

# Senate Bill 298

Sponsored by Senator HANSELL (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows employee or agent of funeral home or person acting as funeral service practitioner named in record of death or fetal death to request certified copy of record of death or fetal death at any time following date of death.

## A BILL FOR AN ACT

1  
2 Relating to records of death; amending ORS 432.380.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 432.380 is amended to read:

5 432.380. (1)(a) A certified copy of a record of live birth or any part of a record of live birth that  
6 is issued under this section shall be considered the same as the original record of live birth and is  
7 prima facie evidence of the facts stated on the certified copy. However, the evidentiary value of a  
8 certified copy of a record of live birth submitted more than one year after the birth, an amended  
9 record of live birth or a record of foreign live birth must be determined by the judicial or adminis-  
10 trative body or official before whom the certified copy is offered as evidence.

11 (b) A certified copy of a record of death, fetal death, marriage, domestic partnership, dissolution  
12 of marriage or dissolution of domestic partnership or any part of such records that is issued under  
13 this section shall be considered the same as the original record of death, fetal death, marriage, do-  
14 mestic partnership, dissolution of marriage or dissolution of domestic partnership and is prima facie  
15 evidence of the facts stated on the certified copy.

16 (2)(a) The State Registrar of the Center for Health Statistics shall require an applicant for a  
17 certified copy to submit a signed application, documentation of identity and evidence of eligibility.

18 (b)(A) Upon receipt of an application, the state registrar shall review the documentation of  
19 identity provided by the applicant. The documentation must be acceptable to the state registrar and,  
20 at a minimum, include:

21 (i) Government issued identification that includes a photograph;

22 (ii) At least three forms of identification; or

23 (iii) Identification submitted through an electronic process adopted by the state registrar by  
24 rule.

25 (B) Forms of identification that may be submitted under subparagraph (A)(ii) of this paragraph  
26 include, but are not limited to, letters from government or social agencies, payroll statements, utility  
27 bills, student identification with a photograph or other items acceptable to the state registrar.

28 (c)(A) Upon receipt of an application, the state registrar shall review the evidence of eligibility  
29 provided by the applicant. Evidence of eligibility submitted under this subsection may consist of  
30 copies of vital records establishing eligibility, court documents establishing eligibility or alternate  
31 methods identified and accepted by the state registrar. Evidence of eligibility must demonstrate that

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 the applicant is qualified to receive a certified copy.

2 (B) To be qualified, an applicant must be:

3 (i) Eighteen years of age or older or an emancipated minor or, if the applicant is requesting to  
4 receive a certified copy of the applicant's own record of live birth, 15 years of age or older;

5 (ii) If the applicant is requesting a certified copy of a record of live birth, the registrant, the  
6 registrant's spouse, domestic partner who is registered by the state, parent, child, sibling,  
7 grandparent, grandchild, legal guardian or legal representative, an authorized representative or a  
8 government agency acting in the conduct of its official duties;

9 (iii) If the applicant is requesting a certified copy of a record of death, the decedent's spouse,  
10 domestic partner who is registered by the state, child, parent, sibling, grandparent, grandchild, next  
11 of kin, legal guardian immediately before death or legal representative, an authorized representative,  
12 a person in charge of disposition, a government agency acting in the conduct of its official duties,  
13 an employee or agent of a funeral home or person acting as a funeral service practitioner who is  
14 named in the record of death [*for up to two years following the date of death*] or a person that dem-  
15 onstrates to the satisfaction of the state registrar that the certified copy is necessary for a deter-  
16 mination related to or the protection of a personal or property right of the applicant;

17 (iv) If the applicant is requesting a certified copy of a record of fetal death, the parent, legal  
18 guardian, legal representative of a parent, sibling, grandparent, an authorized representative, a  
19 person in charge of disposition, a government agency acting in the conduct of its official duties or  
20 an employee or agent of a funeral home or person acting as a funeral service practitioner who is  
21 named in the record of fetal death [*for up to two years following the date of delivery*]; and

22 (v) If the applicant is requesting a certified copy of a record of marriage, domestic partnership,  
23 dissolution of marriage or dissolution of domestic partnership, the registrant, the registrant's spouse,  
24 domestic partner who is registered by the state, child, parent, sibling, grandparent, grandchild, legal  
25 guardian or legal representative, an authorized representative or a government agency acting in the  
26 conduct of its official duties.

27 (d) The state registrar may verify documentation of identity and evidence of eligibility with any  
28 agency that issued that documentation or evidence in reviewing an application.

29 (3) Notwithstanding subsection (2) of this section, when 100 years have elapsed after the date  
30 of live birth for births occurring after 1914, 50 years have elapsed after the date of death for deaths  
31 occurring after 1964, 50 years have elapsed after the date of fetal death for fetal deaths occurring  
32 after 1964 or 50 years have elapsed after the date of marriage, domestic partnership, dissolution of  
33 marriage or dissolution of domestic partnership for such events occurring after 1964, the state  
34 registrar may issue a certified copy of a record to a person who submits an application on a form  
35 and in a manner prescribed by the state registrar by rule. An application submitted under this  
36 subsection must contain proof of identity.

37 (4) The state registrar shall, upon receipt and approval of an application under this section, is-  
38 sue a certified copy of a vital record in the form of a physical image or abstract to the applicant.

39 (5) The state registrar shall require all certified copies of vital records registered in the state  
40 to be issued from a central database.

41 (6)(a) The state registrar may issue certified copies directly to a government agency or other  
42 institution as described in this subsection.

43 (b) Upon receipt of an application under subsection (2) of this section, the state registrar may  
44 issue, upon request by the qualified applicant, a certified copy in electronic form to a government  
45 agency or other institution approved by the state registrar.

1 (c) The state registrar may authorize a government agency or other institution to receive cer-  
2 tified copies under this subsection in electronic form through an automated system approved by the  
3 state registrar.

4 (d) The state registrar, in approving the issuance of a certified copy to a government agency  
5 or other institution, shall consider the proposed use for the certified copy, the frequency of need for  
6 the certified copy, the security afforded by the government agency or institution and other criteria  
7 as determined by the state registrar by rule.

8 (e) Certified copies issued under this subsection may be used by a government agency only for  
9 purposes related to the official duties of the government agency.

10 (7) The state registrar shall establish minimum information to be included in a certified copy.  
11 A certified copy may not be issued without the minimum information, except that a record of live  
12 birth without a first name for the registrant may be issued to government agencies for adoption or  
13 custody purposes.

14 (8) A certified copy of a death record containing the cause and manner of death may not be is-  
15 sued except as follows:

16 (a) Upon specific request by the spouse, domestic partner who is registered by the state, child,  
17 parent or next of kin of the decedent, a person in charge of disposition or an authorized represen-  
18 tative of a person described in this paragraph;

19 (b) When a documented need for the cause or manner of death to establish a legal right or claim  
20 has been demonstrated; or

21 (c) Upon receiving an order from a court of competent jurisdiction that requires the issuance  
22 of a certified copy of a death record containing the cause and manner of death.

23 (9) Each certified copy issued for a record registered after January 1, 2008, must indicate the  
24 date of registration. If the record was amended, the certified copy must be marked or flagged as  
25 having been amended and must indicate the effective date of the amendment. If the record is marked  
26 or flagged "Delayed," the certified copy must be marked or flagged as having been delayed and must  
27 include the date of registration and a description of the evidence used to establish the record. If the  
28 record is a record of foreign live birth, the certified copy must indicate that fact and show the ac-  
29 tual place of birth. A certified copy for a record of live birth that has been matched to a record of  
30 death must be marked or flagged "Deceased."

31 (10) Information identified in the United States Standard Certificates of Live Birth and Death  
32 and the Report of Fetal Death, or as identified by the state registrar by rule, as only being available  
33 for medical or health purposes is not subject to subpoena or court order and is not admissible before  
34 a court, tribunal or other judicial body. Information identified in the United States Standard Cer-  
35 tificates of Live Birth and Death and the Report of Fetal Death, or as identified by the state  
36 registrar by rule, as having an administrative, statistical, medical or health purpose may not be in-  
37 cluded in a certified copy of a vital record.

38 (11) After acceptance of an application by a qualified applicant, if a record is not identified for  
39 the requested certified copy, the state registrar shall issue a document indicating that a record for  
40 the requested certified copy has not been identified. The document also must include the criteria  
41 used in attempting to identify the record, including the type of vital event, the name of the regis-  
42 trant, the date or range of dates for the vital event and other criteria used.

43 (12) Verification of facts contained in a certified copy may be furnished by the state registrar  
44 to a government agency in the conduct of its official duties. The request for verification must:

45 (a) Include a copy of the certified copy and be in a format prescribed or approved by the state

1 registrar; or

2 (b) If the requester attests to having the certified copy and can provide verification, as deter-  
3 mined by the state registrar by rule, of having the certified copy, be submitted electronically  
4 through an automated system approved by the state registrar.

5 (13) The state registrar shall provide or approve forms and procedures for the issuance of cer-  
6 tified copies of vital records in this state. All forms and procedures must be uniform and be in ac-  
7 cordance with ORS 432.033.

8 (14) The state registrar shall maintain a searchable file, either physical or electronic, of each  
9 application submitted under this section for a minimum of three years.

10 (15) A person may not prepare or issue any paper or electronic document that purports to be  
11 an original vital record, a certified copy for verification of a vital record or a copy of a vital record  
12 except as authorized in this chapter.

13 (16) All applications and supporting documentation submitted for the purpose of issuing certified  
14 copies of vital records are confidential and not subject to public disclosure under ORS 192.311 to  
15 192.478.

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