

HOUSE BILL 732

Introduced by Simon

2/15	Introduced
2/16	Referred to Human Services & Aging
2/17	Hearing
2/18	Committee Report--Bill Passed as Amended
2/21	2nd Reading Do Pass Motion Failed

1 House BILL NO. 732
2 INTRODUCED BY Sen
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS TO
5 ENSURE THE ACCURACY OF INFORMATION RECORDED ON DEATH AND
6 FETAL DEATH CERTIFICATES; AMENDING SECTIONS 50-15-204 AND
7 50-15-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
8 AND A RETROACTIVE APPLICABILITY DATE."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 50-15-204, MCA, is amended to read:

12 **"50-15-204. Delayed or amended birth certificate.** (1)
13 After the time prescribed by the department, a person born
14 in this state may file a birth certificate upon submitting
15 proof as required by the department or by any court.

16 (2) A person may amend a birth, ~~death, or fetal death~~
17 certificate upon submitting proof as required by the
18 department.

19 (3) If birth certificates are accepted 6 months or
20 more after the time prescribed for filing or are altered by
21 the department after filing, the certificate shall show the
22 date of the delayed filing or alteration and the mark
23 "delayed" or "altered". A summary statement of the evidence
24 in support of the delayed filing or alteration shall be
25 endorsed on the certificate.

1 (4) The probative value of a "delayed" or "altered"
2 certificate of birth is determined by the judicial or
3 administrative body before whom the certificate is offered
4 as evidence."

5 **Section 2.** Section 50-15-403, MCA, is amended to read:

6 **"50-15-403. Preparation of certificate when death**
7 **medically attended.** A person in charge of interment shall:

8 (1) obtain personal data required by the department
9 from persons best qualified to supply the data and enter it
10 on the death or fetal death certificate;

11 (2) (a) present the death certificate to the physician
12 last in attendance upon the deceased, the coroner having
13 jurisdiction, or the state medical examiner, who shall
14 certify the cause of death according to his best knowledge
15 and belief and state whether there are other significant
16 factors contributing to the cause of death; or

17 (b) present the fetal death certificate to the
18 physician, midwife, or other person in attendance, who shall
19 certify the fetal death and supply any pertinent additional
20 medical data;

21 (3) notify the local registrar if the death or fetal
22 death occurred without attendance or if the physician last
23 in attendance failed to sign the death certificate;

24 (4) file the death or fetal death certificate with the
25 local registrar within 3 days after the occurrence."

NEW SECTION. Section 3. Filing of certificate prohibited. The department may not accept for filing a death or fetal death certificate if:

(1) it finds an error or omission of information required by the department; or

(2) for any reason, it appears that the cause of death has not been completely established.

NEW SECTION. Section 4. Correction or amendment of certificate. A person may correct or amend a death or fetal certificate if:

(1) under 50-15-112, the person has a direct and tangible interest in the information recorded on the death or fetal death certificate; and

(2) the person submits reasonable evidence that the death or fetal death certificate is not complete or accurate.

NEW SECTION. Section 5. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 6. Codification instruction. [Sections 3 and 4] are intended to be codified as an integral part of Title 50, chapter 15, part 4, and the provisions of Title 50, chapter 15, part 4, apply to [sections 3 and 4].

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 8. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to any death or fetal death certificate filed prior to [the effective date of this act].

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

HOUSE BILL NO. 732

INTRODUCED BY SIMON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS TO ENSURE THE ACCURACY OF INFORMATION RECORDED ON DEATH AND FETAL DEATH CERTIFICATES; AMENDING SECTIONS 50-15-204 AND 50-15-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-15-204, MCA, is amended to read:

"50-15-204. Delayed or amended birth certificate. (1)

After the time prescribed by the department, a person born in this state may file a birth certificate upon submitting proof as required by the department or by any court.

(2) A person may amend a birth~~y~~-death~~y~~-or-fetal-death certificate upon submitting proof as required by the department.

(3) If birth certificates are accepted 6 months or more after the time prescribed for filing or are altered by the department after filing, the certificate shall show the date of the delayed filing or alteration and the mark "delayed" or "altered". A summary statement of the evidence in support of the delayed filing or alteration shall be endorsed on the certificate.

(4) The probative value of a "delayed" or "altered" certificate of birth is determined by the judicial or administrative body before whom the certificate is offered as evidence."

Section 2. Section 50-15-403, MCA, is amended to read:

"50-15-403. Preparation of certificate when---death medically--attended. A person in charge of interment shall:

(1) obtain personal data required by the department from persons best qualified to supply the data and enter it on the death or fetal death certificate;

(2) (a) present the death certificate to the physician last in attendance upon the deceased, the coroner having jurisdiction, or the state medical examiner, who shall certify the cause of death according-to-his--best--knowledge and--belief and state whether there are other significant factors contributing to the cause of death; or

(b) present the fetal death certificate to the physician, midwife, or other person in attendance, who shall certify the fetal death and supply any pertinent additional medical data;

(3) notify the local registrar if the death or fetal death occurred without attendance or if the physician last in attendance failed to sign the death certificate;

(4) file the death or fetal death certificate with the local registrar within 3 days after the occurrence."

1 NEW SECTION. Section 3. Filing of certificate
2 prohibited. The department may not accept for filing a death
3 or fetal death certificate if:

4 (1) it finds an error or omission of ANY information
5 ON THE CERTIFICATE FORM THAT IS required by the department;
6 or

7 (2) for any reason, it appears that the cause of death
8 has OR OTHER SIGNIFICANT FACTORS CONTRIBUTING TO THE CAUSE
9 OF DEATH HAVE not been completely established, UNLESS, AFTER
10 THE EXERCISE OF REASONABLE DILIGENCE, A CAUSE OF DEATH
11 CANNOT BE ESTABLISHED.

12 NEW SECTION. Section 4. Correction or amendment of
13 certificate. A person may correct or amend a death or fetal
14 DEATH certificate if:

15 (1) under 50-15-112, the person has a direct and
16 tangible interest in the information recorded on the death
17 or fetal death certificate; and

18 (2) the person submits reasonable evidence that the
19 death or fetal death certificate is not complete or
20 accurate.

21 NEW SECTION. Section 5. Extension of authority. Any
22 existing authority to make rules on the subject of the
23 provisions of [this act] is extended to the provisions of
24 [this act].

25 NEW SECTION. Section 6. Codification instruction.

1 [Sections 3 and 4] are intended to be codified as an
2 integral part of Title 50, chapter 15, part 4, and the
3 provisions of Title 50, chapter 15, part 4, apply to
4 [sections 3 and 4].

5 NEW SECTION. Section 7. Effective date. [This act] is
6 effective on passage and approval.

7 NEW SECTION. Section 8. Retroactive applicability.
8 [This act] applies retroactively, within the meaning of
9 1-2-109, to any death or fetal death certificate filed prior
10 to [the effective date of this act].

-End-