
VITAL STATISTICS

CHAPTER 270.

[S. B. No. 222—McDonald, at request of the United States Census Bureau]

VITAL STATISTICS.

AN ACT to Provide for the Immediate Registration of All Births and Deaths Throughout the State of North Dakota, by Means of Certificates of Births and Deaths, and Burial or Removal Permits; to Establish a Bureau of Vital Statistics at the Capitol of the State; and to Insure the Thorough Organization and Efficiency of the Registration of Vital Statistics Throughout the State on the Standard Forms Recommended by the United States Bureau of the Census and the American Public Health Association; and Providing Certain Penalties.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. BUREAU OF VITAL STATISTICS. STATE REGISTRAR.] For the complete and proper registration of births and deaths, for legal, sanitary and statistical purposes, there shall be, and hereby is, created and established a state bureau of vital statistics, to be under the immediate superintendence of the state board of health, and the secretary of said board shall have general supervision over the bureau which is hereby authorized to be established by the board, and for the purposes of this act he shall be ex-officio state registrar of vital statistics.

§ 2. DEPUTY REGISTRAR.] The state registrar may employ such clerical and other assistants as are necessary for the proper performance of the duties of the office, and fix their compensation within the amount appropriated therefor by the legislature. He shall designate, in writing, one of his assistants, who shall possess the powers and perform the duties of the state registrar during his absence, illness or disability, or during a vacancy in the office, and he is hereby empowered to make, promulgate and enforce such rules and regulations as he may consider necessary to carry out the provisions of this act. Suitable apartments shall be provided by the custodian of the capitol, in the state capitol at Bismarck, for the bureau of vital statistics, which shall be properly equipped with fire proof vault and filing cases for the safe and permanent preservation of all official records made and returned under this act.

§ 3. REGISTRATION DISTRICTS.] For the purposes of this act the state shall be divided into registration districts as follows: Each incorporated village and city and each township, exclusive of any incorporated village or city, shall constitute a primary registration district.

§ 4. LOCAL REGISTRARS, DUTIES OF. SUB-REGISTRARS.] The clerk of each township, village or city shall be the local registrar in and for the township, village or city of which he is clerk, and he shall perform all the duties of local registrar as hereinafter provided, and he shall immediately appoint in writing, a deputy, who shall be authorized to act in his stead in case of absence, illness or disability; provided, that in unorganized townships the state registrar may appoint suitable persons as local registrars, and when it may appear necessary for the convenience of the people in any township, the local registrar is hereby authorized, with the approval of the state registrar, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the township as may be designated, and each sub-registrar shall note the date each certificate was filed, over his signature, and forward all certificates to the registrar of the township within ten days, and in all cases before the third day of the following month; provided, that all sub-registrars shall be subject to the supervision and control of the state registrar, and may be by him removed for neglect or failure to perform their duties in accordance with the provisions of this act, or the rules and regulations of the state registrar, and they shall be liable to the same penalties for neglect of duties as the local registrar.

§ 5. REGISTRATION OF BIRTHS.] All births that occur in the state shall be immediately registered in the districts in which they occur, as hereinafter provided.

§ 6. REGULATION OF BURIALS.] The body of any person whose death occurs in the state shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, until a permit for burial or removal shall have been properly issued by the registrar of the registration district in which the death occurs, and no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him, as hereinafter provided; provided, that in case of any death outside of the state, where the body is accompanied by a removal or transit permit, issued in accordance with the [law] and the health regulations in force where the death occurred, such removal or transit permit may be accepted as of the same authority as a permit from the local registrar.

§ 7. STILL-BORN CHILDREN TO BE REGISTERED.] Still-born children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the words "still birth." The medical certificate of the cause of death shall be signed by the attending physician, and shall state the cause of death as "still born," with the cause of the still birth, if

known; whether a premature birth, and if born prematurely, the period of uterogestation in months, if known, and a burial or removal permit in the usual form shall be required.

§ 8. DEATH CERTIFICATE, FORM OF.] The certificate of the death shall be of the standard form recommended by the bureau of the census of the American health association, and shall contain the following items:

1. Place of death, including state, county, township or town, city or village. If in a city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number.
2. Full name of decedent. If an unnamed child, the surname, preceded by "unnamed."
3. Sex.
4. Color or race, as white, black (negro or negro descent), Indian, Chinese, Japanese or other.
5. Conjugal condition, as single, married, widowed or divorced.
6. Date of birth, including the year, month and day.
7. Age, in years, months and days.
8. Place of birth, state or foreign country.
9. Name of father.
10. Birthplace of father, state or foreign country.
11. Maiden name of mother.
12. Birthplace of mother, state or foreign country.
13. Occupation, the occupation to be reported of any person who had any remunerative employment, women as well as men.
14. Signature and address and informant.
15. Date of death, including the year, month and day.
16. Statement of medical attendance on decedent, fact and time of death, including the time last seen alive.
17. Cause of death, including the primary and immediate causes and contributory causes or complications, if any, and the duration of each.
18. Signature and address of physician or official making the medical certificate.
19. Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, length of time at place of death, and place where the disease was contracted.
20. Place of burial or removal.
21. Date of burial or removal.
22. Signature and address of undertaker.
23. Official signature of registrar, with date when certificate was filed and registered number.

The personal and statistical particulars (items 1 to 13) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts. The statement of facts relating to the disposition of the body shall be signed

by the undertaker or person acting as such. The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred; and he shall further state the cause of death so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from disease will not be held sufficient for issuing a burial or removal permit, and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician for correction and definition. Causes of death which may be the result of either disease or violence, shall be carefully defined, and if from violence, its nature shall be stated, and whether accidental, suicidal or homicidal. And in case of deaths in hospitals, institutions or away from home, the physician shall furnish the information required under this head (item 19) and shall state where, in his opinion, the disease was contracted, and the cause of death and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar.

§ 9. DEATH WITHOUT MEDICAL ATTENDANCE, DUTY OF UNDERTAKER.] In case of any death occurring without medical attendance it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall inform the local health officer and refer the case to him for immediate investigation and certification, prior to issuing the permit; provided, that when the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts; provided, further, that if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification.

§ 10. DUTIES OF UNDERTAKERS.] The undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death and other particulars necessary to complete the records, as specified in section 8, and he shall then state the facts required relative to the date and place of burial, over his signature

and with his address, and present the completed certificate to the registrar within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton or person in charge of the place of burial before interring the body, or attach the removal permit to the box containing the corpse, when shipped by any transportation company, to accompany same to destination, when it shall be accepted by the sexton as authority for interment of the body.

§ 11. BURIAL PERMIT, FORM OF.] If the interment or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove or otherwise dispose of the body of the deceased, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the state registrar. But in case the interment or other disposition of the body is to be made in some registration district other than that in which the death occurred, a complete copy of the certificate of death shall be attached to and made a part of the permit.

§ 12. DUTY OF SEXTONS. RECORD.] No sexton or person in charge of any premises in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial, removal or transit permit as herein provided, and each sexton or person in charge of any burial ground shall indorse upon the permit the date of interment over his signature, and shall return all permits, so indorsed, to the local registrar of his district within ten days from the date of interment, or within the time [limited] by the local board of health. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

§ 13. CERTIFICATE OF BIRTH, FILED WHEN AND BY WHOM.] It shall be the duty of the attending physician or midwife to file the certificate of birth properly and completely filled out, giving all the particulars required by this act, with the local registrar of the district in which the birth occurred, within three days after the date of birth, and if there be no attending physician or midwife, then it shall be the duty of the father of the child, householder or owner of the premises, manager or superintendent of public or private institution in which the birth occurred, to file said certificate of birth with the local registrar within three days after the birth.

§ 14. FORM OF CERTIFICATE.] The certificate of birth shall be of the standard form recommended by the bureau of the census and shall contain the following items:

1. Place of birth, including state, township or town, village or city. If in a city, the ward, street and house number. If in a hospital or other institution the name of the same to be given instead of the street and house number.

2. The full name of child. If the child dies without a name before the certificate is filed, enter the words "died unnamed." If the living child has not been named at the date of filing the certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report as hereinafter provided.

3. Sex of child.

4. Whether a twin, triplet or other plural birth. A separate certificate shall be required for each child of plural birth, giving number of child in order of birth.

5. Whether legitimate or illegitimate.

6. Full name of father.

7. Residence of father.

8. Color or race of father.

9. Birthplace of father.

10. Age of father at last birthday, in years.

11. Occupation of father.

12. Maiden name of mother, in full.

13. Residence of mother.

14. Color or race of mother.

15. Birthplace of mother.

16. Age of mother at last birthday, in years.

17. Occupation of mother.

18. Number of child of this mother, and number of children of this mother now living.

19. Certificate of attending physician or midwife as to attendance at birth, including statement of year, month, day and hour of birth, and whether the child was dead or alive at birth. This certificate shall be signed by the attending physician or midwife, with date of signature and address. If there was no physician or midwife in attendance, then the father of the child, householder or owner of the premises, or manager or superintendent of public or private institution, or other competent person whose duty it shall become to file the certificate of birth as required by section 13 of this act, shall draw a line through the words "I hereby certify that I attended the birth of above child," and shall write in lieu thereof the words "no physician or midwife," filling out the remainder of the certificate in regard to the year, month, day and hour of birth, and signing the certificate as father, householder, owner of premises, manager or superintendent of institution, as the case may be, with his address.

20. Exact date of filing in office of local registrar, attested by his official signature and registered number of birth, as hereinafter provided.

All certificates, either of birth or death, shall be written legibly in unfading black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein or satisfactorily account for their omission.

§ 15. SUPPLEMENTAL REPORT GIVING NAME OF CHILD.] When any certificate of birth of a living child is presented without statement of the given name, then the local registrar shall make out and deliver to the informant a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the registrar as soon as the child shall be named. The original certificate of birth shall not be considered complete until the supplemental report is filed or the blank returned with the statement "died unnamed."

§ 16. PHYSICIANS, MIDWIVES AND UNDERTAKERS TO BE REGISTERED.] Every physician, midwife and undertaker shall, without delay, register his or her name, address and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence, and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the state registrar relative to its enforcement. Within thirty days after the close of each calendar year each local registrar shall make a return to the state registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year, and in certifying names for payment for certificates of birth filed, the state registrar shall not include any physicians or midwives who have not complied with the requirements of this section; provided, that no fee or other compensation shall be charged by local registrars to physicians, midwives or undertakers for registering their names under this section, or making returns thereof to the state registrar.

§ 17. HOSPITALS TO KEEP RECORD.] All superintendents or managers or other persons in charge of hospitals, lying-in or other institutions, public or private, to which persons resort for treatment of disease, confinement or are committed by process of law, are hereby required to make a record of all of the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act, that are required in the form of certificate herein provided for, as directed by the state registrar, and thereafter such record shall be by them made for all future inmates at the time of admission, and in case of persons admitted or committed for medical treatment of disease the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so, and when they cannot be so obtained, they shall be secured in as complete a manner as possible from the relatives, friends or other persons acquainted with the facts.

§ 18. **BLANKS AND FORMS FURNISHED BY STATE REGISTRAR.]** The state registrar shall prepare, print and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration, and no other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and all physicians, midwives, informants or undertakers connected with any case, and all other persons having knowledge of the facts are hereby required to furnish such information as they may possess regarding any birth or death, upon demand of the state registrar, in person, by mail, or through the local registrar. He shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered, the card to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases.

§ 19. **LOCAL REGISTRARS TO CORRECT RETURNS.]** It shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them, and he shall carefully examine each certificate of birth or death when presented for record to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate of death is incomplete or unsatisfactory it shall be his duty to call attention to the defects in the return and to withhold issuing the burial or removal permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; provided, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the state and local boards of health. If a certificate of birth is incomplete he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of birth and of death in two

separate series, beginning with "number one" for the first birth, and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the state registrar, and he shall on the fifth day of each month, transmit to the state registrar all original certificates registered by him during the preceding months, and if no births and no deaths occur in any month he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

§ 20. FEES OF REGISTRARS.] Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied and duly returned by him to the state registrar, as required by this act; provided, that in cities in which the city clerk or health officer, acting as registrar, receives a fixed salary in lieu of fees, no further compensation shall be paid for the duties required by this act. In case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect promptly made in accordance with the directions of the state registrar. All amounts payable to registrars under provisions of this section shall be paid by the county in which the registration districts are located upon certification by the state registrar, and the state registrar shall annually certify to the auditors of the several counties the number of births and deaths registered with the names of local registrars and the amounts due each at the rates fixed herein.

§ 21. CERTIFIED COPIES OF RECORD OF BIRTHS OR DEATHS, FEES FOR.] The state registrar shall, upon request, furnish any applicant a certified copy of the record of any birth or death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant, and any such copy of the record of a birth or death, when properly certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant, and the state registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the state treasurer.

§ 22. PENALTY FOR FAILURE TO COMPLY WITH LAW.] If any physician who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver

to the undertaker, sexton or other person in charge of the interment, removal or other disposition of the body, upon request, the medical certificate of cause of death hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars, and if any physician shall willfully or knowingly make a false certification of the cause of death in any case, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, and any physician or midwife in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in section 13 of this act, who shall neglect or refuse to file a proper certificate of birth with the local registrar within the time required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars. If any undertaker, sexton or other person acting as undertaker shall inter, remove or otherwise dispose of the body of any deceased person without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars. Any registrar, deputy registrar, or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district or shall neglect or refuse to perform any of the duties imposed upon him by this act, or by the instructions and directions of the state registrar, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars. Any person who shall willfully alter any certificate of birth or death, or the copy of any certificate of birth or death, on file in the office of the local registrar, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment in the discretion of the court. Any other person or persons who shall violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars. Any transportation company or common carrier transporting or carrying, or accepting through its agents or employes for transportation or carriage, the body of any deceased person without an accompanying permit, issued in accordance with the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars; provided, that in case the death occurred outside the state and the body is accompanied by a certificate of death, burial, or removal, or transit per-

mit, issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial, or removal, or transit permit may be held to authorize the transportation or carriage of the body into or through the state.

§ 23. ENFORCEMENT OF LAW, WHO CHARGED WITH.] Local registrars are hereby charged with strict and thorough enforcement of the provisions of this act in their districts, under the provision and direction of the state registrar. They shall make an immediate report to the state registrar of any violation of this law coming to their notice by observation or upon complaint of any person, or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory powers over local registrars to the end that all of these requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigation. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney or official of the proper county or municipality, with a statement of the facts and circumstances, and when any such case is reported to them by the state registrar, all prosecuting attorneys, or officials acting in such capacity, shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law, and upon request of the state registrar the attorney general shall likewise assist in the enforcement of the provisions of this act.

§ 24. COUNTY AUDITOR TO FURNISH NAMES OF TOWNSHIP CLERKS.] It is hereby made the duty of each county auditor to furnish, after each township election, the name of the clerk of each organized civil township within his county, with his postoffice address, to the state registrar of vital statistics; and any auditor who shall willfully neglect or refuse to furnish such names shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars.

§ 25. REPEAL.] All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 19, 1907.