

DEATH CERTIFICATE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill modifies provisions related to death certificates.

Highlighted Provisions:

This bill:

- allows a health care professional to indicate on a death certificate that an immediate cause of death is unknown if the immediate cause of death is unknown;
- modifies the deadline for a health care professional to complete the medical section of a death certificate;
- requires the Department of Health and Human Services (department) to provide instructions related to when a health care professional can indicate an immediate cause of death is unknown on a death certificate; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-8-114, as renumbered and amended by Laws of Utah 2023, Chapter 306

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

Section 1. Section 26B-8-114 is amended to read:

26B-8-114 . 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 the
29 local registrar of the district in which the death occurs, or as otherwise directed by the
30 state registrar, within five days after death and prior to the decedent's interment, any
31 other disposal, 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 part.
- 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
36 section; 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 decedent
40 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 it can be
51 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
54 death.
- 55 (b) The custodial funeral service director, an agent of the custodial funeral service
56 director, or, if a funeral service director is not retained, a dispositioner shall:
- 57 (i) file the certificate of death prior to any disposition of a dead body or fetus; and
58 (ii) obtain the decedent's personal data from the next of kin or the best qualified
59 person or source available, including the decedent's social security number, if
60 known.
- 61 (c) The certificate of death may not include the decedent's social security number.

- 62 (d) A dispositioner may not sign a certificate of death, unless the signature is witnessed
63 by the state registrar or a local registrar.
- 64 (5) (a) ~~[Except as provided in Section 26B-8-115, fetal death certificates, the medical~~
65 ~~section of the certificate of death shall be completed, signed, and returned to the~~
66 ~~funeral service director, or, if a funeral service director is not retained, a~~
67 ~~dispositioner, within 72 hours after death by the health care professional who was in~~
68 ~~charge of the decedent's care for the illness or condition which resulted in death,~~
69 ~~except when inquiry is required by Part 2, Utah Medical Examiner.] Except as
70 provided in Section 26B-8-115 or when inquiry is required by Part 2, Utah Medical
71 Examiner, a health care professional who was in charge of the decedent's care for the
72 illness or condition which resulted in death shall complete, sign, and return the
73 medical section of the certificate of death within three business days from the day on
74 which the death occurred to:~~
- 75 (i) the funeral service director; or
76 (ii) if a funeral service director is not retained, a dispositioner.
- 77 (b) In the absence of the health care professional or with the health care professional's
78 approval, the certificate of death may be completed and signed by an associate
79 physician, the chief medical officer of the institution in which death occurred, or a
80 physician who performed an autopsy upon the decedent, if:
- 81 (i) the person has access to the medical history of the case;
82 (ii) the person views the decedent at or after death; and
83 (iii) the death is not due to causes required to be investigated by the medical
84 examiner.
- 85 (c) When completing the immediate cause of death section of a certificate of death, a
86 health care professional may indicate that the immediate cause of death is unknown if
87 the immediate cause of death is unknown.
- 88 (d) The department shall create instructions for completing a certificate of death that
89 inform a health care professional that the health care professional may indicate that
90 the immediate cause of death is unknown in accordance with Subsection (5)(c).
- 91 (6) When death occurs more than 365 days after the day on which the decedent was last
92 treated by a health care professional, the case shall be referred to the medical examiner
93 for investigation to determine and certify the cause, date, and place of death.
- 94 (7) When inquiry is required by Part 2, Utah Medical Examiner, the medical examiner shall
95 make an investigation and complete and sign the medical section of the certificate of

96 death within 72 hours after taking charge of the case.

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

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

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

103 (c) final disposition of the decedent may not be made until authorized by the attending
104 health care professional or medical examiner.

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

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

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

111 (i) show the date of registration; and

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

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

114 (a) signing a certificate of death; or

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

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

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

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

124 (12) The lieutenant governor shall, within one business day after the day on which the
125 lieutenant governor receives the information described in Subsection (11), provide the
126 information to the county clerks.

127 Section 2. **Effective date.**

128 This bill takes effect on May 1, 2024.