CHAPTER 23-02.1
HEALTH STATISTICS ACT

23-02.1-01. Definitions.

As used in this chapter:

1. "Authorized representative" means a person that has the legal authority to act on behalf of the person named on a record, including a personal representative or guardian.
2. "Birth record" means a record reporting a live birth.
3. "Certified" means a copy of the original record on file with the department of health and human services which is signed and sealed by the state registrar or deputy state registrar.
4. "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it may reasonably be concluded that death recently occurred.
5. "Electronic birth registration system" means the electronic birth registration system maintained by the department of health and human services.
6. "Electronic death registration system" means the electronic death registration system maintained by the department of health and human services.
7. "Facts of death" means the demographic and personal information pertaining to an individual's death.
8. "Fetal death" or "birth resulting in stillbirth" means death occurring before the complete expulsion or extraction from its mother of a product of human conception. The death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
9. "Filing" means the presentation of a record, report, or other information provided for in this chapter of a birth, death, fetal death, adoption, marriage, divorce, or other event as specified by the department of health and human services for registration by the state registrar.
10. "Final disposition" means the entombment, burial, interment, cremation, whole-body donation to a school of medicine, removal from the state, or other disposition of a dead body or fetus.
11. "Health statistics" means data derived from records of birth, death, fetal death, marriage, divorce, or other records relating to the health of the populace or the state of the environment.
12. "Homeless youth" means an individual under sixteen years of age living in one of the situations described in 42 U.S.C. 11434(a)(2) and who is not in the care and physical custody of a parent or legal guardian.
13. "Homeless youth agency" means an agency assisting a homeless youth in obtaining the homeless youth's birth record.
14. "Institution" means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to two or more individuals unrelated by blood, or to which individuals are committed by law.
15. "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
16. "Medical certification" means the medical information pertaining to an individual's death, including the cause and manner of death.
17. "Miscarriage of birth" means the expulsion of a fetus from the womb, spontaneously or as a result of an accident, before twenty weeks gestation.
18. "Personal or real property interests" means ownership or other legal rights or duties concerning personal or real property.

19. "Physician" means an individual authorized or licensed to practice medicine or osteopathy under chapter 43-17.
20. "Registration" means the acceptance by the state registrar and incorporation into official records, reports, or other records provided for in this chapter, of birth, death, fetal death, marriage, divorce, or other records as may be determined by the department of health and human services.
21. "Relative" means an individual's current or surviving spouse, a parent or legal guardian, a child, a grandparent, or a grandchild. The state registrar may require proof of the relationship.
22. "Sex" means the biological state of being female or male, based on the individual's nonambiguous sex organs, chromosomes, or endogenous hormone profiles at birth.
23. "Subregistrar" means a funeral practitioner or other suitable individual from a licensed funeral home who is appointed by the state registrar for the purpose of issuing final disposition-transit permits.
24. "System of health statistics tabulation and analysis" includes the tabulation, analysis, and presentation or publication of statistical data derived from health statistics.
25. "System of vital records registration" includes the registration, collection, preservation, amendment, and certification of birth, death, fetal death, marriage, divorce, or other records as may be determined necessary by the department of health and human services.

23-02.1-02. Office of statistical services.

There is hereby established in the department of health and human services an office of statistical services, which shall install, maintain, and operate a system of health statistics tabulation and analysis and a system of vital records registration throughout the state. The commissioner of the department of health and human services or designee may create within the office of statistical services such working divisions as may be necessary to comply with the provisions of this chapter and shall appoint the directors of such divisions in accordance with the merit system laws and regulations of the state of North Dakota.

23-02.1-02.1. Birth, marriage, fetal death, and death records - Transition to electronic birth registration system and electronic death registration system.

1. Beginning January 1, 2008, all new birth, fetal death, and death certificates must be filed with the state registrar and maintained as birth, fetal death, or death records. The state registrar shall issue certified copies of any birth, fetal death, or death record, or informational copies of death and marriage records, to those persons entitled to the record in accordance with this chapter.
2. A certified copy of a birth, marriage, fetal death, or death record is considered to meet the requirements of any law requiring a birth, marriage, fetal death, or death certificate.
3. All birth, marriage, fetal death, and death certificates created or issued before January 1, 2008, remain legally valid if the certificate was valid under prior law.
4. Any reference to a birth, marriage, fetal death, and death record includes any birth, marriage, fetal death, and death certificate issued before January 1, 2008.
5. Amendments to birth records issued before 2006 and fetal death or death records issued before 2008 must be made according to the procedures and processes used at the time the original record was created.

23-02.1-03. Director of the office of statistical services and associative duties, state and deputy state registrars.

The commissioner of the department of health and human services or designee shall appoint a director of the office of statistical services, in accordance with the merit system laws and regulations of the state of North Dakota, who must be the ex officio state registrar of vital statistics. The deputy state registrar of vital statistics must also be appointed by the commissioner of the department of health and human services or designee. The director of the office of statistical services shall administer and enforce this chapter and the rules and

regulations issued hereunder, and issue instructions for the efficient administration of a statewide system of health statistics tabulation and analysis and a statewide system of vital records registration. The director of the office of statistical services may delegate such functions and duties vested in the director to the officers and employees of the office of statistical services as the director deems necessary and expedient.

23-02.1-04. Duties of the department.

The department of health and human services may adopt, amend, and repeal rules and regulations for the purposes of carrying out the provisions of this chapter, in accordance with chapter 28-32.

23-02.1-05. Duties of the state registrar.

1. The state registrar shall:
   a. Direct and supervise the statewide system of vital records and registration and be the primary custodian of said records.
   b. Direct, supervise, and control the activities of subregistrars and the activities of other local officials related to the operation of the vital records registration system.
   c. Prescribe, with the approval of the department of health and human services, and distribute such forms as required by this chapter and the rules and regulations issued hereunder.
2. The deputy state registrar shall possess the powers of the state registrar during the registrar's absence, delegation, inability to act, or during the time there is a vacancy in the office.

23-02.1-06. Registration districts.

Repealed by S.L. 2007, ch. 234, § 29.

23-02.1-07. Duties of local registrars.

Repealed by S.L. 2007, ch. 234, § 29.

23-02.1-08. Duties of subregistrars.

A subregistrar may issue final disposition-transit permits for those counties served by the funeral home the subregistrar is employed by. The subregistrar or cemetery sexton shall file all completed final disposition-transit permits with the county recorder in the county where the final disposition took place within ten days after the date of final disposition or within the time prescribed by the local board of health. The subregistrar is subject to the supervision and control of the state registrar and may be removed by the state registrar for reasonable cause. The subregistrar is subject to the penalties for neglect of duties as provided in section 23-02.1-32.

23-02.1-09. Compensation of local registrars.

Repealed by S.L. 2007, ch. 234, § 29.

23-02.1-10. Payment of fees to the local registrar.

Repealed by S.L. 2007, ch. 234, § 29.

23-02.1-11. Form of records.

The form of the records, reports, and other information required by this chapter is subject to the approval of and modification by the department of health and human services. In order to maintain uniformity in the system of vital records registration and the system of health statistics tabulation and analysis, substantial efforts should be made to ensure that information collected parallels that collected by other primary registration areas.

23-02.1-12. Date of registration.

Each record, report, and other information required to be filed under this chapter must have entered upon its face the date of registration duly attested.

23-02.1-13. Birth registration.

1. A birth record for each live birth that occurs in this state must be filed with the state registrar.
2. If a birth occurs in an institution, the person in charge of the institution or a designated representative shall use the department of health and human services' electronic birth registration system to report the birth, including all personal and medical facts, to the state registrar within five days after the birth.
3. If a birth occurs outside an institution, the required forms prescribed by the department of health and human services must be prepared and filed with the state registrar, within thirty days of the birth by one of the following in the indicated order of priority:
   a. The physician in attendance at or immediately after the birth, or in the absence of such an individual;
   b. Any other individual in attendance at or immediately after the birth, or in the absence of such an individual; or
   c. The father, the mother, or in the absence of the father and the inability of the mother, the individual in charge of the premises where the birth occurred.
4. If a man and the mother are or have been married or have attempted to marry each other in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born during the marriage or attempted marriage, or within three hundred days after the termination of cohabitation or after the marriage or attempted marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court, the name of the man must be entered on the birth record as the father of the child unless the presumption of paternity has been rebutted by a court decree.
5. If the child is not born during the marriage of the mother, or within three hundred days after a marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court, the name of the father may not be entered on the birth record unless:
   a. After the child's birth, the father and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:
      (1) He has acknowledged his paternity of the child in writing filed with the state registrar; or
      (2) He is obligated to support the child under a written voluntary promise or by court order;
   b. After the child's birth, the child's natural mother and the father voluntarily acknowledge the child's paternity on a form prescribed by the department of health and human services, signed by the child's natural mother and biological father, and filed with the state registrar; or
   c. A court or other entity of competent jurisdiction has adjudicated paternity.
6. If, in accordance with subsections 4 and 5, the name of the father of the child is not entered on the birth record, the child's surname must be shown on the birth record as the current legal surname of the mother at the time of birth unless an affidavit or an acknowledgment of paternity signed by both parents is filed with the department of health and human services.
7. A birth record must include the designation of the sex of the child which must be either male or female. An entry of "not yet determined" may not be entered unless the sex cannot be determined based on the child's nonambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.

23-02.1-14. Infants of unknown parentage - Foundling registration.

1. Whoever assumes custody of a living infant of unknown parentage shall report using the electronic birth registration system or on a form and in the manner prescribed by the state registrar within seven days to the state registrar the following information:
   a. The date and place of finding.
   b. Sex, color, or race, and approximate age of child and approximate date of birth.
   c. Name and address of the persons or institution with whom the child has been placed for care.
   d. Name given to the child by the custodian.
   e. Other data required by the state registrar.
2. The place where the child was found must be entered as the place of birth and the date of birth must be determined by approximation.
3. A report registered under this section constitutes the birth record for the infant.
4. If the child is identified and a birth record is found or obtained, any report registered under this section must be sealed and filed and may be opened only by order of a court of competent jurisdiction or as provided by regulation.

23-02.1-15. Delayed registration of birth.

1. If the birth of an individual born in this state has not been registered, a birth record may be filed in accordance with the regulations of the department of health and human services. The birth record must be registered subject to such evidentiary requirements as the department of health and human services shall prescribe to substantiate the alleged facts of birth.
2. A birth record registered one year or more after the date of occurrence must be marked "delayed" and show on the face of the birth record the date of delayed registration.
3. A summary statement of the evidence submitted in support of the delayed registration must be endorsed on the birth record.
4. a. If an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the state registrar finds reason to question the validity or adequacy of the birth record or documentary evidence, the state registrar may not register the delayed birth record and shall advise the applicant of the reasons for this action. If the deficiencies are not corrected, the state registrar shall advise the applicant of the right of appeal to a court of competent jurisdiction for a judicial determination of the birth facts.
   b. The department of health and human services by regulation may provide for the dismissal of an application that is more than one year old and is not being actively pursued.
5. A report of live birth may not be registered for a deceased individual one year or more after that individual's date of birth.

23-02.1-16. Delayed registration of death.

When a death occurring in this state has not been registered within the time period specified in section 23-02.1-19, a record may be filed in accordance with regulations of the department of health and human services.

1. Such records must be registered subject to such evidentiary requirements as the department of health and human services may by regulation prescribe to substantiate the alleged facts of death.
2. Records of death registered one year or more after the date of occurrence must be marked "delayed" and must show on their face the date of delayed registration.

23-02.1-17. Court reports of adoption.

1. For each adoption decreed by any court in this state, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the state registrar. The report must include such facts as are necessary to locate and identify

the birth record for the person adopted; provide information necessary to establish a new birth record for the person adopted; and must identify the order of adoption and be certified by the clerk of court.

2. Information in the possession of the petitioner necessary to prepare the adoption report must be furnished with the petition for adoption by each petitioner for adoption or petitioner's attorney. The department of health and human services or other persons concerned shall supply the court with such additional information as may be necessary to complete the report. The provision of such information is a prerequisite to the issuance of a final decree.
3. Whenever an adoption decree is amended or annulled, the clerk of court shall prepare a report thereof, which must include the facts necessary to identify the original adoption report and the facts amended in the adoption decree as are necessary to properly amend the birth record.
4. Not later than the fifth day of each calendar month, the clerk of court shall forward to the state registrar reports of decrees of adoptions, annulment of adoption, or amendments thereof entered in the preceding month, together with such related reports as the state registrar shall require.
5. When the state registrar shall receive a report of adoption or annulment of adoption or amendment thereof from a court for a person born in the United States but outside this state, such report must be forwarded to the appropriate registration authority in the state of birth.

23-02.1-18. New birth records following adoption, legitimation, and paternity determination.

1. The state registrar shall establish a new birth record for a person born in this state when the registrar receives the following:
   a. An adoption report as provided in section 23-02.1-17 or a certified copy of the decree of adoption together with the information necessary to identify the original birth record and to establish a new birth record; except that a new birth record may not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adoptive person.
   b. A request that a new record be established and such evidence as required by rules and regulations proving that such person has been legitimated or that a court of competent jurisdiction has determined the paternity of such person.
2. For a person born in a foreign country whose adoptive parents are residents of the state of North Dakota at the time of the adoption, the state registrar shall prepare a new birth record:
   a. In the case of a foreign-born person adopted in North Dakota, upon presentation of a report of adoption as required by section 23-02.1-17.
   b. In the case of a foreign-born person adopted outside the state of North Dakota or outside the United States, or in the state of North Dakota prior to July 1, 1979, upon presentation of a certified copy of the adoption decree, and:
      (1) A certified copy of the birth record of the adopted person; or
      (2) An affidavit of an adoptive parent setting forth the true or probable date and place of birth and parentage of the adopted person.

   Any certification of a birth record issued under this subsection must be in the same form as other certifications of birth records issued in this state except that it must state that it does not purport to be evidence of United States citizenship.
3. When a new birth record is established, the actual place and date of birth must be shown. The new birth record must be substituted for the original birth record:
   a. Thereafter, the original birth record and the evidence of adoption, paternity, or legitimation is not subject to inspection except upon order of a court of competent jurisdiction or as provided by rules and regulations.
   b. Upon receipt of a notice of annulment of adoption, the original birth record must be restored to its place in the files and the new birth record and evidence is not subject to inspection except upon order of a court of competent jurisdiction.

4. If no birth record is on file for the person for whom a new birth record is to be established under this section, an original birth record must be filed with the state registrar in accordance with the appropriate rules and regulations promulgated by the department of health and human services. The new record is also to be prepared on the standard forms in use at the time of the adoption, legitimation, or paternity determination.
5. When a new birth record is established by the state registrar, all copies of the original birth record in the custody of any custodian of permanent local records in the state must be sealed from inspection or forwarded to the state registrar, as the registrar directs.

23-02.1-19. Death registration.

1. A death record for each death that occurs in this state must be filed with the state registrar in accordance with the rules and regulations set forth by the department of health and human services using the electronic death registration system. All registration and issuing of copies of death records will be completed by the department of health and human services.
2. The funeral director shall obtain the facts of death from the next of kin or the best qualified individual or source available and must file the facts of death information using the electronic death registration system within three days after assuming custody of the dead body. The funeral director shall obtain the medical certification of death from the individual responsible for the medical certification.
3. The medical certification must be completed and filed using the electronic death registration system within ten days after death by the physician, physician assistant, or nurse practitioner in charge of the patient's care for the illness or condition which resulted in death except when inquiry is required by the local health officer or coroner.
4. When death occurred without medical attendance or when inquiry is required by the local health officer or coroner, the county coroner shall investigate the cause of death, and shall obtain medical information about the individual from the individual's medical records or last-known physician or physician assistant, and shall complete and file the medical certification within ten days after taking charge of the case using the electronic death registration system.
5. If the cause of death cannot be determined within ten days after death, the medical certification may be filed after the prescribed period, in accordance with rules adopted by the department of health and human services. The attending physician, physician assistant, nurse practitioner, or coroner shall give the funeral director in custody of the body 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. When a death is presumed to have occurred within this state but the body cannot be located, a death record may be prepared by the state registrar upon receipt of findings of a court of competent jurisdiction, including the facts of death and medical certification required to complete the death record. The death record must be marked "presumptive" and must show on the face of the death record the date of registration and must identify the court and the date of the decree.
7. Each death registration must include the social security number of the decedent, if the information is available. A social security number included on a death record is confidential and may be disclosed only to a relative or authorized representative of the individual named on the record, to a person with personal or real property interests that depend upon information contained in the death record, or by an order of a court of competent jurisdiction.

23-02.1-20. Fetal death registration.

1. A fetal death record for each fetal death that occurs in this state after a gestation period of twenty completed weeks or more must be filed with the state registrar.

2. When a fetal death occurs in an institution, the person in charge of the institution or a designated representative shall use the department of health and human services' electronic fetal death registration system to report the fetal death, including all personal and medical facts, to the state registrar within ten days after the delivery. If a fetal death occurs outside of an institution, a funeral director or other individual in attendance at or after delivery shall file the fetal death record.
3. 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 ten days after taking charge of the case using the electronic death registration system.
4. If the cause of fetal death cannot be determined within ten days after death, the medical certification may be filed after the prescribed period of time in accordance with rules adopted by the department of health and human services. 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.
5. 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.

23-02.1-20.1. Fetal loss.

The state registrar may issue a certified copy of a fetal loss to an individual who experiences a documented miscarriage of birth, if the individual provides to the state registrar a completed fetal loss request form established by the department of health and human services which is signed by the mother or the father and a letter signed by a hospital, physician, or other medical attendant documenting proof of pregnancy and fetal loss.

23-02.1-21. Permits.

1. The funeral practitioner who first obtains custody of a dead body or fetus shall obtain a final disposition-transit permit before final disposition or removal from this state of the body or fetus.
2. The final disposition-transit permits must be issued by the state registrar or a subregistrar and must be filed in the office of the county recorder where the final disposition occurs in accordance with the requirements of sections 23-02.1-19 and 23-02.1-20.
3. A final disposition-transit permit issued under the laws of another state which accompanies a dead body or fetus brought into this state is authority for final disposition of the body or fetus in this state.
4. A permit for disinterment and reinterment is required before disinterment of a dead body or fetus except as authorized by rules or otherwise provided by law. The permit must be issued by the state registrar to a funeral practitioner upon proper application.

23-02.1-22. Extension of time.

1. The department of health and human services may, by regulation and upon such conditions as it may prescribe to assure compliance with the purposes of this chapter, provide for the extension of the periods of time prescribed in sections 23-02.1-19, 23-02.1-20, and 23-02.1-21 for the filing of death records, fetal death records, medical certification of death, and for the obtaining of final disposition-transit permits in cases in which compliance with the applicable prescribed period would result in undue hardship.
2. Regulations of the department of health and human services may provide for the issuance of a final disposition-transit permit under section 23-02.1-21 before the filing

of a record of death or fetal death upon conditions designed to assure compliance with the purposes of this chapter in cases in which compliance with the requirement that the records be filed before the issuance of the permit would result in undue hardship.

23-02.1-23. Marriage registration.

1. A record of each marriage performed in this state must be filed with the state registrar as provided in this section.
2. The officer who issues the marriage license shall prepare the record on the form prescribed and furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to information by their signatures.
3. Every person who performs a marriage shall certify the fact of marriage and file the record with the officer who issued the license within seven days after the ceremony.
4. Every officer issuing a marriage license shall complete and forward to the state registrar, on or before the fifth day of each calendar month, a copy of the marriage records specified in subsection 1 for marriages filed with that officer during the preceding calendar month.

23-02.1-24. Court reports of divorce and annulment of marriage.

1. For each divorce and annulment of marriage granted by any court in this state, a report must be prepared and filed by the clerk of court with the state registrar. The information necessary to prepare the report must be furnished, with the petition, to the clerk of court by the parties or their legal representatives on forms prescribed and furnished by the state registrar.
2. On or before the fifth day of each month, the clerk of court shall forward to the state registrar the report of each divorce and annulment granted during the preceding calendar month and such related reports as may be required by regulations issued under this chapter.

23-02.1-25. Correction and amendment of vital records.

1. A record registered under this chapter may be amended only in accordance with this chapter and regulations under this chapter adopted by the department of health and human services to protect the integrity and accuracy of vital records.
2. A record that is amended under this section must be marked "amended" except as provided in subsection 4. The date of amendment and a summary description of the evidence submitted in support of the amendment must be endorsed on or made a part of the record. The department of health and human services shall prescribe by regulation the conditions under which additions or minor corrections may be made to birth records within one year after the date of birth without the record being considered as amended.
3. Upon receipt of a certified copy of a court order that is amending a birth, death, or fetal death record and upon request of such individual or the individual's parent, guardian, or legal representative, the state registrar shall amend the record as directed in the court order; however, if the state registrar has information to believe the facts of the court order are false or inaccurate, the state registrar shall provide the court and any known parties with the correct information.
4. Upon receipt of a sworn acknowledgment of paternity of a child born out of wedlock signed by both parents and upon request, the state registrar shall amend a record of birth to show such paternity if paternity is not shown on the record. Upon request of the parents, the surname of the child must be changed on the appropriate record to the surname designated by the parents on the acknowledgment of paternity. Such record may not be marked as "amended". The provisions of this subsection apply also in their entirety to records of fetal death.

23-02.1-25.1. Birth records - Amendments and corrections - Sex change.

1. The sex designation on a birth record of an individual born in this state may not be amended under section 23-02.1-25 due to a gender identity change.
2. The sex designation on a birth record of an individual born in this state may not be amended or corrected under section 23-02.1-25 unless:
   a. The sex of the individual was listed incorrectly on the original birth record as a result of a scrivener's error or data entry error;
   b. The sex of the individual was misidentified on the original birth record and the request for correction is accompanied by a copy of the results of chromosomal, molecular, karyotypic, DNA, or genetic testing that identifies the sex of the individual, together with an affidavit from the health care facility, health care professional, or laboratory testing facility that conducted the test or analyzed the test results, attesting to the test results and the accuracy of the test results; or
   c. The sex of the individual was changed with anatomically correct genitalia for the identified sex as certified by a medical provider.
3. As used in this chapter, "sex" means the biological state of being male or female, based on an individual's nonambiguous sex organs, chromosomes, or endogenous hormone profiles at birth.

23-02.1-26. Reproduction of records.

To preserve original documents, the state registrar is authorized to prepare typewritten, photographic, electronic, or other reproductions of original records and files in the state registrar's office. These reproductions when certified by the state registrar must be accepted as the original record.

23-02.1-27. Disclosure of records.

Birth, death, and fetal death records, filings, data, or other information related to birth, death, and fetal death records are confidential and may not be disclosed except as authorized under this chapter. The state registrar shall restrict access to all vital records to protect vital records from loss, mutilation, or destruction and to prevent disclosure of the information contained in these records except as authorized under this chapter.

1. A certified copy of a birth record may be issued to the individual named on the record if that individual is at least sixteen years old, to a parent named on the record, to an authorized representative, to a homeless youth agency, or by the order of a court of competent jurisdiction. If the individual named on a birth record is deceased, a certified copy of that record may also be issued to a relative. If the date of birth on any birth record is more than one hundred and twenty-five years old, that record is an open record and a certified copy may be issued to anyone, except that adoption records remain confidential.
2. A certified copy of a complete death record may be issued to a relative, an authorized representative, the child fatality review board, a licensed physician, or a genetic sibling for the purposes of researching family medical history; a funeral director, coroner, medical examiner, or state forensic examiner reporting the facts of death; the commissioner of veterans' affairs for a death record of an individual designated as having served in the United States armed forces; a person with personal or real property interests that depend upon information contained in the complete death record; or by the order of a court of competent jurisdiction, and may include the cause of death and the social security number. A certified copy of the facts of death record that includes the facts of death and the social security number may be issued to any person that may obtain a certified copy of a complete death record or to any licensed attorney who requires the copy for a bona fide legal determination. A certified copy of an informational death record may be issued to the general public, but the copy may not contain the cause of death or the social security number.
3. A certified copy of a fetal death record may be issued to a parent named on the record, an authorized representative, or by the order of a court of competent jurisdiction. A

person authorized to receive a certified copy of a fetal death record may request the certified copy be issued in the form of a certification of birth resulting in stillbirth.

4. A noncertified informational copy of a marriage record may be issued to the general public.
5. A person authorized to receive a certified copy of any specific record may grant another person the same authority by completing a written authorization on a form prescribed by the state department of health.
6. The department of health and human services may grant limited access to birth and death information to divisions and programs of the department of health and human services, the department of transportation, the protection and advocacy project, and the information technology department necessary for the purpose of completing their respective official duties.
7. The department of health and human services may issue, through electronic means determined by the department of health and human services, verifications of information contained on birth or death records filed with the state registrar when such information is provided and a verification is requested by a governmental agency, whether foreign or domestic, in the conduct of the agency's official duties. The department of health and human services may also issue these electronic verifications for a negotiated and agreed-upon fee to:
   a. Benefit-paying parties, such as annuity companies, pension plans, and life insurance companies, that demonstrate a need for such information to determine whether the benefits the benefit-paying party are paying should be terminated or distributed to a beneficiary;
   b. Physicians licensed to practice in the United States who demonstrate such information is needed to determine whether a patient the physician is treating has been lost to care;
   c. Attorneys licensed to practice in the United States who demonstrate that the information is necessary to administer the attorneys' client's estate; or
   d. Other entities for fraud prevention as determined by the state registrar.

23-02.1-28. Copies of data from vital records.

In accordance with section 23-02.1-27 and the regulations adopted pursuant thereto:

1. The state registrar shall, upon request of a person entitled to a copy under section 23-02.1-27, issue a certified copy of any record or part of a record in the registrar's custody. Each copy issued must show the date of registration; and copies issued from records marked "delayed", "amended", or "court order" must be similarly marked and show the effective date of filing.
2. A certified copy of a record or any part of the record issued in accordance with subsection 1 must be considered evidence of the facts stated in the record, provided that the evidentiary value of a record filed more than one year after the event, or a record which has been amended, must be determined by the judicial or administrative body or official before whom the record is offered as evidence.
3. Data or copies may be furnished for statistical purposes to federal, state, local, or other public or private agencies, including the federal agency responsible for national vital statistics, upon such terms and conditions as may be prescribed by the department of health and human services through rules and regulations adopted pursuant to this chapter.
4. No person may prepare or issue any certificate or record which purports to be an original, certified copy, or copy of a certificate or record of birth, death, or fetal death, except as provided in this chapter, or regulations adopted under this chapter.
5. A certified copy may not disclose an individual's social security number unless the copy is being provided to the individual to whom it pertains, a relative or authorized representative, or by order of a court of competent jurisdiction.

23-02.1-29. Fees.

1. The department of health and human services shall prescribe the fees, if any, not to exceed fifteen dollars, to be paid for the following:
   a. Each certified copy of a record.
   b. Each certified statement of the facts of birth other than a copy of the original birth record.
   c. Each filing of a new record of birth or fetal death following adoption.
   d. Each filing of a delayed record of birth or death except as provided for in subsection 4 of section 23-02.1-18.
   e. Each filing of an amendment to a birth or death record.
   f. A search of the files or records when no copy is made.
   g. A noncertified informational copy of a death or marriage record.

   The fee for each additional copy of a death or fetal death record, requested at the same time, may not exceed ten dollars.
2. Except as otherwise provided in subsection 3, fees collected under this section by the state registrar must be deposited in the operating fund of the department of health and human services, according to procedures established by the state treasurer.
3. The department of health and human services shall quarterly pay fees in the amount of two dollars for the issuance of each certified copy of a birth record, authorized by subsection 1, into the children's trust fund created by section 50-27-01.
4. All fees collected in excess of the fees appropriated must be transferred to the general fund of this state at the end of each biennium.

23-02.1-30. Persons required to keep records.

1. Every person in charge of an institution as defined in this chapter shall keep a record of personal particulars and data concerning each person admitted or confined to such institution. This record must include all information required by the standard record of birth, death, and fetal death forms issued under the provisions of this chapter. The record must be made at the time of admission from information provided by such person, but when it cannot be obtained from that person, the information must be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information must be a part of the record.
2. When a dead body or fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body is released, date of removal from the institution, or if finally disposed of by the institution, the date, place, and manner of disposition must be recorded.
3. A funeral director, embalmer, or other person who removed from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any record or other form required by this chapter, shall keep a record which must identify the body, and the information pertaining to receipt, removal, and delivery of the body as may be prescribed in regulations adopted by the department of health and human services.
4. Records maintained under this section must be made available to the state registrar or the registrar's representative for inspection upon demand.
5. On or before the fifth day of each month, each hospital, institution, funeral director, embalmer, or person acting as such in this state shall report to the state registrar, on forms provided for this purpose, information required by the state registrar regarding each birth, death, or fetal death handled during the preceding calendar month.

23-02.1-31. Duties to furnish information relative to vital events.

Any person having knowledge of the facts shall furnish such information as the person may possess regarding any birth, death, fetal death, marriage, or divorce upon demand of the state registrar.

23-02.1-32. Penalties.

1. a. Any person who willfully and knowingly makes any false statement in a report, record, or certificate required to be filed under this chapter, or in application for an amendment thereof, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof;
   b. Any person who, without lawful authority and with the intent to deceive, makes, alters, or mutilates any report, record, or certificate required to be filed under this chapter or a certified copy of a report, record, or certificate;
   c. Any person who willfully and knowingly uses or attempts to use or to furnish to another for use, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, altered, amended, or mutilated;
   d. Any person who, with the intention to deceive, willfully uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person;
   e. Any person who willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person to whom the record of birth relates; or
   f. Any person who knowingly prepares, delivers, or uses a fraudulent or forged copy of a vital record;

   is guilty of a class C felony.
2. a. Any person who refuses to provide information required by this chapter;
   b. Any person who knowingly transports or accepts for transportation, interment, or other final disposition of a dead body or fetus without an accompanying final disposition-transit permit as provided in this chapter; or
   c. Any person who willfully neglects or violates any of the provisions of this chapter or refuses to perform any of the duties imposed upon the person by this chapter;

   is guilty of an infraction.

23-02.1-33. Short title.

This chapter may be cited as the "Health Statistics Act".