

Sixty-third  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2063**

Introduced by

Government and Veterans Affairs Committee

(At the request of the State Department of Health)

1 | A BILL for an Act to amend and reenact ~~section 23-02.1-01~~, subsection 3 of section 23-02.1-13,  
2 | sections 23-02.1-15, 23-02.1-19, and 23-02.1-20, subsection 3 of section 23-02.1-25, and  
3 | subsection 5 of section 23-02.1-30 of the North Dakota Century Code, relating to ~~definitions~~,  
4 | birth registration, delayed registration of birth, death registration, fetal death registration,  
5 | amending vital records, and persons required to keep records under the Health Statistics Act.

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

7 | ~~**SECTION 1. AMENDMENT.** Section 23-02.1-01 of the North Dakota Century Code is~~  
8 | ~~amended and reenacted as follows:~~

9 | ~~**23-02.1-01. Definitions.**~~

10 | ~~As used in this chapter:~~

11 | ~~1. "Authorized representative" means a person who has the legal authority to act on~~  
12 | ~~behalf of the person named on a record, including a personal representative or~~  
13 | ~~guardian.~~

14 | ~~2. "Certified" means a copy of the original record on file with the state department of~~  
15 | ~~health that is signed and sealed by the state registrar or deputy state registrar.~~

16 | ~~3. "Dead body" means a lifeless human body or parts of such body or bones thereof from~~  
17 | ~~the state of which it may reasonably be concluded that death recently occurred.~~

18 | ~~4. "Electronic birth registration system" means the electronic birth registration system~~  
19 | ~~maintained by the state department of health.~~

20 | ~~5. "Electronic death registration system" means the electronic death registration system~~  
21 | ~~maintained by the state department of health.~~

22 | ~~6. "Facts of death" means the demographic and personal information pertaining to a~~  
23 | ~~person's death.~~

- 1 ~~7. "Fetal death" or "birth resulting in stillbirth" means death prior to the complete~~  
2 ~~expulsion or extraction from its mother of a product of human conception, irrespective~~  
3 ~~of the duration of pregnancy and which is not an induced termination of pregnancy. the~~  
4 ~~death is indicated by the fact that after such expulsion or extraction the fetus does not~~  
5 ~~breathe or show any evidence of life such as beating of the heart, pulsation of the~~  
6 ~~umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be~~  
7 ~~distinguished from transient cardiac contractions and respirations are to be~~  
8 ~~distinguished from fleeting respiratory efforts or gasps.~~
- 9 ~~8. "Filing" means the presentation of a record, report, or other information provided for in~~  
10 ~~this chapter of a birth, death, fetal death, adoption, marriage, divorce, or other event~~  
11 ~~as specified by the state health officer for registration by the state registrar.~~
- 12 ~~9. "Final disposition" means the burial, interment, cremation, removal from the state, or~~  
13 ~~other disposition of a dead body or fetus.~~
- 14 ~~10. "Health statistics" means data derived from records of birth, death, fetal death,~~  
15 ~~marriage, divorce, or other records relating to the health of the populace or the state of~~  
16 ~~the environment.~~
- 17 ~~11. "Institution" means any establishment, public or private, which provides inpatient~~  
18 ~~medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary~~  
19 ~~care to two or more individuals unrelated by blood, or to which persons are committed~~  
20 ~~by law.~~
- 21 ~~12. "Live birth" means the complete expulsion or extraction from its mother of a product of~~  
22 ~~human conception, irrespective of the duration of pregnancy, which after such~~  
23 ~~expulsion or extraction, breathes or shows any other evidence of life such as beating~~  
24 ~~of the heart, pulsation of the umbilical cord, or definite movement of voluntary~~  
25 ~~muscles, whether or not the umbilical cord has been cut or the placenta is attached.~~
- 26 ~~13. "Medical certification" means the medical information pertaining to a person's death,~~  
27 ~~including the cause and manner of death.~~
- 28 ~~14. "Physician" means a person authorized or licensed to practice medicine or osteopathy~~  
29 ~~pursuant to chapter 43-17.~~
- 30 ~~15. "Registration" means the acceptance by the state registrar and incorporation into~~  
31 ~~official records, reports, or other records provided for in this chapter, of birth, death,~~

1 fetal death, marriage, divorce, or other records as may be determined by the state  
2 health officer.

3 ~~16.~~ "Relative" means a person's current or surviving spouse, a parent or legal guardian, a  
4 child, a grandparent, or a grandchild. The state registrar may require proof of the  
5 relationship.

6 ~~17.~~ "Subregistrar" means a funeral director or other suitable person from a licensed  
7 funeral home who is appointed by the state registrar for the purpose of issuing  
8 burial transit permits.

9 ~~18.~~ "System of health statistics tabulation and analysis" includes the tabulation, analysis,  
10 and presentation or publication of statistical data derived from health statistics.

11 ~~19.~~ "System of vital records registration" includes the registration, collection, preservation,  
12 amendment, and certification of birth, death, fetal death, marriage, divorce, or other  
13 records as may be determined necessary by the state health officer or the state health  
14 officer's designee.

15 **SECTION 1. AMENDMENT.** Subsection 3 of section 23-02.1-13 of the North Dakota  
16 Century Code is amended and reenacted as follows:

17 3. When a birth occurs outside an institution, one of the parents must~~shall~~ prepare the  
18 required forms must be prepared and filed with and submit those forms to the state  
19 registrar by one of the following in the indicated order of priority within fourteen  
20 calendar days from the date of birth. The forms must be accompanied by ~~acceptable~~  
21 ~~evidence established by the rules of the state department of health to establish the~~  
22 ~~following information~~ evidence acceptable to the state registrar of vital records to  
23 establish that the mother was pregnant, that the child was born alive, and that at the  
24 time of the birth the mother was present in North Dakota. If the evidence submitted  
25 under this subsection does not meet one or more of these required elements, the state  
26 registrar may not register the birth unless the required forms are accompanied by a  
27 certified copy of an order from a court of competent jurisdiction which establishes the  
28 missing element required under this subsection. Acceptable evidence to establish:

29 a. The physician in attendance ~~at or immediately after the birth, or in the absence of~~  
30 ~~such a person~~ That the mother was pregnant; includes:

31 (1) A prenatal record from a hospital or clinic.

- 1 (2) A statement from a physician or other health care provider qualified to  
2 determine pregnancy.
- 3 (3) A statement from an individual in attendance at or immediately after the birth  
4 who is not related to the child's mother or father.
- 5 b. ~~Any other person in attendance at or immediately after the birth, or in the~~  
6 ~~absence of such a person; or That the child was born alive; and includes:~~
- 7 (1) A statement from a physician or other health care provider who saw or  
8 examined the child.
- 9 (2) A statement from a local public health nurse who saw the mother and child.  
10 (3) A statement from an individual in attendance at or immediately after the birth  
11 who is not related to the child's mother or father.
- 12 c. ~~The father, the mother, or in the absence of the father and the inability of the~~  
13 ~~mother, the person in charge of the premises where the birth occurred That the~~  
14 ~~mother was present in North Dakota at the time of the birth:~~
- 15 (1) If the birth occurred at the mother's current residence in this state, includes:  
16 (a) A rent receipt that includes the mother's name and address in this  
17 state.
- 18 (b) A telephone bill or bill for any type of utility which includes the  
19 mother's name and address in this state.
- 20 (c) A driver's license or a state-issued identification card that includes on  
21 the face of the license or card the address of the mother's residence  
22 in this state.
- 23 (2) If the birth did not occur at the mother's residence in this state, may be  
24 established by providing:
- 25 (a) An affidavit of the tenant of the premises at which the birth occurred  
26 which states the mother was present at the tenant's premises at the  
27 time of the birth; and
- 28 (b) Evidence of the affiant's tenancy similar to the evidence allowed under  
29 paragraph 1.

30 **SECTION 2. AMENDMENT.** Section 23-02.1-15 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **23-02.1-15. Delayed registration of birth.**

2       1. When the birth of a person born in this state has not been registered, a record may be  
3       filed in accordance with the regulations of the state department of health. Such record  
4       must be registered subject to such evidentiary requirements as the state department  
5       of health shall prescribe to substantiate the alleged facts of birth.

6       2. Records of birth registered one year or more after the date of occurrence must be  
7       marked "delayed" and show on their face the date of delayed registration.

8       3. A summary statement of the evidence submitted in support of the delayed registration  
9       must be endorsed on the record.

10      4. a. When an applicant does not submit the minimum documentation required in the  
11       regulations for delayed registration or when the state registrar finds reason to  
12       question the validity or adequacy of the record or documentary evidence, the  
13       state registrar may not register the delayed record and shall advise the applicant  
14       of the reasons for this action. In the event that the deficiencies are not corrected,  
15       the state registrar shall advise the applicant of the right of appeal to a court of  
16       competent jurisdiction for a judicial determination of the birth facts.

17       b. The state department of health may by regulation provide for the dismissal of an  
18       application which is more than ~~two years~~one year old and is not being actively  
19       pursued.

20      5. A report of live birth may not be registered for a deceased person one year or more  
21       after that person's date of birth.

22      **SECTION 3. AMENDMENT.** Section 23-02.1-19 of the North Dakota Century Code is  
23      amended and reenacted as follows:

24      **23-02.1-19. Death registration.**

25      1. A death record for each death that occurs in this state must be filed with the state  
26       registrar in accordance with the rules and regulations set forth by the state department  
27       of health using the electronic death registration system. All registration and issuing of  
28       copies of death records will be completed by the state department of health.

29      2. The funeral director shall obtain the facts of death from the next of kin or the best  
30       qualified person or source available and must file the facts of death information using  
31       the electronic death registration system within three days after assuming custody of

- 1           the dead body. The funeral director shall obtain the medical certification of death from  
2           the person responsible for the medical certification.
- 3           3. The medical certification must be completed and filed using the electronic death  
4           registration system within ~~fifteen~~ fifteen calendar days after death by the physician,  
5           physician assistant, or nurse practitioner in charge of the patient's care for the illness  
6           or condition which resulted in death except when inquiry is required by the local health  
7           officer or coroner.
- 8           4. When death occurred without medical attendance or when inquiry is required by the  
9           local health officer or coroner, the county coroner shall investigate the cause of death,  
10          and shall obtain medical information about the individual from the individual's medical  
11          records or last-known physician or physician assistant, and shall complete and file the  
12          medical certification within ~~fifteen~~ fifteen calendar days after taking charge of the case  
13          using the electronic death registration system.
- 14          5. If the cause of death cannot be determined within ~~fifteen~~ fifteen calendar days after death,  
15          the medical certification may be filed after the prescribed period, in accordance with  
16          rules adopted by the state department of health. The attending physician, physician  
17          assistant, nurse practitioner, or coroner shall give the funeral director in custody of the  
18          body notice of the reason for the delay and final disposition may not be made until  
19          authorized by the attending physician, physician assistant, nurse practitioner, or  
20          coroner.
- 21          6. When a death is presumed to have occurred within this state but the body cannot be  
22          located, a death record may be prepared by the state registrar upon receipt of findings  
23          of a court of competent jurisdiction, including the facts of death and medical  
24          certification required to complete the death record. The death record must be marked  
25          "presumptive" and must show on its face the date of registration and must identify the  
26          court and the date of the decree.
- 27          7. Each death record ~~record~~ registration must include the social security number of the  
28          decedent, if the information is available. A social security number included on a death  
29          record is confidential and may be disclosed only to a relative or authorized  
30          representative of the individual named on the record or by an order of a court of  
31          competent jurisdiction.

1       **SECTION 4. AMENDMENT.** Section 23-02.1-20 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-02.1-20. Fetal death registration.**

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

8       2. ~~The funeral director who first assumes custody of a fetus shall file the fetal death~~  
9 ~~record. In the absence of such a person, the physician or other person in attendance~~  
10 ~~at or after delivery shall file the fetal death record. The person filing the fetal death~~  
11 ~~record shall obtain the facts of death from the next of kin or the best qualified person~~  
12 ~~or source available and must file the facts of death information within fifteen days of~~  
13 ~~the occurrence using the electronic death registration system. The person filing the~~  
14 ~~fetal death record shall obtain the medical certification of death from the person~~  
15 ~~responsible for the medical certification.~~ When a fetal death occurs in an institution, the  
16 person in charge of the institution or a designated representative must use the state  
17 department of health's electronic fetal death registration system to report the fetal  
18 death, including all personal and medical facts, to the state registrar within fifteen days  
19 after the delivery. If a fetal death occurs outside of an institution, a funeral director or  
20 other person in attendance at or after delivery shall file the fetal death record.

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

25       4.3. When inquiry is required by the local health officer or coroner or in the absence of  
26 medical attendance, the county coroner shall investigate the cause of fetal death, and  
27 shall obtain medical information about the individual from that individual's medical  
28 records or last-known physician or physician assistant and file the medical certification  
29 within fifteen days after taking charge of the case using the electronic death  
30 registration system.

1     ~~5.4.~~ If the cause of fetal death cannot be determined within fifteen days after death, the  
2           medical certification may be filed after the prescribed period of time in accordance with  
3           rules adopted by the state department of health. The attending physician, physician  
4           assistant, nurse practitioner, or coroner shall give the funeral director in custody of the  
5           fetus the notice of the reason for the delay and final disposition may not be made until  
6           authorized by the attending physician, physician assistant, nurse practitioner, or  
7           coroner.

8     ~~6.5.~~ The provision for entering the name of the father of the fetus on the fetal death record  
9           and the reporting of out-of-wedlock fetal deaths concur exactly with those set forth in  
10          section 23-02.1-13.

11        **SECTION 5. AMENDMENT.** Subsection 3 of section 23-02.1-25 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13        3. Upon receipt of a certified copy of a court order ~~changing the name of a person born in~~  
14           ~~this state~~that is amending a birth, death, or fetal death record and upon request of  
15           such person or the person's parent, guardian, or legal representative, the state  
16           registrar shall amend the record ~~to reflect the new name~~as directed in the court order,  
17           unless the facts of the court order are known to be false or inaccurate.

18        **SECTION 6. AMENDMENT.** Subsection 5 of section 23-02.1-30 of the North Dakota  
19 Century Code is amended and reenacted as follows:

20        5. On or before the fifth day of each month, each hospital, institution, funeral director,  
21           embalmer, or person acting as such in this state shall report to the state registrar, on  
22           forms provided for this purpose, information required by the state registrar regarding  
23           each ~~dead body or fetus~~birth, death, or fetal death handled by such person during the  
24           preceding calendar month.