

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 946 &
2 947, Page 1, Section A, Line 5, by inserting after all of said section and line the following:

3
4 "193.145. 1. A certificate of death for each death which occurs in this state shall be filed
5 with the local registrar, or as otherwise directed by the state registrar, within five days after death
6 and shall be registered if such certificate has been completed and filed pursuant to this section. All
7 data providers in the death registration process, including, but not limited to, the state registrar, local
8 registrars, the state medical examiner, county medical examiners, coroners, funeral directors or
9 persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, physician
10 assistants, assistant physicians, advanced practice registered nurses, and the chief medical officers of
11 licensed health care facilities, and other public or private institutions providing medical care,
12 treatment, or confinement to persons, shall be required to use and utilize any electronic death
13 registration system required and adopted under subsection 1 of section 193.265 within six months of
14 the system being certified by the director of the department of health and senior services, or the
15 director's designee, to be operational and available to all data providers in the death registration
16 process. However, should the person or entity that certifies the cause of death not be part of, or
17 does not use, the electronic death registration system, the funeral director or person acting as such
18 may enter the required personal data into the electronic death registration system and then complete
19 the filing by presenting the signed cause of death certification to the local registrar, in which case
20 the local registrar shall issue death certificates as set out in subsection 2 of section 193.265.

21 ~~[Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary~~
22 ~~electronic death registration programs until such time as the system can be certified; however, no~~
23 ~~such pilot or voluntary electronic death registration program shall prevent the filing of a death~~
24 ~~certificate with the local registrar or the ability to obtain certified copies of death certificates under~~
25 ~~subsection 2 of section 193.265 until six months after such certification that the system is~~
26 ~~operational.]~~

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

31 3. When death occurs in a moving conveyance in the United States and the body is first
32 removed from the conveyance in this state, the death shall be registered in this state and the place
33 where the body is first removed shall be considered the place of death. When a death occurs on a
34 moving conveyance while in international waters or air space or in a foreign country or its air space
35 and the body is first removed from the conveyance in this state, the death shall be registered in this
36 state but the certificate shall show the actual place of death if such place may be determined.

Action Taken _____ Date _____

1 4. The funeral director or person in charge of final disposition of the dead body shall file the
2 certificate of death. The funeral director or person in charge of the final disposition of the dead
3 body shall obtain or verify and enter into the electronic death registration system:

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

5 (2) The medical certification and attestation from the person responsible for such
6 certification and attestation if designated to do so under subsection 5 of this section; and

7 (3) Any other information or data that may be required to be placed on a death certificate or
8 entered into the electronic death certificate system including, but not limited to, the name and
9 license number of the embalmer.

10 5. The medical certification shall be completed, attested to its accuracy either by signature
11 or an electronic process approved by the department, and returned to the funeral director or person
12 in charge of final disposition within seventy-two hours after death by the physician, physician
13 assistant, assistant physician, advanced practice registered nurse in charge of the patient's care for
14 the illness or condition which resulted in death. In the absence of the physician, physician assistant,
15 assistant physician, advanced practice registered nurse or with the physician's, physician assistant's,
16 assistant physician's, or advanced practice registered nurse's approval the certificate may be
17 completed and attested to its accuracy either by signature or an approved electronic process by the
18 physician's associate physician, the chief medical officer of the institution in which death occurred,
19 or the physician who performed an autopsy upon the decedent, provided such individual has access
20 to the medical history of the case, views the deceased at or after death and death is due to natural
21 causes. The person authorized to complete the medical certification may, in writing, designate any
22 other person to enter the medical certification information and attestation into the electronic death
23 registration system if the person authorized to complete the medical certificate has physically or by
24 electronic process signed a statement stating the cause of death. Any persons completing the
25 medical certification or entering data and attestation into the electronic death registration system
26 shall be immune from civil liability for such certification or attestation completion, data entry, or
27 determination of the cause of death, absent gross negligence or willful misconduct. The state
28 registrar may approve alternate methods of obtaining and processing the medical certification and
29 filing the death certificate. The Social Security number of any individual who has died shall be
30 placed in the records relating to the death and recorded on the death certificate.

31 6. When death occurs from natural causes more than thirty-six hours after the decedent was
32 last treated by a physician, physician assistant, assistant physician, advanced practice registered
33 nurse, the case shall be referred to the county medical examiner or coroner or physician or local
34 registrar for investigation to determine and certify the cause of death. If the death is determined to
35 be of a natural cause, the medical examiner or coroner or local registrar shall refer the certificate of
36 death to the attending physician, physician assistant, assistant physician, advanced practice
37 registered nurse for such certification. If the attending physician, physician assistant, assistant
38 physician, advanced practice registered nurse refuses or is otherwise unavailable, the medical
39 examiner or coroner or local registrar shall attest to the accuracy of the certificate of death either by
40 signature or an approved electronic process within thirty-six hours.

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

45 8. If the cause of death cannot be determined within seventy-two hours after death, the
46 attending medical examiner, coroner, attending physician, physician assistant, assistant physician,
47 advanced practice registered nurse, or local registrar shall give the funeral director, or person in
48 charge of final disposition of the dead body, notice of the reason for the delay, and final disposition

1 of the body shall not be made until authorized by the medical examiner, coroner, attending
2 physician, physician assistant, assistant physician, advanced practice registered nurse, or local
3 registrar.

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

9 10. [(4)] The department of health and senior services shall notify all physicians, physician
10 assistants, assistant physicians, and advanced practice registered nurses licensed under chapters 334
11 and 335 of the requirements regarding the use of the electronic vital records system provided for in
12 this section.

13 ~~[(2) On or before August 30, 2015, the department of health and senior services, division of~~
14 ~~community and public health shall create a working group comprised of representation from the~~
15 ~~Missouri electronic vital records system users and recipients of death certificates used for~~
16 ~~professional purposes to evaluate the Missouri electronic vital records system, develop~~
17 ~~recommendations to improve the efficiency and usability of the system, and to report such findings~~
18 ~~and recommendations to the general assembly no later than January 1, 2016.]~~

19 193.265. 1. For the issuance of a certification or copy of a death record, the applicant shall
20 pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
21 additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage,
22 divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. All fees shall be
23 deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee
24 collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to
25 the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and
26 three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and
27 fetal death records shall be credited to the Missouri public services health fund established in section
28 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the
29 division of professional registration to pay its expenses in administering sections 214.270 to
30 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be
31 credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to
32 the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and
33 placed to the credit of general revenue until the amount in the fund at the end of the biennium
34 exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for
35 the preceding fiscal year. The money deposited in the public health services fund under this section
36 shall be deposited in a separate account in the fund, and moneys in such account, upon
37 appropriation, shall be used to automate and improve the state vital records system, and develop and
38 maintain an electronic birth and death registration system. For any search of the files and records,
39 when no record is found, the state shall be entitled to a fee equal to the amount for a certification of
40 a vital record for a five-year search to be paid by the applicant. For the processing of each
41 legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall
42 be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a
43 certified copy or copies of a vital record is required to perfect any claim of any person on relief, or
44 any dependent of any person who was on relief for any claim upon the government of the state or
45 United States, the state registrar shall, upon request, furnish a certified copy or so many certified
46 copies as are necessary, without any fee or compensation therefor.

47 2. For the issuance of a certification of a death record by the local registrar, the applicant
48 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each

1 additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage,
 2 divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any
 3 county with a charter form of government and with more than six hundred thousand but fewer than
 4 seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar
 5 over and above any fees required by law when a certification or copy of any marriage license or
 6 birth certificate is provided, with such donations collected to be forwarded monthly by the local
 7 registrar to the county treasurer of such county and the donations so forwarded to be deposited by
 8 the county treasurer into the housing resource commission fund to assist homeless families and
 9 provide financial assistance to organizations addressing homelessness in such county. The local
 10 registrar shall include a check-off box on the application form for such copies. All fees, other than
 11 the donations collected in any county with a charter form of government and with more than six
 12 hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth
 13 certificates, shall be deposited to the official city or county health agency. A certified copy of a
 14 death record by the local registrar can only be issued within twenty-four hours of receipt of the
 15 record by the local registrar. Computer-generated certifications of death records may be issued by
 16 the local registrar after twenty-four hours of receipt of the records. In the event that it is determined
 17 by the state registrar that any required information from any data provider was missing or
 18 incomplete on records or documentation that were filed with or submitted to the local registrar and
 19 then sent to the state registrar, the state registrar shall return the records or documentation to the
 20 local registrar so that the data provider, funeral director, or person in charge of the final disposition,
 21 can provide the missing or incomplete information. Nothing in this subsection removes any
 22 requirement in any statute or regulation as to when an affidavit or court order is necessary to amend
 23 a death certificate that has been issued. The fees paid to the official county health agency shall be
 24 retained by the local agency for local public health purposes.

25 194.119. 1. As used in this section, the term "right of sepulcher" means the right to choose
 26 and control the burial, cremation, or other final disposition of a dead human body.

27 2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating to
 28 the custody, control, and disposition of deceased human remains, including the common law right of
 29 sepulcher, where not otherwise defined, the term "next-of-kin" means the following persons in the
 30 priority listed if such person is eighteen years of age or older, is mentally competent, and is willing
 31 to assume responsibility for the costs of disposition:

32 (1) An attorney in fact designated in a durable power of attorney wherein the deceased
 33 specifically granted the right of sepulcher over his or her body to such attorney in fact;

34 (2) For a decedent who was on active duty in the United States military at the time of death,
 35 the person designated by such decedent in the written instrument known as the United States
 36 Department of Defense Form 93, Record of Emergency Data, in accordance with [P.L. 109-163,
 37 ~~Section 564,~~] 10 U.S.C. Section 1482;

38 (3) The surviving spouse, unless an action for the dissolution of the marriage has been filed
 39 and is pending in a court of competent jurisdiction;

40 (4) Any surviving child of the deceased. If a surviving child is less than eighteen years of
 41 age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's
 42 age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the
 43 child unless such child's legal or natural guardian was subject to an action in dissolution from the
 44 deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order
 45 provided in subdivisions (5) to (9) of this subsection;

46 (5) (a) Any surviving parent of the deceased; or

47 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

48 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent

1 whose residence is the minor child's residence for purposes of mailing and education;

2 (6) Any surviving sibling of the deceased;

3 (7) The next nearest surviving relative of the deceased by consanguinity or affinity;

4 (8) Any person or friend who assumes financial responsibility for the disposition of the
5 deceased's remains if no next-of-kin assumes such responsibility;

6 (9) The county coroner or medical examiner; provided however that such assumption of
7 responsibility shall not make the coroner, medical examiner, the county, or the state financially
8 responsible for the cost of disposition.

9 3. The next-of-kin of the deceased shall be entitled to control the final disposition of the
10 remains of any dead human being consistent with all applicable laws, including all applicable health
11 codes. The next-of-kin may delegate the control of the final disposition of the remains of any dead
12 human being to an agent through either a specific or general grant of power in accordance with
13 section 404.710 if, at the time of delegation, the next-of-kin was eighteen years of age or older and
14 mentally competent and the principal or agent is taking financial responsibility for the disposition.

15 4. A funeral director or establishment is entitled to rely on and act according to the lawful
16 instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any
17 civil cause of action against a funeral director or establishment licensed pursuant to this chapter for
18 actions taken regarding the funeral arrangements for a deceased person in the director's or
19 establishment's care, the relative fault, if any, of such funeral director or establishment may be
20 reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-
21 of-kin.

22 5. Any person who desires to exercise the right of sepulcher and who has knowledge of an
23 individual or individuals with a superior right to control disposition shall notify such individual or
24 individuals prior to making final arrangements.

25 6. If an individual with a superior claim is ~~[personally served with written notice from]~~
26 notified in person or by written notice with delivery confirmation to such person's last known
27 address by a person with an inferior claim that such person desires to exercise the right of sepulcher
28 and the individual so served does not object within forty-eight hours of [receipt] such notice, such
29 individual shall be deemed to have waived such right. An individual with a superior right may also
30 waive such right at any time if such waiver is in writing and dated.

31 7. If there is more than one person in a class who are equal in priority and the funeral
32 director has no knowledge of any objection by other members of such class, the funeral director or
33 establishment shall be entitled to rely on and act according to the instructions of the first such
34 person in the class to make arrangements; provided that such person assumes responsibility for the
35 costs of disposition and no other person in such class provides written notice of his or her objection.
36 If the funeral director has knowledge that there is more than one person in a class who are equal in
37 priority and who do not agree on the disposition, the decision of the majority of the members of
38 such class shall control the disposition.

39 8. For purposes of conducting a majority vote under subsection 7 of this section, the
40 funeral director shall allow voting by proxy using a written authorization or instrument."; and

41
42 Further amend said bill by amending the title, enacting clause, and intersectional references
43 accordingly.