

Births and Deaths, Certificates Of, Who to Furnish. State Bureau of Vital Statistics, Certificates of Births and Deaths to Be Furnished To.

The local registrar of any city or town of which he is health officer, or the local registrar appointed for the city or town, is the person who is required to see that the cause of death is determined, if possible, before burial permit is issued by him, and is the person who is required to report to the state registrar the births and deaths in his district and it is the duty of the secretary of the state bureau of vital statistics to look to the local registrar and not to the coroner, for obtaining information upon matters pertaining to such board.

April 20, 1911.

Dr. T. D. Tuttle, Sec'y,
State Board of Health,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of April 15th, wherein you state that you are frequently unable to ascertain the proper cause of death where death certificates are signed by coroners, and requesting my opinion as to whether or not under the provisions of the act providing for the registration of births and deaths, you can require a coroner to learn the probable cause of death and fill out the death certificate accordingly.

In reply I will say that under the provisions of Section 1760 and 1761 of the Revised Codes, physicians who attend deceased persons in their last sickness, clergymen who officiate at a funeral, coroners who hold inquest, sextons and undertakers who bury deceased persons must keep a registry of the name, age, residence and time of death of such person; and all persons registering marriages, births or deaths must quarterly file with the county clerk a certified copy of their register specifying among other things the cause of death.

Under the provisions of Section 1766, Revised Codes, being under the chapter relating to state bureau of vital statistics the health officer of the city or town is the local registrar in and for the city or town of which he is health officer, and shall perform the duties of local registrar.

Under the provisions of Section 1768, the body of any person whose death occurs in the state shall not be interred or otherwise disposed of or removed until a permit for burial or removal shall have been properly issued by the registrar of the district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him.

Under the provisions of Section 1770, Revised Codes, as amended by Chapter 48 of the eleventh session laws, the undertaker or person acting as undertaker shall be responsible for obtaining and filing the

certificate of death with the registrar and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them and present the certificate to the attending physician for the medical certificate of the cause of death, and the attending physician is required to make the certificate of the cause of death and the undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker is required to deliver duplicate burial permits to the sexton or person in charge of the place of burial before interring the body. The medical certificate is required to be made and signed by the attending physician, if any, in attendance on the deceased.

By the provisions of Section 1771, in case of any death occurring without medical attendance it is the duty of the undertaker to notify the registrar of such death and when so notified the registrar is required to inform the local health officer or coroner and refer the case to him for immediate investigation and certification prior to issuing a burial permit.

By the provisions of Section 1773, no sexton or person in charge of any cemetery in which interments are made shall inter, or permit to be interred, any body unless it is accompanied by the burial permit herein before referred to; and he is required to endorse upon the permit the day of the interment, over his signature, and to return the permit so endorsed to the local registrar of his district within ten days from the date of interment.

Under the provisions of Section 1775, Revised Codes, it is the duty of the local registrar to supply proper forms of certificates to carefully examine each certificate when presented for record to see that it has been properly made out, and if any certificate is incomplete, it is his duty to call attention to the defect in the return and withhold issuing the burial permit until corrected.

It is apparent, therefore, that the duty devolves upon the local registrar to see that the burial certificate is properly filled out before he issues a burial permit and the only case in which the coroner is to determine the cause of death is when death occurs without medical attendance, and the registrar informs the local health officer or coroner and refers the case to him for immediate investigation. The coroner may not be able to ascertain the cause of death and it is the duty of the local health officer or local registrar to determine this fact as near as may be before issuing the burial certificate.

The local registrar is the person who is required to see that the cause of death is determined if possible before burial permit is issued by him and he is the person who is required to report to the state registrar and you should therefore look to the local registrar and not to the coroner for obtaining information upon matters pertaining to the bureau of vital statistics.

Yours very truly,

ALBERT J. GALEN,

Attorney General.