

VITAL RECORDS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill enacts provisions related to the Office of Vital Records and Statistics.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies what type of information the Office of Vital Records and Statistics must delete;
- ▶ clarifies who must submit a birth registration;
- ▶ clarifies when a birth registration must be submitted;
- ▶ allows the Department of Health and Human Services to notify the Division of Professional Licensing when certain health care providers fail to complete a birth registration;
- ▶ clarifies who may complete a fetal death certificate; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 **26B-8-103**, as renumbered and amended by Laws of Utah 2023, Chapter 306
 - 29 **26B-8-104**, as renumbered and amended by Laws of Utah 2023, Chapter 306
 - 30 **26B-8-108**, as renumbered and amended by Laws of Utah 2023, Chapter 306
 - 31 **26B-8-115**, as renumbered and amended by Laws of Utah 2023, Chapter 306
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33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **26B-8-103** is amended to read:

35 **26B-8-103. Content and form of certificates and reports.**

36 (1) As used in this section:

37 (a) "Additional information" means information that is beyond the information
38 necessary to comply with federal standards or state law for registering a birth.

39 (b) "Diacritical mark" means a mark on a letter from the ISO basic Latin alphabet used
40 to indicate a special pronunciation.

41 (c) "Diacritical mark" includes accents, tildes, graves, umlauts, and cedillas.

42 (2) Except as provided in Subsection (8), to promote and maintain nationwide
43 uniformity in the vital records system, the forms of certificates, certification, reports, and other
44 documents and records required by this part or the rules implementing this part shall include as
45 a minimum the items recommended by the federal agency responsible for national vital
46 statistics, subject to approval, additions, and modifications by the department.

47 (3) Certificates, certifications, forms, reports, other documents and records, and the
48 form of communications between persons required by this part shall be prepared in the format
49 prescribed by department rule.

50 (4) All vital records shall include the date of filing.

51 (5) Certificates, certifications, forms, reports, other documents and records, and
52 communications between persons required by this part may be signed, filed, verified,
53 registered, and stored by photographic, electronic, or other means as prescribed by department
54 rule.

55 (6) (a) An individual may use a diacritical mark in an application for a vital record.

56 (b) The office shall record a diacritical mark on a vital record as indicated on the
57 application for the vital record.

58 (7) The absence of a diacritical mark on a vital record does not render the document

59 invalid or affect any constructive notice imparted by proper recordation of the document.

60 (8) (a) The state:

61 (i) may collect the Social Security number of a deceased individual; and

62 (ii) may not include the Social Security number of an individual on a certificate of
63 death.

64 (b) For registering a birth, the department may not require an individual to provide
65 additional information.

66 (c) The department may request additional information if the department provides a
67 written statement that:

68 (i) discloses that providing the additional information is voluntary;

69 (ii) discloses how the additional information will be used and the duration of use;

70 (iii) describes how the department prevents the additional information from being used
71 in a manner different from the disclosure given under Subsection (8)(c)(ii); and

72 (iv) includes a notice that the individual is consenting to the department's use of the
73 additional information by providing the additional information.

74 (d) (i) Beginning July 1, 2022, an individual may submit a written request to the
75 department to de-identify the individual's additional information contained in the department's
76 databases.

77 (ii) Upon receiving the written request, the department shall:

78 (A) de-identify the additional information[-]; and

79 (B) for additional information that is inherently identifying, delete the inherently
80 identifying additional information.

81 (e) The department shall de-identify or delete additional information contained in the
82 department's databases before the additional information is held by the department for longer
83 than six years.

84 Section 2. Section **26B-8-104** is amended to read:

85 **26B-8-104. Birth registrations -- Execution and registration requirements.**

86 (1) As used in this section[-];

87 (a) "~~birthing~~ Birthing facility" means a:

88 (i) general acute hospital as defined in Section 26B-2-201; or

89 (ii) birthing center as defined in Section 26B-2-201.

90 (b) "Designated administrator" means an individual who has been designated by a
91 birthing facility to submit a birth registration on behalf of the birthing facility.

92 ~~[(2) For each live birth occurring in the state, a certificate shall be filed with the local~~
93 ~~registrar for the district in which the birth occurred within 10 days following the birth. The~~
94 ~~certificate shall be registered if it is completed and filed in accordance with this part.]~~

95 (2) (a) The office shall register a birth if a birth registration is completed and filed in
96 accordance with this section.

97 (b) Once a birth is registered, the office shall provide a birth certificate upon request in
98 accordance with all state laws.

99 (3) (a) For each live birth that occurs in a birthing facility, ~~[the administrator of the~~
100 ~~birthing facility, or his designee,]~~ the designated administrator, attending physician, or nurse
101 midwife shall:

102 (i) obtain and enter the information required under this part [on the certificate, securing
103 the required signatures, and filing the certificate.] in the electronic birth registration system no
104 later than 10 days from the day on which the birth occurred;

105 (ii) provide the parent the opportunity to review the information to ensure accuracy;
106 and

107 (iii) submit the birth registration.

108 (b) (i) The date, time, place of birth, and required medical information shall be certified
109 by the ~~[birthing facility]~~ designated administrator ~~[or his designee].~~

110 (ii) The ~~[attending physician or nurse midwife may sign the certificate, but if the~~
111 ~~attending physician or nurse midwife has not signed the certificate within seven days of the~~
112 ~~date of birth, the birthing facility]~~ designated administrator ~~[or his designee]~~ shall enter the
113 attending physician's or nurse midwife's name and transmit the ~~[certificate]~~ birth registration to
114 the local registrar for each birth that occurs in a birth facility.

115 (iii) The information ~~[on the certificate]~~ contained in the birth registration about the
116 parents shall be provided and certified by the mother or father or, in their incapacity or absence,
117 by a person with knowledge of the facts.

118 (4) (a) (i) For ~~[live births that occur]~~ a live birth that occurs outside a birthing facility,
119 the birth ~~[certificate]~~ registration shall be completed and filed by the physician, physician
120 assistant, nurse, nurse practitioner, certified nurse midwife, or other person primarily

121 responsible for providing assistance to the mother at the birth no later than 10 days from the
122 day on which the birth occurred.

123 (ii) If [there is no such person, either] the birth occurred without assistance from an
124 individual described in Subsection (4)(a)(i), the presumed or declarant father or the mother of
125 the child shall complete and file the [certificate] birth registration. [In his absence, the mother
126 shall complete and file the certificate, and in the event of her death or disability, the owner or
127 operator of the premises where the birth occurred shall do so.]

128 (b) The [certificate] birth registration shall be completed as fully as possible and shall
129 include the date, time, and place of birth, and the mother's name~~[-, and the signature of the~~
130 ~~person completing the certificate].~~

131 (5) (a) For each live birth to an unmarried mother that occurs in a birthing facility, [~~the~~
132 ~~administrator or director of that facility, or his designee,]~~ the designated administrator shall:

133 (i) provide the birth mother and declarant father, if present, with:

134 (A) a voluntary declaration of paternity form published by the state registrar;

135 (B) oral and written notice to the birth mother and declarant father of the alternatives
136 to, the legal consequences of, and the rights and responsibilities that arise from signing the
137 declaration; and

138 (C) the opportunity to sign the declaration;

139 (ii) witness the signature of a birth mother or declarant father in accordance with
140 Section [78B-15-302](#) if the signature occurs at the facility;

141 (iii) enter the declarant father's information on the original birth certificate, but only if
142 the mother and declarant father have signed a voluntary declaration of paternity or a court or
143 administrative agency has issued an adjudication of paternity; and

144 (iv) file the completed declaration with the original birth certificate.

145 (b) If there is a presumed father, the voluntary declaration will only be valid if the
146 presumed father also signs the voluntary declaration.

147 (c) The state registrar shall file the information provided on the voluntary declaration
148 of paternity form with the original birth certificate and may provide certified copies of the
149 declaration of paternity as otherwise provided under Title 78B, Chapter 15, Utah Uniform
150 Parentage Act.

151 (6) (a) The state registrar shall publish a form for the voluntary declaration of paternity,

152 a description of the process for filing a voluntary declaration of paternity, and of the rights and
153 responsibilities established or effected by that filing, in accordance with Title 78B, Chapter 15,
154 Utah Uniform Parentage Act.

155 (b) Information regarding the form and services related to voluntary paternity
156 establishment shall be made available to birthing facilities and to any other entity or individual
157 upon request.

158 (7) The name of a declarant father may only be included on the birth certificate of a
159 child of unmarried parents if:

160 (a) the mother and declarant father have signed a voluntary declaration of paternity; or

161 (b) a court or administrative agency has issued an adjudication of paternity.

162 (8) Voluntary declarations of paternity, adjudications of paternity by judicial or
163 administrative agencies, and voluntary rescissions of paternity shall be filed with and
164 maintained by the state registrar for the purpose of comparing information with the state case
165 registry maintained by the Office of Recovery Services pursuant to Section [26B-9-104](#).

166 (9) The department may notify the Division of Professional Licensing that an
167 individual who is required to complete a birth registration under Subsection (4)(a)(i) has failed
168 to register a birth if:

169 (a) the department has notified the individual that the individual is required by state
170 law to complete the birth registration; and

171 (b) the individual is a physician, physician assistant, nurse, nurse practitioner, or
172 certified nurse midwife.

173 Section 3. Section **26B-8-108** is amended to read:

174 **26B-8-108. Birth registration -- Delayed registration.**

175 (1) When [~~a certificate of birth of a person~~] a birth registration for an individual born in
176 this state has not been filed [~~within~~] in accordance with the time provided in [~~Subsection~~
177 ~~26B-8-104(2)~~] Section [26B-8-104](#), a [~~certificate of birth~~] birth registration may be filed in
178 accordance with department rules and subject to this section.

179 (2) (a) The registrar shall mark a certificate of birth as "delayed" and show the date of
180 registration if the certificate is registered one year or more after the date of birth.

181 (b) The registrar shall abstract a summary statement of the evidence submitted in
182 support of delayed registration onto the certificate.

183 (3) When the minimum evidence required for delayed registration is not submitted or
184 when the state registrar has reasonable cause to question the validity or adequacy of the
185 evidence supporting the application, and the deficiencies are not corrected, the state registrar:

186 (a) may not register the certificate; and

187 (b) shall provide the applicant with a written statement indicating the reasons for denial
188 of registration.

189 (4) The state registrar has no duty to take further action regarding an application which
190 is not actively pursued.

191 Section 4. Section **26B-8-115** is amended to read:

192 **26B-8-115. Fetal death certificate -- Filing and registration requirements.**

193 (1) (a) A fetal death certificate shall be filed for each fetal death which occurs in this
194 state.

195 (b) The certificate shall be filed within five days after delivery with the local registrar
196 or as otherwise directed by the state registrar.

197 (c) The certificate shall be registered if it is completed and filed in accordance with this
198 part.

199 (2) (a) When a dead fetus is delivered in an institution, the institution administrator or
200 his designated representative shall prepare and file the fetal death certificate.

201 (b) The attending physician or certified nurse midwife shall state in the certificate the
202 cause of death and sign the certificate.

203 (3) When a dead fetus is delivered outside an institution, the physician or certified
204 nurse midwife in attendance at or immediately after delivery shall complete, sign, and file the
205 fetal death certificate.

206 (4) When a fetal death occurs without medical attendance at or immediately after the
207 delivery or when inquiry is required by Part 2, Utah Medical Examiner, the medical examiner
208 shall investigate the cause of death and prepare and file the certificate of fetal death within five
209 days after taking charge of the case.

210 (5) (a) When a fetal death occurs in a moving conveyance and the dead fetus is first
211 removed from the conveyance in this state or when a dead fetus is found in this state and the
212 place of death is unknown, the death shall be registered in this state.

213 (b) The place where the dead fetus was first removed from the conveyance or found

214 shall be considered the place of death.

215 (6) Final disposition of the dead fetus may not be made until the fetal death certificate
216 has been registered.

217 Section 5. **Effective date.**

218 This bill takes effect on May 1, 2024.