

Chapter 432

2013 EDITION

Vital Statistics

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SYSTEM OF VITAL STATISTICS

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

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

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

(3) "Certified copy" means the document, in either paper or electronic format, issued by the State Registrar of the Center for Health Statistics and containing all or a part of the information contained on the original vital record, and which, when issued by the state registrar, has the full force and effect of the original vital record.

(4) "Certified copy item" means any item of information that appears on a certified copy.

(5) "Certifier" means a person required to attest to the accuracy of information submitted on a report.

(6) "Correction" means a change to an item that is not included in a certified copy of a vital record, or a change to an item that is included in a certified copy provided that no certified copy has been issued.

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

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

(9) "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.

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

(11) "Government agency" means a unit of federal, state, local or tribal government.

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

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

(14) "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, that is not an induced termination 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.

(15) "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 report of death is filed.

(16)(a) "Human remains" means a dead body.

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

(17)(a) "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.

(b) "Induced termination of pregnancy" does not include management of prolonged retention of products of conception following fetal death.

(18) "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.

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

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

(21) "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.

(22) "Medical certifier" means a physician, physician assistant or nurse practi-

tioner licensed under the laws of this state or under the laws of Washington, Idaho or California who has treated a decedent within the 12 months preceding death.

(23) "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 submits reports of death 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.

(24) "Person in charge of an institution" means the officer or employee who is responsible for administration of an institution.

(25) "Personally identifiable information" means information that can be used to distinguish or trace an individual's identity or, when combined with other personal or identifying information, is linked or linkable to a specific individual.

(26) "Physician" means a person authorized to practice medicine, osteopathy, chiropractic or naturopathic medicine under the laws of this state or under the laws of Washington, Idaho or California.

(27) "Record" means a report that has been registered by the state registrar.

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

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

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

(31) "State" includes a state or territory of the United States, the District of Columbia and New York City.

(32) "System of vital statistics" means:

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

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

(c) Activities related to the activities described in paragraphs (a) and (b) of this subsection, including the tabulation, analysis, dissemination and publication of vital statistics and training in the use of health data.

(33) "Verification" means confirmation of the information on a vital record based on the facts contained in a report.

(34) "Vital record" means a report of a live birth, death, fetal death, marriage, declaration of domestic partnership, dissolution of marriage or domestic partnership and related data that have been accepted for registration and incorporated into the official records of the Center for Health Statistics.

(35) "Vital statistics" means the aggregated data derived from records and reports of live birth, death, fetal death, induced termination of pregnancy, marriage, declaration of domestic partnership, dissolution of marriage, dissolution of domestic partnership and supporting documentation and related reports. [Subsections (1) and (2) enacted as 1973 c.829 §15; 1983 c.709 §1; 1997 c.783 §1; 1999 c.254 §4; 1999 c.724 §7; 2001 c.900 §154; 2007 c.99 §16; 2009 c.595 §604; 2013 c.366 §1]

432.010 Center for Health Statistics; standards. (1) There is established in the Oregon Health Authority the Center for Health Statistics, which shall maintain, operate and advance the system of vital statistics throughout this state in cooperation with appropriate units of county 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 forms for reports and records required by this chapter and the rules adopted under this chapter must include, at a minimum, the items recommended by the federal agency responsible for national vital statistics.

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

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

(5) Information required in forms, reports or records authorized by this chapter may be submitted, verified, registered and stored by photographic, electronic or other means as prescribed by the state registrar. [Amended by 1983 c.709 §2; 1993 c.324 §2; 1997 c.783 §2; 2009 c.595 §605; 2013 c.366 §2]

432.015 Rules. The State Registrar of the Center for Health Statistics, under the supervision of the Director of the Oregon Health Authority, shall adopt rules in accordance with ORS chapter 183 that are necessary to the installation and efficient performance of an adequate system of vital statistics. [Amended by 1961 c.191 §4; 1983 c.709 §3; 1997 c.783 §3; 2009 c.595 §606; 2013 c.366 §3]

432.020 State registrar; appointment. The Director of the Oregon Health Authority shall appoint the State Registrar of the Center for Health Statistics who shall qualify in accordance with standards of education and experience as the director shall determine. [Amended by 1973 c.829 §34; 1983 c.709 §26; 2009 c.595 §607]

432.025 Assistant state registrars. The State Registrar of the Center for Health Statistics, with the approval of the Director of the Oregon Health Authority, may appoint, when necessary, assistant state registrars who shall be assistants to the state registrar. [Amended by 1983 c.709 §27; 2009 c.595 §608]

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

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

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

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

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

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

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

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

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

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

(B) The plan shall:

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

(ii) Identify essential vital statistics services; and

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

(C) Components of the plan shall include:

(i) Alternative locations for operations;

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

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

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

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

(3) The state registrar may delegate functions and duties vested in the state registrar to employees of the Center for Health Statistics and to employees of an office designated under ORS 432.035. [Amended by 1975 c.605 §22; 1983 c.709 §4; 1997 c.783 §4; 2009 c.595 §609; 2013 c.366 §4]

432.033 Duties of state registrar related to confidentiality and security. (1) The Legislative Assembly finds that:

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

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

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

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

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

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

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

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

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

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

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

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

(f) Protect personally identifiable information and maintain systems that provide for audits of use and include protocols for breach identification and notification;

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

(h) Match death records to live birth records;

(i) Match death records received from the United States Department of Defense or the United States Department of State of a death occurring outside the United States to registered live birth records;

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

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

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

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

(n) Comply with national standards that apply to the system of vital statistics and its components. [2013 c.366 §6]

432.035 County registrars. (1) The State Registrar of the Center for Health Statistics shall designate for each county a government employee or, to the extent allowed under state and federal law, an employee of a local public health authority as described in ORS 431.375 (2), to act as a county registrar. In consultation with the state registrar, each county registrar may designate one or more deputy county registrars. The county registrar shall be sufficiently positioned within the county and have sufficient contact with deputy county registrars to ensure compliance with this chapter and rules adopted under this chapter.

(2) The county and deputy county registrars shall:

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

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

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

(3) The Oregon Health Authority, after taking into consideration county needs, shall adopt rules under which a county registrar may issue certified copies of records of live births or deaths that occur in the county within six months of the date of the live birth or death. [Amended by 1983 c.709 §5; 1985 c.207 §3; 1997 c.783 §5; 2013 c.366 §7]

432.040 [Amended by 1983 c.709 §28; repealed by 2013 c.366 §88]

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

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

432.055 [Repealed by 1973 c.829 §71]

432.060 [1961 c.191 §§2,3; 1983 c.709 §31; 2005 c.342 §1; 2009 c.595 §610; renumbered 413.196 in 2013]

REPORTS

(Generally)

432.075 Duty to report information to state registrar; immunity. (1) A person having knowledge of the facts shall furnish all information the person may possess regarding a live birth, death, fetal death, induced termination of pregnancy, marriage, declaration of domestic partnership or dissolution of marriage or domestic partnership

upon demand of the State Registrar of the Center for Health Statistics.

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

(3) Within five calendar days of receipt of autopsy results or other information that would provide pending or missing information or correct errors in a reported cause of death, the medical certifier or medical examiner required to report the death under ORS 432.133 shall submit an affidavit on the cause of death to amend the record.

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

(5) The state registrar may require alternative documentation from the provider of information relating to the occurrence of a vital event for the purpose of quality assurance. [1983 c.709 §23; 1997 c.783 §6; 2013 c.366 §8]

432.080 [1985 c.397 §1; 1991 c.67 §114; 1997 c.783 §8; repealed by 2013 c.366 §88]

(Keeping of Information Necessary to Submit Reports)

432.083 Requirements for institutions, health care practitioners and persons who transport dead bodies. (1) A person in charge of an institution shall keep a record of personal data concerning each person admitted or confined to the institution. The record shall include information as required for the reports of live birth, death, fetal death or 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) A licensed health care practitioner shall keep a record of personal data concerning each person under the practitioner's care for a condition that results in a reportable vital event if a record for that event is not maintained by an institution as described in subsection (1) of this section. The record shall include information as required for the reports of live birth, death, fetal death or induced termination of pregnancy required by this chapter. The record shall include information provided by the person under the practitioner's care. If the person being treated cannot provide the information, then

the practitioner shall obtain the information 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.

(3) 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 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.

(4) 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 a report required by this chapter or rules adopted under this chapter, shall keep a record that identifies the body and that includes information pertaining to the receipt, removal, delivery and final disposition of the body as may be required by rules adopted by the State Registrar of the Center for Health Statistics.

(5) Copies of records described in subsections (1) to (3) of this section shall be sent to the state registrar at least monthly. Records maintained under this section shall be retained for a period of not less than seven years and shall be made available for inspection by the state registrar or a representative of the state registrar upon demand. [Formerly 432.165]

432.085 [1985 c.397 §2; 1993 c.18 §108; 1997 c.783 §9; 2009 c.595 §611; 2013 c.366 §39; renumbered 432.440 in 2013]

(Reports of Live Birth)

432.088 Mandatory submission and registration of reports of live birth; persons required to report; rules. (1) A report of live birth for each live birth that occurs in this state shall be submitted to the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within five calendar days after the live birth and shall be registered if the report has been completed and filed in accordance with this section.

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

(3) When a live birth occurs in an institution or en route to an institution, the person in charge of the institution or an authorized designee shall obtain all data re-

quired by the state registrar, prepare the report of live birth, certify either by signature or electronic signature that the child was born alive at the place and time and on the date stated and submit the report as described in subsection (1) of this section.

(4) In obtaining the information required for the report of live birth, an institution shall use information gathering procedures provided or approved by the state registrar. Institutions may establish procedures to transfer, electronically or otherwise, information required for the report from other sources, provided that the procedures are reviewed and approved by the state registrar prior to the implementation of the procedures to ensure that the information being transferred is the same as the information being requested.

(5)(a) When a live birth occurs outside an institution, the information for the report of live birth shall be submitted within five calendar days of the live birth in a format adopted by the state registrar by rule in the following order of priority:

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

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

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

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

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

(b) The state registrar may establish by rule the manner of submitting the information for the report of live birth by a person described in paragraph (a)(D) of this subsection or a physician, nurse practitioner or licensed direct entry midwife who attends the birth of his or her own child, grandchild, niece or nephew.

(6) When a report of live birth is submitted that does not include the minimum acceptable documentation required by this section or any rules adopted under this section, or when the state registrar has cause to question the validity or adequacy of the documentation, the state registrar, in the state registrar's discretion, may refuse to register the live birth and shall enter an or-

der to that effect stating the reasons for the action. The state registrar shall advise the applicant of the right to appeal under ORS 183.484.

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

(a) Within the United States and the child is first removed from the conveyance in this state, the live birth shall be registered in this state and the place where it is first removed shall be considered the place of live 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 report of live birth shall show the actual place of birth insofar as can be determined.

(8) For purposes of making a report of live birth and live birth registration, the woman who gives live birth is the live birth mother. If a court of competent jurisdiction determines that a woman other than the live birth mother is the biological or genetic mother, the court may order the state registrar to amend the record of live birth. The record of live birth shall then be placed under seal.

(9)(a) If the mother is married at the time of either conception or live birth, or within 300 days before the live birth, the name of the husband shall be entered on the report of live birth as the father of child unless parentage has been determined otherwise by a court of competent jurisdiction.

(b) If the mother is not married at the time of either conception or live birth, or within 300 days before the live birth, the name of the father shall not be entered on the report of live birth unless a voluntary acknowledgment of paternity form or other form prescribed under ORS 432.098 is:

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

(B) Filed with the state registrar.

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

(d) 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 record of live 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 25.010.

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

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

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

(12) The state registrar may require additional evidence in support of the facts of live birth. [Formerly 432.206]

432.090 [1985 c.549 §10; 1997 c.783 §§10,10a; 1999 c.1084 §46; 2013 c.366 §40; renumbered 432.445 in 2013]

432.093 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 in 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 report of live birth 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 432.098. [Formerly 432.285]

432.095 [1997 c.783 §44; repealed by 2013 c.366 §88]

432.098 Voluntary acknowledgment of paternity form; rules; filing; when form is sworn document; copy to child support agency. (1) The Director of the Oregon Health Authority 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 in the report of live birth. 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 record of live birth, 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 record of live birth of the child or, if appropriate, establish a replacement for the record 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 records of live birth executed and filed with the state registrar after October 1, 1995. [Formerly 432.287]

432.103 Full faith and credit. A determination of paternity by another state is entitled to full faith and credit. [Formerly 432.289]

432.105 [Amended by 1973 c.829 §35; 1983 c.709 §32; 1997 c.783 §11; repealed by 2013 c.366 §88]

432.108 Report of live birth for 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

calendar 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 live 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 live birth.

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

(4) If the child is identified and a live birth registration is found or obtained, the report submitted under this section and the live birth registration resulting from that report shall be voided and placed under seal 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. [Formerly 432.430]

432.110 [Repealed by 1971 c.16 §3]

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

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

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

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

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

(6)(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, in the state registrar's discretion, may refuse to register the delayed report of live 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 183.484.

(b) The state registrar by rule may provide for the dismissal of an application that is not actively prosecuted. [Formerly 432.140]

432.115 [Amended by 1983 c.709 §19; 1997 c.783 §12; 2013 c.366 §32; renumbered 432.295 in 2013]

432.118 Procedure for contesting refusal to register report of live birth or delayed report of live birth; rules. (1) If the State Registrar of the Center for Health Statistics refuses to register a report of live birth or a delayed report of live birth under the provisions of ORS 432.088 or 432.113, 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 live 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 record of live birth or a delayed record of live birth is sought was born in this state and no record of live birth or delayed record of live birth of the person can be found in the records of the Center for Health Statistics;

(b) That diligent efforts by the petitioner have failed to obtain the evidence required for submitting a report of live birth or a delayed report of live birth in accordance with ORS 432.088 or 432.113 and rules adopted under ORS 432.088 or 432.113;

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

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

(3) The petition must be served on the state registrar and accompanied by all documentary evidence that was submitted to the state registrar in support of the petition.

(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 record of live birth or a delayed record of live birth is sought was born in this state, it shall make findings as to the place and date of live 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 record of live birth or delayed record of live birth. This order shall include the live 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 a certified copy of each order to the state registrar twice a month as adopted by the state registrar by rule. The order must be used to register a report of live birth or a delayed report of live birth for the person. The record of live birth or delayed record of live birth must include a statement that it was registered on the basis of a court order. [Formerly 432.142]

432.119 [1973 c.829 §11; 1979 c.426 §1; 1983 c.709 §33; 1997 c.783 §13; 2009 c.595 §612; repealed by 2013 c.366 §88]

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

432.121 [1997 c.783 §15 (enacted in lieu of 432.120); 1999 c.254 §1; 1999 c.312 §3; 2001 c.838 §23; 2003 c.380 §8; 2007 c.703 §9; 2013 c.366 §33; renumbered 432.350 in 2013]

432.122 [1983 c.709 §24; 1997 c.783 §18; repealed by 2013 c.366 §88]

432.124 [1999 c.254 §7; 2013 c.366 §34; renumbered 432.355 in 2013]

432.125 [Repealed by 1983 c.709 §45]

432.130 [Amended by 1983 c.709 §25; repealed by 2013 c.366 §88]

(Reports of Death and Fetal Death)

432.133 Mandatory submission and registration of reports of death; persons required to report. (1)(a) A report of death for each death that occurs in this state must 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 calendar days after death or the finding of a dead body and before final disposition, and must be registered if it has been completed and submitted in accordance with this section.

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

(c) When death occurs in a moving conveyance within or outside the United States and the body is first removed from the conveyance in this state, the death must be registered in this state and the place where the

body is first removed shall be deemed the place of death. The report of death may note the actual location of death insofar as it can be determined.

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

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

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

(b) The funeral service practitioner or person acting as the 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 for the medical certification.

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

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

(4) When inquiry is required under ORS chapter 146, the medical examiner in the jurisdiction where death occurred or the body was found shall determine the cause and manner of death and shall complete and sign

the medical certification within 48 hours after taking charge of the case. If the cause or manner of death is unknown or pending investigation, the cause or manner of death shall be noted as such on the report of death.

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

(6)(a) When a death occurs in a hospital described in subsection (5) of this section and the death is not under the jurisdiction of a medical examiner, the person in charge of the hospital or the designated representative of the person in charge of the hospital shall enter the following information on the report of death within 48 hours of death:

(A) If the report of death does not exist in the state electronic reporting system, the name of the decedent, the date of the decedent's birth, the date of the decedent's death and the county in which the decedent died; and

(B) The medical certification of death, accompanied by the signature or electronic signature of the person completing the cause of death as described in subsection (3) of this section.

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

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

(8) When a death that is not the subject of a presumptive death proceeding in a court in this state or another state is presumed to have occurred in this state as the result of a known event in this state, but no remains of the presumed deceased can be located, a report of death may be prepared by the State Medical Examiner upon receiving an order from a court of competent jurisdiction that contains findings of fact necessary to complete the report of death. A report of death prepared under this subsection shall be marked or flagged "Presumptive" and must show on its face the date of death as determined by the court, the date of registration, the identity of the court and the date of the order.

(9) When a death of a missing person domiciled in this state, and that is not the subject of a presumptive death proceeding in a court of this state or another state, has been determined by a court of competent jurisdiction to have presumptively occurred in another state, a report of death may be prepared by the State Medical Examiner upon receiving an order from the court that contains findings of fact necessary to complete the report of death. A report of death prepared under this subsection shall be marked or flagged "Presumptive" and must show on its face the date of death as determined by the court, the date of registration, the identity of the court and the date of the order.

(10) When a death occurring in this state has not been registered as prescribed by this section, a report of death may be submitted to the state registrar as described in this section provided that the medical certifier or medical examiner and the funeral service practitioner or person acting as a funeral service practitioner are available to complete the report of death. If the report of death is submitted more than one year after the date of death or the date on which the body was found, the medical certifier or medical examiner and funeral service practitioner or person acting as a funeral service practitioner shall state in accompanying notarized statements that the information submitted is based on records kept in the files of the medical certifier or medical examiner and funeral service practitioner or person acting as a funeral service practitioner. If the medical certifier or medical examiner and funeral service practitioner or person acting as a funeral service practitioner are unavailable to complete the report of death, or decline to complete the report of death, then the death shall not be registered except upon the receipt of an order from a court of competent jurisdiction.

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

(12) If a decedent's death was caused by suicide, the person who submits the report of death to the county registrar or to the Center for Health Statistics, or as otherwise directed by the state registrar, shall make reasonable efforts to ascertain whether the decedent was a veteran and, if the decedent was a veteran, whether the decedent served in combat and, if so, where the decedent served. Information acquired under this subsection must be reported to the Center for

Health Statistics through the state electronic reporting system. [Formerly 432.307]

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

432.138 Court orders for records of death. (1)(a) A death may be registered by the State Medical Examiner as specified in ORS 432.133 (8) or (9) upon receipt of an order from a court of competent jurisdiction.

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

(A) The decedent's full legal name;

(B) The date of the decedent's death as determined from evidence presented to the court; and

(C) The city, county and place in which the decedent died as determined from evidence presented to the court.

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

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

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

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

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

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

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

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

(4) If the death was registered pursuant to ORS 432.133 (8) or (9), the record of death shall be flagged as being "Presumptive." [2013 c.366 §18]

432.140 [Amended by 1983 c.709 §8; 1997 c.783 §19; 2013 c.366 §14; renumbered 432.113 in 2013]

432.142 [Formerly 432.135; 1997 c.783 §20; 2013 c.366 §15; renumbered 432.118 in 2013]

432.143 Mandatory submission and registration of reports of fetal death; persons required to report; rules. (1)(a) A report of each fetal death of 350 grams or more or, if the weight is unknown, of 20 completed weeks gestation or more, calculated from the date the last normal menstrual period began to the date of the delivery, that occurs in this state shall be submitted within five calendar days after the delivery to the Center for Health Statistics or as otherwise directed by the State Registrar of the Center for Health Statistics. The state registrar shall register the report of fetal death if it has been completed and submitted in accordance with this section and any rules adopted by the state registrar under this section.

(b) 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 fetal death occurs in an institution or en route to an institution, the person in charge of the institution or an authorized designee shall obtain all data required by the state registrar, prepare the report of fetal death, certify by electronic signature that the information reported is accurate and complete and submit the report as described in subsection (1) of this section.

(3) In obtaining the information required for the report of fetal death, an institution shall use information gathering procedures provided or approved by the state registrar. Institutions may establish procedures to transfer, electronically or otherwise, information required for the report from other sources, provided that the procedures are reviewed and approved by the state registrar prior to the implementation of the procedures to ensure that the information being transferred is the same as the information being requested.

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

(5) If fetal death occurs outside an institution and without a physician in attendance at or immediately after the delivery of the fetus, or if inquiry is required by ORS chapter 146, the medical examiner in the jurisdiction where the fetal death occurred shall prepare and submit the report of fetal death within five calendar days of the delivery in a format adopted by the state registrar by rule. If the cause of fetal death is unknown

or pending investigation, the cause shall be noted as such on the report of fetal death.

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

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

(8) When a record of fetal death is amended, a notation indicating the record was amended must be shown on all certified copies of the record. The date of the amendment and the certified copy item that was amended must also be shown on all certified copies of the record. [Formerly 432.333]

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

432.146 [1991 c.245 §2; 1993 c.345 §1; 1997 c.636 §2; 2009 c.595 §613; 2013 c.366 §41; renumbered 432.435 in 2013]

432.148 Commemorative Certificate of Stillbirth; rules. (1) The State Registrar of the Center for Health Statistics shall establish a Commemorative Certificate of Stillbirth. The certificate shall be signed by the state registrar.

(2) The state registrar shall issue a Commemorative Certificate of Stillbirth for a stillbirth occurring on or after January 1, 1999, upon:

(a) Request of a biological parent of the stillborn fetus; and

(b) Payment of the fee adopted by the state registrar by rule.

(3) The state registrar shall adopt by rule:

(a) A form for the certificate;

(b) The type of information that may be included on the form; and

(c) The fee required for issuance of the certificate.

(4) A certificate issued under this section is for commemorative purposes only and has no legal effect. [Formerly 432.266]

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

432.153 Status of reports under ORS 435.496; rules. 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 statis-

tics. A schedule for the disposition of these reports may be provided by rule of the State Registrar of the Center for Health Statistics. [Formerly 432.337]

432.155 [Repealed by 1979 c.696 §14]

432.158 Disposition of remains; rules.

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

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

(3) Before the final disposition of a dead body, the funeral service practitioner or person acting as a funeral service practitioner who first assumes custody of the dead body shall obtain written authorization, on a form prescribed and furnished by the state registrar, for final disposition of the dead body from the medical certifier or medical examiner who certifies the cause of death as described in ORS 432.133. If the funeral service practitioner or person acting as a funeral service practitioner is unable to obtain written authorization before the final disposition of the dead body, the funeral service practitioner or person acting as a funeral service practitioner may authorize, with the oral consent of the medical certifier or medical examiner who is responsible for certifying the cause of death, the final disposition of the dead body on a form prescribed and furnished by the state registrar.

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

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

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

(7) A person in charge of a place where interment or other disposition of human remains is made shall indicate on the permit authorizing disposition the date of disposition and return the completed permit to the county registrar of the county where death

occurred. If there is no such person, the funeral service practitioner or person acting as the funeral service practitioner shall complete the permit and return it to the county registrar of the county where death occurred.

(8) Disinterment of human remains requires authorization for disinterment and reinterment. The state registrar may issue authorization for disinterment and reinterment to a funeral service practitioner or person acting as a funeral service practitioner upon application, as required by the state registrar by rule.

(9) Prior to removing a dead body or fetus from this state under ORS 692.270, a funeral service practitioner or a person acting as a funeral service practitioner shall submit a written notice of removal to the county registrar in the county in which death occurred or in which the dead body or fetus was found. The notice shall be on a form prescribed and furnished by the state registrar. A copy of a written notice of removal serves as a permit for transporting the remains of a decedent named on the notice. [Formerly 432.317]

432.160 [Repealed by 1971 c.743 §432]

432.163 Extensions for submitting reports of death or fetal death. 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 432.133, 432.143 and 432.158 for the submission of a report of death or fetal death and related documentation and for the obtaining of a permit for disposition of human remains in cases where compliance with the applicable prescribed period would result in undue hardship. [Formerly 432.327]

432.165 [Amended by 1983 c.709 §22; 1985 c.207 §4; 1997 c.783 §21; 1999 c.80 §70; 2005 c.471 §4; 2013 c.366 §9; renumbered 432.083 in 2013]

(Reports of Marriage, Domestic Partnership, Dissolution of Marriage and Dissolution of Domestic Partnership)

432.173 Mandatory submission and registration of reports of marriage and reports of domestic partnership; persons required to report. (1) A report of each marriage performed and domestic partnership registered by the state shall be submitted to the Center for Health Statistics. The State Registrar of the Center for Health Statistics shall register a marriage or domestic partnership if the report of marriage or domestic partnership has been completed and submit-

ted in accordance with this section and any rules adopted by the state registrar.

(2) The county clerk or county official who issues the marriage license or registers the Declaration of Domestic Partnership shall prepare the report of marriage or domestic partnership on a form prescribed and furnished by the state registrar, using information obtained from the parties to whom the marriage license or Declaration of Domestic Partnership is being issued.

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

(4) A county clerk or county official who issues marriage licenses or registers declarations of domestic partnership shall complete and submit the report of marriage or domestic partnership to the Center for Health Statistics within 15 calendar days of receiving the completed marriage license or registering the Declaration of Domestic Partnership. The report of marriage or domestic partnership must include a copy of the marriage license or Declaration of Domestic Partnership. [Formerly 432.405]

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

432.178 Delayed report of marriage. The State Registrar of the Center for Health Statistics may register a marriage one year or more after the date of the marriage ceremony if:

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

(2) The report of marriage indicates that the registration is delayed and identifies the date of registration. [2013 c.366 §24]

432.180 [1997 c.783 §17; 2013 c.366 §36; renumbered 432.380 in 2013]

432.183 Mandatory submission and registration of reports of dissolution of marriage and reports of dissolution of domestic partnership; clerk of court to submit; rules. (1) A report of each dissolution of marriage or dissolution of domestic partnership by a court of competent jurisdiction in this state shall be submitted by the clerk of the court to the Center for Health Statistics. The State Registrar of the Center for Health Statistics shall register the dissolution of marriage or dissolution of domestic partnership if the report of dissolution of marriage or dissolution of domestic partnership is completed and submitted in accordance with this section and any rules adopted by the state registrar. A report of dissolution of marriage or dissolution of domestic partnership shall be prepared by the

petitioner for dissolution or the petitioner's legal representative on a form prescribed by the state registrar and submitted to the clerk of the court with the petition for dissolution.

(2) The state registrar shall design the report of dissolution of marriage or dissolution of domestic partnership in a manner that allows, for judgments or orders issued in proceedings initiated under ORS 107.085 or 107.485, the state registrar, county clerks, county recording officers and courts to keep Social Security numbers confidential and exempt from public inspection. In all cases, the report of dissolution of marriage or dissolution of domestic partnership shall be completed and submitted to the clerk of the court prior to the issuance of the court's final order.

(3) Twice a month, as adopted by the state registrar by rule, the clerk of the court shall complete and submit a report of dissolution of marriage or dissolution of domestic partnership for each judgment or final order of dissolution of marriage or dissolution of domestic partnership entered during the month. [Formerly 432.408]

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

432.206 [1997 c.783 §23 (enacted in lieu of 432.205); 1999 c.254 §2; 1999 c.840 §1; 2001 c.455 §24; 2013 c.366 §10; renumbered 432.088 in 2013]

432.210 [Repealed by 1983 c.709 §45]

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

432.220 [Repealed by 1983 c.709 §45]

(Reports Related to Adoption)

432.223 Reports of adoption; reports of amendments or annulments of judgment of adoption; persons required to report; rules. (1) For each judgment of adoption entered 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 of adoption must:

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

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

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

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

(e) Be certified or authenticated by the clerk of the court as provided by the state registrar by rule.

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

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

(4) Twice a month as adopted by the state registrar by rule, the clerk of the court shall submit to the Center for Health Statistics reports of adoption or reports prepared under subsection (3) of this section.

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

(6) If a live birth occurred in a foreign country and the child is not a citizen of the United States at the time of live birth, the state registrar shall prepare a record of foreign live birth as provided in ORS 432.245. If the live birth occurred in a neighboring country, the state registrar shall also send a copy of the report of adoption or any report prepared under subsection (4) of this section to the appropriate authority.

(7) If a live birth occurred in a foreign country and through parentage the child is a citizen of the United States, the state registrar shall notify the parents adopting the child of the procedures for obtaining a revised live birth record for their child through the United States Department of State. The state registrar shall not prepare a record of foreign live birth for a live birth described in this subsection. [Formerly 432.415]

432.228 Issuance of certified copy of record of live birth to adopted persons; Contact Preference Form. (1) Upon receipt of a written application to the State Registrar of the Center for Health Statistics, an adopted person 21 years of age and older born in this state shall be issued a certified copy of the person's unaltered, original and unamended record of live birth in the custody of the state registrar, with procedures,

filing fees, and waiting periods as prescribed by the state registrar by rule.

(2) A birth parent may at any time request from the state registrar or from a voluntary adoption registry a Contact Preference Form that shall accompany a certified copy 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) A certificate from a voluntary adoption registry verifying receipt of an updated medical history under subsection (2) of this section shall be in a form prescribed by the Oregon Health Authority and shall be supplied upon request of the birth parent by the voluntary adoption registry.

(4) When the state registrar receives a completed Contact Preference Form from a birth parent, the state registrar shall match the Contact Preference Form with the adopted person's record of live birth. The Contact Preference Form shall be made a part of the adopted person's record of live birth 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 record of live birth is made and the Contact Preference Form is placed in the adopted person's record.

(6) Only those persons who are authorized to process applications made under subsection (1) of this section may process Contact Preference Forms. [Formerly 432.240]

432.230 [1983 c.709 §11a; 1997 c.783 §24; 2003 c.576 §454; 2013 c.366 §30; renumbered 432.245 in 2013]

AMENDMENTS TO VITAL RECORDS

432.235 Requirements for amending or correcting vital record. (1) A vital record registered under this chapter must be amended or corrected in accordance with this section or rules adopted by the State

Registrar of the Center for Health Statistics for the purpose of protecting the integrity and accuracy of vital records.

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

(b) The state registrar shall keep and maintain:

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

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

(C) The identity of the individual authorized by the Center for Health Statistics that made the amendment or correction.

(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 the request of a person 18 years of age or older or, if a person is younger than 18 years of age and is not an emancipated minor, by the person's parent, legal guardian or legal representative, the state registrar shall amend the record of live birth to show a new name.

(4) When an applicant to amend a vital record does not submit the minimum documentation required to make an amendment, or when the state registrar has cause to question the validity or adequacy of the application, the state registrar, in the state registrar's discretion, may refuse to amend the vital record 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 183.484.

(5) When an amendment is made to a record of marriage or a record of domestic partnership by the county clerk or other county official who issues marriage licenses and registers domestic partnerships or, if an amendment changes the name, date of birth or birthplace of a party, by the court that entered the judgment or final order of dissolution of marriage or dissolution of domestic partnership, copies of the amendment must be forwarded to the state registrar.

(6) If a judgment or final order of dissolution of marriage or dissolution of domestic partnership is set aside by the court that entered the judgment or order, a copy of the notice setting aside the judgment or order must be forwarded to the state registrar and the state registrar shall void the related record. [Formerly 432.290; 1997 c.783 §25; 2003 c.576 §455; 2007 c.99 §17; 2007 c.703 §13; 2013 c.366 §29]

432.240 [1999 c.2; 1999 c.604 §1; 2009 c.595 §614; 2013 c.366 §28; renumbered 432.228 in 2013]

432.245 Replacing records of live birth; restoring records of live birth. (1) For a person born in this state, the State Registrar of the Center for Health Statistics shall amend a record of live birth and establish a replacement for the record if the state registrar receives one of the following:

(a) A report of adoption as provided in ORS 432.223 or a certified copy of the judgment of adoption, with the information necessary to identify the original record of live birth and to establish a replacement for the record, unless the court ordering the adoption requests that a replacement for the record not be established;

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

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

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

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

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

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

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

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

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

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

(9) A replacement record of live birth may not be created under this section if the date and place of live birth have not been determined by the court order. [Formerly 432.230]

432.250 Access to adoption records.

The documents forwarded to the State Registrar of the Center for Health Statistics or sealed under ORS 432.245 may be opened by the state registrar only upon receiving an order from a 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. [Formerly 432.420]

432.255 [Repealed by 1983 c.709 §45]

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

432.265 [Repealed by 1983 c.709 §45]

432.266 [2005 c.769 §1; renumbered 432.148 in 2013]

432.270 [Repealed by 1983 c.709 §45]

432.275 [Repealed by 1983 c.709 §45]

432.280 [Repealed by 1983 c.709 §45]

432.285 [1995 c.514 §3; 1997 c.783 §26; 2013 c.366 §11; renumbered 432.093 in 2013]

432.287 [1995 c.514 §4; 1997 c.783 §27; 1999 c.80 §21; 2009 c.595 §615; 2013 c.366 §12; renumbered 432.098 in 2013]

432.289 [1995 c.514 §4a; renumbered 432.103 in 2013]

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

PRESERVATION OF VITAL RECORDS

432.295 Preservation program; reproductions of vital records; availability; rules. (1) In consultation with the State Archivist, the State Registrar of the Center for Health Statistics shall develop and implement a preservation management program to preserve vital record documents and information and meet generally accepted standards for permanent preservation.

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

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

(4) The preservation management program must provide for the continued availability of historic vital record documents and information for research and related purposes. Vital records are historic when 100 years have elapsed after the date of live birth for births occurring after 1914, 50 years have elapsed after the date of death for deaths occurring after 1964, 50 years have elapsed after the date of fetal death for fetal deaths occurring after 1964 or 50 years have elapsed after the date of marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership for such events occurring after 1964. Supporting documents, including corrections and acknowledgments of paternity, may be included with historic vital records. Records under seal are not historic unless unsealed by court order.

(5) Historic vital records shall be transferred to the State Archives in accordance with archival procedures for the continued safekeeping of the vital records. The State Archives may not charge the Center for Health Statistics for the transfer and maintenance of historic vital records under this

subsection. The state registrar shall adopt rules to ensure that the release of information contained in records of birth, death, marriage, domestic partnership and dissolution of marriage or domestic partnership, and reports of fetal death, comply with federal and state laws, regulations and rules. [Formerly 432.115]

432.300 [1987 c.517 §2 (enacted in lieu of 146.001); 1997 c.783 §28; repealed by 2013 c.366 §88]

432.305 [Repealed by 1963 c.200 §6]

432.307 [1963 c.200 §2; 1965 c.221 §26; 1977 c.582 §33; 1983 c.709 §12; 1985 c.207 §5; 1997 c.783 §29; 1999 c.80 §71; 1999 c.724 §1; 2001 c.357 §2; 2003 c.104 §3; 2011 c.407 §1; 2013 c.366 §16; renumbered 432.133 in 2013]

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

432.312 [1993 c.345 §3; 1997 c.783 §30; 2005 c.726 §3; 2009 c.132 §1; 2009 c.595 §616; 2009 c.709 §16; 2013 c.366 §42; renumbered 413.825 in 2013]

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

432.317 [1963 c.200 §3; 1983 c.709 §16; 1985 c.207 §6; 1987 c.252 §9; 1989 c.669 §2; 1997 c.783 §31; 1999 c.724 §4; 2001 c.357 §3; 2003 c.104 §4; 2009 c.595 §617; 2013 c.366 §20; renumbered 432.158 in 2013]

432.320 [Repealed by 1963 c.200 §6]

432.325 [Repealed by 1963 c.200 §6]

432.327 [1963 c.200 §4; 1983 c.709 §36; 1997 c.783 §32; 2013 c.366 §21; renumbered 432.163 in 2013]

432.330 [Repealed by 1963 c.200 §6]

432.333 [1983 c.709 §13; 1989 c.171 §54; 1997 c.783 §33; 2013 c.366 §19; renumbered 432.143 in 2013]

432.335 [Repealed by 1963 c.200 §6]

432.337 [1983 c.709 §15; 1997 c.783 §34; renumbered 432.153 in 2013]

432.340 [Repealed by 1963 c.200 §6]

432.345 [Repealed by 1983 c.709 §45]

EXEMPTION FROM PUBLIC DISCLOSURE

432.350 Vital records exempt from public disclosure; exceptions; rules. (1)(a) Vital records and reports, and documents, data and information related to vital records and reports, are exempt from public disclosure under ORS 192.410 to 192.505. Except as provided in this section and ORS 432.380 or rules adopted by the State Registrar of the Center for Health Statistics as described in paragraph (b) of this subsection, a person may not disclose or allow a person to inspect vital records or reports or related documents, data or information.

(b) The state registrar may adopt rules permitting the disclosure of vital records and reports and related documents, data or information if the disclosure is for public health purposes or if the state registrar otherwise determines that:

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

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

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

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

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

(A) Describes the research project;

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

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

(b) An agreement entered into under this subsection:

(A) Must:

(i) Prohibit, except as explicitly permitted in the agreement, the further release of the personally identifiable information by the researcher unless explicitly authorized by the state registrar; and

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

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

(3) A government agency may be furnished, upon written request and the approval of the state registrar, with copies of documents or other data from the system of vital statistics, provided that the copies or data are used solely in the conduct of the government agency's official duties. Before furnishing information under this subsection, the state registrar and the government agency requesting the copies or data shall enter into a data sharing agreement that clearly specifies the uses for the copies or data. An agreement entered into under this subsection:

(a) Must:

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

(B) Prohibit the further release of any personally identifiable information by the government agency unless explicitly provided in the agreement; and

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

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

(4) The federal agency responsible for national vital statistics may be furnished with copies of records, reports or other data

from the system of vital statistics as necessary for the maintenance of national statistics, provided that the agency shares in the cost of collecting, processing and transmitting the information and that the agency does not use the information for purposes other than statistical purposes unless the use is explicitly authorized by the state registrar. Before furnishing information under this subsection, the state registrar and the agency shall enter into a data sharing agreement that clearly specifies the uses for the information. An agreement entered into under this subsection must:

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

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

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

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

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

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

(7) When 100 years have elapsed after the date of live birth for births occurring after 1914, 50 years have elapsed after the date of death for deaths occurring after 1964, 50 years have elapsed after the date of fetal death for fetal deaths occurring after 1964 or 50 years have elapsed after the date of marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership for such events occurring after 1964, the

record available for disclosure under this section, whether in paper, electronic or other form, may be transferred to the State Archives as a public record in accordance with archival procedures for the continued safekeeping of the vital records. The State Archives may not charge the Center for Health Statistics for the transfer and maintenance of historic vital records under this subsection. The state registrar shall adopt rules to ensure that, for records of dissolution of marriage or dissolution of domestic partnership issued in proceedings under ORS 106.300 to 106.340 or 107.085 or 107.485, the Social Security numbers of the parties are kept confidential and exempt from public disclosure under ORS 192.410 to 192.505. Prior to transferring records of live birth and death, the state registrar shall redact all information identified as having only a medical or health purpose in the United States Standard Certificates of Live Birth and Death and the Report of Fetal Death or by rule of the state registrar.

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

(9) Nothing in this section prohibits the state registrar from publishing statistical compilations or reports for public health purposes if the compilations and reports do not contain personally identifiable information. [Formerly 432.121]

432.355 Disclosure of death filed in conjunction with claims or interests in land. Notwithstanding any other provision of law, a document recording a death filed in conjunction with owning or having a claim or interest in land that is in the custody of a county clerk or county recording officer is open and subject to full disclosure. A document recording a death filed in conjunction with owning or having a claim or interest in land may not include medical information related to the cause of death. [Formerly 432.124]

432.360 Records of dissolution of marriage and dissolution of domestic partnership subject to full disclosure; exemption. (1) Except as provided in subsection (2) of this section, notwithstanding any other provision of law, all marriage and domestic partnership records and all records of dissolution of marriage and dissolution of domestic partnership in the custody of a county clerk or county recording officer and all records of dissolution of marriage and dissolution of domestic partnership in the

custody of the state courts are open and subject to full disclosure.

(2) Records of dissolution of marriage and dissolution of domestic partnership in the custody of the state courts shall be completed and maintained in accordance with procedures established under ORS 107.840 to ensure that the Social Security numbers of parties to proceedings under ORS 107.085 and 107.485 are kept confidential and exempt from public inspection. [Formerly 432.412]

CERTIFIED COPIES OF RECORDS

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

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

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

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

(i) Government issued identification that includes a photograph;

(ii) At least three forms of identification; or

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

(B) Forms of identification that may be submitted under subparagraph (A)(ii) of this paragraph include, but are not limited to, letters from government or social agencies, payroll statements, utility bills, student iden-

tification with a photograph or other items acceptable to the state registrar.

(c)(A) Upon receipt of an application, the state registrar shall review the evidence of eligibility provided by the applicant. Evidence of eligibility submitted under this subsection may consist of copies of vital records establishing eligibility, court documents establishing eligibility or alternate methods identified and accepted by the state registrar. Evidence of eligibility must demonstrate that the applicant is qualified to receive a certified copy.

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

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

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

(iii) If the applicant is requesting a certified copy of a record of death, the decedent's spouse, domestic partner who is registered by the state, child, parent, sibling, grandparent, grandchild, next of kin, legal guardian immediately before death or legal representative, an authorized representative, a person in charge of disposition, a government agency acting in the conduct of its official duties, an employee or agent of a funeral home or person acting as a funeral service practitioner who is named in the record of death for up to two years following the date of death or a person that demonstrates to the satisfaction of the state registrar that the certified copy is necessary for a determination related to or the protection of a personal or property right of the applicant;

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

(v) If the applicant is requesting a certified copy of a record of marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership, the regis-

trant, the registrant's spouse, domestic partner who is registered by the state, child, parent, sibling, grandparent, grandchild, legal guardian or legal representative, an authorized representative or a government agency acting in the conduct of its official duties.

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

(3) Notwithstanding subsection (2) of this section, when 100 years have elapsed after the date of live birth for births occurring after 1914, 50 years have elapsed after the date of death for deaths occurring after 1964, 50 years have elapsed after the date of fetal death for fetal deaths occurring after 1964 or 50 years have elapsed after the date of marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership for such events occurring after 1964, the state registrar may issue a certified copy of a record to a person who submits an application on a form and in a manner prescribed by the state registrar by rule. An application submitted under this subsection must contain proof of identity.

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

(5) The state registrar shall require all certified copies of vital records registered in the state to be issued from a central database.

(6)(a) The state registrar may issue certified copies directly to a government agency or other institution as described in this subsection.

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

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

(d) The state registrar, in approving the issuance of a certified copy to a government agency or other institution, shall consider the proposed use for the certified copy, the frequency of need for the certified copy, the security afforded by the government agency or institution and other criteria as determined by the state registrar by rule.

(e) Certified copies issued under this subsection may be used by a government

agency only for purposes related to the official duties of the government agency.

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

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

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

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

(c) Upon receiving an order from a court of competent jurisdiction that requires the issuance of a certified copy of a death record containing the cause and manner of death.

(9) Each certified copy issued for a record registered after January 1, 2008, must indicate the date of registration. If the record was amended, the certified copy must be marked or flagged as having been amended and must indicate the effective date of the amendment. If the record is marked or flagged "Delayed," the certified copy must be marked or flagged as having been delayed and must include the date of registration and a description of the evidence used to establish the record. If the record is a record of foreign live birth, the certified copy must indicate that fact and show the actual place of birth. A certified copy for a record of live birth that has been matched to a record of death must be marked or flagged "Deceased."

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

(11) After acceptance of an application by a qualified applicant, if a record is not identified for the requested certified copy,

the state registrar shall issue a document indicating that a record for the requested certified copy has not been identified. The document also must include the criteria used in attempting to identify the record, including the type of vital event, the name of the registrant, the date or range of dates for the vital event and other criteria used.

(12) Verification of facts contained in a certified copy may be furnished by the state registrar to a government agency in the conduct of its official duties. The request for verification must:

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

(b) If the requester attests to having the certified copy and can provide verification, as determined by the state registrar by rule, of having the certified copy, be submitted electronically through an automated system approved by the state registrar.

(13) The state registrar shall provide or approve forms and procedures for the issuance of certified copies of vital records in this state. All forms and procedures must be uniform and be in accordance with ORS 432.033.

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

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

(16) All applications and supporting documentation submitted for the purpose of issuing certified copies of vital records are confidential and not subject to public disclosure under ORS 192.410 to 192.505. [Formerly 432.180]

PROHIBITION AGAINST FRAUDULENT ACTIVITY

432.385 Registering, amending or correcting record through fraud; fraudulent use of record. (1)(a) When the State Registrar of the Center for Health Statistics receives information that a record may have been registered, amended or corrected through fraud or misrepresentation, the state registrar may withhold issuance of certified copies related to that record pending an inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(b) If the appropriate authorities conclude that no fraud or misrepresentation occurred, then the state registrar shall issue

certified copies related to the record. If the appropriate authorities conclude that there is reasonable cause to suspect fraud or misrepresentation, then the state registrar shall provide copies of the record and any relevant evidence to the appropriate authorities for further investigation.

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

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

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

(2)(a) When the state registrar receives information that an application for a certified copy may have been submitted for purposes of fraud or misrepresentation, the state registrar may withhold issuance of the certified copy pending an inquiry by appropriate authorities to determine whether fraud or misrepresentation occurred.

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

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

(3) The state registrar shall periodically test and audit the system of vital statistics for purposes of detecting fraud. If fraud is detected, the state registrar shall provide copies of the evidence to the appropriate authorities for further investigation. The result of such tests and audits shall be retained by the state registrar. However, the results

of such tests and audits are not subject to inspection or copying except upon receiving an order from a court of competent jurisdiction or by the state registrar for purposes of administering the system of vital statistics. [2013 c.366 §38]

432.405 [Amended by 1983 c.709 §17; 1997 c.783 §35; 2007 c.99 §18; 2013 c.366 §22; renumbered 432.173 in 2013]

432.408 [1997 c.783 §37; 2003 c.380 §9; 2003 c.576 §456a; 2007 c.99 §19; 2013 c.366 §25; renumbered 432.183 in 2013]

432.410 [Repealed by 1959 c.430 §5]

432.412 [1999 c.254 §6; 2003 c.380 §10; 2013 c.366 §35; renumbered 432.360 in 2013]

432.415 [Amended by 1959 c.430 §2; 1983 c.709 §10; 1997 c.783 §38; 2003 c.576 §457; 2013 c.366 §26; renumbered 432.223 in 2013]

432.420 [Amended by 1957 c.193 §1; 1983 c.672 §18; 1995 c.79 §221; 1995 c.730 §11; 1997 c.783 §39; 1999 c.254 §3; 2013 c.366 §31; renumbered 432.250 in 2013]

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

432.430 [Amended by 1983 c.709 §7; 1997 c.783 §40; 2013 c.366 §13; renumbered 432.108 in 2013]

FEES AND SALES

432.435 Fees. (1) Except as provided in ORS 432.445 and subsection (2) of this section, and subject to the review of the Oregon Department of Administrative Services, the Oregon Health Authority shall establish all fees for services provided under this chapter. The fees and charges established under this section shall be authorized by the Legislative Assembly for the authority's budget, as the budget may be modified by the Emergency Board.

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

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

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

(3) Fees collected under this section shall be deposited in the Oregon Health Authority Fund and are continuously appropriated to the Center for Health Statistics for the purpose of administering this chapter. [Formerly 432.146]

432.440 County registrar sale of certified copies of records of live birth and death; rules. The Oregon Health Authority 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 records of live birth and death. [Formerly 432.085]

432.445 Issuance of additional record of live birth; fee; form; distribution of funds received. (1) 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 record of live birth representing that the birth of the person named on the record of live birth is recorded in the office of the state registrar. The record of live birth 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 and may be signed by the Governor.

(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 Public Health 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. [Formerly 432.090]

CANCER AND TUMOR REGISTRY SYSTEM

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

(1) “Clinical laboratory” means a facility where microbiological, serological, chemical, hematological, immunohematological, immunological, toxicological, cytogenetical, exfoliative cytological, histological, pathological or other examinations are performed on material derived from the human body, for the purpose of diagnosis, prevention of disease or treatment of patients by physicians, dentists and other persons who are authorized by license to diagnose or treat humans.

(2) “Health care facility” means a hospital, as defined in ORS 442.015, or an ambulatory surgical center, as defined in ORS 442.015.

(3) “Practitioner” means any person whose professional license allows the person to diagnose or treat cancer in patients. [1995 c.585 §1; 2001 c.104 §154; 2003 c.14 §243; 2003 c.269 §1; 2009 c.595 §618; 2009 c.792 §35; 2011 c.720 §191]

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 and tumor registry system; purpose; rulemaking; duties of Oregon Health Authority. (1) The Oregon Health Authority shall establish a uniform, statewide, population-based registry system for the collection of information determining the incidence of cancer and benign tumors of the brain and central nervous system 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 and benign tumors among the residents of Oregon and to reduce the burden of cancer and benign tumors 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 the care and the end results of treatment for cancer and benign tumors;

(c) Investigating suspected clusters or excesses of cancer and benign tumors 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 the prevention or treatment of cancer and benign tumors.

(2) The authority 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 and benign tumors of the brain and central nervous system are reportable to the statewide registry, the data to be reported, the data reporting standards and format and the effective date after which reporting by health care facilities, clinical laboratories and practitioners shall be required. When adopting rules under this subsection, the authority 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 authority shall:

(a) Conduct a program of epidemiologic analyses of registry data collected under subsection (1) of this section to assess control, prevention, treatment and causation of cancer and benign tumors in Oregon; and

(b) Utilize the data to promote, facilitate and evaluate programs designed to reduce the burden of cancer and benign tumors among the residents of Oregon.

(4) The authority shall:

(a) Collaborate in studies of cancer and benign tumors 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 and Prevention in providing incidence data for cancer and benign tumors.

(5) The authority shall establish a training program for the personnel of participating health care facilities and a quality control program for data for cancer and benign tumors reported to the state registry. [1995 c.585 §2; 2003 c.269 §2; 2007 c.71 §121; 2009 c.595 §619]

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 patients are diagnosed or provided treatment for cancer or benign tumors of the brain and central nervous system shall report each case of cancer or benign tumors of the brain and central nervous system to the Oregon Health Authority within a time period and in a format prescribed by the authority. The authority 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 authority, the authority may, after consultation with the health care facility, elect to activate its reporting service for the facility. When activated, the authority 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 authority or its authorized representative for the cost of obtaining and reporting the information.

(2) Upon application to the authority by a health care facility, the authority 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 patients with cancer or benign tumors of the brain and central nervous system shall report each case to the authority or its authorized representative within a time period and in a format prescribed by the authority. Those cases diagnosed or treated at an Oregon health care facility or previously admitted to an Oregon health care facility for diagnosis or treat-

ment of that instance of cancer or benign tumors of the brain and central nervous system shall be considered by the authority to have been reported by the health care practitioner.

(4) Any clinical laboratory diagnosing cases of cancer or benign tumors of the brain and central nervous system shall report each case to the authority or its authorized representative within a time period and in a format prescribed by the authority.

(5) For the purpose of assuring the accuracy and completeness of reported data, the authority shall have the right to periodically review all records that would:

(a) Identify cases of cancer and benign tumors, the treatment of the cancer or benign tumors or the medical status of any patient identified as being treated for cancer or benign tumors; or

(b) Establish characteristics of the cancer or benign tumors.

(6) The authority may conduct special studies of cancer morbidity and mortality. As part of such studies, registry personnel may obtain additional information that applies to a patient's cancer or benign tumors and that may be in the medical record of the patient. The record holder may either provide the requested information to the registry personnel or provide the registry personnel access to the relevant portions of the patient's medical record. Neither the authority nor the record holder shall bill the other for the cost of providing or obtaining this information. [1995 c.585 §3; 2003 c.269 §3; 2009 c.595 §620]

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 registry system for cancer and benign tumors of the brain and central nervous 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 413.196. Nothing in this section shall prevent the Oregon Health Authority 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 §5; 2003 c.269 §4; 2009 c.595 §621]

Note: See note under 432.500.

432.540 Use of confidential data; rules.

(1) The Oregon Health Authority 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 authority may enter into agreements to exchange information with other registries for cancer and benign tumors of the brain and central nervous system 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 authority shall ensure that the recipient registry has comparable confidentiality protections. [1995 c.585 §6; 2003 c.269 §6; 2009 c.595 §622]

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 registry data for cancer or benign tumors of the brain and central nervous system 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 registry data for cancer or benign tumors of the brain and central nervous system 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 §7; 2003 c.269 §5]

Note: See note under 432.500.

432.560 [1995 c.585 §8; repealed by 2001 c.900 §261]

432.570 No requirement or prohibition regarding operation of separate cancer and tumor registry. Nothing in ORS 432.510 to 432.550 and 432.900 shall prohibit

a health care facility from operating its own registry for cancer and benign tumors of the brain and central nervous system or require a health care facility to operate its own registry for cancer and benign tumors. [1995 c.585 §9; 2003 c.269 §7]

Note: See note under 432.500.

PENALTIES

432.900 Civil penalty. (1) In addition to any other liability or penalty provided by law, the Director of the Oregon Health Authority 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 amounts 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 183.745. [1995 c.585 §4; 2009 c.595 §623; 2011 c.597 §195]

Note: See note under 432.500.

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

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

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

(b) Without lawful authority and with intent to deceive, makes, counterfeits, alters, amends or mutilates a record, report, certified copy, verification or application, or documentation submitted in support of a record, report, certified copy, verification or application;

(c) Obtains, possesses, uses, sells or furnishes to another, or attempts to obtain, possess, use, sell or furnish to another, for any purpose of deception, a record, report, certified copy, verification or application, or documentation submitted in support of a record, report, certified copy, verification or application;

(d) Without lawful authority, possesses a record, report, certified copy, verification or application, or documentation submitted in support of a record, report, certified copy, verification or application, that has been stolen or otherwise unlawfully obtained; or

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

(2) Unlawful use of a vital record or report is a Class C felony. [1997 c.783 §42; 2013 c.366 §45]

432.994 Unlawful use of vital record or report; civil penalty. (1) The Director of the Oregon Health Authority may impose a civil penalty in an amount not to exceed \$10,000 for each violation described in ORS 432.993. Moneys received by the authority from civil penalties imposed under this section shall be deposited in the General Fund and are available for general governmental expenses.

(2) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745. [2013 c.366 §44]

432.995 Obstructing the keeping of vital records or reports; criminal penalty.

(1) A person commits the crime of obstructing the keeping of vital records or reports if the person knowingly and willfully:

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

(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 reports is a Class A misdemeanor. [1997 c.783 §43; 2013 c.366 §46]