



Senate

General Assembly

File No. 85

January Session, 2007

Substitute Senate Bill No. 1190

Senate, March 20, 2007

The Committee on Public Health reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING VITAL RECORDS.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) The Commissioner of
2 Public Health shall require each applicant for employment in, and each
3 employee applying for transfer to, the vital records unit of the
4 Department of Public Health to (1) state whether such applicant or
5 employee has ever been convicted of a crime or whether criminal
6 charges are pending against such applicant or employee at the time of
7 application for employment or transfer, and (2) submit to state and
8 national criminal history records checks. The criminal history records
9 checks required pursuant to this section shall be conducted in
10 accordance with section 29-17a of the general statutes.

11 Sec. 2. Section 7-60 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2007*):

13 (a) Each case of fetal death shall be registered and a fetal death
14 certificate shall be filed with the registrar of vital statistics in the

15 manner required by sections 7-48, 7-50, 7-51 and 7-52 with respect to
16 the filing, content and issuance of birth certificates. A fetus born after a
17 period of gestation of not less than twenty weeks in which there is no
18 attempt at respiration, no action of heart and no movement of
19 voluntary muscle, shall be recorded as a fetal death. A fetal death
20 certificate shall be signed by a physician or, when no physician was in
21 attendance, by the nurse-midwife in attendance at the birth, the Chief
22 Medical Examiner, Deputy Chief Medical Examiner, an associate
23 medical examiner [,] or an authorized assistant medical examiner.

24 (b) Such certificate shall include, on a confidential portion of the
25 certificate, any additional information required by the department,
26 provided the information obtained under this section shall be used
27 only for medical and health purposes.

28 Sec. 3. Section 7-76 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2007*):

30 The fees due registrars of vital statistics for the making of records,
31 copies and endorsements relating to births, deaths, fetal deaths and
32 marriages, when the residence of the parents of the child or of the
33 deceased or of either party to a marriage is in some other town in this
34 state than that in which the birth, death, fetal death or marriage
35 occurred, shall be paid by such other town except as they relate to vital
36 statistics of inmates of any state institution. The fees paid by such other
37 town shall not exceed two dollars for each such record, copy or
38 endorsement. All bills for such fees shall be submitted by such
39 registrars to such other towns on or before February first of each year,
40 provided if a bill amounts to less than twenty-six dollars, no bill shall
41 be sent and the amount shall not be due. If the registrar of vital
42 statistics of any town or city receives a salary for the performance of
43 the registrar's duties, the amount of fees due under the provisions of
44 this section shall be paid to such town or city.

45 Sec. 4. Section 20-86b of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective October 1, 2007*):

47 Nurse-midwives shall practice within a health care system and have
48 clinical relationships with obstetrician-gynecologists that provide for
49 consultation, collaborative management or referral, as indicated by the
50 health status of the patient. Nurse-midwifery care shall be consistent
51 with the standards of care established by the American College of
52 Nurse-Midwives. Each nurse-midwife shall provide each patient with
53 information regarding, or referral to, other providers and services
54 upon request of the patient or when the care required by the patient is
55 not within the midwife's scope of practice. Each nurse-midwife shall
56 sign the birth certificate of each infant delivered by the nurse-midwife.
57 [A] If an infant is born alive and then dies within the twenty-four-hour
58 period after birth, the nurse-midwife may make the actual
59 determination and pronouncement of death [of an infant delivered by
60 the nurse-midwife] provided: (1) The death is an anticipated death; (2)
61 the nurse-midwife attests to such pronouncement on the certificate of
62 death; and (3) the nurse-midwife or a physician licensed pursuant to
63 chapter 370 certifies the certificate of death not later than twenty-four
64 hours after such pronouncement. In a case of fetal death, as described
65 in section 7-60, as amended by this act, the nurse-midwife who
66 delivered the fetus may make the actual determination of fetal death
67 and certify the date of delivery and that the fetus was born dead.

68 Sec. 5. Subsection (a) of section 46b-22 of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective*
70 *October 1, 2007*):

71 (a) [All] Persons authorized to solemnize marriages in this state
72 include (1) all judges and retired judges, either elected or appointed,
73 [and] including federal judges and judges of other states who may
74 legally join persons in marriage in their jurisdictions, (2) family
75 support magistrates, state referees and justices of the peace [may join
76 persons in marriage in any town in the state] who are appointed in
77 Connecticut, and (3) all ordained or licensed [clergymen] members of
78 the clergy, belonging to this state or any other state, as long as they
79 continue in the work of the ministry. [may join persons in marriage.]
80 All marriages solemnized according to the forms and usages of any

81 religious denomination in this state, including marriages witnessed by
82 a duly constituted Spiritual Assembly of the Baha'is, are valid. All
83 marriages attempted to be celebrated by any other person are void.

84 Sec. 6. Section 46b-24 of the general statutes is amended by adding
85 subsection (d) as follows (*Effective October 1, 2007*):

86 (NEW) (d) Except as otherwise provided in this chapter, in order to
87 be valid in this state, a marriage ceremony shall be conducted by and
88 in the physical presence of a person who is authorized to solemnize
89 marriages.

90 Sec. 7. Subsection (a) of section 46b-38dd of the general statutes is
91 repealed and the following is substituted in lieu thereof (*Effective*
92 *October 1, 2007*):

93 (a) [All] Persons authorized to solemnize civil unions include (1) all
94 judges and retired judges, either elected or appointed, including
95 federal judges and judges of other states who may legally join persons
96 in marriage or a civil union in their jurisdictions, (2) family support
97 magistrates, state referees and justices of the peace [may join persons
98 in a civil union in any town in the state] who are appointed in
99 Connecticut, and (3) all ordained or licensed members of the clergy,
100 belonging to this state or any other state, as long as they continue in
101 the work of the ministry. [may join persons in a civil union.] All civil
102 unions solemnized according to the forms and usages of any religious
103 denomination in this state are valid. All civil unions attempted to be
104 celebrated by any other person are void.

105 Sec. 8. Section 46b-38gg of the general statutes is amended by
106 adding subsection (d) as follows (*Effective October 1, 2007*):

107 (NEW) (d) In order to be valid in this state, a civil union ceremony
108 shall be conducted by and in the physical presence of a person who is
109 authorized to solemnize civil unions or marriages.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	7-60
Sec. 3	<i>October 1, 2007</i>	7-76
Sec. 4	<i>October 1, 2007</i>	20-86b
Sec. 5	<i>October 1, 2007</i>	46b-22(a)
Sec. 6	<i>October 1, 2007</i>	46b-24
Sec. 7	<i>October 1, 2007</i>	46b-38dd(a)
Sec. 8	<i>October 1, 2007</i>	46b-38gg

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Public Health, Dept.	GF - Cost	0-120	0 - 120
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The Department of Public Health (DPH) will pay \$24 each for a national criminal history records check of an estimated five or fewer applicants for employment in its Vital Records Unit annually.

Since DPH will be submitting the applicant's name for a state criminal history records check, the Department of Public Safety (DPS) will not charge its usual \$25 fee. The DPS will be able to handle the additional workload within its existing resources.

Section 3 specifies that the town of occurrence may collect a two dollar fee from the town of residence when it records a vital event relating to a resident of the other town. As this reflects current practice, no fiscal impact is anticipated.

No fiscal impact is associated with Sections 2 and 4, and Sections 5 through 8, which concern the determination of fetal death by a nurse-midwife, and the conduct of marriages/civil unions, respectively.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$	FY 12 \$
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Public Health, Dept.	GF - Cost	0 - 120	0-120	0-120
Public Safety, Dept.	GF - None	None	None	None

Note: GF=General Fund

Municipal Impact: None

OLR Bill Analysis**sSB 1190*****AN ACT CONCERNING VITAL RECORDS*****SUMMARY:**

This bill makes a number of substantive and technical changes to statutes addressing vital records and related topics.

Under the bill, the Department of Public Health (DPH) commissioner must require applicants seeking employment in or transfer to DPH's vital records unit to submit to state and national criminal history record checks. The checks must be done according to existing law (see BACKGROUND). The bill also requires applicants to state whether they have ever been convicted of a crime or are facing pending criminal charges at the time of application.

The bill allows a nurse midwife who delivers a fetus born dead to sign the fetal death certificate. It also allows a nurse midwife to certify to the date of delivery and sign the fetal death certificate, provided the fetal death was anticipated, in cases in which the nurse midwife delivers a dead fetus and there is no physician present at the time of delivery. Current law gives the nurse midwife the authority to certify to an infant death (a child born alive that dies shortly after birth), but not to a fetal death (a fetus over 20 weeks gestation that is born dead).

The bill specifies that a marriage or civil union ceremony is valid in Connecticut only if conducted by and in the physical presence of someone authorized to perform such a ceremony.

Finally, the bill allows the town recording a vital record event relating to a nonresident to collect a \$2 fee from that person's town of residence. A vital record is a birth, death, marriage, or fetal death.

EFFECTIVE DATE: October 1, 2007

BACKGROUND

Criminal History Record Checks

By law, a criminal history record check must be requested from the Department of Public Safety's (DPS) State Police Bureau of Identification and applies only to the individual identified in the request. It (1) specifies that the "requesting party" must arrange for fingerprinting or conducting other methods of positive identification that the bureau or FBI may require; (2) directs the state bureau to conduct the state criminal history record check; and (3) if a national criminal history record check is requested, directs the bureau to submit the fingerprints or other positive identifying information to the FBI, unless the FBI permits the requesting party to submit them directly.

The law also authorizes the DPS commissioner to provide expedited service for people requesting criminal history record checks. It authorizes the commissioner to contract with any person or entity to establish and administer this service, which must include making the results of the check available to the requesting party through the Internet. It requires the commissioner to charge an additional \$25 fee for each expedited check provided. It specifies that the requesting party must pay the fees for the checks in whatever manner the commissioner requires (CGS § 29-17a).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/02/2007)