

A BILL

22-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a system of recordkeeping for vital records for the District of Columbia, and to repeal the Vital Records Act of 1981; to amend the District of Columbia Administrative Procedure Act of 1976 and Title 16 of the District of Columbia Official Code to make conforming amendments; and to amend the Women’s Health and Cancer Rights Federal Law Conformity Act of 2000 (“Act”) to harmonize references to contraceptives throughout the Act, add cross references to section 5c of the Act that were initially omitted, and allow high-deductible health plans to charge a co-payment or require cost sharing for the coverage of male contraceptive services and to clarify and amend animal control regulations.; to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that any public school currently receiving school nurse services above 20 hours per week as of October 25, 2016, continue at that existing level of service, or the level recommended by the Department of Health’s risk-based assessment, whichever is greater, for school year 2018-2019; and to amend the

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vital Records Modernization Amendment Act of 2018”.

TITLE I. VITAL RECORDS

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) “Amendment” means a change to a certification item on a vital record after a vital record has been filed.

SECOND ENGROSSED ORIGINAL

31 (2) “Applicant” means a person who files information necessary to create a vital
32 record, seeks to amend an existing vital record, or seeks to obtain a copy of or information from
33 a vital record.

34 (3) “Application” means a formal request to an authority for access to vital
35 records, vital event data, and other related documentation. Application requirements for Vital
36 Records Division services shall be defined by rules issued pursuant to section 129.

37 (4) “Attending physician” means the physician who was in charge of the
38 decedent’s treatment during the decedent’s hospitalization at the time of death.

39 (5) “Certificate” means the document, paper, or electronically formatted vital
40 record, issued by the Registrar that contains all or a part of the information on the original vital
41 record, that, when issued by the Registrar, has the full force and effect of the original vital
42 record.

43 (6) “Certification” means an attestation to the accuracy of information contained
44 in a vital record or on a vital event report.

45 (7) “Certificate item” means any item of information that appears on a certificate
46 that is issued to an applicant.

47 (8) “Certifier” means a person required to attest to the accuracy of the information
48 submitted in a vital record or on a vital event report.

SECOND ENGROSSED ORIGINAL

49 (9) “Correction” means a change to a non-certification item on a vital record, or a
50 change to a certification item; provided, that the record has not been filed by an applicant.

51 (10) “Court” means the Superior Court of the District of Columbia established by
52 section 11-901 of the District of Columbia Official Code or an equivalent court from another
53 jurisdiction.

54 (11) “Day” means a calendar day.

55 (12) “Dead body” means a human body or the parts of a human body that have
56 been pronounced deceased.

57 (13) “Death certifier” means either the physician providing treatment at the time
58 of death or the medical examiner investigating the cause and manner of death.

59 (14) “Department” means the Department of Health.

60 (15) “Designated representative” means an agent identified in a written and
61 witnessed statement signed by the registrant or a qualified applicant to act on the registrant’s or
62 applicant’s behalf.

63 (16) “Disclose” or “disclosure” means to make available or make known
64 personally identifiable information contained in a vital record, by any means of communication.

65 (17) “Disinter” or “disinterment” means the act of removing a dead body from the
66 place of interment.

SECOND ENGROSSED ORIGINAL

67 (18) “Domestic partner” means a person who has registered in accordance with
68 section 3(a) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C.
69 Law 9-114; D.C. Official Code § 32-702(a)), or registered in another jurisdiction that recognizes
70 a substantially similar relationship pursuant to section 3(i) of the Health Care Benefits Expansion
71 Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(i)). The
72 term “domestic partner” shall not include a domestic partner who is the parent, grandparent,
73 sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.

74 (19) “Domestic partnership” means the relationship between 2 domestic partners
75 as defined in paragraph (17) of this section.

76 (20) “Electronic signature” means an electronic sound, symbol, or process
77 attached to or logically associated with a contract or other record and executed or adopted by a
78 person with the intent to sign the record.

79 (21) “Expected death” means a death from a previously diagnosed illness with a
80 prognosis of death in less than 6 months.

81 (22) “Facts of live birth” means the child’s name, date of live birth, place of live
82 birth, and sex, and the name or names of no more than 2 parents appearing on the record of live
83 birth.

84 (23) “Fetal death” means death prior to the complete expulsion or extraction from
85 its mother of a product of human conception, regardless of the duration of pregnancy. The death

SECOND ENGROSSED ORIGINAL

86 is indicated when after the expulsion or extraction, the fetus does not breathe or show any other
87 evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite
88 movement of voluntary muscles. The term “fetal death” shall not include an induced termination
89 of pregnancy.

90 (24) “File” means the presentation to the Registrar of a vital event report, whether
91 by electronic or other means, for registration in the system of vital records.

92 (25) “Final disposition” means the burial, interment, cremation, removal from the
93 District, or other authorized disposition of a dead body or fetus.

94 (26) “IV-D agency” means the organizational unit of the District government, or
95 any successor organizational unit, that is responsible for administering or supervising the
96 administration of the District's State Plan under Title IV, Part D, of the Social Security Act,
97 approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator
98 services, paternity establishment, and the establishment, modification, and enforcement of
99 support orders.

100 (27) “Funeral director” means a person licensed by the District to perform the
101 practice of funeral directing or acting under the authority of such a person. The term “funeral
102 director” shall include morticians, undertakers, and embalmers who perform duties included in
103 the practice of funeral directing for which licensure is required in the District.

SECOND ENGROSSED ORIGINAL

104 (28) “Gender identity or expression” means a gender-related identity, appearance,
105 expression, or behavior of an individual, regardless of the individual’s assigned sex at birth.

106 (29) “Health research” means a systematic study conforming to or conducted in
107 accordance with generally accepted scientific standards or principles to gain information and
108 understanding about health with the goal of finding ways to improve human health.

109 (30) “Human remains” means a dead body, or any part of the body of a deceased
110 human being. The term “human remains” shall not include human ashes recovered after
111 cremation.

112 (31) “Individual” means a natural person.

113 (32) “Induced termination of pregnancy” means the purposeful interruption of an
114 intrauterine pregnancy with the intention other than to produce a live-born infant, and that does
115 not result in a live birth.

116 (33) “Informant” means a person who has been authorized through relationship to
117 the registrant to provide information to complete vital event registration.

118 (34) “Institution” means any establishment, public or private, that provides in-
119 patient or out-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or
120 domiciliary care, or to which persons are committed by law.

SECOND ENGROSSED ORIGINAL

121 (35) “Inter-jurisdictional exchange” means a process whereby registration areas
122 agree to exchange vital records, vital events, or vital statistics with the State Registrars of other
123 States, territories, and neighboring countries.

124 (36) “Inter” or “Interment” means the disposition of human remains by
125 entombment or burial.

126 (37) “Legal representative” means a licensed attorney representing a registrant or
127 an applicant.

128 (38) “Live birth” means the complete expulsion or extraction from its mother of a
129 product of human conception, regardless of the duration of pregnancy, that, after expulsion or
130 extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation
131 of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the
132 umbilical cord has been cut or the placenta is attached.

133 (39) “Mother” means either a woman who gives live birth to a child in the District
134 or a woman who experiences a pregnancy that results in fetal death.

135 (40) “Non-certification item” means any item of information that does not appear
136 on a certification that is issued to an applicant.

137 (41) “Order” or “order of the court” means a directive to the Register, signed by a
138 judge of the court, to establish or amend a vital record or produce information contained in a

SECOND ENGROSSED ORIGINAL

139 vital record. This term includes a subpoena domesticated in accordance with section 13-443 of
140 the District of Columbia Official Code.

141 (42) “Personally identifiable information” means data or other information that,
142 alone, or in combination with other data, can be used to distinguish or trace an individual’s
143 identity, including a Social Security number, biometric records, address, place of birth, or
144 mother’s name prior to first marriage.

145 (43) “Physician” means an individual authorized to practice medicine or
146 osteopathy in the District of Columbia.

147 (44) “Record” means a report of information related to a vital event that the
148 Registrar has accepted for registration.

149 (45) “Registrant” means a person to whom a vital record relates.

150 (46) “Registrar” means the person appointed by the Director of the Department to
151 administer the system of vital records for the District government.

152 (47) “Registration” or “register” means the process the Registrar adopts for
153 accepting reports of vital events and incorporating the information into the official records of the
154 Vital Records Division.

155 (48) “Report” means a document, paper or electronic file, record, or data
156 transmittal, containing information related to a vital event submitted by a person or entity
157 required to submit the information to the Registrar for the purpose of registering a vital event.

SECOND ENGROSSED ORIGINAL

158 (49) “Reportable vital event” means a live birth, death, fetal death, or induced
159 termination of pregnancy.

160 (50) “Resomation” means a process for the disposal of human remains that
161 produces less carbon dioxide and pollutants than cremation.

162 (51) “Sealed record” means the original record of a reportable vital event and the
163 evidence submitted to support a change by the Registrar for the purpose of the administration of
164 vital records, that is not subject to inspection except upon order of the court or as provided by
165 rules issued pursuant to section 129.

166 (52) “Second parent” means the father or same-sex parent that has acknowledged
167 parentage pursuant to section 16-909.01(a) of the District of Columbia Official Code or whose
168 parentage has otherwise been determined pursuant to section 16-909.01(d) of the District of
169 Columbia Official Code.

170 (53) “Security paper” means paper used for the issuance of a vital record that
171 contains special characteristics including dithered patterns, special inks, watermarks, metallized
172 threads, phosphorescent fibers, holographic images, or microprinting, to authenticate a document
173 or deter manipulation or copying.

174 (54) “System of vital statistics” or “vital statistics system” means the collection,
175 registration, preservation, amendment, certification, verification, and maintenance of the security

SECOND ENGROSSED ORIGINAL

176 and integrity of vital records, the collection of other required reports, and related activities,
177 including tabulation, analysis, publication, and dissemination of vital statistics.

178 (55) "Verification" means a confirmation of information on a vital record based
179 on the facts included in a report.

180 (56) "Vital event" means either a live birth, death, fetal death, induced
181 termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment.

182 (57) "Vital record" means a report of live birth, death, fetal death, induced
183 termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment, and data
184 related thereto that have been accepted for registration and incorporated into the official records
185 of the Vital Records Division.

186 (58) "Vital Records Division" means the Division of the Department or any
187 successor agency that is responsible for the vital statistics system.

188 (59) "Vital statistics" means the data derived from the records and reports of live
189 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of
190 marriage, or annulment and supporting documentation, and related reports.

191

SECOND ENGROSSED ORIGINAL

192 Sec. 102. Vital statistics system; Vital Records Division.

193 The Mayor shall establish a vital statistics system for the reporting, maintenance,
194 issuance, security, and confidentiality of vital records and the data derived from these records.

195 The Vital Records Division shall be the sole source of certified copies of all vital records.

196 Sec. 103. Appointment and duties of Registrar of Vital Records Division.

197 (a) The Director of the Department shall appoint the Registrar.

198 (b) The Registrar shall:

199 (1) Administer and enforce the provisions of this act and any implementing rules
200 issued pursuant to section 129;

201 (2) Provide instructions for the efficient administration of the vital statistics
202 system;

203 (3) Direct and supervise the vital statistics system and the Vital Records Division
204 and serve as custodian of its records;

205 (4) Manage the confidentiality and security of the vital statistics system;

206 (5) Direct, supervise, and control the activities of each person engaged in the
207 activities of the Vital Records Division;

208 (6) Develop and conduct training programs to promote uniformity of policy and
209 procedures pertaining to the vital statistics system;

SECOND ENGROSSED ORIGINAL

210 (7) Develop and distribute all forms as will accomplish the purpose of complete,
211 accurate, and timely reporting and registration;

212 (7) Prepare and publish reports of vital statistics of the District;

213 (8) Provide information derived from vital records and vital reports required
214 under the act that are necessary for Department programs and health planning activities, which
215 shall remain the property of the Vital Records Division, and under the Registrar's control; and

216 (9) Prepare a plan to provide for the continuity of operations of the system of vital
217 statistics in an emergency as follows:

218 (A) The plan shall, to the extent practicable, anticipate natural and man-
219 made events that interrupt normal activities of the vital statistics system, identify essential vital
220 statistics services, and provide guidance for maintaining the services;

221 (B) The plan shall include:

222 (i) Alternative locations for operations;

223 (ii) Identification of essential equipment, and document needs and
224 where to obtain them; and

225 (iii) Identification of essential staff and a mechanism for
226 communication with such personnel in an emergency; and

SECOND ENGROSSED ORIGINAL

227 (C) The plan shall be confidential and shall not be subject to compelled
228 disclosure.; provided, that the Registrar may authorize disclosure of all or part of the plan as the
229 Registrar deems necessary to implement the plan.

230 (c) The Registrar may establish or eliminate offices to aid in the efficient administration
231 of the system of vital statistics.

232 (d) The Registrar may delegate functions and duties to employees of the Vital Records
233 Division and to employees of any office established under subsection (c) of this section.

234 Sec. 104. Security of vital statistics system.

235 The Registrar shall:

236 (1) Take measures to deter the fraudulent use of vital records;

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

239 (3) Perform data assurance and record matching activities to protect the
240 confidentiality and security of vital records and prevent their fraudulent use;

241 (4) Apply the responsibilities of this section to any authorized partner with access
242 to the vital statistics system;

243 (5) Authenticate each user of the vital statistics system, or one of its components,
244 and document that the user requires access based on official duties;

SECOND ENGROSSED ORIGINAL

245 (6) Authorize an authenticated user of the vital statistics system to access specific
246 components of the vital statistics systems necessary for official roles and duties;

247 (7) Establish separation of duties between staff roles that may be susceptible to
248 fraud or misuse, and routinely perform audits of staff work to identify fraud or misuse within the
249 vital statistics system;

250 (8) Require that each authenticated and authorized user maintain a specified level
251 of training related to security and provide a written acknowledgment of security policies,
252 procedures, and penalties;

253 (9) Validate data provided in reports submitted for registration through site visits
254 or with independent sources outside the registration system at a frequency specified by the
255 Registrar to maximize the integrity of the data collected;

256 (10) Require that each authenticated user protect personally identifiable
257 information and adhere to protocols that provide for audits of use and protocols for breach
258 identification and notification;

259 (11) Receive reports of death if the decedent was born in the District, or from the
260 United States Department of Defense or the United States Department of State if the decedent
261 was a United States citizen, a resident of the District, and the death occurred outside the United
262 States;

SECOND ENGROSSED ORIGINAL

263 (12) Provide secure workplace, storage, and technology environments that have
264 limited role-based access; and

265 (13) Maintain overt, covert, and forensic security measures for certifications,
266 verifications, and automated systems that are part of the vital statistics system.

267 Sec. 105. Persons required to keep records.

268 (a) Each person in charge of an institution, or his delegate, shall keep a record of personal
269 data concerning each person admitted or confined to the institution. This record shall:

270 (1) Include the information required for a reportable vital event; and

271 (2)(A) Be created at the time of admission from information obtained from the
272 person admitted or confined.

273 (B) If the person admitted or confined cannot provide the information, the
274 institution shall obtain the information from relatives or other people acquainted with the facts
275 and shall include the name, address, and relationship of the person providing the information in
276 the record.

277 (b) A licensed health care provider shall keep a record of personal data concerning each
278 person under the provider's care for a condition that results in a reportable vital event when the
279 documentation is not maintained by an institution described in subsection (a) of this section.

280 (c) The record required by subsection (b) of this section shall:

SECOND ENGROSSED ORIGINAL

281 (1) Include information required for the provider to submit a report of live birth,
282 death, fetal death, or induced termination of pregnancy; and

283 (2) Contain information provided by the person being treated. If the person being
284 treated cannot provide the information, then the licensed health care provider shall obtain the
285 information from a relative or other person acquainted with the facts. The name, address, and
286 relationship of the person providing the information shall be a part of the record.

287 (d)(1) When a dead body or fetus is released by an institution, the person in charge of the
288 institution, or his delegate, shall keep a record identifying the name of the decedent, date of
289 death, name and address of the person to whom the body or fetus is released, and the date of
290 removal from the institution.

291 (2) When final disposition of a dead body or fetus is made by an institution, the
292 person in charge of the institution, or his delegate, shall record the date, place, and manner of
293 final disposition.

294 (e) A funeral director or other authorized person who removes from the place of death,
295 transports, or makes final disposition of a dead body or fetus, in addition to filing any required
296 record or report, shall keep a record that identifies the body and the information pertaining to the
297 receipt, removal, delivery, burial, or cremation of the body as required by rules issued pursuant
298 to section 129.

SECOND ENGROSSED ORIGINAL

299 (f) Records created pursuant to this section shall be retained for no less than 5 years and
300 shall be made available for inspection by the Registrar upon request.

301 Sec. 106. Duties to furnish information.

302 (a) A person with knowledge of the facts related to a reportable vital event shall furnish
303 any information he or she may possess to the Registrar within 5 days of a request by the
304 Registrar.

305 (b) No later than the 10th day of each month, the person in charge of each institution, or
306 his delegate, shall send to the Vital Records Division a list showing each live birth, death, fetal
307 death, or induced termination of pregnancy occurring at that institution during the preceding
308 month. The list shall be in a format prescribed by the Registrar in rules issued pursuant to section
309 129.

310 (c) No later than the 10th day of each month, each funeral director shall send to the
311 Registrar a list showing each dead body received, embalmed, prepared for final disposition, or
312 finally disposed of in the preceding month. The list shall be in a format prescribed by the
313 Registrar in rules issued pursuant to section 129 and shall also include a record of the date, place,
314 and manner of final disposition of each dead body, if applicable.

315 (d) Within 5 days of receipt of any autopsy results or other information that would
316 provide pending or missing information or correct errors in a reported cause of death, the

SECOND ENGROSSED ORIGINAL

317 physician or medical examiner required to report the death shall send to the Registrar a delayed
318 diagnosis report of the cause of death to amend the record.

319 Sec. 107. Content of vital records and vital reports.

320 (a) To promote and maintain nationwide uniformity in systems of vital statistics, the
321 forms for a vital record or a required vital report shall include, at a minimum, the items
322 recommended by the federal agency responsible for national vital statistics.

323 (b) Information required in a report may be filed and registered by photographic,
324 electronic, or other means as prescribed by the Registrar in rules issued pursuant to section 129.

325 Sec. 108. Live birth registration.

326 (a) A report of each live birth that occurs in the District shall be filed with the Registrar
327 within 5 days after the birth.

328 (b)(1) An institution or physician shall submit live birth information electronically, and
329 the Registrar shall register the live birth when the information is complete and electronically
330 filed.

331 (2) A person may submit live birth information in writing on a form approved by
332 the Registrar for a live birth that occurs outside an institution. The Registrar shall establish the
333 required information for live birth filing through rules issued pursuant to section 129.

SECOND ENGROSSED ORIGINAL

334 (c) The physician, institution, or other person providing prenatal care shall provide the
335 prenatal care information required for the report to the institution where the delivery is expected
336 to occur not less than 30 days prior to the expected delivery date.

337 (d)(1) When a live birth occurs in, or en route to, an institution, the person in charge of
338 the institution, or his designee, shall collect the personal data, prepare the electronic form, secure
339 the required signature, and electronically file the information.

340 (2) The physician or other person in attendance at or immediately after the live
341 birth shall provide the medical information required in a live birth report and verify the facts of
342 live birth within 72 hours after the live birth.

343 (3) If the physician, or other person in attendance at or immediately after the live
344 birth, does not verify the facts of live birth in the 72-hour period, the person in charge of the
345 institution, or his designee, shall verify the facts of live birth and complete the form to report the
346 live birth by an approved electronic process.

347 (e) In obtaining the information required for the report, an institution shall use
348 information gathering procedures, including worksheets, provided or approved by the Registrar.
349 An institution may establish procedures to transfer information required for the report from other
350 systems. The Registrar shall review and approve the procedures before implementation to ensure
351 that the information transferred is the same required for the report.

SECOND ENGROSSED ORIGINAL

352 (f) When a live birth occurs in the District outside an institution, the report of live birth
353 shall be prepared by and electronically filed in the following order of priority:

354 (1) By the physician in attendance at the live birth or who examines the mother
355 and the child, within 5 days after the live birth;

356 (2) By the medical facility at which the mother and child are examined, within 5
357 days after the live birth;

358 (3) By any other licensed or certified health care practitioner in attendance at the
359 live birth, or who examines the mother and the child, within 5 days after the live birth.

360 (4) The mother;

361 (5) The second parent or the spouse or domestic partner of the mother if in
362 attendance at the live birth; or

363 (6) The person in charge of the premises where the live birth occurred.

364 (g) The Registrar shall determine by rules issued pursuant to section 129 the evidence
365 that shall be required to establish the facts of live birth.

366 (h) The Registrar shall not register a report for a live birth that took place outside of an
367 institution if the report does not include the minimum acceptable required documentation as
368 required by rules issued pursuant to section 129, or the Registrar has cause to question the
369 validity or adequacy of the documentary evidence, and the deficiencies are not corrected. The
370 Registrar shall advise the registrant's mother, second parent, or spouse or domestic partner of the

SECOND ENGROSSED ORIGINAL

371 mother of the reason for this action, and shall advise this individual of the right to appeal the
372 Registrar's decision in court.

373 (i) When a live birth occurs on a moving conveyance within the United States and the
374 child is first removed from the conveyance in the District, the live birth shall be electronically
375 registered in the District, and the place where the child is first removed shall be considered the
376 place of live birth.

377 (j) When a live birth occurs on a moving conveyance while in international waters or air
378 space, or in a foreign country or its air space, and the child is first removed from the conveyance
379 in the District, the live birth shall be electronically registered in the District, but the record shall
380 show the actual place of live birth if it can be determined.

381 (k) The information required by the report of live birth shall be that of the mother and the
382 information shall be reported to and registered by the Vital Records Division.

383 (l) For the purposes of live birth registration:

384 (1) The record shall include the name of the mother of the child;

385 (2) No more than 2 parents may be named on a live birth record including the
386 mother;

387 (3) If the mother was married at the time of either conception or live birth, or
388 between conception and live birth, or a child is born within 300 days after the termination of
389 marital cohabitation by reason of death, annulment, divorce, or separation ordered by the court,

SECOND ENGROSSED ORIGINAL

390 only the name of the spouse during those times may be entered on the record as the second
391 parent of the child, unless parentage by a different person has been determined otherwise
392 pursuant to section 16-909.01 of the District of Columbia Official Code.

393 (4) If the mother was in a domestic partnership at the time of either conception or
394 live birth, or between conception and live birth, or a child is born within 300 days after the
395 termination of the domestic partnership pursuant to section 3(d) of the Health Care Benefits
396 Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-
397 702(a)), only the name of the domestic partner shall be entered on the record as the second parent
398 of the child, unless parentage has been determined otherwise pursuant to section 16-909.01 of the
399 District of Columbia Official Code;

400 (5) If the mother was not married or in a domestic partnership at the time of either
401 conception or live birth, or between conception and live birth, the name of a second parent shall
402 only be entered on the record if:

403 (A) The mother and the father have signed a voluntary acknowledgment of
404 paternity pursuant to section 16-909.01(a)(1) of the District of Columbia Official Code or
405 pursuant to the laws and procedures of another state in which the voluntary acknowledgment was
406 signed;

SECOND ENGROSSED ORIGINAL

407 (B) The mother and the second parent have signed a consent to parent a
408 child born by artificial insemination pursuant to section 16-909.01(e) of the District of Columbia
409 Official Code; or

410 (C) Parentage of the second parent has otherwise been established
411 pursuant to section 16-909.01 of the District of Columbia Official Code.

412 (6) For the purposes of the record, the consent to parent a child born by artificial
413 insemination pursuant to section 16-909.01 of the District of Columbia Official Code shall be
414 on a form prescribed and furnished by the Registrar that:

415 (A) Acknowledges the mother and intended parent's consent to the
416 artificial insemination and the intended parent's intent to be a parent of the child;

417 (B) Is signed and sworn by oath under penalty of perjury;

418 (C) Includes written notice of the legal consequences, rights, and
419 responsibilities as a parent that arise from signing the consent; and

420 (D) Contains the full names, social security numbers of the mother and
421 intended parent, the birthplace of the child, if applicable, and a statement indicating that both
422 parents understand the rights, responsibilities, and consequences of signing the affidavit.

423 (7) If a male or female parent, other than the mother, is not named on the record
424 of live birth, no other information about the male or female parent may be entered on the record;

SECOND ENGROSSED ORIGINAL

425 (8) The surname of the child shall be the surname of the mother or the second
426 parent, or the surnames of both parents recorded in any order in a hyphenated or unhyphenated
427 form, or any surname to which either parent has a familial connection; and

428 (9) If the chosen surname is not that of a parent, or the surnames of both parents
429 recorded in any order, whether hyphenated or unhyphenated, both parents shall provide an
430 affidavit signed under penalty of perjury stating that the chosen surname was or is the surname
431 of a past or current relative or has another clearly stated familial connection.

432 (m) The mother of the child, the second parent of the child, or other informant shall
433 verify the accuracy of the personal data to be entered on the report for submission within 5 days.

434 (n) A report of live birth submitted after 5 days, but within one year from the date of live
435 birth shall be registered in the standard format of live birth reports in the manner prescribed in
436 this section. The report shall not be marked or flagged "Delayed".

437 (o) An institution may establish procedures to transfer, electronically or otherwise,
438 information required for the report of live birth from other systems. The institution shall not
439 implement such a procedure without review and approval by the Registrar.

440 Sec. 109. Social Security numbers.

441 (a) A person required to prepare and file a report of live birth shall include in the report
442 the Social Security number or numbers of each parent, if the parent has more than one Social
443 Security number. The Social Security numbers shall not appear on the record of live birth.

SECOND ENGROSSED ORIGINAL

444 (b) The parent's social security number shall be collected by the Registrar and made
445 available to the IV-D agency for the establishment, modification, and enforcement of a support
446 order. The Registrar shall not disclose a social security number for any other purpose.

447 Sec. 110. Infants of unknown parentage.

448 (a) A person who assumes legal custody of a live born infant of unknown parentage shall
449 file with the Registrar a report of live birth that establishes the facts of live birth. The report shall
450 include the following information and be presented to the Registrar within 5 days after the
451 person obtains custody:

452 (1) Date and place child was found;

453 (2) Sex and approximate birth date of child;

454 (3) Name and address of the person or institution with whom the child has been
455 placed for care;

456 (4) Name and address of the person or institution submitting the report;

457 (5) Name given to the child by the custodian of the child; and

458 (6) Any other data required by the Registrar.

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

460

461 (c) Information submitted pursuant to this section shall constitute the report of live birth
462 for the child.

SECOND ENGROSSED ORIGINAL

463 (d) If the child is identified and a live birth registration is found or obtained, the report
464 submitted under this section and any live birth registration resulting from that report shall be
465 voided and placed in a sealed file and shall not be subject to inspection except upon order of the
466 court or as provided by rules issued pursuant to section 129.

467 Sec. 111. Delayed registration of live birth.

468 (a) A person may submit a delayed report of live birth of a person born in the District one
469 year or more after the live birth date in a manner to be prescribed by rules issued pursuant to
470 section 129. A delayed report of live birth shall not be registered until evidence to substantiate
471 the facts of live birth in the District has been supplied to the Registrar.

472 (b) A live birth registered one year or more after the date of live birth shall be marked
473 “delayed” and show the date of the delayed registration on the face of the certificate.

474 (c) The Registrar shall prepare a written summary of the evidence submitted in support of
475 the delayed registration, which shall be included in the record. The applicant shall sign the report
476 under oath and this signature shall be notarized.

477 (d)(1) If an applicant does not submit the minimum documentation required to file a
478 delayed report, or the Registrar has reasonable cause to question the validity or adequacy of the
479 applicant’s sworn notarized statement or the documentary evidence, and the deficiencies are not
480 corrected, the Registrar shall not register the live birth.

SECOND ENGROSSED ORIGINAL

481 (2) The Registrar shall state in writing to the applicant the reason for not
482 registering the live birth and shall advise the applicant in writing of the right to bring an action in
483 court to establish the date, place of live birth, and parentage of the person whose live birth is to
484 be registered.

485 (e) The Registrar may reject a delayed report of live birth that is incomplete or
486 insufficient under subsection (d) of this section if the applicant does not correct the deficiencies
487 within 30 days of the initial filing of the report.

488 (f) No delayed report of live birth shall be registered for a deceased person.

489 Sec. 112. Death registration.

490 (a) The funeral director who first assumes custody of a dead body shall electronically
491 submit a report of death to the Registrar within 5 days after date of death and before the final
492 disposition of the body. The report of death shall be registered if it has been electronically
493 completed and filed in accordance with this act. The Registrar may require a written filing on a
494 case-by-case basis. If the report of death cannot be submitted to the Registrar within 5 days after
495 the date of death, the funeral director shall give the Registrar notice of the reason for the delay.
496 The Registrar shall promulgate rules pursuant to section 129 implementing this provision.

497 (b) The funeral director shall obtain the medical certification from the death certifier, and
498 the personal data needed for the report, including the decedent's gender identity or expression,
499 from any person with the right to control the disposition of the remains of the decedent, the

SECOND ENGROSSED ORIGINAL

500 location and conditions of interment, and arrangements for funeral goods and services pursuant
501 to section 14 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May
502 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413).

503 (c) The funeral director shall not be liable for any damages or costs arising from claims
504 related to the report of the decedent's gender identity or expression on the report of death unless
505 the claims were the result of an error made by the funeral director.

506 (d) The Registrar shall establish a procedure by which an individual may pre-designate a
507 gender identity or expression as an individual wishes it to be reported after death. The pre-
508 designation shall be filed with the Registrar. The Registrar shall check the gender designation of
509 each report of death and amend the report if there is a pre-designated gender identity or
510 expression that differs from the reported gender designation.

511 (e) If a decedent did not pre-designate a gender identity or expression with the Registrar
512 under subsection (d) of this section, any person may challenge the gender identity or expression
513 reported to the funeral director within 10 days after the report of death has been registered, by
514 filing a petition in the Superior Court of the District of Columbia seeking an order to determine
515 the gender identity or expression to be recorded for the decedent.

516 (f) When death occurs in an institution and the death is not under the jurisdiction of the
517 medical examiner, the person in charge of the institution, or his designee, shall provide the
518 funeral director with a partially completed report of death, including the completed medical

SECOND ENGROSSED ORIGINAL

519 certification, within 48 hours of the death. The person in charge of the institution, or his
520 designee, shall ensure that the following information is included on the partially completed
521 report of death:

- 522 (1) The name of the decedent;
- 523 (2) Sex of the decedent;
- 524 (3) Time and date of death;
- 525 (4) The medical certification of death; and
- 526 (5) The electronic signature of the death certifier.

527 (g) In the absence or inability of the death certifier, or with his or her approval, the
528 medical certification may be completed by the death certifier's associate physician, the chief
529 medical officer of the institution in which the death occurred, or the physician who performed an
530 autopsy upon the decedent, if the death is due to natural causes. The person completing the
531 medical certification shall attest to its accuracy through an electronic process approved by the
532 Registrar.

533 (h) If a death is natural, the death certifier shall use his or her best medical judgment to
534 certify a reasonable cause of death. With the authorization of the decedent's next of kin, an
535 autopsy may be performed by any hospital or private pathologist to identify and document the
536 disease processes associated with a natural death.

SECOND ENGROSSED ORIGINAL

537 (i) A manner of death that is believed to be other than by natural causes is subject to
538 investigation and shall be reported to the Office of the Chief Medical Examiner pursuant to
539 section 2907 of the Establishment of the Office of the Chief Medical Examiner Act of 2000,
540 effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1406). Upon notification
541 of death, the Office of the Chief Medical Examiner may take charge of the body and conduct an
542 investigation or decline jurisdiction.

543 (j)(1) If an investigation is conducted by the Office of the Chief Medical Examiner, the
544 Medical Examiner shall determine the cause and manner of death, electronically sign, and return
545 the medical certification portion of the death report to the funeral director within 48 hours after
546 taking jurisdiction over the case.

547 (2) If the Medical Examiner cannot determine the cause and manner of death,
548 electronically sign, and return the medical certification portion of the death report to the funeral
549 director within 48 hours after taking jurisdiction over the case, the Medical Examiner shall
550 report the cause and manner of death as “pending.” Upon the conclusion of the investigation, the
551 Medical Examiner may submit a Delayed Diagnosis Report to amend the cause and manner of
552 death.

553 (k) If the cause of death cannot be determined within 48 hours after death, the physician
554 completing the medical certification, or the Medical Examiner shall give the funeral director and

SECOND ENGROSSED ORIGINAL

555 Registrar notice of the reason for the delay. Final disposition of the body shall not be made until
556 authorized by the physician completing the medical certification or the Medical Examiner.

557 (l) When a death is presumed to have occurred in the District pursuant to section 14-701
558 of the District of Columbia Official Code, the Registrar shall register the death upon receipt of an
559 order of the court. The court order shall include findings of fact necessary for completion of the
560 death record. The death record shall be marked “presumptive,” show on its face the date of
561 registration, identify the court, and include the date of the decree.

562 (m) If the place of death is unknown but the dead body is found in the District, the report
563 of death shall be completed and filed in the District. The place where the body is found shall be
564 shown as the place of death. If the date of death is unknown, it shall be determined by
565 approximation.

566 (n) When death occurs in a moving conveyance in the United States and the body is first
567 removed from the conveyance in the District, the death shall be registered in the District and the
568 place where it is first removed shall be considered the place of death. When a death occurs on a
569 moving conveyance while in international waters or air space, or in a foreign country or its air
570 space and the body is first removed from the conveyance in the District, the death shall be
571 registered in the District, but the report shall show the actual place of death if it can be
572 determined.

SECOND ENGROSSED ORIGINAL

573 (o) In all other cases, the place where death is pronounced shall be considered the place
574 where death occurred. If the date of death is unknown, the death certifier shall determine the date
575 by approximation. If the date cannot be determined by approximation, the date found shall be
576 entered and identified as the date of death.

577 (p) Each report of death shall contain a pronouncement of death section, a disposition of
578 the body section, a medical certification of cause of death section, and the Social Security
579 number of the deceased. The pronouncement of death section shall be signed electronically, and
580 shall include all facts required to be reported in this section, except for those facts relating to the
581 medical cause or causes of death.

582 (q) In the case of an expected death at a decedent's place of residence, attended by a
583 treating physician or a registered nurse working in general collaboration with the treating
584 physician, the attending registered nurse may sign the pronouncement of death section of the
585 report of death.

586 (r) When death occurs in an institution and the attending physician is not available to
587 pronounce death, another physician at the institution or the attending registered nurse who views
588 the body may pronounce death, attest to the pronouncement by an approved electronic process,
589 and, with the permission of the person responsible for the medical certification, release the body
590 to the funeral director.

SECOND ENGROSSED ORIGINAL

591 (s) Within 5 days of receipt of autopsy results or other information that would change the
592 information in the cause of death section of the report of death from that originally reported, the
593 death certifier shall submit a supplemental report to the Registrar to amend the report of death.

594 (t) An institution may establish procedures to transfer, electronically or otherwise,
595 information required for the report of death from other systems. The institution shall not
596 implement such a procedure without review and approval by the Registrar.

597 Sec. 113. Delayed registration of death.

598 (a) A delayed report of death may be filed by the funeral director who first took
599 possession of the dead body in accordance with rules issued pursuant to section 129 by the
600 Registrar, when a death occurring in the District has not been registered one year or more after
601 the date of death. Any delayed report of death shall be registered subject to evidentiary
602 requirements the Registrar shall prescribe by rules issued pursuant to section 129 to
603 substantiate the alleged facts of death.

604 (b) A report of death registered one year or more after the date of death shall be marked
605 “delayed” and shall show on its face the date of the delayed registration.

606 Sec. 114. Fetal death registration.

607 (a)(1) An institution shall report electronically each death of a fetus that occurs in the
608 District within 5 days after delivery; provided, that the fetus either:

SECOND ENGROSSED ORIGINAL

609 (A) Has completed 20 weeks gestation or more, as calculated from the
610 date that the last normal menstrual period began to the date of delivery; or

611 (B) Has a weight of 350 grams or more.

612 (2) The Registrar shall register a report of fetal death when the information is
613 complete. An induced termination of pregnancy shall not be reported as a fetal death. For the
614 purposes of preparing and filing a fetal death report, the following rules shall apply:

615 (A) When a fetus is delivered in an institution or en route thereto, the
616 person in charge of the institution, or his delegate, shall obtain all data required by the Registrar
617 to prepare and submit the report;

618 (B) In obtaining the information required by the fetal death report, an
619 institution shall use information gathering procedures and worksheets provided or approved by
620 the Registrar;

621 (C) An institution may establish procedures to transfer, electronically or
622 otherwise, information required by the fetal death report from other systems. The institution
623 shall not implement such a procedure without review and approval by the Registrar;

624 (D) When a fetus is delivered outside an institution, the physician in
625 attendance at or immediately after delivery shall prepare, electronically sign, and file the report;

SECOND ENGROSSED ORIGINAL

626 (E) When a fetal death required to be reported by this section occurs
627 without medical attendance immediately after the delivery, the Medical Examiner shall prepare
628 and file the fetal death report; and

629 (F) When a fetal death occurs in a moving conveyance and the fetus is first
630 removed from the conveyance in the District, or when a fetus is found in the District and the
631 place of fetal death is unknown, the fetal death shall be reported in the District. The place where
632 the fetus was first removed from the conveyance or the fetus was found shall be considered the
633 place of fetal death.

634 (b) The name of the mother and second parent shall be entered on each fetal death
635 report in accordance with rules issued by the Registrar pursuant to section 129. The second
636 parent shall be the father or same-sex parent that has acknowledged parentage or whose
637 parentage has otherwise been determined pursuant to section 16-909.01 of the District of
638 Columbia Official Code. If the cause of fetal death is unknown or pending investigation, this
639 shall be noted on the report.

640 Sec. 115. Reports of induced termination of pregnancy.

641 (a) Each induced termination of pregnancy that occurs in the District, regardless of the
642 length of gestation, shall be electronically reported to the Registrar within 5 days by the person
643 in charge of the medical institution in which the induced termination of pregnancy was
644 performed. This person shall electronically sign the report.

SECOND ENGROSSED ORIGINAL

645 (b) Reports of induced termination of pregnancy are statistical reports to be used only for
646 public health purposes. The Registrar may establish a data file containing such reports to
647 preserve their availability for future research and the file may be retained for such time as the
648 Registrar deems necessary.

649 Sec. 116. Judicial proceedings to register a vital record.

650 (a) Entitled persons may submit an application to register an out-of-institution birth,
651 delayed birth, or delayed death. If an application to register a record is denied, the applicant may
652 file a complaint with the court for an order to register the record. The court shall provide notice
653 of the proceeding to the Registrar. A petition filed under this section shall be governed by the
654 Rules of the Superior Court of the District of Columbia.

655 (b) A petition for the registration of a live birth or the delayed registration of a live birth
656 shall allege:

657 (1) That the person for whom a registration of live birth is sought was born in the
658 District;

659 (2) That no record of live birth of the person can be found in the vital statistics
660 system or Vital Records Division archives;

661 (3) That the petitioner has made diligent efforts to obtain documentary evidence
662 as required by statute and regulations and as detailed by the Registrar;

663 (4) That the Registrar has refused to register a report of live birth; and

SECOND ENGROSSED ORIGINAL

664

665 (5) Any other information needed to establish the facts of live birth.

666

667 (c) A petition for the registration of a death or the delayed registration of a death shall
668 allege:

669 (1) That the person for whom a registration of death is sought died in the District;

670 (2) That no record of death of the person can be found in the vital statistics system
671 or the Vital Records Division archives;

672 (3) That the petitioner has made diligent efforts to obtain documentary evidence
673 as required by statute and regulations and as detailed by the Registrar;

674 (4) That the Registrar has refused to register the report of death; and

675 (5) Any other information needed to establish a death.

676 (d) The petition for the registration of a live birth or a death shall be accompanied by a
677 statement of the Registrar denying the application as well as all documentary evidence the
678 petitioner used to support the application submitted to the Registrar.

679 (e)(1) Before issuing findings, the court shall order the petitioner to undergo a criminal
680 background check to be provided to the court at the petitioner's expense. The criminal
681 background check shall be for the purpose of revealing any aliases, the petitioner's citizenship
682 status, and criminal records related to identity theft or document fraud by the petitioner.

SECOND ENGROSSED ORIGINAL

683 (2) The court shall make findings as to the place and date of live birth, parentage,
684 and other findings to substantiate the facts of live birth in the District. The order shall include
685 the live birth data to be registered, a description of the evidence presented, the court's findings of
686 fact, and the date of the court's action.

687 (3) If the court finds that a person was born in the District, the court shall issue an
688 order to register the live birth.

689 (f) If the court finds that a person died in the District, the court shall issue an order to
690 register the death. The court's order shall make findings as to the decedent's legal name, date of
691 death, place of death, place of live birth, race, ethnicity, sex, social security number, marital
692 status at time of death, address at time of death, parents' names prior to first marriage, name
693 prior to marriage, and the information necessary to complete the medical certification, including
694 cause and manner of death. If the death occurred from an injury, the order shall include
695 information on how and when the injury occurred. The order shall also indicate whether any of
696 the required information is unknown.

697 (g) The court shall forward a certified copy of the order to register the live birth or death
698 to the Registrar no later than the 10th day following the month in which the order was entered.
699 The certified copy of the order shall direct the Registrar to execute the registration.

700 Sec. 117. Final disposition of dead body or fetus.

SECOND ENGROSSED ORIGINAL

701 (a) The funeral director who first assumes custody of a dead body shall obtain the
702 following before disposing of the body:

703 (1) An authorization for final disposition of the body from the person with rights
704 to control the final disposition pursuant to section 14 of the District of Columbia Funeral
705 Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code §
706 3-413);

707 (2) A permit from the Registrar authorizing final disposition;

708 (3) A filed death certificate on security paper; and

709 (4) If final disposition is to be by cremation, resomation, or burial at sea,
710 additional authorization from the Office of the Chief Medical Examiner in a format to be
711 prescribed by the Registrar.

712 (b) Before final disposition of a dead fetus, regardless of the duration of pregnancy, the
713 funeral director, the person in charge of the institution, or other person responsible for final
714 disposition of the fetus, shall obtain authorization from the person with rights to control the
715 final disposition pursuant to section 14 of the District of Columbia Funeral Services Regulatory
716 Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413).

717 (c) A dead body may be removed from the place of death for the purpose of preparation
718 for final disposition under the following conditions:

719 (1) Upon the consent of the Office of the Chief Medical Examiner;

SECOND ENGROSSED ORIGINAL

720 (2) In the case of an expected death at a decedent's place of residence, at the
721 time of death upon the consent of a treating physician or a registered nurse working in general
722 collaboration with the treating physician who signs the pronouncement of death section of the
723 report of death; or

724 (3) In the case of an unexpected death at a decedent's place of residence, at the
725 time of death upon the consent of the person signing the pronouncement of death section on the
726 report of death.

727 (d) An authorization for final disposition of a dead body or fetus brought into the
728 District, issued by another state and accompanying the dead body or fetus, shall be sufficient
729 authority for final disposition in the District.

730 (e) A person in charge of a place for interment or other disposition of dead bodies shall
731 neither inter nor allow interment or other disposition of a dead body or fetus unless it is
732 accompanied by an authorization for final disposition.

733 (f) Each person in charge of a place of final disposition shall include the date and place of
734 disposition in the permit for final disposition and shall sign and return the permit to the funeral
735 director in a manner prescribed by the Registrar within 10 days after the date of disposition.
736 When there is no person in charge of the place of final disposition, the funeral director shall
737 complete the authorization.

SECOND ENGROSSED ORIGINAL

738 (g) Authorization for disinterment and re-interment shall be required before human
739 remains are disinterred. The authorization shall be issued by the Registrar to a licensed funeral
740 director and shall include a sworn statement under penalty of perjury stating the grounds for
741 disinterment in a format prescribed by the Registrar. If disinterment is deemed to be a public
742 health threat, the Director of the Department shall be notified prior to the authorization.

743 (h) A funeral director or designee shall obtain a letter of non-contagious disease certified
744 by the Registrar when transporting a body outside of the United States.

745 Sec. 118. Marriage, divorce, and annulment reporting.

746 The court shall complete and forward to the Registrar on or before the 20th day of each
747 month in an electronic format prescribed by the Registrar, a report of the completed applications
748 and licenses for marriage returned to the court during the preceding month and records of each
749 divorce or annulment decree granted during the preceding month.

750 Sec. 119. Adoption forms.

751 (a) The court shall cause to be prepared an adoption form for each adoption decreed by
752 the court. The form shall:

753 (1) State facts necessary to locate and identify the original record of live birth of
754 the adoptee;

755 (2) Provide the information necessary to establish a new record of live birth for
756 the adoptee;

SECOND ENGROSSED ORIGINAL

757 (3) Identify the adoption order; and

758 (4) Be issued under seal by the court.

759 (b) The petitioner for adoption or his or her attorney shall supply the information
760 necessary to prepare the adoption form. The social service agency or any person with knowledge
761 of the facts shall supply the court with any additional information necessary to complete the
762 adoption form. The court shall require such persons to provide the information prior to issuing a
763 final decree in the matter.

764 (c) The court shall prepare an adoption form whenever an adoption decree is amended or
765 annulled. This form shall include the facts necessary to identify the original adoption form and
766 the facts amended in the adoption decree necessary to properly amend the record of live birth.

767 (d) The court shall forward to the Registrar adoption forms concerning decrees of
768 adoption, annulments, and amendments of decrees of adoption that were entered in the preceding
769 month, together with any related reports the Registrar may require. The court shall provide these
770 forms to the Registrar no later than the final day of each calendar month.

771 (e) The Registrar shall forward to the Registrar in the state of the adoptee's birth an
772 adoption form and a certified copy of any court decree that annuls or amends a decree of
773 adoption for a person born outside the District. When the court annuls or amends a decree of
774 adoption relating to a person born in a foreign country, the Registrar shall return the adoption

SECOND ENGROSSED ORIGINAL

775 form and decree to the attorney or agency handling the adoption for submission to the
776 appropriate federal agency.

777 (f) If an adoptee was born in a foreign country and was not a citizen of the United States
778 at the time of birth, the Registrar shall prepare a “Record of Foreign Live Birth”. The Registrar
779 shall also send a copy of the adoption form, report of annulment of adoption, or amendment of a
780 decree of adoption to the appropriate registration authority.

781 (g) If the adoptee was born in a foreign country and through parentage is a citizen of the
782 United States, the Registrar shall not prepare a “Record of Foreign Live Birth” but shall notify
783 the adoptive parents of the procedures for obtaining a revised live birth record for their child
784 through the United States Department of State.

785 Sec. 120. Amendments and corrections.

786 (a) The Registrar shall issue rules pursuant to section 129 governing amendment of vital
787 records that protect the integrity and accuracy of the vital records. A record or report registered
788 under this chapter may be amended only in accordance with this act and implementing rules.

789 (b)(1) Except as provided in this section, a record or report amended under this section
790 shall be marked “amended”. The date of amendment and a summary description of the evidence
791 submitted in support of the amendment shall be endorsed on or made a part of the record. The
792 Registrar shall issue rules in accordance with subsection (a) of this section that prescribe the

SECOND ENGROSSED ORIGINAL

793 conditions under which additions or minor corrections may be made to records or reports,
794 without the record or report being marked “amended”.

795 (2) The Registrar shall not amend a vital record if an applicant does not submit
796 the minimum documentation required pursuant to subsection (a) of this section for amending a
797 vital record or when the Registrar has reasonable cause to question the validity or adequacy of
798 the applicant’s sworn statement given under the penalty of perjury or the documentary evidence,
799 and the deficiencies are not corrected. The Registrar shall state in writing the reason for this
800 action and shall further advise the applicant of the right of appeal to the court.

801 (c) Upon receipt of a certified copy of an order of the court changing the name of a
802 person born in the District, and upon the request of the person, his or her legal representative, or
803 in the case of a minor, his or her parents or legal guardian, the Registrar shall amend the record
804 of live birth to show the new name. The record shall be marked “amended”.

805 (d)(1) Pursuant to section 13(e) upon receipt of a certified copy of an order of the
806 Superior Court changing the gender identity or expression of a person who died in the District,
807 the Registrar shall amend the death record to reflect the decedent’s gender identity or expression
808 designation. The record shall not be marked “amended”.

809 (2) The Superior Court shall resolve a petition to amend the designation of gender
810 entered on a decedent’s death record in 10 days. The petition shall include:

SECOND ENGROSSED ORIGINAL

811 (A) A statement, signed under oath by a licensed healthcare provider who
812 has treated or evaluated the individual, stating that:

813 (i) The individual has undergone surgical, hormonal, or other
814 treatment appropriate for the individual for the purpose of gender transition, based on
815 contemporary medical standards; or

816 (ii) The individual has an intersex condition, and that in the
817 healthcare provider's professional opinion, the individual's gender designation should be
818 changed;

819 (B) Documentation that otherwise memorializes the decedent's gender
820 transition, including:

821 (i) Written instructions from the decedent;

822 (ii) A court order approving a name or gender change; or

823 (iii) Documentation of a change to the gender marker on a live
824 birth certificate, driver's license or state identification card, social security record, or passport.

825 (3) The original record of death, including the gender as reported by the death
826 certifier, along with any documents submitted pursuant to this subsection, shall be sealed and
827 made available only by an order of the court.

828 (4) Death records amended for the purpose of memorializing gender designation
829 shall not be marked "amended".

SECOND ENGROSSED ORIGINAL

830 (5) Death records amended for the purpose of memorializing gender designation
831 shall be substituted for the original death record, and prior issuances shall be voided.

832 (e) The Registrar shall issue rules pursuant to section 129 establishing requirements to
833 correct an institutional error on a vital record. When personal data is corrected according to this
834 subsection:

835 (1) Except as provided by rules issued pursuant to section 129, certificates of vital
836 record shall be marked as “amended”.

837 (2) Except as provided by rules issued pursuant to section 129, the original record
838 shall be sealed and made available only upon order of the court.

839 (3) The institution that reported the data in error shall be responsible for
840 associated fees and penalties.

841 Sec. 121. New records of live birth for adoption and determination of parentage.

842 (a) The Registrar shall establish a new record of live birth upon receipt of one the
843 following documents:

844 (1) An adoption form prepared according to section 20;

845 (2) An adoption form prepared and filed according to the laws of a state or foreign
846 country;

847 (3) A certified copy of an order issued by the court determining the parentage of
848 such a person, or

SECOND ENGROSSED ORIGINAL

849 (4) A voluntary acknowledgment of parentage by a person in accordance with
850 section 16-2345 of the District of Columbia Official Code.

851 (b) The Registrar shall establish a new record of live birth for an adoptee born outside of
852 the United States upon receipt of a request of the adoptive parent or the adoptee, if the adoptee is
853 18 years of age or older, and receipt of either:

854 (1) An adoption form prepared according to section 20; or

855 (2) A copy of the foreign adoption decree that includes a certified translation of
856 the decree.

857 (c) If birth information is not already included in the foreign adoption decree, the
858 Registrar may rely on the following evidence to determine the child's birth date and birthplace:

859 (1) An original live birth certificate;

860 (2) Evidence of IR-3 immigrant visa status, or successor immigrant visa status for
861 the child, issued by the U.S. Citizenship and Immigration Services;

862 (3) A post-adoption live birth certificate issued by the foreign jurisdiction,
863 including a certified copy, extract, or translation; or

864 (4) An equivalent document, such as a record of the U.S. Citizenship and
865 Immigration Services or the U.S. Department of State.

866 (d) The Registrar shall return all adoption documents issued by the foreign jurisdiction to
867 the adoptive parent or adoptee, whichever is applicable.

SECOND ENGROSSED ORIGINAL

868 (e) The Registrar shall not establish a new record of live birth if so requested by the
869 adoptive parents pursuant to section 16-314(a) of the District of Columbia Official Code.

870 (f) If the individual's name has been changed subsequent to adoption or determination of
871 parentage, the order shall include the name that currently appears on the live birth record and the
872 new name to be designated on the replacement record of live birth. The new name of the
873 individual shall be shown on the replacement live birth record.

874 (g) The actual place and date of live birth shall be shown on the new record of live birth.
875 The new record shall be substituted for the original record of live birth in the files. The new
876 record shall not designate that parentage has been established by judicial process or by
877 acknowledgement.

878 (h) A replacement record of live birth shall be substituted for the original record of live
879 birth. The original record of live birth and the evidence of adoption, parentage determination, or
880 parentage acknowledgement submitted shall be placed under seal and not be subject to
881 inspection, except by the Registrar for the purpose of properly administering the system of vital
882 statistics, upon an order of the court, or pursuant to rules issued pursuant to section 129.

883 (i) If no record of live birth is on file for the person for whom a new live birth record is to
884 be established under this section, and the date and place of live birth have not been determined in
885 the adoption or parentage proceedings, the Registrar shall file a delayed report of live birth

SECOND ENGROSSED ORIGINAL

886 before issuing a new record of live birth. The new live birth record shall be prepared in
887 accordance with section 12.

888 (j) Upon receipt of a report of an amended decree of adoption, the Registrar shall amend
889 the record of live birth.

890 (k) Upon receipt of a report or decree of annulment of adoption, the Registrar shall
891 restore the original record of live birth. The annulled record of live birth and its associated
892 evidence shall not be subject to inspection, except upon order of the court or as authorized by
893 regulation.

894 (l) The Registrar shall not create a replacement record if the date and place of live birth
895 have not been determined in the adoption or paternity proceedings or if a delayed registration of
896 live birth has not been completed in accordance with section 12.

897 (m) When a replacement record of live birth is issued by the Registrar, any agency that
898 possesses a certificate of live birth from the original record shall return the certificate to the
899 Registrar upon request.

900 Sec. 122. New records of live birth for change of gender designation.

901 (a) The Registrar shall establish a new record of live birth that reflects the new gender
902 designation and, if applicable, the new name of an individual born in the District upon receipt of
903 the following documents:

SECOND ENGROSSED ORIGINAL

904 (1) A written request, signed under oath or affirmation, for a new record of live
905 birth with a gender designation that differs from the gender designated on the original record of
906 live birth, from the individual or, if the individual is a minor, the individual's:

907 (A) Parent;

908 (B) Guardian; or

909 (C) Legal representative; and

910 (2) A statement, signed under oath or affirmation, by a licensed healthcare
911 provider who has treated or evaluated the individual, stating that:

912 (A) The individual has undergone surgical, hormonal, or other treatment
913 appropriate for the individual for the purpose of gender transition, based on contemporary
914 medical standards; or

915 (B) The individual has an intersex condition, and that in the healthcare
916 provider's professional opinion, the individual's gender designation should be changed; and

917 (3) If a change of name listed on the certificate is also being requested, an original
918 or certified copy of the order of the court granting the change of name.

919 (b) The Registrar shall also establish, upon request, a new record of live birth reflecting
920 the new gender designation, new name, or name as previously amended, in the following
921 circumstances:

SECOND ENGROSSED ORIGINAL

922 (1) When an individual holds an amended certificate of live birth issued before
923 November 5, 2013, that reflects a previous name change and seeks a change of gender
924 designation;

925 (2) When an individual requesting a change of name holds a certificate of live
926 birth that reflects a change in gender; or

927 (3) When an individual holds an amended certificate of live birth issued before
928 November 5, 2013, that reflects a previous change in gender designation.

929 (c) A new record of live birth shall:

930 (1) Be substituted for the original record of live birth; and

931 (2) Not be marked “amended” or on its face show that:

932 (A) A change in gender has been made; or

933 (B) A change in name has been made,.

934 (d) The original record of live birth, along with any documents submitted pursuant to this
935 section, shall be sealed and made available only upon the demand of the individual to whom the
936 new certificate of live birth was issued or by an order of the court.

937 Sec. 123. Preservation of vital records.

938 (a) The Registrar shall develop and implement a preservation management program to
939 preserve vital record documents and information that meets generally accepted standards for
940 permanent preservation.

SECOND ENGROSSED ORIGINAL

941 (b) The Registrar may prepare typewritten, photographic, electronic, or other
942 reproductions of certificates or reports to preserve these vital records. The reproductions shall be
943 accepted as the original record when certified by the Registrar.

944 (c) The Registrar shall provide for the continued availability and integrity of vital event
945 information. Methods for accomplishing this may include the maintenance of redundant copies
946 of information in multiple locations and formats such as microfilm/microfiche, imaging, and
947 electronic databases.

948 (d) The preservation management program shall provide for the continued availability of
949 historic vital record documents and information for research and related purposes.

950 Sec. 124. Confidentiality and disclosure of information from vital records or vital reports.

951 (a) Vital records, vital reports, indices, related documents, and data or information
952 contained therein shall be confidential and shall not be subject to disclosure under the Freedom
953 of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-
954 531 *et seq.*).

955 (b) Except as authorized by this act, rules issued under and consistent with this act, or by
956 an order of the court, it shall be unlawful for any person to permit inspection of, or to disclose
957 data or information contained in a vital record, a vital report, or related documents, or to copy or
958 issue a copy of all or part of any such record or report. Rules implementing this section shall
959 provide for adequate standards of security and confidentiality of vital records.

SECOND ENGROSSED ORIGINAL

960 (c) Unless otherwise provided by this act, personally identifiable information that may
961 identify any individual named in any vital record or report may be disclosed for health research
962 purposes only after:

963 (1) Submission of a written request for information by a researcher;

964 (2) Approval of the Registrar through the execution of a written research
965 agreement that describes the research project;

966 (3) Documented applicable Institutional Review Board approval pursuant to
967 section 2 of the Health Research Extension Act of 1985 (42 U.S.C. § 289);

968 (4) Documented procedures to protect the confidentiality and security of the
969 information; and

970 (5) Documented procedures for data storage and the data destruction method to be
971 used for the information provided.

972 (d) Except as authorized by the Registrar, any agreement under which personally
973 identifiable information contained in a vital record or report is disclosed shall:

974 (1) Prohibit the re-release by the researcher of any personally identifiable
975 information without explicit permission from the Registrar;

976 (2) Require that the information shall be used solely for research or
977 administrative purposes;

SECOND ENGROSSED ORIGINAL

978 (3) Require that the information shall be used only for the project described in the
979 application;

980 (4) Prohibit the use of the information as a basis for legal, administrative, or other
981 action that directly affects any person or institution identifiable from the data;

982 (5) Set forth the payment, if any, to be provided by the researcher to the Registrar
983 for the specified research project; and

984 (6) Require that ownership of vital records data provided under the agreement
985 shall remain with the Registrar, not the researcher or the research project.

986 (e) The Registrar may disclose de-identified statistical data from vital records that do not
987 identify or make practical the identification of any individual to federal, District, State, or other
988 public or private agencies that request the data for statistical or administrative purposes pursuant
989 to rules issued pursuant to section 129.

990 (f) The Registrar may authorize the release of vital event verification copies of records or
991 data from the system of vital statistics to a government entity, including Federal, State, local and
992 Tribal agencies, upon written request, provided that the copies or data shall be used solely in the
993 conduct of the government agency's official duties. The Registrar, in deciding whether to
994 approve a government agency request, shall consider the agency's or other entity's proposed use,
995 frequency of need, security after receipt, and other relevant criteria. The Registrar shall base this
996 authorization on:

SECOND ENGROSSED ORIGINAL

997 (1) Written data sharing agreements that clearly specify the intended uses and
998 protect the confidentiality and security of the information provided, and are executed before the
999 Registrar prior to release of personally identifiable information for government agency official
1000 use. The agreement shall:

1001 (A) Prohibit the re-release by the government agency of any personally
1002 identifiable information other than re-release that may be provided for in the agreement;

1003 (B) Set forth the payment, if any, to be provided by the government
1004 agency to the Registrar for the specified purpose.

1005 (C) Specify that ownership of vital records data provided under such
1006 agreements shall remain solely with the Registrar, not the government agency authorized by the
1007 agreement to use the data.

1008 (2) Receipt of an application from an applicant entitled to receive the certified
1009 copy of a vital record and authorization by this applicant to release the information to the agency
1010 or other entity;

1011 (3) An order of the court requiring the release of the information to the agency or
1012 other entity; or

1013 (4) A demonstration of administrative need by the agency or other entity.

1014 (g) The Registrar may furnish to the National Center for Health Statistics (“NCHS”) or its
1015 successor agency, copies of records, reports, or data from the system of vital statistics as it may

SECOND ENGROSSED ORIGINAL

1016 require for national statistics; provided, that the NCHS or its successor agency shares in the cost
1017 of collecting, processing, and transmitting the data; provided further, that the data shall not be
1018 used for other than statistical purposes by the NCHS or its successor agency unless so authorized
1019 by the Registrar in writing.

1020 (h) In order for the Registrar to furnish the records, reports, or data to the NCHS or its
1021 successor agency, the NCHS or its successor agency shall enter into an agreement with the
1022 Registrar indicating the statistical purposes for which the records, reports or data may be used.
1023 The agreement shall prohibit the re-release by the NCHS or its successor agency without express
1024 written permission from the Registrar. Ownership of vital records data provided under such
1025 agreements shall remain solely with the Registrar, not the NCHS or its successor agency.

1026 (i) The Registrar may, according to terms defined by an inter-jurisdictional exchange
1027 agreement (“Agreement”), transmit vital records data or copies of records and other reports to
1028 the offices of vital statistics in other states or U.S. jurisdictions outside of the District or in
1029 foreign countries when the data, records, or other reports relate to residents of those states, U.S.
1030 jurisdictions, or foreign countries or to individuals who are born or die in those states, U.S.
1031 jurisdictions, or foreign countries.

1032 (j) The Agreement shall specify the purposes for which the data, reports, or records may
1033 be used by each state, U.S. jurisdiction, or foreign country, and shall provide instructions for the
1034 proper retention and disposition of the data, reports, or records. Any vital records data or copies

SECOND ENGROSSED ORIGINAL

1035 of reports or records received by the Registrar from another state, U.S. jurisdiction, or foreign
1036 country as a result of an Agreement shall be confidential and the state, U.S. jurisdiction, or
1037 foreign country where the event occurred shall retain ownership of the data, reports, or records.
1038 The data, reports, or records may be used by the recipient state, U.S. jurisdiction, or foreign
1039 country only for the purposes specified in the Agreement, and the Agreement shall prohibit the
1040 recipient state, U.S. jurisdiction, or foreign country from otherwise disclosing any of the
1041 District's data, reports, or records.

1042 (k)(1) A live birth record shall be considered open when 125 years have elapsed from the
1043 date of birth.

1044 (2) A death record shall be considered open when 75 years have elapsed from the
1045 date of death or fetal death.

1046 (3) A marriage record shall be considered open when 100 years have elapsed from
1047 the date of marriage, divorce, dissolution of marriage, or annulment.

1048 (k-1)(1) Supporting documents, including corrections and acknowledgments of paternity,
1049 for open vital records shall also be public. Sealed records shall never be classified as public
1050 unless unsealed by the court. Vital records made public after the prescribed time may be
1051 transferred to the District of Columbia Archives in accordance with archival procedures that
1052 provide for the continued safekeeping of the records.

SECOND ENGROSSED ORIGINAL

1053 (2) Prior to the transfer of live birth and death records to the Archives, the
1054 Registrar shall redact any information identified in the NCHS' U.S. Standard Certificates of live
1055 birth and death, and reports of fetal death or reports of induced termination of pregnancy, or as
1056 identified by the District by rules issued pursuant to section 129, as medical or for health use
1057 only. The Registrar shall be the only person authorized to issue certified copies of live birth and
1058 death records in the District of Columbia.

1059 (1) The Vital Records Division shall remain the legal custodian of live birth, death and
1060 fetal death, domestic partnership, and dissolution of domestic partnership records and related
1061 statistical reports until these records are transferred to the Archives. Only the Registrar may
1062 certify issuances of District live birth, death and fetal death records. The Archives may provide
1063 non-certified copies of vital records made public pursuant to subsection (k) of this section
1064 according to the procedures of the Archives for making non-certified copies.

1065 (m) The Registrar shall disclose information contained in vital records, or copies of vital
1066 records, to the IV-D agency upon request, for purposes directly related to paternity establishment
1067 or the establishment, modification, or enforcement of a support order.

1068 (n) The Registrar may approve or deny a request for inspection or disclosure of data. A
1069 decision by the Registrar regarding the inspection or disclosure of data or information contained
1070 in a vital record or vital report shall constitute a final agency determination.

1071 (o) Notwithstanding the provisions of this section, the Registrar shall provide

SECOND ENGROSSED ORIGINAL

1072 reports of homicides or suicides, as that term is defined in section 3052(e) of the Fatality Review
1073 Committee Amendment Act of 2018, passed on 1st reading on May 15, 2018 (Engrossed version
1074 of Bill 22-753), to the Violence Fatality Review Committee pursuant to section 3054 of the
1075 Fatality Review Committee Amendment Act of 2018, passed on 1st reading on May 15, 2018
1076 (Committee print of Bill 22-753).

1077 Sec. 125. Certification from the system of vital statistics

1078 (a) A certificate of live birth, a death, fetal death, domestic partnership or dissolution of
1079 domestic partnership, or any part thereof, issued in accordance with this section, shall be
1080 considered for all purposes the same as the original record and shall be prima facie evidence of
1081 the information it contains. The evidentiary value of record submitted to the Registrar more than
1082 one year after the vital event, a vital record that has been amended, or a record of foreign live
1083 birth shall be determined by the judicial or administrative body or official before whom the
1084 record is offered as evidence.

1085 (b) The Registrar shall require the applicant for a certified copy of a vital record to submit
1086 a signed application, proof of identity, and evidence of entitlement under this section. The
1087 Registrar shall, upon receipt and approval of an application, issue a certified copy of a vital
1088 record in the form of a physical image or abstract to the applicant. Only the Registrar may issue
1089 the certified image or abstract. The Registrar shall require all certifications of vital records
1090 registered in the system to be issued from the District's central database of vital records.

SECOND ENGROSSED ORIGINAL

1091 (c) The Registrar shall specify through rules issued pursuant to section 129 the forms of
1092 identification an applicant may provide in support of an application for a certified copy of a vital
1093 record; provided, that for applications received pursuant to subsection (b) of this section from
1094 inmates incarcerated by the Federal Bureau of Prisons, if the Registrar requires an applicant to
1095 provide identification when requesting a certified copy of all or part of a vital record, the
1096 Registrar shall accept identifying information provided by the Federal Bureau of Prisons as one
1097 permissible form of identification.

1098 (d) An applicant for a certified copy of a vital record shall be at least 18 years of age, or
1099 any age if the applicant is an emancipated minor.

1100 (e) The Registrar shall review the evidence of entitlement the applicant provides to
1101 support a request for a certified copy of a vital record. The evidence shall consist of copies of
1102 vital records, court documents, or alternative methods identified and accepted by the Registrar
1103 through rules issued pursuant to section 129. Evidence of entitlement shall demonstrate that the
1104 applicant is authorized to receive a certified copy of a vital record.

1105 (f) The only applicants entitled to receive a certified copy of a live birth record are the
1106 registrant, his or her child, parent, sibling, grandparent, legal guardian, or legal representative.

1107 (g) The only applicants entitled to receive a certified copy of a death record are the
1108 informant, the decedent's spouse, domestic partner, child, parent, next of kin as specified by
1109 probate or other law, sibling, grandparent, grandchild, the person with rights to control the final

SECOND ENGROSSED ORIGINAL

1110 disposition of the decedent's body, the decedent's legal guardian immediately prior to death, the
1111 decedent's legal representative. A funeral director from the funeral establishment named on the
1112 death record is entitled to receive a certified copy of the death record for 30 days after the date of
1113 filing of the death record. An applicant may also obtain a certified copy of a death record by
1114 demonstrating that the record is needed for determining or protecting any personal or property
1115 rights.

1116 (h) The only applicants entitled to receive a certified copy of a fetal death record are the
1117 parent, sibling, grandparent, legal guardian of a parent, or legal representative of the fetus. A
1118 funeral director from the funeral home named on the fetal death record is entitled to receive a
1119 certified copy of a fetal death record for 30 days from the date of filing of the record.

1120 (i) The only applicants entitled to receive a certified copy of a record of a domestic
1121 partnership or the dissolution of a domestic partnership are the registrants, a registrant's child,
1122 parent, sibling, grandparent, grandchild, legal guardian, or legal representative.

1123 (j) The Registrar may verify with originating agencies the identity documents and
1124 evidence of entitlement submitted in support of a request for a certified copy.

1125

1126 (k) The Registrar, in deciding whether to approve a government agency or other entity
1127 for receipt of certified copies of vital records or verifications in electronic format, shall consider

SECOND ENGROSSED ORIGINAL

1128 the agency's or other entity's proposed use of the certified record, frequency of need, security
1129 after receipt, and other relevant criteria.

1130 (l) The Registrar shall establish the minimum information to be included in a certificate.

1131 No certificate shall be issued without the minimum information necessary, with the exception
1132 that live birth records without a first name for the registrant may be issued to authorized
1133 government agencies for adoption or custody purposes.

1134 (m) A death certificate that includes the manner or cause of death shall be issued with a
1135 denotation of such information unless the decedent's spouse, domestic partner, child, parent,
1136 next of kin as specified by probate or other law, the person in charge of disposition of the
1137 decedent's remains, or the legal representative of any of these persons, requests the omission of
1138 this information.

1139 (n) Each death certificate issued for a record shall include the date of registration. Except
1140 as provided by rules issued pursuant to section 129, each certificate issued from a record marked
1141 or flagged as amended shall be similarly marked or flagged and shall indicate the effective date
1142 of the amendment. A certificate issued from a record marked or flagged as delayed shall be
1143 similarly marked or flagged and shall include the date of registration and a description of the
1144 evidence used to establish the delayed record. A certificate issued from a record of foreign live
1145 birth shall indicate this fact. Such a certificate shall show the actual place of live birth and state

SECOND ENGROSSED ORIGINAL

1146 that the certificate is not proof of United States citizenship. A certificate issued from a live birth
1147 record that has been matched to a death record shall be marked or flagged as deceased.

1148 (o) Information identified in the U.S. Standard Certificates of Live Birth, Death, and
1149 Report of Fetal Death, or identified as for medical or health use only in any vital record through
1150 rules issued pursuant to section 129 shall not be subject to subpoena or court order and shall not
1151 be admissible before any court, tribunal, or judicial body. Information identified as for
1152 administrative, statistical, medical, or health use only shall not be included in a certificate issued
1153 for the vital record.

1154 (p) If the Registrar conducts a search for a vital record on behalf of an applicant, and this
1155 search does not identify a record that matches the requested criteria, the Registrar shall issue a
1156 document indicating that no matching record was identified. The document shall state the
1157 specific information used in the attempt to identify the record, including the type of event, the
1158 name of the registrant, the alleged date or range of dates of the event, and any other criteria used
1159 to identify the record.

1160 (q) The Registrar may verify the facts contained in a vital record at the request of any
1161 authorized government agency in the conduct of its official duties.

1162 (r) Each certificate issued from the vital statistics system, and containing a live signature,
1163 shall meet the requirements for apostille, authentication, and exemplification by the District's
1164 designated competent authority to facilitate use of the certificate outside of the United States.

SECOND ENGROSSED ORIGINAL

1165 (s) All forms and procedures used to issue certificates of vital records in the District shall
1166 be uniform and provided or approved by the Registrar. Each certificate issued shall include
1167 security features that deter altering, counterfeiting, or duplicating the certification.

1168 (t) The Registrar shall maintain a searchable file, either physical or electronic, of all
1169 accepted applications for a minimum of 3 years.

1170 (u) No person shall prepare or issue any paper or electronic document that purports to be
1171 an original vital record, a certification or a verification of a vital record, or a copy of a vital
1172 record except as authorized by this act or rules promulgated pursuant to section 129.

1173 (v) An application and any supporting documentation submitted to obtain a certificate of
1174 a vital record shall be confidential and shall not be disclosed except upon the order of the court.

1175 Sec. 126. Fraud or misrepresentation.

1176 (a) When the Registrar receives information that a vital event report or record may have
1177 been registered, corrected, or amended through fraud or misrepresentation, the Registrar may
1178 withhold issuance of any certificate or amendment of that certificate pending inquiry by
1179 appropriate authorities to determine whether fraud or misrepresentation has occurred. If, upon
1180 conclusion of the inquiry, no fraud or misrepresentation is found, the Registrar shall resume
1181 processing requests for a certificate or a modification of the record.

SECOND ENGROSSED ORIGINAL

1182 (b) If, upon conclusion of the inquiry, there is reasonable cause to suspect fraud or
1183 misrepresentation, the Registrar shall provide copies of the report or record and any other
1184 evidence to the appropriate authorities for further investigation.

1185 (c) If, upon conclusion of this investigation, fraud or misrepresentation is found, the
1186 Registrar may suspend further action regarding the record, or void or seal the record. The
1187 Registrar shall provide a written statement of these actions, including references to all the
1188 investigative findings and evidence that form the basis for the actions, to the registrant or the
1189 registrant's legal representative.

1190 (d) The Registrar shall retain all voided or sealed records and evidence, including the
1191 application, but these records and evidence shall not be subject to inspection or copying except
1192 upon order of the court or by the Registrar for purposes of administering the vital records
1193 system.

1194 (e) When the Registrar receives information that an application for a vital record service
1195 may have been submitted for purposes of fraud or misrepresentation, the Registrar may withhold
1196 performance of that service pending inquiry by appropriate authorities to determine whether
1197 fraud or misrepresentation has occurred. If, upon conclusion of the inquiry, no fraud or
1198 misrepresentation is found, the Registrar shall provide the service, including a certificate, if the
1199 applicant is entitled to the certificate.

SECOND ENGROSSED ORIGINAL

1200 (f) If, upon conclusion of this investigation, fraud or misrepresentation is found, the
1201 Registrar shall provide an opportunity to the registrant or the registrant's legal representative to
1202 respond to the findings. The Registrar may suspend further action regarding the record. The
1203 Registrar shall provide a written statement of these actions, including references to all
1204 investigative findings and evidence that form the basis for the action, to the registrant or the
1205 registrant's legal representative.

1206 (g) The Registrar shall periodically test and audit vital records systems for purposes of
1207 detecting fraud. If fraud is detected, the Registrar shall provide copies of the evidence to the
1208 proper authorities for further investigation. The results of the tests and audits shall be retained,
1209 but shall not be subject to inspection or copying except by the Registrar for purposes of
1210 administering the vital records system.

1211 Sec. 127. Fees.

1212 (a) The Registrar shall prescribe by rules issued pursuant to section 129 the fees to be
1213 paid for the following services:

1214 (1) Processing an application to amend a vital record;

1215 (2) Certifying records, whether paper or electronic, or searching the files when no
1216 certificate is issued;

SECOND ENGROSSED ORIGINAL

1217 (3) Providing copies of or information contained on live birth, death, and fetal
1218 death records for health research, statistical, or administrative purposes, or in response to
1219 subpoena or court order;

1220 (4) Verifying information contained on live birth, death, fetal death, and domestic
1221 partnership records when the information is provided. Verification of vital events may only be
1222 provided to government agencies authorized by the Registrar;

1223 (5) Processing an application to register a delayed report of a vital event;

1224 (6) Replacing a live birth record subsequent to adoption, establishment of
1225 parentage, paternity acknowledgment, change in gender designation, or court order;

1226 (7) Providing personally identifiable information from vital records data to a
1227 health researcher or an authorized government agency;

1228 (8) Providing programming and analytic services in response to statistical data
1229 requests;

1230 (9) Issuing a permit for final disposition or a permit to disinter human remains, or
1231 as otherwise required by law;

1232 (10) Providing genealogical search services; and

1233 (11) Providing any other service as determined by the Registrar.

1234 (b) Notwithstanding subsection (a) of this section, a pilot program for Fiscal Year 2019
1235 shall be established to waive the fee for a certificate of birth for:

SECOND ENGROSSED ORIGINAL

1236 (1) An individual released from the custody of the Federal Bureau of Prisons
1237 (“BOP”), for one year after the individual is released from the custody of the BOP; and

1238 (2) An individual in the custody of the BOP at a halfway house in the District.

1239 Sec. 128. Penalties.

1240 (a) A fine of not more than \$12,500, or imprisonment of not more than 2 years, or both,
1241 for each occurrence shall be imposed on:

1242 (1) Any person who willfully and knowingly makes a false statement to the
1243 Registrar or the Registrar’s designee when submitting information required by this act, in
1244 connection with:

1245 (A) A report;

1246 (B) A request to amend or correct a vital record, including any associated
1247 evidence;

1248 (C) A request for a certified copy or verification of a vital record;

1249 (D) A request for access to information in vital records; or

1250 (E) A request for creation of a vital record, including delayed records;

1251 (2) Any person who without lawful authority and with the intent to deceive,
1252 makes, counterfeits, alters, amends, or mutilates any record, report, application or supporting
1253 documentation submitted or created pursuant to this act, or any certification or verification of a
1254 vital record, or security paper;

SECOND ENGROSSED ORIGINAL

1255 (3) Any person who willfully and knowingly obtains, possesses, uses, sells,
1256 furnishes, or attempts to obtain, possess, use, sell, or furnish a physical or electronic vital record
1257 document, including security paper, records, reports, or information in a vital record, that has
1258 been counterfeited, altered, unlawfully amended, or mutilated, or that is false in whole or in part,
1259 for purposes other than those specified in this act;

1260 (4) Any person who without lawful authority possesses any stolen or otherwise
1261 unlawfully obtained record, security paper, certified copy, or report or application submitted or
1262 created pursuant to this act; or

1263 (5) Any person who willfully and knowingly furnishes data, security paper,
1264 certifications or verifications with the knowledge or intention that they will be used for purposes
1265 other than those specified in this act.

1266 (b) A fine of not more than \$2,500, or imprisonment of not more than one year, or both,
1267 for each occurrence, shall be imposed on:

1268 (1) Any person who willfully and knowingly refuses to provide information
1269 required by this act or rules promulgated pursuant to section 129 to implement this act;

1270 (2) Any person who willfully and knowingly transports or accepts for
1271 transportation, interment, or other disposition human remains without an accompanying permit
1272 as provided in this act; or,

SECOND ENGROSSED ORIGINAL

1273 (3) Any person who willfully and knowingly violates any of the provisions of this
1274 act or the rules promulgated pursuant to section 129 to implement this act, or who willfully and
1275 knowingly refuses to perform any of the duties required by this act or its rules.

1276 (c) The fine set forth in this section shall not be limited by section 101 of the Criminal
1277 Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C.
1278 Official Code § 22-3571.01 *et seq.*).

1279 (d) For each violation set forth in this section, as an alternative to the sanctions set forth
1280 in subsections (a) and (b), a civil penalty of not more than \$10,000 may be imposed on any
1281 person who violates any of the provisions of this act or rules issued pursuant to section 129, or
1282 who willfully and knowingly fails to perform any of the duties required by this act or by the
1283 rules.

1284 Sec. 129. Rules.

1285 The Registrar, pursuant to Title I of the District of Columbia Administrative Procedure
1286 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
1287 rules to implement the provisions of this act.

1288

1289 Sec. 130. Repeal.

1290 The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official
1291 Code 7-201 *et seq.*), is repealed. The existing rules implementing the Vital Records Act of 1981

SECOND ENGROSSED ORIGINAL

1292 shall remain in effect until superseded by rules promulgated under the Vital Records
1293 Modernization Amendment Act of 2018, passed on 1st reading on April 10, 2018 (Engrossed
1294 version of Bill 22-250).

1295 TITLE II. CONFORMING AMENDMENTS

1296 Sec. 201. Conforming amendments.

1297 (a) Section 204(d) of the District of Columbia Administrative Procedure Act of 1976,
1298 effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(d)) is amended to read as
1299 follows:

1300 “(d) The provisions of this title shall not apply to vital records covered by the Vital
1301 Records Act of 1981, effective October 8, 1981 (D.C. Law 434; D.C. Official Code 7-201 *et*
1302 *seq.*) or the Vital Records Modernization Amendment Act of 2018, passed on 1st reading on
1303 April 10, 2018 (Engrossed version of Bill 22-250).”.

1304 (b) Title 16 of the District of Columbia Official Code is amended as follows:

1305 (1) Section 16-309(b)(4) is amended by striking the phrase “section 10 of the
1306 Vital Records Act of 1981.” and inserting the phrase “section 119 of the Vital Records
1307 Modernization Amendment Act of 2018, passed on 1st reading on April 10, 2018 (Engrossed
1308 version of Bill 22-250).” in its place.

1309 (2) Section 16-314 is amended as follows:

SECOND ENGROSSED ORIGINAL

1310 (A) Subsection (a) is amended by striking the phrase “Vital Records
1311 Amendment Act of 1981.” in each place it appears and inserting the phrase “the Vital Records
1312 Modernization Amendment Act of 2018, passed on 1st reading on April 10, 2018 (Engrossed
1313 version of Bill 22-250).” in its place.

1314 (B) Subsection (b) is amended by striking the phrase “section 11 of the
1315 Vital Records Act of 1981.” and inserting the phrase “section 121 of the Vital Records
1316 Modernization Amendment Act of 2018, passed on 1st reading on April 10, 2018 (Engrossed
1317 version of Bill 22-250).” in its place.

1318 (C) Subsection (c-1) is amended by striking the phrase “section 11 of the
1319 Vital Records Act of 1981.” and inserting the phrase “section 121 of the Vital Records
1320 Modernization Amendment Act of 2018, passed on 1st reading on April 10, 2018 (Engrossed
1321 version of Bill 22-250).” in its place.

1322

1323 TITLE III. NON-GERMANE TECHNICAL AMENDMENTS

1324 Sec. 301. The Women’s Health and Cancer Rights Federal Law Conformity Act of 2000,
1325 effective April 3, 2001 (D.C. Law 13-254; D.C. Official Code § 31-3831 *et seq.*), is amended as
1326 follows:

1327 (a) Section 5b(b) (D.C. Official Code § 31-3834.02(b)) is amended as follows:

SECOND ENGROSSED ORIGINAL

1328 (1) The lead-in language is amended by striking the phrase “for women for
1329 contraceptives, including over-the-counter contraceptives and contraceptives prescribed and
1330 dispensed by a pharmacist” and inserting the phrase “for women for contraceptive drugs,
1331 devices, products, and services, including those obtained over-the-counter and those prescribed
1332 and dispensed by a pharmacist” in its place.

1333 (2) Paragraph (2) is amended by striking the phrase “Any additional contraceptive
1334 drug products” and inserting the phrase “Any additional contraceptive drugs, devices, products
1335 and services” in its place.

1336 (b) Section 5c (D.C. Official Code § 31-3834.03) is amended as follows:

1337 (1) Subsection (a) is amended as follows:

1338 (A) Paragraph (2) is amended as follows:

1339 (i) Subparagraph (A) is amended by striking the phrase
1340 “contraceptive products” and inserting the phrase “contraceptive drugs, devices, products and
1341 services” in its place.

1342 (ii) Subparagraph (B) is amended by striking the phrase
1343 “contraceptive drug, device, or product” both times it appears and inserting the phrase
1344 “contraceptive drug, device, product, or service” in its place.

SECOND ENGROSSED ORIGINAL

1345 (iii) Subparagraph (C) is amended by striking the phrase
1346 “contraceptive drug, device, or product” both times it appears and inserting the phrase
1347 “contraceptive drug, device, product, or service” in its place.

1348 (iv) Subparagraph (D) is amended as follows:

1349 (I) The lead-in language is amended by striking the phrase
1350 “contraceptive services” and inserting the phrase “contraceptive drugs, devices, products, or
1351 services” in its place.

1352 (II) Sub-subparagraph (i) is amended by striking the phrase
1353 “contraceptive drug” and inserting the phrase “contraceptive drug, device, product, or service” in
1354 its place.

1355 (III) Sub-subparagraph (ii) is amended by striking the
1356 phrase “contraceptive drug” and inserting the phrase “contraceptive drug, device, product, or
1357 service” in its place.

1358 (B) Paragraph (3) is amended by striking the phrase “contraception” and
1359 inserting the phrase “contraceptive drugs, devices, products, or services” in its place.

1360 (C) Paragraph (4) is amended by striking the phrase “procedures” and
1361 inserting the phrase “services” in its place.

1362 (2) Subsection (b) is amended to read as follows:

SECOND ENGROSSED ORIGINAL

1363 “(b) Beginning on January 1, 2019, or the next date when carrier forms are
1364 approved, whichever is earlier, an individual health plan or group health plan shall also provide
1365 coverage for and shall not impose any cost-sharing requirements for all drugs, devices, products,
1366 and services listed in subsection (a) of this section; provided, that an individual health plan or
1367 group health plan subject to this subsection may require a co-payment or cost sharing for
1368 coverage of male contraceptive products for an enrollee covered by a high deductible health
1369 plan, as defined in section 1201(a) of the Medicare Prescription Drug, Improvement, and
1370 Modernization Act of 2003, approved December 8, 2003 (117 Stat. 2006; 26 U.S.C. §
1371 223(c)(2)).”.

1372 (c) Section 5d (D.C. Official Code § 31-3834.04) is amended as follows:

1373 (1) Subsection (a) is amended as follows:

1374 (A) Paragraph (1) is amended by striking the phrase “may be exempt from
1375 any requirement to cover contraceptive products and services under section 5a and section 5b”
1376 and inserting the phrase “may be exempt from any requirement to cover contraceptive drugs,
1377 devices, products, and services under sections 5a, 5b, and 5c” in its place.

1378 (B) Paragraph (2) is amended by striking the phrase “contraceptive
1379 products and services” and inserting the phrase “contraceptive drugs, devices, products, and
1380 services” in its place.

1381 (C) Paragraph (3) is amended as follows:

SECOND ENGROSSED ORIGINAL

1382 (i) Strike the phrase “contraceptive supplies” and insert the phrase
1383 “contraceptive drugs, devices, products, and service” in its place.

1384 (ii) Strike the phrase “contraception that is” and insert the phrase
1385 “contraceptive drugs, devices, products, and services that are” in its place.

1386 (2) Subsection (b) is amended as follows:

1387 (A) Paragraph (1) is amended by striking the phrase “contraceptive
1388 products or services” and inserting the phrase “contraceptive drugs, devices, products, and
1389 services” in its place.

1390 (B) Paragraph (3) is amended as follows:

1391 (i) Strike the phrase “contraceptive supplies” and insert the phrase
1392 “contraceptive drugs, devices, products, and services” in its place.

1393 (ii) Strike the phrase “contraception that is” and insert the phrase
1394 “contraceptive drugs, devices, products, and services that are” in its place.

1395 (3) Subsection (c) is amended as follows:

1396 (A) The lead-in language is amended by striking the phrase “section 5a or
1397 5b” and inserting the phrase “sections 5a, 5b, or 5c” in its place.

1398 (B) Paragraph (1) is amended by striking the phrase “contraceptive
1399 services” and inserting the phrase “contraceptive drugs, devices, products, or services” in its
1400 place.

SECOND ENGROSSED ORIGINAL

1401 (C) Paragraph (2) is amended by striking the phrase “contraceptive
1402 services” and inserting the phrase “contraceptive drugs, devices, products, or services” in its
1403 place.

1404 (4) Subsection (d) is amended as follows:

1405 (A) Paragraph (1) is amended by striking the phrase “contraceptive” and
1406 inserting the phrase “contraceptive drugs, devices, products, or services” in its place.

1407 (B) Paragraph (2) is amended as follows:

1408 (i) Strike the phrase “contraceptive products or services” and insert
1409 the phrase “contraceptive drugs, devices, products, or services” in its place.

1410 (ii) Strike the phrase “sections 5a and 5b” and insert the phrase
1411 “5a, 5b, or 5c” in its place.

1412 (iii) Strike the phrase “of beneficiaries” and insert the phrase “or
1413 beneficiaries” in its place.

1414 (d) Section 5e (D.C. Official Code § 31-3834.05) is amended as follows:

1415 (1) Subsection (a) is amended as follows:

1416 (A) The lead-in language is amended by striking the phrase “section 5a or
1417 section 5b” and inserting the phrase “sections 5a, 5b, or 5c” in its place.

SECOND ENGROSSED ORIGINAL

1418 (B) Paragraph (1) is amended by striking the phrase “contraceptive
1419 services” and inserting the phrase “contraceptive drugs, devices, products, and services” in its
1420 place.

1421 (C) Paragraph (2) is amended by striking the phrase “services, drugs,
1422 devices, products, and procedures described in sections 5a and 5b” and inserting the phrase
1423 “drugs, devices, products, and services described in sections 5a, 5b, and 5c” in its place.

1424 (D) Paragraph (3) is amended by striking the phrase “contraception” and
1425 inserting the phrase “self-administered hormonal contraceptives” in its place.

1426 (2) Subsection (c) is amended by striking the phrase “services, drugs, devices,
1427 products, and procedures described in sections 5a and 5b” and inserting the phrase “drugs,
1428 devices, products, and services described in sections 5a, 5b, and 5c” in its place.

1429 Sec. 302. Section 9(j) of the Animal Control Act of 1979, effective October 18, 2979
1430 (D.C. Law 3-30; D.C. Official Code § 8-1808(j)), is amended as follows:

1431 (a) Paragraph (1)(D) is amended to read as follows:

1432 “(D) Captive-bred species of common cage birds, including chickens;”.

1433 (b) A new paragraph (5) is added to read as follows:

1434 “(5) The Mayor shall allow goats and sheep to be temporarily imported into the
1435 District of Columbia and possessed for the purposes of eating grass, milking and shearing
1436 demonstrations, participating in yoga or similar activities, being on display in temporary pettings

SECOND ENGROSSED ORIGINAL

1437 zoos for the enjoyment and education of District youth, and any other activities approved by the
1438 Department of Health through regulation. The Department of Health shall issue rules to protect
1439 the safety of the goats and sheep.

1440 Sec. 303. Section 2 of the District of Columbia Public School Nurse Assignment Act of
1441 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621), is amended
1442 as follows:

1443 (a) Subsection (c) is repealed.

1444 (b) A new subsection (c-1) is added to read as follows:

1445 “(c-1) Any school that, on October 25, 2016, received school nursing services pursuant to
1446 this section that exceeded the hours per week prescribed by subsection (b) of this section shall
1447 continue the level of service existing on that date, or the level recommended by the Department
1448 of Health’s risk-based assessment, whichever is greater, for school year 2018-2019.”.

1449 Sec. 304. Section 3-1202.02 of D.C. Law 6-99. District of Columbia Health Occupations
1450 Revision Act of 1985 (Mar. 25, 1986, D.C. Law 6-99, § 202, 33 DCR 729.) is amended as
1451 follows:

1452 (a) Subsection (a) is amended by striking the number “3” and inserting the number “5” in
1453 its place.

1454 (b) Subsection (c) is amended to read as follows:

SECOND ENGROSSED ORIGINAL

1455 “(c) Of the members of the Board, 4 shall be licensed dietician or licensed nutritionists,
1456 and 1 shall be a consumer member who not licensed as a dietician or nutritionists

1457 TITLE VI. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

1458 Sec. 401. Applicability.

1459 (a)(1) Section 303 shall apply upon the date of inclusion of its fiscal effect in an approved
1460 budget and financial plan.

1461 (2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal
1462 effect in an approved budget and financial plan, and provide notice to the Budget Director of the
1463 Council of the certification.

1464 (3)(A) The Budget Director shall cause the notice of the certification to be
1465 published in the District of Columbia Register.

1466 (B) The date of publication of the notice of the certification shall not affect
1467 the applicability of this act.

1468 (b) Section 124(o), section 125(c), and section 127(b) shall apply as of October 1, 2018.

1469 Sec. 402~~4~~. Fiscal impact statement.

1470 The Council adopts the fiscal impact statement in the committee report as the fiscal
1471 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
1472 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

1473 Sec. 403~~2~~. Effective date.

SECOND ENGROSSED ORIGINAL

1474 This act shall take effect following approval by the Mayor (or in the event of veto by the
1475 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
1476 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
1477 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
1478 Columbia Register.