

SECOND REGULAR SESSION

# HOUSE BILL NO. 1621

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FREDERICK (Sponsor) AND NEELY (Co-sponsor).

5629L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 193.085 and 193.145, RSMo, and to enact in lieu thereof two new sections relating to the electronic birth and death registration system.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 193.085 and 193.145, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 193.085 and 193.145, to read as follows:

193.085. 1. A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after such birth and shall be registered if such certificate has been completed and filed pursuant to the provisions of this section.

2. When a birth occurs in an institution or en route to an institution, the person in charge of the institution or such person's designated representative shall obtain the personal data, prepare the certificate, certify that the child was born alive at the place and time and on the date stated either by signature or an electronic process approved by the department, and file the certificate pursuant to this section or as otherwise directed by the state registrar within the required five days. The physician or other person in attendance shall provide the medical information required by the certificate and certify to the facts of birth within five days after the birth. If the physician or other person in attendance does not certify to the facts of birth within the five-day period, the person in charge of the institution shall complete the certificate.

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

- (1) The physician in attendance at or immediately after the birth;
- (2) Any other person in attendance at or immediately after the birth;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (3) The father, the mother, or, in the absence of the father and the inability of the mother,  
19 the person in charge of the premises where the birth occurred.

20 4. When a birth occurs on a moving conveyance within the United States and the child  
21 is first removed from the conveyance in this state, the birth shall be registered in this state and  
22 such place shall be considered the place of birth. When a birth occurs on a moving conveyance  
23 while in international waters or air space or in a foreign country or its air space and the child is  
24 first removed from the conveyance in this state, the birth shall be registered in this state but the  
25 certificate shall show the actual place of birth insofar as can be determined.

26 5. If the mother was married at the time of either conception or birth, or between  
27 conception and birth, the name of the husband shall be entered on the certificate as the father of  
28 the child, unless:

29 (1) Paternity has been determined otherwise by a court of competent jurisdiction; or

30 (2) The mother executes an affidavit attesting that the husband is not the father and the  
31 putative father is the father, and the putative father executes an affidavit attesting that he is the  
32 father, and the husband executes an affidavit attesting that he is not the father. If such affidavits  
33 are executed, the putative father shall be shown as the father on the birth certificate and the  
34 signed acknowledgment of paternity shall be considered a legal finding of paternity. The  
35 affidavits shall be as provided for in section 193.215.

36 6. In any case in which paternity of a child is determined by a court of competent  
37 jurisdiction, the name of the father and surname of the child shall be entered on the certificate  
38 of birth pursuant to the finding and order of the court.

39 7. Notwithstanding any other law to the contrary, if a child is born to unmarried parents,  
40 the name of the father and other required information shall be entered on the certificate of birth  
41 only if an acknowledgment of paternity pursuant to section 193.215 is completed, or if paternity  
42 is determined by a court of competent jurisdiction or by an administrative order of the family  
43 support division.

44 8. If the father is not named on the certificate of birth, no other information about the  
45 father shall be entered on the certificate.

46 9. The birth certificate of a child born to a married woman as a result of artificial  
47 insemination, with consent of her husband, shall be completed pursuant to the provisions of  
48 subsection 5 of this section.

49 10. Either of the parents of the child, or other informant, shall attest to the accuracy of  
50 the personal data entered on the certificate in time to permit the filing of the certificate within  
51 the required five days.

52 **11. Any electronic birth registration system, including but not limited to the**  
53 **electronic birth and death registration system under subsection 1 of section 193.265, which**

54 **utilizes a secure log in for data providers shall not require data providers to change their**  
55 **authentication data, including but not limited to user identifications and passwords, more**  
56 **often than once annually and shall provide a secure mechanism for data providers to**  
57 **regain access to the system via a "forgot password" function in the event such providers**  
58 **are unable to recall their password or other authentication data.**

193.145. 1. A certificate of death for each death which occurs in this state shall be filed  
2 with the local registrar, or as otherwise directed by the state registrar, within five days after death  
3 and shall be registered if such certificate has been completed and filed pursuant to this section.  
4 All data providers in the death registration process, including, but not limited to, the state  
5 registrar, local registrars, the state medical examiner, county medical examiners, coroners,  
6 funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident  
7 physicians, and the chief medical officers of licensed health care facilities, and other public or  
8 private institutions providing medical care, treatment, or confinement to persons, shall be  
9 required to use and utilize any electronic death registration system required and adopted under  
10 subsection 1 of section 193.265 within six months of the system being certified by the director  
11 of the department of health and senior services, or the director's designee, to be operational and  
12 available to all data providers in the death registration process. However, should the person or  
13 entity that certifies the cause of death not be part of, or does not use, the electronic death  
14 registration system, the funeral director or person acting as such may enter the required personal  
15 data into the electronic death registration system and then complete the filing by presenting the  
16 signed cause of death certification to the local registrar, in which case the local registrar shall  
17 issue death certificates as set out in subsection 2 of section 193.265. Nothing in this section shall  
18 prevent the state registrar from adopting pilot programs or voluntary electronic death registration  
19 programs until such time as the system can be certified; however, no such pilot or voluntary  
20 electronic death registration program shall prevent the filing of a death certificate with the local  
21 registrar or the ability to obtain certified copies of death certificates under subsection 2 of section  
22 193.265 until six months after such certification that the system is operational.

23 2. If the place of death is unknown but the dead body is found in this state, the certificate  
24 of death shall be completed and filed pursuant to the provisions of this section. The place where  
25 the body is found shall be shown as the place of death. The date of death shall be the date on  
26 which the remains were found.

27 3. When death occurs in a moving conveyance in the United States and the body is first  
28 removed from the conveyance in this state, the death shall be registered in this state and the place  
29 where the body is first removed shall be considered the place of death. When a death occurs on  
30 a moving conveyance while in international waters or air space or in a foreign country or its air  
31 space and the body is first removed from the conveyance in this state, the death shall be

32 registered in this state but the certificate shall show the actual place of death if such place may  
33 be determined.

34 4. The funeral director or person in charge of final disposition of the dead body shall file  
35 the certificate of death. The funeral director or person in charge of the final disposition of the  
36 dead body shall obtain or verify:

37 (1) The personal data from the next of kin or the best qualified person or source  
38 available; and

39 (2) The medical certification from the person responsible for such certification.

40 5. The medical certification shall be completed, attested to its accuracy either by  
41 signature or an electronic process approved by the department, and returned to the funeral  
42 director or person in charge of final disposition within seventy-two hours after death by the  
43 physician in charge of the patient's care for the illness or condition which resulted in death. In  
44 the absence of the physician or with the physician's approval the certificate may be completed  
45 and attested to its accuracy either by signature or an approved electronic process by the  
46 physician's associate physician, the chief medical officer of the institution in which death  
47 occurred, or the physician who performed an autopsy upon the decedent, provided such  
48 individual has access to the medical history of the case, views the deceased at or after death and  
49 death is due to natural causes. The state registrar may approve alternate methods of obtaining  
50 and processing the medical certification and filing the death certificate. The Social Security  
51 number of any individual who has died shall be placed in the records relating to the death and  
52 recorded on the death certificate.

53 6. When death occurs from natural causes more than thirty-six hours after the decedent  
54 was last treated by a physician, the case shall be referred to the county medical examiner or  
55 coroner or physician or local registrar for investigation to determine and certify the cause of  
56 death. If the death is determined to be of a natural cause, the medical examiner or coroner or  
57 local registrar shall refer the certificate of death to the attending physician for such physician's  
58 certification. If the attending physician refuses or is otherwise unavailable, the medical examiner  
59 or coroner or local registrar shall attest to the accuracy of the certificate of death either by  
60 signature or an approved electronic process within thirty-six hours.

61 7. If the circumstances suggest that the death was caused by other than natural causes,  
62 the medical examiner or coroner shall determine the cause of death and shall complete and attest  
63 to the accuracy either by signature or an approved electronic process the medical certification  
64 within seventy-two hours after taking charge of the case.

65 8. If the cause of death cannot be determined within seventy-two hours after death, the  
66 attending medical examiner or coroner or attending physician or local registrar shall give the  
67 funeral director, or person in charge of final disposition of the dead body, notice of the reason

68 for the delay, and final disposition of the body shall not be made until authorized by the medical  
69 examiner or coroner, attending physician or local registrar.

70 9. When a death is presumed to have occurred within this state but the body cannot be  
71 located, a death certificate may be prepared by the state registrar upon receipt of an order of a  
72 court of competent jurisdiction which shall include the finding of facts required to complete the  
73 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the  
74 date of registration, and identify the court and the date of decree.

75 **10. Any electronic death registration system, including but not limited to the**  
76 **electronic birth and death registration system under subsection 1 of section 193.265, which**  
77 **utilizes a secure log in for data providers shall not require data providers to change their**  
78 **authentication data, including but not limited to their user identification or password,**  
79 **more than once annually and shall provide a secure mechanism for data providers to**  
80 **regain access to the system via a "forgot password" function in the event such providers**  
81 **are unable to recall their password or other authentication data.**

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