

Sixty-second
Legislative Assembly
of North Dakota

SENATE BILL NO. 2293

Introduced by

Senators O'Connell, Berry, Lyson

Representatives Hunskor, Monson, Porter

1 A BILL for an Act to amend and reenact sections 23-02.1-19 and 23-02.1-20 of the North
2 Dakota Century Code, relating to signature requirements for death certificates.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 23-02.1-19 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-02.1-19. Death registration.**

- 7 1. A death record for each death that occurs in this state must be filed with the state
8 registrar in accordance with the rules and regulations set forth by the state department
9 of health using the electronic death registration system. All registration and issuing of
10 copies of death records will be completed by the state department of health.
- 11 2. The funeral director shall obtain the facts of death from the next of kin or the best
12 qualified person or source available and must file the facts of death information using
13 the electronic death registration system within three days after assuming custody of
14 the dead body. The funeral director shall obtain the medical certification of death from
15 the person responsible for the medical certification.
- 16 3. The medical certification must be completed and filed using the electronic death
17 registration system within fifteen days after death by the physician, physician
18 assistant, or nurse practitioner in charge of the patient's care for the illness or
19 condition which resulted in death except when inquiry is required by the local health
20 officer or coroner.
- 21 4. When death occurred without medical attendance or when inquiry is required by the
22 local health officer or coroner, the county coroner shall investigate the cause of death,
23 and shall obtain medical information about the individual from the individual's medical
24 records or last-known physician or physician assistant, and shall complete and file the

1 medical certification within fifteen days after taking charge of the case using the
2 electronic death registration system.

3 5. If the cause of death cannot be determined within fifteen days after death, the medical
4 certification may be filed after the prescribed period, in accordance with rules adopted
5 by the state department of health. The attending physician, physician assistant, nurse
6 practitioner, or coroner shall give the funeral director in custody of the body notice of
7 the reason for the delay and final disposition may not be made until authorized by the
8 attending physician, physician assistant, nurse practitioner, or coroner.

9 6. When a death is presumed to have occurred within this state but the body cannot be
10 located, a death record may be prepared by the state registrar upon receipt of findings
11 of a court of competent jurisdiction, including the facts of death and medical
12 certification required to complete the death record. The death record must be marked
13 "presumptive" and must show on its face the date of registration and must identify the
14 court and the date of the decree.

15 7. Each death record must include the social security number of the decedent, if the
16 information is available. A social security number included on a death record is
17 confidential and may be disclosed only to a relative or authorized representative of the
18 individual named on the record or by an order of a court of competent jurisdiction.

19 **SECTION 2. AMENDMENT.** Section 23-02.1-20 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **23-02.1-20. Fetal death registration.**

22 1. A fetal death record for each fetal death which occurs in this state after a gestation
23 period of twenty completed weeks or more or of less than twenty completed weeks of
24 gestation when provided by rules of the state department of health must be filed with
25 the state registrar.

26 2. The funeral director who first assumes custody of a fetus shall file the fetal death
27 record. In the absence of such a person, the physician or other person in attendance
28 at or after delivery shall file the fetal death record. The person filing the fetal death
29 record shall obtain the facts of death from the next of kin or the best qualified person
30 or source available and must file the facts of death information within fifteen days of
31 the occurrence using the electronic death registration system. The person filing the

fetal death record shall obtain the medical certification of death from the person responsible for the medical certification.

3. The medical certification must be completed and filed using the electronic death registration system by the physician, physician assistant, or a nurse practitioner in attendance at the delivery within fifteen days after the delivery except when inquiry is required by the local health officer or coroner.

4. When inquiry is required by the local health officer or coroner or in the absence of medical attendance, the county coroner shall investigate the cause of fetal death, and shall obtain medical information about the individual from that individual's medical records or last-known physician or physician assistant and file the medical certification within fifteen days after taking charge of the case using the electronic death registration system.

5. If the cause of fetal death cannot be determined within fifteen days after death, the medical certification may be filed after the prescribed period of time in accordance with rules adopted by the state department of health. The attending physician, physician assistant, nurse practitioner, or coroner shall give the funeral director in custody of the fetus the notice of the reason for the delay and final disposition may not be made until authorized by the attending physician, physician assistant, nurse practitioner, or coroner.

6. The provision for entering the name of the father of the fetus on the fetal death record and the reporting of out-of-wedlock fetal deaths concur exactly with those set forth in section 23-02.1-13.