

# House Bill 2093

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Health Authority)

## 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**.

Makes changes to provisions of law related to vital statistics to reflect 2011 Revision to Model State Vital Statistics Act. Appropriates fee moneys collected under provisions to Oregon Health Authority for purpose of administering provisions.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to vital statistics; creating new provisions; amending ORS 33.430, 33.460, 106.100, 109.094,  
3 112.582, 113.145, 114.525, 127.815, 130.370, 146.045, 146.095, 146.121, 176.740, 180.320, 247.570,  
4 416.430, 432.005, 432.010, 432.015, 432.030, 432.035, 432.075, 432.085, 432.090, 432.105, 432.115,  
5 432.121, 432.124, 432.140, 432.142, 432.146, 432.165, 432.180, 432.206, 432.230, 432.235, 432.240,  
6 432.285, 432.287, 432.307, 432.312, 432.317, 432.327, 432.333, 432.405, 432.408, 432.412, 432.415,  
7 432.420, 432.430, 432.993, 432.995, 677.518, 678.375, 684.030, 685.050 and 692.405; repealing ORS  
8 432.040, 432.080, 432.095, 432.119, 432.122, 432.130 and 432.300; appropriating money; and declar-  
9 ing an emergency.

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

## DEFINITIONS

11  
12  
13  
14 **SECTION 1.** ORS 432.005 is amended to read:

15 432.005. [*As used in this chapter, unless the context requires otherwise:*]

16 [(1) "Authority" means the Oregon Health Authority.]

17 [(2) "Dead body" means a human body or such parts of such human body from the condition of  
18 which it reasonably may be concluded that death occurred.]

19 [(3) "Director" means the Director of the Oregon Health Authority.]

20 [(4) "Divorce" means dissolution of a marriage.]

21 [(5) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a  
22 product of human conception, irrespective of the duration of pregnancy. The death is indicated by the  
23 fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life  
24 such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary  
25 muscles.]

26 [(6) "File" means the presentation and acceptance of a vital record or vital report provided for in  
27 this chapter by the Center for Health Statistics.]

28 [(7) "Final disposition" means the burial, interment, cremation, removal from the state or other  
29 authorized disposition of a dead body or fetus, except that when removal from the state is conducted

**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 *by the holder of a certificate of removal registration issued under ORS 692.270, the final disposition*  
 2 *may not be considered complete until the certificate of death is filed.]*

3 [(8) *“Induced termination of pregnancy” means the purposeful interruption of an intrauterine*  
 4 *pregnancy with the intention other than to produce a live-born infant and that does not result in a live*  
 5 *birth.*]

6 [(9) *“Institution” means any establishment, public or private, that provides inpatient or outpatient*  
 7 *medical, surgical or diagnostic care or treatment or nursing, custodial or domiciliary care, or to which*  
 8 *persons are committed by law.*]

9 [(10) *“Live birth” means the complete expulsion or extraction from its mother of a product of human*  
 10 *conception, irrespective of the duration of pregnancy, that, after such expulsion or extraction, breathes*  
 11 *or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or*  
 12 *definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta*  
 13 *is attached.*]

14 [(11) *“Person acting as a funeral service practitioner” means:*]

15 [(a) *A person other than a funeral service practitioner licensed under ORS 692.045, including but*  
 16 *not limited to a relative, friend or other interested party, who performs the duties of a funeral service*  
 17 *practitioner without payment; or]*

18 [(b) *A funeral service practitioner who files death certificates in another state if the funeral service*  
 19 *practitioner is employed by a funeral establishment licensed in another state and registered with the*  
 20 *State Mortuary and Cemetery Board under ORS 692.270.*]

21 [(12) *“Physician” means a person authorized or licensed under the laws of this state to practice*  
 22 *medicine, osteopathy, chiropractic or naturopathic medicine.*]

23 [(13) *“Registration” means the process by which vital records and vital reports are completed, filed*  
 24 *and incorporated into the official records of the Center for Health Statistics.*]

25 [(14) *“State registrar” means the State Registrar of the Center for Health Statistics.*]

26 [(15) *“System of vital statistics” means the registration, collection, preservation, amendment and*  
 27 *certification of vital records and vital reports; the collection of other reports required by this chapter,*  
 28 *and activities related thereto including the tabulation, analysis, dissemination and publication of vital*  
 29 *statistics and training in the use of health data.*]

30 [(16) *“Vital records” means certificates or reports of birth, death, marriage, declaration of domestic*  
 31 *partnership, dissolution of marriage or domestic partnership and data related thereto.*]

32 [(17) *“Vital reports” means reports of fetal death, induced termination of pregnancy, suicide at-*  
 33 *tempts by persons under 18 years of age and survey and questionnaire documents and data related*  
 34 *thereto.*]

35 [(18) *“Vital statistics” means the data derived from certificates and reports of birth, death, fetal*  
 36 *death, induced termination of pregnancy, marriage, declaration of domestic partnership, dissolution of*  
 37 *marriage, dissolution of domestic partnership, suicide attempts by persons under 18 years of age and*  
 38 *related reports.*]

39 **As used in this chapter, unless the context requires otherwise:**

40 (1) **“Amendment” means a change to a certificate item on a vital record after a certif-**  
 41 **icate has been issued.**

42 (2) **“Authorized representative” means an agent designated in a written statement signed**  
 43 **by the registrant or other qualified applicant, the signing of which was witnessed.**

44 (3) **“Certificate” means the document, in either paper or electronic format, issued by the**  
 45 **State Registrar of the Center for Health Statistics and containing all or a part of the infor-**

1 mation contained on the original vital record, and which, when issued by the state registrar,  
 2 has the full force and effect of the original vital record.

3 (4) "Certificate item" means any item of information that appears on certificates.

4 (5) "Correction" means a change to a non-certificate item on a vital record, or a change  
 5 to a certificate item provided that no certificate has been issued.

6 (6) "Court of competent jurisdiction" means a court within the United States with juris-  
 7 diction over a person subject to regulation under this chapter.

8 (7) "Date of registration" means the month, day and year a vital record is incorporated  
 9 into the official records of the Center for Health Statistics.

10 (8) "Dead body" means a human body or such parts of such human body from the con-  
 11 dition of which it reasonably may be concluded that death occurred.

12 (9) "Electronic signature" means an electronic sound, symbol or process attached to or  
 13 logically associated with a contract or other record that is executed or adopted by a person  
 14 with the intent to attest to the accuracy of the facts in the record.

15 (10) "Health research" means a systematic study to gain information and understanding  
 16 about health, with the goal of finding ways to improve human health, that conforms to or  
 17 is conducted in accordance with generally accepted scientific standards or principles and that  
 18 is designed to develop or contribute to general scientific knowledge.

19 (11) "Facts of live birth" means the name of the child, date of birth, place of birth, sex  
 20 and parent's name or parents' names appearing on the record of live birth.

21 (12) "Fetal death" means death prior to the complete expulsion or extraction from its  
 22 mother of a product of human conception, irrespective of the duration of pregnancy, that is  
 23 not an induced termination of pregnancy. The death is indicated by the fact that after such  
 24 expulsion or extraction the fetus does not breathe or show any other evidence of life such  
 25 as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary  
 26 muscles. As used in this subsection, "breathe" does not include fleeting respiratory efforts  
 27 or gasps, and "beating of the heart" does not include transient cardiac contractions.

28 (13) "Final disposition" means the burial, interment, cremation, removal from the state  
 29 or other authorized disposition of a dead body or fetus, except that when removal from the  
 30 state is conducted by the holder of a certificate of removal registration issued under ORS  
 31 692.270, the final disposition may not be considered complete until the report of death is filed.

32 (14)(a) "Human remains" means a dead body.

33 (b) "Human remains" does not include human ashes recovered after cremation.

34 (15)(a) "Induced termination of pregnancy" means the purposeful interruption of an  
 35 intrauterine pregnancy with the intention other than to produce a live-born infant and that  
 36 does not result in a live birth.

37 (b) "Induced termination of pregnancy" does not include management of prolonged re-  
 38 tention of products of conception following fetal death.

39 (16) "Institution" means any establishment, public or private, that provides inpatient or  
 40 outpatient medical, surgical or diagnostic care or treatment or nursing, custodial or  
 41 domiciliary care, or to which persons are committed by law.

42 (17) "Interment" means the disposition of human remains by entombment or burial.

43 (18) "Legal representative" means a licensed attorney representing the registrant or  
 44 other qualified applicant.

45 (19) "Live birth" means the complete expulsion or extraction from its mother of a prod-

1 **uct of human conception, irrespective of the duration of pregnancy, that, after such expul-**  
 2 **sion or extraction, breathes or shows any other evidence of life such as beating of the heart,**  
 3 **pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not**  
 4 **the umbilical cord has been cut or the placenta is attached. As used in this subsection,**  
 5 **“breathes” does not include fleeting respiratory efforts or gasps, and “beating of the heart”**  
 6 **does not include transient cardiac contractions.**

7 **(20) “Medical certifier” means a physician, physician assistant or nurse practitioner li-**  
 8 **icensed under the laws of this state or under the laws of Washington, Idaho or California who**  
 9 **has treated a decedent within the 12 months preceding death.**

10 **(21) “Person acting as a funeral service practitioner” means:**

11 **(a) A person other than a funeral service practitioner licensed under ORS 692.045, in-**  
 12 **cluding but not limited to a relative, friend or other interested party, who performs the du-**  
 13 **ties of a funeral service practitioner without payment; or**

14 **(b) A funeral service practitioner who submits reports of death in another state if the**  
 15 **funeral service practitioner is employed by a funeral establishment licensed in another state**  
 16 **and registered with the State Mortuary and Cemetery Board under ORS 692.270.**

17 **(22) “Person in charge of an institution” means the officer or employee who is responsi-**  
 18 **ble for administration of an institution.**

19 **(23) “Personally identifiable information” means information that can be used to distin-**  
 20 **guish or trace an individual’s identity or, when combined with other personal or identifying**  
 21 **information, is linked or linkable to a specific individual.**

22 **(24) “Physician” means a person authorized to practice medicine, osteopathy,**  
 23 **chiropractic or naturopathic medicine under the laws of this state or under the laws of**  
 24 **Washington, Idaho or California.**

25 **(25) “Record” means a report that has been registered by the state registrar.**

26 **(26) “Record of foreign live birth” means a document registered by the state registrar for**  
 27 **a person born in a foreign country who may or may not be a citizen of the United States and**  
 28 **who was adopted under the laws of this state.**

29 **(27) “Registration” means the process by which vital records and reports are accepted**  
 30 **and incorporated into the official records of the Center for Health Statistics.**

31 **(28) “Report” means a document, whether in paper or electronic format, containing in-**  
 32 **formation related to a vital event submitted by a person required to submit the information**  
 33 **to the state registrar for the purpose of registering a vital event.**

34 **(29) “State” includes a state or territory of the United States, the District of Columbia**  
 35 **and New York City.**

36 **(30) “System of vital statistics” means:**

37 **(a) The collection, registration, preservation, amendment, certification and verification**  
 38 **of, and the maintenance of the security and integrity of, vital records;**

39 **(b) The collection of reports required by this chapter; and**

40 **(c) Activities related to the activities described in paragraphs (a) and (b) of this sub-**  
 41 **section, including the tabulation, analysis, dissemination and publication of vital statistics**  
 42 **and training in the use of health data.**

43 **(31) “Verification” means confirmation of the information on a vital record based on the**  
 44 **facts contained in a report.**

45 **(32) “Vital record” means a report of a live birth, death, fetal death, marriage, declara-**

1 **tion of domestic partnership, dissolution of marriage or domestic partnership and related**  
 2 **data that have been accepted for registration and incorporated into the official records of the**  
 3 **Center for Health Statistics.**

4 (33) **“Vital statistics” means the aggregated data derived from records and reports of live**  
 5 **birth, death, fetal death, induced termination of pregnancy, marriage, declaration of domes-**  
 6 **tic partnership, dissolution of marriage, dissolution of domestic partnership and supporting**  
 7 **documentation and related reports.**

8  
 9 **ADMINISTRATION**

10  
 11 **SECTION 2.** ORS 432.010 is amended to read:

12 432.010. *[(1) The Oregon Health Authority shall establish the Center for Health Statistics, which*  
 13 *shall install, maintain and operate the system of vital statistics throughout this state in cooperation*  
 14 *with appropriate units of local government. The Center for Health Statistics shall be responsible for the*  
 15 *proper administration of the system of vital statistics and for the preservation and security of its official*  
 16 *records.]*

17 *[(2) In order to promote and maintain nationwide uniformity in the system of vital statistics, the*  
 18 *State Registrar of the Center for Health Statistics may refer to the 1992 federal revision of the Model*  
 19 *State Vital Statistics Act and Regulations for recommendations regarding the forms of certificates and*  
 20 *reports required by this chapter.]*

21 *[(3) Each certificate, report and other document required by this chapter shall be on a form or in*  
 22 *a format prescribed by the state registrar.]*

23 *[(4) All vital records shall contain the date of filing.]*

24 *[(5) Information required in certificates, forms, records or reports authorized by this chapter may*  
 25 *be filed, verified, registered and stored by photographic, electronic or other means as prescribed by the*  
 26 *state registrar.]*

27 **(1) There is established in the Oregon Health Authority the Center for Health Statistics,**  
 28 **which shall maintain, operate and advance the system of vital statistics throughout this**  
 29 **state in cooperation with appropriate units of county government. The Center for Health**  
 30 **Statistics shall be responsible for the proper administration of the system of vital statistics**  
 31 **and for the preservation and security of its official records.**

32 **(2) In order to promote and maintain nationwide uniformity in the system of vital sta-**  
 33 **tics, the forms for reports and records required by this chapter and the rules adopted**  
 34 **under this chapter must include, at a minimum, the items recommended by the federal**  
 35 **agency responsible for national vital statistics.**

36 **(3) Each report, record and other document required by this chapter shall be on a form**  
 37 **or in a format prescribed by the State Registrar of the Center for Health Statistics.**

38 **(4) All records shall contain the date of registration.**

39 **(5) Information required in forms, reports or records authorized by this chapter may be**  
 40 **submitted, verified, registered and stored by photographic, electronic or other means as**  
 41 **prescribed by the state registrar.**

42 **SECTION 3.** ORS 432.015 is amended to read:

43 432.015. *[The State Registrar of the Center for Health Statistics, under the supervision of the Di-*  
 44 *rector of the Oregon Health Authority, in compliance with ORS chapter 183, shall adopt rules neces-*  
 45 *sary to the installation and efficient performance of an adequate system of vital and public health*

1 *statistics including rules for the return of evidence affecting delayed certificates, or affecting alteration*  
 2 *of a certificate, after the certificate has been filed with the state registrar.]*

3 **The State Registrar of the Center for Health Statistics, under the supervision of the Di-**  
 4 **rector of the Oregon Health Authority, shall adopt rules in accordance with ORS chapter 183**  
 5 **that are necessary to the installation and efficient performance of an adequate system of**  
 6 **vital statistics, including rules for the return of evidence affecting a delayed report, or af-**  
 7 **fecting amendment of a report, after the report has been filed with the state registrar.**

8 **SECTION 4.** ORS 432.030 is amended to read:

9 432.030. [(1) *The State Registrar of the Center for Health Statistics shall:*]

10 [(a) *Under the supervision of the Director of the Oregon Health Authority, have charge of the*  
 11 *Center for Health Statistics.*]

12 [(b) *Administer and enforce the provisions of this chapter and the rules adopted pursuant thereto*  
 13 *for the efficient administration of the system of vital statistics.*]

14 [(c) *Direct and supervise the system of vital statistics and the Center for Health Statistics and be*  
 15 *custodian of its records.*]

16 [(d) *Direct, supervise and control the activities of all persons when they are engaged in activities*  
 17 *pertaining to the operation of the system of vital statistics.*]

18 [(e) *Conduct training programs to promote uniformity of policy and procedures throughout the state*  
 19 *in matters pertaining to the system of vital statistics.*]

20 [(f) *Prescribe, furnish and distribute such forms as are required by this chapter and the rules*  
 21 *adopted pursuant thereto or prescribe other means for transmission of data to accomplish the purpose*  
 22 *of complete and accurate reporting and registration.*]

23 [(g) *Prepare and publish reports of vital statistics of this state and such other reports as may be*  
 24 *required by the Oregon Health Authority.*]

25 [(h) *Provide to local health agencies such copies of or data derived from certificates and reports*  
 26 *required under this chapter as the state registrar shall determine are necessary for local health plan-*  
 27 *ning and program activities. The state registrar shall establish a schedule with each local health*  
 28 *agency for transmittal of the copies or data. The copies or data shall remain the property of the Center*  
 29 *for Health Statistics and the uses that may be made of them shall be determined by the state*  
 30 *registrar.*]

31 [(i) *Provide local health agencies training and consultation in working with health data.*]

32 [(2) *The state registrar may delegate such functions and duties vested in the state registrar to em-*  
 33 *ployees of the Center for Health Statistics and to employees of any office established or designated*  
 34 *under ORS 432.035.*]

35 **(1) The State Registrar of the Center for Health Statistics shall:**

36 **(a) Administer and enforce the provisions of this chapter and the rules adopted under**  
 37 **this chapter, and issue orders for the efficient administration of the system of vital statis-**  
 38 **tics.**

39 **(b) Direct and supervise the system of vital statistics and the Center for Health Statis-**  
 40 **tics, and be custodian of its records.**

41 **(c) Provide for the confidentiality and security of the system of vital statistics.**

42 **(d) Direct, supervise and control the activities of all persons engaged in activities per-**  
 43 **taining to the operation of the system of vital statistics.**

44 **(e) Develop and conduct training programs to promote uniformity of policy and proce-**  
 45 **dures throughout this state in matters pertaining to the system of vital statistics.**

1 (f) Prescribe, furnish and distribute the forms required by this chapter or the rules  
 2 adopted under this chapter, and prescribe other means for transmission of data, including  
 3 electronic transmission of data, to accomplish the purpose of complete, accurate and timely  
 4 reporting and registration.

5 (g) Prepare and publish reports of vital statistics of this state and such other reports as  
 6 may be required by the Oregon Health Authority.

7 (h) Provide to local health agencies information derived from reports and records re-  
 8 quired under this chapter that the state registrar determines is necessary for local health  
 9 planning and program activities.

10 (i)(A) Prepare a plan to provide for the continuity of operations of the system of vital  
 11 statistics in the event of an emergency.

12 (B) The plan shall:

13 (i) Address, to the extent practicable, natural and man-made events that interrupt  
 14 normal activities of the system of vital statistics;

15 (ii) Identify essential vital statistics services; and

16 (iii) Provide guidance for maintaining essential vital statistics services.

17 (C) Components of the plan shall include:

18 (i) Alternative locations for operations;

19 (ii) Identification of essential equipment and document needs, and a plan for obtaining  
 20 those needs; and

21 (iii) Identification of essential staff and a means to communicate with that staff in an  
 22 emergency.

23 (D) The plan is not subject to disclosure under ORS 192.410 to 192.505, except to the ex-  
 24 tent that the state registrar deems necessary to implement the plan.

25 (2) The state registrar may establish, designate or eliminate offices in this state to aid  
 26 in the efficient administration of the system of vital statistics.

27 (3) The state registrar may delegate functions and duties vested in the state registrar  
 28 to employees of the Center for Health Statistics and to employees of an office designated  
 29 under ORS 432.035.

30 SECTION 5. Section 6 of this 2013 Act is added to and made a part of ORS chapter 432.

31 SECTION 6. (1) The Legislative Assembly finds that:

32 (a) The system of vital statistics supports civil registration and creates information that  
 33 is used for public health, health research, national security, statistical and administrative  
 34 purposes;

35 (b) Civil registration of each vital event that occurs within this state is carried out pri-  
 36 marily for the purpose of establishing legal documents provided by law; and

37 (c) Due to increased requirements of civil registration in the context of national security  
 38 and the use of live birth records as the primary document used to identify individuals, the  
 39 State Registrar of the Center for Health Statistics must:

40 (A) Take measures to prevent the fraudulent use of vital records for identity theft,  
 41 terrorism or other purposes;

42 (B) Maintain the security of personnel, physical environments, electronic systems and  
 43 preservation methods; and

44 (C) Perform data assurance and record matching activities to protect the confidentiality  
 45 and security of vital records and prevent the fraudulent use of vital records.

1 (2) For the purposes described in subsection (1) of this section, the state registrar shall:

2 (a) Authenticate all users of the system of vital statistics and document that the users  
3 require access to the system of vital statistics for purposes related to the official roles and  
4 duties of the users;

5 (b) Authorize authenticated users of the system of vital statistics to access specific  
6 components of the system of vital statistics that are necessary for the users to perform their  
7 official roles and duties;

8 (c) Establish separate duties for staff who have roles that may be susceptible to fraud  
9 or misuse and routinely perform audits of staff work for the purpose of identifying fraud or  
10 misuse within the system of vital statistics;

11 (d) Require that authenticated and authorized users maintain a specified level of training  
12 related to security and provide written acknowledgment of security procedures and penalties;

13 (e) Validate data provided in reports submitted for registration through site visits or with  
14 sources independent from registration processes at a frequency specified by the state  
15 registrar by rule that maximizes the integrity of the data collected;

16 (f) Protect personally identifiable information and maintain systems that provide for au-  
17 dits of use and include protocols for breach identification and notification;

18 (g) If the decedent was born in this state or if the decedent was a resident of this state,  
19 receive a report from the United States Department of Defense or the United States De-  
20 partment of State of a death occurring outside the United States;

21 (h) Match death records to live birth records;

22 (i) Match death records received from the United States Department of Defense or the  
23 United States Department of State of a death occurring outside the United States to regis-  
24 tered live birth records;

25 (j) Work with law enforcement to provide evidence for active fraud investigations;

26 (k) Provide secure workplace, storage and technology environments;

27 (L) Maintain overt, covert and forensic security measures for certificates, verifications  
28 and automated systems that are part of the system of vital statistics;

29 (m) Comply with laws, rules and regulations associated with information technology  
30 systems and information related to the system of vital statistics; and

31 (n) Comply with national standards that apply to the system of vital statistics and its  
32 components.

33  
34 **COUNTRY REGISTRARS**  
35

36 **SECTION 7.** ORS 432.035 is amended to read:

37 432.035. *[The State Registrar of the Center for Health Statistics shall designate for each county a*  
38 *county registrar. In consultation with the state registrar, the county registrar may designate one or*  
39 *more deputy county registrars in any county. So far as practical, a county health official shall be des-*  
40 *ignated county registrar.]*

41 (1) **The State Registrar of the Center for Health Statistics shall designate for each county**  
42 **a county registrar. In consultation with the state registrar, each county registrar may des-**  
43 **ignate one or more deputy county registrars. The county registrar shall be sufficiently po-**  
44 **sitioned within the county and have sufficient contact with deputy county registrars to**  
45 **ensure compliance with this chapter and rules adopted under this chapter.**



1 (2) The county and deputy county registrars shall:

2 (a) Comply with all instructions of the state registrar;

3 (b) Check upon the compliance of others with the provisions of this chapter and with  
4 rules adopted under this chapter; and

5 (c) Make an immediate report to the state registrar of any violation of this chapter or  
6 of a rule adopted under this chapter coming to their notice by observation, upon complaint  
7 of a person or otherwise.

8 (3) The Oregon Health Authority, after taking into consideration county needs, shall  
9 adopt rules under which a county registrar may issue certificates of live births or deaths  
10 that occur in the county within six months of the date of the live birth or death.

11  
12 **REPORTS**  
13

14 **SECTION 8.** ORS 432.075 is amended to read:

15 432.075. *[(1) Any person having knowledge of the facts shall furnish all information the person  
16 may possess regarding any birth, death, fetal death, induced termination of pregnancy, marriage, dis-  
17 solution of marriage or suicide attempt by a person under 18 years of age, upon demand of the State  
18 Registrar of the Center for Health Statistics.]*

19 *[(2) Any person or institution that in good faith provides information required by this chapter or  
20 by rules adopted pursuant thereto shall not be subject to any action for civil damages.]*

21 (1) A person having knowledge of the facts shall furnish all information the person may  
22 possess regarding a live birth, death, fetal death, induced termination of pregnancy, mar-  
23 riage, declaration of domestic partnership or dissolution of marriage or domestic partnership  
24 upon demand of the State Registrar of the Center for Health Statistics.

25 (2) A person required to report information under this chapter or the rules adopted under  
26 this chapter shall provide the information to the state registrar within five calendar days  
27 of receiving the information.

28 (3) Within five calendar days of receipt of autopsy results or other information that  
29 would provide pending or missing information or correct errors in a reported cause of death,  
30 the medical certifier or medical examiner required to report the death under ORS 432.307  
31 shall submit an affidavit on the cause of death to amend the record.

32 (4) A person or institution that in good faith provides information required by this  
33 chapter or by rules adopted under this chapter shall not be subject to an action for civil  
34 damages.

35 (5) The state registrar may require alternative documentation from the provider of in-  
36 formation relating to the occurrence of a vital event for the purpose of quality assurance.

37  
38 **(By Institutions)**  
39

40 **SECTION 9.** ORS 432.165 is amended to read:

41 432.165. *[(1) All superintendents or managers or other persons in charge of institutions shall keep  
42 a record of personal data concerning each person admitted or confined to the institution. This record  
43 shall include information as required for the certificates of birth and death and the reports of fetal  
44 death and induced termination of pregnancy required by this chapter. The record shall be made at the  
45 time of admission from information provided by the person being admitted or confined, but when it*

1 cannot be so obtained, the information shall be obtained from relatives or other persons acquainted  
 2 with the facts. The name and address of the person providing the information shall be a part of the  
 3 record.]

4 [(2) When a dead body or fetus is released or disposed of by an institution, the person in charge  
 5 of the institution shall keep a record showing the name of the decedent, Social Security number, if is-  
 6 sued, date of death, name and address of the person to whom the body or fetus is released and the date  
 7 of removal from the institution. If final disposition is made by the institution, the date, place and  
 8 manner of disposition shall also be recorded.]

9 [(3) A funeral service practitioner, embalmer, sexton or other person who removes from the place  
 10 of death, transports or makes final disposition of a dead body or fetus, in addition to filing any cer-  
 11 tificate or other report required by this chapter or rules adopted pursuant thereto, shall keep a record  
 12 which shall identify the body, and information pertaining to receipt, removal, delivery, burial or  
 13 cremation of the body as may be required by rules adopted by the State Registrar of the Center for  
 14 Health Statistics.]

15 [(4) A medical examiner, physician or nurse practitioner authorized by law to sign a death certif-  
 16 icate who is notified of the death of a person not under the care of institutions shall keep a record.]

17 [(5) Copies of records described in this section shall be sent to the state registrar at least monthly.  
 18 Records maintained under this section shall be retained by the institution, medical examiner, physician  
 19 or nurse practitioner and the persons described in subsection (3) of this section for a period of not less  
 20 than two years and shall be made available for inspection by the state registrar or a representative of  
 21 the state registrar upon demand.]

22 **(1) A person in charge of an institution shall keep a record of personal data concerning**  
 23 **each person admitted or confined to the institution. The record shall include information as**  
 24 **required for the reports of live birth, death, fetal death or induced termination of pregnancy**  
 25 **required by this chapter. The record shall be made at the time of admission from information**  
 26 **provided by the person being admitted or confined, but when it cannot be so obtained, the**  
 27 **information shall be obtained from relatives or other persons acquainted with the facts. The**  
 28 **name and address of the person providing the information shall be a part of the record.**

29 **(2) A licensed health care practitioner shall keep a record of personal data concerning**  
 30 **each person under the practitioner's care for a condition that results in a reportable vital**  
 31 **event if a record for that event is not maintained by an institution as described in subsection**  
 32 **(1) of this section. The record shall include information as required for the reports of live**  
 33 **birth, death, fetal death or induced termination of pregnancy required by this chapter. The**  
 34 **record shall include information provided by the person under the practitioner's care. If the**  
 35 **person being treated cannot provide the information, then the practitioner shall obtain the**  
 36 **information from relatives or other persons acquainted with the facts. The name and address**  
 37 **of the relative or other person providing the information shall be a part of the record.**

38 **(3) When a dead body or fetus is released or disposed of by an institution, the person in**  
 39 **charge of the institution shall keep a record showing the name of the decedent, Social Se-**  
 40 **curity number, if issued, date of death, name and address of the person to whom the body**  
 41 **or fetus is released and date of removal from the institution. If final disposition is made by**  
 42 **the institution, the date, place and manner of disposition shall also be recorded.**

43 **(4) A funeral service practitioner, embalmer, sexton or other person who removes from**  
 44 **the place of death, transports or makes final disposition of a dead body or fetus, in addition**  
 45 **to filing a report required by this chapter or rules adopted under this chapter, shall keep a**

1 record that identifies the body and that includes information pertaining to the receipt, re-  
 2 moval, delivery, burial or cremation of the body as may be required by rules adopted by the  
 3 State Registrar of the Center for Health Statistics.

4 (5) Copies of records described in this section shall be sent to the state registrar at least  
 5 monthly. Records maintained under this section shall be retained for a period of not less  
 6 than seven years and shall be made available for inspection by the state registrar or a rep-  
 7 resentative of the state registrar upon demand.

8  
 9 (For Live Births)

10  
 11 **SECTION 10.** ORS 432.206 is amended to read:

12 432.206. *[(1) A certificate of birth for each birth that occurs in this state shall be filed with the*  
 13 *county registrar of the county in which the birth occurred or with the Center for Health Statistics, or*  
 14 *as otherwise directed by the State Registrar of the Center for Health Statistics, within five days after*  
 15 *the birth and shall be registered if the certificate has been completed and filed in accordance with this*  
 16 *section. Any birth certificate not containing the name of the father or on which the surname of the fa-*  
 17 *ther is at variance with that of the child, at the request of either parent, may be filed with the state*  
 18 *registrar and not with the registrar of the county in which the birth occurred.]*

19 *[(2) When a birth occurs in an institution or en route thereto, the person in charge of the institution*  
 20 *or authorized designee shall obtain the personal data, prepare the certificate, certify either by signature*  
 21 *or by an approved electronic process that the child was born alive at the place and time and on the*  
 22 *date stated and file the certificate as directed in subsection (1) of this section. The physician or other*  
 23 *person in attendance shall provide the medical information required by the certificate within 72 hours*  
 24 *after the birth.]*

25 *[(3) When a birth occurs outside of an institution:]*

26 *[(a) The certificate shall be prepared and filed within five days after the birth by one of the fol-*  
 27 *lowing in the indicated order of priority, in accordance with rules adopted by the state registrar:]*

28 *[(A) The physician in attendance at the birth or immediately after the birth, or in the absence of*  
 29 *such a person;]*

30 *[(B) The midwife in attendance at the birth or immediately after the birth, or in the absence of such*  
 31 *a person;]*

32 *[(C) Any other person in attendance at the birth or immediately after the birth, or in the absence*  
 33 *of such a person; or]*

34 *[(D) The father, the mother or, in the absence of the father and the inability of the mother, the*  
 35 *person with authority over the premises where the birth occurred.]*

36 *[(b) The state registrar shall by rule determine what evidence shall be required to establish the*  
 37 *facts of birth.]*

38 *[(4) When a birth occurs on a moving conveyance:]*

39 *[(a) Within the United States and the child is first removed from the conveyance in this state, the*  
 40 *birth shall be registered in this state and the place where it is first removed shall be considered the*  
 41 *place of birth.]*

42 *[(b) While in international waters or air space or in a foreign country or its air space and the child*  
 43 *is first removed from the conveyance in this state, the birth shall be registered in this state but the*  
 44 *certificate shall show the actual place of birth insofar as can be determined.]*

45 *[(5) If the mother is not married at the time of birth, the name of the father shall not be entered*

1 on the certificate unless:]

2 [(a) The mother was married to and cohabiting with her husband at the time of conception, in  
3 which case the husband's name shall be entered on the certificate, provided that the husband was not  
4 impotent or sterile; or]

5 [(b) Both the father and mother have signed a voluntary acknowledgment of paternity form that  
6 has been executed in accordance with ORS 432.287 and filed with the registrar.]

7 [(6) In the case of a child born to a married woman as a result of artificial insemination with the  
8 consent of her husband, the husband's name shall be entered on the certificate.]

9 [(7) If the mother was not married at the time of either conception or birth or between conception  
10 and birth, the name of the father shall not be entered on the certificate unless a voluntary acknowl-  
11 edgment of paternity form or other form prescribed under ORS 432.287 signed by the mother and the  
12 person to be named as the father is filed with the state registrar.]

13 [(8) In any case in which paternity of a child is determined by a court of competent jurisdiction,  
14 or by an administrative determination of paternity, the Center for Health Statistics shall enter the name  
15 of the father on the new certificate of birth. The Center for Health Statistics shall change the surname  
16 of the child if so ordered by the court or, in a proceeding under ORS 416.430, by the administrator as  
17 defined in ORS 25.010.]

18 [(9) If the father is not named on the certificate of birth, no other information about the father shall  
19 be entered on the legal portion of the certificate. Information pertaining to the father may be entered  
20 in the "Medical and Confidential" section of the certificate of birth.]

21 [(10) Certificates of birth filed after five days, but within one year after the date of birth, shall be  
22 registered on the standard form of birth certificate in the manner prescribed in this section. The cer-  
23 tificates shall not be marked "Delayed." The state registrar may require additional evidence in support  
24 of the facts of birth.]

25 **(1) A report of live birth for each live birth that occurs in this state shall be submitted**  
26 **to the Center for Health Statistics, or as otherwise directed by the State Registrar of the**  
27 **Center for Health Statistics, within five days after the live birth and shall be registered if**  
28 **the report has been completed and filed in accordance with this section.**

29 **(2) The physician, institution or other person providing prenatal care related to a live**  
30 **birth shall provide prenatal care information as required by the state registrar by rule to the**  
31 **institution where the delivery is expected to occur not less than 30 calendar days prior to**  
32 **the expected delivery date.**

33 **(3) When a live birth occurs in an institution or en route to an institution, the person**  
34 **in charge of the institution or an authorized designee shall obtain all data required by the**  
35 **state registrar, prepare the report of live birth, certify either by signature or electronic**  
36 **signature that the child was born alive at the place and time and on the date stated and**  
37 **submit the report as described in subsection (1) of this section.**

38 **(4) In obtaining the information required for the report of live birth, an institution shall**  
39 **use information gathering procedures provided or approved by the state registrar. Insti-**  
40 **tutions may establish procedures to transfer, electronically or otherwise, information re-**  
41 **quired for the report from other sources, provided that the procedures are reviewed and**  
42 **approved by the state registrar prior to the implementation of the procedures to ensure that**  
43 **the information being transferred is the same as the information being requested.**

44 **(5) When a live birth occurs outside an institution, the information for the report of live**  
45 **birth shall be submitted within five calendar days of the live birth in a format adopted by the**

1 state registrar by rule in the following order of priority:

2 (a) By the medical facility where the mother and child are examined, if examination oc-  
3 curs within five calendar days of the live birth;

4 (b) By the physician in attendance at the live birth or who first examines the mother and  
5 the child, if a physician was in attendance at the live birth or the examination occurs within  
6 five calendar days of the live birth;

7 (c) By the licensed or certified health care practitioner other than a physician in at-  
8 tendance at the live birth or who first examines the mother and the child, if the practitioner  
9 was in attendance at the live birth or the examination occurs within five days of the live  
10 birth; or

11 (d) By the father, the mother or, in the absence of the father and the inability of the  
12 mother, the person in charge of the premises where the live birth occurred.

13 (6) When a report of live birth is submitted that does not include the minimum accepta-  
14 ble documentation required by this section or any rules adopted under this section, or when  
15 the state registrar has cause to question the validity or adequacy of the documentation, the  
16 state registrar, in the state registrar's discretion, may refuse to register the live birth and  
17 shall enter an order to that effect stating the reasons for the action. The state registrar  
18 shall advise the applicant of the right to appeal under ORS 183.484.

19 (7) When a birth occurs on a moving conveyance:

20 (a) Within the United States and the child is first removed from the conveyance in this  
21 state, the birth shall be registered in this state and the place where it is first removed shall  
22 be considered the place of birth.

23 (b) While in international waters or air space or in a foreign country or its air space and  
24 the child is first removed from the conveyance in this state, the birth shall be registered in  
25 this state but the report of live birth shall show the actual place of birth insofar as can be  
26 determined.

27 (8) For purposes of making a report of live birth and live birth registration, the woman  
28 who gives live birth is the live birth mother. Thereafter, a court of competent jurisdiction  
29 may determine that a woman other than the live birth mother is the biological or genetic  
30 mother and order that the record of live birth be amended. The record of live birth shall then  
31 be placed under seal.

32 (9)(a) If the mother is married at the time of either conception or live birth, or 300 days  
33 before the live birth, the name of the husband shall be entered on the report of live birth  
34 as the father of child.

35 (b) If the mother is not married at the time of either conception or birth, or 300 days  
36 before the live birth, the name of the father shall not be entered on the report of live birth  
37 unless a voluntary acknowledgment of paternity form or other form prescribed under ORS  
38 432.287 is:

39 (A) Signed by the mother and the person to be named as the father; and

40 (B) Filed with the state registrar.

41 (c) If the mother is a partner in a registered domestic partnership at the time of either  
42 conception or live birth, or between conception and live birth, the name of the mother's  
43 partner shall be entered on the report of live birth as a parent of the child, unless parentage  
44 has been determined otherwise by a court of competent jurisdiction.

45 (d) In any case in which paternity of a child is determined by a court of competent ju-

1 jurisdiction, or by an administrative determination of paternity, the Center for Health Statis-  
 2 tics shall enter the name of the father on the new record of live birth. The Center for Health  
 3 Statistics shall change the surname of the child if so ordered by the court or, in a proceeding  
 4 under ORS 416.430, by the administrator as defined in ORS 25.010.

5 (e) If a biological parent is not named on the report of live birth, information other than  
 6 the identity of the biological parent may be entered on the report.

7 (10) A parent of the child, or other informant as determined by the state registrar by  
 8 rule, shall verify the accuracy of the personal data to be entered on a report of live birth in  
 9 time to permit submission of the report within the five calendar days of the live birth.

10 (11) A report of live birth submitted after five days, but within one year after the date  
 11 of live birth, shall be registered in the manner prescribed in this section. The record shall  
 12 not be marked "Delayed."

13 (12) The state registrar may require additional evidence in support of the facts of live  
 14 birth.

15 **SECTION 11.** ORS 432.285 is amended to read:

16 432.285. Any health care facility as defined in ORS 442.015 shall make available to the biological  
 17 parents of any child born live[,] or expected to be born [*within*] in the health care facility, a volun-  
 18 tary acknowledgment of paternity form when the facility has reason to believe that the mother of  
 19 the child is unmarried. The responsibility of the health care facility is limited to providing the form  
 20 and submitting the form with the [*birth certificate*] **report of live birth** to the State Registrar of the  
 21 Center for Health Statistics. The biological parents are responsible for ensuring that the form is  
 22 accurately completed. This form shall be as prescribed by ORS 432.287.

23 **SECTION 12.** ORS 432.287 is amended to read:

24 432.287. (1) The Director of the Oregon Health Authority shall adopt by rule a form of a vol-  
 25 untary acknowledgment of paternity that includes the minimum requirements specified by the United  
 26 States Secretary of Health and Human Services. When the form is signed by both biological parents  
 27 and witnessed by a third party, the form establishes paternity for all purposes when filed with the  
 28 State Registrar of the Center for Health Statistics, provided there is no male parent already named  
 29 [*on the birth certificate*] **in the report of live birth**. Establishment of paternity under this section  
 30 is subject to the provisions and the requirements in ORS 109.070. When there is no other male  
 31 named as father on the child's [*birth certificate*] **record of live birth**, the filing of such voluntary  
 32 acknowledgment of paternity form shall cause the state registrar to place the name of the male  
 33 parent who has signed the voluntary acknowledgment of paternity form on the [*birth certificate*]  
 34 **record of live birth** of the child or, if appropriate, [*issue a new birth certificate*] **establish a re-**  
 35 **placement for the record** containing the name of the child's male parent, as that parent is named  
 36 in the voluntary acknowledgment of paternity form. When signed by both parents in the health care  
 37 facility of the child's birth within five days after the birth, the voluntary acknowledgment of  
 38 paternity form is not a sworn document. When thus signed, a staff member of the health care facility  
 39 shall witness the signatures of the parents. In all other circumstances, the form is a sworn docu-  
 40 ment. The filing of the voluntary acknowledgment of paternity form created by this section is subject  
 41 to the payment of any fees that may apply.

42 (2) The voluntary acknowledgment of paternity form must contain:

43 (a) A statement of rights and responsibilities including any rights afforded to a minor parent;

44 (b) A statement of the alternatives to and consequences of signing the acknowledgment;

45 (c) Instructions on how to file the form with the state registrar and information about any fee

1 required;

2 (d) Lines for the Social Security numbers and addresses of the parents; and

3 (e) A statement that the rights, responsibilities, alternatives and consequences listed on the ac-  
4 knowledgment were read to the parties prior to signing the acknowledgment.

5 (3) Upon request, the state registrar shall provide a copy of any voluntary acknowledgment of  
6 paternity form to the state agency responsible for administration of the child support enforcement  
7 program created under Title IV-D of the Social Security Act. The duty imposed upon the state  
8 registrar by this section is limited to *[birth certificates]* **records of live birth** executed and filed with  
9 the state registrar after October 1, 1995.

10 **SECTION 13.** ORS 432.430 is amended to read:

11 432.430. *[(1) A person who assumes the custody of a child of unknown parentage shall report on*  
12 *a form and in a manner prescribed by the State Registrar of the Center for Health Statistics, within*  
13 *five days of assuming custody, to the state registrar the following information:]*

14 *[(a) The date and the city or county, or both, where the child was found.]*

15 *[(b) Sex and approximate birth date of child.]*

16 *[(c) Name and address of the person or institution with whom the child has been placed for care.]*

17 *[(d) Name given to the child by the custodian of the child.]*

18 *[(e) Other data required by the state registrar.]*

19 *[(2) The place where the child was found shall be entered as the place of birth.]*

20 *[(3) The report registered under this section shall constitute the certificate of birth for the child.]*

21 *[(4) If the child is identified and a certificate of birth is found or obtained, the report registered*  
22 *under this section shall be placed in a sealed file and shall not be subject to inspection except upon*  
23 *order of a court of competent jurisdiction or as provided by rule of the state registrar.]*

24 **(1) A person who assumes the custody of a child of unknown parentage shall report on**  
25 **a form and in a manner prescribed by the State Registrar of the Center for Health Statistics,**  
26 **within five days of assuming custody, to the state registrar the following information:**

27 **(a) The date and the city or county, or both, where the child was found.**

28 **(b) Sex and approximate live birth date of child.**

29 **(c) Name and address of the person or institution with whom the child has been placed**  
30 **for care.**

31 **(d) Name given to the child by the custodian of the child.**

32 **(e) Other data required by the state registrar.**

33 **(2) The place where the child was found shall be entered as the place of live birth.**

34 **(3) Information submitted under this section shall constitute the report of live birth for**  
35 **the child.**

36 **(4) If the child is identified and a live birth registration is found or obtained, the report**  
37 **submitted under this section and the live birth registration resulting from that report shall**  
38 **be voided and placed under seal and shall not be subject to inspection except upon order of**  
39 **a court of competent jurisdiction or as provided by rule of the state registrar.**

40 **SECTION 14.** ORS 432.140 is amended to read:

41 432.140. *[(1) When a certificate of birth of a person born in this state has not been filed within one*  
42 *year after the date of birth, a delayed certificate of birth may be filed in accordance with rules of the*  
43 *State Registrar of the Center for Health Statistics. If a hospital fails to file a certificate of birth within*  
44 *one year after the date of birth, a certificate of birth may be filed as provided by rule of the state*  
45 *registrar. No delayed certificate shall be registered until the evidentiary requirements as specified by*

1 *rule have been met.]*

2 [(2) *A certificate of birth registered one year or more after the date of birth shall be registered on*  
3 *a delayed certificate of birth form and show on its face the date of filing.]*

4 [(3) *A summary statement of the evidence submitted in support of the delayed registration shall be*  
5 *indorsed on the certificate.]*

6 [(4)(a) *When an applicant does not submit the minimum documentation required by rule of the state*  
7 *registrar for delayed registration or when the state registrar has cause to question the validity or ad-*  
8 *equacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not*  
9 *corrected, the state registrar shall not register the delayed certificate of birth and shall enter an order*  
10 *to that effect stating the reasons for the action. The state registrar shall advise the applicant of the*  
11 *right to appeal under ORS 183.480 to 183.484.]*

12 [(b) *The state registrar by rule may provide for the dismissal of an application which is not actively*  
13 *prosecuted.]*

14 **(1) When a report of live birth of a person born in this state has not been registered**  
15 **within one year after the date of birth, a delayed report of live birth may be submitted in**  
16 **accordance with rules of the State Registrar of the Center for Health Statistics. No delayed**  
17 **report shall be registered until the evidentiary requirements as specified by rule have been**  
18 **met.**

19 **(2) A certificate issued as a result of a report of live birth submitted under this section**  
20 **shall indicate the delayed registration and show the date of the registration. The record of**  
21 **live birth shall contain a summary statement of the evidence submitted in support of the**  
22 **delayed registration.**

23 **(3) All delayed reports of live birth shall be processed and registered at the Center for**  
24 **Health Statistics.**

25 **(4) All certificates of delayed registrations shall be issued by the state registrar.**

26 **(5) A delayed report of live birth may not be registered for a deceased person.**

27 **(6)(a) When an applicant does not submit the minimum documentation required by rule**  
28 **of the state registrar for delayed registration or when the state registrar has cause to**  
29 **question the validity or adequacy of the applicant's sworn statement or the documentary**  
30 **evidence, and if the deficiencies are not corrected, the state registrar, in the state registrar's**  
31 **discretion, may refuse to register the delayed report of live birth and shall enter an order**  
32 **to that effect stating the reasons for the action. The state registrar shall advise the appli-**  
33 **cant of the right to appeal under ORS 183.484.**

34 **(b) The state registrar by rule may provide for the dismissal of an application that is not**  
35 **actively prosecuted.**

36 **SECTION 15.** ORS 432.142 is amended to read:

37 432.142. [(1) *If the State Registrar of the Center for Health Statistics refuses to file a delayed cer-*  
38 *tificate of birth under the provisions of ORS 432.140, the applicant may file a signed and sworn petition*  
39 *with a court of competent jurisdiction seeking an order establishing a record of the date and place of*  
40 *birth and the parentage of the person whose birth is to be registered.]*

41 [(2) *The petition shall be made on a form prescribed and furnished or approved by the state*  
42 *registrar and shall allege:]*

43 [(a) *That the person for whom a delayed certificate of birth is sought was born in this state;]*

44 [(b) *That no certificate of birth of the person can be found in the records of the Center for Health*  
45 *Statistics;]*



1        *[(c) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance*  
2 *with ORS 432.140 and rules adopted pursuant thereto;]*

3        *[(d) That the state registrar has refused to file a delayed certificate of birth; and]*

4        *[(e) Such other allegations as may be required under ORS 183.480 and 183.484.]*

5        *[(3) The petition shall be accompanied by a statement made in accordance with ORS 432.140 and*  
6 *all documentary evidence which was submitted to the state registrar in support of the filing.]*

7        *[(4) The court shall fix a time and place for hearing the petition and shall give the state registrar*  
8 *notice of the hearing. The state registrar or an authorized representative may appear and testify in the*  
9 *proceeding.]*

10        *[(5) If the court finds, from the evidence presented, that the person for whom a delayed certificate*  
11 *of birth is sought was born in this state, it shall make findings as to the place and date of birth, par-*  
12 *entage and such other findings as may be required and shall issue an order, on a form prescribed and*  
13 *furnished or approved by the state registrar, to establish a court-ordered certificate of birth. This order*  
14 *shall include the birth data to be registered, a description of the evidence presented and the date of the*  
15 *court's action.]*

16        *[(6) The clerk of the court shall forward each order to the state registrar not later than the 10th*  
17 *day of the calendar month following the month in which it was entered. The order shall be registered*  
18 *by the state registrar and shall constitute the certificate of birth.]*

19        **(1) If the State Registrar of the Center for Health Statistics refuses to register a report**  
20 **of live birth under the provisions of ORS 432.140 or 432.206, the applicant may file a signed**  
21 **and sworn petition with a court of competent jurisdiction seeking an order establishing a**  
22 **record of the date and place of live birth and the parentage of the person whose birth is to**  
23 **be registered.**

24        **(2) The petition shall be made on a form prescribed and furnished or approved by the**  
25 **state registrar and shall allege:**

26        **(a) That no record of live birth of the person can be found in the records of the Center**  
27 **for Health Statistics;**

28        **(b) That diligent efforts by the petitioner have failed to obtain the evidence required for**  
29 **submitting a report of live birth in accordance with ORS 432.140 or 432.206 and rules adopted**  
30 **under ORS 432.140 or 432.206;**

31        **(c) That the state registrar has refused to register a report of live birth; and**

32        **(d) Other allegations as may be required under ORS 183.484.**

33        **(3) The petition shall be accompanied by a statement made in accordance with ORS**  
34 **432.140 or 432.206 and all documentary evidence that was submitted to the state registrar in**  
35 **support of the submission.**

36        **(4) The court shall fix a time and place for hearing the petition and shall give the state**  
37 **registrar notice of the hearing. The state registrar or an authorized representative may**  
38 **appear and testify in the proceeding.**

39        **(5) If the court finds, from the evidence presented, that the person for whom a report**  
40 **of live birth is sought was born in this state, it shall make findings as to the place and date**  
41 **of birth, parentage and such other findings as may be required and shall issue an order, on**  
42 **a form prescribed and furnished or approved by the state registrar, to establish a court-**  
43 **ordered report of live birth. This order shall include the live birth data to be registered, a**  
44 **description of the evidence presented and the date of the court's action.**

45        **(6) The clerk of the court shall forward a certified copy of each order to the state**

1 registrar within three calendar days of the order being entered. The order must be used to  
 2 register a report of live birth for the person. The record of live birth must include a state-  
 3 ment that it was registered on the basis of a court order.

4  
 5 (For Death and Fetal Death)

6  
 7 **SECTION 16.** ORS 432.307 is amended to read:

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

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

18 [(b) When death occurs in a moving conveyance:]

19 [(A) In the United States and the body is first removed from the conveyance in this state, the death  
 20 must be registered in this state and the place where it is first removed must be considered the place  
 21 of death.]

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

25 [(c) In all other cases, the place where death is pronounced is considered the place where death  
 26 occurred.]

27 [(2) The funeral service practitioner or person acting as a funeral service practitioner who first  
 28 assumes custody of the dead body shall submit the certificate of death. The funeral service practitioner  
 29 or person acting as a funeral service practitioner shall obtain the personal data from the next of kin  
 30 or the best qualified person or source available and shall obtain the medical certification from the  
 31 person responsible therefor. The funeral service practitioner or person acting as a funeral service  
 32 practitioner shall provide the certificate of death containing information as specified by rule to identify  
 33 the decedent to the certifier within 48 hours after death.]

34 [(3) The physician, physician assistant practicing under the supervision of a person licensed to  
 35 practice medicine under ORS chapter 677 or certified nurse practitioner, in charge of the care of the  
 36 patient for the illness or condition that resulted in death shall complete, sign and return the medical  
 37 certification of death to the funeral service practitioner or person acting as a funeral service practi-  
 38 tioner within 48 hours after receipt of the certificate of death by the physician, physician assistant or  
 39 nurse practitioner, except when inquiry is required by ORS chapter 146. In the absence or inability of  
 40 the physician, physician assistant or nurse practitioner, or with the approval of the physician, the  
 41 medical certification of death may be completed by an associate physician, the chief medical officer of  
 42 the institution in which death occurred or the physician who performed an autopsy upon the decedent,  
 43 provided that the individual has access to the medical history of the case and death is due to natural  
 44 causes. The person completing the medical certification of death shall attest to its accuracy either by  
 45 signature or by an approved electronic process.]

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

4       [(5) If the cause of death cannot be determined within the time prescribed, the medical certification  
5 of death must be completed as provided by rule of the state registrar. The attending physician, physi-  
6 cian assistant practicing under the supervision of a person licensed to practice medicine under ORS  
7 chapter 677, nurse practitioner or medical examiner shall give the funeral service practitioner or person  
8 acting as a funeral service practitioner notice of the reason for the delay, and final disposition of the  
9 body may not be made until authorized by the attending physician, physician assistant, nurse practi-  
10 tioner or medical examiner.]

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

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

19       [(8) When a death occurring in this state has not been registered within the time period prescribed  
20 by this section, a certificate of death may be filed in accordance with rules of the state registrar. The  
21 certificate must be registered subject to evidentiary requirements prescribed by the state registrar by  
22 rule to substantiate the alleged facts of death.]

23       [(9) A certificate of death registered one year or more after the date of death or the date the dead  
24 body was found must be marked "Delayed" and must show on its face the date of the delayed regis-  
25 tration.]

26       [(10) When an applicant does not submit the minimum documentation required by rule of the state  
27 registrar for delayed registration or when the state registrar has cause to question the validity or ad-  
28 equacy of the applicant's sworn statement or the documentary evidence and if the deficiencies are not  
29 corrected, the state registrar may not register the delayed certificate of death and shall advise the ap-  
30 plicant of the right of appeal under ORS 183.480 to 183.484.]

31       [(11) A certificate of death required to be filed under this section must contain the Social Security  
32 number of the decedent whenever the Social Security number is reasonably available from other records  
33 concerning the decedent or can be obtained from the person in charge of the final disposition of the  
34 decedent.]

35       [(12) If a decedent's death was caused by suicide, the person who submits the death certificate to  
36 the county registrar or to the Center for Health Statistics, or as otherwise directed by the State  
37 Registrar of the Center for Health Statistics, shall make reasonable efforts to ascertain and shall notify  
38 the center through the electronic death certificate system:]

39       [(a) Whether the decedent was a veteran; and]

40       [(b) If the decedent was a veteran, whether the decedent served in combat and, if so, where the  
41 decedent served.]

42       **(1)(a) A report of death for each death that occurs in this state must be submitted to the**  
43 **county registrar of the county in which the death occurred or to the Center for Health Sta-**  
44 **tics, or as otherwise directed by the State Registrar of the Center for Health Statistics,**  
45 **within five days after death or the finding of a dead body and before final disposition, and**

1 must be registered if it has been completed and submitted in accordance with this section.

2 (b) If the place of death is unknown, but the dead body is found in this state, the report  
 3 of death must be completed and submitted in accordance with this section. The place where  
 4 the body is found must be noted as the place of death.

5 (c) When death occurs in a moving conveyance within or outside the United States and  
 6 the body is first removed from the conveyance in this state, the death must be registered in  
 7 this state and the place where the body is first removed shall be deemed the place of death.  
 8 The report of death may note the actual location of death insofar as it can be determined.

9 (d) In all other cases, the place where death is pronounced shall be considered the place  
 10 where death occurred.

11 (e) If the date of death is unknown, the medical certifier shall determine the date by  
 12 approximation. If the date cannot be determined by approximation, the date that the body  
 13 was found shall be entered on the report of death.

14 (2)(a) The funeral service practitioner or person acting as a funeral service practitioner  
 15 who first assumes custody of the dead body, or who is responsible for the disposition of the  
 16 dead body, shall submit the report of death to the county registrar of the county in which  
 17 the death occurred or to the Center for Health Statistics. In cases where there is no funeral  
 18 service practitioner or person acting as a funeral service practitioner, the medical examiner  
 19 shall submit the report of death.

20 (b) The funeral service practitioner or person acting as the funeral service practitioner  
 21 shall obtain the personal data from the next of kin or the best qualified person or source  
 22 available and shall obtain the medical certificate from the person responsible for the medical  
 23 certificate.

24 (c) The funeral service practitioner or person acting as the funeral service practitioner  
 25 shall provide sufficient information to identify the decedent to the medical certifier within  
 26 48 hours after death unless the medical certificate has already been submitted.

27 (3) A medical certificate shall be completed within 48 hours after having access to the  
 28 report of death by the decedent's primary or attending medical certifier who was in charge  
 29 of the care of the patient for the illness or condition that resulted in death, except when  
 30 inquiry is required under ORS chapter 146. In the absence or inability of the medical  
 31 certifier, or with the medical certifier's approval, the report of death may be completed by  
 32 an associate of the medical certifier, the chief medical officer of the institution where death  
 33 occurred or the physician who performed an autopsy upon the decedent, provided that the  
 34 associate, chief medical officer or physician has access to the medical history of the case and  
 35 death is due to natural causes. The person completing the cause of death shall attest to its  
 36 accuracy either by signature or by electronic signature.

37 (4) When inquiry is required under ORS chapter 146, the medical examiner in the juris-  
 38 diction where death occurred or the body was found shall determine the cause and manner  
 39 of death and shall complete and sign the medical certificate within 48 hours after taking  
 40 charge of the case. If the cause or manner of death is unknown or pending investigation, the  
 41 cause or manner of death shall be noted as such on the report of death.

42 (5) When death occurs in an institution and the person responsible for the completion  
 43 of the medical certificate is not available to pronounce death, a physician at the institution  
 44 who views the body may pronounce death, attest to the pronouncement by signature or by  
 45 electronic signature and, with the permission of the person responsible for the medical cer-

1 tificate, release the body to the funeral service practitioner or person acting as the funeral  
 2 service practitioner.

3 (6)(a) When a death occurs in an institution and the death is not under the jurisdiction  
 4 of a medical examiner or coroner, the person in charge of the institution or the designated  
 5 representative of the person in charge of the institution shall enter the following information  
 6 on the report of death within 48 hours of death:

7 (A) The name of the decedent and the date of death; and

8 (B) The medical certificate of death, accompanied by the signature or electronic signa-  
 9 ture of the person completing the cause of death as described in subsection (3) of this sec-  
 10 tion.

11 (b) The partially completed report of death prepared under this subsection shall be made  
 12 available to the funeral service practitioner or person acting as a funeral service practitioner  
 13 within 48 hours of death.

14 (7) Upon receipt of autopsy results or other information that would change the informa-  
 15 tion related to the cause or manner of death, a medical certifier or medical examiner shall  
 16 submit an amendment to the record of death to the Center for Health Statistics.

17 (8) When a death that is not the subject of a presumptive death proceeding in a court in  
 18 this state or another state is presumed to have occurred in this state as the result of a  
 19 known event in this state, but no remains of the presumed deceased can be located, a report  
 20 of death may be prepared by the state registrar upon receiving an order from a court of  
 21 competent jurisdiction or the State Medical Examiner that contains findings of fact neces-  
 22 sary to complete the report of death. A report of death prepared under this subsection shall  
 23 be marked or flagged "Presumptive" and must show on its face the date of death as deter-  
 24 mined by the court or State Medical Examiner, the date of registration, the identity of the  
 25 court, if applicable, and the date of the order.

26 (9) When a death of a missing person domiciled in this state, and that is not the subject  
 27 of a presumptive death proceeding in a court of this state or another state, has been deter-  
 28 mined by a court of competent jurisdiction or the State Medical Examiner to have  
 29 presumptively occurred in another state, a report of death may be prepared by the state  
 30 registrar upon receiving an order from the court or the State Medical Examiner that con-  
 31 tains findings of fact necessary to complete the report of death. A report of death prepared  
 32 under this subsection shall be marked or flagged "Presumptive" and must show on its face  
 33 the date of death as determined by the court or the State Medical Examiner, the date of  
 34 registration, the identity of the court, if applicable, and the date of the order.

35 (10) When a death occurring in this state has not been registered as prescribed by this  
 36 section, a report of death may be submitted to the state registrar as described in this section  
 37 provided that the medical certifier or medical examiner and the funeral service practitioner  
 38 or person acting as a funeral service practitioner are available to complete the report of  
 39 death. If the report of death is submitted more than one year after the date of death or the  
 40 date on which the body was found, the medical certifier or medical examiner and funeral  
 41 service practitioner or person acting as a funeral service practitioner shall state in accom-  
 42 panying notarized statements that the information submitted is based on records kept in the  
 43 files of the medical certifier or medical examiner and funeral service practitioner or person  
 44 acting as a funeral service practitioner. If the medical certifier or medical examiner and fu-  
 45 neral service practitioner or person acting as a funeral service practitioner are unavailable

1 to complete the report of death, or decline to complete the report death, then the death shall  
 2 not be registered except upon the receipt of an order from a court of competent jurisdiction.

3 (11) A report of death required to be submitted under this section must contain the So-  
 4 cial Security number of the decedent when the Social Security number is reasonably avail-  
 5 able from other records related to the decedent or can be obtained from the person in charge  
 6 of the final disposition of the decedent.

7 (12) If a decedent's death was caused by suicide, the person who submits the report of  
 8 death to the county registrar or to the Center for Health Statistics, or as otherwise directed  
 9 by the state registrar, shall make reasonable efforts to ascertain whether the decedent was  
 10 a veteran and, if the decedent was a veteran, whether the decedent served in combat and,  
 11 if so, where the decedent served. Information acquired under this subsection must be re-  
 12 ported to the Center for Health Statistics in a form and manner adopted by the state  
 13 registrar by rule.

14 **SECTION 17.** Section 18 of this 2013 Act is added to and made a part of ORS chapter 432.

15 **SECTION 18.** (1) A death may be registered by the State Registrar of the Center for  
 16 Health Statistics as specified in ORS 432.307 (8) or (9) upon receipt of an order from a court  
 17 of competent jurisdiction. A court order that establishes a record of death shall include all  
 18 of the following information:

19 (a) The decedent's legal name;

20 (b) The date of death as determined from evidence presented to the court;

21 (c) The city, county and place of death as determined from evidence presented to the  
 22 court;

23 (d) The decedent's date of live birth, city and state or country of live birth, race,  
 24 ethnicity, sex and Social Security number and the name or names of the decedent's parent  
 25 or parents, or legal guardian, as the name or names appear on a birth certificate;

26 (e) The decedent's address, including street address, city, county, state and zip code at  
 27 the time of death;

28 (f) The decedent's marital status at the time of death;

29 (g) The name, as it appears on a birth certificate, of any surviving spouse; and

30 (h) The information necessary to complete the medical certificate, including the cause  
 31 and manner of death and, if the death occurred because of an injury, information on how and  
 32 when the injury occurred, or, if the cause and manner of death are not known, a statement  
 33 that the cause and manner of death are not known.

34 (2) On the basis of the information in the court order, the state registrar or a medical  
 35 examiner shall prepare a report of death. The state registrar shall use a report of death  
 36 prepared under this subsection to register the death.

37 (3) All certificates of death issued under this section shall show the date of the court  
 38 order and the name of the court issuing the order.

39 (4) If the death was registered pursuant to ORS 432.307 (8) or (9), the record of death  
 40 shall be flagged as being "Presumptive."

41 **SECTION 19.** ORS 432.333 is amended to read:

42 432.333. [(1) Each fetal death of 350 grams or more, or, if weight is unknown, of 20 completed  
 43 weeks gestation or more, calculated from the date last normal menstrual period began to the date of  
 44 delivery, that occurs in this state shall be reported within five days after delivery to the county registrar  
 45 of the county in which the fetal death occurred or to the Center for Health Statistics or as otherwise

1 *directed by the State Registrar of the Center for Health Statistics. All induced terminations of preg-*  
 2 *nancy shall be reported in the manner prescribed in ORS 435.496 and shall not be reported as fetal*  
 3 *deaths.]*

4 *[(2) When a fetus is delivered in an institution, the person in charge of the institution or a desig-*  
 5 *nated representative shall prepare and file the report.]*

6 *[(3) When a fetus is delivered outside an institution, the physician in attendance at or immediately*  
 7 *after delivery shall prepare and file the report.]*

8 *[(4) When a fetal death required to be reported by this section occurs without attendance by a*  
 9 *physician at or immediately after the delivery or when inquiry is required by ORS 146.003 to 146.189*  
 10 *and 146.710 to 146.992, the medical examiner shall investigate the cause of fetal death and shall pre-*  
 11 *pare and file the report.]*

12 *[(5) When a fetal death occurs in a moving conveyance and the fetus is first removed from the*  
 13 *conveyance in this state or when a fetus is found in this state and the place of fetal death is unknown,*  
 14 *the fetal death shall be reported in this state. The place where the fetus was first removed from the*  
 15 *conveyance or the fetus was found shall be considered the place of fetal death.]*

16 *[(6) All information regarding the father shall be entered on the fetal death report if the father is*  
 17 *identified.]*

18 **(1)(a) Except as provided in paragraph (b) of this subsection, a report of each fetal death**  
 19 **of 350 grams or more or, if the weight is unknown, of 20 completed weeks gestation or more,**  
 20 **calculated from the date the last normal menstrual period began to the date of the delivery,**  
 21 **that occurs in this state shall be submitted within five calendar days after the delivery to**  
 22 **the Center for Health Statistics or as otherwise directed by the State Registrar of the Center**  
 23 **for Health Statistics. The state registrar shall register the report of fetal death if it has been**  
 24 **completed and submitted in accordance with this section and any rules adopted by the state**  
 25 **registrar under this section.**

26 **(b) All induced terminations of pregnancy shall be reported in the manner prescribed in**  
 27 **ORS 435.496 and shall not be reported as fetal deaths.**

28 **(2) When fetal death occurs in an institution or en route to an institution, the person in**  
 29 **charge of the institution or an authorized designee shall obtain all data required by the state**  
 30 **registrar, prepare the report of fetal death, certify either by signature or electronic signa-**  
 31 **ture that fetal death occurred at the place and time and on the date stated and submit the**  
 32 **report.**

33 **(3) In obtaining the information required for the report of fetal death, an institution shall**  
 34 **use information gathering procedures provided or approved by the state registrar. Insti-**  
 35 **tutions may establish procedures to transfer, electronically or otherwise, information re-**  
 36 **quired for the report from other sources, provided that the procedures are reviewed and**  
 37 **approved by the state registrar prior to the implementation of the procedures to ensure that**  
 38 **the information being transferred is the same as the information being requested.**

39 **(4) If fetal death occurs outside an institution, the medical certifier in attendance at or**  
 40 **immediately after the delivery of the fetus shall prepare and submit the report of fetal death**  
 41 **within five calendar days of the delivery in a format adopted by the state registrar by rule.**

42 **(5) If fetal death occurs outside an institution and without a medical certifier in attend-**  
 43 **ance at or immediately after the delivery of the fetus, or if inquiry is required by ORS**  
 44 **chapter 146, the medical examiner in the jurisdiction where the fetal death occurred shall**  
 45 **prepare and submit the report of fetal death within five calendar days of the delivery in a**

1 **format adopted by the state registrar by rule. If the cause of fetal death is unknown or**  
2 **pending investigation, the cause shall be noted as such on the report of fetal death.**

3 **(6) When fetal death occurs in a moving conveyance within or outside the United States**  
4 **and the fetus is first removed from the conveyance in this state, the fetal death must be**  
5 **registered in this state and the place where the fetus is first removed shall be deemed the**  
6 **place of fetal death. The report of fetal death may note the actual location of fetal death**  
7 **insofar as it can be determined.**

8 **SECTION 20.** ORS 432.317 is amended to read:

9 432.317. *[(1) The funeral service practitioner or person acting as a funeral service practitioner who*  
10 *first assumes possession of a dead body or fetus shall make a written report to the county registrar in*  
11 *the county in which death occurred or in which the body or fetus was found within 24 hours after*  
12 *taking possession of the body or fetus. The report shall be on a form prescribed and furnished by the*  
13 *State Registrar of the Center for Health Statistics and in accordance with rules adopted by the Oregon*  
14 *Health Authority.]*

15 *[(2) Prior to final disposition of the body, the funeral service practitioner or person acting as a*  
16 *funeral service practitioner who first assumes custody of a dead body shall, prior to final disposition*  
17 *of the body, obtain written authorization for final disposition of the body from the physician, physician*  
18 *assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter*  
19 *677, certified nurse practitioner or medical examiner who certifies the cause of death as provided in*  
20 *ORS 432.307 (3) on a form prescribed and furnished by the state registrar. If the funeral service*  
21 *practitioner or person acting as a funeral service practitioner is unable to obtain such written author-*  
22 *ization prior to final disposition of the body, the practitioner or person, with the oral consent of the*  
23 *physician, the physician assistant, the nurse practitioner, the medical examiner or a licensed health*  
24 *professional authorized to give such consent on behalf of the physician or medical examiner who is*  
25 *responsible for certifying the cause of death, may authorize final disposition of the body on a form*  
26 *prescribed and furnished by the state registrar.]*

27 *[(3) Prior to final disposition of a fetus, irrespective of the duration of pregnancy, the funeral ser-*  
28 *vice practitioner, the person in charge of the institution or other person assuming responsibility for*  
29 *final disposition of the fetus shall authorize final disposition of the fetus on a form prescribed and*  
30 *furnished or approved by the state registrar.]*

31 *[(4) With the consent of the physician, physician assistant practicing under the supervision of a*  
32 *person licensed to practice medicine under ORS chapter 677, nurse practitioner or medical examiner*  
33 *who is to certify the cause of death, a dead body may be moved from the place of death for the purpose*  
34 *of being prepared for final disposition.]*

35 *[(5) An authorization for final disposition issued under the laws of another state which accompa-*  
36 *nies a dead body or fetus brought into this state shall be authority for final disposition of the body or*  
37 *fetus in this state. Permits for transporting a body or fetus out of another state issued under the laws*  
38 *of another state shall be authority for transporting a body or fetus into Oregon.]*

39 *[(6) No sexton or other person in charge of any place in which interment or other disposition of*  
40 *dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless*  
41 *it is accompanied by authorization for final disposition.]*

42 *[(7) Each person in charge of any place for final disposition shall include in the authorization the*  
43 *date of disposition and shall complete and return all authorizations to the county registrar within 10*  
44 *days after the date of the disposition. When there is no person in charge of the place for final dispo-*  
45 *sition, a responsible party other than the funeral service practitioner or person acting as a funeral*



1 *service practitioner shall complete and return the authorization to the county registrar within 10 days*  
2 *after the date of disposition.]*

3 *[(8) Authorization for disinterment and reinterment shall be required prior to disinterment of a*  
4 *dead body or fetus. The authorization shall be issued by the state registrar to a licensed funeral service*  
5 *practitioner or person acting as a funeral service practitioner, upon proper application.]*

6 *[(9) Prior to removing a dead body or fetus from the State of Oregon under ORS 692.270, a person*  
7 *acting as a funeral service practitioner as defined in ORS 432.005 (11)(b) shall submit a written notice*  
8 *of removal to the county registrar in the county in which death occurred or in which the body or fetus*  
9 *was found. The notice shall be on a form prescribed and furnished by the State Registrar of the Center*  
10 *for Health Statistics and in accordance with rules adopted by the Oregon Health Authority. A copy of*  
11 *the written notice of removal shall serve as a transit permit for the remains of the decedent named on*  
12 *the notice.]*

13 **(1) Human remains shall be disposed of in accordance with the provisions of this section**  
14 **and rules adopted by the State Registrar of the Center for Health Statistics under this sec-**  
15 **tion.**

16 **(2) The funeral service practitioner or person acting as a funeral service practitioner who**  
17 **first assumes possession of a dead body or fetus shall make a written report to the county**  
18 **registrar in the county in which death occurred or in which the dead body or fetus was found**  
19 **within 24 hours of taking possession of the dead body or fetus. The report must be on a form**  
20 **prescribed and furnished by the state registrar.**

21 **(3) Before the final disposition of a dead body, the funeral service practitioner or person**  
22 **acting as a funeral service practitioner who first assumes custody of the dead body shall**  
23 **obtain written authorization, on a form prescribed and furnished by the state registrar, for**  
24 **final disposition of the dead body from the medical certifier or medical examiner who certi-**  
25 **fies the cause of death as described in ORS 432.307. If the funeral service practitioner or**  
26 **person acting as a funeral service practitioner is unable to obtain written authorization be-**  
27 **fore the final disposition of the dead body, the funeral service practitioner or person acting**  
28 **as a funeral service practitioner may authorize, with the oral consent of the medical certifier**  
29 **or medical examiner who is responsible for certifying the cause of death, the final disposition**  
30 **of the dead body on a form prescribed and furnished by the state registrar.**

31 **(4) Upon request of a parent or the parent's authorized representative, a disposition**  
32 **permit may be issued for a fetus that is not reportable as a fetal death.**

33 **(5) A permit authorizing final disposition issued under the law of another state that ac-**  
34 **companies human remains brought into this state shall have the same force and effect as a**  
35 **permit authorizing final disposition issued by the state registrar.**

36 **(6) A person in charge of a place where interment or other disposition of human remains**  
37 **is made may not inter or allow interment or other disposition of human remains unless the**  
38 **human remains are accompanied by a permit authorizing disposition.**

39 **(7) A person in charge of a place where interment or other disposition of human remains**  
40 **is made shall indicate on the permit authorizing disposition the date of disposition and return**  
41 **the completed permit to the county registrar of the county where death occurred. If there**  
42 **is no such person, the funeral service practitioner or person acting as the funeral service**  
43 **practitioner shall complete the permit and return it to the county registrar of the county**  
44 **where death occurred.**

45 **(8) Disinterment of human remains requires authorization for disinterment and**

1 **reinterment. The state registrar may issue authorization for disinterment and reinterment**  
 2 **to a funeral service practitioner or person acting as a funeral service practitioner upon ap-**  
 3 **plication, as required by the state registrar by rule.**

4 (9) **Prior to removing a dead body or fetus from this state under ORS 692.270, a funeral**  
 5 **service practitioner or a person acting as a funeral service practitioner shall submit a writ-**  
 6 **ten notice of removal to the country registrar in the county in which death occurred or in**  
 7 **which the dead body or fetus was found. The notice shall be on a form prescribed and fur-**  
 8 **nished by the state registrar. A copy of a written notice of removal serves as a permit for**  
 9 **transporting the remains of a decedent named on the notice.**

10 **SECTION 21.** ORS 432.327 is amended to read:

11 432.327. Upon such conditions as the State Registrar of the Center for Health Statistics may  
 12 prescribe to ensure compliance with the purposes of this chapter, by rule the state registrar may  
 13 provide for the extension, not to exceed 60 days, of the periods prescribed in ORS 432.307 and  
 14 432.317 for the *[filing of certificates of death and fetal death reports, medical certifications of death,*  
 15 *and] submission of a report of death or fetal death and related documentation and* for the  
 16 obtaining of *[permits]* a permit for disposition of human remains in cases where compliance with the  
 17 applicable prescribed period would result in undue hardship.

18  
 19 **(For Marriage, Domestic Partnership, Dissolution of**  
 20 **Marriage and Dissolution of Domestic Partnership)**

21  
 22 **SECTION 22.** ORS 432.405 is amended to read:

23 432.405. *[(1) A record of each marriage performed and domestic partnership registered in this state*  
 24 *shall be filed with the Center for Health Statistics and shall be registered if it has been completed and*  
 25 *filed in accordance with this section and rules adopted by the State Registrar of the Center for Health*  
 26 *Statistics.]*

27 *[(2) The county clerk or county official who issues the marriage license or registers the Declaration*  
 28 *of Domestic Partnership shall prepare the record in the form prescribed or furnished by the state*  
 29 *registrar upon the basis of information obtained from the parties.]*

30 *[(3) Each person who performs a marriage ceremony shall certify the fact of marriage and return*  
 31 *the record to the official who issued the license within 10 days after the ceremony.]*

32 *[(4) Every official issuing marriage licenses or registering Declarations of Domestic Partnership*  
 33 *shall complete and forward to the Center for Health Statistics on or before the 10th day of each cal-*  
 34 *endar month the records of marriages returned to such official during the preceding calendar month*  
 35 *and the records of Declarations of Domestic Partnership registered during the preceding calendar*  
 36 *month.]*

37 *[(5) A marriage or domestic partnership record not filed within the time prescribed by this section*  
 38 *may be registered in accordance with rules adopted by the state registrar.]*

39 **(1) A report of each marriage performed and domestic partnership registered in this**  
 40 **state shall be submitted to the Center for Health Statistics. The State Registrar of the**  
 41 **Center for Health Statistics shall register a marriage or domestic partnership if the report**  
 42 **of marriage or domestic partnership has been completed and submitted in accordance with**  
 43 **this section and any rules adopted by the state registrar.**

44 **(2) The county clerk or county official who issues the marriage license or registers the**  
 45 **Declaration of Domestic Partnership shall prepare the report of marriage or domestic part-**

1 **nership on a form prescribed and furnished by the state registrar, using information obtained**  
2 **from the parties to whom the marriage license or Declaration of Domestic Partnership is**  
3 **being issued.**

4 **(3) A person who performs a marriage shall certify the fact of marriage and submit the**  
5 **certification to the county clerk or county official who issued the license within five calendar**  
6 **days of the marriage ceremony.**

7 **(4) A county clerk or county official who issues marriage licenses shall complete and**  
8 **submit the report of marriage, which must include a copy of the marriage license, to the**  
9 **Center for Health Statistics within 15 calendar days of the marriage ceremony.**

10 **SECTION 23. Section 24 of this 2013 Act is added to and made a part of ORS chapter 432.**

11 **SECTION 24. The State Registrar of the Center for Health Statistics may register a**  
12 **marriage up to one year or more after the date of the marriage ceremony if:**

13 **(1) The report of marriage is submitted by the county clerk or county official responsible**  
14 **for issuing marriage licenses; and**

15 **(2) The report of marriage indicates that the registration is delayed and identifies the**  
16 **date of registration.**

17 **SECTION 25. ORS 432.408 is amended to read:**

18 *432.408. [(1) A record of each dissolution of marriage judgment or dissolution of domestic part-*  
19 *nership judgment by any court in this state shall be filed by the clerk of the court with the Center for*  
20 *Health Statistics and shall be registered if it has been completed and filed in accordance with this*  
21 *section. The record shall be prepared by the petitioner or a legal representative of the petitioner in the*  
22 *form prescribed or furnished by the State Registrar of the Center for Health Statistics and shall be*  
23 *presented to the clerk of the court with the petition. In all cases the completed record shall be prereq-*  
24 *uisite to the entry of the judgment. The state registrar shall design the record so that, for judgments*  
25 *or orders issued in proceedings under ORS 107.085 or 107.485, the state registrar, county clerks, county*  
26 *recording officers and state courts may keep Social Security numbers confidential and exempt from*  
27 *public inspection.]*

28 *[(2) The clerk of the court shall complete and forward to the Center for Health Statistics on or*  
29 *before the 10th day of each calendar month the records of each dissolution of marriage judgment or*  
30 *dissolution of domestic partnership judgment granted during the preceding calendar month. The clerk*  
31 *shall comply with procedures established under ORS 107.840 to ensure that, in the records completed*  
32 *and forwarded under this subsection, the Social Security numbers of parties to a proceeding under*  
33 *ORS 107.085 or 107.485 are kept confidential and exempt from public inspection.]*

34 *[(3) A dissolution of marriage record or dissolution of domestic partnership record not filed within*  
35 *the time prescribed by subsection (2) of this section may be registered in accordance with rules adopted*  
36 *by the state registrar.]*

37 **(1) A report of each dissolution of marriage judgment or dissolution of domestic part-**  
38 **nership judgment by a court of competent jurisdiction in this state shall be submitted by the**  
39 **clerk of the court to the Center for Health Statistics. The State Registrar of the Center for**  
40 **Health Statistics shall register the dissolution of marriage or dissolution of domestic part-**  
41 **nership if the report of dissolution of marriage or dissolution of domestic partnership is**  
42 **completed and submitted in accordance with this section and any rules adopted by the state**  
43 **registrar. A report of dissolution of marriage or dissolution of domestic partnership shall be**  
44 **prepared by the petitioner for dissolution or the petitioner's legal representative on a form**  
45 **prescribed by the state registrar and submitted to the clerk of the court with the petition**

1 for dissolution.

2 (2) The state registrar shall design the report of dissolution of marriage or dissolution  
 3 of domestic partnership in a manner that allows, for judgments or orders issued in pro-  
 4 ceedings under ORS 107.085 to 107.485, the state registrar, county clerks, county recording  
 5 officers and courts to keep Social Security numbers confidential and exempt from public in-  
 6 spection.

7 (3) The clerk of the court shall complete and submit a report of dissolution of marriage  
 8 or dissolution of domestic partnership within five calendar days of the final order of the  
 9 dissolution of marriage judgment or dissolution of domestic partnership judgment.

10  
 11 (For Adoption)

12  
 13 **SECTION 26.** ORS 432.415 is amended to read:

14 432.415. *[(1) For each judgment of adoption entered by a court in this state, the court shall require*  
 15 *the preparation of a report of adoption on a form prescribed and furnished by the State Registrar of*  
 16 *the Center for Health Statistics. The report shall:]*

17 *[(a) Include such facts as are necessary to locate and identify the certificate of birth of the person*  
 18 *adopted or, in the case of a person who was born in a foreign country, evidence from sources deter-*  
 19 *mined to be reliable by the court as to the date and place of birth of the person;]*

20 *[(b) Provide information necessary to establish a new certificate of birth of the person adopted;*  
 21 *and]*

22 *[(c) Identify the order of adoption and be certified by the clerk of the court.]*

23 *[(2) Information necessary to prepare the report of adoption shall be furnished by each petitioner*  
 24 *for adoption or the attorney of the petitioner. The Department of Human Services or any person having*  
 25 *knowledge of the facts shall supply the court with such additional information as may be necessary to*  
 26 *complete the report of adoption. The provision of such information shall be prerequisite to the issuance*  
 27 *of a judgment of adoption.]*

28 *[(3) Whenever an adoption judgment is amended or annulled, the clerk of the court shall prepare*  
 29 *a report thereof, which shall include such facts as are necessary to identify the original adoption report*  
 30 *and the facts amended in the adoption judgment as shall be necessary to properly amend the birth re-*  
 31 *cord.]*

32 *[(4) Not later than the 10th day of each calendar month or more frequently, as directed by the state*  
 33 *registrar, the clerk of the court shall forward to the state registrar reports of adoption, reports of*  
 34 *annulment of adoption and amendments of judgments of adoption that were entered in the preceding*  
 35 *month, together with such related reports as the state registrar shall require.]*

36 *[(5) When the state registrar receives a report of adoption, report of annulment of adoption or*  
 37 *amendment of a judgment of adoption for a person born outside this state, the state registrar shall*  
 38 *forward such report to the state registrar in the state of birth.]*

39 *[(6) If the birth occurred in a foreign country, except Canada, and the person is not a citizen of the*  
 40 *United States at the time of birth, the state registrar shall prepare a certificate of foreign birth as*  
 41 *provided by ORS 432.230. If the person was born in Canada, the state registrar shall forward the re-*  
 42 *port of adoption, report of annulment of adoption or amendment of a judgment of adoption to the ap-*  
 43 *propriate registration authority in Canada.]*

44 *[(7) If the person was born in a foreign country but was a citizen of the United States at the time*  
 45 *of birth, the state registrar shall not prepare a certificate of foreign birth and shall notify the adoptive*

1 *parents of the procedures for obtaining a revised birth certificate for the person through the United*  
 2 *States Department of State.]*

3 (1) For each judgment of adoption entered by a court of competent jurisdiction in this  
 4 state, the court shall require the preparation of a report of adoption on a form prescribed  
 5 and furnished by the State Registrar of the Center for Health Statistics. The report of  
 6 adoption must:

7 (a) Include facts that the state registrar deems necessary to locate and identify the re-  
 8 port of live birth of the person adopted;

9 (b) If the person was born in a foreign country, provide evidence from sources deter-  
 10 mined to be reliable by the court of the date and place of live birth;

11 (c) Include information necessary to establish a replacement report of live birth of the  
 12 person adopted;

13 (d) Identify the final order of the judgment of adoption; and

14 (e) Be certified by the clerk of the court.

15 (2) Information necessary to prepare a report of adoption must be furnished by the  
 16 petitioner for adoption or by the petitioner's legal representative. The Department of Human  
 17 Services or any other person having knowledge of the facts shall supply the court with ad-  
 18 ditional information that is necessary to complete the report of adoption. A court must re-  
 19 ceive the information required by this subsection before issuing a judgment of adoption.

20 (3) Whenever a judgment of adoption is amended or annulled, the clerk of the court shall  
 21 prepare a report of the amendment or annulment that includes the facts necessary to iden-  
 22 tify the original report of adoption and the facts amended in the judgment of adoption that  
 23 are necessary to amend a report of live birth.

24 (4) The clerk of the court shall submit to the Center for Health Statistics reports of  
 25 adoption or reports prepared under subsection (3) of this section within five calendar days  
 26 of the final order of the judgment of adoption or the order related to the amendment or  
 27 annulment being entered.

28 (5) When the state registrar receives a report under subsection (4) of this section for a  
 29 person born in another state, the state registrar shall forward the report to the state  
 30 registrar in the state of live birth.

31 (6) If a live birth occurred in a foreign country and the child is not a citizen of the United  
 32 States at the time of live birth, the state registrar shall prepare a record of foreign live birth  
 33 as provided in ORS 432.230. If the live birth occurred in a neighboring country, the state  
 34 registrar shall also send a copy of the report of adoption or any report prepared under sub-  
 35 section (4) of this section to the appropriate authority.

36 (7) If a live birth occurred in a foreign country and through parentage the child is a cit-  
 37 izen of the United States, the state registrar shall notify the parents adopting the child of  
 38 the procedures for obtaining a revised live birth record for their child through the United  
 39 States Department of State. The preparation of a record of foreign live birth is not required  
 40 for a live birth described in this subsection.

41 **SECTION 27.** ORS 432.240 is added to and made a part of ORS chapter 432.

42 **SECTION 28.** ORS 432.240 is amended to read:

43 432.240. (1) Upon receipt of a written application to the State Registrar of the Center for  
 44 Health Statistics, [any] an adopted person 21 years of age and older born in [the State of Oregon]  
 45 this state shall be issued a [certified copy of his/her] certificate of the person's unaltered, original

1 and unamended [*certificate of birth*] **record of live birth** in the custody of the state registrar, with  
 2 procedures, filing fees, and waiting periods [*identical to those imposed upon nonadopted citizens of the*  
 3 *State of Oregon pursuant to ORS 432.121 and 432.146. Contains no exceptions*] **as prescribed by the**  
 4 **state registrar by rule.**

5 (2) A birth parent may at any time request from the state registrar [*of the Center for Health*  
 6 *Statistics*] or from a voluntary adoption registry a Contact Preference Form that shall accompany  
 7 a [*birth*] certificate issued under subsection (1) of this section. The Contact Preference Form shall  
 8 provide the following information to be completed at the option of the birth parent:

9 \_\_\_\_\_  
 10  
 11 (a) I would like to be contacted;

12 (b) I would prefer to be contacted only through an intermediary; or

13 (c) I prefer not to be contacted at this time. If I decide later that I would like to be contacted,  
 14 I will register with the voluntary adoption registry. I have completed an updated medical history  
 15 and have filed it with the voluntary adoption registry. Attached is a certificate from the voluntary  
 16 adoption registry verifying receipt of the updated medical history.

17 \_\_\_\_\_  
 18  
 19 (3) [*The*] **A** certificate from [*the*] **a** voluntary adoption registry verifying receipt of an updated  
 20 medical history under subsection (2) of this section shall be in a form prescribed by the Oregon  
 21 Health Authority and shall be supplied upon request of the birth parent by the voluntary adoption  
 22 registry.

23 (4) When the state registrar [*of the Center for Health Statistics*] receives a completed Contact  
 24 Preference Form from a birth parent, the state registrar shall match the Contact Preference Form  
 25 with the adopted person's [*sealed file*] **record of live birth**. The Contact Preference Form shall be  
 26 [*placed in the adopted person's sealed file*] **made a part of the adopted person's record of live**  
 27 **birth** when a match is made.

28 (5) A completed Contact Preference Form shall be confidential and shall be placed in a secure  
 29 file until a match with the adopted person's [*sealed file*] **record of live birth** is made and the Con-  
 30 tact Preference Form is placed in the adopted person's [*file*] **record**.

31 (6) Only those persons who are authorized to process applications made under subsection (1) of  
 32 this section may process Contact Preference Forms.

33  
 34 **AMENDMENTS AND CORRECTIONS**  
 35

36 **SECTION 29.** ORS 432.235 is amended to read:

37 432.235. [(1) A certificate or report registered under this chapter may be amended only in accord-  
 38 ance with this chapter and rules adopted by the State Registrar of the Center for Health Statistics to  
 39 protect the integrity and accuracy of vital records and vital reports.]

40 [(2) A certificate or report that is amended under this section shall indicate that it has been  
 41 amended, except as otherwise provided in ORS 432.230, this section or by rule of the state registrar.  
 42 A record shall be maintained that identifies the evidence upon which the amendment was based, the  
 43 date of the amendment and the identity of the person making the amendment. The state registrar shall  
 44 prescribe by rule the conditions under which additions or minor corrections may be made to certificates  
 45 or reports within one year without the certificate or report indicating that it has been amended.]

1       [(3) Upon receipt of a certified copy of an order of a court changing the name of a person born in  
2 this state and upon request of such person or if the person is a minor or incompetent, the parents,  
3 guardian or legal representative of the person, the state registrar shall amend the certificate of birth  
4 to show the new name.]

5       [(4) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that  
6 the sex of an individual born in this state has been changed by surgical procedure and whether such  
7 individual's name has been changed, the certificate of birth of such individual shall be amended as  
8 prescribed by rule of the state registrar.]

9       [(5) When an applicant does not submit the minimum documentation required by rule of the state  
10 registrar for amending a vital record or when the state registrar has cause to question the validity or  
11 adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are  
12 not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the  
13 reason for this action and shall further advise the applicant of the right of appeal under ORS 183.480  
14 and 183.484.]

15       [(6) When a certificate or report is amended under this section by the state registrar, the state  
16 registrar shall report the amendment to any other custodian of the vital record and the record of the  
17 other custodian shall be amended accordingly.]

18       [(7) When an amendment is made to an application, license and record of marriage or to a Decla-  
19 ration of Domestic Partnership by the local official issuing the marriage license or registering the  
20 declaration, copies of the amendment shall be forwarded to the state registrar.]

21       [(8)(a) When a party or legal representative proposes to set aside or change any information re-  
22 corded in a dissolution of marriage judgment or dissolution of domestic partnership judgment filed  
23 pursuant to ORS 432.408, the party or legal representative seeking the amendment or set aside order  
24 shall prepare a summary of the changes in the form prescribed or furnished by the state registrar and  
25 shall present the form to the clerk of the court along with the proposed supplemental judgment. In all  
26 cases the completed form shall be a prerequisite to the entry of the supplemental judgment.]

27       [(b) The clerk of the court shall complete and forward to the Center for Health Statistics the re-  
28 cords of each such supplemental judgment in the same manner prescribed by ORS 432.408.]

29       **(1) An amendment or correction may be made to a vital record registered under this**  
30 **chapter in accordance with this section or rules adopted by the State Registrar of the Center**  
31 **for Health Statistics under this section for the purpose of protecting the integrity and ac-**  
32 **curacy of vital records.**

33       **(2)(a) A vital record that is amended under this section shall indicate that it has been**  
34 **amended, except as otherwise provided in this section or by rule of the state registrar.**

35       **(b) The state registrar shall keep and maintain:**

36       **(A) Documentation that identifies the evidence upon which an amendment or correction**  
37 **is based;**

38       **(B) The date of the amendment or correction; and**

39       **(C) The identity of the authorized employee of the Center for Health Statistics that made**  
40 **the amendment or correction.**

41       **(3) Upon receipt of a certified copy of an order of a court of competent jurisdiction in this**  
42 **state, or upon the request of a person 18 years of age or older or, if a person is younger than**  
43 **18 years of age, by the person's parent, legal guardian or legal representative, the state**  
44 **registrar shall amend the record of live birth to show a new name.**

45       **(4) When an applicant to amend a vital record does not submit the minimum documen-**

1 **tation required to make an amendment, or when the state registrar has cause to question**  
 2 **the validity or adequacy of the application, the state registrar, in the state registrar's dis-**  
 3 **cretion, may refuse to amend the vital record and shall enter an order to that effect, stating**  
 4 **the reasons for the action. The state registrar shall advise the applicant of the right to ap-**  
 5 **peal under ORS 183.484.**

6 **(5) When an amendment is made to a record of marriage or a record of domestic part-**  
 7 **nership, or to information contained in a record of dissolution of marriage or dissolution of**  
 8 **domestic partnership, by the county clerk or other county official who issues marriage li-**  
 9 **censes and registers domestic partnerships or the court that entered the final order of the**  
 10 **dissolution of marriage judgment or dissolution of domestic partnership judgment, copies of**  
 11 **the amendment must be forwarded to the state registrar.**

12 **(6) If a final order of the dissolution of marriage judgment or dissolution of domestic**  
 13 **partnership judgment is set aside by the court that entered the order, a copy of the notice**  
 14 **setting aside the order must be forwarded to the state registrar and the state registrar shall**  
 15 **void the related record.**

16 **SECTION 30.** ORS 432.230 is amended to read:

17 *432.230. [(1) The State Registrar of the Center for Health Statistics shall establish a new certificate*  
 18 *of birth for a person born in this state when the state registrar receives either of the following:]*

19 *[(a) A report of adoption as provided in ORS 432.415 or a report of adoption prepared and filed*  
 20 *in accordance with the laws of another state or foreign country, or a certified copy of the judgment of*  
 21 *adoption, together with the information necessary to identify the original certificate of birth and to es-*  
 22 *tablish a new certificate of birth, except that a new certificate of birth shall not be established if so*  
 23 *requested by the court entering the judgment of adoption, the adoptive parents or the adopted person.]*

24 *[(b) A request that a new certificate of birth be established as prescribed by rule and the evidence*  
 25 *required by rule of the state registrar proving that:]*

26 *[(A) The person has been legitimated;]*

27 *[(B) A court of competent jurisdiction has determined the paternity of the person;]*

28 *[(C) An administrative determination of paternity has been filed; or]*

29 *[(D) Both parents have voluntarily acknowledged the paternity of the person and requested that the*  
 30 *surname be changed from that shown on the original certificate.]*

31 *[(2) When a new certificate of birth is established, the actual city or county, or both, and date of*  
 32 *birth shall be shown. The new certificate shall be substituted for the original certificate of birth in the*  
 33 *files, and the original certificate of birth and the evidence of adoption, legitimation, court determination*  
 34 *of paternity, administrative determination of paternity, voluntary acknowledgment of paternity or other*  
 35 *form prescribed in ORS 432.287 shall not be subject to inspection except upon order of a court or as*  
 36 *provided by rule of the state registrar.]*

37 *[(3) Upon receipt of a report of an amended judgment of adoption, the certificate of birth shall be*  
 38 *amended as provided by rule of the state registrar.]*

39 *[(4) Upon receipt of a report or judgment of annulment of adoption, the original certificate of birth*  
 40 *shall be restored to its place in the files and the adoption certificate and evidence shall not be subject*  
 41 *to inspection except upon order of a court of competent jurisdiction or as provided by rule of the state*  
 42 *registrar.]*

43 *[(5) Upon written request of both parents and receipt of a voluntary acknowledgment of paternity*  
 44 *form or other form prescribed in ORS 432.287 signed by both parents of a child born out of wedlock,*  
 45 *the state registrar shall issue a new certificate of birth to show such paternity if paternity is not al-*



1 ready shown on the certificate of birth. Such certificate shall not be marked "Amended." ]

2 [(6) If no certificate of birth is on file for the person for whom a new birth certificate is to be es-  
 3 tablished under this section, and the date and place of birth have not been determined in the adoption  
 4 or paternity proceedings, a delayed certificate of birth shall be filed with the state registrar as provided  
 5 in ORS 432.140 and 432.142, before a new certificate of birth is established. The new birth certificate  
 6 shall be prepared on the delayed birth certificate form.]

7 [(7) When a new certificate of birth is established by the state registrar, all copies of the original  
 8 certificate of birth in the custody of any other custodian of vital records in this state shall be sealed  
 9 from inspection or forwarded to the state registrar as the state registrar shall direct.]

10 [(8) The state registrar, upon request, shall prepare and register a certificate in this state for a  
 11 person born in a foreign country who is not a citizen of the United States and who was adopted  
 12 through a court of competent jurisdiction in this state. The certificate shall be established upon receipt  
 13 of a report of a judgment of adoption from the court, proof of the date and place of the person's birth,  
 14 and a request from the court, the adopting parents or the adopted person, if 18 years of age or over,  
 15 that such a certificate be prepared. The certificate shall be labeled "Certificate of Foreign Birth" and  
 16 shall show the actual country of birth. A statement shall also be included on the certificate indicating  
 17 that it is not evidence of United States citizenship for the person for whom it is issued. After regis-  
 18 tration of the birth certificate in the new name of the adopted person, the state registrar shall seal the  
 19 report of adoption, which shall not be subject to inspection except upon order of a court of competent  
 20 jurisdiction.]

21 **(1) For a person born in this state, the state registrar shall amend a record of live birth  
 22 and establish a replacement for the record if the state registrar receives one of the following:**

23 **(a) A report of adoption as provided in ORS 432.415 or a certified copy of the judgment  
 24 of adoption, with the information necessary to identify the original record of live birth and  
 25 to establish a replacement for the record, unless the court ordering the adoption requests  
 26 that a replacement for the record not be established;**

27 **(b) A request that a replacement record of live birth be prepared to establish parentage,  
 28 as prescribed by the state registrar by rule or ordered by a court of competent jurisdiction  
 29 in this state that has determined the paternity of a person;**

30 **(c) A written and notarized request, signed by both parents, acknowledging paternity; or**

31 **(d) A certified copy of the judgment of adoption that indicates that an individual born in  
 32 this state has completed sexual reassignment and that the sex on the record of live birth  
 33 must be changed.**

34 **(2) To change a person's name under subsection (1) of this section, the request or court  
 35 order must include the name that currently appears the record of live birth and the new  
 36 name to be designated on the replacement for the record. The new name of the person shall  
 37 be shown on the replacement record.**

38 **(3) Upon receipt of a certified copy of a court order to change the name of a person born  
 39 in this state as authorized by 18 U.S.C. 3521 et seq., the state registrar shall create a re-  
 40 placement for a record of live birth to show the new name as specified in the court order.**

41 **(4) When a replacement for a record of live birth is prepared, the city, county and date  
 42 of live birth must be included in the replacement. The replacement for the record must be  
 43 substituted for the original record of live birth. The original record of live birth and all evi-  
 44 dence submitted with the request or court order for the replacement for the record must  
 45 be placed under seal and is not subject to investigation, except upon the order of a court of**

1 **competent jurisdiction in this state or as provided by rule of the state registrar.**

2 (5) **Upon receipt of an amended judgment of adoption, the record of live birth shall be**  
 3 **amended as provided by rule of the state registrar.**

4 (6) **Upon receipt of a report of annulment of adoption or a court order annulling an**  
 5 **adoption, the original record of live birth must be restored. The replacement for the record**  
 6 **of live birth is not subject to investigation, except upon the order of a court of competent**  
 7 **jurisdiction in this state or as provided by rule of the state registrar.**

8 (7) **If there is no record of live birth for a person for whom a replacement for the record**  
 9 **is sought, and if the date and place of birth have not been determined in an adoption or**  
 10 **paternity proceeding, a person must apply for a delayed registration of live birth in accord-**  
 11 **ance with ORS 432.140 and 432.142 before a replacement for the record may be prepared.**

12 (8) **The state registrar shall prepare and register a record of foreign live birth for a**  
 13 **person born in a foreign country who is not a citizen of the United States and for whom a**  
 14 **judgment of adoption was issued by a court of competent jurisdiction in this state if the**  
 15 **court, the parents adopting the child or the adopted person, if the adopted person is 18 years**  
 16 **of age or older, requests the record. The record must be labeled "Record of Foreign Live**  
 17 **Birth" and shall show the actual country of live birth. After registering the record of foreign**  
 18 **live birth in the new name of the adopted person, the record must be placed under seal and**  
 19 **is not subject to investigation, except upon the order of a court of competent jurisdiction in**  
 20 **this state or as provided by rule of the state registrar.**

21 **SECTION 31.** ORS 432.420 is amended to read:

22 432.420. The documents forwarded to the State Registrar of the Center for Health Statistics or  
 23 sealed under ORS 432.230 may be opened by the state registrar only upon *[an order of an Oregon*  
 24 *court of competent jurisdiction]* **receiving an order from a court of competent jurisdiction** or  
 25 when requested by an agency operating a voluntary adoption registry as defined in ORS 109.425 for  
 26 the purpose of facilitating the identification of persons registering under the provisions of ORS  
 27 109.425 and 109.435 to 109.507.

28  
 29 **PRESERVATION OF VITAL RECORDS**

30  
 31 **SECTION 32.** ORS 432.115 is amended to read:

32 432.115. *[To preserve vital records and vital reports, the State Registrar of the Center for Health*  
 33 *Statistics is authorized to prepare typewritten, photographic, electronic or other reproductions of cer-*  
 34 *tificates or reports in the Center for Health Statistics. Such reproductions when verified and approved*  
 35 *by the state registrar shall be accepted as original records, and the documents from which permanent*  
 36 *reproductions have been made may be disposed of as provided by rule of the state registrar, rule of the*  
 37 *Secretary of State and ORS 192.105.]*

38 (1) **The State Registrar of the Center for Health Statistics shall develop and implement**  
 39 **a preservation management program to preserve vital record documents and information and**  
 40 **meet generally accepted standards for permanent preservation.**

41 (2) **The state registrar shall prepare typewritten, photographic, electronic or other re-**  
 42 **productions of vital records or reports kept and maintained in the Center for Health Statis-**  
 43 **tics. These reproductions, when verified and approved by the state registrar, shall be**  
 44 **accepted as the original vital record documents. The original vital record documents from**  
 45 **which permanent reproductions have been made may be disposed of as described in ORS**

1 192.105 or as provided by rule of the state registrar.

2 (3) The state registrar shall provide for the continued availability and integrity of vital  
 3 event information. To ensure such availability and integrity, the state registrar may keep  
 4 and maintain redundant copies of information in multiple locations and formats, such as  
 5 microfilm, microfiche, imaging and electronic databases.

6 (4) The preservation management program must provide for the continued availability  
 7 of historic vital record documents and information for research and related purposes. Vital  
 8 records are historic when 125 years have elapsed after the date of live birth, 75 years have  
 9 elapsed after the date of death or fetal death or 100 years have elapsed after the date of  
 10 marriage, domestic partnership, dissolution of marriage or dissolution of domestic partner-  
 11 ship. Supporting documents, including corrections and acknowledgments of paternity, may  
 12 be included with historic vital records. Records under seal are not historic unless unsealed  
 13 by court order.

14 (5) Historic vital records may be transferred to the State Archives in accordance with  
 15 archival procedures. The state registrar shall adopt rules to ensure that, for records of dis-  
 16 solution of marriage or dissolution of domestic partnership issued in proceedings under ORS  
 17 106.300 to 106.340 or 107.085 or 107.485, the Social Security numbers of the parties are kept  
 18 confidential and exempt from public disclosure under ORS 192.410 to 192.505. Prior to trans-  
 19 ferring records of live birth and death, the state registrar shall redact all information iden-  
 20 tified as having only a medical or health purpose in the United States Standard Certificates  
 21 of Live Birth and Death and the Fetal Death Report or by rule of the state registrar.

22  
 23 **EXEMPTION FROM PUBLIC DISCLOSURE**  
 24

25 **SECTION 33.** ORS 432.121 is amended to read:

26 432.121. [(1) *To protect the integrity of vital records and vital reports, to ensure their proper use*  
 27 *and to ensure the efficient and proper administration of the system of vital statistics, it shall be un-*  
 28 *lawful for any person to permit inspection of, or to disclose information from vital records or vital re-*  
 29 *ports in the custody of the State Registrar of the Center for Health Statistics, county registrar or local*  
 30 *registrar or to copy or issue a copy of all or part of any such record or report unless authorized by*  
 31 *this chapter and by rules adopted pursuant thereto or by order of a court of competent jurisdiction.*  
 32 *Rules adopted under this section shall provide for adequate standards of security and confidentiality*  
 33 *of vital records and vital reports. The state registrar shall adopt rules to ensure that, for records of*  
 34 *dissolution of marriage issued in proceedings under ORS 107.085 or 107.485, Social Security numbers*  
 35 *of the parties are kept confidential and exempt from public inspection.*]

36 [(2) *The State Registrar of the Center for Health Statistics shall authorize the inspection, disclosure*  
 37 *and copying of the information referred to in subsection (1) of this section as follows:]*

38 [(a) *To the subject of the record; spouse, child, parent, sibling or legal guardian of the subject of*  
 39 *the record; an authorized representative of the subject of the record, spouse, child, parent, sibling or*  
 40 *legal guardian of the subject of the record; and, in the case of death, marriage or divorce records, to*  
 41 *other next of kin.*]

42 [(b) *When a person demonstrates that a death, marriage or divorce record is needed for the deter-*  
 43 *mination or protection of a personal or property right.*]

44 [(c) *When 100 years have elapsed after the date of birth or 50 years have elapsed after the date of*  
 45 *death, marriage or divorce.*]

1        *[(d) When the person requesting the information demonstrates that the person intends to use the*  
2 *information solely for research purposes. In order to receive the information, the person must submit*  
3 *a written request to the state registrar requesting a research agreement. The state registrar shall issue*  
4 *a research agreement if the person demonstrates that the information will be used only for research and*  
5 *will be held confidential. The research agreement shall prohibit the release by the person of any in-*  
6 *formation other than that authorized by the agreement that might identify any person or institution.]*

7        *[(e) To the federal agency responsible for national vital statistics, upon request. The copies or data*  
8 *may be used solely for the conduct of official duties. Before furnishing the records, reports or data, the*  
9 *state registrar shall enter into an agreement with the federal agency indicating the statistical or re-*  
10 *search purposes for which the records, reports or data may be used. The agreement shall also set forth*  
11 *the support to be provided by the federal agency for the collection, processing and transmission of the*  
12 *records, reports or data. Upon written request of the federal agency, the state registrar may approve,*  
13 *in writing, additional statistical or research uses of the records, reports or data supplied under the*  
14 *agreement.]*

15        *[(f) To federal, state and local governmental agencies, upon request. The copies or data may be*  
16 *used solely for the conduct of official duties of the requesting governmental agency.]*

17        *[(g) To offices of vital statistics outside this state when such records or other reports relate to*  
18 *residents of those jurisdictions or persons born in those jurisdictions. Before furnishing the records,*  
19 *reports or data, the state registrar shall enter into an agreement with the office of vital statistics. The*  
20 *agreement shall specify the statistical and administrative purposes for which the records, reports or*  
21 *data may be used and the agreement shall further provide instructions for the proper retention and*  
22 *disposition of the copies. Copies received by the Center for Health Statistics from offices of vital sta-*  
23 *tics in other states shall be handled in the same manner as prescribed in this section.]*

24        *[(h) To an investigator licensed under ORS 703.430, upon request.]*

25        *[(3) The state registrar, upon request of a family member or legal representative, shall issue a*  
26 *certified copy or other copy of a death certificate containing the cause of death information as provided*  
27 *in subsection (2) of this section or as follows:]*

28        *[(a) When a person has demonstrated through documented evidence a need for the cause of death*  
29 *to establish a legal right or claim.]*

30        *[(b) When the request for the copy is made by or on behalf of an organization that provides benefits*  
31 *to the decedent's survivors or beneficiaries.]*

32        *[(4) Nothing in this section prohibits the release of information or data that would not identify any*  
33 *person or institution named in a vital record or a vital report.]*

34        *[(5) Nothing in this section shall prohibit a health care provider from disclosing information con-*  
35 *tained in the provider's records as otherwise allowed by law.]*

36        *[(6) Nothing in this section shall be construed to permit disclosure of information contained in the*  
37 *"Information for Medical and Health Use Only" section of the birth certificate, fetal death report or the*  
38 *"Information for Statistical Purposes Only" section or other confidential section of the application, li-*  
39 *cence and record of marriage or certificate of divorce, unless specifically authorized by the state*  
40 *registrar for statistical or research purposes. The data shall not be subject to subpoena or court order*  
41 *and shall not be admissible before any court, tribunal or judicial body.]*

42        *[(7) All forms and procedures used in the issuance of certified copies of vital records and vital re-*  
43 *ports shall be uniform and provided by or approved by the state registrar. All certified copies issued*  
44 *shall have security features that safeguard the document against alteration, counterfeiting, duplication*  
45 *or simulation without ready detection.]*

1        [(8) *Each copy issued shall show the date of filing. Copies issued from records marked*  
 2 *“Amended” shall be similarly marked and shall show the effective date of the amendment. Copies is-*  
 3 *ssued from records marked “Delayed” shall be similarly marked and shall include the date of filing and*  
 4 *a description of the evidence used to establish the delayed certificate.]*

5        [(9) *Any copy issued of a certificate of foreign birth shall indicate this fact and show the actual*  
 6 *place of birth and the fact that the certificate is not proof of United States citizenship for an adoptive*  
 7 *child.]*

8        [(10) *Appeals from decisions of the state registrar to refuse to disclose information or to permit*  
 9 *inspection or copying of records as prescribed by this section and rules adopted pursuant thereto shall*  
 10 *be made under ORS chapter 183.]*

11       [(11) *The state registrar shall adopt rules to implement this section in accordance with the appli-*  
 12 *cable sections of ORS chapter 183.]*

13       [(12) *Indexes of deaths, marriages or divorces that list names, dates of events, county of events or*  
 14 *certificate numbers may be disclosed.]*

15       **(1) Vital records, records and reports, and documents, data and information related to**  
 16 **vital records, records and reports, are exempt from public disclosure under ORS 192.410 to**  
 17 **192.505. Except as provided in this section, a person may not disclose or allow a person to**  
 18 **inspect vital records, records and reports and related documents, data and information.**

19       **(2)(a) Personally identifiable information that may be used to identify a natural person**  
 20 **named in a vital record, record or report may be disclosed for health research purposes after**  
 21 **submission of a written request for the information by a researcher and the approval of the**  
 22 **State Registrar of the Center for Health Statistics through the execution of a written re-**  
 23 **search agreement that:**

24       **(A) Describes the research project;**

25       **(B) Documents, if necessary, applicable institutional review board approvals; and**

26       **(C) Protects the confidentiality and security of the information provided.**

27       **(b) An agreement entered into under this subsection:**

28       **(A) Must:**

29       **(i) Prohibit the further release of the personally identifiable information by the re-**  
 30 **searcher unless explicitly authorized by the state registrar; and**

31       **(ii) Specify that the state continues to own the information provided to the requester;**  
 32 **and**

33       **(B) May require payment for the use of the requested information.**

34       **(3) A government entity, including federal, state, local and tribal agencies, may be fur-**  
 35 **nished, upon written request and the approval of the state registrar, with copies of docu-**  
 36 **ments or other data from the system of vital statistics, provided that the copies or data are**  
 37 **used solely in the conduct of the government agency’s official duties. Before furnishing in-**  
 38 **formation under this subsection, the state registrar and the government entity requesting**  
 39 **the copies or data shall enter into a data sharing agreement that clearly specifies the uses**  
 40 **for the copies or data. An agreement entered into under this subsection:**

41       **(a) Must:**

42       **(A) Contain measures to protect the confidentiality and security of the copies or data;**

43       **(B) Prohibit the further release of any personally identifiable information by the gov-**  
 44 **ernment entity; and**

45       **(C) Specify that the state continues to own the copies or data; and**

1 (b) May require payment for the use of the requested copies or data.

2 (4) The federal agency responsible for national vital statistics may be furnished with  
 3 copies of records, reports or other data from the system of vital statistics as necessary for  
 4 the maintenance of national statistics, provided that the agency shares in the cost of col-  
 5 lecting, processing and transmitting the information and that the agency does not use the  
 6 information for purposes other than statistical purposes unless the use is explicitly author-  
 7 ized by the state registrar. Before furnishing information under this subsection, the state  
 8 registrar and the agency shall enter into a data sharing agreement that clearly specifies the  
 9 uses for the information. An agreement entered into under this subsection must:

10 (a) Prohibit the further release of any information by the agency unless explicitly au-  
 11 thorized by the state registrar; and

12 (b) Specify that the state continues to own the information.

13 (5)(a) The state registrar, pursuant to an interjurisdictional exchange agreement, may  
 14 transmit copies of records, reports or other documents or other data from the system of  
 15 vital statistics to offices of vital statistics in other states or neighboring countries. The ex-  
 16 change agreement must specify the purposes for which the copies or data may be used by  
 17 the other state or neighboring country and provide instructions for the proper retention and  
 18 disposition of the copies and data.

19 (b) Copies of records, reports or other documents or other data received by the Center  
 20 for Health Statistics as a result of the exchange agreement are confidential and not subject  
 21 to public disclosure under ORS 192.410 to 192.505, and the state or neighboring country in  
 22 which the vital event occurred continues to own the copies and data.

23 (c) An exchange agreement entered into under this subsection may not allow the disclo-  
 24 sure of copies of records, reports or other documents or other data of a vital event that did  
 25 not occur in the state or country that is transmitting the information.

26 (6) A decision of the state registrar with regard to the disclosure of vital records, records  
 27 and reports and related documents, data and information is a final agency determination.  
 28 If the state registrar refuses an inspection under this section, the person seeking inspection  
 29 may proceed in the manner set forth in ORS 183.484.

30 **SECTION 34.** ORS 432.124 is amended to read:

31 432.124. Notwithstanding any other provision of law, [*all death records*] **a document recording**  
 32 **a death** filed in conjunction with owning or having a claim or interest in land [*in the county*] that  
 33 [*are*] **is** in the custody of a county clerk or county recording officer [*are*] **is** open and subject to full  
 34 disclosure. **A document recording a death filed in conjunction with owning or having a claim**  
 35 **or interest in land may not include medical information related to the cause of death.**

36 **SECTION 35.** ORS 432.412 is amended to read:

37 432.412. (1) Except as provided in subsection (2) of this section, notwithstanding any other pro-  
 38 vision of law, all marriage **and domestic partnership** records and all [*divorce*] records **of dissol-**  
 39 **ution of marriage and dissolution of domestic partnership** in the custody of a county clerk or  
 40 county recording officer and all [*divorce*] records **of dissolution of marriage and dissolution of**  
 41 **domestic partnership** in the custody of the state courts are open and subject to full disclosure.

42 (2) [*Divorce*] Records **of dissolution of marriage and dissolution of domestic partnership** in  
 43 the custody of the state courts shall be completed and maintained in accordance with procedures  
 44 established under ORS 107.840 to ensure that the Social Security numbers of parties to proceedings  
 45 under ORS 107.085 and 107.485 are kept confidential and exempt from public inspection.

CERTIFICATES

**SECTION 36.** ORS 432.180 is amended to read:

432.180. *[(1) A certified copy of a vital record or vital report or any part thereof shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein. However, the evidentiary value of a record or report filed more than one year after the event, a record or report that has been amended or a certificate of foreign birth shall be determined by the judicial or administrative body or official before whom the record or report is offered as evidence.]*

*[(2) The contents, or part of the contents, and the due execution of any certificate on file in the Center for Health Statistics may be evidenced by a copy of the material in the certificate, as certified by the State Registrar of the Center for Health Statistics.]*

*[(3) When the state registrar receives information that a certificate may have been registered through fraud or misrepresentation, the state registrar shall withhold issuance of any copy of that certificate. The state registrar shall advise the applicant of the right to appeal under ORS 183.480 to 183.484. If fraud or misrepresentation is found, the state registrar shall remove the certificate from the file. The certificate and evidence shall be retained but shall not be subject to inspection or copying except upon order of a court of competent jurisdiction or by the state registrar for purposes of administering the system of vital statistics.]*

*[(4) No person may prepare or issue any certificate that purports to be an original, certified copy or copy of a vital record or vital report except as authorized in this chapter or rules adopted pursuant thereto. No person may prepare or issue any certified copies of birth or death abstracts.]*

**(1)(a) A certificate of a record of live birth or any part of a record of live birth that is issued under this section shall be considered the same as the original record of live birth and is prima facie evidence of the facts stated on the certificate. However, the evidentiary value of a certificate of a record of live birth submitted more than one year after the birth, an amended record of live birth or a record of foreign live birth must be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.**

**(b) A certificate of death, fetal death, marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership or any part of such records that is issued under this section shall be considered the same as the original record of death, fetal death, marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership and is prima facie evidence of the facts stated on the certificate.**

**(2)(a) The State Registrar of the Center for Health Statistics shall require an applicant for a certificate to submit a signed application, documentation of identity and evidence of eligibility.**

**(b)(A) Upon receipt of an application, the state registrar shall review the documentation of identity provided by the applicant. The documentation must be acceptable to the state registrar and, at a minimum, include:**

- (i) Government issued identification that includes a photograph;**
- (ii) At least two forms of identification; or**
- (iii) Identification submitted through an electronic process adopted by the state registrar by rule.**

**(B) Forms of identification that may be submitted under subparagraph (A)(ii) of this paragraph include, but are not limited to, letters from government or social agencies, statements of payment, utility bills, student identification with a photograph or other items**

1 acceptable to the state registrar.

2 (c)(A) Upon receipt of an application, the state registrar shall review the evidence of el-  
 3 igibility provided by the applicant. Evidence of eligibility submitted under this subsection may  
 4 consist of copies of vital records establishing eligibility, court documents establishing eligi-  
 5 bility or alternate methods identified and accepted by the state registrar. Evidence of eligi-  
 6 bility must demonstrate that the applicant is qualified to receive a certificate.

7 (B) To be qualified, an applicant must be:

8 (i) Eighteen years of age or older or an emancipated minor;

9 (ii) If the applicant is requesting a certificate of live birth, the registrant, the registrant's  
 10 spouse, domestic partner, parent, legal guardian or legal representative, an authorized rep-  
 11 resentative or a government agency acting in the conduct of its official duties;

12 (iii) If the applicant is requesting a certificate of death, the decedent's spouse, domestic  
 13 partner, child, parent, next of kin, legal guardian immediately before death or legal repre-  
 14 sentative, an authorized representative, a government agency acting in the conduct of its  
 15 official duties, a funeral service practitioner or person acting as a funeral service practi-  
 16 tioner who is named in the record of death for up to 12 months following the date of death  
 17 or a person that demonstrates to the satisfaction of the state registrar that the certificate  
 18 is necessary for a determination related to or the protection of a personal or property right  
 19 of the applicant;

20 (iv) If the applicant is requesting a certificate of fetal death, the parent, legal guardian  
 21 or legal representative of a parent or legal guardian, an authorized representative, a gov-  
 22 ernment agency acting in the conduct of its official duties or a funeral service practitioner  
 23 or person acting as a funeral service practitioner who is named in the record of death for  
 24 up to 12 months following the date of death; and

25 (v) If the applicant is requesting a certificate of marriage, domestic partnership, dissol-  
 26 ution of marriage or dissolution of domestic partnership, the registrant, the registrant's  
 27 spouse, domestic partner, child, parent, legal guardian or legal representative, an authorized  
 28 representative or a government agency acting in the conduct of its official duties.

29 (d) The state registrar may verify documentation of identity and evidence of eligibility  
 30 with any government agency that issued that documentation or evidence in reviewing an  
 31 application.

32 (3) The state registrar shall, upon receipt and approval of an application under this sec-  
 33 tion, issue a certificate of a vital record in the form of a physical image or abstract to the  
 34 applicant.

35 (4)(a) The state registrar may issue certificates directly to a government agency or other  
 36 institution as described in this subsection.

37 (b) Upon receipt of an application under subsection (2) of this section, the state registrar  
 38 may issue, upon request by the qualified applicant, a certificate in electronic form to a gov-  
 39 ernment agency or other institution approved by the state registrar.

40 (c) The state registrar may authorize a government agency or other institution to re-  
 41 ceive certificates under this subsection in electronic form through an automated system  
 42 approved by the state registrar.

43 (d) The state registrar, in approving the issuance of a certificate to a government agency  
 44 or other institution, shall consider the proposed use for the certificate, the frequency of need  
 45 for the certificate, the security afforded by the government agency or institution and other



1 criteria as determined by the state registrar by rule.

2 (5) The state registrar shall establish minimum information to be included in a certifi-  
3 cate. A certificate may not be issued without the minimum information, except that a re-  
4 cord of live birth without a first name for the registrant may be issued to government  
5 agencies for adoption or custody purposes.

6 (6) A death certificate containing the cause and manner of death may not be issued ex-  
7 cept as follows:

8 (a) Upon specific request by the spouse, domestic partner, child, parent or next of kin  
9 of the decedent, or an authorized representative of a person described in this paragraph;

10 (b) When a documented need for the cause or manner of death to establish a legal right  
11 or claim has been demonstrated; or

12 (c) Upon receiving an order from a court of competent jurisdiction that requires the is-  
13 suance of a death certificate containing the cause and manner of death.

14 (7) Each certificate issued for a record registered after January 1, 2008, must indicate the  
15 date of registration. If the record was amended, the certificate must be marked or flagged  
16 as having been amended and must indicate the effective date of the amendment. If the record  
17 is marked or flagged "Delayed," the certificate must be marked or flagged as having been  
18 delayed and must include the date of registration and a description of the evidence used to  
19 establish the record. If the record is a record of foreign live birth, the certificate must in-  
20 dicate that fact and show the actual place of birth. A certificate for a record of live birth  
21 that has been matched to a record of death must be marked or flagged "Deceased."

22 (8) Information identified in the United States Standard Certificates of Live Birth and  
23 Death and the Fetal Death Report, or as identified by the state registrar by rule, as only  
24 being available for medical or health purposes is not subject to subpoena or court order and  
25 is not admissible before a court, tribunal or other judicial body. Information identified in the  
26 United States Standard Certificates of Live Birth and Death and the Fetal Death Report, or  
27 as identified by the state registrar by rule, as having an administrative, statistical, medical  
28 or health purpose may not be included in a certificate of a vital record.

29 (9) After acceptance of an application by a qualified applicant, if a record is not identified  
30 for the requested certificate, the state registrar shall issue a document indicating that a  
31 record for the requested certificate has not been identified. The document also must include  
32 the criteria used in attempting to identify the record, including the type of vital event, the  
33 name of the registrant, the date or range of dates for the vital event and other criteria used.

34 (10) Verification of facts contained in a certificate may be furnished by the state  
35 registrar to a government agency in the conduct of its official duties. The request for ver-  
36 ification must:

37 (a) Include a copy of the certificate and be in a format prescribed or approved by the  
38 state registrar; or

39 (b) If the requester attests to having the certificate and can provide verification, as de-  
40 termined by the state registrar by rule, of having the certificate, be submitted electronically  
41 through an automated system approved by the state registrar.

42 (11) The state registrar shall provide or approve forms and procedures for the issuance  
43 of certificates of vital records in this state. All forms and procedures must be uniform and  
44 be in accordance with section 6 of this 2013 Act.

45 (12) The state registrar shall maintain a searchable file, either physical or electronic, of

1 each application submitted under this section for a minimum of three years.

2 (13) All applications and supporting documentation submitted for the purpose of issuing  
 3 certificates of vital records are confidential and not subject to public disclosure under ORS  
 4 192.410 to 192.505.

5 SECTION 37. Section 38 of this 2013 Act is added to and made a part of ORS chapter 432.

6 SECTION 38. (1)(a) When the State Registrar of the Center for Health Statistics receives  
 7 information that a record may have been registered, amended or corrected through fraud  
 8 or misrepresentation, the state registrar may withhold issuance of certificates related to  
 9 that record pending an inquiry by appropriate authorities to determine whether fraud or  
 10 misrepresentation has occurred.

11 (b) If the appropriate authorities conclude that no fraud or misrepresentation occurred,  
 12 then the state registrar shall issue certificates related to the record. If the appropriate au-  
 13 thorities conclude that there is reasonable cause to suspect fraud or misrepresentation, then  
 14 the state registrar shall provide copies of the record and any relevant evidence to the ap-  
 15 propriate authorities for further investigation.

16 (c) If upon further investigation, the appropriate authorities conclude that fraud or  
 17 misrepresentation occurred, the state registrar shall provide an opportunity to the regis-  
 18 trant or the legal representative of the registrant to respond to the findings prior to voiding  
 19 the record.

20 (d) If the state registrar issues an order voiding a record under this subsection, the state  
 21 registrar shall advise the registrant of the registrant's rights under ORS 183.484.

22 (e) A record voided under this subsection shall be retained by the state registrar. How-  
 23 ever, a record voided under this subsection is not subject to inspection or copying except  
 24 upon receiving an order from a court of competent jurisdiction or by the state registrar for  
 25 purposes of administering the system of vital statistics.

26 (2)(a) When the state registrar receives information that an application for a certificate  
 27 may have been submitted for purposes of fraud or misrepresentation, the state registrar may  
 28 withhold issuance of the certificate pending an inquiry by appropriate authorities to deter-  
 29 mine whether fraud or misrepresentation occurred.

30 (b) If the appropriate authorities conclude that no fraud or misrepresentation occurred,  
 31 then the state registrar shall issue the certificate. If the appropriate authorities conclude  
 32 that there is reasonable cause to suspect fraud or misrepresentation, then the state  
 33 registrar shall provide copies of the application and any relevant evidence to the appropriate  
 34 authorities for further investigation. The state registrar shall advise the applicant of the  
 35 applicant's rights under ORS 183.484.

36 (c) An application investigated under this subsection shall be retained by the state  
 37 registrar. However, an application investigated under this subsection is not subject to in-  
 38 spection or copying except upon receiving an order from a court of competent jurisdiction  
 39 or by the state registrar for purposes of administering the system of vital statistics.

40 (3) The state registrar shall periodically test and audit the system of vital statistics for  
 41 purposes of detecting fraud. If fraud is detected, the state registrar shall provide copies of  
 42 the evidence to the appropriate authorities for further investigation. The result of such  
 43 tests and audits shall be retained by the state registrar. However, the results of such tests  
 44 and audits are not subject to inspection or copying except upon receiving an order from a  
 45 court of competent jurisdiction or by the state registrar for purposes of administering the

1 **system of vital statistics.**

2 **SECTION 39.** ORS 432.085 is amended to read:

3 432.085. The Oregon Health Authority shall adopt, taking into consideration local service needs  
4 and interests, rules to allow a county registrar to sell, within six months of the date of the event  
5 occurring in the county, certified [*copies of birth certificates and death certificates*] **records of live**  
6 **birth and death.**

7 **SECTION 40.** ORS 432.090 is amended to read:

8 432.090. (1) [*In addition to the original birth certificate,*] The State Registrar of the Center for  
9 Health Statistics shall issue upon request and upon payment of a fee in an amount set by the state  
10 registrar a birth certificate representing that the birth of the person named [*thereon*] **on the record**  
11 **of live birth** is recorded in the office of the state registrar. The certificate issued under this section  
12 shall be in a form consistent with the need to protect the integrity of vital records but shall be  
13 suitable for display. It may bear the seal of the state [*printed thereon*] and may be signed by the  
14 Governor. [*It shall have the same status as evidence as the original birth certificate.*]

15 (2) Of the funds received under subsection (1) of this section, the amount needed to reimburse  
16 the state registrar for expenses incurred in administering this section shall be credited to the Public  
17 Health Account. The remainder shall be credited to the subaccount created pursuant to section 36  
18 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund.

19 (3) In setting the fee amount under subsection (1) of this section, the state registrar shall give  
20 substantial consideration to the amount suggested by the holder of the subaccount created pursuant  
21 to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund.

22  
23 **FEES**  
24

25 **SECTION 41.** ORS 432.146 is amended to read:

26 432.146. (1) Except as provided in ORS 432.090 [*and 432.312,*] **and subsection (2) of this sec-**  
27 **tion, and** subject to the review of the Oregon Department of Administrative Services, the Oregon  
28 Health Authority shall establish all fees for services [*or records*] provided under [*ORS 432.005 to*  
29 *432.165*] **this chapter.** The fees and charges established under this section shall be authorized by  
30 the Legislative Assembly for the authority's budget, as the budget may be modified by the Emer-  
31 gency Board.

32 **(2) The State Registrar of the Center for Health Statistics shall search the system of**  
33 **vital statistics and issue certificates or other documents, as appropriate, without charge if**  
34 **the search or issuance is:**

35 **(a) Requested in connection with a pending application for benefits from the United**  
36 **States Department of Veterans Affairs, if proof of the application is first submitted; or**

37 **(b) In response to an administrative error as determined by the state registrar.**

38 **(3) Fees collected under this section shall be deposited in the Oregon Health Authority**  
39 **Fund and are continuously appropriated to the Center for Health Statistics for the purpose**  
40 **of administering this chapter.**

41 **SECTION 42.** ORS 432.312 is amended to read:

42 432.312. (1) The Oregon Health Authority shall impose and collect a filing fee of \$20 for each  
43 [*certificate*] **report** of death. Of the fee, \$6 shall be deposited to the credit of the Public Health Ac-  
44 count and used to carry out the purposes of ORS 97.170 (6) and \$14 shall be deposited to the credit  
45 of the State Mortuary and Cemetery Board Account and used in the same manner as funds credited

1 to the account under ORS 692.375.

2 (2) The expenditures under ORS 97.170 (6) and 692.375 may not exceed the funds collected under  
 3 subsection (1) of this section, and in no event may expenditure on the administration of the funds  
 4 exceed five percent of the moneys collected.

5  
 6 **PENALTIES**  
 7

8 **SECTION 43. Section 44 of this 2013 Act is added to and made a part of ORS chapter 432.**

9 **SECTION 44. (1) The Director of the Oregon Health Authority may impose a civil penalty**  
 10 **in an amount not to exceed \$10,000 for each violation described in ORS 432.993. Moneys re-**  
 11 **ceived by the authority from civil penalties imposed under this section shall be deposited in**  
 12 **the General Fund and are available for general governmental expenses.**

13 **(2) Civil penalties under this section shall be imposed in the manner provided in ORS**  
 14 **183.745.**

15 **SECTION 45. ORS 432.993 is amended to read:**

16 432.993. (1) A person commits the crime of unlawful use of a vital record or [*vital*] report if the  
 17 person willfully and knowingly:

18 [*(a) Makes any false statement in a certificate, record or report required by this chapter or in an*  
 19 *application for an amendment thereof, or in an application for a certified copy of a vital record or vital*  
 20 *report, or supplies false information intending that the information be used in the preparation of any*  
 21 *certificate, record or report, or amendment thereto;*]

22 [*(b) Without lawful authority and with intent to deceive, makes, counterfeits, alters, amends or*  
 23 *mutilates any certificate, record or report required by this chapter or a certified copy of a certificate,*  
 24 *record or report;*]

25 [*(c) Obtains, possesses, uses, sells, furnishes or attempts to obtain, possess, use, sell or furnish to*  
 26 *another, for any purpose of deception, any certificate, record or report required by this chapter or cer-*  
 27 *tified copy thereof so made, counterfeited, altered, amended or mutilated, or that is false in whole or*  
 28 *in part or that relates to the birth of another person, whether living or deceased;*]

29 [*(d) Without lawful authority, possesses any certificate, record or report required by this chapter*  
 30 *or a copy or certified copy of a certificate, record or report that has been stolen or otherwise unlawfully*  
 31 *obtained; or]*

32 [*(e) As an employee of the Center for Health Statistics or of any office established pursuant to ORS*  
 33 *432.035, furnishes or processes a certificate of birth, knowing that the certificate or copy is to be used*  
 34 *for the purposes of deception.*]

35 **(a) Makes a false statement to the State Registrar of the Center for Health Statistics in**  
 36 **a report or application described in this chapter;**

37 **(b) Without lawful authority and with intent to deceive, makes, counterfeits, alters,**  
 38 **amends or mutilates a record, report, certificate, verification or application, or documenta-**  
 39 **tion submitted in support of a record, report, certificate, verification or application;**

40 **(c) Obtains, possesses, uses, sells or furnishes to another, or attempts to obtain, possess,**  
 41 **use, sell or furnish to another, for any purpose of deception, a record, report, certificate,**  
 42 **verification or application, or documentation submitted in support of a record, report, cer-**  
 43 **tificate, verification or application;**

44 **(d) Without lawful authority, possesses a record, report, certificate, verification or ap-**  
 45 **plication, or documentation submitted in support of a record, report, certificate, verification**

1 **or application, that has been stolen or otherwise unlawfully obtained; or**

2 **(e) As an employee of the Center for Health Statistics or of an office designated under**  
 3 **ORS 432.035, furnishes or processes a certificate of live birth, knowing that the certificate**  
 4 **is to be used for the purposes of deception.**

5 (2) Unlawful use of a vital record or *[vital]* report is a Class C felony.

6 **SECTION 46.** ORS 432.995 is amended to read:

7 432.995. (1) A person commits the crime of obstructing the keeping of vital records or *[vital]*  
 8 reports if the person knowingly and willfully:

9 (a) Refuses to provide information required by this chapter or rules adopted *[thereunder]* **under**  
 10 **this chapter;**

11 (b) Transports or accepts for transportation, interment or other disposition a dead body without  
 12 an accompanying permit as provided in this chapter; or

13 (c) Fails to perform in a timely manner any of the provisions of this chapter.

14 (2) The provisions of subsection (1)(c) of this section do not apply to the officers or employees  
 15 of the courts of this state acting in an official capacity.

16 (3) Obstructing the keeping of vital records or *[vital]* reports is a Class A misdemeanor.

17  
 18 **CONFORMING AMENDMENTS**  
 19

20 **SECTION 47.** ORS 33.430 is amended to read:

21 33.430. (1) In the case of a change, by court order, of the name of the parents of any minor child,  
 22 if the child's *[birth certificate]* **record of live birth** is on file in this state, the State Registrar of the  
 23 Center for Health Statistics, upon receipt of a certified copy of the court order changing the name,  
 24 together with the information required to locate the original *[birth certificate of the child]* **record**  
 25 **of live birth**, shall prepare a new *[birth certificate]* **record of live birth** for the child in the new  
 26 name of the parents of the child. The name of the parents as so changed shall be set forth in *[the*  
 27 *new]* **a new birth** certificate, in place of their original name.

28 (2) The evidence upon which the new **birth** certificate was made, and the original *[certificate]*  
 29 **record of live birth**, shall be sealed and filed by the State Registrar of the Center for Health Sta-  
 30 tistics, and may be opened only upon demand of the person whose name was changed, if of legal age,  
 31 or by an order of a court of competent jurisdiction.

32 (3) When a change of name by parents will affect the name of their child under subsection (1)  
 33 of this section, the court, on its own motion or on request of a child of the parents, may take tes-  
 34 timony from or confer with the child and may exclude from the conference the parents and other  
 35 persons if the court finds that such action would be in the best interests of the child. However, the  
 36 court shall permit an attorney for the parents to attend the conference, and the conference shall  
 37 be reported. If the court finds that a change of name would not be in the best interests of the child,  
 38 the court may provide in the order changing the name of the parents that such change of name shall  
 39 not affect the child, and a new birth certificate shall not be prepared for the child.

40 **SECTION 48.** ORS 106.100 is amended to read:

41 106.100. (1) The county clerk who issues the marriage license shall maintain records relating to  
 42 marriages licensed in the county. The records must include the names of the parties, the consent  
 43 of the parent or guardian, if any, the name of the affiant, the substance of the affidavit upon which  
 44 the license issued and the date of the license.

45 (2) Upon return of the completed application, license and record of marriage under ORS 106.170,

1 the county clerk shall add the date of the marriage ceremony to the clerk's records maintained un-  
2 der subsection (1) of this section and file the completed application, license and record of marriage.  
3 Except as provided in ORS 205.320, the county clerk may not charge a fee for filing, recording or  
4 indexing the application, license and record of marriage.

5 (3) The county clerk shall, upon completion of the requirements of this section and ORS 106.077,  
6 deliver the original completed application, license and [record] **report** of marriage to the Center for  
7 Health Statistics as required under ORS 432.405.

8 (4) Notwithstanding any other provision of law, the record of marriage maintained by a county  
9 clerk is not a vital record as defined in ORS 432.005 and is a public record open and subject to full  
10 disclosure.

11 **SECTION 49.** ORS 109.094 is amended to read:

12 109.094. Upon the paternity of a child being established in the proceedings, the father shall have  
13 the same rights as a father who is or was married to the mother of the child. The clerk of the court  
14 shall certify the fact of paternity to the Center for Health Statistics of the Oregon Health Authority,  
15 and the Center for Health Statistics shall [prepare] **amend a record of live birth for the child and**  
16 **issue** a new birth certificate for the child.

17 **SECTION 50.** ORS 112.582 is amended to read:

18 112.582. (1) For the purpose of establishing death under the survivorship rules established under  
19 ORS 112.570 to 112.590, death occurs when an individual has sustained irreversible cessation of  
20 circulatory and respiratory functions, or when there has been an irreversible cessation of all func-  
21 tions of the entire brain, including the brain stem. A determination of death must be made in ac-  
22 cordance with accepted medical standards.

23 (2)(a) For the purpose of establishing death under the survivorship rules established under ORS  
24 112.570 to 112.590, a certified or authenticated [copy of a] death certificate purporting to be issued  
25 by an official or agency of the place where the death is alleged to have occurred is prima facie ev-  
26 idence of the identity of the decedent and of the fact, place, date and time of death.

27 (b) A certified or authenticated copy of any record or report of a governmental agency, domestic  
28 or foreign, that an individual is missing, detained, dead or alive is prima facie evidence of the status  
29 of the person and of the dates, circumstances and places disclosed by the record or report.

30 (3) In the absence of prima facie evidence of death under subsection (2) of this section, the facts  
31 surrounding a person's death may be established by clear and convincing evidence. Circumstantial  
32 evidence may be considered in determining whether a person has died and the circumstances of the  
33 death.

34 (4) An individual whose death is not otherwise established under this section but who is absent  
35 for a continuous period of five years is presumed to be dead if the person has made no contact with  
36 another person during the five-year period and the absence of the person cannot be satisfactorily  
37 explained after diligent search or inquiry. A person presumed dead under this subsection is pre-  
38 sumed to have died at the end of the five-year period unless it is proved by a preponderance of the  
39 evidence that death occurred at a different time.

40 (5) In the absence of evidence contradicting a time of death specified in a document described  
41 in subsection (2) of this section, a document described in subsection (2) of this section that indicates  
42 a time of death 120 hours or more after the time of death of another person conclusively establishes  
43 that the person specified in the document survived the other person by at least 120 hours, without  
44 regard to the manner in which the time of death of the other person is determined.

45 **SECTION 51.** ORS 113.145 is amended to read:

1       113.145. (1) Upon appointment a personal representative shall deliver or mail to the devisees,  
2 heirs and the persons described in ORS 113.035 (8) and (9) who were required to be named in the  
3 petition for appointment of a personal representative, at the addresses therein shown, information  
4 that shall include:

5       (a) The title of the court in which the estate proceeding is pending and the clerk's file number;

6       (b) The name of the decedent and the place and date of the death of the decedent;

7       (c) Whether or not a will of the decedent has been admitted to probate;

8       (d) The name and address of the personal representative and the attorney of the personal rep-  
9 resentative;

10       (e) The date of the appointment of the personal representative;

11       (f) A statement advising the devisee, heir or other interested person that the rights of the  
12 devisee, heir or other interested person may be affected by the proceeding and that additional in-  
13 formation may be obtained from the records of the court, the personal representative or the attorney  
14 for the personal representative;

15       (g) If information under this section is required to be delivered or mailed to a person described  
16 in ORS 113.035 (8), a statement that the rights of the person in the estate may be barred unless the  
17 person proceeds as provided in ORS 113.075 within four months of the delivery or mailing of the  
18 information; and

19       (h) If information under this section is required to be delivered or mailed to a person described  
20 in ORS 113.035 (9), a statement that the rights of the person in the estate may be barred unless the  
21 person proceeds as provided in ORS 112.049 within four months of the delivery or mailing of the  
22 information.

23       (2) If the personal representative is a devisee, heir or other interested person named in the pe-  
24 tition the personal representative is not required to deliver or mail the information under this sec-  
25 tion to the personal representative.

26       (3) The failure of the personal representative to give information under this section is a breach  
27 of duty to the persons concerned, but does not affect the validity of appointment, duties or powers  
28 or the exercise of duties or powers.

29       (4) Within 30 days after the date of appointment a personal representative shall cause to be filed  
30 in the estate proceeding proof of the delivery or mailing required by this section or a waiver of  
31 notice as provided under ORS 111.225. The proof shall include a copy of the information delivered  
32 or mailed and the names of the persons to whom it was delivered or mailed.

33       (5) If before the filing of the final account the personal representative has actual knowledge that  
34 the petition did not include the name and address of any person described in ORS 113.035 (4), (5),  
35 (7), (8) or (9), the personal representative shall:

36       (a) Make reasonable efforts under the circumstances to ascertain each of those names and ad-  
37 dresses;

38       (b) Promptly deliver or mail information as described in subsection (1) of this section to each  
39 of those persons located after the filing of the petition and before the filing of the final account; and

40       (c) File in the estate proceeding, on or before filing the final account under ORS 116.083, proof  
41 of compliance with this subsection or a waiver of notice as provided under ORS 111.225.

42       (6) Within 30 days after the appointment of a personal representative, the personal represen-  
43 tative must mail or deliver the information specified in subsection (1) of this section and [*a copy*  
44 *of*] the death certificate of the decedent to the Department of Human Services and the Oregon  
45 Health Authority or as otherwise provided by rule adopted by the authority.

**SECTION 52.** ORS 114.525 is amended to read:

114.525. An affidavit filed under ORS 114.515 shall:

(1) State the name, age, domicile, post-office address and Social Security number of the decedent;

(2) State the date and place of the decedent's death. A certified [*copy of the*] death certificate shall be attached to the affidavit;

(3) Describe and state the fair market value of all property in the estate, including a legal description of any real property;

(4) State that no application or petition for the appointment of a personal representative has been granted in Oregon;

(5) State whether the decedent died testate or intestate, and if the decedent died testate, the will shall be attached to the affidavit;

(6) List the heirs of the decedent and the last address of each heir as known to the affiant, and state that a copy of the affidavit showing the date of filing and a copy of the will, if the decedent died testate, will be delivered to each heir or mailed to the heir at the last-known address;

(7) If the decedent died testate, list the devisees of the decedent and the last address of each devisee as known to the affiant and state that a copy of the will and a copy of the affidavit showing the date of filing will be delivered to each devisee or mailed to the devisee at the last-known address;

(8) State the interest in the property described in the affidavit to which each heir or devisee is entitled and the interest, if any, that will escheat;

(9) State that reasonable efforts have been made to ascertain creditors of the estate. List the expenses of and claims against the estate remaining unpaid or on account of which the affiant or any other person is entitled to reimbursement from the estate, including the known or estimated amounts thereof and the names and addresses of the creditors as known to the affiant, and state that a copy of the affidavit showing the date of filing will be delivered to each creditor who has not been paid in full or mailed to the creditor at the last-known address;

(10) Separately list the name and address of each person known to the affiant to assert a claim against the estate that the affiant disputes and the known or estimated amount thereof and state that a copy of the affidavit showing the date of filing will be delivered to each such person or mailed to the person at the last-known address;

(11) State that a copy of the affidavit showing the date of filing will be mailed or delivered to the Department of Human Services and the Oregon Health Authority;

(12) State that claims against the estate not listed in the affidavit or in amounts larger than those listed in the affidavit may be barred unless:

(a) A claim is presented to the affiant within four months of the filing of the affidavit at the address stated in the affidavit for presentment of claims; or

(b) A personal representative of the estate is appointed within the time allowed under ORS 114.555; and

(13) If the affidavit lists one or more claims that the affiant disputes, state that any such claim may be barred unless:

(a) A petition for summary determination is filed within four months of the filing of the affidavit; or

(b) A personal representative of the estate is appointed within the time allowed under ORS 114.555.

**SECTION 53.** ORS 127.815 is amended to read:



1       127.815. §3.01. Attending physician responsibilities. (1) The attending physician shall:  
2       (a) Make the initial determination of whether a patient has a terminal disease, is capable, and  
3 has made the request voluntarily;  
4       (b) Request that the patient demonstrate Oregon residency pursuant to ORS 127.860;  
5       (c) To ensure that the patient is making an informed decision, inform the patient of:  
6       (A) His or her medical diagnosis;  
7       (B) His or her prognosis;  
8       (C) The potential risks associated with taking the medication to be prescribed;  
9       (D) The probable result of taking the medication to be prescribed; and  
10       (E) The feasible alternatives, including, but not limited to, comfort care, hospice care and pain  
11 control;  
12       (d) Refer the patient to a consulting physician for medical confirmation of the diagnosis, and for  
13 a determination that the patient is capable and acting voluntarily;  
14       (e) Refer the patient for counseling if appropriate pursuant to ORS 127.825;  
15       (f) Recommend that the patient notify next of kin;  
16       (g) Counsel the patient about the importance of having another person present when the patient  
17 takes the medication prescribed pursuant to ORS 127.800 to 127.897 and of not taking the medication  
18 in a public place;  
19       (h) Inform the patient that he or she has an opportunity to rescind the request at any time and  
20 in any manner, and offer the patient an opportunity to rescind at the end of the 15-day waiting pe-  
21 riod pursuant to ORS 127.840;  
22       (i) Verify, immediately prior to writing the prescription for medication under ORS 127.800 to  
23 127.897, that the patient is making an informed decision;  
24       (j) Fulfill the medical record documentation requirements of ORS 127.855;  
25       (k) Ensure that all appropriate steps are carried out in accordance with ORS 127.800 to 127.897  
26 prior to writing a prescription for medication to enable a qualified patient to end his or her life in  
27 a humane and dignified manner; and  
28       (L)(A) Dispense medications directly, including ancillary medications intended to facilitate the  
29 desired effect to minimize the patient's discomfort, provided the attending physician is registered as  
30 a dispensing physician with the Oregon Medical Board, has a current Drug Enforcement Adminis-  
31 tration certificate and complies with any applicable administrative rule; or  
32       (B) With the patient's written consent:  
33       (i) Contact a pharmacist and inform the pharmacist of the prescription; and  
34       (ii) Deliver the written prescription personally or by mail to the pharmacist, who will dispense  
35 the medications to either the patient, the attending physician or an expressly identified agent of the  
36 patient.  
37       (2) Notwithstanding any other provision of law, the attending physician may sign the patient's  
38 [*death certificate*] **report of death.**

39       **SECTION 54.** ORS 130.370 is amended to read:

40       130.370. (1) Within three months after a petition is entered in the register of the court under  
41 ORS 130.355, or within such longer time as the court allows, a trustee must make reasonably dili-  
42 gent efforts to investigate the financial records and affairs of the settlor and to take such further  
43 actions as are reasonably necessary to ascertain the identity and address of each person who has  
44 or asserts a claim against the trust estate. The court shall allow the trustee as much time as re-  
45 quested by the trustee for the purpose of determining the claims against the trust estate. The trustee

1 must thereafter cause to be delivered or mailed a notice containing the information required in  
 2 subsection (2) of this section to the Department of Human Services and the Oregon Health Author-  
 3 ity, or as otherwise provided by rule adopted by the authority, and to each person known by the  
 4 trustee to have or to assert a claim against the trust estate. Notice under this section is not re-  
 5 quired for any claim that has already been presented, accepted or paid in full or on account of a  
 6 claim that is merely conjectural.

7 (2) The notice required by this section must include:

8 (a) The name of the settlor and the last four digits of the settlor's Social Security number;

9 (b) The name of the trustee and the address at which claims must be presented;

10 (c) A statement that claims against the trust estate that are not presented to the trustee within  
 11 30 days after the date of the notice may be barred;

12 (d) The date of the notice, which shall be the date on which the notice is delivered or mailed;

13 and

14 (e) [A copy of] The settlor's death certificate.

15 **SECTION 55.** ORS 146.045 is amended to read:

16 146.045. (1) After consultation with the State Medical Examiner Advisory Board, the State  
 17 Medical Examiner shall appoint each Deputy State Medical Examiner.

18 (2) The State Medical Examiner shall:

19 (a) Appoint and discharge each district medical examiner as provided by ORS 146.065 (2).

20 (b) Designate those pathologists authorized to perform autopsies under ORS 146.117 (2).

21 (c) Approve those laboratories authorized to perform the analyses required under ORS 146.113  
 22 (2).

23 (3) The State Medical Examiner may:

24 (a) Assume control of a death investigation in cooperation with the district attorney.

25 (b) Order an autopsy in a death requiring investigation.

26 (c) Certify the cause and manner of a death requiring investigation.

27 (d) Amend a previously completed [*death certificate*] **report** on a death requiring investigation.

28 (e) Order a body exhumed in a death requiring investigation.

29 (f) Designate a Deputy State Medical Examiner as Acting State Medical Examiner.

30 (g) After a reasonable and thorough investigation, complete and file a [*death certificate*] **report**  
 31 **of death** for a person whose body is not found.

32 (4) Distribution of moneys from the State Medical Examiner's budget for partial reimbursement  
 33 of each county's autopsy expenditures shall be made subject to approval of the State Medical Ex-  
 34 aminer.

35 (5) Within 45 days of receipt of information that a person is missing at sea and presumed dead,  
 36 the State Medical Examiner shall determine whether the information is credible and, if so, complete  
 37 and file a [*death certificate*] **report of death** for the person presumed dead. If the information is  
 38 determined not to be credible, the State Medical Examiner may continue the death investigation.

39 **SECTION 56.** ORS 146.121 is amended to read:

40 146.121. (1) No person shall bury or otherwise dispose of the body of a person whose death re-  
 41 quired investigation, without having first obtained a burial or cremation permit, or a [*death certif-*  
 42 *icate*] **report of death** completed and signed by a medical examiner.

43 (2) When a medical examiner investigates the death of a person whose body is not claimed by  
 44 a friend or relative within five days of the date of death, the sheriff or, in counties having a popu-  
 45 lation of 400,000 or more, the medical examiner shall dispose of the body according to the provisions

1 of ORS 97.170 to 97.210.

2 (3) If the medical examiner is unable to dispose of the body of a deceased person according to  
 3 subsection (2) of this section, the medical examiner may order in writing that the body be either  
 4 cremated or plainly and decently buried.

5 (4) The sheriff or medical examiner shall file a copy of the [*death certificate*] **report of death**,  
 6 the order for disposition and a verified statement of the expenses of the cremation or burial with  
 7 the board of county commissioners. The board of county commissioners shall pay such expenses, or  
 8 any proportion thereof as may be available, from county funds annually budgeted for this purpose.

9 **SECTION 57.** ORS 146.095 is amended to read:

10 146.095. (1) The district medical examiner and the district attorney for the county where death  
 11 occurs, as provided by ORS 146.100 (2), shall be responsible for the investigation of all deaths re-  
 12 quiring investigation.

13 (2) The medical examiner shall certify the manner and the cause of all deaths which the medical  
 14 examiner is required to investigate. The [*certificate*] **report** of death shall be [*filed*] **submitted to a**  
 15 **county registrar** as required by ORS 432.307.

16 (3) The medical examiner shall make a report of death investigation to the State Medical Ex-  
 17 aminer as soon as possible after being notified of a death requiring investigation.

18 (4) Within five days after notification of a death requiring investigation, the medical examiner  
 19 shall make a written report of the investigation and file it in the district medical examiner's office.

20 (5) The district medical examiner shall supervise the assistant district medical examiners and  
 21 deputy medical examiners in cooperation with the district attorney.

22 (6) The district medical examiner shall regularly conduct administrative training programs for  
 23 the assistant district medical examiners, deputy medical examiners and law enforcement agencies.

24 **SECTION 58.** ORS 176.740 is amended to read:

25 176.740. (1) The Governor may proclaim that a natural disaster or an act of war, terrorism or  
 26 sabotage has caused the death of unknown persons on a specific date at a specific place.

27 (2) For the purposes of any civil or administrative proceeding, there is a presumption that a  
 28 missing person is dead if it is shown that:

29 (a) The person was at or near the place described in a proclamation under this section on the  
 30 date specified in the proclamation; and

31 (b) The person's absence cannot be satisfactorily explained after diligent search.

32 (3) In administering the estate of an absentee under ORS chapter 117, the court may enter an  
 33 order directing the State Medical Examiner to [*deposit a death certificate with*] **submit a report of**  
 34 **death to** the county registrar for a decedent presumed to be dead under this section. The county  
 35 registrar may not charge a fee for [*depositing a death certificate*] **receiving a report** under this  
 36 subsection or for issuing a copy of a [*death certificate deposited*] **report submitted** under this sub-  
 37 section. The State Medical Examiner shall indicate on the [*death certificate*] **report of death** that  
 38 the [*death certificate was issued*] **report of death was submitted** pursuant to an order entered un-  
 39 der this section.

40 (4) This section does not establish, limit or abrogate the special peril doctrine.

41 **SECTION 59.** ORS 180.320 is amended to read:

42 180.320. (1) All state agencies, district attorneys and all police officers of the state, county or  
 43 any municipality, university or court thereof, shall cooperate with the Division of Child Support of  
 44 the Department of Justice in furnishing and making available information, records and documents  
 45 necessary to assist in establishing or enforcing support obligations or paternity, in performing the

1 duties set out in ORS 25.080 and in determining the location of any absent parent or child for the  
 2 purpose of enforcing any state or federal law regarding the unlawful taking or restraint of a child  
 3 or for the purpose of making or enforcing a child custody determination. Notwithstanding the pro-  
 4 visions of ORS [109.225, 416.430, 432.121, 432.230 and 432.430] **109.225 or 416.430 or ORS chapter**  
 5 **432**, records pertaining to the paternity of a child shall be made available upon written request of  
 6 an authorized representative of the Division of Child Support. Any information obtained pursuant  
 7 to this subsection is confidential, and shall be used only for the purposes set out in this subsection.

8 (2) Information furnished to the Division of Child Support by the Department of Revenue and  
 9 made confidential by ORS 314.835 shall be used by the division and its employees solely for the  
 10 purpose of enforcing the provisions of ORS 180.320 to 180.365 and shall not be disclosed or made  
 11 known for any other purpose. Any person who violates the prohibition against disclosure contained  
 12 in this subsection, upon conviction, is punishable as provided in ORS 314.991 (2).

13 **SECTION 60.** ORS 247.570 is amended to read:

14 247.570. (1) Not later than five business days after receiving a [*certificate*] **report** of death under  
 15 ORS 432.307, a county registrar designated under ORS 432.035 shall furnish to the county clerk of  
 16 that county the name, age, date of birth and residence address of the person for whom the registrar  
 17 has received the [*certificate*] **report** of death. If the person was registered to vote in the county, the  
 18 county clerk immediately shall cancel the registration of the person.

19 (2) Not later than five business days after receiving information from the county registrar under  
 20 subsection (1) of this section, the county clerk shall furnish the information to the Secretary of  
 21 State. The Secretary of State shall furnish a copy of the appropriate names received under this  
 22 subsection to each county clerk. Each county clerk immediately shall cancel the registrations of  
 23 those persons.

24 (3) The Oregon Health Authority, during the last week of each month, shall furnish to the Sec-  
 25 retary of State a list of the name, age, date of birth, county of residence and residence address of  
 26 each resident of this state who has died during the preceding month and for whom a [*certificate*]  
 27 **report** of death was not [*filed with*] **submitted to** a county registrar. The Secretary of State shall  
 28 furnish a copy of the appropriate names to each county clerk. Each county clerk immediately shall  
 29 cancel registrations of those persons.

30 **SECTION 61.** ORS 416.430 is amended to read:

31 416.430. (1) The administrator may establish paternity of a child in the course of a support  
 32 proceeding under ORS 416.400 to 416.465 when both parents sign statements that paternity has not  
 33 been legally established and that the male parent is the father of the child. The administrator may  
 34 enter an order which establishes paternity.

35 (2) If the parent fails to file a response denying paternity and requesting a hearing within the  
 36 time period allowed in ORS 416.415 (2), then the administrator, without further notice to the parent,  
 37 may enter an order, in accordance with ORS 416.415 (7), which declares and establishes the parent  
 38 as the legal father of the child.

39 (3) Any order entered pursuant to subsection (1) or (2) of this section establishes legal paternity  
 40 for all purposes. The Center for Health Statistics of the Oregon Health Authority shall [*prepare*]  
 41 **amend the record of live birth for the child and issue** a new birth certificate in the new name,  
 42 if any, of the child. The original [*birth certificate*] **record of live birth** shall be sealed and filed and  
 43 may be opened only upon order of a court of competent jurisdiction.

44 (4)(a) If paternity is alleged under ORS 416.415 (3) and a written response denying paternity and  
 45 requesting a hearing is received within the time period allowed in ORS 416.415 (2), or if the ad-

1 administrator determines that there is a valid issue with respect to paternity of the child, the admin-  
 2 istrator, subject to the provisions of subsections (5) and (6) of this section, shall certify the matter  
 3 to the circuit court for a determination based upon the contents of the file and any evidence which  
 4 may be produced at trial. The proceedings in court shall for all purposes be deemed suits in equity.  
 5 The provisions of ORS 109.145 to 109.230 apply to proceedings certified to court by the administrator  
 6 pursuant to this section.

7 (b) Any response denying paternity and requesting a hearing shall be sent by the enforcement  
 8 office to the obligee by regular mail.

9 (5) An action to establish paternity initiated under ORS 416.400 to 416.465 shall not be certified  
 10 to court for trial unless all of the following have occurred:

11 (a) Blood tests have been conducted;

12 (b) The results of the blood tests have been served upon the parties and notice has been given  
 13 that an order establishing paternity will be entered unless a written objection is received within 30  
 14 days; and

15 (c) A written objection to the entry of an order has been timely received from a party.

16 (6) Notwithstanding the provisions of subsection (5) of this section, the administrator:

17 (a) Shall certify the matter to court:

18 (A) Within 30 days of receipt by the administrator of a timely written objection to the entry of  
 19 an order by a party under subsection (5)(c) of this section;

20 (B) When a party requests certification in writing after the administrator has received a party's  
 21 written denial of paternity if at least 120 days have elapsed from receipt of the denial; or

22 (C) Upon receipt of blood test results with a cumulative paternity index of less than 99; and

23 (b) May certify the matter to court at any time under any other circumstances.

24 (7) If the blood tests conducted under ORS 109.250 to 109.262 result in a cumulative paternity  
 25 index of 99 or greater, evidence of the tests, together with the testimony of the parent, shall be a  
 26 sufficient basis upon which to establish paternity and the administrator may enter an order declar-  
 27 ing the alleged father as the legal father of the child unless a party objects in writing to the entry  
 28 of the order. The testimony of the parent may be presented by affidavit.

29 (8) Prior to certification to court, the administrator may attempt to resolve the issue of  
 30 paternity by discovery conducted under the Oregon Rules of Civil Procedure. Unless otherwise  
 31 specifically provided by statute, the proceedings shall be conducted under the Oregon Rules of Civil  
 32 Procedure.

33 (9) When, in accordance with subsection (6)(a)(A) of this section, a party objects to the entry  
 34 of an order and the blood tests conducted under ORS 109.250 to 109.262 result in a cumulative  
 35 paternity index of 99 or greater, notwithstanding the party's objection, evidence of the tests, to-  
 36 gether with the testimony of a parent, is a sufficient basis upon which to presume paternity for  
 37 purposes of establishing temporary support under this section. The court shall, upon motion of any  
 38 party, enter a temporary order requiring the alleged father to provide support pending the determi-  
 39 nation of parentage by the court. In determining the amount of support, the court shall use the  
 40 formula established under ORS 25.275.

41 **SECTION 62.** ORS 432.105 is amended to read:

42 432.105. (1) **The State Registrar of the Center for Health Statistics may, in the state**  
 43 **registrar's discretion, establish local registrars.**

44 [(1) Each] (2) A local registrar shall promptly transmit each [birth certificate and each death  
 45 certificate] **report of live birth or death** filed with the local registrar to the county registrar. The

1 county registrar shall maintain an abstract of each [*death certificate*] **report of death** and may  
 2 prepare and maintain an abstract for each [*birth certificate*] **report of live birth** as follows:

3 (a) The abstract of death shall include the information contained [*on*] **in** the report of death  
 4 [*card*] **as** prescribed by the state registrar [*of the Center for Health Statistics*] **by rule**.

5 (b) The abstract of birth shall contain only the full names of the child and the parent or parents,  
 6 sex of the child, [*the*] county and date of birth, [*the*] residence address of the mother, date of filing  
 7 and local file number.

8 [(2)] (3) Abstracts shall be filed and indexed in alphabetical order and safely kept by the county  
 9 registrar.

10 **SECTION 63.** ORS 33.460 is amended to read:

11 33.460. (1) A court that has jurisdiction to determine an application for change of name of a  
 12 person under ORS 33.410 and 33.420 may order a legal change of sex and enter a judgment indicat-  
 13 ing the change of sex of a person [*whose sex has been changed by surgical procedure*] **who has**  
 14 **completed sexual reassignment**.

15 (2) The court may order a legal change of sex and enter the judgment in the same manner as  
 16 that provided for change of name of a person under ORS 33.410 and 33.420.

17 (3) If a person applies for a change of name under ORS 33.410 and 33.420 at the time the person  
 18 applies for a legal change of sex under this section, the court may order change of name and legal  
 19 change of sex at the same time and in the same proceeding.

20 **SECTION 64.** ORS 677.518 is amended to read:

21 677.518. A physician assistant, practicing under the supervision of a supervising physician or a  
 22 supervising physician organization, is authorized to complete and sign **reports of** death  
 23 [*certificates*]. **Reports of** death [*certificates*] signed by a physician assistant shall be accepted as ful-  
 24 filling all of the laws dealing with **reports of** death [*certificates*]. A physician assistant who [*signs*  
 25 *a death certificate*] **prepares a report of death** must comply with all provisions of ORS 432.307.

26 **SECTION 65.** ORS 678.375 is amended to read:

27 678.375. (1) The Oregon State Board of Nursing is authorized to issue certificates of special  
 28 competency to licensed registered nurses to practice as nurse practitioners if they meet the re-  
 29 quirements of the board pursuant to ORS 678.380.

30 (2) No person shall practice as a nurse practitioner or hold oneself out to the public or to an  
 31 employer, or use the initials, name, title, designation or abbreviation as a nurse practitioner until  
 32 and unless such person is certified by the board.

33 (3) A registered nurse, certified as a nurse practitioner, is authorized to complete and sign **re-**  
 34 **ports of** death [*certificates*]. **Reports of** death [*certificates*] signed by a certified nurse practitioner  
 35 shall be accepted as fulfilling all the requirements of the laws dealing with **reports of** death [*cer-*  
 36 *tificates*]. A certified nurse practitioner who [*signs a death certificate*] **prepares a report of death**  
 37 must comply with all provisions of ORS 432.307.

38 (4) A registered nurse, certified as a nurse practitioner, is authorized to prescribe drugs for the  
 39 use of and administration to other persons if approval has been given under ORS 678.390. The drugs  
 40 which the nurse practitioner is authorized to prescribe shall be included within the certified nurse  
 41 practitioner's scope of practice as defined by rules of the board.

42 (5) A licensed pharmacist may fill and a licensed pharmacist or an employee of the licensed  
 43 pharmacist may dispense medications prescribed by a nurse practitioner in accordance with the  
 44 terms of the prescription. The filling of such a prescription does not constitute evidence of  
 45 negligence on the part of the pharmacist if the prescription was dispensed within the reasonable and

1 prudent practice of pharmacy.

2 (6) As used in this section:

3 (a) "Drug" means:

4 (A) Articles recognized as drugs in the official United States Pharmacopoeia, official National  
5 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any  
6 of them;

7 (B) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of dis-  
8 ease in human beings;

9 (C) Articles other than food that are intended to affect the structure or any function of the body  
10 of human beings; and

11 (D) Articles intended for use as a component of any articles specified in subparagraph (A), (B)  
12 or (C) of this paragraph.

13 (b) "Prescribe" means to direct, order or designate the preparation, use of or manner of using  
14 by spoken or written words or other means.

15 **SECTION 66.** ORS 684.030 is amended to read:

16 684.030. Chiropractic physicians shall observe and be subject to all state and municipal regu-  
17 lations relating to the control of contagious and infectious diseases, sign [*birth and death*  
18 *certificates*] **reports of live birth and death**, and report all matters pertaining to public health to  
19 the proper health officers the same as other practitioners.

20 **SECTION 67.** ORS 685.050 is amended to read:

21 685.050. Licensees under this chapter are authorized to sign [*birth and death certificates. Such*  
22 *certificates so signed shall be accepted as fulfilling all the requirements of the laws dealing with such*  
23 *certificates*] **reports of live birth and death. Reports signed under this section shall be accepted**  
24 **as fulfilling all the requirements of the laws of this state dealing with such reports.**

25 **SECTION 68.** ORS 692.405 is amended to read:

26 692.405. The funeral service practitioner or person acting as such shall be responsible for  
27 causing to be affixed to each receptacle, as defined by rule of the State Mortuary and Cemetery  
28 Board, in which a dead human body is contained an identifying metal disc, of a design to be ap-  
29 proved by rule of the State Mortuary and Cemetery Board, that shall remain attached to the re-  
30 ceptacle in which the body is contained and shall bear a corresponding number that is also [*on both*  
31 *the death certificate*] **in the report of death** and the final disposition permit. In the event of  
32 cremation, the disc shall stay with the cremated remains.

33  
34 **PLACEMENT OF PROVISIONS**

35  
36 **SECTION 69.** ORS 432.060 and 432.312 are added to and made a part of ORS chapter 413.

37  
38 **REPEALS**

39  
40 **SECTION 70.** ORS 432.040, 432.080, 432.095, 432.119, 432.122, 432.130 and 432.300 are re-  
41 pealed.

42  
43 **OPERATIVE DATE**

44  
45 **SECTION 71.** (1) Sections 5, 6, 17, 18, 23, 24, 27, 37, 38, 43, 44 and 69 of this 2013 Act, the

1 amendments to statutes by sections 1 to 4, 7 to 16, 19 to 22, 25, 26, 28 to 36, 39 to 42 and 45  
2 to 68 of this 2013 Act and the repeal of statutes by section 70 of this 2013 Act become oper-  
3 ative on January 1, 2014.

4 (2) The State Registrar of the Center for Health Statistics and the Oregon Health Au-  
5 thority may take any action before the operative date specified in subsection (1) of this sec-  
6 tion that is necessary to enable the state registrar or authority to exercise, on and after the  
7 operative date specified in subsection (1) of this section, all the duties, functions and powers  
8 conferred on the state registrar and authority by sections 5, 6, 17, 18, 23, 24, 27, 37, 38, 43,  
9 44 and 69 of this 2013 Act, the amendments to statutes by sections 1 to 4, 7 to 16, 19 to 22,  
10 25, 26, 28 to 36, 39 to 42 and 45 to 68 of this 2013 Act and the repeal of statutes by section  
11 70 of this 2013 Act.

12  
13 **UNIT CAPTIONS**

14  
15 **SECTION 72.** The unit captions used in this 2013 Act are provided only for the conven-  
16 ience of the reader and do not become part of the statutory law of this state or express any  
17 legislative intent in the enactment of this 2013 Act.

18  
19 **EMERGENCY CLAUSE**

20  
21 **SECTION 73.** This 2013 Act being necessary for the immediate preservation of the public  
22 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
23 on its passage.