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DEATH CERTIFICATE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows a health care professional to indicate that air pollution factored into an individual's death on the individual's death certificate.

Highlighted Provisions:

- This bill:
- ▶ allows a health care professional to indicate on a death certificate that air pollution factored into the individual's death; and
 - ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:
26-2-13, as last amended by Laws of Utah 2021, Chapters 11 and 297

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

Section 1. Section **26-2-13** is amended to read:
26-2-13. Certificate of death -- Execution and registration requirements --
Information provided to lieutenant governor.



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

32 (b) A certificate of death shall be registered if the certificate of death is completed and
33 filed in accordance with this chapter.

34 (2) (a) If the place of death is unknown but the dead body is found in this state:

35 (i) the certificate of death shall be completed and filed in accordance with this section;

36 and

37 (ii) the place where the dead body is found shall be shown as the place of death.

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

39 (3) (a) When death occurs in a moving conveyance in the United States and the

40 decedent is first removed from the conveyance in this state:

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

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

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

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

45 (b) When a death occurs on a moving conveyance outside the United States and the
46 decedent is first removed from the conveyance in this state:

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

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

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

50 (ii) the certificate of death shall show the actual place of death to the extent [†] the
51 actual place of death can be determined.

52 (4) (a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a
53 funeral service director is not retained, a dispositioner shall sign the certificate of death.

54 (b) The custodial funeral service director, an agent of the custodial funeral service
55 director, or, if a funeral service director is not retained, a dispositioner shall:

56 (i) file the certificate of death prior to any disposition of a dead body or fetus; and

57 (ii) obtain the decedent's personal data from the next of kin or the best qualified person
58 or source available, including the decedent's social security number, if known.

59 (c) The certificate of death may not include the decedent's social security number.

60 (d) A dispositioner may not sign a certificate of death, unless the signature is witnessed
61 by the state registrar or a local registrar.

62 [~~(5) (a) Except as provided in Section 26-2-14, fetal death certificates, the medical
63 section of the certificate of death shall be completed, signed, and returned to the funeral service
64 director, or, if a funeral service director is not retained, a dispositioner, within 72 hours after
65 death by the health care professional who was in charge of the decedent's care for the illness or
66 condition which resulted in death, except when inquiry is required by Title 26, Chapter 4, Utah
67 Medical Examiner Act.]~~

68 (5) (a) Except as provided in Section 26-2-14 and except when inquiry is required by
69 Chapter 4, Utah Medical Examiner Act, the attending health care professional responsible for
70 treating the illness or condition that led to the decedent's death shall complete, sign, and return
71 the medical section of the certificate of death to the funeral service director, or, if a funeral
72 service director is not retained, a dispositioner, within 72 hours after the time of death.

73 (b) In the absence of the attending health care professional or with the health care
74 professional's approval, the certificate of death may be completed and signed by an associate
75 physician, the chief medical officer of the institution in which death occurred, or a physician
76 who performed an autopsy upon the decedent, if:

- 77 (i) the [person] individual has access to the medical history of the case;
78 (ii) the [person] individual views the decedent at or after death; and
79 (iii) the death is not due to causes required to be investigated by the medical examiner.

80 (c) When determining the cause of death, if the attending health care professional
81 reasonably believes air pollution factored into the cause of death, the attending health care
82 professional may indicate on the certificate of death that air pollution factored into the cause of
83 death.

84 (d) Subsection (5)(c) does not create a private cause of action.

85 (6) When death occurs more than 365 days after the day on which the decedent was last
86 treated by a health care professional, the case shall be referred to the medical examiner for
87 investigation to determine and 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]~~ the time at which the medical examiner takes
91 charge of the case.

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

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

95 (b) the attending health care professional or medical examiner shall give the funeral
96 service director, or, if a funeral service director is not retained, a dispositioner, notice of the
97 reason for the delay; and

98 (c) final disposition of the decedent may not be made until authorized by the attending
99 health care professional 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 the date of the order.

108 (10) It is unlawful for a dispositioner to charge for or accept any remuneration for:

109 (a) signing a certificate of death; or

110 (b) performing any other duty of a dispositioner, as described in this section.

111 (11) The state registrar shall, within five business days after the day on which the state
112 registrar or local registrar registers a certificate of death for a Utah resident, inform the
113 lieutenant governor of:

114 (a) the decedent's name, last known residential address, date of birth, and date of death;
115 and

116 (b) any other information requested by the lieutenant governor to assist the county
117 clerk in identifying the decedent for the purpose of removing the decedent from the official
118 register of voters.

119 (12) The lieutenant governor shall, within one business day after the day on which the
120 lieutenant governor receives the information described in Subsection (11), provide the

121 information to the county clerks.