

1 SB341
2 184435-1
3 By Senators Albritton and Orr
4 RFD: Constitution, Ethics and Elections
5 First Read: 04-APR-17

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8 SYNOPSIS: Under existing law, it is the responsibility
9 of the Office of Vital Statistics to furnish the
10 board of registrars of the county, once each month,
11 a report of the death of all persons over the age
12 of 18 who resided in the registration district.

13 This bill would make it the responsibility
14 of a funeral director, person acting as funeral
15 director, or any other person authorized by law to
16 file a death certificate to report to the board of
17 registrars of the county the death of any person
18 over the age of 18 who resided in the registration
19 district within 72 hours of the receipt of the
20 completed death certificate.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 To amend Sections 17-4-4 and 22-9A-14, Code of
27 Alabama 1975, to require a funeral director, person acting as

1 funeral director, or any other person authorized by law to
2 file a death certificate to report to the board of registrars
3 of the county, within 72 hours of the receipt of a completed
4 death certificate, the death of any citizen over the age of 18
5 who resided in the registration district.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 17-4-4 and 22-9A-14, Code of
8 Alabama 1975, are amended to read as follows:

9 "§17-4-4.

10 "(a) In addition to all other duties now required by
11 law, ~~the Office of Vital Statistics of the State Department of~~
12 ~~Public Health shall furnish to the board of registrars of the~~
13 ~~county in which such district is located, once each month, a~~
14 ~~report of the death of all persons over 18 years of age who~~
15 ~~resided in such registration district~~ a funeral director, a
16 person acting as a funeral director, or any other person
17 authorized by law to file a death certificate, within 72 hours
18 after receipt of a completed death certificate, shall report
19 the death of any citizen over 18 years of age to the board of
20 registrars of the county in which the person resided at the
21 time of death. The report shall be made on a form provided by
22 the Secretary of State.

23 "(b) In addition to all other duties now required by
24 law, the judges of probate of the several counties of this
25 state shall furnish to the board of registrars of their
26 respective counties, once each month, a list of all residents

1 of the county, 18 years of age or over, who have been declared
2 mentally incompetent.

3 "(c) In addition to all other duties required by
4 law, the clerks of the circuit and district courts of this
5 state shall furnish to the board of registrars of each county,
6 once each month, a list of all residents of that county who
7 have been convicted of any offense mentioned in Article VIII
8 of the Constitution of Alabama of 1901. Any person who
9 willfully fails to perform such duties shall forfeit the sum
10 of one hundred dollars (\$100) for each such failure. Such sum
11 may be recovered in an action by law by any citizen of the
12 county in which the officer acts, one half to his or her own
13 use and one half to the use of the state.

14 "§22-9A-14.

15 "(a) A certificate of death for each death which
16 occurs in this state shall be filed with the Office of Vital
17 Statistics, or as otherwise directed by the State Registrar,
18 within five days of the death and shall be registered if it
19 has been completed and filed in accordance with this section.

20 "(1) If the place of death is not known, but the
21 dead body is found in this state, the certificate of death
22 shall be completed and filed in accordance with this section.
23 The county where the body is found shall be shown on the
24 certificate as the county of death. If the date of death is
25 unknown, the date the dead body was found shall be shown on
26 the certificate as the date of death.

1 "(2) When death occurs in a moving conveyance in the
2 United States and the body is first removed from the
3 conveyance in this state, the death shall be registered in
4 this state and the county where it is first removed shall be
5 considered as the county of death. When a death occurs on a
6 moving conveyance while in international waters or air space
7 or in a foreign country and the body is first removed from the
8 conveyance in this state, the death shall be registered in
9 this state but the certificate shall show the actual place of
10 death if it can be determined.

11 "(b) The funeral director or person acting as the
12 funeral director who first assumes custody of the dead body
13 shall file the certificate of death. He or she shall obtain
14 the personal and statistical data from the next of kin or the
15 best qualified person or source available and shall forward
16 the certificate to the person responsible for completion of
17 the medical certification. Once a death certificate has been
18 completed in accordance with this section, the funeral
19 director, person acting as the funeral director, or any other
20 person authorized by law to file a death certificate, within
21 72 hours after the receipt of a completed death certificate,
22 shall report the death of any citizen over 18 years of age to
23 the board of registrars of the county in which the person last
24 resided in accordance with Section 17-4-4. The report shall be
25 made on a form provided by the Secretary of State.

26 "(c) The physician in charge of the care of the
27 patient for the illness or condition that resulted in death

1 shall complete and sign the medical certification and transmit
2 the certificate to the Office of Vital Statistics in the
3 manner directed by the State Registrar, within 48 hours after
4 receipt of the certificate. In the absence of the physician,
5 the certificate may be completed and signed by another
6 physician designated by the physician, or the certificate may
7 be completed and signed by the chief medical officer of the
8 institution in which death occurred or by the physician who
9 performed an autopsy upon the decedent. Deaths required to be
10 reported to the county medical examiner or coroner shall be
11 reported whether the cause is known or suspected, primary or
12 contributory, or recent, delayed, or remote.

13 "(d) When the death occurs with no physician in
14 charge of the care of the patient for the illness or condition
15 that resulted in death, the county medical examiner, if one
16 has been appointed, the State Medical Examiner, if he or she
17 examines the body, or if neither occurs, the coroner shall
18 determine the cause of death. In all cases, the medical
19 certification shall be completed and signed and the
20 certificate forwarded to the Office of Vital Statistics, or as
21 otherwise directed by the State Registrar, within 48 hours
22 after receipt of the certificate. This section shall not
23 diminish the duty of the Coroner to hold inquests.

24 "(e) If the cause of death cannot be determined
25 within 48 hours after receipt of the certificate, the
26 physician, county medical examiner, state medical examiner, or
27 coroner shall indicate the medical certification as "PENDING"

1 and shall sign the certificate. Immediately after the medical
2 or other data necessary for determining the cause of death
3 have been made known, the physician, county medical examiner,
4 state medical examiner, or coroner shall, over his or her
5 signature, forward the cause of death to the State Registrar.
6 If the physician has reason to believe that the case is within
7 the jurisdiction of the county medical examiner or coroner, he
8 or she shall immediately report the case to the county medical
9 examiner or coroner and shall advise the funeral director of
10 this fact. If the county medical examiner or coroner does not
11 assume jurisdiction, the physician shall sign the medical
12 certification.

13 "(f) When a death occurs in an institution and the
14 death is not under the jurisdiction of the county medical
15 examiner or coroner, the person in charge of the institution
16 or his or her designated representative, shall initiate the
17 preparation of the death certificate within 24 hours of death
18 as follows:

19 "(1) The full name of the decedent and the date of
20 death shall be placed on the death certificate in the
21 designated spot.

22 "(2) The medical certification of death and the
23 signature of the physician shall be obtained from the
24 attending physician.

25 "(3) The partially completed death certificate shall
26 be presented to the funeral director or the person acting as
27 the funeral director within 72 hours of death.

1 "(g) When a death is presumed to have occurred in
2 this state but the body cannot be located, a death certificate
3 may be prepared by the State Registrar upon receipt of an
4 order of a court of competent jurisdiction, that shall include
5 the finding of facts required to complete the death
6 certificate. The death certificate shall be marked
7 "PRESUMPTIVE" and shall show on its face the date of
8 registration and shall identify the court and date of decree."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.