

Chapter 432

1999 EDITION

Vital Statistics

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STATE, COUNTY AND LOCAL REGISTRARS

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Note: The name of the Department of Human Resources has been changed to the Department of Human Services and the title of the Director of Human Resources to the Director of Human Services. The name and title changes become operative on July 1, 2000. See sections 10 and 11, chapter 421, Oregon Laws 1999. References to the department and the director in this chapter use the name and the title that become operative on July 1, 2000.

VITAL AND PUBLIC HEALTH STATISTICS SYSTEM; STATE, COUNTY AND LOCAL REGISTRARS

432.005 Definitions. As used in this chapter, unless the context requires otherwise:

- (1) "Assistant director" means the Assistant Director for Health.
- (2) "Dead body" means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death occurred.
- (3) "Division" means the Health Division of the Department of Human Services.
- (4) "Divorce" means dissolution of a marriage.
- (5) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. The death is indicated by the fact that after such expulsion or

extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary muscles.

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

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

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

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

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

(11) "Person acting as a funeral service practitioner" means:

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

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

(12) "Physician" means a person authorized or licensed under the laws of this state to practice medicine, osteopathy, chiropractic or naturopathic medicine.

(13) "Registration" means the process by which vital records and vital reports are completed, filed and incorporated into the official records of the Center for Health Statistics.

(14) "State registrar" means the State Registrar of the Center for Health Statistics.

(15) "System of vital statistics" means the registration, collection, preservation, amendment and certification of vital records and vital reports; the collection of other reports required by this chapter, and activities related thereto including the tabulation, analysis, dissemination and publication of vital statistics and training in the use of health data.

(16) "Vital records" means certificates or reports of birth, death, marriage, dissolution of marriage and data related thereto.

(17) "Vital reports" means reports of fetal death, induced termination of pregnancy, suicide attempts by persons under 18 years of age and survey and questionnaire documents and data related thereto.

(18) "Vital statistics" means the data derived from certificates and reports of birth, death, fetal death, induced termination of pregnancy, marriage, dissolution of marriage, suicide attempts by persons under 18 years of age and related reports. [Subsections (1) and (2) enacted as 1973 c.829 s.15; 1983 c.709 s.1; 1997 c.783 s.1; 1999 c.254 s.4; 1999 c.724 s.7]

432.010 Center for Health Statistics; standards. (1) The Health Division shall establish the Center for Health Statistics, which shall install, maintain and operate the system of vital statistics throughout this state in cooperation with appropriate units of local government. The Center for Health Statistics shall be responsible for the proper administration of the system of vital statistics and for the preservation and security of its official records.

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

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

(4) All vital records shall contain the date of filing.

(5) Information required in certificates, forms, records or reports authorized by this chapter may be filed, verified, registered and stored by photographic, electronic or other means as prescribed by the state registrar. [Amended by 1983 c.709 s.2; 1993 c.324 s.2; 1997 c.783 s.2]

432.015 Rules. The State Registrar of the Center for Health Statistics, under the supervision of the Assistant

Director for Health, in compliance with ORS 183.310 to 183.550, shall adopt rules necessary to the installation and efficient performance of an adequate system of vital and public health statistics including rules for the return of evidence affecting delayed certificates, or affecting alteration of a certificate, after the certificate has been filed with the state registrar. [Amended by 1961 c.191 s.4; 1983 c.709 s.3; 1997 c.783 s.3]

432.020 State registrar; appointment. The Assistant Director for Health shall appoint the State Registrar of the Center for Health Statistics who shall qualify in accordance with standards of education and experience as the assistant director shall determine. [Amended by 1973 c.829 s.34; 1983 c.709 s.26]

432.025 Assistant state registrars. The State Registrar of the Center for Health Statistics, with the approval of the Assistant Director for Health, may appoint, when necessary, assistant state registrars who shall be assistants to the state registrar. [Amended by 1983 c.709 s.27]

432.030 Duties of state registrar. (1) The State Registrar of the Center for Health Statistics shall:

(a) Under the supervision of the Assistant Director for Health, have charge of the Center for Health Statistics.

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

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

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

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

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

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

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

(i) Provide local health agencies training and consultation in working with health data.

(2) The state registrar may delegate such functions and duties vested in the state registrar to employees of the Center for Health Statistics and to employees of any office established or designated under ORS 432.035. [Amended by 1975 c.605 s.22; 1983 c.709 s.4; 1997 c.783 s.4]

432.035 County registrars. The State Registrar of the Center for Health Statistics shall designate for each county a county registrar. In consultation with the state registrar, the county registrar may designate one or more deputy county registrars in any county. So far as practical, a county health official shall be designated county registrar. [Amended by 1983 c.709 s.5; 1985 c.207 s.3; 1997 c.783 s.5]

432.040 Duties of county and local registrars. The county and local registrars and their deputies shall:

(1) Comply with all instructions of the State Registrar of the Center for Health Statistics.

(2) Check upon the compliance by others with the provisions of this chapter and with the rules of the state registrar.

(3) Make an immediate report to the state registrar of any violation of this chapter or of the rules of the state registrar coming to their notice by observation or upon complaint of any person, or otherwise. [Amended by 1983 c.709 s.28]

432.045 [Amended by 1971 c.16 s.1; 1983 c.709 s.29; repealed by 1997 c.783 s.48]

432.050 [Amended by 1983 c.709 s.30; repealed by 1997 c.783 s.48]

432.055 [Repealed by 1973 c.829 s.71]

432.060 Records of mortality and morbidity studies confidential; exceptions; nonliability of informants. (1) All records of interviews, reports, studies, and statements procured by or furnished to the Health Division, any federal health agency or any nonprofit health agency that is exempt from taxation under the laws of this state or procured by any agency, organization or person acting jointly with or at the request of the division or health agency, in connection with special morbidity and mortality studies, are confidential insofar as the identity of an individual patient is concerned. Such records may be used solely for the purpose of the studies.

(2) The furnishing of morbidity and mortality information to the division or health agency, to its authorized representatives or to any other agency, organization or person cooperating in a special study, does not subject any hospital, sanitarium, rest home, nursing home or other organization or person furnishing such information to an action for damages.

(3) Subsection (1) of this section does not prevent the division or a health agency from publishing:

(a) Statistical compilations and reports relating to special morbidity and mortality studies, if such compilations and reports do not identify individual cases and sources of information.

(b) General morbidity and mortality studies customarily and continuously conducted by the division or health agency that do not involve patient identification.

(4) Nothing in this section prevents disposition of records described in subsection (1) of this section pursuant to ORS 192.105. [1961 c.191 ss.2,3; 1983 c.709 s.31]

432.075 Duty to furnish information to state registrar; immunity. (1) Any person having knowledge of the facts shall furnish all information the person may possess regarding any birth, death, fetal death, induced termination of pregnancy, marriage, dissolution of marriage or suicide attempt by a person under 18 years of age, upon demand of the State Registrar of the Center for Health Statistics.

(2) Any person or institution that in good faith provides information required by this chapter or by rules adopted pursuant thereto shall not be subject to any action for civil damages. [1983 c.709 s.23; 1997 c.783 s.6]

432.080 Copy of vital records furnished without charge for use in proceeding on war veteran's benefits. Notwithstanding ORS 432.146, the State Registrar of the Center for Health Statistics or the county registrar shall furnish, without charge therefor, a certified copy of a vital record to the United States Department of Veterans Affairs, the Director of Veterans' Affairs or any county service officer appointed under ORS 408.410 when the record is requested by the agency or officer in connection with, or for use as evidence in, any proceeding involving a claim based upon war veterans' benefits. [1985 c.397 s.1; 1991 c.67 s.114; 1997 c.783 s.8]

Note: 432.080 and 432.085 were added to and made a part of ORS chapter 432 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

432.085 Sale of birth and death certificate copies; rules. The Health Division shall adopt, taking into consideration local service needs and interests, rules to allow a county registrar to sell, within six months of the date of the event occurring in the county, certified copies of birth certificates and death certificates. [1985 c.397 s.2; 1993 c.18 s.108; 1997 c.783 s.9]

Note: See note under 432.080.

432.090 Issuance of additional birth certificate; fee; form; distribution of funds received. (1) In addition to the original birth certificate, the State Registrar of the Center for Health Statistics shall issue upon request and upon payment of a fee in an amount set by the state registrar a birth certificate representing that the birth of the person named thereon is recorded in the office of the state registrar. The certificate issued under this section shall be in a form consistent with the need to protect the integrity of vital records but shall be suitable for display. It may bear the seal of the state printed thereon and may be signed by the Governor. It shall have the same status as evidence as the original birth certificate.

(2) Of the funds received under subsection (1) of this section, the amount needed to reimburse the state registrar for expenses incurred in administering this section shall be credited to the Health Division Account. The remainder shall

be credited to the subaccount created pursuant to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund.

(3) In setting the fee amount under subsection (1) of this section, the state registrar shall give substantial consideration to the amount suggested by the holder of the subaccount created pursuant to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund. [1985 c.549 s.10; 1997 c.783 ss.10,10a; 1999 c.1084 s.46]

432.095 Application of chapter provisions. The provisions of this chapter regarding the copying, inspection, disclosure or furnishing of vital records and vital reports also apply to all certificates or reports of birth, death, marriage, dissolution of marriage, fetal death, induced termination of pregnancy and suicide attempt by a person under 18 years of age received prior to October 4, 1997, by the Vital Statistics Unit or in the custody of any other custodian of vital records. [1997 c.783 s.44]

Note: 432.095 was added to and made a part of ORS chapter 432 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

GENERAL PROVISIONS ON CERTIFICATION AND RECORDS; FEES

432.105 Procedure for transmitting and filing certificates. (1) Each local registrar shall promptly transmit each birth certificate and each death certificate filed with the local registrar to the county registrar. The county registrar shall maintain an abstract of each death certificate and may prepare and maintain an abstract for each birth certificate as follows:

(a) The abstract of death shall include the information contained on the report of death card prescribed by the State Registrar of the Center for Health Statistics.

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

(2) Abstracts shall be filed and indexed in alphabetical order and safely kept by the county registrar. [Amended by 1973 c.829 s.35; 1983 c.709 s.32; 1997 c.783 s.11]

432.110 [Repealed by 1971 c.16 s.3]

432.115 Form of records and reports; status; disposition. To preserve vital records and vital reports, the State Registrar of the Center for Health Statistics is authorized to prepare typewritten, photographic, electronic or other reproductions of certificates or reports in the Center for Health Statistics. Such reproductions when verified and approved by the state registrar shall be accepted as original records, and the documents from which permanent reproductions have been made may be disposed of as provided by rule of the state registrar, rule of the Secretary of State and ORS 192.105. [Amended by 1983 c.709 s.19; 1997 c.783 s.12]

432.119 Abstracts of birth and death certificates as public records; limitations. (1) Abstracts of birth and death certificates as provided in ORS 432.105 are public records and open to public inspection except as provided in this section. The county registrar shall mark the abstract of birth in a manner designated by the State Registrar of the Center for Health Statistics to indicate that the record is not to be used by any person compiling a list for publication or a business contact list under the following conditions:

(a) If a birth certificate indicates any of the following:

(A) The father of the child is not identified.

(B) The infant dies after birth.

(C) Congenital anomaly is reported.

(D) Maternal disability or death is indicated.

(b) If the parent of the infant requests that the record not be made available for publication or business contact lists.

(2) The Health Division or local health department, as provided in ORS 431.416, may use any birth record or abstract as a source of information for activities necessary for the preservation of health or prevention of disease. [1973 c.829 s.11; 1979 c.426 s.1; 1983 c.709 s.33; 1997 c.783 s.13]

432.120 [Amended by 1983 c.709 s.20; repealed by 1997 c.783 s.14 (432.121 enacted in lieu of 432.120)]

432.121 Disclosure and certification of records and reports limited. (1) To protect the integrity of vital records and vital reports, to ensure their proper use and to ensure the efficient and proper administration of the system of vital statistics, it shall be unlawful for any person to permit inspection of, or to disclose information from vital records or vital reports in the custody of the State Registrar of the Center for Health Statistics, county registrar or local registrar or to copy or issue a copy of all or part of any such record or report unless authorized by this chapter and by rules adopted pursuant thereto or by order of a court of competent jurisdiction. Rules adopted under this section shall provide for adequate standards of security and confidentiality of vital records and vital reports.

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

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

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

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

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

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

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

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

(h) To an investigator licensed, or operative registered, under ORS 703.430, upon request.

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

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

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

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

(5) Nothing in this section shall prohibit a health care provider from disclosing information contained in the provider's records as otherwise allowed by law.

(6) Nothing in this section shall be construed to permit disclosure of information contained in the "Information for Medical and Health Use Only" section of the birth certificate, fetal death report or the "Information for Statistical Purposes Only" section of the certificate of marriage or certificate of divorce, unless specifically authorized by the state registrar for statistical or research purposes. The data shall not be subject to subpoena or court order and shall not be

admissible before any court, tribunal or judicial body.

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

(8) Each copy issued shall show the date of filing. Copies issued from records marked "Amended" shall be similarly marked and shall show the effective date of the amendment. Copies issued from records marked "Delayed" shall be similarly marked and shall include the date of filing and a description of the evidence used to establish the delayed certificate.

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

(10) Appeals from decisions of the state registrar to refuse to disclose information or to permit inspection or copying of records as prescribed by this section and rules adopted pursuant thereto shall be made under ORS 183.480 to 183.484.

(11) The state registrar shall adopt rules to implement this section in accordance with the applicable sections of ORS 183.310 to 183.550.

(12) Indexes of deaths, marriages or divorces that list names, dates of events, county of events or certificate numbers may be disclosed. [1997 c.783 s.15 (enacted in lieu of 432.120); 1999 c.254 s.1; 1999 c.312 s.3]

432.122 Verification of birth certificate and death records. To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the State Registrar of the Center for Health Statistics is authorized to match birth and death certificates, in accordance with rules adopted by the state registrar that require proof beyond a reasonable doubt the fact of death, and to post the facts of death to the appropriate birth certificate. Copies issued from birth certificates marked "deceased" shall be similarly marked. [1983 c.709 s.24; 1997 c.783 s.18]

432.124 Disclosure of death records filed in conjunction with claims or interests in land. Notwithstanding any other provision of law, all death records filed in conjunction with owning or having a claim or interest in land in the county that are in the custody of a county clerk or county recording officer are open and subject to full disclosure. [1999 c.254 s.7]

Note: 432.124 was added to and made a part of ORS chapter 432 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

432.125 [Repealed by 1983 c.709 s.45]

432.130 Compelling access to records. Any person who is refused an inspection of any record provided for in this chapter may proceed in the manner set forth in ORS 183.480 and 183.484 to seek access to the record. [Amended by 1983 c.709 s.25]

432.135 [Amended by 1983 c.709 s.9; renumbered 432.142]

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

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

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

(4)(a) When an applicant does not submit the minimum documentation required by rule of the state registrar for delayed registration or when the state registrar has cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not register the delayed certificate of birth and shall enter an order to that effect stating the reasons for the action. The state registrar

shall advise the applicant of the right to appeal under ORS 183.480 to 183.484.

(b) The state registrar by rule may provide for the dismissal of an application which is not actively prosecuted. [Amended by 1983 c.709 s.8; 1997 c.783 s.19]

432.142 Procedure when application for delayed certificate denied. (1) If the State Registrar of the Center for Health Statistics refuses to file a delayed certificate of birth under the provisions of ORS 432.140, the applicant may file a signed and sworn petition with a court of competent jurisdiction seeking an order establishing a record of the date and place of birth and the parentage of the person whose birth is to be registered.

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

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

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

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

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

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

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

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

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

(6) The clerk of the court shall forward each order to the state registrar not later than the 10th day of the calendar month following the month in which it was entered. The order shall be registered by the state registrar and shall constitute the certificate of birth. [Formerly 432.135; 1997 c.783 s.20]

432.145 [Amended by 1957 c.339 s.1; 1971 c.16 s.2; 1979 c.696 s.1; 1983 c.709 s.21; repealed by 1991 c.245 s.1 (432.146 enacted in lieu of 432.145)]

432.146 Fees. Except as provided in ORS 432.090 and 432.312, subject to the review of the Oregon Department of Administrative Services, the Health Division shall establish all fees for services or records provided under ORS 432.005 to 432.165. The fees and charges established under this section shall be authorized by the Legislative Assembly for the division's budget, as the budget may be modified by the Emergency Board. [1991 c.245 s.2; 1993 c.345 s.1; 1997 c.636 s.2]

432.150 [Amended by 1957 c.185 s.1; repealed by 1983 c.709 s.45]

432.155 [Repealed by 1979 c.696 s.14]

432.160 [Repealed by 1971 c.743 s.432]

432.165 Death records. (1) All superintendents or managers or other persons in charge of institutions shall keep a record of personal data concerning each person admitted or confined to the institution. This record shall include such information as required for the certificates of birth and death and the reports of fetal death and induced termination of pregnancy required by this chapter. The record shall be made at the time of admission from information provided by the person being admitted or confined, but when it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record.

(2) When a dead body or fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the decedent, Social Security number, if issued, date of death, name and address of the person to whom the body or fetus is released and the date of removal from the institution. If final

disposition is made by the institution, the date, place and manner of disposition shall also be recorded.

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

(4) A medical examiner or a physician authorized by law to sign a death certificate who is notified of the death of a person not under the care of institutions shall keep a record.

(5) Copies of records described in this section shall be sent to the state registrar at least monthly. Records maintained under this section shall be retained by the institution, medical examiner or physician and the persons described in subsection (3) of this section for a period of not less than two years and shall be made available for inspection by the state registrar or a representative of the state registrar upon demand. [Amended by 1983 c.709 s.22; 1985 c.207 s.4; 1997 c.783 s.21; 1999 c.80 s.70]

432.175 [Formerly 43.380; 1983 c.709 s.34; 1985 c.565 s.71; repealed by 1997 c.783 s.48]

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

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

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

(4) No person may prepare or issue any certificate that purports to be an original, certified copy or copy of a vital record or vital report except as authorized in this chapter or rules adopted pursuant thereto. No person may prepare or issue any certified copies of birth or death abstracts. [1997 c.783 s.17]

RECORDS OF BIRTHS; CERTIFICATION OF UNRECORDED BIRTHS; VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

432.205 [Amended by 1979 c.426 s.2; 1983 c.709 s.6; 1995 c.514 s.5; repealed by 1997 c.783 s.22 (432.206 enacted in lieu of 432.205)]

432.206 Compulsory registration of births; persons required to file. (1) A certificate of birth for each birth that occurs in this state shall be filed with the county registrar of the county in which the birth occurred or with the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within five days after the birth and shall be registered if the certificate has been completed and filed in accordance with this section. Any birth certificate not containing the name of the father or on which the surname of the father is at variance with that of the child, at the request of either parent, may be filed with the state registrar and not with the registrar of the county in which the birth occurred.

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

(3) When a birth occurs outside of an institution:

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

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

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

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

or

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

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

(4) When a birth occurs on a moving conveyance:

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

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

(5) If the mother is not married at the time of birth, the name of the father shall not be entered on the certificate unless:

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

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

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

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

(8) In any case in which paternity of a child is determined by a court of competent jurisdiction, or by an administrative determination of paternity, the Center for Health Statistics shall enter the name of the father on the new certificate of birth. The Center for Health Statistics shall change the surname of the child if so ordered by the court or, in a proceeding under ORS 416.430, by the administrator as defined in ORS 416.400.

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

(10) Certificates of birth filed after five days, but within one year after the date of birth, shall be registered on the standard form of birth certificate in the manner prescribed in this section. The certificates shall not be marked "Delayed." The state registrar may require additional evidence in support of the facts of birth. [1997 c.783 s.23 (enacted in lieu of 432.205); 1999 c.254 s.2; 1999 c.840 s.1]

432.210 [Repealed by 1983 c.709 s.45]

432.215 [Amended by 1983 c.709 s.35; repealed by 1997 c.783 s.48]

432.220 [Repealed by 1983 c.709 s.45]

432.230 When new certificate issued; contents; amendment upon adoption; delayed certificate. (1) The State Registrar of the Center for Health Statistics shall establish a new certificate of birth for a person born in this state when the state registrar receives either of the following:

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

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

(A) The person has been legitimated;

(B) A court of competent jurisdiction has determined the paternity of the person;

(C) An administrative determination of paternity has been filed; or

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

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

(3) Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by rule of the state registrar.

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

(5) Upon written request of both parents and receipt of a voluntary acknowledgment of paternity form or other form prescribed in ORS 432.287 signed by both parents of a child born out of wedlock, the state registrar shall issue a new certificate of birth to show such paternity if paternity is not already shown on the certificate of birth. Such certificate shall not be marked "Amended."

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

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

(8) The state registrar, upon request, shall prepare and register a certificate in this state for a person born in a foreign country who is not a citizen of the United States and who was adopted through a court of competent jurisdiction in this state. The certificate shall be established upon receipt of a report of adoption from the court decreeing the adoption, proof of the date and place of the person's birth, and a request from the court, the adopting parents or the adopted person, if 18 years of age or over, that such a certificate be prepared. The certificate shall be labeled "Certificate of Foreign Birth" and shall show the actual country of birth. A statement shall also be included on the certificate indicating that it is not evidence of United States citizenship for the person for whom it is issued. After registration of the birth certificate in the new name of the adopted person, the state registrar shall seal the report of adoption, which shall not be subject to inspection except upon order of a court of competent jurisdiction. [1983 c.709 s.11a; 1997 c.783 s.24]

432.235 Amendment of certificate or report. (1) A certificate or report registered under this chapter may be amended only in accordance with this chapter and rules adopted by the State Registrar of the Center for Health Statistics to protect the integrity and accuracy of vital records and vital reports.

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

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

(4) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual born in this state has been changed by surgical procedure and whether such individual's name has been

changed, the certificate of birth of such individual shall be amended as prescribed by rule of the state registrar.

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

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

(7) When an amendment is made to a certificate of marriage by the local official issuing the marriage license, copies of the amendment shall be forwarded to the state registrar.

(8)(a) When a party or legal representative proposes to set aside or change any information recorded in a dissolution of marriage decree filed pursuant to ORS 432.408, the party or legal representative seeking the amendment or set aside order shall prepare a summary of the changes in the form prescribed or furnished by the state registrar and shall present the form to the clerk of the court along with the proposed amended decree or set aside order. In all cases the completed form shall be a prerequisite to the entry of the amended decree or set aside order.

(b) The clerk of the court shall complete and forward to the Center for Health Statistics the records of each such amended decree or set aside order in the same manner prescribed by ORS 432.408. [Formerly 432.290; 1997 c.783 s.25]

432.240 Issuance of certified copy of certificate of birth to adopted persons; Contact Preference Form. (1)

Upon receipt of a written application to the state registrar, any adopted person 21 years of age and older born in the State of Oregon shall be issued a certified copy of his/her unaltered, original and unamended certificate of birth in the custody of the state registrar, with procedures, filing fees, and waiting periods identical to those imposed upon nonadopted citizens of the State of Oregon pursuant to ORS 432.121 and 432.146. Contains no exceptions.

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

(a) I would like to be contacted;

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

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

(3) The certificate from the voluntary adoption registry verifying receipt of an updated medical history under subsection (2) of this section shall be in a form prescribed by the State Office for Services to Children and Families and shall be supplied upon request of the birth parent by the voluntary adoption registry.

(4) When the State Registrar of the Center for Health Statistics receives a completed Contact Preference Form from a birth parent, the state registrar shall match the Contact Preference Form with the adopted person's sealed file. The Contact Preference Form shall be placed in the adopted person's sealed file when a match is made.

(5) A completed Contact Preference Form shall be confidential and shall be placed in a secure file until a match with the adopted person's sealed file is made and the Contact Preference Form is placed in the adopted person's file.

(6) Only those persons who are authorized to process applications made under subsection (1) of this section may process Contact Preference Forms. [1999 c.2; 1999 c.604 s.1]

Note: 432.240 was adopted by the people by initiative petition but was not added to or made a part of ORS chapter 432 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

432.255 [Repealed by 1983 c.709 s.45]

432.260 [Amended by 1981 c.6 s.1; repealed by 1983 c.709 s.45]

432.265 [Repealed by 1983 c.709 s.45]

432.270 [Repealed by 1983 c.709 s.45]

432.275 [Repealed by 1983 c.709 s.45]

432.280 [Repealed by 1983 c.709 s.45]

432.285 Availability of voluntary acknowledgment of paternity form; responsibility of health care facility and parents. Any health care facility as defined in ORS 442.015 shall make available to the biological parents of any child born live, or expected to be born within the health care facility, a voluntary acknowledgment of paternity form when the facility has reason to believe that the mother of the child is unmarried. The responsibility of the health care facility is limited to providing the form and submitting the form with the birth certificate to the State Registrar of the Center for Health Statistics. The biological parents are responsible for ensuring that the form is accurately completed. This form shall be as prescribed by ORS 432.287. [1995 c.514 s.3; 1997 c.783 s.26]

432.287 Voluntary acknowledgment of paternity form; filing; when form is sworn document; copy to child support agency. (1) The Assistant Director for Health shall adopt by rule a form of a voluntary acknowledgment of paternity that includes the minimum requirements specified by the United States Secretary of Health and Human Services. When the form is signed by both biological parents and witnessed by a third party, the form establishes paternity for all purposes when filed with the State Registrar of the Center for Health Statistics, provided there is no male parent already named on the birth certificate. Establishment of paternity under this section is subject to the provisions and the requirements in ORS 109.070. When there is no other male named as father on the child's birth certificate, the filing of such voluntary acknowledgment of paternity form shall cause the state registrar to place the name of the male parent who has signed the voluntary acknowledgment of paternity form on the birth certificate of the child or, if appropriate, issue a new birth certificate containing the name of the child's male parent, as that parent is named in the voluntary acknowledgment of paternity form. When signed by both parents in the health care facility of the child's birth within five days after the birth, the voluntary acknowledgment of paternity form is not a sworn document. When thus signed, a staff member of the health care facility shall witness the signatures of the parents. In all other circumstances, the form is a sworn document. The filing of the voluntary acknowledgment of paternity form created by this section is subject to the payment of any fees that may apply.

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

- (a) A statement of rights and responsibilities including any rights afforded to a minor parent;
- (b) A statement of the alternatives to and consequences of signing the acknowledgment;
- (c) Instructions on how to file the form with the state registrar and information about any fee required;
- (d) Lines for the Social Security numbers and addresses of the parents; and
- (e) A statement that the rights, responsibilities, alternatives and consequences listed on the acknowledgment were read to the parties prior to signing the acknowledgment.

(3) Upon request, the state registrar shall provide a copy of any voluntary acknowledgment of paternity form to the state agency responsible for administration of the child support enforcement program created under Title IV-D of the Social Security Act. The duty imposed upon the state registrar by this section is limited to birth certificates executed and filed with the state registrar after October 1, 1995. [1995 c.514 s.4; 1997 c.783 s.27; 1999 c.80 s.21]

432.289 Full faith and credit. A determination of paternity by another state is entitled to full faith and credit. [1995 c.514 s.4a]

432.290 [1981 c.221 s.3; 1983 c.709 s.18; 1995 c.514 s.6; renumbered 432.235 in 1995]

DETERMINATION OF DEATH

432.300 Determination of death. (1) A person is dead if the person has sustained either:

- (a) Irreversible cessation of circulatory and respiratory functions; or

(b) Irreversible cessation of all functions of the entire brain, including the brain stem.

(2) A determination of whether the conditions described in subsection (1)(a) or (b) of this section have occurred must be made in accordance with accepted medical standards.

(3) For purposes of this section as it relates to fetal death, heartbeats shall be distinguished from transient cardiac contractions and breathing shall be distinguished from fleeting respiratory efforts or gasps.

(4) This section may be cited as the Uniform Determination of Death Act. [1987 c.517 s.2 (enacted in lieu of 146.001); 1997 c.783 s.28]

432.305 [Repealed by 1963 c.200 s.6]

DEATH CERTIFICATES; BURIAL PERMITS

432.307 Compulsory filing of death certificates; persons required to file. (1) A certificate of death for each death that occurs in this state shall be submitted to the county registrar of the county in which the death occurred or to the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within five days after death or the finding of a dead body and prior to final disposition, and shall be registered if it has been completed and filed in accordance with this section.

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

(b) When death occurs in a moving conveyance:

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

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

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

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

(3) The physician in charge of the care of the patient for the illness or condition that resulted in death shall complete, sign and return the medical certification of death to the funeral service practitioner or person acting as a funeral service practitioner within 48 hours after receipt of the certificate of death by the physician, except when inquiry is required by ORS chapter 146. In the absence or inability of the physician or with the approval of the physician, the medical certification of death may be completed by an associate physician, the chief medical officer of the institution in which death occurred or the physician who performed an autopsy upon the decedent, provided that the individual has access to the medical history of the case and death is due to natural causes. The person completing the medical certification of death shall attest to its accuracy either by signature or by an approved electronic process.

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

(5) If the cause of death cannot be determined within the time prescribed, the medical certification of death shall be completed as provided by rule of the state registrar. The attending physician or medical examiner shall give the funeral service practitioner or person acting as a funeral service practitioner notice of the reason for the delay and final disposition of the body shall not be made until authorized by the attending physician or medical examiner.

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

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

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

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

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

(11) A certificate of death required to be filed under this section shall contain the Social Security number of the decedent whenever the Social Security number is reasonably available from other records concerning the decedent or can be obtained from the person in charge of the final disposition of the decedent. [1963 c.200 s.2; 1965 c.221 s.26; 1977 c.582 s.33; 1983 c.709 s.12; 1985 c.207 s.5; 1997 c.783 s.29; 1999 c.80 s.71; 1999 c.724 s.1]

432.310 [Amended by 1959 c.629 s.32; repealed by 1963 c.200 s.6]

432.312 Death certificate fee; use; limitation. (1) The Health Division shall impose and collect a filing fee of \$7 for each certificate of death to be deposited to the credit of the Health Division Account. Of the fee, \$2 shall be used to carry out the purposes of ORS 97.170 (5) and \$5 shall be used in the same manner as funds credited to the account under ORS 692.375.

(2) The expenditures under ORS 97.170 (5) and 692.375 shall not exceed the funds collected under subsection (1) of this section, and in no event shall expenditure on the administration of the funds exceed five percent of the moneys collected. [1993 c.345 s.3; 1997 c.783 s.30]

432.315 [Amended by 1959 c.629 s.33; repealed by 1963 c.200 s.6]

432.317 Report upon receipt of body or fetus; authorization for final disposition. (1) The funeral service practitioner or person acting as a funeral service practitioner who first assumes possession of a dead body or fetus shall make a written report to the county registrar in the county in which death occurred or in which the body or fetus was found within 24 hours after taking possession of the body or fetus. The report shall be on a form prescribed and furnished by the State Registrar of the Center for Health Statistics and in accordance with rules adopted by the Health Division.

(2) Prior to final disposition of the body, the funeral service practitioner or person acting as a funeral service practitioner who first assumes custody of a dead body shall, prior to final disposition of the body, obtain written authorization for final disposition of the body from the physician or medical examiner who certifies the cause of death as provided in ORS 432.307 (3) on a form prescribed and furnished by the state registrar. If such practitioner or person is unable to obtain such written authorization prior to final disposition of the body, the practitioner or person, with the oral consent of the physician, the medical examiner or a licensed health professional authorized to give such consent on behalf of the physician or medical examiner who is responsible for certifying the cause of death, may authorize final disposition of the body on a form prescribed and furnished by the state registrar.

(3) Prior to final disposition of a fetus, irrespective of the duration of pregnancy, the funeral service practitioner, the person in charge of the institution or other person assuming responsibility for final disposition of the fetus shall authorize final disposition of the fetus on a form prescribed and furnished or approved by the state registrar.

(4) With the consent of the physician or medical examiner who is to certify the cause of death, a dead body may be moved from the place of death for the purpose of being prepared for final disposition.

(5) An authorization for final disposition issued under the laws of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state. Permits for transporting a body or fetus out of another state issued under the laws of another state shall be authority for transporting a body or fetus into Oregon.

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

(7) Each person in charge of any place for final disposition shall include in the authorization the date of disposition

and shall complete and return all authorizations to the county registrar within 10 days after the date of the disposition. When there is no person in charge of the place for final disposition, a responsible party other than the funeral service practitioner or person acting as a funeral service practitioner shall complete and return the authorization to the county registrar within 10 days after the date of disposition.

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

(9) Prior to removing a dead body or fetus from the State of Oregon under ORS 692.270, a person acting as a funeral service practitioner as defined in ORS 432.005 (11)(b) shall submit a written notice of removal to the county registrar in the county in which death occurred or in which the body or fetus was found. The notice shall be on a form prescribed and furnished by the State Registrar of the Center for Health Statistics and in accordance with rules adopted by the Health Division. A copy of the written notice of removal shall serve as a transit permit for the remains of the decedent named on the notice. [1963 c.200 s.3; 1983 c.709 s.16; 1985 c.207 s.6; 1987 c.252 s.9; 1989 c.669 s.2; 1997 c.783 s.31; 1999 c.724 s.4]

432.320 [Repealed by 1963 c.200 s.6]

432.325 [Repealed by 1963 c.200 s.6]

432.327 Authority to grant extensions on certificates, reports and permits. Upon such conditions as the State Registrar of the Center for Health Statistics may prescribe to ensure compliance with the purposes of this chapter, by rule the state registrar may provide for the extension, not to exceed 60 days, of the periods prescribed in ORS 432.307 and 432.317 for the filing of certificates of death and fetal death reports, medical certifications of death, and for the obtaining of permits for disposition of human remains in cases where compliance with the applicable prescribed period would result in undue hardship. [1963 c.200 s.4; 1983 c.709 s.36; 1997 c.783 s.32]

432.330 [Repealed by 1963 c.200 s.6]

432.333 Reports on fetal deaths. (1) Each fetal death of 350 grams or more, or, if weight is unknown, of 20 completed weeks gestation or more, calculated from the date last normal menstrual period began to the date of delivery, that occurs in this state shall be reported within five days after delivery to the county registrar of the county in which the fetal death occurred or to the Center for Health Statistics or as otherwise directed by the State Registrar of the Center for Health Statistics. All induced terminations of pregnancy shall be reported in the manner prescribed in ORS 435.496 and shall not be reported as fetal deaths.

(2) When a fetus is delivered in an institution, the person in charge of the institution or a designated representative shall prepare and file the report.

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

(4) When a fetal death required to be reported by this section occurs without attendance by a physician at or immediately after the delivery or when inquiry is required by ORS 146.003 to 146.165 and 146.710 to 146.992, the medical examiner shall investigate the cause of fetal death and shall prepare and file the report.

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

(6) All information regarding the father shall be entered on the fetal death report if the father is identified. [1983 c.709 s.13; 1989 c.171 s.54; 1997 c.783 s.33]

432.335 [Repealed by 1963 c.200 s.6]

432.337 Status of reports under ORS 435.496. The reports required under ORS 435.496 are statistical reports to be used only for medical and health purposes and shall not be incorporated into the permanent official records of the system of vital statistics. A schedule for the disposition of these reports may be provided by rule of the State Registrar of the Center for Health Statistics. [1983 c.709 s.15; 1997 c.783 s.34]

432.340 [Repealed by 1963 c.200 s.6]

432.345 [Repealed by 1983 c.709 s.45]

RECORDS OF MARRIAGES, DIVORCES, ADOPTIONS, ANNULMENTS AND CERTAIN BIRTHS

432.405 Filing of marriage record. (1) A record of each marriage performed in this state shall be filed with the Center for Health Statistics and shall be registered if it has been completed and filed in accordance with this section and rules adopted by the State Registrar of the Center for Health Statistics.

(2) The county clerk or county official who issues the marriage license shall prepare the record in the form prescribed or furnished by the state registrar upon the basis of information obtained from the parties to be married.

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

(4) Every official issuing marriage licenses shall complete and forward to the Center for Health Statistics on or before the 10th day of each calendar month the records of marriages returned to such official during the preceding calendar month.

(5) A marriage record not filed within the time prescribed by this section may be registered in accordance with rules adopted by the state registrar. [Amended by 1983 c.709 s.17; 1997 c.783 s.35]

432.408 Record of dissolution of marriage decree. (1) A record of each dissolution of marriage decree by any court in this state shall be filed by the clerk of the court with the Center for Health Statistics and shall be registered if it has been completed and filed in accordance with this section. The record shall be prepared by the petitioner or a legal representative of the petitioner in the form prescribed or furnished by the State Registrar of the Center for Health Statistics and shall be presented to the clerk of the court with the petition. In all cases the completed record shall be prerequisite to the entry of the decree.

(2) The clerk of the court shall complete and forward to the Center for Health Statistics on or before the 10th day of each calendar month the records of each dissolution of marriage decree granted during the preceding calendar month.

(3) A dissolution of marriage record not filed within the time prescribed by subsection (2) of this section may be registered in accordance with rules adopted by the state registrar. [1997 c.783 s.37]

432.410 [Repealed by 1959 c.430 s.5]

432.412 Marriage and divorce records subject to full disclosure. Notwithstanding any other provision of law, all marriage records and all divorce records in the custody of a county clerk or county recording officer and all divorce records in the custody of the state courts are open and subject to full disclosure. [1999 c.254 s.6]

432.415 Reports on adoptions. (1) For each adoption decreed by a court of competent jurisdiction in this state, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the State Registrar of the Center for Health Statistics. The report shall:

(a) Include such facts as are necessary to locate and identify the certificate of birth of the person adopted or, in the case of a person who was born in a foreign country, evidence from sources determined to be reliable by the court as to the date and place of birth of the person;

(b) Provide information necessary to establish a new certificate of birth of the person adopted; and

(c) Identify the order of adoption and be certified by the clerk of the court.

(2) Information necessary to prepare the report of adoption shall be furnished by each petitioner for adoption or the attorney of the petitioner. The State Office for Services to Children and Families or any person having knowledge of the facts shall supply the court with such additional information as may be necessary to complete the report of adoption. The provision of such information shall be prerequisite to the issuance of a final decree in the matter by the court.

(3) Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the

adoption decree as shall be necessary to properly amend the birth record.

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

(5) When the state registrar receives a report of adoption, report of annulment of adoption or amendment of a decree of adoption for a person born outside this state, the state registrar shall forward such report to the state registrar in the state of birth.

(6) If the birth occurred in a foreign country, except Canada, and the person is not a citizen of the United States at the time of birth, the state registrar shall prepare a certificate of foreign birth as provided by ORS 432.230. If the person was born in Canada, the state registrar shall forward the report of adoption, report of annulment of adoption or amendment of a decree of adoption to the appropriate registration authority in Canada.

(7) If the person was born in a foreign country but was a citizen of the United States at the time of birth, the state registrar shall not prepare a certificate of foreign birth and shall notify the adoptive parents of the procedures for obtaining a revised birth certificate for the person through the United States Department of State. [Amended by 1959 c.430 s.2; 1983 c.709 s.10; 1997 c.783 s.38]

432.420 Access to adoption records. The documents forwarded to the State Registrar of the Center for Health Statistics or sealed under ORS 432.230 may be opened by the state registrar only upon an order of an Oregon court of competent jurisdiction or when requested by an agency operating a voluntary adoption registry as defined in ORS 109.425 for the purpose of facilitating the identification of persons registering under the provisions of ORS 109.425 and 109.435 to 109.507. [Amended by 1957 c.193 s.1; 1983 c.672 s.18; 1995 c.79 s.221; 1995 c.730 s.11; 1997 c.783 s.39; 1999 c.254 s.3]

432.425 [Amended by 1955 c.680 s.1; repealed by 1983 c.709 s.45]

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

- (a) The date and the city or county, or both, where the child was found.
- (b) Sex and approximate birth date of child.
- (c) Name and address of the person or institution with whom the child has been placed for care.
- (d) Name given to the child by the custodian of the child.
- (e) Other data required by the state registrar.

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

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

(4) If the child is identified and a certificate of birth is found or obtained, the report registered under this section shall be placed in a sealed file and shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by rule of the state registrar. [Amended by 1983 c.709 s.7; 1997 c.783 s.40]

CANCER REGISTRY SYSTEM

432.500 Definitions. As used in ORS 432.510 to 432.550 and 432.900:

(1) "Division" means the Health Division of the Department of Human Services or its authorized representative.

(2) "Health care facility" has the meaning given that term in ORS 442.015 (14)(a) and (c).

(3) "Practitioner" means any person whose professional license allows the person to diagnose or treat cancer in patients. [1995 c.585 s.1]

Note: 432.500 to 432.570 and 432.900 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 432 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

432.510 Cancer registry system; purpose; rulemaking; duties of Health Division. (1) The Health Division shall establish a uniform, statewide, population-based cancer registry system for the collection of information determining

the incidence of cancer and related data. The purpose of the registry shall be to provide information to design, target, monitor, facilitate and evaluate efforts to determine the causes or sources of cancer among the residents of Oregon and to reduce the burden of cancer in Oregon. Such efforts may include but are not limited to:

- (a) Targeting populations in need of cancer screening services or evaluating screening or other cancer control services;
 - (b) Supporting the operation of hospital registries in monitoring and upgrading cancer care and the end results of treatment;
 - (c) Investigating suspected clusters or excesses of cancer both in occupational settings and in the state's environment generally;
 - (d) Conducting studies to identify cancer hazards to the public health and cancer hazard remedies; and
 - (e) Projecting the benefits or costs of alternative policies regarding cancer prevention or treatment.
- (2) The division shall adopt rules necessary to carry out the purposes of ORS 432.510 to 432.550 and 432.900, including but not limited to designating which types of cancer are reportable to the statewide cancer registry, the data to be reported, the data reporting standards and format and the effective date after which reporting by health care facilities and practitioners shall be required. When adopting rules under this subsection, the division shall, to the greatest extent practicable, conform the rules to the standards and procedures established by the American College of Surgeons Commission on Cancer, with the goal of achieving uniformity in the collection and reporting of data.
- (3) The division shall:
- (a) Conduct a program of epidemiologic analyses of cancer registry data collected under subsection (1) of this section to assess cancer control, cancer prevention, cancer treatment and cancer causation in Oregon; and
 - (b) Utilize the data to promote, facilitate and evaluate programs designed to reduce the burden of cancer among the residents of Oregon.
- (4) The division shall:
- (a) Collaborate in cancer studies with clinicians and epidemiologists and publish reports on the results of such studies; and
 - (b) Cooperate with the National Institutes of Health and the Centers for Disease Control in providing cancer incidence data.
- (5) The division shall establish a training program for the personnel of participating health care facilities and a quality control program for cancer data reported to the state registry. [1995 c.585 s.2]

Note: See note under 432.500.

432.520 Reporting requirement; review of records; special studies. (1) Except as provided in subsection (2) of this section, any health care facility in which cancer patients are diagnosed or provided treatment for cancer shall report each case of cancer to the Health Division within a time period and in a format prescribed by the division. The division shall provide, at cost, reporting services to any health care facility at the option of the health care facility. Health care facilities may also purchase reporting services from another facility or commercial vendor. If a health care facility is unable to report in conformance with the format and standards prescribed by the division, the division may, after consultation with the health care facility, elect to activate its reporting service for the facility. When activated, the division may enter the facility, obtain the information and report it in conformance with the appropriate format and standards. In these instances, the facility shall reimburse the division or its authorized representative for the cost of obtaining and reporting the information.

(2) Upon application to the division by a health care facility, the division shall grant to the health care facility an extension of time in which to meet the reporting requirements of this section. In no event shall the extension of time exceed two years from the date of application.

(3) Any practitioner diagnosing or providing treatment to cancer patients shall report each cancer case to the division or its authorized representative within a time period and in a format prescribed by the division. Those cases diagnosed or treated at an Oregon health care facility or previously admitted to an Oregon health care facility for diagnosis or treatment of that instance of cancer shall be considered to have been reported by the health care practitioner.

(4) For the purpose of assuring the accuracy and completeness of reported data, the division shall have the right to periodically review all records that would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer or the medical status of any identified cancer patient.

(5) The division may conduct special studies of cancer morbidity and mortality. As part of such studies, cancer

registry personnel may obtain additional information that applies to a patient's cancer and that may be in the medical record of the patient. The record holder may either provide the requested information to the cancer registry personnel or provide the cancer registry personnel access to the relevant portions of the patient's medical record. Neither the division nor the record holder shall bill the other for the cost of providing or obtaining this information. [1995 c.585 s.3]

Note: See note under 432.500.

432.530 Confidentiality of information. (1) All identifying information regarding individual patients, health care facilities and practitioners reported pursuant to ORS 432.520 shall be confidential and privileged. Except as required in connection with the administration or enforcement of public health laws or rules, no public health official, employee or agent shall be examined in an administrative or judicial proceeding as to the existence or contents of data collected under the cancer registry system.

(2) All additional information reported in connection with a special study shall be confidential and privileged and shall be used solely for the purposes of the study, as provided by ORS 432.060. Nothing in this section shall prevent the Health Division from publishing statistical compilations relating to morbidity and mortality studies that do not identify individual cases or prevent use of this data by third parties to conduct research as provided by ORS 432.540 (1). [1995 c.585 s.5]

Note: See note under 432.500.

432.540 Use of confidential data. (1) The Health Division shall adopt rules under which confidential data may be used by third parties to conduct research and studies for the public good. Research and studies conducted using confidential data from the statewide registry must be reviewed and approved by the Committee for the Protection of Human Research Subjects established in accordance with 45 C.F.R. 46.

(2) The division may enter into agreements to exchange information with other cancer registries in order to obtain complete reports of Oregon residents diagnosed or treated in other states and to provide information to other states regarding the residents of other states diagnosed or treated in Oregon. Prior to providing information to any other registry, the division shall ensure that the recipient registry has comparable confidentiality protections. [1995 c.585 s.6]

Note: See note under 432.500.

432.550 Action for damages; license; disciplinary action prohibited for good faith participation in reporting of data. (1) No action for damages arising from the disclosure of confidential or privileged information may be maintained against any person, or the employer or employee of any person, who participates in good faith in the reporting of cancer registry data or data for cancer morbidity or mortality studies in accordance with ORS 432.510 to 432.540 and 432.900.

(2) No license of a health care facility or practitioner may be denied, suspended or revoked for the good faith disclosure of confidential or privileged information in the reporting of cancer registry data or data for cancer morbidity or mortality studies in accordance with ORS 432.510 to 432.540 and 432.900.

(3) Nothing in this section shall be construed to apply to the unauthorized disclosure of confidential or privileged information when such disclosure is due to gross negligence or willful misconduct. [1995 c.585 s.7]

Note: See note under 432.500.

432.560 Investigation of funding sources. During the five years following September 9, 1995, the Health Division shall investigate funding sources in addition to state and federal funds to finance the continued operation of the cancer registry. The investigation shall include a review of potential private sources of funding and whether privatization of the cancer registry is a viable alternative for the continued operation of the cancer registry. [1995 c.585 s.8]

Note: See note under 432.500.

432.570 No requirement or prohibition regarding operation of separate cancer registry. Nothing in ORS 432.510 to 432.550 and 432.900 shall prohibit a health care facility from operating its own cancer registry or require a

health care facility to operate its own cancer registry. [1995 c.585 s.9]

Note: See note under 432.500.

PENALTIES

432.900 Civil penalty. (1) In addition to any other liability or penalty provided by law, the Assistant Director for Health may impose a civil penalty on any person for willful failure to comply with any part of ORS 432.520. A civil penalty may be imposed against a health care facility for each day compliance is refused. The penalty shall be \$50 per day for the first 30 days and \$500 per day thereafter. A civil penalty of \$50 may be imposed against a practitioner for each day compliance is refused.

(2) Any fines collected pursuant to subsection (1) of this section shall be paid into the State Treasury and deposited in the General Fund.

(3) Civil penalties described in subsection (1) of this section shall be imposed in the manner provided in ORS 183.090. [1995 c.585 s.4]

Note: See note under 432.500.

432.990 [Amended by 1963 c.200 s.5; 1971 c.743 s.369; repealed by 1997 c.783 s.48]

432.993 Unlawful use of vital record or vital report; criminal penalty. (1) A person commits the crime of unlawful use of a vital record or vital report if the person willfully and knowingly:

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

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

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

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

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

(2) Unlawful use of a vital record or vital report is a Class C felony. [1997 c.783 s.42]

432.995 Obstructing the keeping of vital records or vital reports; criminal penalty. (1) A person commits the crime of obstructing the keeping of vital records or vital reports if the person knowingly and willfully:

(a) Refuses to provide information required by this chapter or rules adopted thereunder;

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

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

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

(3) Obstructing the keeping of vital records or vital reports is a Class A misdemeanor. [1997 c.783 s.43]
