

HOUSE BILL NO. 115

1/07 Introduced
1/07 Referred to Judiciary
1/09 Hearing
Died in Committee

1 HOUSE BILL NO. 115
 2 INTRODUCED BY MILES
 3 BY REQUEST OF THE DEPARTMENT OF HEALTH
 4 AND ENVIRONMENTAL SCIENCES
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PUBLIC ACCESS
 7 TO DEATH CERTIFICATES IF THE PRIVACY OF LIVING PERSONS IS
 8 NOT JEOPARDIZED; AMENDING SECTION 50-15-112, MCA; AND
 9 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 50-15-112, MCA, is amended to read:
 13 "50-15-112. Inspection of records and issuance of
 14 copies limited. (1) The department may not permit inspection
 15 of the records or issue copies of a certificate unless it is
 16 satisfied that:

17 (a) the applicant has a direct and tangible interest
 18 in the data recorded and that the information is necessary
 19 for the determination of personal or property rights; or

20 (b) in the case of death certificates, the privacy
 21 rights of living persons will not be jeopardized by such
 22 access.

23 (2) "Tangible interest" includes but is not limited to
 24 the interests of the persons described in 50-15-206 for the
 25 purposes of custody actions, social security eligibility

1 determinations, or Indian tribal enrollment determinations."
 2 NEW SECTION. Section 2. Saving clause. This act does
 3 not affect rights and duties that matured, penalties that
 4 were incurred, or proceedings that were begun before the
 5 effective date of this act.

6 NEW SECTION. Section 3. Extension of authority. Any
 7 existing authority of the department of health and
 8 environmental sciences to make rules on the subject of the
 9 provisions of this act is extended to the provisions of this
 10 act.

11 NEW SECTION. Section 4. Effective date. This act is
 12 effective on passage and approval.

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