

DEATH CERTIFICATE PROCEDURE

AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon J. Greiner

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the Vital Statistics Act.

Highlighted Provisions:

This bill:

- ▶ requires the custodial funeral service director to file with the registrar the information related to personal data for the certificate of death;
- ▶ requires the custodial funeral service director to deliver the certificate of death to the physician to complete the medical part of the certificate of death;
- ▶ requires the physician to file the medical portion of the certificate of death with the registrar rather than return the medical portion of the certificate of death to the custodial funeral service director who would then file it with the registrar; and
- ▶ makes technical amendments.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 276, Health Professional Authority - Death Certificate and Disability, by changing terminology.

Utah Code Sections Affected:

AMENDS:



28 **26-2-13**, as last amended by Laws of Utah 2007, Chapter 32

28a **§→ 26-2-16, as last amended by Laws of Utah 2006, Chapter 56 ←§**

29

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

31 Section 1. Section **26-2-13** is amended to read:

32 **26-2-13. Certificate of death -- Execution and registration requirements.**

33 (1) (a) A certificate of death for each death which occurs in this state;

34 (i) shall be filed with:

35 (A) the local registrar of the district in which the death occurs[;]; or

36 (B) as otherwise directed by the state registrar[;]; and

37 (ii) shall be filed:

38 (A) within five days after death; and

39 (B) prior to:

40 (I) the decedent's interment[;];

41 (II) any other disposal[;] of the decedent; or

42 (III) removal of the decedent from the registration district where the death occurred.

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

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

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

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

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

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

52 (A) the local registrar of the district where the decedent is removed; or

53 (B) a person designated by the state registrar; and

54 (ii) the place where the decedent is removed shall be considered the place of death.

55 (b) When a death occurs on a moving conveyance outside 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 certificate of death shall show the actual place of death to the extent it can be
61 determined.

62 [~~(4) (a) The custodial funeral service director shall sign the certificate of death.~~]

63 [~~(b)~~] (4) The custodial funeral service director or an agent of the custodial funeral
64 service director;

65 (a) shall [~~:(i) file the certificate of death prior to any disposition of a dead body or~~
66 ~~fetus; and (ii)] obtain the decedent's personal data from the next of kin or the best qualified
67 person or source available including the decedent's Social Security number, if known;
68 [~~however, the certificate of death~~]~~

69 (b) may not include the decedent's Social Security number [~~:~~] on the certificate of death;

70 (c) shall complete the information on the certificate of death, except for the medical
71 section required by Subsection (5);

72 (d) shall sign and submit the information required by Subsection (4)(a) in accordance
73 with Subsection (1)(a); and

74 (e) shall deliver to the physician the certificate of death to be completed by the
75 physician in accordance with Subsection (5).

76 (5) (a) The medical section of the certificate of death shall be completed, signed, and
77 returned to the [~~funeral service director~~] registrar in accordance with Subsection (1)(a) within
78 72 hours after death by the physician who was in charge of the decedent's care for the illness or
79 condition which resulted in death, except when inquiry is required by Title 26, Chapter 4, Utah
80 Medical Examiner Act.

81 (b) In the absence of the physician or with the physician's approval, the certificate of
82 death may be completed and signed by an associate physician, the chief medical officer of the
83 institution in which death occurred, or a physician who performed an autopsy upon the
84 decedent, provided the person has access to the medical history of the case, views the decedent
85 at or after death, and death is not due to causes required to be investigated by the medical
86 examiner.

87 (6) When death occurs more than 30 days after the decedent was last treated by a
88 physician, the case shall be referred to the medical examiner for investigation to determine and
89 certify the cause, date, and place of death.

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

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

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

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

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

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

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

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

106 (i) show the date of registration; and

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

107a **§→ Section 2. Section 26-2-16 is amended to read:**

107b **26-2-16. Certificate of death -- Duties of a custodial funeral service director or agent --**

107c **Medical certification -- Records of funeral service director -- Information filed with local**
 107d **registrar -- Unlawful signing of certificate of death.**

107e **(1) The custodial funeral service director shall sign the certificate of death prior to any**
 107f **disposition of a dead body or dead fetus.**

107g **(2) The custodial funeral service director or an agent of the custodial funeral service**
 107h **director shall:**

107i **(a) obtain personal and statistical information regarding the decedent from the**
 107j **available persons best qualified to provide the information;**

107k **(b) present the certificate of death to the attending physician, if any, or to the medical**
 107l **examiner who shall certify the cause of death and other information required on the certificate**
 107m **of death;**

107n **(c) provide the address of the custodial funeral service director; and**

107o **(d) certify the date and place of burial {~~;~~and**

107p ~~**(e) file the certificate of death with the state or local registrar }** . ←**§**~~

107q **§→** (3) A funeral service director, embalmer, or other person who removes from the place
 107r of death or transports or is in charge of final disposal of a dead body or dead fetus, shall keep
 107s a record identifying the dead body or dead fetus, and containing information pertaining to
 107t receipt, removal, and delivery of the dead body or dead fetus as prescribed by department
 107u rule.

107v (4) (a) Not later than the tenth day of each month, every licensed funeral service
 107w establishment shall send to the local registrar and the department a list of the information
 107x required in Subsection (3) for each casket furnished and for funerals performed when no
 107y casket was furnished, during the preceding month.

107z (b) The list described in Subsection (4)(a) shall be in the form prescribed by the state
 107aa registrar.

107ab (5) Any person who intentionally signs the portion of a certificate of death that is
 107ac required to be signed by a funeral service director under Subsection (1) is guilty of a class B
 107ad misdemeanor, unless the person:

107ae (a) is a funeral service director; and

107af (b) is employed by a licensed funeral establishment. ←**§**

108 Section 2. Coordinating S.B. 175 with H.B. 276 -- Changing terminology.

109 If this S.B. 175 and H.B. 276, Health Professional Authority - Death and Disability,

110 both pass, it is the intent of the Legislature that the Office of Legislative Research and General

111 Counsel, in preparing the Utah Code database for publication, replace the word "physician"

in

112 Subsection 26-2-13(4)(e) with the word "health care professional".

Legislative Review Note

as of 1-29-08 8:45 AM

Office of Legislative Research and General Counsel

S.B. 175 - Death Certificate Procedure Amendments

Fiscal Note

2008 General Session
State of Utah

State Impact

Enactment of this Legislation will require \$43,000 ongoing and \$16,800 one-time General Fund to the Department of Health.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$43,000	\$43,000	\$0	\$0	\$0
General Fund, One-Time	\$0	\$16,800	\$0	\$0	\$0	\$0
Total	\$0	\$59,800	\$43,000	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.