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VITAL RECORDS AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Katy Hall
Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill enacts provisions related to the Office of Vital Records and Statistics.

Highlighted Provisions:

This bill:

- defines terms;
- clarifies what type of information the Office of Vital Records and Statistics must delete;
- clarifies who must submit a birth registration;
- clarifies when a birth registration must be submitted;
- allows the Department of Health and Human Services to notify the Division of Professional Licensing when certain health care providers fail to complete a birth registration;
- clarifies who may complete a fetal death certificate; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 26B-8-103**, as renumbered and amended by Laws of Utah 2023, Chapter 306
 - 26B-8-104**, as renumbered and amended by Laws of Utah 2023, Chapter 306
 - 26B-8-108**, as renumbered and amended by Laws of Utah 2023, Chapter 306
 - 26B-8-115**, as renumbered and amended by Laws of Utah 2023, Chapter 306
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Be it enacted by the Legislature of the state of Utah:

28 Section 1. Section **26B-8-103** is amended to read:

29 **26B-8-103 . Content and form of certificates and reports.**

30 (1) As used in this section:

31 (a) "Additional information" means information that is beyond the information
32 necessary to comply with federal standards or state law for registering a birth.

33 (b) "Diacritical mark" means a mark on a letter from the ISO basic Latin alphabet used
34 to indicate a special pronunciation.

35 (c) "Diacritical mark" includes accents, tildes, graves, umlauts, and cedillas.

36 (2) Except as provided in Subsection (8), to promote and maintain nationwide uniformity in
37 the vital records system, the forms of certificates, certification, reports, and other
38 documents and records required by this part or the rules implementing this part shall
39 include as a minimum the items recommended by the federal agency responsible for
40 national vital statistics, subject to approval, additions, and modifications by the
41 department.

42 (3) Certificates, certifications, forms, reports, other documents and records, and the form of
43 communications between persons required by this part shall be prepared in the format
44 prescribed by department rule.

45 (4) All vital records shall include the date of filing.

46 (5) Certificates, certifications, forms, reports, other documents and records, and
47 communications between persons required by this part may be signed, filed, verified,
48 registered, and stored by photographic, electronic, or other means as prescribed by
49 department rule.

50 (6) (a) An individual may use a diacritical mark in an application for a vital record.

51 (b) The office shall record a diacritical mark on a vital record as indicated on the
52 application for the vital record.

53 (7) The absence of a diacritical mark on a vital record does not render the document invalid
54 or affect any constructive notice imparted by proper recordation of the document.

55 (8) (a) The state:

56 (i) may collect the Social Security number of a deceased individual; and

57 (ii) may not include the Social Security number of an individual on a certificate of
58 death.

59 (b) For registering a birth, the department may not require an individual to provide
60 additional information.

61 (c) The department may request additional information if the department provides a

- 62 written statement that:
- 63 (i) discloses that providing the additional information is voluntary;
- 64 (ii) discloses how the additional information will be used and the duration of use;
- 65 (iii) describes how the department prevents the additional information from being
66 used in a manner different from the disclosure given under Subsection (8)(c)(ii);
67 and
- 68 (iv) includes a notice that the individual is consenting to the department's use of the
69 additional information by providing the additional information.
- 70 (d) (i) Beginning July 1, 2022, an individual may submit a written request to the
71 department to de-identify the individual's additional information contained in the
72 department's databases.
- 73 (ii) Upon receiving the written request, the department shall[-] :
- 74 (A) de-identify the additional information[-] ; and
- 75 (B) for additional information that is inherently identifying, delete the inherently
76 identifying additional information.
- 77 (e) The department shall de-identify or delete additional information contained in the
78 department's databases before the additional information is held by the department
79 for longer than six years.

80 Section 2. Section **26B-8-104** is amended to read:

81 **26B-8-104 . Birth registrations -- Execution and registration requirements.**

- 82 (1) As used in this section[-] :
- 83 (a) "birthing Birthing facility" means a[-] :
- 84 (i) general acute hospital as defined in Section 26B-2-201; or
- 85 (ii) birthing center as defined in Section 26B-2-201.
- 86 (b) "Designated administrator" means an individual who has been designated by a
87 birthing facility to submit a birth registration on behalf of the birthing facility.
- 88 [~~(2) For each live birth occurring in the state, a certificate shall be filed with the local~~
89 ~~registrar for the district in which the birth occurred within 10 days following the birth.~~
90 ~~The certificate shall be registered if it is completed and filed in accordance with this part.]~~
- 91 (2) (a) The office shall register a birth if a birth registration is completed and filed in
92 accordance with this section.
- 93 (b) Once a birth is registered, the office shall provide a birth certificate upon request in
94 accordance with all state laws.
- 95 (3) (a) For each live birth that occurs in a birthing facility, [~~the administrator of the~~

96 ~~birthing facility, or his designee,]~~ the designated administrator, attending physician,
 97 or nurse midwife shall:

- 98 (i) ~~obtain and enter the information required under this part [on the certificate,~~
 99 ~~securing the required signatures, and filing the certificate.]~~ in the electronic birth
 100 registration system no later than 10 days from the day on which the birth occurred;
 101 (ii) provide the parent the opportunity to review the information to ensure accuracy;
 102 and
 103 (iii) submit the birth registration.

104 (b) (i) The date, time, place of birth, and required medical information shall be
 105 certified by the ~~[birthing facility]~~ designated administrator ~~[or his designee].~~

106 (ii) ~~The [attending physician or nurse midwife may sign the certificate, but if the~~
 107 ~~attending physician or nurse midwife has not signed the certificate within seven~~
 108 ~~days of the date of birth, the birthing facility]~~ designated administrator ~~[or his~~
 109 ~~designee]~~ shall enter the attending physician's or nurse midwife's name and
 110 transmit the ~~[certificate]~~ birth registration to the local registrar for each birth that
 111 occurs in a birth facility.

112 (iii) The information ~~[on the certificate]~~ contained in the birth registration about the
 113 parents shall be provided and certified by the mother or father or, in their
 114 incapacity or absence, by a person with knowledge of the facts.

115 (4) (a) (i) ~~For [live births that occur]~~ a live birth that occurs outside a birthing facility,
 116 the birth ~~[certificate]~~ registration shall be completed and filed by the physician,
 117 physician assistant, nurse, nurse practitioner, certified nurse midwife, or other
 118 person primarily responsible for providing assistance to the mother at the birth no
 119 later than 10 days from the day on which the birth occurred. ~~If [there is no such~~
 120 ~~person, either]~~ the birth occurred without assistance from an individual described
 121 in Subsection (4)(a)(i), the presumed or declarant father[-] or the mother of the
 122 child shall complete and file the [certificate]. ~~In his absence, the mother shall~~
 123 ~~complete and file the certificate, and in the event of her death or disability, the~~
 124 ~~owner or operator of the premises where the birth occurred shall do so.]~~ birth
 125 registration.

126 (b) ~~The [certificate]~~ birth registration shall be completed as fully as possible and shall
 127 include the date, time, and place of birth, and the mother's name~~[-, and the signature of~~
 128 ~~the person completing the certificate].~~

129 (5) (a) For each live birth to an unmarried mother that occurs in a birthing facility, ~~[the~~

130 ~~administrator or director of that facility, or his designee,] the designated administrator~~
131 shall:

- 132 (i) provide the birth mother and declarant father, if present, with:
- 133 (A) a voluntary declaration of paternity form published by the state registrar;
- 134 (B) oral and written notice to the birth mother and declarant father of the
135 alternatives to, the legal consequences of, and the rights and responsibilities
136 that arise from signing the declaration; and
- 137 (C) the opportunity to sign the declaration;
- 138 (ii) witness the signature of a birth mother or declarant father in accordance with
139 Section 78B-15-302 if the signature occurs at the facility;
- 140 (iii) enter the declarant father's information on the original birth certificate, but only
141 if the mother and declarant father have signed a voluntary declaration of paternity
142 or a court or administrative agency has issued an adjudication of paternity; and
- 143 (iv) file the completed declaration with the original birth certificate.
- 144 (b) If there is a presumed father, the voluntary declaration will only be valid if the
145 presumed father also signs the voluntary declaration.
- 146 (c) The state registrar shall file the information provided on the voluntary declaration of
147 paternity form with the original birth certificate and may provide certified copies of
148 the declaration of paternity as otherwise provided under Title 78B, Chapter 15, Utah
149 Uniform Parentage Act.
- 150 (6) (a) The state registrar shall publish a form for the voluntary declaration of paternity,
151 a description of the process for filing a voluntary declaration of paternity, and of the
152 rights and responsibilities established or effected by that filing, in accordance with
153 Title 78B, Chapter 15, Utah Uniform Parentage Act.
- 154 (b) Information regarding the form and services related to voluntary paternity
155 establishment shall be made available to birthing facilities and to any other entity or
156 individual upon request.
- 157 (7) The name of a declarant father may only be included on the birth certificate of a child of
158 unmarried parents if:
- 159 (a) the mother and declarant father have signed a voluntary declaration of paternity; or
160 (b) a court or administrative agency has issued an adjudication of paternity.
- 161 (8) Voluntary declarations of paternity, adjudications of paternity by judicial or
162 administrative agencies, and voluntary rescissions of paternity shall be filed with and
163 maintained by the state registrar for the purpose of comparing information with the state

164 case registry maintained by the Office of Recovery Services pursuant to Section
165 26B-9-104.

166 (9) The department may notify the Division of Professional Licensing that an individual
167 who is required to complete a birth registration under Subsection (4)(a)(i) has failed to
168 register a birth if:

169 (a) the department has notified the individual that the individual is required by state law
170 to complete the birth registration; and

171 (b) the individual is a physician, physician assistant, nurse, nurse practitioner, or
172 certified nurse midwife.

173 Section 3. Section **26B-8-108** is amended to read:

174 **26B-8-108 . Birth registration -- Delayed registration.**

175 (1) When [~~a certificate of birth of a person~~] a birth registration for an individual born in this
176 state has not been filed [~~within~~] in accordance with the time provided in [Subsection
177 26B-8-104(2)] Section 26B-8-104, a [~~certificate of birth~~] birth registration may be filed in
178 accordance with department rules and subject to this section.

179 (2) (a) The registrar shall mark a certificate of birth as "delayed" and show the date of
180 registration if the certificate is registered one year or more after the date of birth.

181 (b) The registrar shall abstract a summary statement of the evidence submitted in
182 support of delayed registration onto the certificate.

183 (3) When the minimum evidence required for delayed registration is not submitted or when
184 the state registrar has reasonable cause to question the validity or adequacy of the
185 evidence supporting the application, and the deficiencies are not corrected, the state
186 registrar:

187 (a) may not register the certificate; and

188 (b) shall provide the applicant with a written statement indicating the reasons for denial
189 of registration.

190 (4) The state registrar has no duty to take further action regarding an application which is
191 not actively pursued.

192 Section 4. Section **26B-8-115** is amended to read:

193 **26B-8-115 . Fetal death certificate -- Filing and registration requirements.**

194 (1) (a) A fetal death certificate shall be filed for each fetal death which occurs in this
195 state.

196 (b) The certificate shall be filed within five days after delivery with the local registrar or
197 as otherwise directed by the state registrar.

198 (c) The certificate shall be registered if it is completed and filed in accordance with this
199 part.

200 (2) (a) When a dead fetus is delivered in an institution, the institution administrator or
201 his designated representative shall prepare and file the fetal death certificate.

202 (b) The attending physician or certified nurse midwife shall state in the certificate the
203 cause of death and sign the certificate.

204 (3) When a dead fetus is delivered outside an institution, the physician or certified nurse
205 midwife in attendance at or immediately after delivery shall complete, sign, and file the
206 fetal death certificate.

207 (4) When a fetal death occurs without medical attendance at or immediately after the
208 delivery or when inquiry is required by Part 2, Utah Medical Examiner, the medical
209 examiner shall investigate the cause of death and prepare and file the certificate of fetal
210 death within five days after taking charge of the case.

211 (5) (a) When a fetal death occurs in a moving conveyance and the dead fetus is first
212 removed from the conveyance in this state or when a dead fetus is found in this state
213 and the place of death is unknown, the death shall be registered in this state.

214 (b) The place where the dead fetus was first removed from the conveyance or found
215 shall be considered the place of death.

216 (6) Final disposition of the dead fetus may not be made until the fetal death certificate has
217 been registered.

218 Section 5. **Effective date.**

219 This bill takes effect on May 1, 2024.