
HOUSE BILL 1241

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Orcutt, Rivers, and Haler

Read first time 01/17/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to limiting the disclosure of death certificates;
2 amending RCW 70.58.104; and reenacting and amending RCW 42.56.360.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.58.104 and 1991 c 96 s 4 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (4) of this section, the state
7 registrar may prepare typewritten, photographic, electronic, or other
8 reproductions of records of birth, death, fetal death, marriage, or
9 decrees of divorce, annulment, or legal separation registered under law
10 or that portion of the record of any birth which shows the child's full
11 name, sex, date of birth, and date of filing of the certificate. Such
12 reproductions, when certified by the state registrar, shall be
13 considered for all purposes the same as the original and shall be prima
14 facie evidence of the facts stated therein.

15 (2) The department may authorize by regulation the disclosure of
16 information contained in vital records for research purposes. All
17 research proposals must be submitted to the department and must be
18 reviewed and approved as to scientific merit and to ensure that

1 confidentiality safeguards are provided in accordance with department
2 policy.

3 (3) Except as provided in subsection (4) of this section, local
4 registrars may, upon request, furnish certified copies of the records
5 of birth, death, and fetal death, subject to all provisions of state
6 law applicable to the state registrar.

7 (4)(a) The state registrar and local registrars may not provide a
8 reproduction of a death certificate, or authorize the public inspection
9 or copying of an original death certificate, except as follows:

10 (i) To the deceased's spouse, child, parent, sibling, legal
11 guardian, or next of kin, or the authorized representative of the
12 deceased's spouse, child, parent, sibling, legal guardian, or next of
13 kin;

14 (ii) To a person who demonstrates that the death certificate is
15 needed for the determination or protection of a personal or property
16 right;

17 (iii) After fifty years have elapsed since the date of death on the
18 death certificate;

19 (iv) When the information is being requested under subsection (2)
20 of this section;

21 (v) Upon request to the federal agency responsible for national
22 vital statistics to be used solely for the conduct of the agency's
23 official duties. Before furnishing the death certificate, the state or
24 local registrar must enter into an agreement with the federal agency
25 indicating the statistical or research purposes for which the
26 certificate may be used and prohibiting the federal agency from
27 providing the death certificate for public inspection or copying. The
28 agreement shall also set forth the support to be provided by the
29 federal agency for the collection, processing, and transmission of the
30 death certificate. Upon written request of the federal agency, the
31 state or local registrar may approve, in writing, additional
32 statistical or research uses for the death certificates supplied under
33 the agreement;

34 (vi) Upon request to any other federal, state, or local agency to
35 be used solely for the conduct of the requesting agency's official
36 duties. A requesting state or local agency may not provide the death
37 certificate for public inspection or copying. Before furnishing the
38 death certificate to the federal agency, the state or local registrar

1 must enter into an agreement with the federal agency prohibiting the
2 federal agency from providing the death certificate for public
3 inspection or copying;

4 (vii) To the office of vital statistics from another state when the
5 death certificate relates to a resident of that state. Before
6 furnishing the death certificate to the office of vital statistics, the
7 state or local registrar must enter into an agreement with the office
8 of vital statistics prohibiting the office of vital statistics from
9 providing the death certificate for public inspection or copying. The
10 agreement shall also specify the statistical and administrative
11 purposes for which the records, reports, or data may be used and
12 provide instructions for the proper retention and disposition of the
13 certificate; or

14 (viii) To a private investigator licensed under chapter 18.165 RCW.

15 (b) Nothing in this subsection (4) prohibits the release of
16 information that does not identify any person named on the death
17 certificate.

18 **Sec. 2.** RCW 42.56.360 and 2010 c 128 s 3 and 2010 c 52 s 6 are
19 each reenacted and amended to read as follows:

20 (1) The following health care information is exempt from disclosure
21 under this chapter:

22 (a) Information obtained by the board of pharmacy as provided in
23 RCW 69.45.090;

24 (b) Information obtained by the board of pharmacy or the department
25 of health and its representatives as provided in RCW 69.41.044,
26 69.41.280, and 18.64.420;

27 (c) Information and documents created specifically for, and
28 collected and maintained by a quality improvement committee under RCW
29 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee
30 under RCW 4.24.250, or by a quality assurance committee pursuant to RCW
31 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056,
32 for reporting of health care-associated infections under RCW 43.70.056,
33 a notification of an incident under RCW 70.56.040(5), and reports
34 regarding adverse events under RCW 70.56.020(2)(b), regardless of which
35 agency is in possession of the information and documents;

36 (d)(i) Proprietary financial and commercial information that the
37 submitting entity, with review by the department of health,

1 specifically identifies at the time it is submitted and that is
2 provided to or obtained by the department of health in connection with
3 an application for, or the supervision of, an antitrust exemption
4 sought by the submitting entity under RCW 43.72.310;

5 (ii) If a request for such information is received, the submitting
6 entity must be notified of the request. Within ten business days of
7 receipt of the notice, the submitting entity shall provide a written
8 statement of the continuing need for confidentiality, which shall be
9 provided to the requester. Upon receipt of such notice, the department
10 of health shall continue to treat information designated under this
11 subsection (1)(d) as exempt from disclosure;

12 (iii) If the requester initiates an action to compel disclosure
13 under this chapter, the submitting entity must be joined as a party to
14 demonstrate the continuing need for confidentiality;

15 (e) Records of the entity obtained in an action under RCW 18.71.300
16 through 18.71.340;

17 (f) Complaints filed under chapter 18.130 RCW after July 27, 1997,
18 to the extent provided in RCW 18.130.095(1);

19 (g) Information obtained by the department of health under chapter
20 70.225 RCW;

21 (h) Information collected by the department of health under chapter
22 70.245 RCW except as provided in RCW 70.245.150;

23 (i) Cardiac and stroke system performance data submitted to
24 national, state, or local data collection systems under RCW
25 70.168.150(2)(b); (~~and~~)

26 (j) All documents, including completed forms, received pursuant to
27 a wellness program under RCW 41.04.362, but not statistical reports
28 that do not identify an individual; and

29 (k) Death certificates to the extent required by RCW 70.58.104.

30 (2) Chapter 70.02 RCW applies to public inspection and copying of
31 health care information of patients.

32 (3)(a) Documents related to infant mortality reviews conducted
33 pursuant to RCW 70.05.170 are exempt from disclosure as provided for in
34 RCW 70.05.170(3).

35 (b)(i) If an agency provides copies of public records to another
36 agency that are exempt from public disclosure under this subsection
37 (3), those records remain exempt to the same extent the records were
38 exempt in the possession of the originating entity.

1 (ii) For notice purposes only, agencies providing exempt records
2 under this subsection (3) to other agencies may mark any exempt records
3 as "exempt" so that the receiving agency is aware of the exemption,
4 however whether or not a record is marked exempt does not affect
5 whether the record is actually exempt from disclosure.

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