

REVISING DEATH CERTIFICATES

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carlene M. Walker

House Sponsor: Sylvia S. Andersen

LONG TITLE

General Description:

This bill amends the Vital Statistics Act to prohibit the display of Social Security numbers on death certificates.

Highlighted Provisions:

This bill:

- prohibits the display of Social Security numbers on death certificates.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-2-4, as last amended by Chapter 86, Laws of Utah 2000

26-2-13, as last amended by Chapter 56, Laws of Utah 2006

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

Section 1. Section 26-2-4 is amended to read:

26-2-4. Content and form of certificates and reports.

(1) [Fø] Except as provided in Subsection (5), to promote and maintain nationwide uniformity in the vital records system, the forms of certificates, certification, reports, and other documents and records required by this chapter or the rules implementing this chapter shall include as a minimum the items recommended by the federal agency responsible for national

30 vital statistics, subject to approval, additions, and modifications by the department.

31 (2) Certificates, certifications, forms, reports, other documents and records, and the
32 form of communications between persons required by this chapter shall be prepared in the
33 format prescribed by department rule.

34 (3) All vital records shall include the date of filing.

35 (4) Certificates, certifications, forms, reports, other documents and records, and
36 communications between persons required by this chapter may be signed, filed, verified,
37 registered, and stored by photographic, electronic, or other means as prescribed by department
38 rule.

39 (5) The state:

40 (a) may collect the Social Security number of a deceased individual; and

41 (b) may not include the Social Security number of an individual on a certificate of
42 death.

43 Section 2. Section **26-2-13** is amended to read:

44 **26-2-13. Certificate of death -- Execution and registration requirements.**

45 (1) (a) A certificate of death for each death which occurs in this state shall be filed with
46 the local registrar of the district in which the death occurs, or as otherwise directed by the state
47 registrar, within five days after death and prior to the decedent's interment, any other disposal,
48 or removal from the registration district where the death occurred.

49 (b) A certificate of death shall be registered if it is completed and filed in accordance
50 with this chapter.

51 (2) (a) If the place of death is unknown but the dead body is found in this state, the
52 certificate of death shall be completed and filed in accordance with this section.

53 (b) The place where the dead body is found shall be shown as the place of death.

54 (c) If the date of death is unknown, the date shall be determined by approximation.

55 (3) (a) When death occurs in a moving conveyance in the United States and the
56 decedent is first removed from the conveyance in this state:

57 (i) the certificate of death shall be filed with:

- 58 (A) the local registrar of the district where the decedent is removed; or
- 59 (B) a person designated by the state registrar; and
- 60 (ii) the place where the decedent is removed shall be considered the place of death.
- 61 (b) When a death occurs on a moving conveyance outside the United States and the
- 62 decedent is first removed from the conveyance in this state:
- 63 (i) the certificate of death shall be filed with:
- 64 (A) the local registrar of the district where the decedent is removed; or
- 65 (B) a person designated by the state registrar; and
- 66 (ii) the certificate of death shall show the actual place of death to the extent it can be
- 67 determined.
- 68 (4) (a) The custodial funeral service director shall sign the certificate of death.
- 69 (b) The custodial funeral service director or an agent of the custodial funeral service
- 70 director shall:
- 71 (i) file the certificate of death prior to any disposition of a dead body or fetus; and
- 72 (ii) obtain the decedent's personal data from the next of kin or the best qualified person
- 73 or source available including the decedent's Social Security number, if known, however, the
- 74 certificate of death may not include the decedent's Social Security number.
- 75 (5) (a) The medical section of the certificate of death shall be completed, signed, and
- 76 returned to the funeral service director within 72 hours after death by the physician who was in
- 77 charge of the decedent's care for the illness or condition which resulted in death, except when
- 78 inquiry is required by Title 26, Chapter 4, Utah Medical Examiner Act.
- 79 (b) In the absence of the physician or with the physician's approval, the certificate of
- 80 death may be completed and signed by an associate physician, the chief medical officer of the
- 81 institution in which death occurred, or a physician who performed an autopsy upon the
- 82 decedent, provided the person has access to the medical history of the case, views the decedent
- 83 at or after death, and death is not due to causes required to be investigated by the medical
- 84 examiner.
- 85 (6) When death occurs more than 30 days after the decedent was last treated by a

86 physician, the case shall be referred to the medical examiner for investigation to determine and
87 certify the cause, date, and place of death.

88 (7) When inquiry is required by Title 26, Chapter 4, Utah Medical Examiner Act, the
89 medical examiner shall make an investigation and complete and sign the medical section of the
90 certificate of death within 72 hours after taking charge of the case.

91 (8) If the cause of death cannot be determined within 72 hours after death:

92 (a) the medical section of the certificate of death shall be completed as provided by
93 department rule;

94 (b) the attending physician or medical examiner shall give the funeral service director
95 notice of the reason for the delay; and

96 (c) final disposition of the decedent may not be made until authorized by the attending
97 physician or medical examiner.

98 (9) (a) When a death is presumed to have occurred within this state but the dead body
99 cannot be located, a certificate of death may be prepared by the state registrar upon receipt of
100 an order of a Utah district court.

101 (b) The order described in Subsection (9)(a) shall include a finding of fact stating the
102 name of the decedent, the date of death, and the place of death.

103 (c) A certificate of death prepared under Subsection (9)(a) shall:

104 (i) show the date of registration; and

105 (ii) identify the court and date of the order.