

SENATE BILL NO. 427

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

1650S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 193.145 and 193.265, RSMo, and to enact in lieu thereof two new sections relating to death certificates.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 193.145 and 193.265, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 193.145 and 193.265, to read as follows:

193.145. 1. A certificate of death for each death
2 which occurs in this state shall be filed with the local
3 registrar, or as otherwise directed by the state registrar,
4 within five days after death and shall be registered if such
5 certificate has been completed and filed pursuant to this
6 section. All data providers in the death registration
7 process, including, but not limited to, the state registrar,
8 local registrars, the state medical examiner, county medical
9 examiners, coroners, funeral directors or persons acting as
10 such, embalmers, sheriffs, attending physicians and resident
11 physicians, physician assistants, assistant physicians,
12 advanced practice registered nurses, and the chief medical
13 officers of licensed health care facilities, and other
14 public or private institutions providing medical care,
15 treatment, or confinement to persons, shall be required to
16 use and utilize any electronic death registration system
17 required and adopted under subsection 1 of section 193.265
18 within six months of the system being certified by the

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 director of the department of health and senior services, or
20 the director's designee, to be operational and available to
21 all data providers in the death registration process.

22 [However, should the person or entity that certifies the
23 cause of death not be part of, or does not use, the
24 electronic death registration system, the funeral director
25 or person acting as such may enter the required personal
26 data into the electronic death registration system and then
27 complete the filing by presenting the signed cause of death
28 certification to the local registrar, in which case the
29 local registrar shall issue death certificates as set out in
30 subsection 2 of section 193.265. Nothing in this section
31 shall prevent the state registrar from adopting pilot
32 programs or voluntary electronic death registration programs
33 until such time as the system can be certified; however, no
34 such pilot or voluntary electronic death registration
35 program shall prevent the filing of a death certificate with
36 the local registrar or the ability to obtain certified
37 copies of death certificates under subsection 2 of section
38 193.265 until six months after such certification that the
39 system is operational.]

40 2. If the place of death is unknown but the dead body
41 is found in this state, the certificate of death shall be
42 completed and filed pursuant to the provisions of this
43 section. The place where the body is found shall be shown
44 as the place of death. The date of death shall be the date
45 on which the remains were found.

46 3. When death occurs in a moving conveyance in the
47 United States and the body is first removed from the
48 conveyance in this state, the death shall be registered in
49 this state and the place where the body is first removed
50 shall be considered the place of death. When a death occurs

51 on a moving conveyance while in international waters or air
52 space or in a foreign country or its air space and the body
53 is first removed from the conveyance in this state, the
54 death shall be registered in this state but the certificate
55 shall show the actual place of death if such place may be
56 determined.

57 4. The funeral director or person in charge of final
58 disposition of the dead body shall file the certificate of
59 death. The funeral director or person in charge of the
60 final disposition of the dead body shall obtain or verify
61 and enter into the electronic death registration system:

62 (1) The personal data from the next of kin or the best
63 qualified person or source available;

64 (2) The medical certification from the person
65 responsible for such certification if designated to do so
66 under subsection 5 of this section; and

67 (3) Any other information or data that may be required
68 to be placed on a death certificate or entered into the
69 electronic death certificate system including, but not
70 limited to, the name and license number of the embalmer.

71 5. The medical certification shall be completed,
72 attested to its accuracy either by signature or an
73 electronic process approved by the department, and returned
74 to the funeral director or person in charge of final
75 disposition within seventy-two hours after death by the
76 physician, physician assistant, assistant physician, or
77 advanced practice registered nurse in charge of the
78 patient's care for the illness or condition which resulted
79 in death. In the absence of the physician, physician
80 assistant, assistant physician, advanced practice registered
81 nurse or with the physician's, physician assistant's,
82 assistant physician's, or advanced practice registered

83 nurse's approval the certificate may be completed and
84 attested to its accuracy either by signature or an approved
85 electronic process by the physician's associate physician,
86 the chief medical officer of the institution in which death
87 occurred, or the physician who performed an autopsy upon the
88 decedent, provided such individual has access to the medical
89 history of the case, views the deceased at or after death
90 and death is due to natural causes. The person authorized
91 to complete the medical certification may, in writing,
92 designate any other person to enter the medical
93 certification information into the electronic death
94 registration system if the person authorized to complete the
95 medical certificate has physically or by electronic process
96 signed a statement stating the cause of death. Any persons
97 completing the medical certification or entering data into
98 the electronic death registration system shall be immune
99 from civil liability for such certification completion, data
100 entry, or determination of the cause of death, absent gross
101 negligence or willful misconduct. The state registrar may
102 approve alternate methods of obtaining and processing the
103 medical certification and filing the death certificate. The
104 Social Security number of any individual who has died shall
105 be placed in the records relating to the death and recorded
106 on the death certificate.

107 6. When death occurs from natural causes more than
108 thirty-six hours after the decedent was last treated by a
109 physician, physician assistant, assistant physician,
110 advanced practice registered nurse, the case shall be
111 referred to the county medical examiner or coroner or
112 physician or local registrar for investigation to determine
113 and certify the cause of death. If the death is determined
114 to be of a natural cause, the medical examiner or coroner or

115 local registrar shall refer the certificate of death to the
116 attending physician, physician assistant, assistant
117 physician, advanced practice registered nurse for such
118 certification. If the attending physician, physician
119 assistant, assistant physician, advanced practice registered
120 nurse refuses or is otherwise unavailable, the medical
121 examiner or coroner or local registrar shall attest to the
122 accuracy of the certificate of death either by signature or
123 an approved electronic process within thirty-six hours.

124 7. If the circumstances suggest that the death was
125 caused by other than natural causes, the medical examiner or
126 coroner shall determine the cause of death and shall, either
127 by signature or an approved electronic process, complete and
128 attest to the accuracy of the medical certification within
129 seventy-two hours after taking charge of the case.

130 8. If the cause of death cannot be determined within
131 seventy-two hours after death, the attending medical
132 examiner, coroner, attending physician, physician assistant,
133 assistant physician, advanced practice registered nurse, or
134 local registrar shall give the funeral director, or person
135 in charge of final disposition of the dead body, notice of
136 the reason for the delay, and final disposition of the body
137 shall not be made until authorized by the medical examiner,
138 coroner, attending physician, physician assistant, assistant
139 physician, advanced practice registered nurse, or local
140 registrar.

141 9. When a death is presumed to have occurred within
142 this state but the body cannot be located, a death
143 certificate may be prepared by the state registrar upon
144 receipt of an order of a court of competent jurisdiction
145 which shall include the finding of facts required to
146 complete the death certificate. Such a death certificate

147 shall be marked "Presumptive", show on its face the date of
148 registration, and identify the court and the date of decree.

149 10. (1) The department of health and senior services
150 shall notify all physicians, physician assistants, assistant
151 physicians, and advanced practice registered nurses licensed
152 under chapters 334 and 335 of the requirements regarding the
153 use of the electronic vital records system provided for in
154 this section.

155 (2) On or before August 30, 2015, the department of
156 health and senior services, division of community and public
157 health shall create a working group comprised of
158 representation from the Missouri electronic vital records
159 system users and recipients of death certificates used for
160 professional purposes to evaluate the Missouri electronic
161 vital records system, develop recommendations to improve the
162 efficiency and usability of the system, and to report such
163 findings and recommendations to the general assembly no
164 later than January 1, 2016.

165 11. Notwithstanding any provision of law to the
166 contrary, if a coroner or deputy coroner is not current with
167 or is without the approved training under chapter 58, the
168 department of health and senior services shall prohibit such
169 coroner from attesting to the accuracy of a certificate of
170 death. No person elected or appointed to the office of
171 coroner can assume such elected office until the training,
172 as established by the coroner standards and training
173 commission under the provisions of section 58.035, has been
174 completed and a certificate of completion has been issued.
175 In the event a coroner cannot fulfill his or her duties or
176 is no longer qualified to attest to the accuracy of a death
177 certificate, the sheriff of the county shall appoint a
178 medical professional to attest death certificates until such

179 time as the coroner can resume his or her duties or another
180 coroner is appointed or elected to the office.

193.265. 1. For the issuance of a certification or
2 copy of a death record, the applicant shall pay a fee of
3 fourteen dollars for the first certification or copy and a
4 fee of eleven dollars for each additional copy ordered at
5 that time. For the issuance of a certification or copy of a
6 birth, marriage, divorce, or fetal death record, the
7 applicant shall pay a fee of fifteen dollars. No fee shall
8 be required or collected for a certification of birth,
9 death, or marriage if the request for certification is made
10 by the children's division, the division of youth services,
11 a guardian ad litem, or a juvenile officer on behalf of a
12 child or person under twenty-one years of age who has come
13 under the jurisdiction of the juvenile court under section
14 211.031. All fees collected under this subsection shall be
15 deposited to the state department of revenue. Beginning
16 August 28, 2004, for each vital records fee collected, the
17 director of revenue shall credit four dollars to the general
18 revenue fund, five dollars to the children's trust fund, one
19 dollar shall be credited to the endowed care cemetery audit
20 fund, one dollar for each certification or copy of death
21 records to the Missouri state coroners' training fund
22 established in section 58.208, and three dollars for the
23 first copy of death records and five dollars for birth,
24 marriage, divorce, and fetal death records shall be credited
25 to the Missouri public health services fund established in
26 section 192.900. Money in the endowed care cemetery audit
27 fund shall be available by appropriation to the division of
28 professional registration to pay its expenses in
29 administering sections 214.270 to 214.410. All interest
30 earned on money deposited in the endowed care cemetery audit

31 fund shall be credited to the endowed care cemetery fund.
32 Notwithstanding the provisions of section 33.080 to the
33 contrary, money placed in the endowed care cemetery audit
34 fund shall not be transferred and placed to the credit of
35 general revenue until the amount in the fund at the end of
36 the biennium exceeds three times the amount of the
37 appropriation from the endowed care cemetery audit fund for
38 the preceding fiscal year. The money deposited in the
39 public health services fund under this section shall be
40 deposited in a separate account in the fund, and moneys in
41 such account, upon appropriation, shall be used to automate
42 and improve the state vital records system, and develop and
43 maintain an electronic birth and death registration system.
44 For any search of the files and records, when no record is
45 found, the state shall be entitled to a fee equal to the
46 amount for a certification of a vital record for a five-year
47 search to be paid by the applicant. For the processing of
48 each legitimation, adoption, court order or recording after
49 the registrant's twelfth birthday, the state shall be
50 entitled to a fee equal to the amount for a certification of
51 a vital record. Except whenever a certified copy or copies
52 of a vital record is required to perfect any claim of any
53 person on relief, or any dependent of any person who was on
54 relief for any claim upon the government of the state or
55 United States, the state registrar shall, upon request,
56 furnish a certified copy or so many certified copies as are
57 necessary, without any fee or compensation therefor.

58 2. For the issuance of a certification of a death
59 record by the local registrar, the applicant shall pay a fee
60 of fourteen dollars for the first certification or copy and
61 a fee of eleven dollars for each additional copy ordered at
62 that time. For each fee collected under this subsection,

63 one dollar shall be deposited to the state department of
64 revenue and the remainder shall be deposited to the official
65 city or county health agency. The director of revenue shall
66 credit all fees deposited to the state department of revenue
67 under this subsection to the Missouri state coroners'
68 training fund established in section 58.208.

69 3. For the issuance of a certification or copy of a
70 birth, marriage, divorce, or fetal death record, the
71 applicant shall pay a fee of fifteen dollars; except that,
72 in any county with a charter form of government and with
73 more than six hundred thousand but fewer than seven hundred
74 thousand inhabitants, a donation of one dollar may be
75 collected by the local registrar over and above any fees
76 required by law when a certification or copy of any marriage
77 license or birth certificate is provided, with such
78 donations collected to be forwarded monthly by the local
79 registrar to the county treasurer of such county and the
80 donations so forwarded to be deposited by the county
81 treasurer into the housing resource commission fund to
82 assist homeless families and provide financial assistance to
83 organizations addressing homelessness in such county. The
84 local registrar shall include a check-off box on the
85 application form for such copies. All fees collected under
86 this subsection, other than the donations collected in any
87 county with a charter form of government and with more than
88 six hundred thousand but fewer than seven hundred thousand
89 inhabitants for marriage licenses and birth certificates,
90 shall be deposited to the official city or county health
91 agency.

92 4. A certified copy of a death record by the local
93 registrar can only be issued [within twenty-four hours of
94 receipt of the record by the local registrar. Computer-

95 generated certifications of death records may be issued by
96 the local registrar after twenty-four hours of receipt of
97 the records] **after acceptance and registration with the**
98 **state registrar.** The fees paid to the official county
99 health agency shall be retained by the local agency for
100 local public health purposes.

101 5. No fee under this section shall be required or
102 collected from a parent or guardian of a homeless child or
103 homeless youth, as defined in subsection 1 of section
104 167.020, or an unaccompanied youth, as defined in 42 U.S.C.
105 Section 11434a(6), for the issuance of a certification, or
106 copy of such certification, of birth of such child or
107 youth. An unaccompanied youth shall be eligible to receive
108 a certification or copy of his or her own birth record
109 without the consent or signature of his or her parent or
110 guardian; provided, that only one certificate under this
111 provision shall be provided without cost to the
112 unaccompanied or homeless youth. For the issuance of any
113 additional certificates, the statutory fee shall be paid.

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