

Sixty-third
Legislative Assembly
of North Dakota

REENGROSSED 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 subsection 3 of section 23-02.1-13, sections
2 23-02.1-15, 23-02.1-19, and 23-02.1-20, subsection 3 of section 23-02.1-25, and subsection 5
3 of section 23-02.1-30 of the North Dakota Century Code, relating to birth registration, delayed
4 registration of birth, death registration, fetal death registration, amending vital records, and
5 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.** Subsection 3 of section 23-02.1-13 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 3. When a birth occurs outside an institution, one of the parents shall prepare the
10 required forms must be prepared and filed with and submit those forms to the state
11 registrar by one of the following in the indicated order of priority within fourteen
12 calendar days from the date of birth. The forms must be accompanied by evidence
13 acceptable to the state registrar of vital records to establish that the mother was
14 pregnant, that the child was born alive, and that at the time of the birth the mother was
15 present in North Dakota. If the evidence submitted under this subsection does not
16 meet one or more of these required elements, the state registrar may not register the
17 birth unless the required forms are accompanied by a certified copy of an order from a
18 court of competent jurisdiction which establishes the missing element required under
19 this subsection. Acceptable evidence to establish:

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

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

23 (2) A statement from a physician or other health care provider qualified to
24 determine pregnancy.

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

28 **SECTION 2. AMENDMENT.** Section 23-02.1-15 of the North Dakota Century Code is
29 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.