

INSPECTION OF VITAL RECORDS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Zolman

AN ACT RELATING TO HEALTH; CLARIFYING THOSE PERSONS WHO HAVE A DIRECT AND TANGIBLE INTEREST TO ACCESS VITAL RECORDS; AND ESTABLISHING A TIME PERIOD AFTER WHICH A VITAL RECORD IS AVAILABLE GENERALLY TO THE PUBLIC.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

26-2-22, as last amended by Chapter 202, Laws of Utah 1995

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-2-22** is amended to read:

26-2-22. Inspection of vital records.

(1) (a) The vital records shall be open to inspection, but only in compliance with the provisions of this chapter, department rules, and Section 78-30-18. It is unlawful for any state or local officer or employee to disclose data contained in vital records contrary to this chapter or department rule.

(b) A custodian of vital records may permit inspection of a vital record or issue a certified copy of a record or a part of it when the custodian is satisfied the applicant has demonstrated a direct, tangible, and legitimate interest.

(2) A direct, tangible, and legitimate interest in a vital record is present only if:

(a) the request is from the subject, a member of the subject's immediate family, the guardian of the subject, or a designated legal representative;

~~(a)~~ (b) the request involves a personal or property right of the subject of the record;

~~(b)~~ (c) the request is for official purposes of a state, local, or federal governmental agency;

~~(c)~~ (d) the request is for a statistical or medical research program and prior consent has been obtained from the state registrar; or

[(d)] (e) the request is a certified copy of an order of a court of record specifying the record to be examined or copied.

(3) For purposes of Subsection (2):

(a) "immediate family member" means a spouse, child, parent, sibling, grandparent, or grandchild;

(b) a designated legal representative means an attorney, physician, funeral director, genealogist, or other agent of the subject or the subject's immediate family who has been delegated the authority to access vital records;

(c) except as provided in Title 78, Chapter 30, Adoption, a parent, or the immediate family member of a parent, who does not have legal or physical custody of or visitation rights for a child because of the termination of parental rights pursuant to Title 78, Chapter 3a, Juvenile Courts, or by virtue of consenting to or relinquishing a child for adoption pursuant to Title 78, Chapter 30, Adoption, may not be considered as having a direct, tangible, and legitimate interest; and

(d) a commercial firm or agency requesting names, addresses, or similar information may not be considered as having a direct, tangible, and legitimate interest.

(4) Upon payment of a fee established in accordance with Section 63-38-3.2, the following records shall be available to the public:

(a) except as provided in Subsection 26-2-10(4)(b), a birth record, excluding confidential information collected for medical and health use, if 100 years or more have passed since the date of birth;

(b) a death record if 50 years or more have passed since the date of death; and

(c) a vital record not subject to Subsection (4)(a) or (b) if 75 years or more have passed since the date of the event upon which the record is based.