

# HB0171S01 compared with HB0171

~~{deleted text}~~ shows text that was in HB0171 but was deleted in HB0171S01.

inserted text shows text that was not in HB0171 but was inserted into HB0171S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Raymond P. Ward proposes the following substitute bill:

## DEATH CERTIFICATE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: \_\_\_\_\_

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### 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 under certain circumstances;
- 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 certain format for a health care professional ~~{can indicate an immediate cause of death is unknown on a}~~ to complete death certificate forms;

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- ▶ allows the department to ~~modify an immediate cause of death that is listed as unknown on a~~ develop an alternative format for a health care provider to use when completing death certificate forms; 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

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*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.**

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

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

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

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

and

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

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

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

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

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

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- (B) a person designated by the state registrar; and
- (ii) the place where the decedent is removed shall be considered the place of death.
- (b) When a death occurs on a moving conveyance outside the United States and the

decedent is first removed from the conveyance in this state:

- (i) the certificate of death shall be filed with:
  - (A) the local registrar of the district where the decedent is removed; or
  - (B) a person designated by the state registrar; and
- (ii) the certificate of death shall show the actual place of death to the extent it can be

determined.

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

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

- (i) file the certificate of death prior to any disposition of a dead body or fetus; and
- (ii) obtain the decedent's personal data from the next of kin or the best qualified person or source available, including the decedent's social security number, if known.

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

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

(5) (a) ~~[Except as provided in Section 26B-8-115, fetal death certificates, the medical section of the certificate of death shall be completed, signed, and returned to the funeral service director, or, if a funeral service director is not retained, a dispositioner, within 72 hours after death by the health care professional who was in charge of the decedent's care for the illness or condition which resulted in death, except when inquiry is required by Part 2, Utah Medical Examiner.]~~ Except as provided in Section 26B-8-115 or when inquiry is required by Part 2, Utah Medical Examiner, a health care professional who was in charge of the decedent's care for the illness or condition which resulted in death shall complete, sign, and return the medical section of the certificate of death within five business days from the day on which the death occurred to:

- (i) the funeral service director; or
- (ii) if a funeral service director is not retained, a dispositioner.

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

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

(c) ~~{When completing the immediate cause of death section of}~~ For obtaining information for a certificate of death ~~{,}~~ from a health care professional ~~{ may indicate that the immediate cause of death is unknown if:~~

~~—— (i) }, the {decedent died in a setting that did not have direct medical monitoring available; and~~

~~—— (ii) }~~ department shall create an online form that allows the health care professional ~~{determines that}~~ to provide the information in a format that:

(i) clearly indicates that the most important information needed from the form is the underlying cause of death;

(ii) allows the health care professional ~~{cannot easily ascertain the}~~ to identify all of the conditions and risk factors that contributed to the patient's death before designating the most relevant factors as the underlying cause of death; and

(iii) does not require the health care professional to enter an immediate cause of death{.

~~—— (d) The department shall create instructions for completing a certificate of death that inform}~~ if that information is unknown because the patient died at home or in a location where there was no on-site medical supervision during the period immediately before the death.

(d) In addition to the format described in Subsection (5)(c), the department may continue to allow a health care professional ~~{that the health care professional may indicate that the immediate cause of death is unknown in accordance with Subsection (5)(c).~~

~~—— (e) The department may modify a response of unknown that is listed as an immediate cause of death on a certificate of death with an equivalent diagnosis code, including natural causes not otherwise specified}~~ to complete online death certificate forms in a format developed by the department.

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(6) When death occurs more than 365 days after the day on which the decedent was last treated by a health care professional, the case shall be referred to the medical examiner for investigation to determine and certify the cause, date, and place of death.

(7) When inquiry is required by Part 2, Utah Medical Examiner, the medical examiner shall make an investigation and complete and sign the medical section of the certificate of death within 72 hours after taking charge of the case.

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

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

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

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

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

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

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

(i) show the date of registration; and

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

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

(a) signing a certificate of death; or

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

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

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

(b) any other information requested by the lieutenant governor to assist the county

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clerk in identifying the decedent for the purpose of removing the decedent from the official register of voters.

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

**Section 2. Effective date.**

This bill takes effect on May 1, 2024.