit Removal Permit***

The bill requires a DPH-licensed embalmer or funeral director, or one licensed in a state with a reciprocal agreement with the state, who takes custody of a dead body to obtain a burial transit removal permit from the registrar of the town in which death occurred. It appears a "burial transit removal permit" takes the place of a "removal permit" under the bill. This must be done within five calendar days after death and before final disposition or removal of the body from the state. The law requires a registrar to appoint people as subregistrars authorized to issue burial transit removal permits after receiving a completed death certificate. The bill limits the subregistrar's authority to those hours when the registrar's office is closed. The bill establishes a fee of \$3 for a burial transit removal permit.

The bill requires that before any body is removed to any universities in the state for anatomical purposes, the person contemplating removal must get a burial transit removal permit. Current law requires a burial or transit permit.

***Duties of Sextons***

By law, the burial permit must note the place of burial, by section, lot or grave, or other place of interment. The bill requires the sexton to do this. It specifies that no additional burial transit removal permit is required for a body that is placed temporarily in a receiving vault of any cemetery and subsequently buried in the same cemetery.

The law requires each sexton in charge of any burial place to provide a monthly list of all interments, disinterments, and removals of bodies to the registrar of the town. He must also file with the registrar permits he received when a body was brought into the town from another town or state for burial.

The bill establishes a fine of up to \$100 per day on any sexton failing to make the appropriate filings described above within 14 days after the first week of the month.

***Transporting a Body***

The law allows state-licensed embalmers and funeral directors to remove a body from one town to another or to another state. It also allows embalmers and funeral directors from another state who comply with a reciprocal agreement with DPH to remove bodies from one town to another or to another state. This bill allows embalmers and funeral directors to authorize an unlicensed employee to transport the body once it has been embalmed or prepared according to the Public Health Code. For removal of a body from this state to another, the bill requires a burial transmit removal permit instead of a death certificate as under current law.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute  
Yea 22    Nay 0

