

**CHAPTER 366**

AN ACT

HB 2093

Relating to vital statistics; creating new provisions; amending ORS 3.260, 18.618, 18.792, 18.860, 33.430, 33.460, 97.943, 106.100, 107.718, 109.094, 109.460, 112.582, 113.145, 114.525, 116.253, 127.815, 130.370, 135.060, 135.065, 146.045, 146.095, 146.121, 176.740, 180.320, 205.130, 247.570, 416.430, 417.825, 419B.845, 432.005, 432.010, 432.015, 432.030, 432.035, 432.075, 432.085, 432.090, 432.115, 432.121, 432.124, 432.140, 432.142, 432.146, 432.165, 432.180, 432.206, 432.230, 432.235, 432.240, 432.285, 432.287, 432.307, 432.312, 432.317, 432.327, 432.333, 432.405, 432.408, 432.412, 432.415, 432.420, 432.430, 432.993, 432.995, 677.518, 678.375, 684.030, 685.050, 692.270, 692.405, 708A.655, 723.844, 807.510, 807.720 and 830.485; repealing ORS 432.040, 432.080, 432.095, 432.105, 432.119, 432.122, 432.130 and 432.300; appropriating money; and declaring an emergency.

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

**DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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 practitioner 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.

## ADMINISTRATION

(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.

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

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

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

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

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

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

(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.

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

432.015. *[The State Registrar of the Center for Health Statistics, under the supervision of the Director of the Oregon Health Authority, in compliance*

with ORS chapter 183, shall adopt rules necessary to the installation and efficient performance of an adequate system of vital and public health statistics including rules for the return of evidence affecting delayed certificates, or affecting alteration of a certificate, after the certificate has been filed with the state registrar.] **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.**

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

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

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

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

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

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

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

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

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

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

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

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

**(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.**

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

**SECTION 6.** (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.

## COUNTY REGISTRARS

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

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

(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.

### REPORTS (In General)

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

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

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

**(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 432.307 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.**

### (By Institutions)

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

432.165. *[(1) All superintendents or managers or other persons in charge of institutions shall keep a record of personal data concerning each person admitted or confined to the institution. This record shall*

*include information as required for the certificates of birth and death and the reports of fetal death and induced termination of pregnancy required by this chapter. The record shall be made at the time of admission from information provided by the person being admitted or confined, but when it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record.]*

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

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

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

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

**(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.

(For Live Births)

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

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

[(2) When a birth occurs in an institution or en route thereto, the person in charge of the institution or authorized designee shall obtain the personal data, prepare the certificate, certify either by signature or by an approved electronic process that the child was born alive at the place and time and on the date

stated and file the certificate as directed in subsection (1) of this section. The physician or other person in attendance shall provide the medical information required by the certificate within 72 hours after the birth.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(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 required 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 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.**

**(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 432.287 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.

**SECTION 11.** ORS 432.285 is amended to read: 432.285. Any health care facility as defined in ORS 442.015 shall make available to the biological parents of any child born live[,] or expected to be born [within] 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 [birth certificate] **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 432.287.

**SECTION 12.** ORS 432.287 is amended to read: 432.287. (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 [on the birth certificate] **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 [birth certificate] **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 [birth certificate] **record of live birth** of the child or, if appropriate, [issue a new birth certificate] **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 [birth certificates] **records**

**of live birth** executed and filed with the state registrar after October 1, 1995.

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

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

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

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

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

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

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

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

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

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

**(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.**

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

432.140. *[(1) When a certificate of birth of a person born in this state has not been filed within one year after the date of birth, a delayed certificate of*

*birth may be filed in accordance with rules of the State Registrar of the Center for Health Statistics. If a hospital fails to file a certificate of birth within one year after the date of birth, a certificate of birth may be filed as provided by rule of the state registrar. No delayed certificate shall be registered until the evidentiary requirements as specified by rule have been met.]*

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

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

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

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

**(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.

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

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

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

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

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

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

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

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

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

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

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

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

**(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 432.140 or 432.206, 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 432.140 or 432.206 and rules adopted under ORS 432.140 or 432.206;

(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 or delayed record of live birth must include a statement that it was registered on the basis of a court order.

**(For Death and Fetal Death)**

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

432.307. *[(1) A certificate 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 days after death or the finding of a dead body and before final disposition, and must be registered if it has been completed and filed in accordance with this section.]

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

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

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

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

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

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

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

racy either by signature or by an approved electronic process.]

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

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

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

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

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

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

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

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

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

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

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

**(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.

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

**SECTION 18.** (1)(a) A death may be registered by the State Medical Examiner as specified in ORS 432.307 (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 432.307 (8) or (9), the record of death shall be flagged as being "Presumptive."

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

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

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

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

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

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

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

(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.**

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

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

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

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

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

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

*[(6) No sexton or other person in charge of any place in which interment or other disposition of dead*

*bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition.]*

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

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

*[(9) Prior to removing a dead body or fetus from the State of Oregon under ORS 692.270, a person acting as a funeral service practitioner as defined in ORS 432.005 (1)(b) shall submit a written notice of removal to the county registrar in the county in which death occurred or in which the body or fetus was found. The notice shall be on a form prescribed and furnished by the State Registrar of the Center for Health Statistics and in accordance with rules adopted by the Oregon Health Authority. A copy of the written notice of removal shall serve as a transit permit for the remains of the decedent named on the notice.]*

**(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 432.307. 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.

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

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

**(For Marriage, Domestic Partnership,  
Dissolution of Marriage and  
Dissolution of Domestic Partnership)**

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

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

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

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

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

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

**(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 submitted 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.

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

**SECTION 24.** 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.

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

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

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

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

**(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.**

**(For Adoption)**

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

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

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

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

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

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

*[(3) Whenever an adoption judgment is amended or annulled, the clerk of the court shall prepare a re-*

port thereof, which shall include such facts as are necessary to identify the original adoption report and the facts amended in the adoption judgment as shall be necessary to properly amend the birth record.]

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

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

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

[(7) If the person was born in a foreign country but was a citizen of the United States at the time of birth, the state registrar shall not prepare a certificate of foreign birth and shall notify the adoptive parents of the procedures for obtaining a revised birth certificate for the person through the United States Department of State.]

(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 432.230. 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.

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

**SECTION 28.** ORS 432.240 is amended to read:  
432.240. (1) Upon receipt of a written application to the State Registrar of the Center for Health Statistics, [any] an adopted person 21 years of age and older born in [the State of Oregon] this state shall be issued a certified copy of [his/her] the person's unaltered, original and unamended [certificate of birth] record of live birth in the custody of the state registrar, with procedures, filing fees, and waiting periods [identical to those imposed upon nonadopted citizens of the State of Oregon pursuant to ORS 432.121 and 432.146. Contains no exceptions] as prescribed by the state registrar by rule.

(2) A birth parent may at any time request from the state registrar [of the Center for Health Statistics] or from a voluntary adoption registry a Contact Preference Form that shall accompany a [birth certificate] 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) *[The]* A certificate from *[the]* 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 *[of the Center for Health Statistics]* receives a completed Contact Preference Form from a birth parent, the state registrar shall match the Contact Preference Form with the adopted person's *[sealed file]* **record of live birth**. The Contact Preference Form shall be *[placed in the adopted person's sealed file]* **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 *[sealed file]* **record of live birth** is made and the Contact Preference Form is placed in the adopted person's *[file]* **record**.

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

## AMENDMENTS AND CORRECTIONS

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

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

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

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

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

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

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

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

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

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

**(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*[(8) The state registrar, upon request, shall prepare and register a certificate in this state for a person born in a foreign country who is not a citizen of the United States and who was adopted through a court of competent jurisdiction in this state. The certificate shall be established upon receipt of a report of a judgment of adoption from the court, proof of the*

*date and place of the person's birth, and a request from the court, the adopting parents or the adopted person, if 18 years of age or over, that such a certificate be prepared. The certificate shall be labeled "Certificate of Foreign Birth" and shall show the actual country of birth. A statement shall also be included on the certificate indicating that it is not evidence of United States citizenship for the person for whom it is issued. After registration of the birth certificate in the new name of the adopted person, the state registrar shall seal the report of adoption, which shall not be subject to inspection except upon order of a court of competent jurisdiction.]*

(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 432.415 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.

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

432.420. The documents forwarded to the State Registrar of the Center for Health Statistics or sealed under ORS 432.230 may be opened by the state registrar only upon *[an order of an Oregon court of competent jurisdiction]* **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.

**PRESERVATION OF VITAL RECORDS**

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

432.115. *[To preserve vital records and vital reports, the State Registrar of the Center for Health Statistics is authorized to prepare typewritten, photographic, electronic or other reproductions of certif-*

icates or reports in the Center for Health Statistics. Such reproductions when verified and approved by the state registrar shall be accepted as original records, and the documents from which permanent reproductions have been made may be disposed of as provided by rule of the state registrar, rule of the Secretary of State and ORS 192.105.]

(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 type-written, 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 re-

ports of fetal death, comply with federal and state laws, regulations and rules.

### EXEMPTION FROM PUBLIC DISCLOSURE

#### SECTION 33. ORS 432.121 is amended to read:

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

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

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

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

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

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

[(e) To the federal agency responsible for national vital statistics, upon request. The copies or data may be used solely for the conduct of official duties. Before furnishing the records, reports or data, the state registrar shall enter into an agreement with the federal agency indicating the statistical or research purposes for which the records, reports or data may be used. The agreement shall also set forth the support

to be provided by the federal agency for the collection, processing and transmission of the records, reports or data. Upon written request of the federal agency, the state registrar may approve, in writing, additional statistical or research uses of the records, reports or data supplied under the agreement.]

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

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

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

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

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

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

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

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

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

[(7) All forms and procedures used in the issuance of certified copies of vital records and vital reports shall be uniform and provided by or approved by the state registrar. All certified copies issued shall have security features that safeguard the document

against alteration, counterfeiting, duplication or simulation without ready detection.]

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

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

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

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

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

**(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 432.180 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 sec-

tion, 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.

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

432.124. Notwithstanding any other provision of law, [all death records] a document recording a death filed in conjunction with owning or having a claim or interest in land [in the county] that [are] is in the custody of a county clerk or county recording officer [are] 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.

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

432.412. (1) Except as provided in subsection (2) of this section, notwithstanding any other provision of law, all marriage and domestic partnership records and all [divorce] records of dissolution of marriage and dissolution of domestic partnership in the custody of a county clerk or county recording officer and all [divorce] 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) [Divorce] 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.

## CERTIFIED COPIES OF RECORDS

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

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

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

[(3) When the state registrar receives information that a certificate may have been registered through fraud or misrepresentation, the state registrar shall withhold issuance of any copy of that certificate. The

state registrar shall advise the applicant of the right to appeal under ORS 183.480 to 183.484. If fraud or misrepresentation is found, the state registrar shall remove the certificate from the file. The certificate and evidence shall be retained but shall not be subject to inspection or copying except upon order of a court of competent jurisdiction or by the state registrar for purposes of administering the system of vital statistics.]

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

(1)(a) A 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 identification 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 registrant, 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 elec-

tronically 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 section 6 of this 2013 Act.

(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.

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

**SECTION 38.** (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.

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

432.085. 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 [*birth certificates and death certificates*] **records of live birth and death.**

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

432.090. (1) [*In addition to the original birth certificate,*] The State Registrar of the Center for Health Statistics shall issue upon request and upon payment of a fee in an amount set by the state registrar a [*birth certificate*] **record of live birth** representing that the birth of the person named [*thereon*] **on the record of live birth** is recorded in the office of the state registrar. The [*certificate*] **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 [*printed*

*thereon*] and may be signed by the Governor. [*It shall have the same status as evidence as the original birth certificate.*]

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

## FEEES

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

432.146. (1) Except as provided in ORS 432.090 [*and 432.312,*] **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 [*or records*] provided under [*ORS 432.005 to 432.165*] **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.**

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

432.312. (1) The Oregon Health Authority shall impose and collect a filing fee of \$20 for each [*certificate*] **report** of death. Of the fee, \$6 shall be deposited to the credit of the Public Health Account and used to carry out the purposes of ORS 97.170 (6) and \$14 shall be deposited to the credit of the State Mortuary and Cemetery Board Account and used in the same manner as funds credited to the account under ORS 692.375.

(2) The expenditures under ORS 97.170 (6) and 692.375 may not exceed the funds collected under subsection (1) of this section, and in no event may

expenditure on the administration of the funds exceed five percent of the moneys collected.

## PENALTIES

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

**SECTION 44.** (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.

**SECTION 45.** ORS 432.993 is amended to read: 432.993. (1) A person commits the crime of unlawful use of a vital record or [vital] report if the person willfully and knowingly:

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

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

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

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

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

**(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 [vital] report is a Class C felony.

**SECTION 46.** ORS 432.995 is amended to read: 432.995. (1) A person commits the crime of obstructing the keeping of vital records or [vital] reports if the person knowingly and willfully:

(a) Refuses to provide information required by this chapter or rules adopted [thereunder] **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 [vital] reports is a Class A misdemeanor.

## CONFORMING AMENDMENTS

**SECTION 47.** ORS 3.260 is amended to read: 3.260. (1) The circuit courts and the judges thereof shall exercise all juvenile court jurisdiction, authority, powers, functions and duties.

(2) Pursuant to ORS 3.275, in addition to any other jurisdiction vested in it by law, the circuit court shall exercise exclusive and original judicial jurisdiction, authority, powers, functions, and duties in the judicial district in any or all of the following matters that on the date specified in the order entered under ORS 3.275 are not within the jurisdiction of the circuit court:

(a) Adoption.

(b) Change of name under ORS 33.410.

(c) Filiation.

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

(e) Any suit or civil proceeding involving custody or other disposition of a child or the support thereof

or the support of a spouse, including enforcement of the Uniform Reciprocal Enforcement of Support Act and enforcement of out-of-state or foreign judgments and decrees on domestic relations.

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

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

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

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

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

(B) Property in the custody of the law.

(C) Property in the possession of a conservator.

(D) Property in the possession of a personal representative that constitutes the subject matter of a trust contained in a duly probated will of a decedent.

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

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

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

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

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

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

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

(B) When the writ is delivered to the garnishee, the debtor's wages are paid by direct deposit to a financial institution, or the garnishee uses the Oregon Department of Administrative Services or an independent contractor as defined in ORS 670.600 as payroll administrator for the garnishee's payroll; and

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

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

(3) Notwithstanding any other provision of law, if a voluntary or involuntary bankruptcy petition has been filed by or on behalf of the debtor after a writ of garnishment could be issued under ORS

18.605, the garnishment of any property of the debtor in the garnishee's possession, control or custody is stayed pursuant to section 362 of the United States Bankruptcy Code (11 U.S.C. 101 to 1330).

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

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

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

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

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

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

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

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

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

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

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

(3) A single writ of execution may be issued for two or more judgments as long as the judgments are

against the same judgment debtor or debtors and are entered in the same case.

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

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

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

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

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

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

33.460. (1) A court that has jurisdiction to determine an application for change of name of a person under ORS 33.410 and 33.420 may order a legal change of sex and enter a judgment indicating the change of sex of a person *[whose sex has been changed by surgical procedure]* **if the court determines that the individual has undergone surgical, hormonal or other treatment appropriate for that individual for the purpose of gender transition and that sexual reassignment has been completed.**

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

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

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

97.943. (1) A master trustee or a depository may not make any distributions from prearrangement sales contract trust fund deposits except as provided in this section.

(2) The principal of a trust created pursuant to a prearrangement sales contract shall be paid to the certified provider who sold the contract if the certified provider who sold the contract swears, by affidavit, that the certified provider has delivered all merchandise and performed all services required under the prearrangement sales contract and delivers to the master trustee or the depository one of the following:

(a) A certified **copy of a death** *[certificate]* **re-**  
**cord of the beneficiary;** or

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

(A) One member of the beneficiary's family; or

(B) The executor of the beneficiary's estate.

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

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

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

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

(b) The contract purchaser, or the purchaser's estate, if the contract is a nonguaranteed contract.

(6) The master trustee or the depository may rely upon the certifications and affidavits made to it under the provisions of ORS 97.923 to 97.949, 97.992, 97.994 and 692.180, and is not liable to any person for such reliance.

(7) If a certified provider who sold a prearrangement sales contract does not comply with the terms of the prearrangement sales contract within a reasonable time after the certified provider is required to do so, the purchaser or heirs or assigns or duly authorized representative of the purchaser or the

beneficiary has the right to a refund in the amount equal to the sales price paid for undelivered merchandise and unperformed services plus undistributed earnings amounts held in trust attributable to such contract, within 30 days of the filing of a sworn affidavit with the certified provider who sold the contract and the master trustee or the depository setting forth the existence of the contract and the fact of breach. A copy of this affidavit shall be filed with the Director of the Department of Consumer and Business Services. In the event a certified provider who has sold a prearrangement sales contract is prevented from performing by strike, shortage of materials, civil disorder, natural disaster or any like occurrence beyond the control of the certified provider, the certified provider's time for performance is extended by the length of such delay.

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

(9) Notwithstanding ORS 97.941 (4) and subsection (5) of this section, a master trustee or certified provider may pay accounting fees, taxes, depository fees, investment manager fees and master trustee fees from earnings of trust fund deposits. Any payment of expenses or fees from earnings of a trust fund deposit under this subsection must not:

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

(b) Include the payment of any fee to the certified provider in consideration for services rendered as certified provider; or

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

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

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

(2) Upon return of the completed application, license and record of marriage under ORS 106.170, the county clerk shall add the date of the marriage ceremony to the clerk's records maintained under sub-

section (1) of this section and file the completed application, license and record of marriage. Except as provided in ORS 205.320, the county clerk may not charge a fee for filing, recording or indexing the application, license and record of marriage.

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

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

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

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

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

(b) That the respondent be required to move from the petitioner's residence, if in the sole name of the petitioner or if it is jointly owned or rented by the petitioner and the respondent, or if the parties are married to each other;

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

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

(e) That the respondent be restrained from intimidating, molesting, interfering with or menacing the petitioner, or attempting to intimidate, molest, interfere with or menace the petitioner;

(f) That the respondent be restrained from intimidating, molesting, interfering with or menacing any children in the custody of the petitioner, or attempting to intimidate, molest, interfere with or menace any children in the custody of the petitioner;

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

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

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

(B) Prevent the neglect and protect the safety of any service or therapy animal or any animal kept for personal protection or companionship, but not an animal kept for any business, commercial, agricultural or economic purpose; or

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

(2) If the court determines that exceptional circumstances exist that affect the custody of a child, the court shall order the parties to appear and provide additional evidence at a hearing to determine temporary custody and resolve other contested issues. Pending the hearing, the court may make any orders regarding the child's residence and the parties' contact with the child that the court finds appropriate to provide for the child's welfare and the safety of the parties. The court shall set a hearing time and date as provided in ORS 107.716 (2) and issue a notice of the hearing at the same time the court issues the restraining order.

(3) The court's order under subsection (1) of this section is effective for a period of one year or until the order is withdrawn or amended, or until the order is superseded as provided in ORS 107.722, whichever is sooner.

(4) If respondent is restrained from entering, or attempting to enter, an area surrounding petitioner's residence or any other premises, the order restraining respondent shall specifically describe the area.

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

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

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

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

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

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

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

(f) That no overnight parenting time occur.

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

(8) If the court orders relief:

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

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

(c) No filing fee, service fee or hearing fee shall be charged for proceedings seeking only the relief provided under ORS 107.700 to 107.735.

(9) If the county sheriff:

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

(b) After accepting the order and petition, cannot complete service within 10 days, the sheriff shall notify the petitioner, at the address provided by the petitioner, that the documents have not been served. If the petitioner does not respond within 10 days, the sheriff shall hold the order and petition for future service and file a return to the clerk of the court showing that service was not completed.

(10)(a) Within 30 days after a restraining order is served under this section, the respondent therein may request a court hearing upon any relief granted.

The hearing request form shall be available from the clerk of the court in the form prescribed by the State Court Administrator.

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

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

(11) If the respondent fails to request a hearing within 30 days after a restraining order is served, the restraining order is confirmed by operation of law. The provisions of this section are sufficient to meet the due process requirements of 18 U.S.C. 922(g) in that the respondent received actual notice of the right to request a hearing and the opportunity to participate at the hearing but the respondent failed to exercise those rights.

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

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

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

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

109.460. (1) An adult adoptee, each birth parent, a putative father, an adult genetic sibling of an adoptee, an adoptive parent of a deceased adoptee and a parent or adult sibling of a deceased birth parent or parents may register by submitting a signed affidavit to the appropriate registry. The affidavit shall contain the information listed in ORS 109.465 and a statement of the registrant's willingness to be identified to the other relevant persons who register. The affidavit gives authority to the registry to release identifying information related to the registrant to the other relevant persons who register. Each registration shall be accompanied by the *[birth certificate of the registrant]* **registrant's certified copy of the record of live birth.**

(2) An adoptee, or the parent or guardian of an adoptee under 18 years of age, may register to have specific identifying information disclosed to Indian

tribes or to governmental agencies in order to establish the adoptee's eligibility for tribal membership or for benefits or to a person settling an estate. The information shall be limited to a true copy of documents that prove the adoptee's lineage. Information disclosed in accordance with this subsection shall not be disclosed to the adoptee or the parent or guardian of the adoptee by the registry or employee or agency operating a registry nor by the Indian tribe, governmental agency or person receiving the information.

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

(4) Except as otherwise provided in ORS 109.503, a registry or employee or the agency operating a registry shall not contact or in any other way solicit any adoptee or birth parent to register with the registry.

**SECTION 58.** ORS 112.582 is amended to read:

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

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

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

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

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

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

**SECTION 59.** ORS 113.145 is amended to read:

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

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

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

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

(d) The name and address of the personal representative and the attorney of the personal representative;

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

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

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

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

(2) If the personal representative is a devisee, heir or other interested person named in the petition the personal representative is not required to deliver or mail the information under this section to the personal representative.

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

(4) Within 30 days after the date of appointment a personal representative shall cause to be filed in the estate proceeding proof of the delivery or mail-

ing required by this section or a waiver of notice as provided under ORS 111.225. The proof shall include a copy of the information delivered or mailed and the names of the persons to whom it was delivered or mailed.

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

(a) Make reasonable efforts under the circumstances to ascertain each of those names and addresses;

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

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

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

**SECTION 60.** ORS 114.525 is amended to read:

114.525. An affidavit filed under ORS 114.515 shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 61.** ORS 116.253 is amended to read:

116.253. (1) Within 10 years after the death of a decedent whose estate escheated in whole or in part to the state, or within eight years after the entry of a judgment or order escheating property of an estate to the state, a claim may be made for the property escheated, or the proceeds thereof, by or on behalf of a person not having actual knowledge of the escheat or by or on behalf of a person who at the time of the escheat was unable to prove entitlement to the escheated property.

(2) The claim shall be made by a petition filed with the Director of the Department of State Lands. The claim is considered a contested case as provided in ORS 183.310 and there is the right of judicial review as provided in ORS 183.480. The petition must include a declaration under penalty of perjury in the form required by ORCP 1 E and shall state:

(a) The age and place of residence of the claimant by whom or on whose behalf the petition is filed;

(b) That the claimant lawfully is entitled to the property or proceeds, briefly describing the property or proceeds;

(c) That at the time the property escheated to the state the claimant had no knowledge or notice thereof or was unable to prove entitlement to the escheated property and has subsequently acquired new evidence of that entitlement;

(d) That the claimant claims the property or proceeds as an heir or devisee or as the personal representative of the estate of an heir or devisee, setting forth the relationship, if any, of the claimant to the decedent who at the time of death was the owner;

(e) That 10 years have not elapsed since the death of the decedent, or that eight years have not elapsed since the entry of the judgment or order escheating the property to the state; and

(f) If the petition is not filed by the claimant, the status of the petitioner.

(3) If it is determined that the claimant is entitled to the property or the proceeds thereof, the Director of the Department of State Lands shall deliver the property to the petitioner, subject to and charged with any tax on the property and the costs and expenses of the state in connection therewith.

(4) If the person whose property escheated or reverted to the state was at any time an inmate of a state institution in Oregon for persons with mental illness or mental retardation, the reasonable unpaid cost of the care and maintenance of the person while a ward of the institution, regardless of when the cost was incurred, may be deducted from, or, if necessary, be offset in full against, the amount of the escheated property. The reasonable unpaid cost of care and maintenance shall be determined by:

(a) The Department of Human Services for patients of the Eastern Oregon Training Center; and

(b) The Oregon Health Authority for patients of the Blue Mountain Recovery Center and the Oregon State Hospital.

(5) For the purposes of this section, the death of the decedent is presumed to have occurred on the date shown in the decedent's [*death certificate*] **certified copy of the death record** or in any other similar document issued by the jurisdiction in which the death occurred or issued by an agency of the federal government.

**SECTION 62.** ORS 127.815 is amended to read:

127.815. **§3.01. Attending physician responsibilities.** (1) The attending physician shall:

(a) Make the initial determination of whether a patient has a terminal disease, is capable, and has made the request voluntarily;

(b) Request that the patient demonstrate Oregon residency pursuant to ORS 127.860;

(c) To ensure that the patient is making an informed decision, inform the patient of:

(A) His or her medical diagnosis;

(B) His or her prognosis;

(C) The potential risks associated with taking the medication to be prescribed;

(D) The probable result of taking the medication to be prescribed; and

(E) The feasible alternatives, including, but not limited to, comfort care, hospice care and pain control;

(d) Refer the patient to a consulting physician for medical confirmation of the diagnosis, and for a determination that the patient is capable and acting voluntarily;

(e) Refer the patient for counseling if appropriate pursuant to ORS 127.825;

(f) Recommend that the patient notify next of kin;

(g) Counsel the patient about the importance of having another person present when the patient takes the medication prescribed pursuant to ORS 127.800 to 127.897 and of not taking the medication in a public place;

(h) Inform the patient that he or she has an opportunity to rescind the request at any time and in any manner, and offer the patient an opportunity to rescind at the end of the 15-day waiting period pursuant to ORS 127.840;

(i) Verify, immediately prior to writing the prescription for medication under ORS 127.800 to 127.897, that the patient is making an informed decision;

(j) Fulfill the medical record documentation requirements of ORS 127.855;

(k) Ensure that all appropriate steps are carried out in accordance with ORS 127.800 to 127.897 prior to writing a prescription for medication to enable a qualified patient to end his or her life in a humane and dignified manner; and

(L)(A) Dispense medications directly, including ancillary medications intended to facilitate the desired effect to minimize the patient's discomfort, provided the attending physician is registered as a dispensing physician with the Oregon Medical Board, has a current Drug Enforcement Administration certificate and complies with any applicable administrative rule; or

(B) With the patient's written consent:

(i) Contact a pharmacist and inform the pharmacist of the prescription; and

(ii) Deliver the written prescription personally or by mail to the pharmacist, who will dispense the medications to either the patient, the attending physician or an expressly identified agent of the patient.

(2) Notwithstanding any other provision of law, the attending physician may sign the patient's *[death certificate]* **report of death**.

**SECTION 63.** ORS 130.370 is amended to read:

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

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

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

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

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

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

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

(e) A **certified** copy of the settlor's death *[certificate]* **record**.

**SECTION 64.** ORS 135.060 is amended to read:

135.060. (1) When the defendant is arraigned, the defendant shall be informed that:

(a) If the name by which the defendant is charged in the accusatory instrument is not the true name of the defendant the defendant must then declare the true name; and

(b) If the defendant does not declare the true name as required by paragraph (a) of this subsection, the defendant is ineligible for any form of release other than a security release under ORS 135.265.

(2) The defendant or the attorney for the defendant may acknowledge the true name of the defendant at arraignment and the acknowledgment may not be used against the defendant at trial on the underlying charge or any other criminal charge or fugitive complaint except that:

(a) The use of different names can be used in determining the defendant's release status if the defendant has used different names in different proceedings; and

(b) A defendant who intentionally falsifies the defendant's name under this section or ORS 135.065 while under oath or affirmation is subject to prosecution under ORS 162.065.

(3) As used in this section and ORS 135.065, "true name" means:

(a) The name on the defendant's *[birth certificate]* **certified copy of the record of live birth**;

(b) The defendant's birth name; or

(c) If the defendant's name has been changed by court order or by operation of law, the name as changed by court order or operation of law.

**SECTION 65.** ORS 135.065 is amended to read:

135.065. (1) If the defendant gives no other name, the court may proceed against the defendant by the

name in the accusatory instrument. If the defendant is charged by indictment or information and alleges that another name is the true name of the defendant, the court shall direct an entry thereof to be made in its register, and the subsequent proceedings on the accusatory instrument may be had against the defendant by that name, referring also to the name by which the defendant is charged. Before proceeding against the defendant as provided in this subsection, the court shall attempt to determine the true name of the defendant. If a [*birth certificate*] **certified copy of the record of live birth** for the defendant was never [*created*] **issued**, the court shall ask the defendant, under oath or affirmation, to give the defendant's true name. The court shall proceed under the name given unless the court is persuaded by a preponderance of the evidence that the name is not the defendant's true name.

(2) Upon motion of the defendant, all names, other than the true name of the defendant, shall be stricken from any accusatory instrument read or submitted to the jury.

(3)(a) The following may file a motion requesting that a false name used by a defendant be stricken from an accusatory instrument, warrant of arrest or judgment and that the defendant's true name, if known, be substituted:

(A) The district attorney; or

(B) A person whose name is the same as the false name used by the defendant.

(b) Before the court may grant a motion filed under paragraph (a)(B) of this subsection, the court must provide the district attorney with notice of the motion and an opportunity to respond.

(c) If the court grants a motion under this subsection, the court shall order that the false name be stricken from the accusatory instrument, warrant of arrest or judgment and that the defendant's true name be substituted. In addition, the court shall order that any warrant of arrest of the defendant reflect that the defendant uses a name other than the defendant's true name.

**SECTION 66.** ORS 146.045 is amended to read:

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

(2) The State Medical Examiner shall:

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

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

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

(3) The State Medical Examiner may:

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

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

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

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

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

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

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

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

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

**SECTION 67.** ORS 146.095 is amended to read:

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

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

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

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

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

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

**SECTION 68.** ORS 146.121 is amended to read:

146.121. (1) No person shall bury or otherwise dispose of the body of a person whose death required investigation, without having first obtained a burial or cremation permit, or a [*death certificate*] **report of death** completed and signed by a medical examiner.

(2) When a medical examiner investigates the death of a person whose body is not claimed by a friend or relative within five days of the date of death, the sheriff or, in counties having a population of 400,000 or more, the medical examiner shall dis-

pose of the body according to the provisions of ORS 97.170 to 97.210.

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

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

**SECTION 69.** ORS 176.740 is amended to read:

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

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

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

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

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

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

**SECTION 70.** ORS 180.320 is amended to read:

180.320. (1) All state agencies, district attorneys and all police officers of the state, county or any municipality, university or court thereof, shall cooperate with the Division of Child Support of the Department of Justice in furnishing and making available information, records and documents necessary to assist in establishing or enforcing support obligations or paternity, in performing the duties set out in ORS 25.080 and in determining the location of any absent parent or child for the purpose of enforcing any state or federal law regarding the unlawful taking or restraint of a child or for the purpose of making or enforcing a child custody determination. Notwithstanding the provisions of ORS [109.225, 416.430, 432.121, 432.230 and 432.430] **109.225 or 416.430 or ORS chapter 432**, records

pertaining to the paternity of a child shall be made available upon written request of an authorized representative of the Division of Child Support. Any information obtained pursuant to this subsection is confidential, and shall be used only for the purposes set out in this subsection.

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

**SECTION 71.** ORS 205.130 is amended to read: 205.130. The county clerk shall:

(1) Have the custody of, and safely keep and preserve all files and records of deeds and mortgages of real property, and a record of all maps, plats, contracts, powers of attorney and other interests affecting the title to real property required or permitted by law to be recorded.

(2) Record, or cause to be recorded, in a legible and permanent manner, and keep in the office of the county clerk, all:

(a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property required or permitted by law to be recorded;

(b) Certificates of sale of real property under execution or order of court, or assignments thereof or of any interest therein when properly acknowledged or proved;

(c) Certified copies of death [*certificates*] **records** of any person appearing in the county records as owning or having a claim or interest in land in the county. A **certified copy of a death** [*certificate*] **record** recorded in the deed records of a county under this subsection is a public record and is not subject to the disclosure limitations under ORS 432.121;

(d) Instruments presented for recording by the United States or the State of Oregon, or a political subdivision of either, that affect title to or an interest in real property or that lawfully concern real property;

(e) Instruments recognized under state law or rule or federal law or regulation as affecting title to or an interest in real property if the instrument is properly acknowledged or proved; and

(f) Orders from a county forestland-urban interface classification committee filed under ORS 477.052.

(3) Keep and maintain:

(a) Deed and mortgage records;

(b) Statutory lien records;

(c) A record called the County Clerk Lien Record in which the following shall be recorded:

(A) The warrants and orders of officers and agencies that are required or permitted by law to be recorded; and

(B) All instruments presented for recordation when required or permitted by law to be recorded that affect the title to or an interest in real property, other than instruments recorded in the deed and mortgage records or the statutory lien records;

(d) Releases, satisfactions, assignments, amendments and modifications of recorded instruments; and

(e) Other instruments required or permitted by law to be recorded not affecting interests in real property.

(4) Perform all the duties in regard to the recording and indexing of deeds and mortgages of real property, contracts, abstracts of judgments, notices of pendency, powers of attorney and other interests when required or permitted by law to be recorded that affect the title of real property, and in regard to the entry of satisfaction and discharge of the same, together with other documents required or permitted by law to be recorded.

(5) Incur no civil or criminal liability, either personally or in an official capacity, for recording an instrument that does not comply with the provisions of law that require or allow the recording of the instrument.

**SECTION 72.** ORS 247.570 is amended to read:

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

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

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

**SECTION 73.** ORS 416.430 is amended to read:

416.430. (1) The administrator may establish paternity of a child in the course of a support pro-

ceeding under ORS 416.400 to 416.465 when both parents sign statements that paternity has not been legally established and that the male parent is the father of the child. The administrator may enter an order which establishes paternity.

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

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

(4)(a) If paternity is alleged under ORS 416.415 (3) and a written response denying paternity and requesting a hearing is received within the time period allowed in ORS 416.415 (2), or if the administrator determines that there is a valid issue with respect to paternity of the child, the administrator, subject to the provisions of subsections (5) and (6) of this section, shall certify the matter to the circuit court for a determination based upon the contents of the file and any evidence which may be produced at trial. The proceedings in court shall for all purposes be deemed suits in equity. The provisions of ORS 109.145 to 109.230 apply to proceedings certified to court by the administrator pursuant to this section.

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

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

(a) Blood tests have been conducted;

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

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

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

(a) Shall certify the matter to court:

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

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

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

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

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

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

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

**SECTION 74.** ORS 417.825 is amended to read:

417.825. (1) In addition to any other fees provided by law, the appropriate agency:

(a) When [*birth certificates*] **records of live birth** are registered with the state, shall pay a \$1 fee on each [*birth certificate*] **record of live birth** registered with the agency.

(b) That issues [*birth certificates*] **certified copies of records of live birth** for the state or a county, shall collect a \$1 fee on each [*birth certificate*] **certified copy of a record of live birth** issued by the agency.

(2) The agencies paying or collecting the fees described in subsection (1) of this section shall transfer moneys from the fees imposed by this section to the State Treasurer for deposit in the Department of Human Services Account established under ORS 409.060. The moneys deposited under this section are appropriated continuously to the Department of Human Services for use by the Office of Children's Advocate for the administration of ORS 417.805, 417.810 and 417.815.

**SECTION 75.** ORS 419B.845 is amended to read:

419B.845. (1)(a) When a petition has been filed alleging that the child has been physically or sexually abused, the court may enter an order re-

straining the alleged perpetrator of the abuse from having contact with the child or attempting to contact the child and requiring the alleged perpetrator to move from the household in which the child resides. The court may issue a restraining order only if the court finds that:

(A) There is probable cause to believe the abuse occurred and that the person to be restrained committed the abuse; and

(B) The order is in the best interest of the child.

(b) Upon finding that to do so would aid in protecting the victim of the alleged abuse, the court may enter, in addition to a restraining order described in paragraph (a) of this subsection, other appropriate orders including, but not limited to, orders that control contact between the alleged abuser and other children in the household.

(c) The court shall include in an order entered under this subsection the following information about the person to be restrained:

(A) Name;

(B) Address;

(C) Age and birth date;

(D) Race;

(E) Sex;

(F) Height and weight; and

(G) Color of hair and eyes.

(d) The court may include in the order a provision that a peace officer accompany the restrained person to the household when it is necessary for the person to remove the person's essential personal effects including, but not limited to, clothing, toiletries, medications, Social Security cards, [*birth certificates*] **certified copies of records of live birth**, identification and tools of the trade. The restrained person is entitled to remove the person's essential personal effects under this paragraph on one occasion only and is required to be accompanied by a peace officer. The restrained person and the peace officer shall remain for no longer than 20 minutes and the peace officer may temporarily interrupt the removal of essential personal effects at any time. Nothing in this paragraph affects a peace officer's duty to arrest under ORS 133.055 and 133.310. A peace officer who accompanies a restrained person under this paragraph has immunity from any liability, civil or criminal, for any actions the person commits during the removal of the person's essential personal effects.

(2) If the court enters an order under this section:

(a) The clerk of the court shall provide without charge the number of certified copies of the petition and order necessary to effect service and shall have a copy of the petition and order delivered to the sheriff or other person qualified to serve the order for service upon the person to be restrained; and

(b) The sheriff or other person qualified to serve the order shall serve the person to be restrained personally unless that person is present at the hearing. After accepting the order, if the sheriff or other person cannot complete service within 10 days, the sheriff or other person shall hold the order for fu-

ture service and file a return to the clerk of the court showing that service was not completed.

(3) Within 30 days after an order is served under this section, the restrained person may file a written request with the court and receive a court hearing on any portion of the order. If the restrained person requests a hearing under this subsection:

(a) The clerk of the court shall notify the parties and, if the restrained person is not a party, the restrained person of the date and time of the hearing; and

(b) The court shall hold the hearing within 21 days after the request and may cancel or modify the order.

(4) Upon receipt of a copy of the order and notice of completion of any required service by a member of a law enforcement agency, the sheriff shall immediately enter the order into the Law Enforcement Data System maintained by the Department of State Police. If the order was served on the person to be restrained by a person other than a member of a law enforcement agency, the county sheriff shall enter the order into the Law Enforcement Data System upon receipt of a true copy of the affidavit of proof of service. Entry into the Law Enforcement Data System constitutes notice to all law enforcement agencies of the existence of the order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of the order may be informed of the existence and terms of the order. The order is fully enforceable in any county in this state.

(5) A restraining order issued pursuant to this section remains in effect for a period of one year or until the order is modified, amended or terminated by court order.

(6) A court that issued a restraining order under this section may renew the order for a period of up to one year if the court finds that there is probable cause to believe the renewal is in the best interest of the child. The court may renew the order on motion alleging facts supporting the required finding. If the renewal order is granted, subsections (2) and (3) of this section apply.

(7) If a restraining order issued pursuant to this section is terminated before its expiration date, the clerk of the court shall immediately deliver a copy of the termination order to the sheriff. The sheriff shall promptly remove the original order from the Law Enforcement Data System.

(8) Pending a contempt hearing for alleged violation of a restraining order issued under this section, a person arrested and taken into custody pursuant to ORS 133.310 may be released as provided in ORS 135.230 to 135.290. Unless the order provides otherwise, the security amount for release shall be \$5,000.

(9) When a restraining order entered under this section prohibits the restrained person from contacting the protected person in writing, the restrained person does not violate the restraining order by serving on the protected person a copy of

a notice of appeal of the restraining order or any other document required by law to be served on the adverse party to an appeal if:

(a) Neither the restrained person nor the protected person is represented by counsel;

(b) The restrained person serves the document by mail; and

(c) The contents of the document are not intended to harass or intimidate the protected person.

**SECTION 76.** ORS 677.518 is amended to read:

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

**SECTION 77.** ORS 678.375 is amended to read:

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

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

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

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

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

(6) As used in this section:

(a) "Drug" means:

(A) Articles recognized as drugs in the official United States Pharmacopoeia, official National For-

mulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any of them;

(B) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings;

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

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

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

**SECTION 78.** ORS 684.030 is amended to read:

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

**SECTION 79.** ORS 685.050 is amended to read:

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

**SECTION 80.** ORS 692.270 is amended to read:

692.270. (1) The State Mortuary and Cemetery Board shall issue a certificate of removal registration to a funeral establishment licensed in another state contiguous to Oregon with laws substantially similar to the provisions of this section for the limited purpose of removing dead human bodies from Oregon, prior to submitting a *[certificate]* **report of death**, if the establishment that will make the removals applies to the board for a certificate of removal registration on a form provided by the board. The application fee established under ORS 692.160 shall accompany the application. A certificate issued under this subsection expires upon a change of ownership of the funeral establishment.

(2) For purposes of this section, each branch of a registrant's funeral establishment is a separate establishment and must be registered as a fixed place of business.

(3) Notwithstanding ORS 692.025 (1) and 692.045, a funeral service practitioner who files **reports of death** *[certificates]* in another state may file an Oregon *[certificate]* **report of death** if the funeral service practitioner is employed by a licensed funeral establishment registered with the board under this section.

(4) The conduct of a funeral service practitioner or any other person employed by or acting on behalf of a removal registrant shall be the direct responsi-

bility of the holder of a certificate of removal registration.

(5) For any of the causes described in ORS 692.180, or for violation of any death care rule or law in another state, the board may impose upon the holder of a certificate of removal registration or applicant any of the sanctions described in ORS 692.180.

**SECTION 81.** ORS 692.405 is amended to read:

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

**SECTION 82.** ORS 708A.655 is amended to read:

708A.655. (1) This section applies to the safe deposit box of any person who is the sole lessee or last surviving lessee of the box and who has died.

(2) Subject to ORS 114.537, upon being furnished with a certified copy of the decedent's death *[certificate]* **record** or other evidence of death satisfactory to the Oregon operating institution, the Oregon operating institution within which the box is located shall cause or permit the box to be opened and the contents of the box examined at the request of an individual who furnishes an affidavit stating:

(a) That the individual believes the box may contain the will of the decedent, a trust instrument creating a trust of which the decedent was a trustor or a trustee at the time of the decedent's death, documents pertaining to the disposition of the remains of the decedent, documents pertaining to property of the estate of the decedent or property of the estate of the decedent; and

(b) That the individual is an interested person and wishes to open the box to conduct a will search or trust instrument search, obtain documents relating to the disposition of the decedent's remains, inventory the contents of the box or remove property of the estate of the decedent pursuant to a small estate affidavit filed under ORS 114.515.

(3) For the purpose of this section, "interested person" means any of the following:

(a) A person named as personal representative of the decedent in a purported will of the decedent;

(b) The surviving spouse or any heir of the decedent;

(c) A person who was serving as the court-appointed guardian or conservator of the decedent or as trustee for the decedent immediately prior to the decedent's death;

(d) A person named as successor trustee in a purported trust instrument creating a trust of which

the decedent was a trustor or a trustee at the time of the decedent's death;

(e) A person designated by the decedent in a writing that is acceptable to the Oregon operating institution and is filed with it prior to the decedent's death;

(f) A person who immediately prior to the death of the decedent had the right of access to the box as an agent of the decedent under a durable power of attorney;

(g) If there are no heirs of the decedent, an estate administrator of the Department of State Lands appointed under ORS 113.235; or

(h) A person who is authorized to file an affidavit under ORS 114.515.

(4) If the box is opened for the purpose of conducting a will search, the Oregon operating institution shall remove any document that appears to be a will, make a true and correct copy of it and deliver the original will to a person designated in the will to serve as the decedent's personal representative, or if no such person is designated or the Oregon operating institution cannot, despite reasonable efforts, determine the whereabouts of such person, the Oregon operating institution shall retain the will or deliver it to a court having jurisdiction of the estate of the decedent. A copy of the will shall be retained in the box. At the request of the interested person, a copy of the will, together with copies of any documents pertaining to the disposition of the remains of the decedent, may be given to the interested person.

(5) If the box is opened for the purpose of conducting a trust instrument search, the Oregon operating institution shall remove any document that appears to be a trust instrument creating a trust of which the decedent was a trustor or trustee at the time of the decedent's death, make a true and correct copy of it and deliver the original trust instrument to a person designated in the trust instrument to serve as the successor trustee on the death of the decedent. If no such person is designated or the Oregon operating institution cannot, despite reasonable efforts, determine the whereabouts of such person, the Oregon operating institution shall retain the trust instrument. A copy of the trust instrument shall be retained in the box. At the request of any interested person, a copy of the trust instrument may be given to the interested person.

(6) If the box is opened for the purpose of obtaining documents pertaining to the disposition of the decedent's remains, the Oregon operating institution shall comply with subsection (4) or (5) of this section with respect to any will or trust instrument of the decedent found in the box, and may in its discretion either:

(a) Make and retain in the box a copy of any documents pertaining to the disposition of the remains of the decedent and tender the original documents to the interested person; or

(b) Provide a copy of any documents pertaining to the disposition of the remains of the decedent to

the interested person and retain the original documents in the box.

(7) If the box is opened for the purpose of making an inventory of its contents, the Oregon operating institution shall comply with subsection (4) or (5) of this section with respect to any will or trust instrument of the decedent that is found in the box, and shall cause the inventory to be made. The inventory must be attested to by a representative of the Oregon operating institution and may be attested to by the interested person, if the interested person is present when the inventory is made. The Oregon operating institution shall retain the original inventory in the box, and shall furnish a copy of the inventory to the interested person upon request.

(8) If the interested person is an affiant of a small estate affidavit filed under ORS 114.515 and delivers a certified copy of the affidavit in the manner provided by ORS 114.535, the Oregon operating institution shall provide to the affiant access to the decedent's property. The Oregon operating institution shall comply with subsection (4) or (5) of this section if a will or trust instrument of the decedent is found in the box. Subject to ORS 114.537, the Oregon operating institution shall allow the affiant to take possession of the personal property in the box.

(9) The Oregon operating institution may presume the truth of any statement contained in the affidavit required to be furnished under this section or ORS 114.535, and when acting in reliance upon such an affidavit, the Oregon operating institution is discharged as if it had dealt with the personal representative of the decedent. The Oregon operating institution is not responsible for the adequacy of the description of any property included in an inventory of the contents of a box, or for the conversion of the property in connection with actions performed under this section, except for conversion by intentional acts of the Oregon operating institution or its employees, directors, officers or agents. If the Oregon operating institution is not satisfied that the requirements of this section have been satisfied, the Oregon operating institution may decline to open the box.

(10) If the interested person or affiant does not furnish the key needed to open the box, and the Oregon operating institution must incur expense in gaining entry to the box, the Oregon operating institution may require that the interested person or affiant pay the expense of opening the box.

(11) Any examination of the contents of a box under this section shall be conducted in the presence of at least one employee of the Oregon operating institution.

**SECTION 83.** ORS 723.844 is amended to read:

723.844. (1) This section applies to the safe deposit box of any person who is the sole lessee or last surviving lessee of the box and who has died.

(2) Subject to ORS 114.537, upon being furnished with a certified copy of the decedent's death [certificate] **record** or other evidence of death satisfactory to the credit union, the credit union within which

the box is located shall cause or permit the box to be opened and the contents of the box examined at the request of an individual who furnishes an affidavit stating:

(a) That the individual believes the box may contain the will of the decedent, a trust instrument creating a trust of which the decedent was a trustor or a trustee at the time of the decedent's death, documents pertaining to the disposition of the remains of the decedent, documents pertaining to property of the estate of the decedent or property of the estate of the decedent; and

(b) That the individual is an interested person and wishes to open the box to conduct a will search or trust instrument search, obtain documents relating to the disposition of the decedent's remains or inventory the contents of the box or remove property of the estate of the decedent pursuant to a small estate affidavit filed under ORS 114.515.

(3) For the purpose of this section, "interested person" means any of the following:

(a) A person named as personal representative of the decedent in a purported will of the decedent;

(b) The surviving spouse or any heir of the decedent;

(c) A person who was serving as the court-appointed guardian or conservator of the decedent or as trustee for the decedent immediately prior to the decedent's death;

(d) A person named as successor trustee in a purported trust instrument creating a trust of which the decedent was a trustor or a trustee at the time of the decedent's death;

(e) A person designated by the decedent in a writing that is acceptable to the credit union and is filed with it prior to the decedent's death;

(f) A person who immediately prior to the death of the decedent had the right of access to the box as an agent of the decedent under a durable power of attorney;

(g) If there are no heirs of the decedent, an estate administrator of the Department of State Lands appointed under ORS 113.235; or

(h) A person who is authorized to file an affidavit under ORS 114.515.

(4) If the box is opened for the purpose of conducting a will search, the credit union shall remove any document that appears to be a will, make a true and correct copy of it and deliver the original will to a person designated in the will to serve as the decedent's personal representative, or if no such person is designated or the credit union cannot, despite reasonable efforts, determine the whereabouts of such person, the credit union shall retain the will or deliver it to a court having jurisdiction of the estate of the decedent. A copy of the will shall be retained in the box. At the request of the interested person, a copy of the will, together with copies of any documents pertaining to the disposition of the remains of the decedent, may be given to the interested person.

(5) If the box is opened for the purpose of conducting a trust instrument search, the credit union

shall remove any document that appears to be a trust instrument creating a trust of which the decedent was a trustor or trustee at the time of the decedent's death, make a true and correct copy of it and deliver the original trust instrument to a person designated in the trust instrument to serve as the successor trustee on the death of the decedent. If no such person is designated or the credit union cannot, despite reasonable efforts, determine the whereabouts of such person, the credit union shall retain the trust instrument. A copy of the trust instrument shall be retained in the box. At the request of any interested person, a copy of the trust instrument may be given to the interested person.

(6) If the box is opened for the purpose of obtaining documents pertaining to the disposition of the decedent's remains, the credit union shall comply with subsection (4) or (5) of this section with respect to any will or trust instrument of the decedent found in the box, and may in its discretion either:

(a) Make and retain in the box a copy of any documents pertaining to the disposition of the remains of the decedent and tender the original documents to the interested person; or

(b) Provide a copy of any documents pertaining to the disposition of the remains of the decedent to the interested person and retain the original documents in the box.

(7) If the box is opened for the purpose of making an inventory of its contents, the credit union shall comply with subsection (4) or (5) of this section with respect to any will or trust instrument of the decedent that is found in the box, and shall cause the inventory to be made. The inventory must be attested to by a representative of the credit union and may be attested to by the interested person, if the interested person is present when the inventory is made. The credit union shall retain the original inventory in the box, and shall furnish a copy of the inventory to the interested person upon request.

(8) If the interested person is an affiant of a small estate affidavit filed under ORS 114.515 and delivers a certified copy of the affidavit in the manner provided by ORS 114.535, the credit union shall provide to the affiant access to the decedent's property. The credit union shall comply with subsection (4) or (5) of this section if a will or trust instrument of the decedent is found in the box. Subject to ORS 114.537, the credit union shall allow the affiant to take possession of the personal property in the box.

(9) The credit union may presume the truth of any statement contained in the affidavit required to be furnished under this section and ORS 114.535, and when acting in reliance upon such an affidavit, the credit union is discharged as if it had dealt with the personal representative of the decedent. The credit union is not responsible for the adequacy of the description of any property included in an inventory of the contents of a box, or for the conversion of the property in connection with actions performed under this section, except for conversion by intentional acts of the credit union or its employees, directors,

officers or agents. If the credit union is not satisfied that the requirements of this section have been satisfied, the credit union may decline to open the box.

(10) If the interested person or affiant does not furnish the key needed to open the box, and the credit union must incur expense in gaining entry to the box, the credit union may require that the interested person or affiant pay the expense of opening the box.

(11) Any examination of the contents of a box under this section shall be conducted in the presence of at least one employee of the credit union.

**SECTION 84.** ORS 807.510 is amended to read:

807.510. (1) A person commits the offense of transfer of documents for the purposes of misrepresentation if the person:

(a) Manufactures, produces, sells, offers for sale or transfers to another person any document purporting to be a *[certificate of]* **certified copy of a record of a live birth**, certificate of baptism, driver license or any other document designated by the Department of Transportation by rule as acceptable for establishing age or identity; and

(b) Knows or has reason to know that the document may be used to represent a person as another person in obtaining documents issued by a government agency to grant driving privileges or for identification purposes.

(2) The offense described in this section, transfer of documents for purposes of misrepresentation, is a Class A misdemeanor.

**SECTION 85.** ORS 807.720 is amended to read:

807.720. On or before the 15th day of each month, the Director of the Oregon Health Authority shall forward to the Department of Transportation a copy of the death *[certificate covering the death, resulting from a motor vehicle accident,]* **record** of any persons within the jurisdiction of the Director of the Oregon Health Authority **who died from a motor vehicle accident** during the preceding calendar month.

**SECTION 86.** ORS 830.485 is amended to read:

830.485. (1) The State Marine Board shall prepare and make available to the public forms for accident reports required in ORS 830.480. The report shall call for sufficiently detailed information to disclose the cause of an accident, conditions then existing, and the persons and vehicles involved. Every accident report shall be made on a form approved by the board.

(2) The State Health Officer shall on or before the 15th day of each month forward to the board a copy of the death *[certificate covering the death, resulting from a boat accident,]* **record** of any persons within the jurisdiction of the State Health Officer **who died from a boat accident** during the preceding calendar month.

## PLACEMENT OF PROVISIONS

**SECTION 87.** ORS 432.060 and 432.312 are added to and made a part of ORS chapter 413.

## REPEALS

**SECTION 88.** ORS 432.040, 432.080, 432.095, 432.105, 432.119, 432.122, 432.130 and 432.300 are repealed.

## OPERATIVE DATE

**SECTION 89.** (1) Sections 5, 6, 17, 18, 23, 24, 27, 37, 38, 43, 44 and 87 of this 2013 Act, the amendments to statutes by sections 1 to 4, 7 to 16, 19 to 22, 25, 26, 28 to 36, 39 to 42 and 45 to 86 of this 2013 Act and the repeal of statutes by section 88 of this 2013 Act become operative on January 1, 2014.

(2) The State Registrar of the Center for Health Statistics and the Oregon Health Authority may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the state registrar or authority to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the state registrar and authority by sections 5, 6, 17, 18, 23, 24, 27, 37, 38, 43, 44 and 87 of this 2013 Act, the amendments to statutes by sections 1 to 4, 7 to 16, 19 to 22, 25, 26, 28 to 36, 39 to 42 and 45 to 86 of this 2013 Act and the repeal of statutes by section 88 of this 2013 Act.

## UNIT CAPTIONS

**SECTION 90.** The unit captions used in this 2013 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2013 Act.

## EMERGENCY CLAUSE

**SECTION 91.** This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Approved by the Governor June 13, 2013  
Filed in the office of Secretary of State June 13, 2013  
Effective date June 13, 2013