

# House Bill 3611

Sponsored by Representatives ESQUIVEL, GARRARD, MATTHEWS, WITT; Representatives BAILEY, BARNHART, BENTZ, BERGER, BOONE, BREWER, BUCKLEY, CAMERON, CONGER, DEMBROW, DOHERTY, FREDERICK, GARRETT, GELSER, HARKER, HOLVEY, HOYLE, HUFFMAN, HUNT, JENSON, JOHNSON, KENNEMER, KOTEK, KRIEGER, LINDSAY, MCLANE, NATHANSON, NOLAN, PARRISH, READ, ROBLAN, SCHAUFLER, SHEEHAN, G SMITH, J SMITH, THOMPSON, TOMEI, WAND, WHISNANT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person who submits death certificate after decedent's death was caused by suicide to make reasonable efforts to ascertain and to indicate on death certificate whether decedent was veteran, whether decedent served in combat and where decedent served if decedent served in combat.

## A BILL FOR AN ACT

1  
2 Relating to death certificates; amending ORS 432.307.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 432.307 is amended to read:

5 432.307. (1) A certificate of death for each death that occurs in this state [*shall*] **must** be sub-  
6 mitted to the county registrar of the county in which the death occurred or to the Center for Health  
7 Statistics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within  
8 five days after death or the finding of a dead body and [*prior to*] **before** final disposition, and  
9 [*shall*] **must** be registered if it has been completed and filed in accordance with this section.

10 (a) If the place of death is unknown, but the dead body is found in this state, the certificate of  
11 death [*shall*] **must** be completed and filed in accordance with this section. The place where the body  
12 is found [*shall*] **must** be shown as the place of death. If the date of death is unknown, it [*shall*] **must**  
13 be determined by approximation. If the date cannot be determined by approximation, the date the  
14 dead body is found [*shall*] **must** be entered and identified as the date of death.

15 (b) When death occurs in a moving conveyance:

16 (A) In the United States and the body is first removed from the conveyance in this state, the  
17 death [*shall*] **must** be registered in this state and the place where it is first removed [*shall*] **must**  
18 be considered the place of death.

19 (B) While in international waters or air space or in a foreign country or its air space and the  
20 body is first removed from the conveyance in this state, the death [*shall*] **must** be registered in this  
21 state but the certificate [*shall*] **must** show the actual place of death insofar as can be determined.

22 (c) In all other cases, the place where death is pronounced [*shall be*] **is** considered the place  
23 where death occurred.

24 (2) The funeral service practitioner or person acting as a funeral service practitioner who first  
25 assumes custody of the dead body shall submit the certificate of death. The funeral service practi-  
26 tioner or person acting as a funeral service practitioner shall obtain the personal data from the next  
27 of kin or the best qualified person or source available and shall obtain the medical certification from  
28 the person responsible therefor. The funeral service practitioner or person acting as a funeral ser-

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 vice practitioner shall provide the certificate of death containing information as specified by rule  
2 to identify the decedent to the certifier within 48 hours after death.

3 (3) The physician, physician assistant practicing under the supervision of a person licensed to  
4 practice medicine under ORS chapter 677 or certified nurse practitioner, in charge of the care of  
5 the patient for the illness or condition that resulted in death shall complete, sign and return the  
6 medical certification of death to the funeral service practitioner or person acting as a funeral ser-  
7 vice practitioner within 48 hours after receipt of the certificate of death by the physician, physician  
8 assistant or nurse practitioner, except when inquiry is required by ORS chapter 146. In the absence  
9 or inability of the physician, physician assistant or nurse practitioner, or with the approval of the  
10 physician, the medical certification of death may be completed by an associate physician, the chief  
11 medical officer of the institution in which death occurred or the physician who performed an  
12 autopsy upon the decedent, provided that the individual has access to the medical history of the case  
13 and death is due to natural causes. The person completing the medical certification of death shall  
14 attest to its accuracy either by signature or by an approved electronic process.

15 (4) When inquiry is required by ORS chapter 146, the medical examiner shall determine the  
16 cause of death and shall complete and sign the medical certification of death within 48 hours after  
17 taking charge of the case.

18 (5) If the cause of death cannot be determined within the time prescribed, the medical certifi-  
19 cation of death [shall] **must** be completed as provided by rule of the state registrar. The attending  
20 physician, physician assistant practicing under the supervision of a person licensed to practice  
21 medicine under ORS chapter 677, nurse practitioner or medical examiner shall give the funeral  
22 service practitioner or person acting as a funeral service practitioner notice of the reason for the  
23 delay, and final disposition of the body [shall] **may** not be made until authorized by the attending  
24 physician, physician assistant, nurse practitioner or medical examiner.

25 (6) Upon receipt of autopsy results or other information that would change the information in  
26 the "Cause of Death" section of the certificate of death from that originally reported, the certifier  
27 shall immediately file a supplemental report of cause of death with the Center for Health Statistics  
28 to amend the certificate.

29 (7) When a death is presumed to have occurred within this state but the body cannot be located,  
30 a certificate of death may be registered by the state registrar only upon receipt from the State  
31 Medical Examiner. Such a death certificate [shall] **must** be marked "Presumptive" and [shall] **must**  
32 show on its face the date of registration.

33 (8) When a death occurring in this state has not been registered within the time period pre-  
34 scribed by this section, a certificate of death may be filed in accordance with rules of the state  
35 registrar. The certificate [shall] **must** be registered subject to evidentiary requirements [as] **pre-**  
36 **scribed by** the state registrar by rule [shall prescribe] to substantiate the alleged facts of death.

37 (9) A certificate of death registered one year or more after the date of death or the date the  
38 dead body was found [shall] **must** be marked "Delayed" and [shall] **must** show on its face the date  
39 of the delayed registration.

40 (10) When an applicant does not submit the minimum documentation required by rule of the  
41 state registrar for delayed registration or when the state registrar has cause to question the validity  
42 or adequacy of the applicant's sworn statement or the documentary evidence and if the deficiencies  
43 are not corrected, the state registrar [shall] **may** not register the delayed certificate of death and  
44 shall advise the applicant of the right of appeal under ORS 183.480 to 183.484.

45 (11) A certificate of death required to be filed under this section [shall] **must** contain the Social

1 Security number of the decedent whenever the Social Security number is reasonably available from  
2 other records concerning the decedent or can be obtained from the person in charge of the final  
3 disposition of the decedent.

4 **(12) If a decedent's death was caused by suicide, the person who submits the death cer-**  
5 **tificate to the county registrar or to the Center for Health Statistics, or as otherwise di-**  
6 **rected by the State Registrar of the Center for Health Statistics, shall make reasonable**  
7 **efforts to ascertain and shall indicate on the death certificate:**

8 **(a) Whether the decedent was a veteran; and**

9 **(b) If the decedent was a veteran, whether the decedent served in combat and, if so,**  
10 **where the decedent served.**

11

\_\_\_\_\_