

**PROPOSED AMENDMENTS TO
HOUSE BILL 2093**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete line 3 and insert “3.260, 18.618, 18.792, 18.860, 33.430, 33.460,
3 97.943, 106.100, 107.718, 109.094, 109.460, 112.582, 113.145, 114.525, 116.253,
4 127.815, 130.370, 135.060, 135.065, 146.045, 146.095, 146.121, 176.740, 180.320,
5 205.130, 247.570.”.

6 In line 4, after “416.430,” insert “417.825, 419B.845,” and delete
7 “432.105.”.

8 In line 7, delete “and 692.405” and insert “, 692.270, 692.405, 708A.655,
9 723.844, 807.510, 807.720 and 830.485”.

10 In line 8, after “432.095,” insert “432.105.”.

11 Delete lines 11 through 29 and delete pages 2 through 56 and insert:

12

13 **“DEFINITIONS**

14

15 **“SECTION 1.** ORS 432.005 is amended to read:

16 “432.005. *[As used in this chapter, unless the context requires otherwise:]*

17 “[*(1) ‘Authority’ means the Oregon Health Authority.*]

18 “[*(2) ‘Dead body’ means a human body or such parts of such human body*
19 *from the condition of which it reasonably may be concluded that death oc-*
20 *curred.*]

21 “[*(3) ‘Director’ means the Director of the Oregon Health Authority.*]

22 “[*(4) ‘Divorce’ means dissolution of a marriage.*]

1 “[5] ‘Fetal death’ means death prior to the complete expulsion or extraction
2 from its mother of a product of human conception, irrespective of the duration
3 of pregnancy. The death is indicated by the fact that after such expulsion or
4 extraction the fetus does not breathe or show any other evidence of life such
5 as beating of the heart, pulsation of the umbilical cord or definite movement
6 of the voluntary muscles.]

7 “[6] ‘File’ means the presentation and acceptance of a vital record or vital
8 report provided for in this chapter by the Center for Health Statistics.]

9 “[7] ‘Final disposition’ means the burial, interment, cremation, removal
10 from the state or other authorized disposition of a dead body or fetus, except
11 that when removal from the state is conducted by the holder of a certificate
12 of removal registration issued under ORS 692.270, the final disposition may
13 not be considered complete until the certificate of death is filed.]

14 “[8] ‘Induced termination of pregnancy’ means the purposeful interruption
15 of an intrauterine pregnancy with the intention other than to produce a live-
16 born infant and that does not result in a live birth.]

17 “[9] ‘Institution’ means any establishment, public or private, that provides
18 inpatient or outpatient medical, surgical or diagnostic care or treatment or
19 nursing, custodial or domiciliary care, or to which persons are committed by
20 law.]

21 “[10] ‘Live birth’ means the complete expulsion or extraction from its
22 mother of a product of human conception, irrespective of the duration of preg-
23 nancy, that, after such expulsion or extraction, breathes or shows any other
24 evidence of life such as beating of the heart, pulsation of the umbilical cord
25 or definite movement of voluntary muscles, whether or not the umbilical cord
26 has been cut or the placenta is attached.]

27 “[11] ‘Person acting as a funeral service practitioner’ means:]

28 “[a] A person other than a funeral service practitioner licensed under ORS
29 692.045, including but not limited to a relative, friend or other interested party,
30 who performs the duties of a funeral service practitioner without payment;

1 or]

2 “[(b) A funeral service practitioner who files death certificates in another
3 state if the funeral service practitioner is employed by a funeral establishment
4 licensed in another state and registered with the State Mortuary and Cemetery
5 Board under ORS 692.270.]

6 “[(12) ‘Physician’ means a person authorized or licensed under the laws of
7 this state to practice medicine, osteopathy, chiropractic or naturopathic medi-
8 cine.]

9 “[(13) ‘Registration’ means the process by which vital records and vital re-
10 ports are completed, filed and incorporated into the official records of the
11 Center for Health Statistics.]

12 “[(14) ‘State registrar’ means the State Registrar of the Center for Health
13 Statistics.]

14 “[(15) ‘System of vital statistics’ means the registration, collection, preser-
15 vation, amendment and certification of vital records and vital reports; the
16 collection of other reports required by this chapter, and activities related
17 thereto including the tabulation, analysis, dissemination and publication of
18 vital statistics and training in the use of health data.]

19 “[(16) ‘Vital records’ means certificates or reports of birth, death, marriage,
20 declaration of domestic partnership, dissolution of marriage or domestic part-
21 nership and data related thereto.]

22 “[(17) ‘Vital reports’ means reports of fetal death, induced termination of
23 pregnancy, suicide attempts by persons under 18 years of age and survey and
24 questionnaire documents and data related thereto.]

25 “[(18) ‘Vital statistics’ means the data derived from certificates and reports
26 of birth, death, fetal death, induced termination of pregnancy, marriage, dec-
27 laration of domestic partnership, dissolution of marriage, dissolution of do-
28 mestic partnership, suicide attempts by persons under 18 years of age and
29 related reports.]

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

1 “(1) ‘Amendment’ means a change to an item that appears on a
2 certified copy of a vital record after a certified copy has been issued.

3 “(2) ‘Authorized representative’ means an agent designated in a
4 written statement signed by the registrant or other qualified applicant,
5 the signing of which was witnessed.

6 “(3) ‘Certified copy’ means the document, in either paper or elec-
7 tronic format, issued by the State Registrar of the Center for Health
8 Statistics and containing all or a part of the information contained
9 on the original vital record, and which, when issued by the state
10 registrar, has the full force and effect of the original vital record.

11 “(4) ‘Certified copy item’ means any item of information that ap-
12 pears on a certified copy.

13 “(5) ‘Certifier’ means a person required to attest to the accuracy
14 of information submitted on a report.

15 “(6) ‘Correction’ means a change to an item that is not included in
16 a certified copy of a vital record, or a change to an item that is in-
17 cluded in a certified copy provided that no certified copy has been is-
18 sued.

19 “(7) ‘Court of competent jurisdiction’ means a court within the
20 United States with jurisdiction over a person subject to regulation
21 under this chapter.

22 “(8) ‘Date of registration’ means the month, day and year a vital
23 record is incorporated into the official records of the Center for Health
24 Statistics.

25 “(9) ‘Dead body’ means a human body or such parts of such human
26 body from the condition of which it reasonably may be concluded that
27 death occurred.

28 “(10) ‘Electronic signature’ means an electronic sound, symbol or
29 process attached to or logically associated with a contract or other
30 record that is executed or adopted by a person with the intent to attest

1 to the accuracy of the facts in the record.

2 “(11) ‘Government agency’ means a unit of federal, state, local or
3 tribal government.

4 “(12) ‘Health research’ means a systematic study to gain informa-
5 tion and understanding about health, with the goal of finding ways to
6 improve human health, that conforms to or is conducted in accord-
7 ance with generally accepted scientific standards or principles and that
8 is designed to develop or contribute to general scientific knowledge.

9 “(13) ‘Facts of live birth’ means the name of the child, date of birth,
10 place of birth, sex and parent’s name or parents’ names appearing on
11 the record of live birth.

12 “(14) ‘Fetal death’ means death prior to the complete expulsion or
13 extraction from its mother of a product of human conception, irre-
14 spective of the duration of pregnancy, that is not an induced termi-
15 nation of pregnancy. The death is indicated by the fact that after such
16 expulsion or extraction the fetus does not breathe or show any other
17 evidence of life such as beating of the heart, pulsation of the umbilical
18 cord or definite movement of the voluntary muscles. As used in this
19 subsection, ‘breathe’ does not include fleeting respiratory efforts or
20 gasps, and ‘beating of the heart’ does not include transient cardiac
21 contractions.

22 “(15) ‘Final disposition’ means the burial, interment, cremation,
23 removal from the state or other authorized disposition of a dead body
24 or fetus, except that when removal from the state is conducted by the
25 holder of a certificate of removal registration issued under ORS
26 692.270, the final disposition may not be considered complete until the
27 report of death is filed.

28 “(16)(a) ‘Human remains’ means a dead body.

29 “(b) ‘Human remains’ does not include human ashes recovered after
30 cremation.

1 “(17)(a) ‘Induced termination of pregnancy’ means the purposeful
2 interruption of an intrauterine pregnancy with the intention other
3 than to produce a live-born infant and that does not result in a live
4 birth.

5 “(b) ‘Induced termination of pregnancy’ does not include manage-
6 ment of prolonged retention of products of conception following fetal
7 death.

8 “(18) ‘Institution’ means any establishment, public or private, that
9 provides inpatient or outpatient medical, surgical or diagnostic care
10 or treatment or nursing, custodial or domiciliary care, or to which
11 persons are committed by law.

12 “(19) ‘Interment’ means the disposition of human remains by
13 entombment or burial.

14 “(20) ‘Legal representative’ means a licensed attorney representing
15 the registrant or other qualified applicant.

16 “(21) ‘Live birth’ means the complete expulsion or extraction from
17 its mother of a product of human conception, irrespective of the du-
18 ration of pregnancy, that, after such expulsion or extraction, breathes
19 or shows any other evidence of life such as beating of the heart,
20 pulsation of the umbilical cord or definite movement of voluntary
21 muscles, whether or not the umbilical cord has been cut or the
22 placenta is attached. As used in this subsection, ‘breathes’ does not
23 include fleeting respiratory efforts or gasps, and ‘beating of the
24 heart’ does not include transient cardiac contractions.

25 “(22) ‘Medical certifier’ means a physician, physician assistant or
26 nurse practitioner licensed under the laws of this state or under the
27 laws of Washington, Idaho or California who has treated a decedent
28 within the 12 months preceding death.

29 “(23) ‘Person acting as a funeral service practitioner’ means:

30 “(a) A person other than a funeral service practitioner licensed

1 under ORS 692.045, including but not limited to a relative, friend or
2 other interested party, who performs the duties of a funeral service
3 practitioner without payment; or

4 “(b) A funeral service practitioner who submits reports of death in
5 another state if the funeral service practitioner is employed by a fu-
6 neral establishment licensed in another state and registered with the
7 State Mortuary and Cemetery Board under ORS 692.270.

8 “(24) ‘Person in charge of an institution’ means the officer or em-
9 ployee who is responsible for administration of an institution.

10 “(25) ‘Personally identifiable information’ means information that
11 can be used to distinguish or trace an individual’s identity or, when
12 combined with other personal or identifying information, is linked or
13 linkable to a specific individual.

14 “(26) ‘Physician’ means a person authorized to practice medicine,
15 osteopathy, chiropractic or naturopathic medicine under the laws of
16 this state or under the laws of Washington, Idaho or California.

17 “(27) ‘Record’ means a report that has been registered by the state
18 registrar.

19 “(28) ‘Record of foreign live birth’ means a document registered by
20 the state registrar for a person born in a foreign country who may or
21 may not be a citizen of the United States and who was adopted under
22 the laws of this state.

23 “(29) ‘Registration’ means the process by which vital records and
24 reports are accepted and incorporated into the official records of the
25 Center for Health Statistics.

26 “(30) ‘Report’ means a document, whether in paper or electronic
27 format, containing information related to a vital event submitted by
28 a person required to submit the information to the state registrar for
29 the purpose of registering a vital event.

30 “(31) ‘State’ includes a state or territory of the United States, the

1 **District of Columbia and New York City.**

2 **“(32) ‘System of vital statistics’ means:**

3 **“(a) The collection, registration, preservation, amendment, certifi-**
4 **ication and verification of, and the maintenance of the security and**
5 **integrity of, vital records;**

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

7 **“(c) Activities related to the activities described in paragraphs (a)**
8 **and (b) of this subsection, including the tabulation, analysis, dissem-**
9 **ination and publication of vital statistics and training in the use of**
10 **health data.**

11 **“(33) ‘Verification’ means confirmation of the information on a vi-**
12 **tal record based on the facts contained in a report.**

13 **“(34) ‘Vital record’ means a report of a live birth, death, fetal death,**
14 **marriage, declaration of domestic partnership, dissolution of marriage**
15 **or domestic partnership and related data that have been accepted for**
16 **registration and incorporated into the official records of the Center for**
17 **Health Statistics.**

18 **“(35) ‘Vital statistics’ means the aggregated data derived from re-**
19 **ords and reports of live birth, death, fetal death, induced termination**
20 **of pregnancy, marriage, declaration of domestic partnership, dissol-**
21 **ution of marriage, dissolution of domestic partnership and supporting**
22 **documentation and related reports.**

23

24 **“ADMINISTRATION**

25

26 **“SECTION 2. ORS 432.010 is amended to read:**

27 **“432.010. [(1) *The Oregon Health Authority shall establish the Center for***
28 ***Health Statistics, which shall install, maintain and operate the system of vital***
29 ***statistics throughout this state in cooperation with appropriate units of local***
30 ***government. The Center for Health Statistics shall be responsible for the***

1 *proper administration of the system of vital statistics and for the preservation*
2 *and security of its official records.]*

3 *“(2) In order to promote and maintain nationwide uniformity in the system*
4 *of vital statistics, the State Registrar of the Center for Health Statistics may*
5 *refer to the 1992 federal revision of the Model State Vital Statistics Act and*
6 *Regulations for recommendations regarding the forms of certificates and re-*
7 *ports required by this chapter.]*

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

10 *“(4) All vital records shall contain the date of filing.]*

11 *“(5) Information required in certificates, forms, records or reports author-*
12 *ized by this chapter may be filed, verified, registered and stored by photo-*
13 *graphic, electronic or other means as prescribed by the state registrar.]*

14 **“(1) There is established in the Oregon Health Authority the Center**
15 **for Health Statistics, which shall maintain, operate and advance the**
16 **system of vital statistics throughout this state in cooperation with**
17 **appropriate units of county government. The Center for Health Sta-**
18 **tistics shall be responsible for the proper administration of the system**
19 **of vital statistics and for the preservation and security of its official**
20 **records.**

21 **“(2) In order to promote and maintain nationwide uniformity in the**
22 **system of vital statistics, the forms for reports and records required**
23 **by this chapter and the rules adopted under this chapter must include,**
24 **at a minimum, the items recommended by the federal agency respon-**
25 **sible for national vital statistics.**

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

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

30 **“(5) Information required in forms, reports or records authorized**

1 **by this chapter may be submitted, verified, registered and stored by**
2 **photographic, electronic or other means as prescribed by the state**
3 **registrar.**

4 **“SECTION 3.** ORS 432.015 is amended to read:

5 *“432.015. [The State Registrar of the Center for Health Statistics, under the*
6 *supervision of the Director of the Oregon Health Authority, in compliance with*
7 *ORS chapter 183, shall adopt rules necessary to the installation and efficient*
8 *performance of an adequate system of vital and public health statistics in-*
9 *cluding rules for the return of evidence affecting delayed certificates, or af-*
10 *fecting alteration of a certificate, after the certificate has been filed with the*
11 *state registrar.]*

12 **“The State Registrar of the Center for Health Statistics, under the**
13 **supervision of the Director of the Oregon Health Authority, shall**
14 **adopt rules in accordance with ORS chapter 183 that are necessary to**
15 **the installation and efficient performance of an adequate system of**
16 **vital statistics.**

17 **“SECTION 4.** ORS 432.030 is amended to read:

18 *“432.030. [(1) The State Registrar of the Center for Health Statistics*
19 *shall:]*

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

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

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

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

30 *“[(e) Conduct training programs to promote uniformity of policy and pro-*

1 *cedures throughout the state in matters pertaining to the system of vital sta-*
2 *tistics.]*

3 *“(f) Prescribe, furnish and distribute such forms as are required by this*
4 *chapter and the rules adopted pursuant thereto or prescribe other means for*
5 *transmission of data to accomplish the purpose of complete and accurate re-*
6 *porting and registration.]*

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

9 *“(h) Provide to local health agencies such copies of or data derived from*
10 *certificates and reports required under this chapter as the state registrar shall*
11 *determine are necessary for local health planning and program activities. The*
12 *state registrar shall establish a schedule with each local health agency for*
13 *transmittal of the copies or data. The copies or data shall remain the property*
14 *of the Center for Health Statistics and the uses that may be made of them shall*
15 *be determined by the state registrar.]*

16 *“(i) Provide local health agencies training and consultation in working*
17 *with health data.]*

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

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

22 **“(a) Administer and enforce the provisions of this chapter and the**
23 **rules adopted under this chapter, and issue orders for the efficient**
24 **administration of the system of vital statistics.**

25 **“(b) Direct and supervise the system of vital statistics and the**
26 **Center for Health Statistics, and be custodian of its records.**

27 **“(c) Provide for the confidentiality and security of the system of**
28 **vital statistics.**

29 **“(d) Direct, supervise and control the activities of all persons en-**
30 **gaged in activities pertaining to the operation of the system of vital**

1 **statistics.**

2 **“(e) Develop and conduct training programs to promote uniformity**
3 **of policy and procedures throughout this state in matters pertaining**
4 **to the system of vital statistics.**

5 **“(f) Prescribe, furnish and distribute the forms required by this**
6 **chapter or the rules adopted under this chapter, and prescribe other**
7 **means for transmission of data, including electronic transmission of**
8 **data, to accomplish the purpose of complete, accurate and timely re-**
9 **porting and registration.**

10 **“(g) Prepare and publish reports of vital statistics of this state and**
11 **such other reports as may be required by the Oregon Health Author-**
12 **ity.**

13 **“(h) Provide to local health agencies information derived from re-**
14 **ports and records required under this chapter that the state registrar**
15 **determines is necessary for local health planning and program activ-**
16 **ities.**

17 **“(i)(A) Prepare a plan to provide for the continuity of operations**
18 **of the system of vital statistics in the event of an emergency.**

19 **“(B) The plan shall:**

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

22 **“(ii) Identify essential vital statistics services; and**

23 **“(iii) Provide guidance for maintaining essential vital statistics**
24 **services.**

25 **“(C) Components of the plan shall include:**

26 **“(i) Alternative locations for operations;**

27 **“(ii) Identification of essential equipment and document needs, and**
28 **a plan for obtaining those needs; and**

29 **“(iii) Identification of essential staff and a means to communicate**
30 **with that staff in an emergency.**

1 **“(D) The plan is not subject to disclosure under ORS 192.410 to**
2 **192.505, except to the extent that the state registrar deems necessary**
3 **to implement the plan.**

4 **“(2) The state registrar may establish or designate offices in this**
5 **state to aid in the efficient administration of the system of vital sta-**
6 **tistics.**

7 **“(3) The state registrar may delegate functions and duties vested in**
8 **the state registrar to employees of the Center for Health Statistics and**
9 **to employees of an office designated under ORS 432.035.**

10 **“SECTION 5. Section 6 of this 2013 Act is added to and made a part**
11 **of ORS chapter 432.**

12 **“SECTION 6. (1) The Legislative Assembly finds that:**

13 **“(a) The system of vital statistics supports civil registration and**
14 **creates information that is used for public health, health research,**
15 **national security, statistical and administrative purposes;**

16 **“(b) Civil registration of each vital event that occurs within this**
17 **state is carried out primarily for the purpose of establishing legal**
18 **documents provided by law; and**

19 **“(c) Due to increased requirements of civil registration in the con-**
20 **text of national security and the use of live birth records as the pri-**
21 **mary document used to identify individuals, the State Registrar of the**
22 **Center for Health Statistics must:**

23 **“(A) Take measures to prevent the fraudulent use of vital records**
24 **for identity theft, terrorism or other purposes;**

25 **“(B) Maintain the security of personnel, physical environments,**
26 **electronic systems and preservation methods; and**

27 **“(C) Perform data assurance and record matching activities to**
28 **protect the confidentiality and security of vital records and prevent**
29 **the fraudulent use of vital records.**

30 **“(2) For the purposes described in subsection (1) of this section, the**

1 state registrar shall:

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

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

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

12 “(d) Require that authenticated and authorized users maintain a
13 specified level of training related to security and provide written ac-
14 knowledgment of security procedures and penalties;

15 “(e) Validate data provided in reports submitted for registration
16 through site visits or with sources independent from registration pro-
17 cesses at a frequency specified by the state registrar by rule that
18 maximizes the integrity of the data collected;

19 “(f) Protect personally identifiable information and maintain sys-
20 tems that provide for audits of use and include protocols for breach
21 identification and notification;

22 “(g) If the decedent was born in this state or if the decedent was a
23 resident of this state, receive a report from the United States Depart-
24 ment of Defense or the United States Department of State of a death
25 occurring outside the United States;

26 “(h) Match death records to live birth records;

27 “(i) Match death records received from the United States Depart-
28 ment of Defense or the United States Department of State of a death
29 occurring outside the United States to registered live birth records;

30 “(j) Work with law enforcement to provide evidence for active fraud

1 **investigations;**

2 **“(k) Provide secure workplace, storage and technology environ-**
3 **ments;**

4 **“(L) Maintain overt, covert and forensic security measures for cer-**
5 **tified copies, verifications and automated systems that are part of the**
6 **system of vital statistics;**

7 **“(m) Comply with laws, rules and regulations associated with in-**
8 **formation technology systems and information related to the system**
9 **of vital statistics; and**

10 **“(n) Comply with national standards that apply to the system of**
11 **vital statistics and its components.**

12

13

“COUNTY REGISTRARS

14

15 **“SECTION 7. ORS 432.035 is amended to read:**

16 **“432.035. [*The State Registrar of the Center for Health Statistics shall***
17 ***designate for each county a county registrar. In consultation with the state***
18 ***registrar, the county registrar may designate one or more deputy county***
19 ***registrars in any county. So far as practical, a county health official shall be***
20 ***designated county registrar.]***

21 **“(1) The State Registrar of the Center for Health Statistics shall**
22 **designate for each county a county employee to act as a county**
23 **registrar. In consultation with the state registrar, each county**
24 **registrar may designate one or more deputy county registrars. The**
25 **county registrar shall be sufficiently positioned within the county and**
26 **have sufficient contact with deputy county registrars to ensure com-**
27 **pliance with this chapter and rules adopted under this chapter.**

28 **“(2) The county and deputy county registrars shall:**

29 **“(a) Comply with all instructions of the state registrar;**

30 **“(b) Check upon the compliance of others with the provisions of**

1 **this chapter and with rules adopted under this chapter; and**

2 **“(c) Make an immediate report to the state registrar of any vio-**
3 **lation of this chapter or of a rule adopted under this chapter coming**
4 **to their notice by observation, upon complaint of a person or other-**
5 **wise.**

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

10

11

“REPORTS

12

13

“(In General)

14

15 **“SECTION 8. ORS 432.075 is amended to read:**

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

21 *“[(2) Any person or institution that in good faith provides information re-*
22 *quired by this chapter or by rules adopted pursuant thereto shall not be subject*
23 *to any action for civil damages.]*

24 **“(1) A person having knowledge of the facts shall furnish all infor-**
25 **mation the person may possess regarding a live birth, death, fetal**
26 **death, induced termination of pregnancy, marriage, declaration of do-**
27 **mestic partnership or dissolution of marriage or domestic partnership**
28 **upon demand of the State Registrar of the Center for Health Statistics.**

29 **“(2) A person required to report information under this chapter or**
30 **the rules adopted under this chapter shall provide the information to**

1 the state registrar within five calendar days of receiving the informa-
2 tion.

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

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

11 “(5) The state registrar may require alternative documentation
12 from the provider of information relating to the occurrence of a vital
13 event for the purpose of quality assurance.

14

15

“(By Institutions)”

16

17 “**SECTION 9.** ORS 432.165 is amended to read:

18 “432.165. *[(1) All superintendents or managers or other persons in charge*
19 *of institutions shall keep a record of personal data concerning each person*
20 *admitted or confined to the institution. This record shall include information*
21 *as required for the certificates of birth and death and the reports of fetal death*
22 *and induced termination of pregnancy required by this chapter. The record*
23 *shall be made at the time of admission from information provided by the per-*
24 *son being admitted or confined, but when it cannot be so obtained, the infor-*
25 *mation shall be obtained from relatives or other persons acquainted with the*
26 *facts. The name and address of the person providing the information shall be*
27 *a part of the record.]*

28 “[2) When a dead body or fetus is released or disposed of by an institution,
29 the person in charge of the institution shall keep a record showing the name
30 of the decedent, Social Security number, if issued, date of death, name and

1 address of the person to whom the body or fetus is released and the date of
2 removal from the institution. If final disposition is made by the institution, the
3 date, place and manner of disposition shall also be recorded.]

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

11 “[4) A medical examiner, physician or nurse practitioner authorized by law
12 to sign a death certificate who is notified of the death of a person not under
13 the care of institutions shall keep a record.]

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

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

30 **“(2) A licensed health care practitioner shall keep a record of per-**

1 sonal data concerning each person under the practitioner's care for a
2 condition that results in a reportable vital event if a record for that
3 event is not maintained by an institution as described in subsection
4 (1) of this section. The record shall include information as required for
5 the reports of live birth, death, fetal death or induced termination of
6 pregnancy required by this chapter. The record shall include informa-
7 tion provided by the person under the practitioner's care. If the person
8 being treated cannot provide the information, then the practitioner
9 shall obtain the information from relatives or other persons ac-
10 quainted with the facts. The name and address of the person providing
11 the information shall be a part of the record.

12 “(3) When a dead body or fetus is released or disposed of by an in-
13 stitution, the person in charge of the institution shall keep a record
14 showing the name of the decedent, Social Security number, if issued,
15 date of death, name and address of the person to whom the body or
16 fetus is released and date of removal from the institution. If final
17 disposition is made by the institution, the date, place and manner of
18 disposition shall also be recorded.

19 “(4) A funeral service practitioner, embalmer, sexton or other per-
20 son who removes from the place of death, transports or makes final
21 disposition of a dead body or fetus, in addition to filing a report re-
22 quired by this chapter or rules adopted under this chapter, shall keep
23 a record that identifies the body and that includes information per-
24 taining to the receipt, removal, delivery and final disposition of the
25 body as may be required by rules adopted by the State Registrar of the
26 Center for Health Statistics.

27 “(5) Copies of records described in subsections (1) to (3) of this sec-
28 tion shall be sent to the state registrar at least monthly. Records
29 maintained under this section shall be retained for a period of not less
30 than seven years and shall be made available for inspection by the

1 **state registrar or a representative of the state registrar upon demand.**

2
3 **“(For Live Births)”**

4
5 **“SECTION 10.** ORS 432.206 is amended to read:

6 *“432.206. [(1) A certificate of birth for each birth that occurs in this state*
7 *shall be filed with the county registrar of the county in which the birth oc-*
8 *curred or with the Center for Health Statistics, or as otherwise directed by the*
9 *State Registrar of the Center for Health Statistics, within five days after the*
10 *birth and shall be registered if the certificate has been completed and filed in*
11 *accordance with this section. Any birth certificate not containing the name of*
12 *the father or on which the surname of the father is at variance with that of*
13 *the child, at the request of either parent, may be filed with the state registrar*
14 *and not with the registrar of the county in which the birth occurred.]*

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

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

23 *“[(a) The certificate shall be prepared and filed within five days after the*
24 *birth by one of the following in the indicated order of priority, in accordance*
25 *with rules adopted by the state registrar:]*

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

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

30 *“[(C) Any other person in attendance at the birth or immediately after the*

1 *birth, or in the absence of such a person; or]*

2 *“[(D) The father, the mother or, in the absence of the father and the ina-*
3 *bility of the mother, the person with authority over the premises where the*
4 *birth occurred.]*

5 *“[(b) The state registrar shall by rule determine what evidence shall be re-*
6 *quired to establish the facts of birth.]*

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

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

11 *“[(b) While in international waters or airspace or in a foreign country or*
12 *its airspace and the child is first removed from the conveyance in this state,*
13 *the birth shall be registered in this state but the certificate shall show the*
14 *actual place of birth insofar as can be determined.]*

15 *“[(5) If the mother is not married at the time of birth, the name of the father*
16 *shall not be entered on the certificate unless:]*

17 *“[(a) The mother was married to and cohabiting with her husband at the*
18 *time of conception, in which case the husband’s name shall be entered on the*
19 *certificate, provided that the husband was not impotent or sterile; or]*

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

23 *“[(6) In the case of a child born to a married woman as a result of artificial*
24 *insemination with the consent of her husband, the husband’s name shall be*
25 *entered on the certificate.]*

26 *“[(7) If the mother was not married at the time of either conception or birth*
27 *or between conception and birth, the name of the father shall not be entered*
28 *on the certificate unless a voluntary acknowledgment of paternity form or other*
29 *form prescribed under ORS 432.287 signed by the mother and the person to*
30 *be named as the father is filed with the state registrar.]*

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

7 “[(9) *If the father is not named on the certificate of birth, no other infor-*
8 *mation about the father shall be entered on the legal portion of the certificate.*
9 *Information pertaining to the father may be entered in the ‘Medical and Con-*
10 *fidential’ section of the certificate of birth.]*

11 “[(10) *Certificates of birth filed after five days, but within one year after*
12 *the date of birth, shall be registered on the standard form of birth certificate*
13 *in the manner prescribed in this section. The certificates shall not be marked*
14 *‘Delayed.’ The state registrar may require additional evidence in support of the*
15 *facts of birth.]*

16 “(1) **A report of live birth for each live birth that occurs in this**
17 **state shall be submitted to the Center for Health Statistics, or as**
18 **otherwise directed by the State Registrar of the Center for Health**
19 **Statistics, within five calendar days after the live birth and shall be**
20 **registered if the report has been completed and filed in accordance**
21 **with this section.**

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

27 “(3) **When a live birth occurs in an institution or en route to an**
28 **institution, the person in charge of the institution or an authorized**
29 **designee shall obtain all data required by the state registrar, prepare**
30 **the report of live birth, certify either by signature or electronic sig-**

1 nature that the child was born alive at the place and time and on the
2 date stated and submit the report as described in subsection (1) of this
3 section.

4 “(4) In obtaining the information required for the report of live
5 birth, an institution shall use information gathering procedures pro-
6 vided or approved by the state registrar. Institutions may establish
7 procedures to transfer, electronically or otherwise, information re-
8 quired for the report from other sources, provided that the procedures
9 are reviewed and approved by the state registrar prior to the imple-
10 mentation of the procedures to ensure that the information being
11 transferred is the same as the information being requested.

12 “(5)(a) When a live birth occurs outside an institution, the infor-
13 mation for the report of live birth shall be submitted within five cal-
14 endar days of the live birth in a format adopted by the state registrar
15 by rule in the following order of priority:

16 “(A) By an institution where the mother and child are examined,
17 if examination occurs within 24 hours of the live birth;

18 “(B) By a physician in attendance at the live birth;

19 “(C) By a nurse practitioner, as defined in ORS 678.010, or direct
20 entry midwife licensed under ORS 687.405 to 687.495 in attendance at
21 the live birth;

22 “(D) By a person not described in subparagraphs (A) to (C) of this
23 paragraph and not required by law to be licensed to practice midwifery
24 who is registered with the Center for Health Statistics to submit re-
25 ports of live birth and who was in attendance at the live birth; or

26 “(E) By the father, the mother or, in the absence of the father and
27 the inability of the mother, the person in charge of the premises where
28 the live birth occurred.

29 “(b) The state registrar may establish by rule the manner of sub-
30 mitting the information for the report of live birth by a person de-

1 scribed in paragraph (a)(D) of this subsection or a physician, nurse
2 practitioner or licensed direct entry midwife who attends the birth of
3 his or her own child, grandchild, niece or nephew.

4 “(6) When a report of live birth is submitted that does not include
5 the minimum acceptable documentation required by this section or
6 any rules adopted under this section, or when the state registrar has
7 cause to question the validity or adequacy of the documentation, the
8 state registrar, in the state registrar’s discretion, may refuse to reg-
9 ister the live birth and shall enter an order to that effect stating the
10 reasons for the action. The state registrar shall advise the applicant
11 of the right to appeal under ORS 183.484.

12 “(7) When a live birth occurs on a moving conveyance:

13 “(a) Within the United States and the child is first removed from
14 the conveyance in this state, the live birth shall be registered in this
15 state and the place where it is first removed shall be considered the
16 place of live birth.

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

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

28 “(9)(a) If the mother is married at the time of either conception or
29 live birth, or within 300 days before the live birth, the name of the
30 husband shall be entered on the report of live birth as the father of

1 child unless parentage has been determined otherwise by a court of
2 competent jurisdiction.

3 “(b) If the mother is not married at the time of either conception
4 or live birth, or within 300 days before the live birth, the name of the
5 father shall not be entered on the report of live birth unless a volun-
6 tary acknowledgment of paternity form or other form prescribed under
7 ORS 432.287 is:

8 “(A) Signed by the mother and the person to be named as the fa-
9 ther; and

10 “(B) Filed with the state registrar.

11 “(c) If the mother is a partner in a domestic partnership registered
12 by the state at the time of either conception or live birth, or between
13 conception and live birth, the name of the mother’s partner shall be
14 entered on the report of live birth as a parent of the child, unless
15 parentage has been determined otherwise by a court of competent ju-
16 risdiction.

17 “(d) In any case in which paternity of a child is determined by a
18 court of competent jurisdiction, or by an administrative determination
19 of paternity, the Center for Health Statistics shall enter the name of
20 the father on the new record of live birth. The Center for Health Sta-
21 tistics shall change the surname of the child if so ordered by the court
22 or, in a proceeding under ORS 416.430, by the administrator as defined
23 in ORS 25.010.

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

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

1 “(11) A report of live birth submitted after five calendar days, but
2 within one year after the date of live birth, shall be registered in the
3 manner prescribed in this section. The record shall not be marked
4 ‘Delayed.’

5 “(12) The state registrar may require additional evidence in support
6 of the facts of live birth.

7 “SECTION 11. ORS 432.285 is amended to read:

8 “432.285. Any health care facility as defined in ORS 442.015 shall make
9 available to the biological parents of any child born live[,] or expected to
10 be born [*within*] in the health care facility, a voluntary acknowledgment of
11 paternity form when the facility has reason to believe that the mother of the
12 child is unmarried. The responsibility of the health care facility is limited
13 to providing the form and submitting the form with the [*birth certificate*]
14 **report of live birth** to the State Registrar of the Center for Health Statis-
15 tics. The biological parents are responsible for ensuring that the form is ac-
16 curately completed. This form shall be as prescribed by ORS 432.287.

17 “SECTION 12. ORS 432.287 is amended to read:

18 “432.287. (1) The Director of the Oregon Health Authority shall adopt by
19 rule a form of a voluntary acknowledgment of paternity that includes the
20 minimum requirements specified by the United States Secretary of Health
21 and Human Services. When the form is signed by both biological parents and
22 witnessed by a third party, the form establishes paternity for all purposes
23 when filed with the State Registrar of the Center for Health Statistics, pro-
24 vided there is no male parent already named [*on the birth certificate*] **in the**
25 **report of live birth**. Establishment of paternity under this section is subject
26 to the provisions and the requirements in ORS 109.070. When there is no
27 other male named as father on the child’s [*birth certificate*] **record of live**
28 **birth**, the filing of such voluntary acknowledgment of paternity form shall
29 cause the state registrar to place the name of the male parent who has
30 signed the voluntary acknowledgment of paternity form on the [*birth certif-*

1 *icate*] **record of live birth** of the child or, if appropriate, [*issue a new birth*
2 *certificate*] **establish a replacement for the record** containing the name
3 of the child's male parent, as that parent is named in the voluntary ac-
4 knowledgment of paternity form. When signed by both parents in the health
5 care facility of the child's birth within five days after the birth, the volun-
6 tary acknowledgment of paternity form is not a sworn document. When thus
7 signed, a staff member of the health care facility shall witness the signatures
8 of the parents. In all other circumstances, the form is a sworn document. The
9 filing of the voluntary acknowledgment of paternity form created by this
10 section is subject to the payment of any fees that may apply.

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

12 “(a) A statement of rights and responsibilities including any rights af-
13 farded to a minor parent;

14 “(b) A statement of the alternatives to and consequences of signing the
15 acknowledgment;

16 “(c) Instructions on how to file the form with the state registrar and in-
17 formation about any fee required;

18 “(d) Lines for the Social Security numbers and addresses of the parents;
19 and

20 “(e) A statement that the rights, responsibilities, alternatives and conse-
21 quences listed on the acknowledgment were read to the parties prior to
22 signing the acknowledgment.

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

29 **“SECTION 13.** ORS 432.430 is amended to read:

30 “432.430. [(1) *A person who assumes the custody of a child of unknown*

1 *parentage shall report on a form and in a manner prescribed by the State*
2 *Registrar of the Center for Health Statistics, within five days of assuming*
3 *custody, to the state registrar the following information:]*

4 *“(a) The date and the city or county, or both, where the child was*
5 *found.]*

6 *“(b) Sex and approximate birth date of child.]*

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

9 *“(d) Name given to the child by the custodian of the child.]*

10 *“(e) Other data required by the state registrar.]*

11 *“(2) The place where the child was found shall be entered as the place of*
12 *birth.]*

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

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

19 **“(1) A person who assumes the custody of a child of unknown par-**
20 **entage shall report on a form and in a manner prescribed by the State**
21 **Registrar of the Center for Health Statistics, within five calendar days**
22 **of assuming custody, to the state registrar the following information:**

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

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

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

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

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

30 **“(2) The place where the child was found shall be entered as the**

1 **place of live birth.**

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

4 **“(4) If the child is identified and a live birth registration is found**
5 **or obtained, the report submitted under this section and the live birth**
6 **registration resulting from that report shall be voided and placed un-**
7 **der seal and shall not be subject to inspection except upon order of a**
8 **court of competent jurisdiction or as provided by rule of the state**
9 **registrar.**

10 **“SECTION 14.** ORS 432.140 is amended to read:

11 *“432.140. [(1) When a certificate of birth of a person born in this state has*
12 *not been filed within one year after the date of birth, a delayed certificate of*
13 *birth may be filed in accordance with rules of the State Registrar of the Center*
14 *for Health Statistics. If a hospital fails to file a certificate of birth within one*
15 *year after the date of birth, a certificate of birth may be filed as provided by*
16 *rule of the state registrar. No delayed certificate shall be registered until the*
17 *evidentiary requirements as specified by rule have been met.]*

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

21 *“[(3) A summary statement of the evidence submitted in support of the de-*
22 *layed registration shall be indorsed on the certificate.]*

23 *“[(4)(a) When an applicant does not submit the minimum documentation*
24 *required by rule of the state registrar for delayed registration or when the state*
25 *registrar has cause to question the validity or adequacy of the applicant’s*
26 *sworn statement or the documentary evidence, and if the deficiencies are not*
27 *corrected, the state registrar shall not register the delayed certificate of birth*
28 *and shall enter an order to that effect stating the reasons for the action. The*
29 *state registrar shall advise the applicant of the right to appeal under ORS*
30 *183.480 to 183.484.]*

1 *“(b) The state registrar by rule may provide for the dismissal of an appli-*
2 *cation which is not actively prosecuted.]*

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

9 **“(2) A certified copy issued as a result of a report of live birth**
10 **submitted under this section shall indicate the delayed registration**
11 **and show the date of the registration. The record of live birth shall**
12 **contain a summary statement of the evidence submitted in support**
13 **of the delayed registration.**

14 **“(3) All delayed reports of live birth shall be processed and regis-**
15 **tered at the Center for Health Statistics.**

16 **“(4) All certified copies of delayed registrations shall be issued by**
17 **the state registrar.**

18 **“(5) A delayed report of live birth may not be registered for a de-**
19 **ceased person.**

20 **“(6)(a) When an applicant does not submit the minimum documen-**
21 **tation required by rule of the state registrar for delayed registration**
22 **or when the state registrar has cause to question the validity or ade-**
23 **quacy of the applicant’s sworn statement or the documentary evi-**
24 **dence, and if the deficiencies are not corrected, the state registrar, in**
25 **the state registrar’s discretion, may refuse to register the delayed re-**
26 **port of live birth and shall enter an order to that effect stating the**
27 **reasons for the action. The state registrar shall advise the applicant**
28 **of the right to appeal under ORS 183.484.**

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

1 **“SECTION 15.** ORS 432.142 is amended to read:

2 “432.142. *[(1) If the State Registrar of the Center for Health Statistics re-*
3 *fuses to file a delayed certificate of birth under the provisions of ORS 432.140,*
4 *the applicant may file a signed and sworn petition with a court of competent*
5 *jurisdiction seeking an order establishing a record of the date and place of*
6 *birth and the parentage of the person whose birth is to be registered.]*

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

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

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

13 “*[(c) That diligent efforts by the petitioner have failed to obtain the evi-*
14 *dence required in accordance with ORS 432.140 and rules adopted pursuant*
15 *thereto;]*

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

18 “*[(e) Such other allegations as may be required under ORS 183.480 and*
19 *183.484.]*

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

23 “*[(4) The court shall fix a time and place for hearing the petition and shall*
24 *give the state registrar notice of the hearing. The state registrar or an au-*
25 *thorized representative may appear and testify in the proceeding.]*

26 “*[(5) If the court finds, from the evidence presented, that the person for*
27 *whom a delayed certificate of birth is sought was born in this state, it shall*
28 *make findings as to the place and date of birth, parentage and such other*
29 *findings as may be required and shall issue an order, on a form prescribed*
30 *and furnished or approved by the state registrar, to establish a court-ordered*

1 *certificate of birth. This order shall include the birth data to be registered, a*
2 *description of the evidence presented and the date of the court's action.]*

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

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

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

15 **“(a) That the person for whom a record of live birth or a delayed**
16 **record of live birth is sought was born in this state and no record of**
17 **live birth or delayed record of live birth of the person can be found in**
18 **the records of the Center for Health Statistics;**

19 **“(b) That diligent efforts by the petitioner have failed to obtain the**
20 **evidence required for submitting a report of live birth or a delayed**
21 **report of live birth in accordance with ORS 432.140 or 432.206 and rules**
22 **adopted under ORS 432.140 or 432.206;**

23 **“(c) That the state registrar has refused to register a report of live**
24 **birth or a delayed report of live birth; and**

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

26 **“(3) The petition must be served on the state registrar and accom-**
27 **panied by all documentary evidence that was submitted to the state**
28 **registrar in support of the petition.**

29 **“(4) The court shall fix a time and place for hearing the petition**
30 **and shall give the state registrar notice of the hearing. The state**

1 registrar or an authorized representative may appear and testify in the
2 proceeding.

3 “(5) If the court finds, from the evidence presented, that the person
4 for whom a record of live birth or a delayed record of live birth is
5 sought was born in this state, it shall make findings as to the place
6 and date of live birth, parentage and such other findings as may be
7 required and shall issue an order, on a form prescribed and furnished
8 or approved by the state registrar, to establish a court-ordered record
9 of live birth or delayed record of live birth. This order shall include
10 the live birth data to be registered, a description of the evidence pre-
11 sented and the date of the court’s action.

12 “(6) The clerk of the court shall forward a certified copy of each
13 order to the state registrar within five calendar days of the order being
14 entered. The order must be used to register a report of live birth or a
15 delayed report of live birth for the person. The record of live birth or
16 delayed record of live birth must include a statement that it was reg-
17 istered on the basis of a court order.

18

19 “(For Death and Fetal Death)

20

21 “**SECTION 16.** ORS 432.307 is amended to read:

22 “432.307. [(1) A certificate of death for each death that occurs in this state
23 must be submitted to the county registrar of the county in which the death
24 occurred or to the Center for Health Statistics, or as otherwise directed by the
25 State Registrar of the Center for Health Statistics, within five days after death
26 or the finding of a dead body and before final disposition, and must be regis-
27 tered if it has been completed and filed in accordance with this section.]

28 “[a) If the place of death is unknown, but the dead body is found in this
29 state, the certificate of death must be completed and filed in accordance with
30 this section. The place where the body is found must be shown as the place

1 of death. If the date of death is unknown, it must be determined by approxi-
2 mation. If the date cannot be determined by approximation, the date the dead
3 body is found must be entered and identified as the date of death.]

4 “[b) When death occurs in a moving conveyance:]

5 “[A) In the United States and the body is first removed from the
6 conveyance in this state, the death must be registered in this state and the
7 place where it is first removed must be considered the place of death.]

8 “[B) While in international waters or airspace or in a foreign country or
9 its airspace and the body is first removed from the conveyance in this state,
10 the death must be registered in this state but the certificate must show the
11 actual place of death insofar as can be determined.]

12 “[c) In all other cases, the place where death is pronounced is considered
13 the place where death occurred.]

14 “[2) The funeral service practitioner or person acting as a funeral service
15 practitioner who first assumes custody of the dead body shall submit the cer-
16 tificate of death. The funeral service practitioner or person acting as a funeral
17 service practitioner shall obtain the personal data from the next of kin or the
18 best qualified person or source available and shall obtain the medical certif-
19 ication from the person responsible therefor. The funeral service practitioner
20 or person acting as a funeral service practitioner shall provide the certificate
21 of death containing information as specified by rule to identify the decedent
22 to the certifier within 48 hours after death.]

23 “[3) The physician, physician assistant practicing under the supervision
24 of a person licensed to practice medicine under ORS chapter 677 or certified
25 nurse practitioner, in charge of the care of the patient for the illness or con-
26 dition that resulted in death shall complete, sign and return the medical cer-
27 tification of death to the funeral service practitioner or person acting as a
28 funeral service practitioner within 48 hours after receipt of the certificate of
29 death by the physician, physician assistant or nurse practitioner, except when
30 inquiry is required by ORS chapter 146. In the absence or inability of the

1 *physician, physician assistant or nurse practitioner, or with the approval of the*
2 *physician, the medical certification of death may be completed by an associate*
3 *physician, the chief medical officer of the institution in which death occurred*
4 *or the physician who performed an autopsy upon the decedent, provided that*
5 *the individual has access to the medical history of the case and death is due*
6 *to natural causes. The person completing the medical certification of death*
7 *shall attest to its accuracy either by signature or by an approved electronic*
8 *process.]*

9 *“(4) When inquiry is required by ORS chapter 146, the medical examiner*
10 *shall determine the cause of death and shall complete and sign the medical*
11 *certification of death within 48 hours after taking charge of the case.]*

12 *“(5) If the cause of death cannot be determined within the time prescribed,*
13 *the medical certification of death must be completed as provided by rule of the*
14 *state registrar. The attending physician, physician assistant practicing under*
15 *the supervision of a person licensed to practice medicine under ORS chapter*
16 *677, nurse practitioner or medical examiner shall give the funeral service*
17 *practitioner or person acting as a funeral service practitioner notice of the*
18 *reason for the delay, and final disposition of the body may not be made until*
19 *authorized by the attending physician, physician assistant, nurse practitioner*
20 *or medical examiner.]*

21 *“(6) Upon receipt of autopsy results or other information that would change*
22 *the information in the ‘Cause of Death’ section of the certificate of death from*
23 *that originally reported, the certifier shall immediately file a supplemental re-*
24 *port of cause of death with the Center for Health Statistics to amend the cer-*
25 *tificate.]*

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

1 “[(8) When a death occurring in this state has not been registered within
2 the time period prescribed by this section, a certificate of death may be filed
3 in accordance with rules of the state registrar. The certificate must be regis-
4 tered subject to evidentiary requirements prescribed by the state registrar by
5 rule to substantiate the alleged facts of death.]

6 “[(9) A certificate of death registered one year or more after the date of
7 death or the date the dead body was found must be marked ‘Delayed’ and must
8 show on its face the date of the delayed registration.]

9 “[(10) When an applicant does not submit the minimum documentation re-
10 quired by rule of the state registrar for delayed registration or when the state
11 registrar has cause to question the validity or adequacy of the applicant’s
12 sworn statement or the documentary evidence and if the deficiencies are not
13 corrected, the state registrar may not register the delayed certificate of death
14 and shall advise the applicant of the right of appeal under ORS 183.480 to
15 183.484.]

16 “[(11) A certificate of death required to be filed under this section must
17 contain the Social Security number of the decedent whenever the Social Secu-
18 rity number is reasonably available from other records concerning the decedent
19 or can be obtained from the person in charge of the final disposition of the
20 decedent.]

21 “[(12) If a decedent’s death was caused by suicide, the person who submits
22 the death certificate to the county registrar or to the Center for Health Statis-
23 tics, or as otherwise directed by the State Registrar of the Center for Health
24 Statistics, shall make reasonable efforts to ascertain and shall notify the center
25 through the electronic death certificate system:]

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

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

29 **“(1)(a) A report of death for each death that occurs in this state**
30 **must be submitted to the county registrar of the county in which the**

1 death occurred or to the Center for Health Statistics, or as otherwise
2 directed by the State Registrar of the Center for Health Statistics,
3 within five calendar days after death or the finding of a dead body and
4 before final disposition, and must be registered if it has been com-
5 pleted and submitted in accordance with this section.

6 “(b) If the place of death is unknown, but the dead body is found
7 in this state, the report of death must be completed and submitted in
8 accordance with this section. The place where the body is found must
9 be noted as the place of death except, if in an emergency the decedent
10 is moved by conveyance to another county and is dead on arrival, the
11 death shall be considered to have occurred in the county from where
12 the body was originally moved.

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

19 “(d) In all other cases, the place where death is pronounced shall
20 be considered the place where death occurred.

21 “(e) If the date of death is unknown, the medical certifier shall de-
22 termine the date by approximation. If the date cannot be determined
23 by approximation, the date that the body was found shall be entered
24 on the report of death.

25 “(2)(a) The funeral service practitioner or person acting as a funeral
26 service practitioner who first assumes custody of the dead body shall
27 submit the report of death to the county registrar of the county in
28 which the death occurred or to the Center for Health Statistics. In
29 cases where there is no funeral service practitioner or person acting
30 as a funeral service practitioner, the medical examiner shall submit

1 the report of death.

2 “(b) The funeral service practitioner or person acting as the funeral
3 service practitioner shall obtain the personal data from the next of
4 kin or the best qualified person or source available and shall obtain
5 the medical certification from the person responsible for the medical
6 certification.

7 “(c) The funeral service practitioner or person acting as the funeral
8 service practitioner shall provide sufficient information to identify the
9 decedent to the medical certifier within 48 hours after death unless the
10 medical certification has already been submitted.

11 “(3) A medical certification shall be completed within 48 hours after
12 having access to the report of death by the decedent’s primary or at-
13 tending medical certifier who was in charge of the care of the patient
14 for the illness or condition that resulted in death, except when inquiry
15 is required under ORS chapter 146. In the absence or inability of the
16 medical certifier, or with the medical certifier’s approval, the report
17 of death may be completed by an associate of the medical certifier, the
18 chief medical officer of the institution where death occurred or the
19 physician who performed an autopsy upon the decedent, provided that
20 the associate, chief medical officer or physician has access to the
21 medical history of the case and death is due to natural causes. The
22 person completing the cause of death shall attest to its accuracy either
23 by signature or by electronic signature.

24 “(4) When inquiry is required under ORS chapter 146, the medical
25 examiner in the jurisdiction where death occurred or the body was
26 found shall determine the cause and manner of death and shall com-
27 plete and sign the medical certification within 48 hours after taking
28 charge of the case. If the cause or manner of death is unknown or
29 pending investigation, the cause or manner of death shall be noted as
30 such on the report of death.

1 “(5) When the death occurs in a hospital where more than 10 deaths
2 occurred during the previous calendar year, the person in charge of
3 the hospital shall require the medical certification to be reported
4 through the state electronic reporting system and the report of death
5 to include the electronic signature of the medical certifier.

6 “(6)(a) When a death occurs in a hospital described in subsection
7 (5) of this section and the death is not under the jurisdiction of a
8 medical examiner, the person in charge of the hospital or the desig-
9 nated representative of the person in charge of the hospital shall enter
10 the following information on the report of death within 48 hours of
11 death:

12 “(A) If the report of death does not exist in the state electronic
13 reporting system, the name of the decedent, the date of the decedent’s
14 birth, the date of the decedent’s death and the county in which the
15 decedent died; and

16 “(B) The medical certification of death, accompanied by the signa-
17 ture or electronic signature of the person completing the cause of
18 death as described in subsection (3) of this section.

19 “(b) The partially completed report of death prepared under this
20 subsection shall be made available to the funeral service practitioner
21 or person acting as a funeral service practitioner within 48 hours of
22 death.

23 “(7) Upon receipt of autopsy results or other information that would
24 change the information related to the cause or manner of death, a
25 medical certifier or medical examiner shall submit an amendment to
26 the record of death within five calendar days to the Center for Health
27 Statistics.

28 “(8) When a death that is not the subject of a presumptive death
29 proceeding in a court in this state or another state is presumed to
30 have occurred in this state as the result of a known event in this state,

1 but no remains of the presumed deceased can be located, a report of
2 death may be prepared by the State Medical Examiner upon receiving
3 an order from a court of competent jurisdiction that contains findings
4 of fact necessary to complete the report of death. A report of death
5 prepared under this subsection shall be marked or flagged
6 'Presumptive' and must show on its face the date of death as deter-
7 mined by the court, the date of registration, the identity of the court
8 and the date of the order.

9 “(9) When a death of a missing person domiciled in this state, and
10 that is not the subject of a presumptive death proceeding in a court
11 of this state or another state, has been determined by a court of
12 competent jurisdiction to have presumptively occurred in another
13 state, a report of death may be prepared by the State Medical Exam-
14 iner upon receiving an order from the court that contains findings of
15 fact necessary to complete the report of death. A report of death pre-
16 pared under this subsection shall be marked or flagged 'Presumptive'
17 and must show on its face the date of death as determined by the
18 court, the date of registration, the identity of the court and the date
19 of the order.

20 “(10) When a death occurring in this state has not been registered
21 as prescribed by this section, a report of death may be submitted to
22 the state registrar as described in this section provided that the med-
23 ical certifier or medical examiner and the funeral service practitioner
24 or person acting as a funeral service practitioner are available to
25 complete the report of death. If the report of death is submitted more
26 than one year after the date of death or the date on which the body
27 was found, the medical certifier or medical examiner and funeral ser-
28 vice practitioner or person acting as a funeral service practitioner
29 shall state in accompanying notarized statements that the information
30 submitted is based on records kept in the files of the medical certifier

1 or medical examiner and funeral service practitioner or person acting
2 as a funeral service practitioner. If the medical certifier or medical
3 examiner and funeral service practitioner or person acting as a funeral
4 service practitioner are unavailable to complete the report of death,
5 or decline to complete the report death, then the death shall not be
6 registered except upon the receipt of an order from a court of compe-
7 tent jurisdiction.

8 “(11) A report of death required to be submitted under this section
9 must contain the Social Security number of the decedent when the
10 Social Security number is reasonably available from other records re-
11 lated to the decedent or can be obtained from the person in charge of
12 the final disposition of the decedent.

13 “(12) If a decedent’s death was caused by suicide, the person who
14 submits the report of death to the county registrar or to the Center
15 for Health Statistics, or as otherwise directed by the state registrar,
16 shall make reasonable efforts to ascertain whether the decedent was
17 a veteran and, if the decedent was a veteran, whether the decedent
18 served in combat and, if so, where the decedent served. Information
19 acquired under this subsection must be reported to the Center for
20 Health Statistics through the state electronic reporting system.

21 “SECTION 17. Section 18 of this 2013 Act is added to and made a
22 part of ORS chapter 432.

23 “SECTION 18. (1)(a) A death may be registered by the State Medical
24 Examiner as specified in ORS 432.307 (8) or (9) upon receipt of an order
25 from a court of competent jurisdiction.

26 “(b) A court order that establishes a record of death shall include
27 all of the following information:

28 “(A) The decedent’s full legal name;

29 “(B) The date of the decedent’s death as determined from evidence
30 presented to the court; and

1 “(C) The city, county and place in which the decedent died as de-
2 termined from evidence presented to the court.

3 “(c) A court order that establishes a record of death shall include,
4 if available, all of the following information:

5 “(A) The decedent’s date of live birth, city and state or country of
6 live birth, race, ethnicity, sex and Social Security number and the
7 name or names of the decedent’s parent or parents, as the name or
8 names appear on a birth record;

9 “(B) The decedent’s address, including street address, city, county,
10 state and zip code at the time of death;

11 “(C) The decedent’s marital status at the time of death;

12 “(D) The name, as it appears on a birth record, of any surviving
13 spouse; and

14 “(E) The information necessary to complete the medical certifi-
15 cation, including the cause and manner of death and, if the death
16 occurred because of an injury, information on how and when the in-
17 jury occurred, or, if the cause and manner of death are not known, a
18 statement that the cause and manner of death are not known.

19 “(2) On the basis of the information in the court order, the State
20 Medical Examiner shall prepare a report of death. The State Registrar
21 of the Center for Health Statistics shall use a report of death prepared
22 under this subsection to register the death.

23 “(3) All records of death issued under this section shall show the
24 date of the court order and the name of the court issuing the order.

25 “(4) If the death was registered pursuant to ORS 432.307 (8) or (9),
26 the record of death shall be flagged as being ‘Presumptive.’

27 “SECTION 19. ORS 432.333 is amended to read:

28 “432.333. *[(1) Each fetal death of 350 grams or more, or, if weight is un-*
29 *known, of 20 completed weeks gestation or more, calculated from the date last*
30 *normal menstrual period began to the date of delivery, that occurs in this state*

1 shall be reported within five days after delivery to the county registrar of the
2 county in which the fetal death occurred or to the Center for Health Statistics
3 or as otherwise directed by the State Registrar of the Center for Health Sta-
4 tistics. All induced terminations of pregnancy shall be reported in the manner
5 prescribed in ORS 435.496 and shall not be reported as fetal deaths.]

6 “[2] When a fetus is delivered in an institution, the person in charge of the
7 institution or a designated representative shall prepare and file the report.]

8 “[3] When a fetus is delivered outside an institution, the physician in at-
9 tendance at or immediately after delivery shall prepare and file the report.]

10 “[4] When a fetal death required to be reported by this section occurs
11 without attendance by a physician at or immediately after the delivery or when
12 inquiry is required by ORS 146.003 to 146.189 and 146.710 to 146.992, the
13 medical examiner shall investigate the cause of fetal death and shall prepare
14 and file the report.]

15 “[5] When a fetal death occurs in a moving conveyance and the fetus is
16 first removed from the conveyance in this state or when a fetus is found in this
17 state and the place of fetal death is unknown, the fetal death shall be reported
18 in this state. The place where the fetus was first removed from the conveyance
19 or the fetus was found shall be considered the place of fetal death.]

20 “[6] All information regarding the father shall be entered on the fetal
21 death report if the father is identified.]

22 **“(1)(a) A report of each fetal death of 350 grams or more or, if the**
23 **weight is unknown, of 20 completed weeks gestation or more, calcu-**
24 **lated from the date the last normal menstrual period began to the date**
25 **of the delivery, that occurs in this state shall be submitted within five**
26 **calendar days after the delivery to the Center for Health Statistics or**
27 **as otherwise directed by the State Registrar of the Center for Health**
28 **Statistics. The state registrar shall register the report of fetal death**
29 **if it has been completed and submitted in accordance with this section**
30 **and any rules adopted by the state registrar under this section.**

1 “(b) All induced terminations of pregnancy shall be reported in the
2 manner prescribed in ORS 435.496 and shall not be reported as fetal
3 deaths.

4 “(2) When fetal death occurs in an institution or en route to an
5 institution, the person in charge of the institution or an authorized
6 designee shall obtain all data required by the state registrar, prepare
7 the report of fetal death, certify by electronic signature that the in-
8 formation reported is accurate and complete and submit the report as
9 described in subsection (1) of this section.

10 “(3) In obtaining the information required for the report of fetal
11 death, an institution shall use information gathering procedures pro-
12 vided or approved by the state registrar. Institutions may establish
13 procedures to transfer, electronically or otherwise, information re-
14 quired for the report from other sources, provided that the procedures
15 are reviewed and approved by the state registrar prior to the imple-
16 mentation of the procedures to ensure that the information being
17 transferred is the same as the information being requested.

18 “(4) If fetal death occurs outside an institution, the physician in
19 attendance at or immediately after the delivery of the fetus shall pre-
20 pare and submit the report of fetal death within five calendar days of
21 the delivery in a format adopted by the state registrar by rule.

22 “(5) If fetal death occurs outside an institution and without a phy-
23 sician in attendance at or immediately after the delivery of the fetus,
24 or if inquiry is required by ORS chapter 146, the medical examiner in
25 the jurisdiction where the fetal death occurred shall prepare and sub-
26 mit the report of fetal death within five calendar days of the delivery
27 in a format adopted by the state registrar by rule. If the cause of fetal
28 death is unknown or pending investigation, the cause shall be noted
29 as such on the report of fetal death.

30 “(6) When fetal death occurs in a moving conveyance within or

1 outside the United States and the fetus is first removed from the
2 conveyance in this state, the fetal death must be registered in this
3 state and the place where the fetus is first removed shall be deemed
4 the place of fetal death. The report of fetal death may note the actual
5 location of fetal death insofar as it can be determined.

6 “(7) When a fetus is found in this state and the place of delivery is
7 unknown, the report of fetal death must indicate that the place where
8 the fetus was found is the place of delivery.

9 “(8) When a record of fetal death is amended, a notation indicating
10 the record was amended must be shown on all certified copies of the
11 record. The date of the amendment and the certified copy item that
12 was amended must also be shown on all certified copies of the record.

13 **“SECTION 20.** ORS 432.317 is amended to read:

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

21 *“[(2) Prior to final disposition of the body, the funeral service practitioner*
22 *or person acting as a funeral service practitioner who first assumes custody*
23 *of a dead body shall, prior to final disposition of the body, obtain written au-*
24 *thorization for final disposition of the body from the physician, physician as-*
25 *stant practicing under the supervision of a person licensed to practice*
26 *medicine under ORS chapter 677, certified nurse practitioner or medical ex-*
27 *aminer who certifies the cause of death as provided in ORS 432.307 (3) on a*
28 *form prescribed and furnished by the state registrar. If the funeral service*
29 *practitioner or person acting as a funeral service practitioner is unable to ob-*
30 *tain such written authorization prior to final disposition of the body, the*

1 *practitioner or person, with the oral consent of the physician, the physician*
2 *assistant, the nurse practitioner, the medical examiner or a licensed health*
3 *professional authorized to give such consent on behalf of the physician or*
4 *medical examiner who is responsible for certifying the cause of death, may*
5 *authorize final disposition of the body on a form prescribed and furnished by*
6 *the state registrar.]*

7 *“(3) Prior to final disposition of a fetus, irrespective of the duration of*
8 *pregnancy, the funeral service practitioner, the person in charge of the insti-*
9 *tution or other person assuming responsibility for final disposition of the fetus*
10 *shall authorize final disposition of the fetus on a form prescribed and fur-*
11 *nished or approved by the state registrar.]*

12 *“(4) With the consent of the physician, physician assistant practicing under*
13 *the supervision of a person licensed to practice medicine under ORS chapter*
14 *677, nurse practitioner or medical examiner who is to certify the cause of*
15 *death, a dead body may be moved from the place of death for the purpose of*
16 *being prepared for final disposition.]*

17 *“(5) An authorization for final disposition issued under the laws of an-*
18 *other state which accompanies a dead body or fetus brought into this state*
19 *shall be authority for final disposition of the body or fetus in this state. Per-*
20 *mits for transporting a body or fetus out of another state issued under the laws*
21 *of another state shall be authority for transporting a body or fetus into*
22 *Oregon.]*

23 *“(6) No sexton or other person in charge of any place in which interment*
24 *or other disposition of dead bodies is made shall inter or allow interment or*
25 *other disposition of a dead body or fetus unless it is accompanied by authori-*
26 *zation for final disposition.]*

27 *“(7) Each person in charge of any place for final disposition shall include*
28 *in the authorization the date of disposition and shall complete and return all*
29 *authorizations to the county registrar within 10 days after the date of the*
30 *disposition. When there is no person in charge of the place for final dispo-*

1 *tion, a responsible party other than the funeral service practitioner or person*
2 *acting as a funeral service practitioner shall complete and return the authori-*
3 *zation to the county registrar within 10 days after the date of disposition.]*

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

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

17 **“(1) Human remains shall be disposed of in accordance with ORS**
18 **chapter 97.**

19 **“(2) The funeral service practitioner or person acting as a funeral**
20 **service practitioner who first assumes possession of a dead body or**
21 **fetus shall submit written notice to the county registrar in the county**
22 **in which death occurred or in which the dead body or fetus was found**
23 **within 24 hours of taking possession of the dead body or fetus. The**
24 **notice must be on a form prescribed and furnished by the State**
25 **Registrar of the Center for Health Statistics.**

26 **“(3) Before the final disposition of a dead body, the funeral service**
27 **practitioner or person acting as a funeral service practitioner who first**
28 **assumes custody of the dead body shall obtain written authorization,**
29 **on a form prescribed and furnished by the state registrar, for final**
30 **disposition of the dead body from the medical certifier or medical ex-**

1 aminer who certifies the cause of death as described in ORS 432.307.
2 If the funeral service practitioner or person acting as a funeral service
3 practitioner is unable to obtain written authorization before the final
4 disposition of the dead body, the funeral service practitioner or person
5 acting as a funeral service practitioner may authorize, with the oral
6 consent of the medical certifier or medical examiner who is responsi-
7 ble for certifying the cause of death, the final disposition of the dead
8 body on a form prescribed and furnished by the state registrar.

9 “(4) Upon request of a parent or the parent’s authorized represen-
10 tative, a disposition permit may be issued for a fetus that is not re-
11 portable as a fetal death.

12 “(5) A permit authorizing final disposition issued under the law of
13 another state that accompanies human remains brought into this state
14 shall have the same force and effect as a permit authorizing final
15 disposition issued by the state registrar.

16 “(6) A person in charge of a place where interment or other dispo-
17 sition of human remains is made may not inter or allow interment or
18 other disposition of human remains unless the human remains are
19 accompanied by a permit authorizing disposition.

20 “(7) A person in charge of a place where interment or other dispo-
21 sition of human remains is made shall indicate on the permit author-
22 izing disposition the date of disposition and return the completed
23 permit to the county registrar of the county where death occurred. If
24 there is no such person, the funeral service practitioner or person
25 acting as the funeral service practitioner shall complete the permit
26 and return it to the county registrar of the county where death oc-
27 curred.

28 “(8) Disinterment of human remains requires authorization for
29 disinterment and reinterment. The state registrar may issue authori-
30 zation for disinterment and reinterment to a funeral service practi-

1 **tioner or person acting as a funeral service practitioner upon**
2 **application, as required by the state registrar by rule.**

3 **“(9) Prior to removing a dead body or fetus from this state under**
4 **ORS 692.270, a funeral service practitioner or a person acting as a fu-**
5 **neral service practitioner shall submit a written notice of removal to**
6 **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**
8 **prescribed and furnished by the state registrar. A copy of a written**
9 **notice of removal serves as a permit for transporting the remains of**
10 **a decedent named on the notice.**

11 **“SECTION 21. ORS 432.327 is amended to read:**

12 **“432.327. Upon such conditions as the State Registrar of the Center for**
13 **Health Statistics may prescribe to ensure compliance with the purposes of**
14 **this chapter, by rule the state registrar may provide for the extension, not**
15 **to exceed 60 days, of the periods prescribed in ORS 432.307, [and] 432.317 and**
16 **432.333 for the [filing of certificates of death and fetal death reports, medical**
17 **certifications of death, and] submission of a report of death or fetal death**
18 **and related documentation and for the obtaining of [permits] a permit for**
19 **disposition of human remains in cases where compliance with the applicable**
20 **prescribed period would result in undue hardship.**

21

22 **“(For Marriage, Domestic Partnership, Dissolution of**
23 **Marriage and Dissolution of Domestic Partnership)**

24

25 **“SECTION 22. ORS 432.405 is amended to read:**

26 **“432.405. [(1) A record of each marriage performed and domestic partner-**
27 **ship registered in this state shall be filed with the Center for Health Statistics**
28 **and shall be registered if it has been completed and filed in accordance with**
29 **this section and rules adopted by the State Registrar of the Center for Health**
30 **Statistics.]**

1 “[2] *The county clerk or county official who issues the marriage license or*
2 *registers the Declaration of Domestic Partnership shall prepare the record in*
3 *the form prescribed or furnished by the state registrar upon the basis of in-*
4 *formation obtained from the parties.]*

5 “[3] *Each person who performs a marriage ceremony shall certify the fact*
6 *of marriage and return the record to the official who issued the license within*
7 *10 days after the ceremony.]*

8 “[4] *Every official issuing marriage licenses or registering Declarations of*
9 *Domestic Partnership shall complete and forward to the Center for Health*
10 *Statistics on or before the 10th day of each calendar month the records of*
11 *marriages returned to such official during the preceding calendar month and*
12 *the records of Declarations of Domestic Partnership registered during the*
13 *preceding calendar month.]*

14 “[5] *A marriage or domestic partnership record not filed within the time*
15 *prescribed by this section may be registered in accordance with rules adopted*
16 *by the state registrar.]*

17 **“(1) A report of each marriage performed and domestic partnership**
18 **registered by the state shall be submitted to the Center for Health**
19 **Statistics. The State Registrar of the Center for Health Statistics shall**
20 **register a marriage or domestic partnership if the report of marriage**
21 **or domestic partnership has been completed and submitted in accord-**
22 **ance with this section and any rules adopted by the state registrar.**

23 **“(2) The county clerk or county official who issues the marriage**
24 **license or registers the Declaration of Domestic Partnership shall**
25 **prepare the report of marriage or domestic partnership on a form**
26 **prescribed and furnished by the state registrar, using information ob-**
27 **tained from the parties to whom the marriage license or Declaration**
28 **of Domestic Partnership is being issued.**

29 **“(3) A person who performs a marriage shall certify the fact of**
30 **marriage and submit the certification to the county clerk or county**

1 **official who issued the license within five calendar days of the mar-**
2 **riage ceremony.**

3 **“(4) A county clerk or county official who issues marriage licenses**
4 **or registers declarations of domestic partnership shall complete and**
5 **submit the report of marriage or domestic partnership to the Center**
6 **for Health Statistics within 15 calendar days of receiving the com-**
7 **pleted marriage license or registering the Declaration of Domestic**
8 **Partnership. The report of marriage or domestic partnership must in-**
9 **clude a copy of the marriage license or Declaration of Domestic Part-**
10 **nership.**

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

13 **“SECTION 24. The State Registrar of the Center for Health Statis-**
14 **tics may register a marriage one year or more after the date of the**
15 **marriage ceremony if:**

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

18 **“(2) The report of marriage indicates that the registration is delayed**
19 **and identifies the date of registration.**

20 **“SECTION 25. ORS 432.408 is amended to read:**

21 *“432.408. [(1) A record of each dissolution of marriage judgment or dissol-*
22 *ution of domestic partnership judgment by any court in this state shall be filed*
23 *by the clerk of the court with the Center for Health Statistics and shall be*
24 *registered if it has been completed and filed in accordance with this section.*
25 *The record shall be prepared by the petitioner or a legal representative of the*
26 *petitioner in the form prescribed or furnished by the State Registrar of the*
27 *Center for Health Statistics and shall be presented to the clerk of the court*
28 *with the petition. In all cases the completed record shall be prerequisite to the*
29 *entry of the judgment. The state registrar shall design the record so that, for*
30 *judgments or orders issued in proceedings under ORS 107.085 or 107.485, the*

1 state registrar, county clerks, county recording officers and state courts may
2 keep Social Security numbers confidential and exempt from public
3 inspection.]

4 “[2) The clerk of the court shall complete and forward to the Center for
5 Health Statistics on or before the 10th day of each calendar month the records
6 of each dissolution of marriage judgment or dissolution of domestic partner-
7 ship judgment granted during the preceding calendar month. The clerk shall
8 comply with procedures established under ORS 107.840 to ensure that, in the
9 records completed and forwarded under this subsection, the Social Security
10 numbers of parties to a proceeding under ORS 107.085 or 107.485 are kept
11 confidential and exempt from public inspection.]

12 “[3) A dissolution of marriage record or dissolution of domestic partner-
13 ship record not filed within the time prescribed by subsection (2) of this section
14 may be registered in accordance with rules adopted by the state registrar.]

15 **“(1) A report of each dissolution of marriage or dissolution of do-**
16 **mestic partnership by a court of competent jurisdiction in this state**
17 **shall be submitted by the clerk of the court to the Center for Health**
18 **Statistics. The State Registrar of the Center for Health Statistics shall**
19 **register the dissolution of marriage or dissolution of domestic part-**
20 **nership if the report of dissolution of marriage or dissolution of do-**
21 **mestic partnership is completed and submitted in accordance with this**
22 **section and any rules adopted by the state registrar. A report of dis-**
23 **solution of marriage or dissolution of domestic partnership shall be**
24 **prepared by the petitioner for dissolution or the petitioner’s legal**
25 **representative on a form prescribed by the state registrar and sub-**
26 **mitted to the clerk of the court with the petition for dissolution.**

27 **“(2) The state registrar shall design the report of dissolution of**
28 **marriage or dissolution of domestic partnership in a manner that al-**
29 **lows, for judgments or orders issued in proceedings initiated under**
30 **ORS 107.085 or 107.485, the state registrar, county clerks, county re-**

1 **ording officers and courts to keep Social Security numbers confiden-**
2 **tial and exempt from public inspection. In all cases, the report of**
3 **dissolution of marriage or dissolution of domestic partnership shall be**
4 **completed and submitted to the clerk of the court prior to the issuance**
5 **of the court’s final order.**

6 **“(3) Twice a month, as adopted by the state registrar by rule, the**
7 **clerk of the court shall complete and submit a report of dissolution**
8 **of marriage or dissolution of domestic partnership for each judgment**
9 **or final order of dissolution of marriage or dissolution of domestic**
10 **partnership entered during the month.**

11
12 **“(For Adoption)**

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

15 *“432.415. [(1) For each judgment of adoption entered by a court in this state,*
16 *the court shall require the preparation of a report of adoption on a form pre-*
17 *scribed and furnished by the State Registrar of the Center for Health Statis-*
18 *tics. The report shall:]*

19 *“[(a) Include such facts as are necessary to locate and identify the certif-*
20 *icate of birth of the person adopted or, in the case of a person who was born*
21 *in a foreign country, evidence from sources determined to be reliable by the*
22 *court as to the date and place of birth of the person;]*

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

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

27 *“[(2) Information necessary to prepare the report of adoption shall be fur-*
28 *nished by each petitioner for adoption or the attorney of the petitioner. The*
29 *Department of Human Services or any person having knowledge of the facts*
30 *shall supply the court with such additional information as may be necessary*

1 to complete the report of adoption. The provision of such information shall be
2 prerequisite to the issuance of a judgment of adoption.]

3 “[3] Whenever an adoption judgment is amended or annulled, the clerk of
4 the court shall prepare a report thereof, which shall include such facts as are
5 necessary to identify the original adoption report and the facts amended in the
6 adoption judgment as shall be necessary to properly amend the birth record.]

7 “[4] Not later than the 10th day of each calendar month or more frequently,
8 as directed by the state registrar, the clerk of the court shall forward to the
9 state registrar reports of adoption, reports of annulment of adoption and
10 amendments of judgments of adoption that were entered in the preceding
11 month, together with such related reports as the state registrar shall require.]

12 “[5] When the state registrar receives a report of adoption, report of
13 annulment of adoption or amendment of a judgment of adoption for a person
14 born outside this state, the state registrar shall forward such report to the state
15 registrar in the state of birth.]

16 “[6] If the birth occurred in a foreign country, except Canada, and the
17 person is not a citizen of the United States at the time of birth, the state
18 registrar shall prepare a certificate of foreign birth as provided by ORS
19 432.230. If the person was born in Canada, the state registrar shall forward
20 the report of adoption, report of annulment of adoption or amendment of a
21 judgment of adoption to the appropriate registration authority in Canada.]

22 “[7] If the person was born in a foreign country but was a citizen of the
23 United States at the time of birth, the state registrar shall not prepare a cer-
24 tificate of foreign birth and shall notify the adoptive parents of the procedures
25 for obtaining a revised birth certificate for the person through the United
26 States Department of State.]

27 **“(1) For each judgment of adoption entered by a court of competent**
28 **jurisdiction in this state, the court shall require the preparation of a**
29 **report of adoption on a form prescribed and furnished by the State**
30 **Registrar of the Center for Health Statistics. The report of adoption**

1 **must:**

2 **“(a) Include facts that the state registrar deems necessary to locate**
3 **and identify the report of live birth of the person adopted;**

4 **“(b) If the person was born in a foreign country, provide evidence**
5 **from sources determined to be reliable by the court of the date and**
6 **place of live birth;**

7 **“(c) Include information necessary to establish a replacement re-**
8 **port of live birth of the person adopted;**

9 **“(d) Identify the final order of the judgment of adoption; and**

10 **“(e) Be certified by the clerk of the court.**

11 **“(2) Information necessary to prepare a report of adoption must be**
12 **furnished by the petitioner for adoption or by the petitioner’s legal**
13 **representative. The Department of Human Services or any other per-**
14 **son having knowledge of the facts shall supply the court with addi-**
15 **tional information that is necessary to complete the report of**
16 **adoption. A court must receive the information required by this sub-**
17 **section before issuing a judgment of adoption.**

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

23 **“(4) The clerk of the court shall submit to the Center for Health**
24 **Statistics reports of adoption or reports prepared under subsection (3)**
25 **of this section within five calendar days of the final order of the**
26 **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)**
29 **of this section for a person born in another state, the state registrar**
30 **shall forward the report to the state registrar in the state of live birth.**

1 “(6) If a live birth occurred in a foreign country and the child is
2 not a citizen of the United States at the time of live birth, the state
3 registrar shall prepare a record of foreign live birth as provided in ORS
4 432.230. If the live birth occurred in a neighboring country, the state
5 registrar shall also send a copy of the report of adoption or any report
6 prepared under subsection (4) of this section to the appropriate au-
7 thority.

8 “(7) If a live birth occurred in a foreign country and through par-
9 entage the child is a citizen of the United States, the state registrar
10 shall notify the parents adopting the child of the procedures for ob-
11 taining a revised live birth record for their child through the United
12 States Department of State. The state registrar shall not prepare a
13 record of foreign live birth for a live birth described in this subsection.

14 “SECTION 27. ORS 432.240 is added to and made a part of ORS
15 chapter 432.

16 “SECTION 28. ORS 432.240 is amended to read:

17 “432.240. (1) Upon receipt of a written application to the State Registrar
18 of the Center for Health Statistics, [any] an adopted person 21 years of
19 age and older born in [*the State of Oregon*] **this state** shall be issued a cer-
20 tified copy of [*his/her*] **the person’s** unaltered, original and unamended
21 [*certificate of birth*] **record of live birth** in the custody of the state registrar,
22 with procedures, filing fees, and waiting periods [*identical to those imposed*
23 *upon nonadopted citizens of the State of Oregon pursuant to ORS 432.121 and*
24 *432.146. Contains no exceptions*] **as prescribed by the state registrar by**
25 **rule.**

26 “(2) A birth parent may at any time request from the state registrar [*of*
27 *the Center for Health Statistics*] or from a voluntary adoption registry a
28 Contact Preference Form that shall accompany a [*birth certificate*] **certified**
29 **copy** issued under subsection (1) of this section. The Contact Preference
30 Form shall provide the following information to be completed at the option

1 of the birth parent:

2 “

3 (a) I would like to be contacted;

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

5 (c) I prefer not to be contacted at this time. If I decide later that I would
6 like to be contacted, I will register with the voluntary adoption registry. I
7 have completed an updated medical history and have filed it with the vol-
8 untary adoption registry. Attached is a certificate from the voluntary
9 adoption registry verifying receipt of the updated medical history.

10 “

11 “(3) [The] **A** certificate from [the] **a** voluntary adoption registry verifying
12 receipt of an updated medical history under subsection (2) of this section
13 shall be in a form prescribed by the Oregon Health Authority and shall be
14 supplied upon request of the birth parent by the voluntary adoption registry.

15 “(4) When the state registrar [of the Center for Health Statistics] receives
16 a completed Contact Preference Form from a birth parent, the state registrar
17 shall match the Contact Preference Form with the adopted person’s [sealed
18 file] **record of live birth**. The Contact Preference Form shall be [placed in
19 the adopted person’s sealed file] **made a part of the adopted person’s re-
20 cord of live birth** when a match is made.

21 “(5) A completed Contact Preference Form shall be confidential and shall
22 be placed in a secure file until a match with the adopted person’s [sealed
23 file] **record of live birth** is made and the Contact Preference Form is placed
24 in the adopted person’s [file] **record**.

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

27

28 **“AMENDMENTS AND CORRECTIONS**

29

30 **“SECTION 29.** ORS 432.235 is amended to read:

1 “432.235. [(1) A certificate or report registered under this chapter may be
2 amended only in accordance with this chapter and rules adopted by the State
3 Registrar of the Center for Health Statistics to protect the integrity and accu-
4 racy of vital records and vital reports.]

5 “[(2) A certificate or report that is amended under this section shall indi-
6 cate that it has been amended, except as otherwise provided in ORS 432.230,
7 this section or by rule of the state registrar. A record shall be maintained that
8 identifies the evidence upon which the amendment was based, the date of the
9 amendment and the identity of the person making the amendment. The state
10 registrar shall prescribe by rule the conditions under which additions or minor
11 corrections may be made to certificates or reports within one year without the
12 certificate or report indicating that it has been amended.]

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

18 “[(4) Upon receipt of a certified copy of an order of a court of competent
19 jurisdiction indicating that the sex of an individual born in this state has been
20 changed by surgical procedure and whether such individual’s name has been
21 changed, the certificate of birth of such individual shall be amended as pre-
22 scribed by rule of the state registrar.]

23 “[(5) When an applicant does not submit the minimum documentation re-
24 quired by rule of the state registrar for amending a vital record or when the
25 state registrar has cause to question the validity or adequacy of the applicant’s
26 sworn statements or the documentary evidence, and if the deficiencies are not
27 corrected, the state registrar shall not amend the vital record and shall advise
28 the applicant of the reason for this action and shall further advise the appli-
29 cant of the right of appeal under ORS 183.480 and 183.484.]

30 “[(6) When a certificate or report is amended under this section by the state

1 registrar, the state registrar shall report the amendment to any other custodian
2 of the vital record and the record of the other custodian shall be amended ac-
3 cordingly.]

4 “[7] When an amendment is made to an application, license and record of
5 marriage or to a Declaration of Domestic Partnership by the local official is-
6 suing the marriage license or registering the declaration, copies of the
7 amendment shall be forwarded to the state registrar.]

8 “[8](a) When a party or legal representative proposes to set aside or change
9 any information recorded in a dissolution of marriage judgment or dissolution
10 of domestic partnership judgment filed pursuant to ORS 432.408, the party or
11 legal representative seeking the amendment or set aside order shall prepare a
12 summary of the changes in the form prescribed or furnished by the state
13 registrar and shall present the form to the clerk of the court along with the
14 proposed supplemental judgment. In all cases the completed form shall be a
15 prerequisite to the entry of the supplemental judgment.]

16 “[b] The clerk of the court shall complete and forward to the Center for
17 Health Statistics the records of each such supplemental judgment in the same
18 manner prescribed by ORS 432.408.]

19 **“(1) A vital record registered under this chapter must be amended**
20 **or corrected in accordance with this section or rules adopted by the**
21 **State Registrar of the Center for Health Statistics for the purpose of**
22 **protecting the integrity and accuracy of vital records.**

23 **“(2)(a) A vital record that is amended under this section shall indi-**
24 **cate that it has been amended, except as otherwise provided in this**
25 **section or by rule of the state registrar.**

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

27 **“(A) Documentation that identifies the evidence upon which an**
28 **amendment or correction is based;**

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

30 **“(C) The identity of the individual authorized by the Center for**

1 **Health Statistics that made the amendment or correction.**

2 **“(3) Upon receipt of a certified copy of an order of a court of com-**
3 **petent jurisdiction changing the name of a person born in this state,**
4 **and upon the request of a person 18 years of age or older or, if a person**
5 **is younger than 18 years of age and is not an emancipated minor, by**
6 **the person’s parent, legal guardian or legal representative, the state**
7 **registrar shall amend the record of live birth to show a new name.**

8 **“(4) When an applicant to amend a vital record does not submit the**
9 **minimum documentation required to make an amendment, or when**
10 **the state registrar has cause to question the validity or adequacy of**
11 **the application, the state registrar, in the state registrar’s discretion,**
12 **may refuse to amend the vital record and shall enter an order to that**
13 **effect, stating the reasons for the action. The state registrar shall**
14 **advise the applicant of the right to appeal under ORS 183.484.**

15 **“(5) When an amendment is made to a record of marriage or a re-**
16 **cord of domestic partnership by the county clerk or other county of-**
17 **ficial who issues marriage licenses and registers domestic partnerships**
18 **or, if an amendment changes the name, date of birth or birthplace of**
19 **a party, by the court that entered the judgment or final order of dis-**
20 **solution of marriage or dissolution of domestic partnership, copies of**
21 **the amendment must be forwarded to the state registrar.**

22 **“(6) If a judgment or final order of dissolution of marriage or dis-**
23 **solution of domestic partnership is set aside by the court that entered**
24 **the judgment or order, a copy of the notice setting aside the judgment**
25 **or order must be forwarded to the state registrar and the state**
26 **registrar shall void the related record.**

27 **“SECTION 30. ORS 432.230 is amended to read:**

28 **“432.230. [(1) *The State Registrar of the Center for Health Statistics shall***
29 ***establish a new certificate of birth for a person born in this state when the***
30 ***state registrar receives either of the following:]***

1 “(a) A report of adoption as provided in ORS 432.415 or a report of
2 adoption prepared and filed in accordance with the laws of another state or
3 foreign country, or a certified copy of the judgment of adoption, together with
4 the information necessary to identify the original certificate of birth and to
5 establish a new certificate of birth, except that a new certificate of birth shall
6 not be established if so requested by the court entering the judgment of
7 adoption, the adoptive parents or the adopted person.]

8 “(b) A request that a new certificate of birth be established as prescribed
9 by rule and the evidence required by rule of the state registrar proving that:]

10 “[(A) The person has been legitimated;]

11 “[(B) A court of competent jurisdiction has determined the paternity of the
12 person;]

13 “[(C) An administrative determination of paternity has been filed; or]

14 “[(D) Both parents have voluntarily acknowledged the paternity of the per-
15 son and requested that the surname be changed from that shown on the ori-
16 ginal certificate.]

17 “(2) When a new certificate of birth is established, the actual city or
18 county, or both, and date of birth shall be shown. The new certificate shall
19 be substituted for the original certificate of birth in the files, and the original
20 certificate of birth and the evidence of adoption, legitimation, court determi-
21 nation of paternity, administrative determination of paternity, voluntary ac-
22 knowledgment of paternity or other form prescribed in ORS 432.287 shall not
23 be subject to inspection except upon order of a court or as provided by rule of
24 the state registrar.]

25 “(3) Upon receipt of a report of an amended judgment of adoption, the
26 certificate of birth shall be amended as provided by rule of the state
27 registrar.]

28 “(4) Upon receipt of a report or judgment of annulment of adoption, the
29 original certificate of birth shall be restored to its place in the files and the
30 adoption certificate and evidence shall not be subject to inspection except upon

1 order of a court of competent jurisdiction or as provided by rule of the state
2 registrar.]

3 “[5] Upon written request of both parents and receipt of a voluntary ac-
4 knowledgment of paternity form or other form prescribed in ORS 432.287
5 signed by both parents of a child born out of wedlock, the state registrar shall
6 issue a new certificate of birth to show such paternity if paternity is not al-
7 ready shown on the certificate of birth. Such certificate shall not be marked
8 ‘Amended.’]

9 “[6] If no certificate of birth is on file for the person for whom a new birth
10 certificate is to be established under this section, and the date and place of
11 birth have not been determined in the adoption or paternity proceedings, a
12 delayed certificate of birth shall be filed with the state registrar as provided
13 in ORS 432.140 and 432.142, before a new certificate of birth is established.
14 The new birth certificate shall be prepared on the delayed birth certificate
15 form.]

16 “[7] When a new certificate of birth is established by the state registrar,
17 all copies of the original certificate of birth in the custody of any other custo-
18 dian of vital records in this state shall be sealed from inspection or forwarded
19 to the state registrar as the state registrar shall direct.]

20 “[8] The state registrar, upon request, shall prepare and register a certif-
21 icate in this state for a person born in a foreign country who is not a citizen
22 of the United States and who was adopted through a court of competent ju-
23 risdiction in this state. The certificate shall be established upon receipt of a
24 report of a judgment of adoption from the court, proof of the date and place
25 of the person’s birth, and a request from the court, the adopting parents or the
26 adopted person, if 18 years of age or over, that such a certificate be prepared.
27 The certificate shall be labeled ‘Certificate of Foreign Birth’ and shall show
28 the actual country of birth. A statement shall also be included on the certif-
29 icate indicating that it is not evidence of United States citizenship for the
30 person for whom it is issued. After registration of the birth certificate in the

1 *new name of the adopted person, the state registrar shall seal the report of*
2 *adoption, which shall not be subject to inspection except upon order of a court*
3 *of competent jurisdiction.]*

4 **“(1) For a person born in this state, the State Registrar of the**
5 **Center for Health Statistics shall amend a record of live birth and es-**
6 **tablish a replacement for the record if the state registrar receives one**
7 **of the following:**

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

13 **“(b) A request that a replacement record of live birth be prepared**
14 **to establish parentage, as prescribed by the state registrar by rule or**
15 **ordered by a court of competent jurisdiction in this state that has de-**
16 **termined the paternity of a person;**

17 **“(c) A written and notarized request, signed by both parents, ac-**
18 **knowledging paternity; or**

19 **“(d) A certified copy of a judgment that indicates that an individual**
20 **born in this state has completed sexual reassignment and that the sex**
21 **on the record of live birth must be changed.**

22 **“(2) To change a person’s name under subsection (1) of this section,**
23 **the request or court order must include the name that currently ap-**
24 **pears the record of live birth and the new name to be designated on**
25 **the replacement for the record. The new name of the person shall be**
26 **shown on the replacement for the record.**

27 **“(3) Upon receipt of a certified copy of a court order to change the**
28 **name of a person born in this state as authorized by 18 U.S.C. 3521 et**
29 **seq., the state registrar shall create a replacement for a record of live**
30 **birth to show the new information as specified in the court order.**

1 “(4) When a replacement for a record of live birth is prepared, the
2 city, county and date of live birth must be included in the replace-
3 ment. The replacement for the record must be substituted for the or-
4 iginal record of live birth. The original record of live birth and all
5 evidence submitted with the request or court order for the replace-
6 ment for the record must be placed under seal and is not subject to
7 inspection, except upon the order of a court of competent jurisdiction
8 in this state or as provided by rule of the state registrar.

9 “(5) Upon receipt of an amended judgment of adoption, the record
10 of live birth shall be amended as provided by rule of the state
11 registrar.

12 “(6) Upon receipt of a report of annulment of adoption or a court
13 order annulling an adoption, the original record of live birth must be
14 restored. The replacement for the record of live birth is not subject
15 to inspection, except upon the order of a court of competent jurisdic-
16 tion in this state or as provided by rule of the state registrar.

17 “(7) If there is no record of live birth for a person for whom a re-
18 placement for the record is sought under this section and the court
19 issues an order indicating a date of live birth more than one year from
20 the date submitted to the Center for Health Statistics, the replacement
21 for the record of live birth shall be created as a delayed record of live
22 birth.

23 “(8) The state registrar shall prepare and register a record of for-
24 eign live birth for a person born in a foreign country who is not a
25 citizen of the United States and for whom a judgment of adoption was
26 issued by a court of competent jurisdiction in this state if the court,
27 the parents adopting the child or the adopted person, if the adopted
28 person is 18 years of age or older, requests the record. The record must
29 be labeled ‘Record of Foreign Live Birth’ and shall show the actual
30 country of live birth. After registering the record of foreign live birth

1 **in the new name of the adopted person, the record must be placed**
2 **under seal and is not subject to inspection, except upon the order of**
3 **a court of competent jurisdiction in this state or as provided by rule**
4 **of the state registrar.**

5 **“(9) A replacement record of live birth may not be created under**
6 **this section if the date and place of live birth have not been deter-**
7 **mined by the court order.**

8 **“SECTION 31.** ORS 432.420 is amended to read:

9 “432.420. The documents forwarded to the State Registrar of the Center
10 for Health Statistics or sealed under ORS 432.230 may be opened by the state
11 registrar only upon [*an order of an Oregon court of competent jurisdiction*]
12 **receiving an order from a court of competent jurisdiction** or when re-
13 quested by an agency operating a voluntary adoption registry as defined in
14 ORS 109.425 for the purpose of facilitating the identification of persons reg-
15 istering under the provisions of ORS 109.425 and 109.435 to 109.507.

16

17 **“PRESERVATION OF VITAL RECORDS**

18

19 **“SECTION 32.** ORS 432.115 is amended to read:

20 “432.115. [*To preserve vital records and vital reports, the State Registrar*
21 *of the Center for Health Statistics is authorized to prepare typewritten, photo-*
22 *graphic, electronic or other reproductions of certificates or reports in the Center*
23 *for Health Statistics. Such reproductions when verified and approved by the*
24 *state registrar shall be accepted as original records, and the documents from*
25 *which permanent reproductions have been made may be disposed of as provided*
26 *by rule of the state registrar, rule of the Secretary of State and ORS*
27 *192.105.]*

28 **“(1) In consultation with the State Archivist, the State Registrar**
29 **of the Center for Health Statistics shall develop and implement a**
30 **preservation management program to preserve vital record documents**

1 and information and meet generally accepted standards for permanent
2 preservation.

3 “(2) The state registrar shall prepare typewritten, photographic,
4 electronic or other reproductions of vital records or reports kept and
5 maintained in the Center for Health Statistics. These reproductions,
6 when verified and approved by the state registrar, shall be accepted
7 as the original vital record documents. The original vital record doc-
8 uments from which permanent reproductions have been made may be
9 disposed of as described in ORS 192.105 or as provided by rule of the
10 state registrar.

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

16 “(4) The preservation management program must provide for the
17 continued availability of historic vital record documents and informa-
18 tion for research and related purposes. Vital records are historic when
19 125 years have elapsed after the date of live birth for births occurring
20 after 1914, 50 years have elapsed after the date of death for deaths oc-
21 ccurring after 1964, 75 years have elapsed after the date of fetal death
22 for fetal deaths occurring after 1964 or 75 years have elapsed after the
23 date of marriage, domestic partnership, dissolution of marriage or
24 dissolution of domestic partnership for such events occurring after
25 1964. Supporting documents, including corrections and acknowledg-
26 ments of paternity, may be included with historic vital records. Re-
27 cords under seal are not historic unless unsealed by court order.

28 “(5) Historic vital records shall be transferred to the State Archives
29 in accordance with archival procedures for the continued safekeeping
30 of the vital records. The State Archives may not charge the Center for

1 **Health Statistics for the transfer and maintenance of historic vital**
2 **records under this subsection. The state registrar shall adopt rules to**
3 **ensure that, for records of dissolution of marriage or dissolution of**
4 **domestic partnership issued in proceedings under ORS 106.300 to**
5 **106.340 or 107.085 or 107.485, the Social Security numbers of the parties**
6 **are kept confidential and exempt from public disclosure under ORS**
7 **192.410 to 192.505. Prior to transferring records of live birth and death,**
8 **the state registrar shall redact all information identified as having**
9 **only a medical or health purpose in the United States Standard Cer-**
10 **tificates of Live Birth and Death and the Report of Fetal Death or by**
11 **rule of the state registrar.**

12

13 **“EXEMPTION FROM PUBLIC DISCLOSURE**

14

15 **“SECTION 33.** ORS 432.121 is amended to read:

16 *“432.121. [(1) To protect the integrity of vital records and vital reports, to*
17 *ensure their proper use and to ensure the efficient and proper administration*
18 *of the system of vital statistics, it shall be unlawful for any person to permit*
19 *inspection of, or to disclose information from vital records or vital reports in*
20 *the custody of the State Registrar of the Center for Health Statistics, county*
21 *registrar or local registrar or to copy or issue a copy of all or part of any such*
22 *record or report unless authorized by this chapter and by rules adopted pur-*
23 *suant thereto or by order of a court of competent jurisdiction. Rules adopted*
24 *under this section shall provide for adequate standards of security and*
25 *confidentiality of vital records and vital reports. The state registrar shall*
26 *adopt rules to ensure that, for records of dissolution of marriage issued in*
27 *proceedings under ORS 107.085 or 107.485, Social Security numbers of the*
28 *parties are kept confidential and exempt from public inspection.]*

29 *“[(2) The State Registrar of the Center for Health Statistics shall authorize*
30 *the inspection, disclosure and copying of the information referred to in sub-*

1 *section (1) of this section as follows:]*

2 *“(a) To the subject of the record; spouse, child, parent, sibling or legal*
3 *guardian of the subject of the record; an authorized representative of the sub-*
4 *ject of the record, spouse, child, parent, sibling or legal guardian of the subject*
5 *of the record; and, in the case of death, marriage or divorce records, to other*
6 *next of kin.]*

7 *“(b) When a person demonstrates that a death, marriage or divorce record*
8 *is needed for the determination or protection of a personal or property right.]*

9 *“(c) When 100 years have elapsed after the date of birth or 50 years have*
10 *elapsed after the date of death, marriage or divorce.]*

11 *“(d) When the person requesting the information demonstrates that the*
12 *person intends to use the information solely for research purposes. In order to*
13 *receive the information, the person must submit a written request to the state*
14 *registrar requesting a research agreement. The state registrar shall issue a*
15 *research agreement if the person demonstrates that the information will be*
16 *used only for research and will be held confidential. The research agreement*
17 *shall prohibit the release by the person of any information other than that*
18 *authorized by the agreement that might identify any person or institution.]*

19 *“(e) To the federal agency responsible for national vital statistics, upon*
20 *request. The copies or data may be used solely for the conduct of official duties.*
21 *Before furnishing the records, reports or data, the state registrar shall enter*
22 *into an agreement with the federal agency indicating the statistical or research*
23 *purposes for which the records, reports or data may be used. The agreement*
24 *shall also set forth the support to be provided by the federal agency for the*
25 *collection, processing and transmission of the records, reports or data. Upon*
26 *written request of the federal agency, the state registrar may approve, in writ-*
27 *ing, additional statistical or research uses of the records, reports or data sup-*
28 *plied under the agreement.]*

29 *“(f) To federal, state and local governmental agencies, upon request. The*
30 *copies or data may be used solely for the conduct of official duties of the re-*

1 *questing governmental agency.]*

2 *“(g) To offices of vital statistics outside this state when such records or*
3 *other reports relate to residents of those jurisdictions or persons born in those*
4 *jurisdictions. Before furnishing the records, reports or data, the state registrar*
5 *shall enter into an agreement with the office of vital statistics. The agreement*
6 *shall specify the statistical and administrative purposes for which the records,*
7 *reports or data may be used and the agreement shall further provide in-*
8 *structions for the proper retention and disposition of the copies. Copies received*
9 *by the Center for Health Statistics from offices of vital statistics in other states*
10 *shall be handled in the same manner as prescribed in this section.]*

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

12 *“(3) The state registrar, upon request of a family member or legal repre-*
13 *sentative, shall issue a certified copy or other copy of a death certificate con-*
14 *taining the cause of death information as provided in subsection (2) of this*
15 *section or as follows:]*

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

18 *“(b) When the request for the copy is made by or on behalf of an organ-*
19 *ization that provides benefits to the decedent’s survivors or beneficiaries.]*

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

23 *“(5) Nothing in this section shall prohibit a health care provider from*
24 *disclosing information contained in the provider’s records as otherwise allowed*
25 *by law.]*

26 *“(6) Nothing in this section shall be construed to permit disclosure of in-*
27 *formation contained in the ‘Information for Medical and Health Use Only’*
28 *section of the birth certificate, fetal death report or the ‘Information for Sta-*
29 *tistical Purposes Only’ section or other confidential section of the application,*
30 *license and record of marriage or certificate of divorce, unless specifically au-*

1 *thorized by the state registrar for statistical or research purposes. The data*
2 *shall not be subject to subpoena or court order and shall not be admissible*
3 *before any court, tribunal or judicial body.]*

4 *“(7) All forms and procedures used in the issuance of certified copies of*
5 *vital records and vital reports shall be uniform and provided by or approved*
6 *by the state registrar. All certified copies issued shall have security features*
7 *that safeguard the document against alteration, counterfeiting, duplication or*
8 *simulation without ready detection.]*

9 *“(8) Each copy issued shall show the date of filing. Copies issued from*
10 *records marked ‘Amended’ shall be similarly marked and shall show the ef-*
11 *fective date of the amendment. Copies issued from records marked ‘Delayed’*
12 *shall be similarly marked and shall include the date of filing and a de-*
13 *scription of the evidence used to establish the delayed certificate.]*

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

17 *“(10) Appeals from decisions of the state registrar to refuse to disclose in-*
18 *formation or to permit inspection or copying of records as prescribed by this*
19 *section and rules adopted pursuant thereto shall be made under ORS chapter*
20 *183.]*

21 *“(11) The state registrar shall adopt rules to implement this section in ac-*
22 *cordance with the applicable sections of ORS chapter 183.]*

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

25 **“(1)(a) Vital records and reports, and documents, data and infor-**
26 **mation related to vital records and reports, are exempt from public**
27 **disclosure under ORS 192.410 to 192.505. Except as provided in this**
28 **section and ORS 432.180 or rules adopted by the State Registrar of the**
29 **Center for Health Statistics as described in paragraph (b) of this sub-**
30 **section, a person may not disclose or allow a person to inspect vital**

1 records or reports or related documents, data or information.

2 “(b) The state registrar may adopt rules permitting the disclosure
3 of vital records and reports and related documents, data or informa-
4 tion if the disclosure is for public health purposes or if the state
5 registrar otherwise determines that:

6 “(A) The requestor has a valid need for the information;

7 “(B) The information cannot be obtained from other sources;

8 “(C) The requestor is authorized to receive the information; and

9 “(D) The integrity of the vital record or report can be assured.

10 “(2)(a) Personally identifiable information that may be used to
11 identify a natural person named in a vital record or report may be
12 disclosed for health research purposes after submission of a written
13 request for the information by a researcher and the approval of the
14 state registrar through the execution of a written research agreement
15 that:

16 “(A) Describes the research project;

17 “(B) Documents, if necessary, applicable institutional review board
18 approvals; and

19 “(C) Protects the confidentiality and security of the information
20 provided.

21 “(b) An agreement entered into under this subsection:

22 “(A) Must:

23 “(i) Prohibit, except as explicitly permitted in the agreement, the
24 further release of the personally identifiable information by the re-
25 searcher unless explicitly authorized by the state registrar; and

26 “(ii) Specify that the state continues to own the information pro-
27 vided to the requester; and

28 “(B) May require payment for the use of the requested information.

29 “(3) A government agency may be furnished, upon written request
30 and the approval of the state registrar, with copies of documents or

1 other data from the system of vital statistics, provided that the copies
2 or data are used solely in the conduct of the government agency's of-
3 ficial duties. Before furnishing information under this subsection, the
4 state registrar and the government agency requesting the copies or
5 data shall enter into a data sharing agreement that clearly specifies
6 the uses for the copies or data. An agreement entered into under this
7 subsection:

8 “(a) Must:

9 “(A) Contain measures to protect the confidentiality and security
10 of the copies or data;

11 “(B) Prohibit the further release of any personally identifiable in-
12 formation by the government agency unless explicitly provided in the
13 agreement; and

14 “(C) Specify that the state continues to own the copies or data; and

15 “(b) May require payment for the use of the requested copies or
16 data.

17 “(4) The federal agency responsible for national vital statistics may
18 be furnished with copies of records, reports or other data from the
19 system of vital statistics as necessary for the maintenance of national
20 statistics, provided that the agency shares in the cost of collecting,
21 processing and transmitting the information and that the agency does
22 not use the information for purposes other than statistical purposes
23 unless the use is explicitly authorized by the state registrar. Before
24 furnishing information under this subsection, the state registrar and
25 the agency shall enter into a data sharing agreement that clearly
26 specifies the uses for the information. An agreement entered into un-
27 der this subsection must:

28 “(a) Prohibit the further release of any information by the agency
29 unless explicitly authorized by the state registrar; and

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

1 “(5)(a) The state registrar, pursuant to an interjurisdictional ex-
2 change agreement, may transmit copies of records, reports or other
3 documents or other data from the system of vital statistics to offices
4 of vital statistics in other states or neighboring countries. The ex-
5 change agreement must specify the purposes for which the copies or
6 data may be used by the other state or neighboring country and pro-
7 vide instructions for the proper retention and disposition of the copies
8 and data.

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

14 “(c) An exchange agreement entered into under this subsection may
15 not allow the disclosure of copies of records, reports or other docu-
16 ments or other data of a vital event that did not occur in the state
17 or country that is transmitting the information.

18 “(6) When the death of a person who was born in this state or was
19 a resident of this state at the time of death occurs in a country other
20 than the United States, the state registrar shall receive a report of
21 death from the United States Department of Defense or the United
22 States Department of State.

23 “(7) When 125 years have elapsed after the date of live birth for
24 births occurring after 1914, 50 years have elapsed after the date of
25 death for deaths occurring after 1964, 75 years have elapsed after the
26 date of fetal death for fetal deaths occurring after 1964 or 75 years have
27 elapsed after the date of marriage, domestic partnership, dissolution
28 of marriage or dissolution of domestic partnership for such events
29 occurring after 1964, the record available for disclosure under this
30 section, whether in paper, electronic or other form, may be transferred

1 to the State Archives as a public record in accordance with archival
2 procedures for the continued safekeeping of the vital records. The
3 State Archives may not charge the Center for Health Statistics for the
4 transfer and maintenance of historic vital records under this sub-
5 section. The state registrar shall adopt rules to ensure that, for re-
6 cords of dissolution of marriage or dissolution of domestic partnership
7 issued in proceedings under ORS 106.300 to 106.340 or 107.085 or 107.485,
8 the Social Security numbers of the parties are kept confidential and
9 exempt from public disclosure under ORS 192.410 to 192.505. Prior to
10 transferring records of live birth and death, the state registrar shall
11 redact all information identified as having only a medical or health
12 purpose in the United States Standard Certificates of Live Birth and
13 Death and the Report of Fetal Death or by rule of the state registrar.

14 “(8) A decision of the state registrar with regard to the disclosure
15 of vital records, reports and related documents, data and information
16 is a final agency determination. If the state registrar refuses an in-
17 spection under this section, the person seeking inspection may proceed
18 in the manner set forth in ORS 183.484.

19 “(9) Nothing in this section prohibits the state registrar from pub-
20 lishing statistical compilations or reports for public health purposes
21 if the compilations and reports do not contain personally identifiable
22 information.

23 “SECTION 34. ORS 432.124 is amended to read:

24 “432.124. Notwithstanding any other provision of law, [*all death records*]
25 **a document recording a death** filed in conjunction with owning or having
26 a claim or interest in land [*in the county*] that [*are*] **is** in the custody of a
27 county clerk or county recording officer [*are*] **is** open and subject to full
28 disclosure. **A document recording a death filed in conjunction with**
29 **owning or having a claim or interest in land may not include medical**
30 **information related to the cause of death.**

1 **“SECTION 35.** ORS 432.412 is amended to read:

2 “432.412. (1) Except as provided in subsection (2) of this section, not-
3 withstanding any other provision of law, all marriage **and domestic part-**
4 **nership** records and all [*divorce*] records **of dissolution of marriage and**
5 **dissolution of domestic partnership** in the custody of a county clerk or
6 county recording officer and all [*divorce*] records **of dissolution of marriage**
7 **and dissolution of domestic partnership** in the custody of the state courts
8 are open and subject to full disclosure.

9 “(2) [*Divorce*] Records **of dissolution of marriage and dissolution of**
10 **domestic partnership** in the custody of the state courts shall be completed
11 and maintained in accordance with procedures established under ORS 107.840
12 to ensure that the Social Security numbers of parties to proceedings under
13 ORS 107.085 and 107.485 are kept confidential and exempt from public in-
14 spection.

15
16 **“CERTIFIED COPIES OF RECORDS**

17
18 **“SECTION 36.** ORS 432.180 is amended to read:

19 “432.180. [(1) *A certified copy of a vital record or vital report or any part*
20 *thereof shall be considered for all purposes the same as the original and shall*
21 *be prima facie evidence of the facts stated therein. However, the evidentiary*
22 *value of a record or report filed more than one year after the event, a record*
23 *or report that has been amended or a certificate of foreign birth shall be de-*
24 *termined by the judicial or administrative body or official before whom the*
25 *record or report is offered as evidence.*]

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

30 “[(3) *When the state registrar receives information that a certificate may*

1 *have been registered through fraud or misrepresentation, the state registrar*
2 *shall withhold issuance of any copy of that certificate. The state registrar shall*
3 *advise the applicant of the right to appeal under ORS 183.480 to 183.484. If*
4 *fraud or misrepresentation is found, the state registrar shall remove the cer-*
5 *tificate from the file. The certificate and evidence shall be retained but shall*
6 *not be subject to inspection or copying except upon order of a court of compe-*
7 *tent jurisdiction or by the state registrar for purposes of administering the*
8 *system of vital statistics.]*

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

13 **“(1)(a) A certified copy of a record of live birth or any part of a**
14 **record of live birth that is issued under this section shall be considered**
15 **the same as the original record of live birth and is prima facie evi-**
16 **dence of the facts stated on the certified copy. However, the**
17 **evidentiary value of a certified copy of a record of live birth submitted**
18 **more than one year after the birth, an amended record of live birth**
19 **or a record of foreign live birth must be determined by the judicial or**
20 **administrative body or official before whom the certified copy is of-**
21 **fered as evidence.**

22 **“(b) A certified copy of a record of death, fetal death, marriage,**
23 **domestic partnership, dissolution of marriage or dissolution of do-**
24 **mestic partnership or any part of such records that is issued under**
25 **this section shall be considered the same as the original record of**
26 **death, fetal death, marriage, domestic partnership, dissolution of**
27 **marriage or dissolution of domestic partnership and is prima facie**
28 **evidence of the facts stated on the certified copy.**

29 **“(2)(a) The State Registrar of the Center for Health Statistics shall**
30 **require an applicant for a certified copy to submit a signed application,**

1 **documentation of identity and evidence of eligibility.**

2 **“(b)(A) Upon receipt of an application, the state registrar shall re-**
3 **view the documentation of identity provided by the applicant. The**
4 **documentation must be acceptable to the state registrar and, at a**
5 **minimum, include:**

6 **“(i) Government issued identification that includes a photograph;**

7 **“(ii) At least three forms of identification; or**

8 **“(iii) Identification submitted through an electronic process adopted**
9 **by the state registrar by rule.**

10 **“(B) Forms of identification that may be submitted under subpara-**
11 **graph (A)(ii) of this paragraph include, but are not limited to, letters**
12 **from government or social agencies, payroll statements, utility bills,**
13 **student identification with a photograph or other items acceptable to**
14 **the state registrar.**

15 **“(c)(A) Upon receipt of an application, the state registrar shall re-**
16 **view the evidence of eligibility provided by the applicant. Evidence of**
17 **eligibility submitted under this subsection may consist of copies of**
18 **vital records establishing eligibility, court documents establishing el-**
19 **igibility or alternate methods identified and accepted by the state**
20 **registrar. Evidence of eligibility must demonstrate that the applicant**
21 **is qualified to receive a certified copy.**

22 **“(B) To be qualified, an applicant must be:**

23 **“(i) Eighteen years of age or older or an emancipated minor or, if**
24 **the applicant is requesting to receive a certified copy of the applicant’s**
25 **own record of live birth, 15 years of age or older;**

26 **“(ii) If the applicant is requesting a certified copy of a record of live**
27 **birth, the registrant, the registrant’s spouse, domestic partner who is**
28 **registered by the state, parent, child, sibling, grandparent, grandchild,**
29 **legal guardian or legal representative, an authorized representative or**
30 **a government agency acting in the conduct of its official duties;**

1 “(iii) If the applicant is requesting a certified copy of a record of
2 death, the decedent’s spouse, domestic partner who is registered by the
3 state, child, parent, sibling, grandparent, grandchild, next of kin, legal
4 guardian immediately before death or legal representative, an author-
5 ized representative, a person in charge of disposition, a government
6 agency acting in the conduct of its official duties, an employee or
7 agent of a funeral home or person acting as a funeral service practi-
8 tioner who is named in the record of death for up to two years fol-
9 lowing the date of death or a person that demonstrates to the
10 satisfaction of the state registrar that the certified copy is necessary
11 for a determination related to or the protection of a personal or
12 property right of the applicant;

13 “(iv) If the applicant is requesting a certified copy of a record of
14 fetal death, the parent, legal guardian, legal representative of a par-
15 ent, sibling, grandparent, an authorized representative, a person in
16 charge of disposition, a government agency acting in the conduct of
17 its official duties or an employee or agent of a funeral home or person
18 acting as a funeral service practitioner who is named in the record of
19 fetal death for up to two years following the date of delivery; and

20 “(v) If the applicant is requesting a certified copy of a record of
21 marriage, domestic partnership, dissolution of marriage or dissolution
22 of domestic partnership, the registrant, the registrant’s spouse, do-
23 mestic partner who is registered by the state, child, parent, sibling,
24 grandparent, grandchild, legal guardian or legal representative, an
25 authorized representative or a government agency acting in the con-
26 duct of its official duties.

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

30 “(3) Notwithstanding subsection (2) of this section, when 125 years

1 have elapsed after the date of live birth for births occurring after 1914,
2 50 years have elapsed after the date of death for deaths occurring after
3 1964, 75 years have elapsed after the date of fetal death for fetal deaths
4 occurring after 1964 or 75 years have elapsed after the date of mar-
5 riage, domestic partnership, dissolution of marriage or dissolution of
6 domestic partnership for such events occurring after 1964, the state
7 registrar may issue a certified copy of a record to a person who sub-
8 mits an application on a form and in a manner prescribed by the state
9 registrar by rule. An application submitted under this subsection must
10 contain proof of identity.

11 “(4) The state registrar shall, upon receipt and approval of an ap-
12 plication under this section, issue a certified copy of a vital record in
13 the form of a physical image or abstract to the applicant.

14 “(5) The state registrar shall require all certified copies of vital re-
15 cords registered in the state to be issued from a central database.

16 “(6)(a) The state registrar may issue certified copies directly to a
17 government agency or other institution as described in this sub-
18 section.

19 “(b) Upon receipt of an application under subsection (2) of this
20 section, the state registrar may issue, upon request by the qualified
21 applicant, a certified copy in electronic form to a government agency
22 or other institution approved by the state registrar.

23 “(c) The state registrar may authorize a government agency or
24 other institution to receive certified copies under this subsection in
25 electronic form through an automated system approved by the state
26 registrar.

27 “(d) The state registrar, in approving the issuance of a certified
28 copy to a government agency or other institution, shall consider the
29 proposed use for the certified copy, the frequency of need for the cer-
30 tified copy, the security afforded by the government agency or insti-

1 **tution and other criteria as determined by the state registrar by rule.**

2 **“(e) Certified copies issued under this subsection may be used by a**
3 **government agency only for purposes related to the official duties of**
4 **the government agency.**

5 **“(7) The state registrar shall establish minimum information to be**
6 **included in a certified copy. A certified copy may not be issued without**
7 **the minimum information, except that a record of live birth without**
8 **a first name for the registrant may be issued to government agencies**
9 **for adoption or custody purposes.**

10 **“(8) A certified copy of a death record containing the cause and**
11 **manner of death may not be issued except as follows:**

12 **“(a) Upon specific request by the spouse, domestic partner who is**
13 **registered by the state, child, parent or next of kin of the decedent, a**
14 **person in charge of disposition or an authorized representative of a**
15 **person described in this paragraph;**

16 **“(b) When a documented need for the cause or manner of death to**
17 **establish a legal right or claim has been demonstrated; or**

18 **“(c) Upon receiving an order from a court of competent jurisdiction**
19 **that requires the issuance of a certified copy of a death record con-**
20 **taining the cause and manner of death.**

21 **“(9) Each certified copy issued for a record registered after January**
22 **1, 2008, must indicate the date of registration. If the record was**
23 **amended, the certified copy must be marked or flagged as having been**
24 **amended and must indicate the effective date of the amendment. If the**
25 **record is marked or flagged ‘Delayed,’ the certified copy must be**
26 **marked or flagged as having been delayed and must include the date**
27 **of registration and a description of the evidence used to establish the**
28 **record. If the record is a record of foreign live birth, the certified copy**
29 **must indicate that fact and show the actual place of birth. A certified**
30 **copy for a record of live birth that has been matched to a record of**

1 death must be marked or flagged 'Deceased.'

2 “(10) Information identified in the United States Standard Certif-
3 icates of Live Birth and Death and the Report of Fetal Death, or as
4 identified by the state registrar by rule, as only being available for
5 medical or health purposes is not subject to subpoena or court order
6 and is not admissible before a court, tribunal or other judicial body.
7 Information identified in the United States Standard Certificates of
8 Live Birth and Death and the Report of Fetal Death, or as identified
9 by the state registrar by rule, as having an administrative, statistical,
10 medical or health purpose may not be included in a certified copy of
11 a vital record.

12 “(11) After acceptance of an application by a qualified applicant, if
13 a record is not identified for the requested certified copy, the state
14 registrar shall issue a document indicating that a record for the re-
15 quested certified copy has not been identified. The document also must
16 include the criteria used in attempting to identify the record, includ-
17 ing the type of vital event, the name of the registrant, the date or
18 range of dates for the vital event and other criteria used.

19 “(12) Verification of facts contained in a certified copy may be fur-
20 nished by the state registrar to a government agency in the conduct
21 of its official duties. The request for verification must:

22 “(a) Include a copy of the certified copy and be in a format pre-
23 scribed or approved by the state registrar; or

24 “(b) If the requester attests to having the certified copy and can
25 provide verification, as determined by the state registrar by rule, of
26 having the certified copy, be submitted electronically through an au-
27 tomated system approved by the state registrar.

28 “(13) The state registrar shall provide or approve forms and proce-
29 dures for the issuance of certified copies of vital records in this state.
30 All forms and procedures must be uniform and be in accordance with

1 section 6 of this 2013 Act.

2 “(14) The state registrar shall maintain a searchable file, either
3 physical or electronic, of each application submitted under this section
4 for a minimum of three years.

5 “(15) A person may not prepare or issue any paper or electronic
6 document that purports to be an original vital record, a certified copy
7 for verification of a vital record or a copy of a vital record except as
8 authorized in this chapter.

9 “(16) All applications and supporting documentation submitted for
10 the purpose of issuing certified copies of vital records are confidential
11 and not subject to public disclosure under ORS 192.410 to 192.505.

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

14 “SECTION 38. (1)(a) When the State Registrar of the Center for
15 Health Statistics receives information that a record may have been
16 registered, amended or corrected through fraud or misrepresentation,
17 the state registrar may withhold issuance of certified copies related
18 to that record pending an inquiry by appropriate authorities to deter-
19 mine whether fraud or misrepresentation has occurred.

20 “(b) If the appropriate authorities conclude that no fraud or mis-
21 representation occurred, then the state registrar shall issue certified
22 copies related to the record. If the appropriate authorities conclude
23 that there is reasonable cause to suspect fraud or misrepresentation,
24 then the state registrar shall provide copies of the record and any
25 relevant evidence to the appropriate authorities for further investi-
26 gation.

27 “(c) If upon further investigation, the appropriate authorities con-
28 clude that fraud or misrepresentation occurred, the state registrar
29 shall provide an opportunity to the registrant or the legal represen-
30 tative of the registrant to respond to the findings prior to voiding the

1 record.

2 “(d) If the state registrar issues an order voiding a record under
3 this subsection, the state registrar shall advise the registrant of the
4 registrant’s rights under ORS 183.484.

5 “(e) A record voided under this subsection shall be retained by the
6 state registrar. However, a record voided under this subsection is not
7 subject to inspection or copying except upon receiving an order from
8 a court of competent jurisdiction or by the state registrar for purposes
9 of administering the system of vital statistics.

10 “(2)(a) When the state registrar receives information that an ap-
11 plication for a certified copy may have been submitted for purposes
12 of fraud or misrepresentation, the state registrar may withhold issu-
13 ance of the certified copy pending an inquiry by appropriate authori-
14 ties to determine whether fraud or misrepresentation occurred.

15 “(b) If the appropriate authorities conclude that no fraud or mis-
16 representation occurred, then the state registrar shall issue the certi-
17 fied copy. If the appropriate authorities conclude that there is
18 reasonable cause to suspect fraud or misrepresentation, then the state
19 registrar shall provide copies of the application and any relevant evi-
20 dence to the appropriate authorities for further investigation. The
21 state registrar shall advise the applicant of the applicant’s rights un-
22 der ORS 183.484.

23 “(c) An application investigated under this subsection shall be re-
24 tained by the state registrar. However, an application investigated
25 under this subsection is not subject to inspection or copying except
26 upon receiving an order from a court of competent jurisdiction or by
27 the state registrar for purposes of administering the system of vital
28 statistics.

29 “(3) The state registrar shall periodically test and audit the system
30 of vital statistics for purposes of detecting fraud. If fraud is detected,

1 **the state registrar shall provide copies of the evidence to the appro-**
2 **priate authorities for further investigation. The result of such tests**
3 **and audits shall be retained by the state registrar. However, the re-**
4 **sults of such tests and audits are not subject to inspection or copying**
5 **except upon receiving an order from a court of competent jurisdiction**
6 **or by the state registrar for purposes of administering the system of**
7 **vital statistics.**

8 **“SECTION 39.** ORS 432.085 is amended to read:

9 “432.085. The Oregon Health Authority shall adopt, taking into consider-
10 ation local service needs and interests, rules to allow a county registrar to
11 sell, within six months of the date of the event occurring in the county,
12 certified copies of [*birth certificates and death certificates*] **records of live**
13 **birth and death.**

14 **“SECTION 40.** ORS 432.090 is amended to read:

15 “432.090. (1) [*In addition to the original birth certificate,*] The State
16 Registrar of the Center for Health Statistics shall issue upon request and
17 upon payment of a fee in an amount set by the state registrar a [*birth cer-*
18 *tificate*] **record of live birth** representing that the birth of the person named
19 [*thereon*] **on the record of live birth** is recorded in the office of the state
20 registrar. The [*certificate*] **record of live birth** issued under this section
21 shall be in a form consistent with the need to protect the integrity of vital
22 records but shall be suitable for display. It may bear the seal of the state
23 [*printed thereon*] and may be signed by the Governor. [*It shall have the same*
24 *status as evidence as the original birth certificate.*]

25 “(2) Of the funds received under subsection (1) of this section, the amount
26 needed to reimburse the state registrar for expenses incurred in administer-
27 ing this section shall be credited to the Public Health Account. The re-
28 mainder shall be credited to the subaccount created pursuant to section 36
29 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or
30 fund.

1 “(3) In setting the fee amount under subsection (1) of this section, the
2 state registrar shall give substantial consideration to the amount suggested
3 by the holder of the subaccount created pursuant to section 36 (2), chapter
4 1084, Oregon Laws 1999, or a successor subaccount, account or fund.

5
6 **“FEES**

7
8 **“SECTION 41.** ORS 432.146 is amended to read:

9 “432.146. (1) Except as provided in ORS 432.090 [*and 432.312,*] **and sub-**
10 **section (2) of this section, and** subject to the review of the Oregon De-
11 partment of Administrative Services, the Oregon Health Authority shall
12 establish all fees for services [*or records*] provided under [*ORS 432.005 to*
13 *432.165*] **this chapter.** The fees and charges established under this section
14 shall be authorized by the Legislative Assembly for the authority’s budget,
15 as the budget may be modified by the Emergency Board.

16 **“(2) The State Registrar of the Center for Health Statistics shall**
17 **search the system of vital statistics and issue certified copies or other**
18 **documents, as appropriate, without charge if the search or issuance**
19 **is:**

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

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

25 **“(3) Fees collected under this section shall be deposited in the**
26 **Oregon Health Authority Fund and are continuously appropriated to**
27 **the Center for Health Statistics for the purpose of administering this**
28 **chapter.**

29 **“SECTION 42.** ORS 432.312 is amended to read:

30 “432.312. (1) The Oregon Health Authority shall impose and collect a fil-

1 ing fee of \$20 for each [*certificate*] **report** of death. Of the fee, \$6 shall be
2 deposited to the credit of the Public Health Account and used to carry out
3 the purposes of ORS 97.170 (6) and \$14 shall be deposited to the credit of the
4 State Mortuary and Cemetery Board Account and used in the same manner
5 as funds credited to the account under ORS 692.375.

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

10

11

“PENALTIES

12

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

15 **“SECTION 44. (1) The Director of the Oregon Health Authority may**
16 **impose a civil penalty in an amount not to exceed \$10,000 for each vi-**
17 **olation described in ORS 432.993. Moneys received by the authority**
18 **from civil penalties imposed under this section shall be deposited in**
19 **the General Fund and are available for general governmental ex-**
20 **penses.**

21 **“(2) Civil penalties under this section shall be imposed in the man-**
22 **ner provided in ORS 183.745.**

23 **“SECTION 45. ORS 432.993 is amended to read:**

24 **“432.993. (1) A person commits the crime of unlawful use of a vital record**
25 **or [*vital*] report if the person willfully and knowingly:**

26 **“[(a) *Makes any false statement in a certificate, record or report required***
27 ***by this chapter or in an application for an amendment thereof, or in an ap-***
28 ***plication for a certified copy of a vital record or vital report, or supplies false***
29 ***information intending that the information be used in the preparation of any***
30 ***certificate, record or report, or amendment thereto;]***

1 “[(b) Without lawful authority and with intent to deceive, makes,
2 counterfeits, alters, amends or mutilates any certificate, record or report re-
3 quired by this chapter or a certified copy of a certificate, record or report;]

4 “[(c) Obtains, possesses, uses, sells, furnishes or attempts to obtain, possess,
5 use, sell or furnish to another, for any purpose of deception, any certificate,
6 record or report required by this chapter or certified copy thereof so made,
7 counterfeited, altered, amended or mutilated, or that is false in whole or in
8 part or that relates to the birth of another person, whether living or
9 deceased;]

10 “[(d) Without lawful authority, possesses any certificate, record or report
11 required by this chapter or a copy or certified copy of a certificate, record or
12 report that has been stolen or otherwise unlawfully obtained; or]

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

17 **“(a) Makes a false statement to the State Registrar of the Center
18 for Health Statistics in a report or application described in this chap-
19 ter;**

20 **“(b) Without lawful authority and with intent to deceive, makes,
21 counterfeits, alters, amends or mutilates a record, report, certified
22 copy, verification or application, or documentation submitted in sup-
23 port of a record, report, certified copy, verification or application;**

24 **“(c) Obtains, possesses, uses, sells or furnishes to another, or at-
25 tempts to obtain, possess, use, sell or furnish to another, for any
26 purpose of deception, a record, report, certified copy, verification or
27 application, or documentation submitted in support of a record, re-
28 port, certified copy, verification or application;**

29 **“(d) Without lawful authority, possesses a record, report, certified
30 copy, verification or application, or documentation submitted in sup-**

1 port of a record, report, certified copy, verification or application, that
2 has been stolen or otherwise unlawfully obtained; or

3 “(e) As an employee of the Center for Health Statistics or of an
4 office designated under ORS 432.035, furnishes or processes a certified
5 copy of a record of live birth, knowing that the certified copy is to be
6 used for the purposes of deception.

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

8 “**SECTION 46.** ORS 432.995 is amended to read:

9 “432.995. (1) A person commits the crime of obstructing the keeping of
10 vital records or *[vital]* reports if the person knowingly and willfully:

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

13 “(b) Transports or accepts for transportation, interment or other disposi-
14 tion a dead body without an accompanying permit as provided in this chap-
15 ter; or

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

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

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

22

23 **“CONFORMING AMENDMENTS**

24

25 “**SECTION 47.** ORS 3.260 is amended to read:

26 “3.260. (1) The circuit courts and the judges thereof shall exercise all ju-
27 venile court jurisdiction, authority, powers, functions and duties.

28 “(2) Pursuant to ORS 3.275, in addition to any other jurisdiction vested
29 in it by law, the circuit court shall exercise exclusive and original judicial
30 jurisdiction, authority, powers, functions, and duties in the judicial district

1 in any or all of the following matters that on the date specified in the order
2 entered under ORS 3.275 are not within the jurisdiction of the circuit court:

3 “(a) Adoption.

4 “(b) Change of name under ORS 33.410.

5 “(c) Filiation.

6 “(d) Commitment of persons with mental illness or mental retardation.

7 “(e) Any suit or civil proceeding involving custody or other disposition
8 of a child or the support thereof or the support of a spouse, including
9 enforcement of the Uniform Reciprocal Enforcement of Support Act and
10 enforcement of out-of-state or foreign judgments and decrees on domestic
11 relations.

12 “(f) Waivers of the three-day waiting period before a marriage license
13 becomes effective under ORS 106.077.

14 “(g) Issuance of delayed **reports of live birth** [*certificate*].

15 “**SECTION 48.** ORS 18.618 is amended to read:

16 “18.618. (1)(a) Notwithstanding ORS 18.615, the following are not
17 garnishable property:

18 “(A) Equitable interests, except to the extent allowed under ORS chapter
19 130.

20 “(B) Property in the custody of the law.

21 “(C) Property in the possession of a conservator.

22 “(D) Property in the possession of a personal representative that consti-
23 tutes the subject matter of a trust contained in a duly probated will of a
24 decedent.

25 “(E) If a residential landlord is the garnishee, property in the possession
26 of a residential landlord that is held as a security deposit or prepaid rent
27 under ORS 90.300.

28 “(F) The right of a seller under a land sale contract, as defined by ORS
29 18.960, to receive payments that are due more than 45 days after the writ of
30 garnishment is delivered.

1 “(G) Amounts in an account in a financial institution that are not subject
2 to garnishment under ORS 18.784.

3 “(H) An identification document, such as a driver license, passport, [*birth*
4 *certificate*] **certified copy of a record of live birth** or Social Security card.

5 “(b) If a garnishee holds any property described in paragraph (a) of this
6 subsection, the garnishee must note in the garnishee response required by
7 ORS 18.680 that the garnishee holds the property, but may not deliver the
8 property to the garnishor.

9 “(2)(a) Notwithstanding ORS 18.615, wages owing by a garnishee to a
10 debtor for a specific pay period are not garnishable property if:

11 “(A) The writ is delivered within two business days before the debtor’s
12 normal payday for the pay period;

13 “(B) When the writ is delivered to the garnishee, the debtor’s wages are
14 paid by direct deposit to a financial institution, or the garnishee uses the
15 Oregon Department of Administrative Services or an independent contractor
16 as defined in ORS 670.600 as payroll administrator for the garnishee’s pay-
17 roll; and

18 “(C) Before the writ is delivered to the garnishee, the garnishee issued
19 instructions to the financial institution or the payroll administrator to pay
20 the debtor for the pay period.

21 “(b) If a garnishee owes any wages as described in paragraph (a) of this
22 subsection, the garnishee must so note in the garnishee response required
23 by ORS 18.680.

24 “(3) Notwithstanding any other provision of law, if a voluntary or invol-
25 untary bankruptcy petition has been filed by or on behalf of the debtor after
26 a writ of garnishment could be issued under ORS 18.605, the garnishment of
27 any property of the debtor in the garnishee’s possession, control or custody
28 is stayed pursuant to section 362 of the United States Bankruptcy Code (11
29 U.S.C. 101 to 1330).

30 **SECTION 49.** ORS 18.792 is amended to read:

1 “18.792. (1) Notwithstanding any other provision of ORS 18.600 to 18.850,
2 but subject to the provisions of ORS 18.854, the duty of a financial institu-
3 tion that is a garnishee to deliver any property of the debtor that may be
4 contained in a safe deposit box that is in the garnishee’s possession, control
5 or custody at the time the writ of garnishment is delivered is conditioned
6 upon the garnishor first paying to the garnishee, in addition to the search
7 fee provided for in ORS 18.790, all reasonable costs incurred by the garnishee
8 in gaining entry to the safe deposit box. The costs must be paid to the
9 garnishee by the garnishor before access to the safe deposit box is granted.
10 If the garnishor fails to pay such costs to the garnishee within 20 days after
11 the delivery of the garnishee response, the garnishment shall not be effective
12 to garnish any property of the debtor that may be contained in the safe de-
13 posit box and the garnishee may proceed to deal with the safe deposit box
14 and its contents as though the writ of garnishment had not been issued.
15 Nothing in this section limits the right of a garnishor to reach the contents
16 of any safe deposit box in any manner otherwise provided by law.

17 “(2) If a sheriff is instructed to seize and sell the contents of a safe de-
18 posit box, and the box is found to contain an identification document, such
19 as a driver license, passport, [*birth certificate*] **certified copy of a record**
20 **of live birth** or Social Security card, the sheriff shall take possession of the
21 identification document, but the document may not be sold to satisfy the
22 debt.

23 **“SECTION 50.** ORS 18.860 is amended to read:

24 “18.860. (1) A writ of execution may direct a sheriff to:

25 “(a) Levy on and sell real property of the judgment debtor and deliver the
26 proceeds to the court for application against amounts owing on a money
27 award.

28 “(b) Levy on and sell personal property of the judgment debtor in the
29 possession of the judgment debtor, and deliver the proceeds to the court for
30 application against amounts owing on a money award.

1 “(c) Levy on and deliver possession of specific real or personal property
2 pursuant to the terms of the judgment.

3 “(d) Levy on and sell specific real or personal property pursuant to the
4 terms of the judgment.

5 “(e) Levy on currency that is in the possession of the judgment debtor and
6 deliver the currency to the court for application against amounts owing on
7 a money award.

8 “(2) A single writ of execution may be issued for two or more of the
9 purposes specified in this section.

10 “(3) A single writ of execution may be issued for two or more judgments
11 as long as the judgments are against the same judgment debtor or debtors
12 and are entered in the same case.

13 “(4) An identification document, such as a driver license, passport, [*birth*
14 *certificate*] **certified copy of a record of live birth** or Social Security card,
15 is not subject to execution and a writ of execution may not direct a sheriff
16 to levy on an identification document except for the purpose of delivering
17 the document pursuant to the terms of a judgment under subsection (1)(c)
18 of this section.

19 “**SECTION 51.** ORS 33.430 is amended to read:

20 “33.430. (1) In the case of a change, by court order, of the name of the
21 parents of any minor child, if the child’s [*birth certificate*] **record of live**
22 **birth** is on file in this state, the State Registrar of the Center for Health
23 Statistics, upon receipt of a certified copy of the court order changing the
24 name, together with the information required to locate the original [*birth*
25 *certificate of the child*] **record of live birth**, shall prepare a new [*birth cer-*
26 *tificate*] **record of live birth** for the child in the new name of the parents
27 of the child. The name of the parents as so changed shall be set forth in [*the*
28 *new certificate*] **a new certified copy of the record of live birth**, in place
29 of their original name.

30 “(2) The evidence upon which the new [*certificate*] **record of live birth**

1 was made, and the original [*certificate*] **record of live birth**, shall be sealed
2 and filed by the State Registrar of the Center for Health Statistics, and may
3 be opened only upon demand of the person whose name was changed, if of
4 legal age, or by an order of a court of competent jurisdiction.

5 “(3) When a change of name by parents will affect the name of their child
6 under subsection (1) of this section, the court, on its own motion or on re-
7 quest of a child of the parents, may take testimony from or confer with the
8 child and may exclude from the conference the parents and other persons if
9 the court finds that such action would be in the best interests of the child.
10 However, the court shall permit an attorney for the parents to attend the
11 conference, and the conference shall be reported. If the court finds that a
12 change of name would not be in the best interests of the child, the court
13 may provide in the order changing the name of the parents that such change
14 of name shall not affect the child, and a new [*birth certificate*] **record of live**
15 **birth** shall not be prepared for the child.

16 **“SECTION 52.** ORS 33.460 is amended to read:

17 “33.460. (1) A court that has jurisdiction to determine an application for
18 change of name of a person under ORS 33.410 and 33.420 may order a legal
19 change of sex and enter a judgment indicating the change of sex of a person
20 [*whose sex has been changed by surgical procedure*] **if the court determines**
21 **that the individual has undergone surgical, hormonal or other treat-**
22 **ment appropriate for that individual for the purpose of gender transi-**
23 **tion and that sexual reassignment has been completed.**

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

27 “(3) If a person applies for a change of name under ORS 33.410 and 33.420
28 at the time the person applies for a legal change of sex under this section,
29 the court may order change of name and legal change of sex at the same time
30 and in the same proceeding.

1 **“SECTION 53.** ORS 97.943, as amended by section 10, chapter 7, Oregon
2 Laws 2012, is amended to read:

3 “97.943. (1) A master trustee or a depository may not make any distrib-
4 utions from prearrangement sales contract trust fund deposits except as
5 provided in this section.

6 “(2) The principal of a trust created pursuant to a prearrangement sales
7 contract shall be paid to the certified provider who sold the contract if the
8 certified provider who sold the contract swears, by affidavit, that the certi-
9 fied provider has delivered all merchandise and performed all services re-
10 quired under the prearrangement sales contract and delivers to the master
11 trustee or the depository one of the following:

12 “(a) A certified **copy of a death [certificate] record** of the beneficiary; or

13 “(b) A sworn affidavit signed by the certified provider and by:

14 “(A) One member of the beneficiary’s family; or

15 “(B) The executor of the beneficiary’s estate.

16 “(3) The principal of a trust created pursuant to a prearrangement sales
17 contract must be paid to the purchaser if the original certified provider is
18 no longer qualified to serve as the certified provider under ORS 97.941 (11).

19 “(4) Upon completion by the certified provider of the actions described in
20 subsection (2) of this section, the master trustee or the depository shall pay
21 to the certified provider from the prearrangement sales contract trust fund
22 an amount equal to the sales price of the merchandise delivered.

23 “(5) Upon the final payment to the certified provider of the principal in
24 trust under subsection (2) of this section, the undistributed earnings of the
25 trust must be paid to:

26 “(a) The certified provider who sold the contract if the contract is a
27 guaranteed contract; or

28 “(b) The contract purchaser, or the purchaser’s estate, if the contract is
29 a nonguaranteed contract.

30 “(6) The master trustee or the depository may rely upon the certifications

1 and affidavits made to it under the provisions of ORS 97.923 to 97.949, 97.992,
2 97.994 and 692.180, and is not liable to any person for such reliance.

3 “(7) If a certified provider who sold a prearrangement sales contract does
4 not comply with the terms of the prearrangement sales contract within a
5 reasonable time after the certified provider is required to do so, the pur-
6 chaser or heirs or assigns or duly authorized representative of the purchaser
7 or the beneficiary has the right to a refund in the amount equal to the sales
8 price paid for undelivered merchandise and unperformed services plus un-
9 distributed earnings amounts held in trust attributable to such contract,
10 within 30 days of the filing of a sworn affidavit with the certified provider
11 who sold the contract and the master trustee or the depository setting forth
12 the existence of the contract and the fact of breach. A copy of this affidavit
13 shall be filed with the Director of the Department of Consumer and Business
14 Services. In the event a certified provider who has sold a prearrangement
15 sales contract is prevented from performing by strike, shortage of materials,
16 civil disorder, natural disaster or any like occurrence beyond the control of
17 the certified provider, the certified provider’s time for performance is ex-
18 tended by the length of such delay.

19 “(8) Except for an irrevocable contract described in ORS 97.939 (4), at any
20 time prior to the death of the beneficiary of a prearrangement sales contract,
21 the purchaser of the prearrangement sales contract may cancel the contract
22 and is entitled to a refund of all amounts paid on the contract, all amounts
23 in trust including earnings allocated to the contract that are in excess of
24 all amounts paid on the contract and unallocated earnings on trust contract
25 amounts from the date of the last allocation to the date of the refund re-
26 quest, less any amounts paid for merchandise already delivered or services
27 already performed, which amounts may be retained by the certified provider
28 as compensation.

29 “(9) Notwithstanding ORS 97.941 (4) and subsection (5) of this section, a
30 master trustee or certified provider may pay accounting fees, taxes, deposi-

1 tory fees, investment manager fees and master trustee fees from earnings of
2 trust fund deposits. Any payment of expenses or fees from earnings of a trust
3 fund deposit under this subsection must not:

4 “(a) Exceed an amount equal to two percent per calendar year of the
5 value of the trust as determined at least once every six months as prescribed
6 by the director by rule;

7 “(b) Include the payment of any fee to the certified provider in consider-
8 ation for services rendered as certified provider; or

9 “(c) Reduce, diminish or in any other way lessen the value of the trust
10 fund deposit so that the merchandise or services provided for under the
11 contract are reduced, diminished or in any other way lessened.

12 **“SECTION 54.** ORS 106.100 is amended to read:

13 “106.100. (1) The county clerk who issues the marriage license shall
14 maintain records relating to marriages licensed in the county. The records
15 must include the names of the parties, the consent of the parent or guardian,
16 if any, the name of the affiant, the substance of the affidavit upon which the
17 license issued and the date of the license.

18 “(2) Upon return of the completed application, license and record of
19 marriage under ORS 106.170, the county clerk shall add the date of the
20 marriage ceremony to the clerk’s records maintained under subsection (1) of
21 this section and file the completed application, license and record of mar-
22 riage. Except as provided in ORS 205.320, the county clerk may not charge
23 a fee for filing, recording or indexing the application, license and record of
24 marriage.

25 “(3) The county clerk shall, upon completion of the requirements of this
26 section and ORS 106.077, deliver the original completed application, license
27 and [*record*] **report** of marriage to the Center for Health Statistics as re-
28 quired under ORS 432.405.

29 “(4) Notwithstanding any other provision of law, the record of marriage
30 maintained by a county clerk is not a vital record as defined in ORS 432.005

1 and is a public record open and subject to full disclosure.

2 **“SECTION 55.** ORS 107.718 is amended to read:

3 “107.718. (1) When a person files a petition under ORS 107.710, the circuit
4 court shall hold an ex parte hearing in person or by telephone on the day
5 the petition is filed or on the following judicial day. Upon a showing that
6 the petitioner has been the victim of abuse committed by the respondent
7 within 180 days preceding the filing of the petition, that there is an imminent
8 danger of further abuse to the petitioner and that the respondent represents
9 a credible threat to the physical safety of the petitioner or the petitioner’s
10 child, the court shall, if requested by the petitioner, order:

11 “(a) Except as provided in subsection (2) of this section, that temporary
12 custody of the children of the parties be awarded to the petitioner or, at the
13 request of the petitioner, to the respondent, subject to reasonable parenting
14 time rights of the noncustodial parent, which the court shall order, unless
15 such parenting time is not in the best interest of the child;

16 “(b) That the respondent be required to move from the petitioner’s resi-
17 dence, if in the sole name of the petitioner or if it is jointly owned or rented
18 by the petitioner and the respondent, or if the parties are married to each
19 other;

20 “(c) That the respondent be restrained from entering, or attempting to
21 enter, a reasonable area surrounding the petitioner’s current or subsequent
22 residence if the respondent is required to move from petitioner’s residence;

23 “(d) That a peace officer accompany the party who is leaving or has left
24 the parties’ residence to remove essential personal effects of the party or the
25 party’s children, or both, including but not limited to clothing, toiletries,
26 diapers, medications, Social Security cards, [*birth certificates*] **certified**
27 **copies of records of live birth**, identification and tools of the trade;

28 “(e) That the respondent be restrained from intimidating, molesting, in-
29 terfering with or menacing the petitioner, or attempting to intimidate, mo-
30 lest, interfere with or menace the petitioner;

1 “(f) That the respondent be restrained from intimidating, molesting, in-
2 terfering with or menacing any children in the custody of the petitioner, or
3 attempting to intimidate, molest, interfere with or menace any children in
4 the custody of the petitioner;

5 “(g) That the respondent be restrained from entering, or attempting to
6 enter, on any premises and a reasonable area surrounding the premises when
7 it appears to the court that such restraint is necessary to prevent the re-
8 spondent from intimidating, molesting, interfering with or menacing the
9 petitioner or children whose custody is awarded to the petitioner;

10 “(h) Other relief that the court considers necessary to:

11 “(A) Provide for the safety and welfare of the petitioner and the children
12 in the custody of the petitioner, including but not limited to emergency
13 monetary assistance from the respondent; and

14 “(B) Prevent the neglect and protect the safety of any service or therapy
15 animal or any animal kept for personal protection or companionship, but not
16 an animal kept for any business, commercial, agricultural or economic pur-
17 pose; or

18 “(i) Except as described in subsection (12) of this section or parenting
19 time ordered under this section, that the respondent have no contact with
20 the petitioner in person, by telephone or by mail.

21 “(2) If the court determines that exceptional circumstances exist that af-
22 fect the custody of a child, the court shall order the parties to appear and
23 provide additional evidence at a hearing to determine temporary custody and
24 resolve other contested issues. Pending the hearing, the court may make any
25 orders regarding the child’s residence and the parties’ contact with the child
26 that the court finds appropriate to provide for the child’s welfare and the
27 safety of the parties. The court shall set a hearing time and date as provided
28 in ORS 107.716 (2) and issue a notice of the hearing at the same time the
29 court issues the restraining order.

30 “(3) The court’s order under subsection (1) of this section is effective for

1 a period of one year or until the order is withdrawn or amended, or until the
2 order is superseded as provided in ORS 107.722, whichever is sooner.

3 “(4) If respondent is restrained from entering, or attempting to enter, an
4 area surrounding petitioner’s residence or any other premises, the order re-
5 straining respondent shall specifically describe the area.

6 “(5) Imminent danger under this section includes but is not limited to
7 situations in which the respondent has recently threatened petitioner with
8 additional bodily harm.

9 “(6) If the court awards parenting time to a parent who committed abuse,
10 the court shall make adequate provision for the safety of the child and of the
11 petitioner. The order of the court may include, but is not limited to, the
12 following:

13 “(a) That exchange of a child between parents shall occur at a protected
14 location.

15 “(b) That parenting time be supervised by another person or agency.

16 “(c) That the perpetrator of the abuse be required to attend and complete,
17 to the satisfaction of the court, a program of intervention for perpetrators
18 or any other counseling program designated by the court as a condition of
19 the parenting time.

20 “(d) That the perpetrator of the abuse not possess or consume alcohol or
21 controlled substances during the parenting time and for 24 hours preceding
22 the parenting time.

23 “(e) That the perpetrator of the abuse pay all or a portion of the cost of
24 supervised parenting time, and any program designated by the court as a
25 condition of parenting time.

26 “(f) That no overnight parenting time occur.

27 “(7) The State Court Administrator shall prescribe the content and form
28 of the petition, order and related forms for use under ORS 107.700 to 107.735.
29 The clerk of the court shall make available the forms and an instructional
30 brochure explaining the rights set forth under ORS 107.700 to 107.735.

1 “(8) If the court orders relief:

2 “(a) The clerk of the court shall provide without charge the number of
3 certified true copies of the petition and order necessary to provide the
4 petitioner with one copy and to effect service and shall have a true copy of
5 the petition and order delivered to the county sheriff for service upon the
6 respondent, unless the court finds that further service is unnecessary because
7 the respondent appeared in person before the court. In addition and upon
8 request by the petitioner, the clerk shall provide the petitioner, without
9 charge, two exemplified copies of the petition and order.

10 “(b) The county sheriff shall serve the respondent personally unless the
11 petitioner elects to have the respondent served personally by a private party
12 or by a peace officer who is called to the scene of a domestic disturbance
13 at which the respondent is present, and who is able to obtain a copy of the
14 order within a reasonable amount of time. Proof of service shall be made in
15 accordance with ORS 107.720. When the order does not contain the
16 respondent’s date of birth and service is effected by the sheriff or other peace
17 officer, the sheriff or officer shall verify the respondent’s date of birth with
18 the respondent and shall record that date on the order or proof of service
19 entered into the Law Enforcement Data System under ORS 107.720.

20 “(c) No filing fee, service fee or hearing fee shall be charged for pro-
21 ceedings seeking only the relief provided under ORS 107.700 to 107.735.

22 “(9) If the county sheriff:

23 “(a) Determines that the order and petition are incomplete, the sheriff
24 shall return the order and petition to the clerk of the court. The clerk of the
25 court shall notify the petitioner, at the address provided by the petitioner,
26 of the error or omission.

27 “(b) After accepting the order and petition, cannot complete service
28 within 10 days, the sheriff shall notify the petitioner, at the address provided
29 by the petitioner, that the documents have not been served. If the petitioner
30 does not respond within 10 days, the sheriff shall hold the order and petition

1 for future service and file a return to the clerk of the court showing that
2 service was not completed.

3 “(10)(a) Within 30 days after a restraining order is served under this
4 section, the respondent therein may request a court hearing upon any relief
5 granted. The hearing request form shall be available from the clerk of the
6 court in the form prescribed by the State Court Administrator.

7 “(b) If the respondent requests a hearing under paragraph (a) of this
8 subsection, the clerk of the court shall notify the petitioner of the date and
9 time of the hearing, and shall supply the petitioner with a copy of the
10 respondent’s request for a hearing. The petitioner shall give to the clerk of
11 the court information sufficient to allow such notification.

12 “(c) The hearing shall not be limited to the issues raised in the
13 respondent’s request for hearing form. If the respondent seeks to raise an
14 issue at the hearing not previously raised in the request for hearing form,
15 or if the petitioner seeks relief at the hearing not granted in the original
16 order, the other party shall be entitled to a reasonable continuance for the
17 purpose of preparing a response to the issue.

18 “(11) If the respondent fails to request a hearing within 30 days after a
19 restraining order is served, the restraining order is confirmed by operation
20 of law. The provisions of this section are sufficient to meet the due process
21 requirements of 18 U.S.C. 922(g) in that the respondent received actual no-
22 tice of the right to request a hearing and the opportunity to participate at
23 the hearing but the respondent failed to exercise those rights.

24 “(12) Service of process or other legal documents upon the petitioner is
25 not a violation of this section if the petitioner is served as provided in ORCP
26 7 or 9.

27 **“SECTION 56.** ORS 109.094 is amended to read:

28 “109.094. Upon the paternity of a child being established in the pro-
29 ceedings, the father shall have the same rights as a father who is or was
30 married to the mother of the child. The clerk of the court shall certify the

1 fact of paternity to the Center for Health Statistics of the Oregon Health
2 Authority, and the Center for Health Statistics shall [*prepare*] **amend a re-**
3 **cord of live birth for the child and issue** a new [*birth certificate*] **certified**
4 **copy of the record of live birth** for the child.

5 **“SECTION 57.** ORS 109.460 is amended to read:

6 “109.460. (1) An adult adoptee, each birth parent, a putative father, an
7 adult genetic sibling of an adoptee, an adoptive parent of a deceased adoptee
8 and a parent or adult sibling of a deceased birth parent or parents may
9 register by submitting a signed affidavit to the appropriate registry. The af-
10 fidavit shall contain the information listed in ORS 109.465 and a statement
11 of the registrant’s willingness to be identified to the other relevant persons
12 who register. The affidavit gives authority to the registry to release identi-
13 fying information related to the registrant to the other relevant persons who
14 register. Each registration shall be accompanied by the [*birth certificate of*
15 *the registrant*] **registrant’s certified copy of the record of live birth.**

16 “(2) An adoptee, or the parent or guardian of an adoptee under 18 years
17 of age, may register to have specific identifying information disclosed to In-
18 dian tribes or to governmental agencies in order to establish the adoptee’s
19 eligibility for tribal membership or for benefits or to a person settling an
20 estate. The information shall be limited to a true copy of documents that
21 prove the adoptee’s lineage. Information disclosed in accordance with this
22 subsection shall not be disclosed to the adoptee or the parent or guardian
23 of the adoptee by the registry or employee or agency operating a registry
24 nor by the Indian tribe, governmental agency or person receiving the infor-
25 mation.

26 “(3) Except as provided in ORS 109.475 (2), if a birth parent or an adoptee
27 fails to file an affidavit with the registry for any reason, including death or
28 disability, identifying information shall not be disclosed to those relevant
29 persons who do register.

30 “(4) Except as otherwise provided in ORS 109.503, a registry or employee

1 or the agency operating a registry shall not contact or in any other way
2 solicit any adoptee or birth parent to register with the registry.

3 **“SECTION 58.** ORS 112.582 is amended to read:

4 “112.582. (1) For the purpose of establishing death under the survivorship
5 rules established under ORS 112.570 to 112.590, death occurs when an indi-
6 vidual has sustained irreversible cessation of circulatory and respiratory
7 functions, or when there has been an irreversible cessation of all functions
8 of the entire brain, including the brain stem. A determination of death must
9 be made in accordance with accepted medical standards.

10 “(2)(a) For the purpose of establishing death under the survivorship rules
11 established under ORS 112.570 to 112.590, a certified or authenticated copy
12 of a death [*certificate*] **record** purporting to be issued by an official or agency
13 of the place where the death is alleged to have occurred is prima facie evi-
14 dence of the identity of the decedent and of the fact, place, date and time
15 of death.

16 “(b) A certified or authenticated copy of any record or report of a gov-
17 ernmental agency, domestic or foreign, that an individual is missing, de-
18 tained, dead or alive is prima facie evidence of the status of the person and
19 of the dates, circumstances and places disclosed by the record or report.

20 “(3) In the absence of prima facie evidence of death under subsection (2)
21 of this section, the facts surrounding a person’s death may be established by
22 clear and convincing evidence. Circumstantial evidence may be considered
23 in determining whether a person has died and the circumstances of the death.

24 “(4) An individual whose death is not otherwise established under this
25 section but who is absent for a continuous period of five years is presumed
26 to be dead if the person has made no contact with another person during the
27 five-year period and the absence of the person cannot be satisfactorily ex-
28 plained after diligent search or inquiry. A person presumed dead under this
29 subsection is presumed to have died at the end of the five-year period unless
30 it is proved by a preponderance of the evidence that death occurred at a

1 different time.

2 “(5) In the absence of evidence contradicting a time of death specified in
3 a document described in subsection (2) of this section, a document described
4 in subsection (2) of this section that indicates a time of death 120 hours or
5 more after the time of death of another person conclusively establishes that
6 the person specified in the document survived the other person by at least
7 120 hours, without regard to the manner in which the time of death of the
8 other person is determined.

9 **“SECTION 59.** ORS 113.145 is amended to read:

10 “113.145. (1) Upon appointment a personal representative shall deliver or
11 mail to the devisees, heirs and the persons described in ORS 113.035 (8) and
12 (9) who were required to be named in the petition for appointment of a per-
13 sonal representative, at the addresses therein shown, information that shall
14 include:

15 “(a) The title of the court in which the estate proceeding is pending and
16 the clerk’s file number;

17 “(b) The name of the decedent and the place and date of the death of the
18 decedent;

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

20 “(d) The name and address of the personal representative and the attorney
21 of the personal representative;

22 “(e) The date of the appointment of the personal representative;

23 “(f) A statement advising the devisee, heir or other interested person that
24 the rights of the devisee, heir or other interested person may be affected by
25 the proceeding and that additional information may be obtained from the
26 records of the court, the personal representative or the attorney for the
27 personal representative;

28 “(g) If information under this section is required to be delivered or mailed
29 to a person described in ORS 113.035 (8), a statement that the rights of the
30 person in the estate may be barred unless the person proceeds as provided

1 in ORS 113.075 within four months of the delivery or mailing of the infor-
2 mation; and

3 “(h) If information under this section is required to be delivered or mailed
4 to a person described in ORS 113.035 (9), a statement that the rights of the
5 person in the estate may be barred unless the person proceeds as provided
6 in ORS 112.049 within four months of the delivery or mailing of the infor-
7 mation.

8 “(2) If the personal representative is a devisee, heir or other interested
9 person named in the petition the personal representative is not required to
10 deliver or mail the information under this section to the personal represen-
11 tative.

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

16 “(4) Within 30 days after the date of appointment a personal represen-
17 tative shall cause to be filed in the estate proceeding proof of the delivery
18 or mailing required by this section or a waiver of notice as provided under
19 ORS 111.225. The proof shall include a copy of the information delivered or
20 mailed and the names of the persons to whom it was delivered or mailed.

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

25 “(a) Make reasonable efforts under the circumstances to ascertain each
26 of those names and addresses;

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

30 “(c) File in the estate proceeding, on or before filing the final account

1 under ORS 116.083, proof of compliance with this subsection or a waiver of
2 notice as provided under ORS 111.225.

3 “(6) Within 30 days after the appointment of a personal representative,
4 the personal representative must mail or deliver the information specified in
5 subsection (1) of this section and a copy of the death [*certificate*] **record** of
6 the decedent to the Department of Human Services and the Oregon Health
7 Authority or as otherwise provided by rule adopted by the authority.

8 **“SECTION 60.** ORS 114.525 is amended to read:

9 “114.525. An affidavit filed under ORS 114.515 shall:

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

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

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

16 “(4) State that no application or petition for the appointment of a per-
17 sonal representative has been granted in Oregon;

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

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

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

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

30 “(9) State that reasonable efforts have been made to ascertain creditors

1 of the estate. List the expenses of and claims against the estate remaining
2 unpaid or on account of which the affiant or any other person is entitled to
3 reimbursement from the estate, including the known or estimated amounts
4 thereof and the names and addresses of the creditors as known to the affiant,
5 and state that a copy of the affidavit showing the date of filing will be de-
6 livered to each creditor who has not been paid in full or mailed to the
7 creditor at the last-known address;

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

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

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

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

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

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

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

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

29 **“SECTION 61.** ORS 116.253 is amended to read:

30 “116.253. (1) Within 10 years after the death of a decedent whose estate

1 escheated in whole or in part to the state, or within eight years after the
2 entry of a judgment or order escheating property of an estate to the state,
3 a claim may be made for the property escheated, or the proceeds thereof, by
4 or on behalf of a person not having actual knowledge of the escheat or by
5 or on behalf of a person who at the time of the escheat was unable to prove
6 entitlement to the escheated property.

7 “(2) The claim shall be made by a petition filed with the Director of the
8 Department of State Lands. The claim is considered a contested case as
9 provided in ORS 183.310 and there is the right of judicial review as provided
10 in ORS 183.480. The petition must include a declaration under penalty of
11 perjury in the form required by ORCP 1 E and shall state:

12 “(a) The age and place of residence of the claimant by whom or on whose
13 behalf the petition is filed;

14 “(b) That the claimant lawfully is entitled to the property or proceeds,
15 briefly describing the property or proceeds;

16 “(c) That at the time the property escheated to the state the claimant had
17 no knowledge or notice thereof or was unable to prove entitlement to the
18 escheated property and has subsequently acquired new evidence of that
19 entitlement;

20 “(d) That the claimant claims the property or proceeds as an heir or
21 devisee or as the personal representative of the estate of an heir or devisee,
22 setting forth the relationship, if any, of the claimant to the decedent who
23 at the time of death was the owner;

24 “(e) That 10 years have not elapsed since the death of the decedent, or
25 that eight years have not elapsed since the entry of the judgment or order
26 escheating the property to the state; and

27 “(f) If the petition is not filed by the claimant, the status of the
28 petitioner.

29 “(3) If it is determined that the claimant is entitled to the property or the
30 proceeds thereof, the Director of the Department of State Lands shall deliver

1 the property to the petitioner, subject to and charged with any tax on the
2 property and the costs and expenses of the state in connection therewith.

3 “(4) If the person whose property escheated or reverted to the state was
4 at any time an inmate of a state institution in Oregon for persons with
5 mental illness or mental retardation, the reasonable unpaid cost of the care
6 and maintenance of the person while a ward of the institution, regardless
7 of when the cost was incurred, may be deducted from, or, if necessary, be
8 offset in full against, the amount of the escheated property. The reasonable
9 unpaid cost of care and maintenance shall be determined by:

10 “(a) The Department of Human Services for patients of the Eastern
11 Oregon Training Center; and

12 “(b) The Oregon Health Authority for patients of the Blue Mountain Re-
13covery Center and the Oregon State Hospital.

14 “(5) For the purposes of this section, the death of the decedent is pre-
15sumed to have occurred on the date shown in the decedent’s [*death*
16*certificate*] **certified copy of the death record** or in any other similar doc-
17ument issued by the jurisdiction in which the death occurred or issued by
18an agency of the federal government.

19 **“SECTION 62.** ORS 127.815 is amended to read:

20 “127.815. §3.01. Attending physician responsibilities. (1) The attending
21physician shall:

22 “(a) Make the initial determination of whether a patient has a terminal
23disease, is capable, and has made the request voluntarily;

24 “(b) Request that the patient demonstrate Oregon residency pursuant to
25ORS 127.860;

26 “(c) To ensure that the patient is making an informed decision, inform the
27patient of:

28 “(A) His or her medical diagnosis;

29 “(B) His or her prognosis;

30 “(C) The potential risks associated with taking the medication to be pre-

1 scribed;

2 “(D) The probable result of taking the medication to be prescribed; and

3 “(E) The feasible alternatives, including, but not limited to, comfort care,
4 hospice care and pain control;

5 “(d) Refer the patient to a consulting physician for medical confirmation
6 of the diagnosis, and for a determination that the patient is capable and
7 acting voluntarily;

8 “(e) Refer the patient for counseling if appropriate pursuant to ORS
9 127.825;

10 “(f) Recommend that the patient notify next of kin;

11 “(g) Counsel the patient about the importance of having another person
12 present when the patient takes the medication prescribed pursuant to ORS
13 127.800 to 127.897 and of not taking the medication in a public place;

14 “(h) Inform the patient that he or she has an opportunity to rescind the
15 request at any time and in any manner, and offer the patient an opportunity
16 to rescind at the end of the 15-day waiting period pursuant to ORS 127.840;

17 “(i) Verify, immediately prior to writing the prescription for medication
18 under ORS 127.800 to 127.897, that the patient is making an informed deci-
19 sion;

20 “(j) Fulfill the medical record documentation requirements of ORS
21 127.855;

22 “(k) Ensure that all appropriate steps are carried out in accordance with
23 ORS 127.800 to 127.897 prior to writing a prescription for medication to en-
24 able a qualified patient to end his or her life in a humane and dignified
25 manner; and

26 “(L)(A) Dispense medications directly, including ancillary medications
27 intended to facilitate the desired effect to minimize the patient’s discomfort,
28 provided the attending physician is registered as a dispensing physician with
29 the Oregon Medical Board, has a current Drug Enforcement Administration
30 certificate and complies with any applicable administrative rule; or

1 “(B) With the patient’s written consent:

2 “(i) Contact a pharmacist and inform the pharmacist of the prescription;
3 and

4 “(ii) Deliver the written prescription personally or by mail to the
5 pharmacist, who will dispense the medications to either the patient, the at-
6 tending physician or an expressly identified agent of the patient.

7 “(2) Notwithstanding any other provision of law, the attending physician
8 may sign the patient’s [*death certificate*] **report of death**.

9 “**SECTION 63.** ORS 130.370 is amended to read:

10 “130.370. (1) Within three months after a petition is entered in the regis-
11 ter of the court under ORS 130.355, or within such longer time as the court
12 allows, a trustee must make reasonably diligent efforts to investigate the fi-
13 nancial records and affairs of the settlor and to take such further actions
14 as are reasonably necessary to ascertain the identity and address of each
15 person who has or asserts a claim against the trust estate. The court shall
16 allow the trustee as much time as requested by the trustee for the purpose
17 of determining the claims against the trust estate. The trustee must there-
18 after cause to be delivered or mailed a notice containing the information
19 required in subsection (2) of this section to the Department of Human Ser-
20 vices and the Oregon Health Authority, or as otherwise provided by rule
21 adopted by the authority, and to each person known by the trustee to have
22 or to assert a claim against the trust estate. Notice under this section is not
23 required for any claim that has already been presented, accepted or paid in
24 full or on account of a claim that is merely conjectural.

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

26 “(a) The name of the settlor and the last four digits of the settlor’s Social
27 Security number;

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

30 “(c) A statement that claims against the trust estate that are not pre-

1 sented to the trustee within 30 days after the date of the notice may be
2 barred;

3 “(d) The date of the notice, which shall be the date on which the notice
4 is delivered or mailed; and

5 “(e) A **certified** copy of the settlor’s death [*certificate*] **record**.

6 “**SECTION 64.** ORS 135.060 is amended to read:

7 “135.060. (1) When the defendant is arraigned, the defendant shall be in-
8 formed that:

9 “(a) If the name by which the defendant is charged in the accusatory in-
10 strument is not the true name of the defendant the defendant must then de-
11 clare the true name; and

12 “(b) If the defendant does not declare the true name as required by para-
13 graph (a) of this subsection, the defendant is ineligible for any form of re-
14 lease other than a security release under ORS 135.265.

15 “(2) The defendant or the attorney for the defendant may acknowledge the
16 true name of the defendant at arraignment and the acknowledgment may not
17 be used against the defendant at trial on the underlying charge or any other
18 criminal charge or fugitive complaint except that:

19 “(a) The use of different names can be used in determining the defendant’s
20 release status if the defendant has used different names in different pro-
21 ceedings; and

22 “(b) A defendant who intentionally falsifies the defendant’s name under
23 this section or ORS 135.065 while under oath or affirmation is subject to
24 prosecution under ORS 162.065.

25 “(3) As used in this section and ORS 135.065, ‘true name’ means:

26 “(a) The name on the defendant’s [*birth certificate*] **certified copy of the**
27 **record of live birth;**

28 “(b) The defendant’s birth name; or

29 “(c) If the defendant’s name has been changed by court order or by oper-
30 ation of law, the name as changed by court order or operation of law.

1 **“SECTION 65.** ORS 135.065 is amended to read:

2 “135.065. (1) If the defendant gives no other name, the court may proceed
3 against the defendant by the name in the accusatory instrument. If the de-
4 fendant is charged by indictment or information and alleges that another
5 name is the true name of the defendant, the court shall direct an entry
6 thereof to be made in its register, and the subsequent proceedings on the
7 accusatory instrument may be had against the defendant by that name, re-
8 ferring also to the name by which the defendant is charged. Before pro-
9 ceeding against the defendant as provided in this subsection, the court shall
10 attempt to determine the true name of the defendant. If a [*birth certificate*]
11 **certified copy of the record of live birth** for the defendant was never
12 [*created*] **issued**, the court shall ask the defendant, under oath or affirmation,
13 to give the defendant’s true name. The court shall proceed under the name
14 given unless the court is persuaded by a preponderance of the evidence that
15 the name is not the defendant’s true name.

16 “(2) Upon motion of the defendant, all names, other than the true name
17 of the defendant, shall be stricken from any accusatory instrument read or
18 submitted to the jury.

19 “(3)(a) The following may file a motion requesting that a false name used
20 by a defendant be stricken from an accusatory instrument, warrant of arrest
21 or judgment and that the defendant’s true name, if known, be substituted:

22 “(A) The district attorney; or

23 “(B) A person whose name is the same as the false name used by the de-
24 fendant.

25 “(b) Before the court may grant a motion filed under paragraph (a)(B) of
26 this subsection, the court must provide the district attorney with notice of
27 the motion and an opportunity to respond.

28 “(c) If the court grants a motion under this subsection, the court shall
29 order that the false name be stricken from the accusatory instrument, war-
30 rant of arrest or judgment and that the defendant’s true name be substituted.

1 In addition, the court shall order that any warrant of arrest of the defendant
2 reflect that the defendant uses a name other than the defendant's true name.

3 **“SECTION 66.** ORS 146.045 is amended to read:

4 “146.045. (1) After consultation with the State Medical Examiner Advisory
5 Board, the State Medical Examiner shall appoint each Deputy State Medical
6 Examiner.

7 “(2) The State Medical Examiner shall:

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

10 “(b) Designate those pathologists authorized to perform autopsies under
11 ORS 146.117 (2).

12 “(c) Approve those laboratories authorized to perform the analyses re-
13 quired under ORS 146.113 (2).

14 “(3) The State Medical Examiner may:

15 “(a) Assume control of a death investigation in cooperation with the dis-
16 trict attorney.

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

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

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

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

22 “(f) Designate a Deputy State Medical Examiner as Acting State Medical
23 Examiner.

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

26 “(4) Distribution of moneys from the State Medical Examiner's budget for
27 partial reimbursement of each county's autopsy expenditures shall be made
28 subject to approval of the State Medical Examiner.

29 “(5) Within 45 days of receipt of information that a person is missing at
30 sea and presumed dead, the State Medical Examiner shall determine whether

1 the information is credible and, if so, complete and file a [*death certificate*]
2 **report of death** for the person presumed dead. If the information is deter-
3 mined not to be credible, the State Medical Examiner may continue the
4 death investigation.

5 **“SECTION 67.** ORS 146.095 is amended to read:

6 “146.095. (1) The district medical examiner and the district attorney for
7 the county where death occurs, as provided by ORS 146.100 (2), shall be re-
8 sponsible for the investigation of all deaths requiring investigation.

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

13 “(3) The medical examiner shall make a report of death investigation to
14 the State Medical Examiner as soon as possible after being notified of a
15 death requiring investigation.

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

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

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

25 **“SECTION 68.** ORS 146.121 is amended to read:

26 “146.121. (1) No person shall bury or otherwise dispose of the body of a
27 person whose death required investigation, without having first obtained a
28 burial or cremation permit, or a [*death certificate*] **report of death** completed
29 and signed by a medical examiner.

30 “(2) When a medical examiner investigates the death of a person whose

1 body is not claimed by a friend or relative within five days of the date of
2 death, the sheriff or, in counties having a population of 400,000 or more, the
3 medical examiner shall dispose of the body according to the provisions of
4 ORS 97.170 to 97.210.

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

9 “(4) The sheriff or medical examiner shall file a copy of the [*death cer-*
10 *tificate*] **report of death**, the order for disposition and a verified statement
11 of the expenses of the cremation or burial with the board of county com-
12 missioners. The board of county commissioners shall pay such expenses, or
13 any proportion thereof as may be available, from county funds annually
14 budgeted for this purpose.

15 **“SECTION 69.** ORS 176.740 is amended to read:

16 “176.740. (1) The Governor may proclaim that a natural disaster or an act
17 of war, terrorism or sabotage has caused the death of unknown persons on
18 a specific date at a specific place.

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

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

23 “(b) The person’s absence cannot be satisfactorily explained after diligent
24 search.

25 “(3) In administering the estate of an absentee under ORS chapter 117,
26 the court may enter an order directing the State Medical Examiner to [*de-*
27 *posit a death certificate with*] **submit a report of death to** the county
28 registrar for a decedent presumed to be dead under this section. The county
29 registrar may not charge a fee for [*depositing a death certificate*] **receiving**
30 **a report** under this subsection or for issuing a copy of a [*death certificate*

1 *deposited*] **report submitted** under this subsection. The State Medical Ex-
2 aminer shall indicate on the [*death certificate*] **report of death** that the
3 [*death certificate was issued*] **report of death was submitted** pursuant to
4 an order entered under this section.

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

7 **“SECTION 70.** ORS 180.320 is amended to read:

8 “180.320. (1) All state agencies, district attorneys and all police officers
9 of the state, county or any municipality, university or court thereof, shall
10 cooperate with the Division of Child Support of the Department of Justice
11 in furnishing and making available information, records and documents nec-
12 essary to assist in establishing or enforcing support obligations or paternity,
13 in performing the duties set out in ORS 25.080 and in determining the lo-
14 cation of any absent parent or child for the purpose of enforcing any state
15 or federal law regarding the unlawful taking or restraint of a child or for
16 the purpose of making or enforcing a child custody determination. Notwith-
17 standing the provisions of ORS [*109.225, 416.430, 432.121, 432.230 and*
18 *432.430*] **109.225 or 416.430 or ORS chapter 432**, records pertaining to the
19 paternity of a child shall be made available upon written request of an au-
20 thorized representative of the Division of Child Support. Any information
21 obtained pursuant to this subsection is confidential, and shall be used only
22 for the purposes set out in this subsection.

23 “(2) Information furnished to the Division of Child Support by the De-
24 partment of Revenue and made confidential by ORS 314.835 shall be used by
25 the division and its employees solely for the purpose of enforcing the pro-
26 visions of ORS 180.320 to 180.365 and shall not be disclosed or made known
27 for any other purpose. Any person who violates the prohibition against dis-
28 closure contained in this subsection, upon conviction, is punishable as pro-
29 vided in ORS 314.991 (2).

30 **“SECTION 71.** ORS 205.130 is amended to read:

1 “205.130. The county clerk shall:

2 “(1) Have the custody of, and safely keep and preserve all files and re-
3 cords of deeds and mortgages of real property, and a record of all maps,
4 plats, contracts, powers of attorney and other interests affecting the title to
5 real property required or permitted by law to be recorded.

6 “(2) Record, or cause to be recorded, in a legible and permanent manner,
7 and keep in the office of the county clerk, all:

8 “(a) Deeds and mortgages of real property, powers of attorney and con-
9 tracts affecting the title to real property, authorized by law to be recorded,
10 assignments thereof and of any interest therein when properly acknowledged
11 or proved and other interests affecting the title to real property required or
12 permitted by law to be recorded;

13 “(b) Certificates of sale of real property under execution or order of court,
14 or assignments thereof or of any interest therein when properly acknowl-
15 edged or proved;

16 “(c) Certified copies of death [*certificates*] **records** of any person appear-
17 ing in the county records as owning or having a claim or interest in land in
18 the county. A **certified copy of a death** [*certificate*] **record** recorded in the
19 deed records of a county under this subsection is a public record and is not
20 subject to the disclosure limitations under ORS 432.121;

21 “(d) Instruments presented for recording by the United States or the State
22 of Oregon, or a political subdivision of either, that affect title to or an in-
23 terest in real property or that lawfully concern real property;

24 “(e) Instruments recognized under state law or rule or federal law or
25 regulation as affecting title to or an interest in real property if the instru-
26 ment is properly acknowledged or proved; and

27 “(f) Orders from a county forestland-urban interface classification com-
28 mittee filed under ORS 477.052.

29 “(3) Keep and maintain:

30 “(a) Deed and mortgage records;

1 “(b) Statutory lien records;

2 “(c) A record called the County Clerk Lien Record in which the following
3 shall be recorded:

4 “(A) The warrants and orders of officers and agencies that are required
5 or permitted by law to be recorded; and

6 “(B) All instruments presented for recordation when required or permitted
7 by law to be recorded that affect the title to or an interest in real property,
8 other than instruments recorded in the deed and mortgage records or the
9 statutory lien records;

10 “(d) Releases, satisfactions, assignments, amendments and modifications
11 of recorded instruments; and

12 “(e) Other instruments required or permitted by law to be recorded not
13 affecting interests in real property.

14 “(4) Perform all the duties in regard to the recording and indexing of
15 deeds and mortgages of real property, contracts, abstracts of judgments, no-
16 tices of pendency, powers of attorney and other interests when required or
17 permitted by law to be recorded that affect the title of real property, and in
18 regard to the entry of satisfaction and discharge of the same, together with
19 other documents required or permitted by law to be recorded.

20 “(5) Incur no civil or criminal liability, either personally or in an official
21 capacity, for recording an instrument that does not comply with the pro-
22 visions of law that require or allow the recording of the instrument.

23 “**SECTION 72.** ORS 247.570 is amended to read:

24 “247.570. (1) Not later than five business days after receiving a
25 [*certificate*] **report** of death under ORS 432.307, a county registrar designated
26 under ORS 432.035 shall furnish to the county clerk of that county the name,
27 age, date of birth and residence address of the person for whom the registrar
28 has received the [*certificate*] **report** of death. If the person was registered to
29 vote in the county, the county clerk immediately shall cancel the registra-
30 tion of the person.

1 “(2) Not later than five business days after receiving information from the
2 county registrar under subsection (1) of this section, the county clerk shall
3 furnish the information to the Secretary of State. The Secretary of State
4 shall furnish a copy of the appropriate names received under this subsection
5 to each county clerk. Each county clerk immediately shall cancel the regis-
6 trations of those persons.

7 “(3) The Oregon Health Authority, during the last week of each month,
8 shall furnish to the Secretary of State a list of the name, age, date of birth,
9 county of residence and residence address of each resident of this state who
10 has died during the preceding month and for whom a [*certificate*] **report** of
11 death was not [*filed with*] **submitted to** a county registrar. The Secretary
12 of State shall furnish a copy of the appropriate names to each county clerk.
13 Each county clerk immediately shall cancel registrations of those persons.

14 “**SECTION 73.** ORS 416.430 is amended to read:

15 “416.430. (1) The administrator may establish paternity of a child in the
16 course of a support proceeding under ORS 416.400 to 416.465 when both par-
17 ents sign statements that paternity has not been legally established and that
18 the male parent is the father of the child. The administrator may enter an
19 order which establishes paternity.

20 “(2) If the parent fails to file a response denying paternity and requesting
21 a hearing within the time period allowed in ORS 416.415 (2), then the ad-
22 ministrator, without further notice to the parent, may enter an order, in
23 accordance with ORS 416.415 (7), which declares and establishes the parent
24 as the legal father of the child.

25 “(3) Any order entered pursuant to subsection (1) or (2) of this section
26 establishes legal paternity for all purposes. The Center for Health Statistics
27 of the Oregon Health Authority shall [*prepare*] **amend the record of live**
28 **birth for the child and issue** a new [*birth certificate*] **certified copy of the**
29 **record of live birth** in the new name, if any, of the child. The original [*birth*
30 *certificate*] **record of live birth** shall be sealed and filed and may be opened

1 only upon order of a court of competent jurisdiction.

2 “(4)(a) If paternity is alleged under ORS 416.415 (3) and a written response
3 denying paternity and requesting a hearing is received within the time period
4 allowed in ORS 416.415 (2), or if the administrator determines that there is
5 a valid issue with respect to paternity of the child, the administrator, subject
6 to the provisions of subsections (5) and (6) of this section, shall certify the
7 matter to the circuit court for a determination based upon the contents of
8 the file and any evidence which may be produced at trial. The proceedings
9 in court shall for all purposes be deemed suits in equity. The provisions of
10 ORS 109.145 to 109.230 apply to proceedings certified to court by the admin-
11 istrator pursuant to this section.

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

14 “(5) An action to establish paternity initiated under ORS 416.400 to
15 416.465 shall not be certified to court for trial unless all of the following
16 have occurred:

17 “(a) Blood tests have been conducted;

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

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

23 “(6) Notwithstanding the provisions of subsection (5) of this section, the
24 administrator:

25 “(a) Shall certify the matter to court:

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

29 “(B) When a party requests certification in writing after the administra-
30 tor has received a party’s written denial of paternity if at least 120 days have

1 elapsed from receipt of the denial; or

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

4 “(b) May certify the matter to court at any time under any other cir-
5 cumstances.

6 “(7) If the blood tests conducted under ORS 109.250 to 109.262 result in
7 a cumulative paternity index of 99 or greater, evidence of the tests, together
8 with the testimony of the parent, shall be a sufficient basis upon which to
9 establish paternity and the administrator may enter an order declaring the
10 alleged father as the legal father of the child unless a party objects in
11 writing to the entry of the order. The testimony of the parent may be pre-
12 sented by affidavit.

13 “(8) Prior to certification to court, the administrator may attempt to re-
14 solve the issue of paternity by discovery conducted under the Oregon Rules
15 of Civil Procedure. Unless otherwise specifically provided by statute, the
16 proceedings shall be conducted under the Oregon Rules of Civil Procedure.

17 “(9) When, in accordance with subsection (6)(a)(A) of this section, a party
18 objects to the entry of an order and the blood tests conducted under ORS
19 109.250 to 109.262 result in a cumulative paternity index of 99 or greater,
20 notwithstanding the party’s objection, evidence of the tests, together with
21 the testimony of a parent, is a sufficient basis upon which to presume
22 paternity for purposes of establishing temporary support under this section.
23 The court shall, upon motion of any party, enter a temporary order requiring
24 the alleged father to provide support pending the determination of parentage
25 by the court. In determining the amount of support, the court shall use the
26 formula established under ORS 25.275.

27 “**SECTION 74.** ORS 417.825 is amended to read:

28 “417.825. (1) In addition to any other fees provided by law, the appropriate
29 agency:

30 “(a) When [*birth certificates*] **records of live birth** are registered with the

1 state, shall pay a \$1 fee on each [*birth certificate*] **record of live birth** reg-
2 istered with the agency.

3 “(b) That issues [*birth certificates*] **certified copies of records of live**
4 **birth** for the state or a county, shall collect a \$1 fee on each [*birth*
5 *certificate*] **certified copy of a record of live birth** issued by the agency.

6 “(2) The agencies paying or collecting the fees described in subsection (1)
7 of this section shall transfer moneys from the fees imposed by this section
8 to the State Treasurer for deposit in the Department of Human Services
9 Account established under ORS 409.060. The moneys deposited under this
10 section are appropriated continuously to the Department of Human Services
11 for use by the Office of Children’s Advocate for the administration of ORS
12 417.805, 417.810 and 417.815.

13 **“SECTION 75.** ORS 419B.845 is amended to read:

14 “419B.845. (1)(a) When a petition has been filed alleging that the child
15 has been physically or sexually abused, the court may enter an order re-
16 straining the alleged perpetrator of the abuse from having contact with the
17 child or attempting to contact the child and requiring the alleged perpetrator
18 to move from the household in which the child resides. The court may issue
19 a restraining order only if the court finds that:

20 “(A) There is probable cause to believe the abuse occurred and that the
21 person to be restrained committed the abuse; and

22 “(B) The order is in the best interest of the child.

23 “(b) Upon finding that to do so would aid in protecting the victim of the
24 alleged abuse, the court may enter, in addition to a restraining order de-
25 scribed in paragraph (a) of this subsection, other appropriate orders includ-
26 ing, but not limited to, orders that control contact between the alleged
27 abuser and other children in the household.

28 “(c) The court shall include in an order entered under this subsection the
29 following information about the person to be restrained:

30 “(A) Name;

- 1 “(B) Address;
- 2 “(C) Age and birth date;
- 3 “(D) Race;
- 4 “(E) Sex;
- 5 “(F) Height and weight; and
- 6 “(G) Color of hair and eyes.

7 “(d) The court may include in the order a provision that a peace officer
8 accompany the restrained person to the household when it is necessary for
9 the person to remove the person’s essential personal effects including, but
10 not limited to, clothing, toiletries, medications, Social Security cards, [*birth*
11 *certificates*] **certified copies of records of live birth**, identification and
12 tools of the trade. The restrained person is entitled to remove the person’s
13 essential personal effects under this paragraph on one occasion only and is
14 required to be accompanied by a peace officer. The restrained person and the
15 peace officer shall remain for no longer than 20 minutes and the peace officer
16 may temporarily interrupt the removal of essential personal effects at any
17 time. Nothing in this paragraph affects a peace officer’s duty to arrest under
18 ORS 133.055 and 133.310. A peace officer who accompanies a restrained per-
19 son under this paragraph has immunity from any liability, civil or criminal,
20 for any actions the person commits during the removal of the person’s es-
21 sential personal effects.

22 “(2) If the court enters an order under this section:

23 “(a) The clerk of the court shall provide without charge the number of
24 certified copies of the petition and order necessary to effect service and shall
25 have a copy of the petition and order delivered to the sheriff or other person
26 qualified to serve the order for service upon the person to be restrained; and

27 “(b) The sheriff or other person qualified to serve the order shall serve
28 the person to be restrained personally unless that person is present at the
29 hearing. After accepting the order, if the sheriff or other person cannot
30 complete service within 10 days, the sheriff or other person shall hold the

1 order for future service and file a return to the clerk of the court showing
2 that service was not completed.

3 “(3) Within 30 days after an order is served under this section, the re-
4 strained person may file a written request with the court and receive a court
5 hearing on any portion of the order. If the restrained person requests a
6 hearing under this subsection:

7 “(a) The clerk of the court shall notify the parties and, if the restrained
8 person is not a party, the restrained person of the date and time of the
9 hearing; and

10 “(b) The court shall hold the hearing within 21 days after the request and
11 may cancel or modify the order.

12 “(4) Upon receipt of a copy of the order and notice of completion of any
13 required service by a member of a law enforcement agency, the sheriff shall
14 immediately enter the order into the Law Enforcement Data System main-
15 tained by the Department of State Police. If the order was served on the
16 person to be restrained by a person other than a member of a law enforce-
17 ment agency, the county sheriff shall enter the order into the Law Enforce-
18 ment Data System upon receipt of a true copy of the affidavit of proof of
19 service. Entry into the Law Enforcement Data System constitutes notice to
20 all law enforcement agencies of the existence of the order. Law enforcement
21 agencies shall establish procedures adequate to ensure that an officer at the
22 scene of an alleged violation of the order may be informed of the existence
23 and terms of the order. The order is fully enforceable in any county in this
24 state.

25 “(5) A restraining order issued pursuant to this section remains in effect
26 for a period of one year or until the order is modified, amended or terminated
27 by court order.

28 “(6) A court that issued a restraining order under this section may renew
29 the order for a period of up to one year if the court finds that there is
30 probable cause to believe the renewal is in the best interest of the child. The

1 court may renew the order on motion alleging facts supporting the required
2 finding. If the renewal order is granted, subsections (2) and (3) of this section
3 apply.

4 “(7) If a restraining order issued pursuant to this section is terminated
5 before its expiration date, the clerk of the court shall immediately deliver a
6 copy of the termination order to the sheriff. The sheriff shall promptly re-
7 move the original order from the Law Enforcement Data System.

8 “(8) Pending a contempt hearing for alleged violation of a restraining
9 order issued under this section, a person arrested and taken into custody
10 pursuant to ORS 133.310 may be released as provided in ORS 135.230 to
11 135.290. Unless the order provides otherwise, the security amount for release
12 shall be \$5,000.

13 “(9) When a restraining order entered under this section prohibits the
14 restrained person from contacting the protected person in writing, the re-
15 strained person does not violate the restraining order by serving on the
16 protected person a copy of a notice of appeal of the restraining order or any
17 other document required by law to be served on the adverse party to an ap-
18 peal if:

19 “(a) Neither the restrained person nor the protected person is represented
20 by counsel;

21 “(b) The restrained person serves the document by mail; and

22 “(c) The contents of the document are not intended to harass or intim-
23 idate the protected person.

24 “**SECTION 76.** ORS 677.518 is amended to read:

25 “677.518. A physician assistant, practicing under the supervision of a
26 supervising physician or a supervising physician organization, is authorized
27 to complete and sign **reports of death** [*certificates*]. **Reports of death** [*cer-*
28 *tificates*] signed by a physician assistant shall be accepted as fulfilling all
29 of the laws dealing with **reports of death** [*certificates*]. A physician assistant
30 who [*signs a death certificate*] **prepares a report of death** must comply with

1 all provisions of ORS 432.307.

2 **“SECTION 77.** ORS 678.375 is amended to read:

3 “678.375. (1) The Oregon State Board of Nursing is authorized to issue
4 certificates of special competency to licensed registered nurses to practice
5 as nurse practitioners if they meet the requirements of the board pursuant
6 to ORS 678.380.

7 “(2) No person shall practice as a nurse practitioner or hold oneself out
8 to the public or to an employer, or use the initials, name, title, designation
9 or abbreviation as a nurse practitioner until and unless such person is cer-
10 tified by the board.

11 “(3) A registered nurse, certified as a nurse practitioner, is authorized to
12 complete and sign **reports of death** [*certificates*]. **Reports of death** [*certif-*
13 *icates*] signed by a certified nurse practitioner shall be accepted as fulfilling
14 all the requirements of the laws dealing with **reports of death** [*certificates*].
15 A certified nurse practitioner who [*signs a death certificate*] **prepares a re-**
16 **port of death** must comply with all provisions of ORS 432.307.

17 “(4) A registered nurse, certified as a nurse practitioner, is authorized to
18 prescribe drugs for the use of and administration to other persons if approval
19 has been given under ORS 678.390. The drugs which the nurse practitioner
20 is authorized to prescribe shall be included within the certified nurse
21 practitioner’s scope of practice as defined by rules of the board.

22 “(5) A licensed pharmacist may fill and a licensed pharmacist or an em-
23 ployee of the licensed pharmacist may dispense medications prescribed by a
24 nurse practitioner in accordance with the terms of the prescription. The
25 filling of such a prescription does not constitute evidence of negligence on
26 the part of the pharmacist if the prescription was dispensed within the rea-
27 sonable and prudent practice of pharmacy.

28 “(6) As used in this section:

29 “(a) ‘Drug’ means:

30 “(A) Articles recognized as drugs in the official United States

1 Pharmacopoeia, official National Formulary, official Homeopathic
2 Pharmacopoeia, other drug compendium or any supplement to any of them;

3 “(B) Articles intended for use in the diagnosis, cure, mitigation, treatment
4 or prevention of disease in human beings;

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

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

9 “(b) ‘Prescribe’ means to direct, order or designate the preparation, use
10 of or manner of using by spoken or written words or other means.

11 **“SECTION 78.** ORS 684.030 is amended to read:

12 “684.030. Chiropractic physicians shall observe and be subject to all state
13 and municipal regulations relating to the control of contagious and infec-
14 tious diseases, sign [*birth and death certificates*] **reports of live birth and**
15 **death**, and report all matters pertaining to public health to the proper
16 health officers the same as other practitioners.

17 **“SECTION 79.** ORS 685.050 is amended to read:

18 “685.050. Licensees under this chapter are authorized to sign [*birth and*
19 *death certificates. Such certificates so signed shall be accepted as fulfilling all*
20 *the requirements of the laws dealing with such certificates*] **reports of live**
21 **birth and death. Reports signed under this section shall be accepted**
22 **as fulfilling all the requirements of the laws of this state dealing with**
23 **such reports.**

24 **“SECTION 80.** ORS 692.270 is amended to read:

25 “692.270. (1) The State Mortuary and Cemetery Board shall issue a cer-
26 tificate of removal registration to a funeral establishment licensed in another
27 state contiguous to Oregon with laws substantially similar to the provisions
28 of this section for the limited purpose of removing dead human bodies from
29 Oregon, prior to submitting a [*certificate*] **report** of death, if the establish-
30 ment that will make the removals applies to the board for a certificate of

1 removal registration on a form provided by the board. The application fee
2 established under ORS 692.160 shall accompany the application. A certificate
3 issued under this subsection expires upon a change of ownership of the fu-
4 neral establishment.

5 “(2) For purposes of this section, each branch of a registrant’s funeral
6 establishment is a separate establishment and must be registered as a fixed
7 place of business.

8 “(3) Notwithstanding ORS 692.025 (1) and 692.045, a funeral service prac-
9 titioner who files **reports of death** [*certificates*] in another state may file an
10 Oregon [*certificate*] **report** of death if the funeral service practitioner is em-
11 ployed by a licensed funeral establishment registered with the board under
12 this section.

13 “(4) The conduct of a funeral service practitioner or any other person
14 employed by or acting on behalf of a removal registrant shall be the direct
15 responsibility of the holder of a certificate of removal registration.

16 “(5) For any of the causes described in ORS 692.180, or for violation of
17 any death care rule or law in another state, the board may impose upon the
18 holder of a certificate of removal registration or applicant any of the sanc-
19 tions described in ORS 692.180.

20 “**SECTION 81.** ORS 692.405 is amended to read:

21 “692.405. The funeral service practitioner or person acting as such shall
22 be responsible for causing to be affixed to each receptacle, as defined by rule
23 of the State Mortuary and Cemetery Board, in which a dead human body is
24 contained an identifying metal disc, of a design to be approved by rule of the
25 State Mortuary and Cemetery Board, that shall remain attached to the re-
26 ceptacle in which the body is contained and shall bear a corresponding
27 number that is also [*on both the death certificate*] **in the report of death**
28 and the final disposition permit. In the event of cremation, the disc shall stay
29 with the cremated remains.

30 “**SECTION 82.** ORS 708A.655 is amended to read:

1 “708A.655. (1) This section applies to the safe deposit box of any person
2 who is the sole lessee or last surviving lessee of the box and who has died.

3 “(2) Subject to ORS 114.537, upon being furnished with a certified copy
4 of the decedent’s death [*certificate*] **record** or other evidence of death satis-
5 factory to the Oregon operating institution, the Oregon operating institution
6 within which the box is located shall cause or permit the box to be opened
7 and the contents of the box examined at the request of an individual who
8 furnishes an affidavit stating:

9 “(a) That the individual believes the box may contain the will of the
10 decedent, a trust instrument creating a trust of which the decedent was a
11 trustor or a trustee at the time of the decedent’s death, documents pertaining
12 to the disposition of the remains of the decedent, documents pertaining to
13 property of the estate of the decedent or property of the estate of the
14 decedent; and

15 “(b) That the individual is an interested person and wishes to open the
16 box to conduct a will search or trust instrument search, obtain documents
17 relating to the disposition of the decedent’s remains, inventory the contents
18 of the box or remove property of the estate of the decedent pursuant to a
19 small estate affidavit filed under ORS 114.515.

20 “(3) For the purpose of this section, ‘interested person’ means any of the
21 following:

22 “(a) A person named as personal representative of the decedent in a pur-
23 ported will of the decedent;

24 “(b) The surviving spouse or any heir of the decedent;

25 “(c) A person who was serving as the court-appointed guardian or
26 conservator of the decedent or as trustee for the decedent immediately prior
27 to the decedent’s death;

28 “(d) A person named as successor trustee in a purported trust instrument
29 creating a trust of which the decedent was a trustor or a trustee at the time
30 of the decedent’s death;

1 “(e) A person designated by the decedent in a writing that is acceptable
2 to the Oregon operating institution and is filed with it prior to the
3 decedent’s death;

4 “(f) A person who immediately prior to the death of the decedent had the
5 right of access to the box as an agent of the decedent under a durable power
6 of attorney;

7 “(g) If there are no heirs of the decedent, an estate administrator of the
8 Department of State Lands appointed under ORS 113.235; or

9 “(h) A person who is authorized to file an affidavit under ORS 114.515.

10 “(4) If the box is opened for the purpose of conducting a will search, the
11 Oregon operating institution shall remove any document that appears to be
12 a will, make a true and correct copy of it and deliver the original will to a
13 person designated in the will to serve as the decedent’s personal represen-
14 tative, or if no such person is designated or the Oregon operating institution
15 cannot, despite reasonable efforts, determine the whereabouts of such person,
16 the Oregon operating institution shall retain the will or deliver it to a court
17 having jurisdiction of the estate of the decedent. A copy of the will shall be
18 retained in the box. At the request of the interested person, a copy of the
19 will, together with copies of any documents pertaining to the disposition of
20 the remains of the decedent, may be given to the interested person.

21 “(5) If the box is opened for the purpose of conducting a trust instrument
22 search, the Oregon operating institution shall remove any document that
23 appears to be a trust instrument creating a trust of which the decedent was
24 a trustor or trustee at the time of the decedent’s death, make a true and
25 correct copy of it and deliver the original trust instrument to a person des-
26 igned in the trust instrument to serve as the successor trustee on the death
27 of the decedent. If no such person is designated or the Oregon operating in-
28 stitution cannot, despite reasonable efforts, determine the whereabouts of
29 such person, the Oregon operating institution shall retain the trust instru-
30 ment. A copy of the trust instrument shall be retained in the box. At the

1 request of any interested person, a copy of the trust instrument may be given
2 to the interested person.

3 “(6) If the box is opened for the purpose of obtaining documents pertain-
4 ing to the disposition of the decedent’s remains, the Oregon operating insti-
5 tution shall comply with subsection (4) or (5) of this section with respect to
6 any will or trust instrument of the decedent found in the box, and may in
7 its discretion either:

8 “(a) Make and retain in the box a copy of any documents pertaining to
9 the disposition of the remains of the decedent and tender the original docu-
10 ments to the interested person; or

11 “(b) Provide a copy of any documents pertaining to the disposition of the
12 remains of the decedent to the interested person and retain the original
13 documents in the box.

14 “(7) If the box is opened for the purpose of making an inventory of its
15 contents, the Oregon operating institution shall comply with subsection (4)
16 or (5) of this section with respect to any will or trust instrument of the
17 decedent that is found in the box, and shall cause the inventory to be made.
18 The inventory must be attested to by a representative of the Oregon operat-
19 ing institution and may be attested to by the interested person, if the inter-
20 ested person is present when the inventory is made. The Oregon operating
21 institution shall retain the original inventory in the box, and shall furnish
22 a copy of the inventory to the interested person upon request.

23 “(8) If the interested person is an affiant of a small estate affidavit filed
24 under ORS 114.515 and delivers a certified copy of the affidavit in the man-
25 ner provided by ORS 114.535, the Oregon operating institution shall provide
26 to the affiant access to the decedent’s property. The Oregon operating insti-
27 tution shall comply with subsection (4) or (5) of this section if a will or trust
28 instrument of the decedent is found in the box. Subject to ORS 114.537, the
29 Oregon operating institution shall allow the affiant to take possession of the
30 personal property in the box.

1 “(9) The Oregon operating institution may presume the truth of any
2 statement contained in the affidavit required to be furnished under this sec-
3 tion or ORS 114.535, and when acting in reliance upon such an affidavit, the
4 Oregon operating institution is discharged as if it had dealt with the per-
5 sonal representative of the decedent. The Oregon operating institution is not
6 responsible for the adequacy of the description of any property included in
7 an inventory of the contents of a box, or for the conversion of the property
8 in connection with actions performed under this section, except for conver-
9 sion by intentional acts of the Oregon operating institution or its employees,
10 directors, officers or agents. If the Oregon operating institution is not sat-
11 isfied that the requirements of this section have been satisfied, the Oregon
12 operating institution may decline to open the box.

13 “(10) If the interested person or affiant does not furnish the key needed
14 to open the box, and the Oregon operating institution must incur expense in
15 gaining entry to the box, the Oregon operating institution may require that
16 the interested person or affiant pay the expense of opening the box.

17 “(11) Any examination of the contents of a box under this section shall
18 be conducted in the presence of at least one employee of the Oregon operat-
19 ing institution.

20 “**SECTION 83.** ORS 723.844 is amended to read:

21 “723.844. (1) This section applies to the safe deposit box of any person
22 who is the sole lessee or last surviving lessee of the box and who has died.

23 “(2) Subject to ORS 114.537, upon being furnished with a certified copy
24 of the decedent’s death [*certificate*] **record** or other evidence of death satis-
25 factory to the credit union, the credit union within which the box is located
26 shall cause or permit the box to be opened and the contents of the box ex-
27 amined at the request of an individual who furnishes an affidavit stating:

28 “(a) That the individual believes the box may contain the will of the
29 decedent, a trust instrument creating a trust of which the decedent was a
30 trustor or a trustee at the time of the decedent’s death, documents pertaining

1 to the disposition of the remains of the decedent, documents pertaining to
2 property of the estate of the decedent or property of the estate of the
3 decedent; and

4 “(b) That the individual is an interested person and wishes to open the
5 box to conduct a will search or trust instrument search, obtain documents
6 relating to the disposition of the decedent’s remains or inventory the con-
7 tents of the box or remove property of the estate of the decedent pursuant
8 to a small estate affidavit filed under ORS 114.515.

9 “(3) For the purpose of this section, ‘interested person’ means any of the
10 following:

11 “(a) A person named as personal representative of the decedent in a pur-
12 ported will of the decedent;

13 “(b) The surviving spouse or any heir of the decedent;

14 “(c) A person who was serving as the court-appointed guardian or
15 conservator of the decedent or as trustee for the decedent immediately prior
16 to the decedent’s death;

17 “(d) A person named as successor trustee in a purported trust instrument
18 creating a trust of which the decedent was a trustor or a trustee at the time
19 of the decedent’s death;

20 “(e) A person designated by the decedent in a writing that is acceptable
21 to the credit union and is filed with it prior to the decedent’s death;

22 “(f) A person who immediately prior to the death of the decedent had the
23 right of access to the box as an agent of the decedent under a durable power
24 of attorney;

25 “(g) If there are no heirs of the decedent, an estate administrator of the
26 Department of State Lands appointed under ORS 113.235; or

27 “(h) A person who is authorized to file an affidavit under ORS 114.515.

28 “(4) If the box is opened for the purpose of conducting a will search, the
29 credit union shall remove any document that appears to be a will, make a
30 true and correct copy of it and deliver the original will to a person desig-

1 nated in the will to serve as the decedent's personal representative, or if no
2 such person is designated or the credit union cannot, despite reasonable ef-
3 forts, determine the whereabouts of such person, the credit union shall retain
4 the will or deliver it to a court having jurisdiction of the estate of the
5 decedent. A copy of the will shall be retained in the box. At the request of
6 the interested person, a copy of the will, together with copies of any docu-
7 ments pertaining to the disposition of the remains of the decedent, may be
8 given to the interested person.

9 “(5) If the box is opened for the purpose of conducting a trust instrument
10 search, the credit union shall remove any document that appears to be a
11 trust instrument creating a trust of which the decedent was a trustor or
12 trustee at the time of the decedent's death, make a true and correct copy of
13 it and deliver the original trust instrument to a person designated in the
14 trust instrument to serve as the successor trustee on the death of the
15 decedent. If no such person is designated or the credit union cannot, despite
16 reasonable efforts, determine the whereabouts of such person, the credit un-
17 ion shall retain the trust instrument. A copy of the trust instrument shall
18 be retained in the box. At the request of any interested person, a copy of the
19 trust instrument may be given to the interested person.

20 “(6) If the box is opened for the purpose of obtaining documents pertain-
21 ing to the disposition of the decedent's remains, the credit union shall com-
22 ply with subsection (4) or (5) of this section with respect to any will or trust
23 instrument of the decedent found in the box, and may in its discretion either:

24 “(a) Make and retain in the box a copy of any documents pertaining to
25 the disposition of the remains of the decedent and tender the original docu-
26 ments to the interested person; or

27 “(b) Provide a copy of any documents pertaining to the disposition of the
28 remains of the decedent to the interested person and retain the original
29 documents in the box.

30 “(7) If the box is opened for the purpose of making an inventory of its

1 contents, the credit union shall comply with subsection (4) or (5) of this
2 section with respect to any will or trust instrument of the decedent that is
3 found in the box, and shall cause the inventory to be made. The inventory
4 must be attested to by a representative of the credit union and may be at-
5 tested to by the interested person, if the interested person is present when
6 the inventory is made. The credit union shall retain the original inventory
7 in the box, and shall furnish a copy of the inventory to the interested person
8 upon request.

9 “(8) If the interested person is an affiant of a small estate affidavit filed
10 under ORS 114.515 and delivers a certified copy of the affidavit in the man-
11 ner provided by ORS 114.535, the credit union shall provide to the affiant
12 access to the decedent’s property. The credit union shall comply with sub-
13 section (4) or (5) of this section if a will or trust instrument of the decedent
14 is found in the box. Subject to ORS 114.537, the credit union shall allow the
15 affiant to take possession of the personal property in the box.

16 “(9) The credit union may presume the truth of any statement contained
17 in the affidavit required to be furnished under this section and ORS 114.535,
18 and when acting in reliance upon such an affidavit, the credit union is dis-
19 charged as if it had dealt with the personal representative of the decedent.
20 The credit union is not responsible for the adequacy of the description of any
21 property included in an inventory of the contents of a box, or for the con-
22 version of the property in connection with actions performed under this
23 section, except for conversion by intentional acts of the credit union or its
24 employees, directors, officers or agents. If the credit union is not satisfied
25 that the requirements of this section have been satisfied, the credit union
26 may decline to open the box.

27 “(10) If the interested person or affiant does not furnish the key needed
28 to open the box, and the credit union must incur expense in gaining entry
29 to the box, the credit union may require that the interested person or affiant
30 pay the expense of opening the box.

1 “(11) Any examination of the contents of a box under this section shall
2 be conducted in the presence of at least one employee of the credit union.

3 **“SECTION 84.** ORS 807.510 is amended to read:

4 “807.510. (1) A person commits the offense of transfer of documents for the
5 purposes of misrepresentation if the person:

6 “(a) Manufactures, produces, sells, offers for sale or transfers to another
7 person any document purporting to be a [*certificate of*] **certified copy of a**
8 **record of a live** birth, certificate of baptism, driver license or any other
9 document designated by the Department of Transportation by rule as ac-
10 ceptable for establishing age or identity; and

11 “(b) Knows or has reason to know that the document may be used to
12 represent a person as another person in obtaining documents issued by a
13 government agency to grant driving privileges or for identification purposes.

14 “(2) The offense described in this section, transfer of documents for pur-
15 poses of misrepresentation, is a Class A misdemeanor.

16 **“SECTION 85.** ORS 807.720 is amended to read:

17 “807.720. On or before the 15th day of each month, the Director of the
18 Oregon Health Authority shall forward to the Department of Transportation
19 a copy of the death [*certificate covering the death, resulting from a motor ve-*
20 *hicle accident,*] **record** of any persons within the jurisdiction of the Director
21 of the Oregon Health Authority **who died from a motor vehicle accident**
22 during the preceding calendar month.

23 **“SECTION 86.** ORS 830.485 is amended to read:

24 “830.485. (1) The State Marine Board shall prepare and make available to
25 the public forms for accident reports required in ORS 830.480. The report
26 shall call for sufficiently detailed information to disclose the cause of an
27 accident, conditions then existing, and the persons and vehicles involved.
28 Every accident report shall be made on a form approved by the board.

29 “(2) The State Health Officer shall on or before the 15th day of each
30 month forward to the board a copy of the death [*certificate covering the death,*

1 *resulting from a boat accident,]* **record** of any persons within the jurisdiction
2 of the State Health Officer **who died from a boat accident** during the
3 preceding calendar month.

4
5 **“PLACEMENT OF PROVISIONS**

6
7 **“SECTION 87. ORS 432.060 and 432.312 are added to and made a part**
8 **of ORS chapter 413.**

9
10 **“REPEALS**

11
12 **“SECTION 88. ORS 432.040, 432.080, 432.095, 432.105, 432.119, 432.122,**
13 **432.130 and 432.300 are repealed.**

14
15 **“OPERATIVE DATE**

16
17 **“SECTION 89. (1) Sections 5, 6, 17, 18, 23, 24, 27, 37, 38, 43, 44 and**
18 **87 of this 2013 Act, the amendments to statutes by sections 1 to 4, 7**
19 **to 16, 19 to 22, 25, 26, 28 to 36, 39 to 42 and 45 to 86 of this 2013 Act and**
20 **the repeal of statutes by section 88 of this 2013 Act become operative**
21 **on January 1, 2014.**

22 **“(2) The State Registrar of the Center for Health Statistics and the**
23 **Oregon Health Authority may take any action before the operative**
24 **date specified in subsection (1) of this section that is necessary to en-**
25 **able the state registrar or authority to exercise, on and after the op-**
26 **erative date specified in subsection (1) of this section, all the duties,**
27 **functions and powers conferred on the state registrar and authority**
28 **by sections 5, 6, 17, 18, 23, 24, 27, 37, 38, 43, 44 and 87 of this 2013 Act,**
29 **the amendments to statutes by sections 1 to 4, 7 to 16, 19 to 22, 25, 26,**
30 **28 to 36, 39 to 42 and 45 to 86 of this 2013 Act and the repeal of statutes**

1 by section 88 of this 2013 Act.

2

3

“UNIT CAPTIONS

4

5 **“SECTION 90. The unit captions used in this 2013 Act are provided**
6 **only for the convenience of the reader and do not become part of the**
7 **statutory law of this state or express any legislative intent in the**
8 **enactment of this 2013 Act.**

9

10

“EMERGENCY CLAUSE

11

12 **“SECTION 91. This 2013 Act being necessary for the immediate**
13 **preservation of the public peace, health and safety, an emergency is**
14 **declared to exist, and this 2013 Act takes effect on its passage.”.**

15
