

UTAH VITAL STATISTICS ACT AMENDMENT

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions of the Utah Vital Statistics Act.

Highlighted Provisions:

This bill:

► amends the definition of "licensed funeral establishment" to include funeral establishments outside of Utah that are licensed by another United States jurisdiction.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-2-2, as last amended by Laws of Utah 2015, Chapters 137 and 184

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

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

26-2-2. Definitions.

As used in this chapter:

(1) "Adoption document" means an adoption-related document filed with the office, a



28 petition for adoption, a decree of adoption, an original birth certificate, or evidence submitted
29 in support of a supplementary birth certificate.

30 (2) "Advanced practice registered nurse" means a person licensed to practice as an
31 advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.

32 (3) "Custodial funeral service director" means a funeral service director who:

33 (a) is employed by a licensed funeral establishment; and

34 (b) has custody of a dead body.

35 (4) "Dead body" or "decedent" means a human body or parts of the human body from
36 the condition of which it reasonably may be concluded that death occurred.

37 (5) "Dead fetus" means a product of human conception, other than those circumstances
38 described in Subsection 76-7-301(1):

39 (a) of 20 weeks' gestation or more, calculated from the date the last normal menstrual
40 period began to the date of delivery; and

41 (b) that was not born alive.

42 (6) "Declarant father" means a male who claims to be the genetic father of a child, and,
43 along with the biological mother, signs a voluntary declaration of paternity to establish the
44 child's paternity.

45 (7) "Dispositioner" means:

46 (a) a person designated in a written instrument, under Subsection 58-9-602(1), as
47 having the right and duty to control the disposition of the decedent, if the person voluntarily
48 acts as the dispositioner; or

49 (b) the next of kin of the decedent, if:

50 (i) (A) a person has not been designated as described in Subsection (7)(a); or

51 (B) the person described in Subsection (7)(a) is unable or unwilling to exercise the
52 right and duty described in Subsection (7)(a); and

53 (ii) the next of kin voluntarily acts as the dispositioner.

54 (8) "File" means the submission of a completed certificate or other similar document,
55 record, or report as provided under this chapter for registration by the state registrar or a local
56 registrar.

57 (9) "Funeral service director" means the same as that term is defined in Section
58 58-9-102.

- 59 (10) "Health care facility" means the same as that term is defined in Section 26-21-2.
- 60 (11) "Health care professional" means a physician or nurse practitioner.
- 61 (12) "Licensed funeral establishment" means:
- 62 (a) if located in Utah, a funeral service establishment, as that term is defined in Section
- 63 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act[-]; or
- 64 (b) if located in a state, district, or territory of the United States other than Utah, a
- 65 funeral service establishment that complies with the licensing laws of the jurisdiction where the
- 66 establishment is located.
- 67 (13) "Live birth" means the birth of a child who shows evidence of life after the child is
- 68 entirely outside of the mother.
- 69 (14) "Local registrar" means a person appointed under Subsection 26-2-3(3)(b).
- 70 (15) "Nurse practitioner" means an advanced practice registered nurse specializing as a
- 71 nurse practitioner who has completed an education program regarding the completion of a
- 72 certificate of death developed by the department by administrative rule adopted in accordance
- 73 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 74 (16) "Office" means the Office of Vital Records and Statistics within the Department
- 75 of Health, operating under Title 26, Chapter 2, Utah Vital Statistics Act.
- 76 (17) "Physician" means a person licensed to practice as a physician or osteopath in this
- 77 state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 78 Osteopathic Medical Practice Act.
- 79 (18) "Presumed father" means the father of a child conceived or born during a marriage
- 80 as defined in Section 30-1-17.2.
- 81 (19) "Registration" or "register" means acceptance by the local or state registrar of a
- 82 certificate and incorporation of the certificate into the permanent records of the state.
- 83 (20) "State registrar" means the state registrar of vital records appointed under
- 84 Subsection 26-2-3(2)(e).
- 85 (21) "Vital records" means:
- 86 (a) registered certificates or reports of birth, death, fetal death, marriage, divorce,
- 87 dissolution of marriage, or annulment;
- 88 (b) amendments to any of the registered certificates or reports described in Subsection
- 89 (21)(a);

90 (c) an adoption document; and

91 (d) other similar documents.

92 (22) "Vital statistics" means the data derived from registered certificates and reports of
93 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of
94 marriage, or annulment.

Legislative Review Note
Office of Legislative Research and General Counsel