

SENATE BILL NO. 53—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE HEALTH DIVISION)

PREFILED DECEMBER 20, 2012

Referred to Committee on Health and Human Services

SUMMARY—Revises various provisions relating to vital statistics.
(BDR 40-312)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to vital statistics; requiring the State Registrar of Vital Statistics to ensure the security and confidentiality of the vital statistics maintained by his or her office; authorizing the release of information relating to vital statistics under certain circumstances; authorizing the State Registrar to approve an application for the registration of an altered or amended certificate under certain circumstances; revising provisions governing the preservation of vital statistics and the copying of a registered certificate of birth or death by a local health officer; revising the duties of a funeral director concerning a death occurring without medical attendance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 2** of this bill requires the State Registrar of Vital Statistics to ensure the
2 security and confidentiality of vital statistics in accordance with regulations
3 adopted by the State Board of Health. **Section 2** also provides that information
4 relating to a certificate of birth may be released 125 years after the date of the birth
5 and information relating to a certificate of death may be released 50 years after the
6 date of the death.
7 **Section 3** of this bill prescribes the procedure for altering or amending a vital
8 statistic and allows the State Registrar to deny an application to amend or
9 alter a vital statistic if the documentation submitted by the applicant does not
10 comply with the requirements prescribed by the Board or if the State Registrar has
11 cause to question the validity of the documentation submitted by the applicant.



12 **Sections 4, 5, 9 and 10** of this bill revise various provisions relating to
13 recordkeeping by the State Registrar. **Section 7** of this bill requires each local
14 health officer to make a complete and accurate copy of each birth and death
15 certificate registered by him or her in the format prescribed by the State Registrar.

16 When a person dies without medical attendance, existing law requires the
17 funeral director to notify the local health officer and refer the case to the local
18 health officer for investigation and certification. (NRS 440.420) **Section 8** of this
19 bill gives the funeral director the option to instead notify and refer the case to the
20 coroner or the coroner's deputy.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 440 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *In accordance with the regulations adopted by*
4 *the Board, the State Registrar shall ensure the security and*
5 *confidentiality of vital statistics maintained by his or her office.*

6 **2.** *Except as otherwise provided in this section and NRS*
7 *440.170, 440.175 and 440.650, information relating to vital*
8 *statistics may be released:*

9 *(a) If the vital statistic is a certificate of birth, 125 years after*
10 *the date of the birth.*

11 *(b) If the vital statistic is a certificate of death, 50 years after*
12 *the date of the death.*

13 **Sec. 3. 1.** *The State Registrar may approve an application*
14 *for the registration of an altered or amended certificate if:*

15 *(a) The applicant has submitted an application prescribed by*
16 *the Board;*

17 *(b) The State Registrar has received all documentation which*
18 *is required in support of the altered certificate; and*

19 *(c) The State Registrar has verified the validity and adequacy*
20 *of the documentation.*

21 **2.** *The evidence affecting the alteration of a certificate, after*
22 *it has been filed with the State Registrar, must be kept in a special*
23 *permanent file.*

24 **3.** *The State Registrar shall dismiss an application for the*
25 *registration of an altered certificate if the documentation*
26 *submitted by the applicant does not comply with the requirements*
27 *prescribed by the Board or if the State Registrar has cause to*
28 *question the validity or adequacy of the documentation submitted*
29 *by the applicant.*

30 **4.** *If the State Registrar dismisses an application for the*
31 *registration of an altered certificate, the State Registrar shall*
32 *inform the applicant of his or her right to seek a court order for*
33 *the registration.*



1 **Sec. 4.** NRS 440.160 is hereby amended to read as follows:

2 440.160 The State Registrar shall:

3 1. Arrange and permanently preserve the certificates in a
4 systematic manner.

5 2. Prepare and maintain a comprehensive and continuous ~~{card}~~
6 index of all births and deaths registered. The ~~{cards}~~ *index* must
7 show the name of the child or the deceased, the place and date of
8 birth or death and the number of the certificate. When a certificate
9 of birth indicates that a person has changed his or her name, the
10 ~~{card}~~ index must contain ~~{a card}~~ *an entry* for each name.

11 3. *Make a complete and accurate copy of each vital statistic,*
12 *including, without limitation, using typewritten, photographic,*
13 *electronic or other means of reproduction approved by the Board.*
14 *Such a copy, when verified and approved by the State Registrar,*
15 *shall be deemed to be the original record, and the original record*
16 *may be disposed of in accordance with the regulations adopted by*
17 *the Board.*

18 **Sec. 5.** NRS 440.165 is hereby amended to read as follows:

19 440.165 To preserve ~~{original documents,}~~ *vital statistics,* the
20 State Registrar is authorized to prepare typewritten, photographic ,
21 *electronic* or other reproductions of original records and files in his
22 or her office. *Such reproductions, when verified and approved by*
23 *the State Registrar, shall be deemed to be the original record, and*
24 *the original record may be disposed of in accordance with the*
25 *regulations adopted by the Board.*

26 **Sec. 6.** NRS 440.220 is hereby amended to read as follows:

27 440.220 1. If any certificate of death is incomplete or
28 unsatisfactory, the local health officer shall call attention to the
29 defects in the return and withhold issuing the burial or removal
30 permit until the defects are corrected.

31 2. If any certificate of birth is incomplete, the local health
32 officer shall immediately notify the ~~{informant,}~~ *person who*
33 *produced the certificate* and require him or her to supply the
34 missing items if they can be obtained.

35 **Sec. 7.** NRS 440.240 is hereby amended to read as follows:

36 440.240 The local health officer shall make a complete and
37 accurate copy of each birth and death certificate registered by him or
38 her in ~~{a record book supplied}~~ *the format prescribed* by the State
39 Registrar. ~~{Record books}~~ *The copies* shall be preserved
40 permanently in his or her office as the local record in such manner
41 as directed by the Board.

42 **Sec. 8.** NRS 440.420 is hereby amended to read as follows:

43 440.420 1. In case of any death occurring without medical
44 attendance, the funeral director shall notify the local health officer ,
45 *coroner or coroner's deputy* of such death and refer the case to the



1 local health officer , *coroner or coroner's deputy* for immediate
2 investigation and certification.

3 2. Where there is no qualified physician in attendance, and in
4 such cases only, the local health officer is authorized to make the
5 certificate and return from the statements of relatives or other
6 persons having adequate knowledge of the facts.

7 3. If the death was caused by unlawful or suspicious means, the
8 local health officer shall then refer the case to the coroner for
9 investigation and certification.

10 4. In counties which have adopted an ordinance authorizing a
11 coroner's examination in cases of sudden infant death syndrome, the
12 funeral director shall notify the local health officer whenever the
13 cause or suspected cause of death is sudden infant death syndrome.
14 The local health officer shall then refer the case to the coroner for
15 investigation and certification.

16 5. The coroner or the coroner's deputy may certify the cause of
17 death in any case which is referred to the coroner by the local health
18 officer or pursuant to a local ordinance.

19 **Sec. 9.** NRS 440.620 is hereby amended to read as follows:

20 440.620 The acceptance for filing of any certificate by the
21 State Registrar more than ~~4 years~~ *1 year* after the time prescribed
22 for its filing shall be subject to regulations in which the Board shall
23 prescribe in detail the proofs to be submitted by any applicant for
24 delayed filing of a certificate.

25 **Sec. 10.** NRS 440.630 is hereby amended to read as follows:

26 440.630 1. Certificates accepted subsequent to ~~4 years~~ *1*
27 *year* after the time prescribed for filing and certificates which have
28 been altered after being filed with the State Registrar shall contain
29 the date of the delayed filing and the date of the alteration and be
30 marked distinctly "Delayed" or "Altered."

31 2. After a certificate has been accepted for delayed filing or
32 after the Board has permitted an alteration of a certificate on file, the
33 alteration shall be noted by the State Registrar on the reverse side of
34 the certificate, together with a summary statement of the evidence
35 submitted in support of the alteration.

36 3. All the evidence affecting the alteration of a certificate, after
37 it has been filed with the State Registrar, shall be kept in a special
38 permanent file.

