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2 INTRODUCED BY Kath Christians, Bill McArthur

House BILL NO. 340

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PLACE OF REGISTRATION OF A DEATH  
5 CERTIFICATE; CLARIFYING THE PLACE AND TIME OF DEATH TO BE ENTERED ON A DEATH CERTIFICATE  
6 WHEN THE PLACE OR TIME IS UNKNOWN OR UNCERTAIN; REQUIRING MEDICAL CERTIFICATION TO BE  
7 COMPLETED WITHIN THE TIME SET BY RULE BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN  
8 SERVICES; REQUIRING A DEATH CERTIFICATE TO SHOW THE DATE OF FILING RATHER THAN THE DATE  
9 OF REGISTRATION; AMENDING SECTIONS 50-15-121 AND 50-15-403, MCA; AND REPEALING SECTION  
10 50-15-401, MCA."

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

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14 **Section 1.** Section 50-15-121, MCA, is amended to read:

15 **"50-15-121. Copies from system of vital statistics.** (1) Except as provided in subsections (4), (6),  
16 and (7), the department and county clerk and recorders shall, upon receipt of an application, issue a  
17 certified copy or copies of a vital record or a part of a vital record to the registrant, the registrant's spouse,  
18 children, parents, or guardian, or an authorized representative. Other individuals may obtain certified copies  
19 when the individual demonstrates that the record is needed for the determination or protection of the  
20 individual's personal or property rights. The department shall adopt rules to further define those who may  
21 obtain copies of vital records filed under this chapter.

22 (2) All applications, forms, and procedures used in the issuance of certified copies of vital records  
23 in the state must be uniform and prepared or approved by the department. All certified copies must contain  
24 security features that deter the document from being altered, counterfeited, duplicated, or simulated  
25 without ready detection that there have been these changes to the document.

26 (3) Each copy issued must show the date of ~~registration~~ filing. Copies issued from amended records  
27 must be marked and must show the effective date of the amendment. Copies issued from delayed records  
28 must be marked, must include the date of ~~registration~~ filing, and must contain a statement of the evidence  
29 used to establish the delayed certificate. A copy issued of a certificate of foreign birth must indicate the  
30 fact of foreign birth and the date of birth (if known), must show the actual place of birth, and must state

1 that the certificate is not proof of United States citizenship for the adoptive child.

2 (4) A certified copy or other copy of a death certificate containing information or data that would  
3 identify any person or institution named in a certificate or report and the cause of death information may  
4 not be issued, except as follows:

5 (a) upon specific request of the spouse, children, parents, or other next of kin of the decedent or  
6 their respective authorized representatives, as specified by department rule;

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10 monetary benefits to the decedent's survivors or beneficiaries, as may be specified by department rule;

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1 approximated, the date that the body was found must be entered as the date of death, and the certificate  
2 must indicate that fact.

3 (4) When a death occurs in a moving vehicle, as defined in 45-2-101, in the United States and the  
4 body is first removed from the vehicle in this state, the death must be registered in this state and the place  
5 where the body is first removed is considered the place of death. When a death occurs in a moving vehicle  
6 while in international air space or in a foreign country or its air space and the body is first removed from  
7 the vehicle in this state, the death must be registered in this state, but the actual place of death, insofar  
8 as it can be determined, must be entered on the death certificate."

9  
10 NEW SECTION. Section 3. Repealer. Section 50-15-401, MCA, is repealed.

11 -END-



## HOUSE BILL NO. 340

INTRODUCED BY KOTTEL, GILLAN, MCCULLOCH, CHRISTIAENS

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PLACE OF REGISTRATION OF A DEATH CERTIFICATE; CLARIFYING THE PLACE AND TIME OF DEATH TO BE ENTERED ON A DEATH CERTIFICATE WHEN THE PLACE OR TIME IS UNKNOWN OR UNCERTAIN; REQUIRING MEDICAL CERTIFICATION TO BE COMPLETED WITHIN THE TIME SET BY RULE BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REQUIRING A DEATH CERTIFICATE TO SHOW THE DATE OF FILING RATHER THAN THE DATE OF REGISTRATION; AMENDING SECTIONS 50-15-121 AND 50-15-403, MCA; AND REPEALING SECTION 50-15-401, MCA."

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

**Section 1.** Section 50-15-121, MCA, is amended to read:

**"50-15-121. Copies from system of vital statistics.** (1) Except as provided in subsections (4), (6), and (7), the department and county clerk and recorders shall, upon receipt of an application, issue a certified copy or copies of a vital record or a part of a vital record to the registrant, the registrant's spouse, children, parents, or guardian, or an authorized representative. Other individuals may obtain certified copies when the individual demonstrates that the record is needed for the determination or protection of the individual's personal or property rights. The department shall adopt rules to further define those who may obtain copies of vital records filed under this chapter.

(2) All applications, forms, and procedures used in the issuance of certified copies of vital records in the state must be uniform and prepared or approved by the department. All certified copies must contain security features that deter the document from being altered, counterfeited, duplicated, or simulated without ready detection that there have been these changes to the document.

(3) Each copy issued must show the date of ~~registration~~ filing. Copies issued from amended records must be marked and must show the effective date of the amendment. Copies issued from delayed records must be marked, must include the date of ~~registration~~ filing, and must contain a statement of the evidence used to establish the delayed certificate. A copy issued of a certificate of foreign birth must indicate the fact of foreign birth and the date of birth (if known), must show the actual place of birth, and must state

1 that the certificate is not proof of United States citizenship for the adoptive child.

2 (4) A certified copy or other copy of a death certificate containing information or data that would  
3 identify any person or institution named in a certificate or report and the cause of death information may  
4 not be issued, except as follows:

5 (a) upon specific request of the spouse, children, parents, or other next of kin of the decedent or  
6 their respective authorized representatives, as specified by department rule;

7 (b) when a documented need for the cause of death to establish a legal right or claim has been  
8 demonstrated, as specified by department rule;

9 (c) when the request for the copy is made by or on behalf of a person or entity that provides  
10 monetary benefits to the decedent's survivors or beneficiaries, as may be specified by department rule;

11 (d) upon specific request by federal, state, or local agencies for research or administrative purposes  
12 and when approved for release by the department;

13 (e) when needed for research activities and approved for release by the department; or

14 (f) upon receipt by the department of an order directed to the department from a court of  
15 competent jurisdiction ordering the release.

16 (5) A certified copy of a vital record or any part of a vital record, issued in accordance with  
17 subsections (1) through (3), must be considered for all purposes the same as the original. The admissibility  
18 of a certificate or vital record filed more than 1 year after the event or after a corrective record is filed, of  
19 a vital record that has been amended, or of a certificate of foreign birth must be determined by the judicial  
20 or administrative body or official before whom the certificate is offered as evidence.

21 (6) This section may not be construed to permit disclosure of confidential information contained  
22 in a birth certificate for medical or health use or of information for statistical purposes only contained in a  
23 certificate of marriage or report of dissolution of marriage unless disclosure is specifically authorized by law  
24 for statistical or research purposes or unless ordered by a court.

25 (7) (a) When the department receives information that a certificate may have been registered  
26 through fraud or misrepresentation, it shall withhold issuance of the certificate or any copy of that  
27 certificate pending issuance of an order after an administrative contested case hearing before the  
28 department to determine whether fraud or misrepresentation has occurred.

29 (b) The hearing provided for in subsection (7)(a) must be conducted pursuant to the Montana  
30 Administrative Procedure Act. In the proceeding, the department shall notify the registrant or the

1 registrant's authorized representative and provide the registrant or the representative the opportunity to be  
2 heard.

3 (c) If, upon conclusion of the hearing, fraud or misrepresentation is not found, the department may  
4 issue the certificate or copies of the certificate in question.

5 (d) If, upon conclusion of the hearing, fraud or misrepresentation is found, the department may not  
6 register the certificate unless ordered to do so by a court.

7 (e) An affected person may appeal the department's decision to the district court as provided in  
8 Title 2, chapter 4, part 7.

9 (8) A person may not prepare or issue any certificate that purports to be an original or certified  
10 copy, except as authorized in this chapter or rules adopted to implement this chapter.

11 (9) The department may, by rule, prescribe details for the hearing and appellate procedures  
12 contained in this section."

13

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

15 **"50-15-403. Preparation and filing of death or fetal death certificate.** (1) A person in charge of  
16 disposition of a dead body or fetus that weighs at least 350 grams at death or, if the weight is unknown,  
17 has reached 20 completed weeks of gestation at death shall obtain personal data on the deceased or, in  
18 the case of a fetal death, on the parents that is required by the department from persons best qualified to  
19 supply the data and enter it on the death or fetal death certificate.

20 (2) The person in charge of disposition of the dead body or fetus shall present the death certificate  
21 to the certifying physician or the coroner having jurisdiction for medical certification of the cause of death.  
22 The medical certification must be completed by the physician or the coroner within the timeframe  
23 established by the department by rule. The person in charge of disposition shall obtain the completed  
24 certification of the cause of death from the physician or the coroner and shall, within the time that the  
25 department may ~~by rule~~ prescribe by rule, file the death or fetal death certificate with the local registrar in  
26 the registration area where the death occurred or, if the place of death is unknown, where the dead body  
27 was discovered.

28 (3) If a dead body is found in this state but the place of death is unknown, the place where the  
29 body is found must be shown as the place of death on the death certificate. If the date of death is  
30 unknown, then the approximate date must be entered on the certificate. If the date cannot be

1 approximated, the date that the body was found must be entered as the date of death, and the certificate  
2 must indicate that fact.

3 (4) When a death occurs in a moving vehicle, as defined in 45-2-101, in the United States and the  
4 body is first removed from the vehicle in this state, the death must be registered in this state and the place  
5 where the body is first removed is considered the place of death. When a death occurs in a moving vehicle  
6 while in international air space or in a foreign country or its air space and the body is first removed from  
7 the vehicle in this state, the death must be registered in this state, but the actual place of death, insofar  
8 as it can be determined, must be entered on the death certificate."

9

10 **NEW SECTION. Section 3. Repealer. Section 50-15-401, MCA, is repealed.**

11

-END-