

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a new system of recordkeeping for vital records; to repeal the Vital Records Act of 1981; to amend the District of Columbia Administrative Procedure Act of 1976, the Child Fatality Review Committee Establishment Act of 2001, and Title 16 of the District of Columbia Official Code to make conforming amendments; to amend the District of Columbia Health Occupations Revision Act of 1985 to increase the number of members of the Board of Dietetics and Nutrition and to alter its composition; to amend the Animal Control Act of 1979 to allow the importation, possession, display, and trade of captive-bred species of common cage birds, including chickens, and to allow goats and sheep to be temporarily imported into the District and possessed for the purposes of eating grass, milking, and other activities; to amend the Women’s Health and Cancer Rights Federal Law Conformity Act of 2000 to harmonize references to contraceptives and to allow high-deductible health plans to charge a co-payment or require cost sharing for the coverage of male contraceptive services; and 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.

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.

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

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

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

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

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

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

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

(9) “Correction” means a change to a non-certification item on a vital record.

(10) “Court” means the Superior Court of the District of Columbia or an equivalent court from another jurisdiction.

(11) “Day” means a calendar day.

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

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

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

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

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

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

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

(19) “Domestic partnership” means a relationship between 2 domestic partners as defined in paragraph (18) of this section.

(20) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by an individual with the intent to attest to the accuracy of the facts in the contract or record.

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

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

(23) “Fetal death” means death before the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy. Fetal death is indicated when, after the expulsion or extraction, a fetus does not breathe or show any other evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. The term “fetal death” shall not include an induced termination of pregnancy.

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

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

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

(27) “Funeral director” means an individual licensed by the District to perform the practice of funeral directing or acting under the authority of such an individual, including morticians, undertakers, and embalmers who perform duties included in the practice of funeral directing for which licensure is required in the District.

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

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

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

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(31) "Individual" means a natural person.

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

(33) "Informant" means an individual authorized by relationship to the registrant to provide information to complete vital event registration.

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

(35) "Inter-jurisdictional exchange" means a process pursuant to which registration areas agree to exchange vital records, vital events, or vital statistics with the Registrars of other states, territories, and neighboring countries.

(36) "Inter" or "Interment" means the final disposition of human remains by entombment or burial.

(37) "Legal representative" means a licensed attorney representing a registrant or an applicant.

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

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

(40) "Non-certificate item" means any item of information that does not appear on a certificate that is issued to an applicant.

(41) "Order" or "order of the court" means a directive to the Register, signed by a judge of the court, to establish or amend a vital record or produce information contained in a vital record, including a subpoena submitted in accordance with D.C. Official Code § 13-443.

(42) "Personally identifiable information" means data or other information that, alone, or in combination with other data, can be used to distinguish or trace an individual's identity, including a Social Security number, biometric records, address, place of birth, or mother's maiden name.

(43) "Physician" means an individual authorized to practice medicine or osteopathy in the District.

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

(45) "Registrant" means an individual to whom a vital record relates.

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

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

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

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

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

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

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

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

(54) “System of vital statistics” or “vital statistics system” means the collection, registration, preservation, amendment, certification, verification, and maintenance of the security and integrity of vital records, vital event data, the collection of other required reports, and related activities, electronic or otherwise, including tabulation, analysis, publication, and dissemination of vital statistics.

(55) “Verification” means a confirmation of information on a vital record based on the facts included in a report.

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

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

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

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

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

(a) The Mayor shall establish a vital statistics system for the reporting, maintenance, issuance, security, and confidentiality of vital records and the data derived from such records.

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

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

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

(b) The Registrar shall:

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

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

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

(4) Administer and maintain the confidentiality and security of the vital statistics system;

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

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

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

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

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

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

(i) To the extent practicable, anticipates natural and man-made events that interrupt normal activities of the vital statistics system, identifies essential vital statistics services, and provides guidance for maintaining services; and

(ii) Includes:

(I) Alternative locations for operations;

(II) An identification of essential equipment, document needs, and where to obtain them; and

(III) An identification of essential staff and a mechanism for communication with such individuals in an emergency.

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

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

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

Sec. 104. Security of vital statistics system.

To ensure the security of the vital statistics system, the Registrar shall:

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

(2) Administer and maintain the security of personnel, physical environments, electronic systems, and preservation methods;

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

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

(5) Authenticate each user of the vital statistics system or its components, and verify that the user requires access based on the user's official duties;

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

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

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

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

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

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

(12) Provide secure workplace, storage, and technology environments with limited role-based access; and

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

Sec. 105. Individuals required to keep records.

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

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

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

(B) If the individual admitted or confined cannot provide the information, the institution shall obtain the information from relatives or another individual acquainted with the facts, and shall include the name, address, and relationship of the individual providing the information in the record.

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

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

(2) Contain information provided by the individual being treated. If the individual being treated cannot provide the information, then the licensed health care provider shall obtain the information from a relative or another individual acquainted with the facts, and shall include the name, address, and relationship of the individual providing the information in the record.

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

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

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

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

Sec. 106. Duties to furnish information.

(a) An individual with knowledge of the facts related to a reportable vital event shall furnish any information that he or she may possess to the Registrar within 5 days of a request by the Registrar.

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

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

(d) Within 5 days of receipt of any autopsy results or other information that would provide pending or missing information or correct errors in a reported cause of death, the physician or medical examiner required to report the death shall send to the Registrar a delayed diagnosis report of the cause of death to amend the record.

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

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

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

Sec. 108. Live birth registration.

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

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

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

(c) Not less than 30 days before the expected delivery date, the physician, institution, or other individual providing prenatal care shall provide the prenatal care information required for the report to the institution where the delivery is expected to occur.

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

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

(B) If the physician, or other individual in attendance at or immediately following the live birth, does not verify the facts of live birth in the 72-hour period, the individual in charge of the institution, or his designee, shall verify the facts of live birth and complete the form to report the live birth by an approved electronic process.

(e)(1) In obtaining the information required for the report, an institution shall use information gathering procedures, including worksheets, provided or approved by the Registrar.

(2) An institution may establish procedures to transfer information, electronically or otherwise, required for the report from other systems; provided, that the Registrar shall review and approve the procedures before implementation to ensure that the information transferred is the same required for the report.

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

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

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

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

(4) The mother;

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

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

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

(h) The Registrar shall not register a report for a live birth that took place outside of an institution if the report does not include the minimum acceptable required documentation as required by rules issued pursuant to section 129, or the Registrar has cause to question the validity or adequacy of the documentary evidence, and the deficiencies are not corrected. The Registrar shall advise the registrant's mother, second parent, spouse, or domestic partner of the mother of the reason for this action, and shall advise the individual of his or her right to appeal the Registrar's decision in court.

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

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

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

(l) For the purposes of live birth registration:

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

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

(3) If the mother was married at the time of either conception or live birth, or between conception and live birth, or a child is born within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by the court, only the name of the spouse during those times may be entered on the record as the second parent of the child, unless parentage by a different individual has been determined otherwise pursuant to section 16-909.01 of the District of Columbia Official Code;

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

of the child, unless parentage has been determined otherwise pursuant to D.C. Official Code § 16-909.01;

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

(A) The mother and the father have signed a voluntary acknowledgment of paternity pursuant to D.C. Official Code § 16-909.01(a)(1) or pursuant to the laws and procedures of another state in which the voluntary acknowledgment was signed;

(B) The mother and the second parent have signed a consent to parent a child born by artificial insemination pursuant to D.C. Official Code § 16-909.01(e); or

(C) Parentage of the second parent has otherwise been established pursuant to D.C. Official Code § 16-909.01;

(6) The consent to parent a child born by artificial insemination pursuant to D.C. Official Code § 16-909.01(e) shall be on a form prescribed and furnished by the Registrar that:

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

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

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

(D) Contains the full names, Social Security numbers of the mother and intended parent, the birthplace of the child, if applicable, and a statement indicating that both parents understand the rights, responsibilities, and consequences of signing the affidavit;

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

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

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

(m)(1) The mother of the child, the second parent of the child, or other informant shall verify the accuracy of the personal data to be entered on the report for submission within 5 days after the date of live birth.

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

Sec. 109. Social Security numbers.

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

(b) The parent's Social Security number shall be collected during the birth registration process by the Registrar and made available to the IV-D agency for the establishment, modification, and enforcement of a support order. The Registrar shall not disclose a Social Security number collected during the birth registration process for any other purpose.

Sec. 110. Infants of unknown parentage.

(a) An individual who assumes legal custody of a live born infant of unknown parentage shall file with the Registrar a report of live birth that establishes the facts of live birth. The report shall be submitted to the Registrar within 5 days after the individual obtains custody and shall include the following information:

- (1) The date and place the child was found;
- (2) The sex and approximate birth date of the child;
- (3) The name and address of the individual or institution with whom the child has been placed for care;
- (4) The name and address of the individual or institution submitting the report;
- (5) The name given to the child by the custodian of the child; and
- (6) Any other data required by the Registrar.

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

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

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

Sec. 111. Delayed registration of live birth.

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

(b) A live birth registered one year or more after the date of live birth shall be marked "delayed" and display the date of the delayed registration on the face of the certificate.

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

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

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

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

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

Sec. 112. Death registration.

(a) The funeral director who first assumes custody of a dead body shall electronically submit a report of death to the Registrar within 5 days after date of death and before the final disposition of the body. The report of death shall be registered if it has been electronically completed and filed in accordance with this act. The Registrar may require a written filing or signed attestation. If the report of death cannot be submitted to the Registrar within 5 days after the date of death, the funeral director shall give the Registrar notice of the reason for the delay. The Registrar shall issue rules pursuant to section 129 to implement this provision.

(b) The funeral director shall obtain the medical certification from the death certifier, and the personal data needed for the report, including the decedent's gender identity or expression, from any individual with the right to control the disposition of the remains of the decedent, the location and conditions of interment, and arrangements for funeral goods and services pursuant to section 14 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413).

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

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

(e) If a decedent did not pre-designate a gender identity or expression with the Registrar pursuant to subsection (d) of this section, any individual may challenge the gender identity or expression reported to the funeral director within 10 days after the report of death has been registered, by filing a petition in court seeking an order to determine the gender identity or expression to be recorded for the decedent.

(f) Within 48 hours after death, the physician in charge of a patient's care for the condition which resulted in death shall complete, sign, and return the medical certification portion of the certificate of death to the funeral director, except when inquiry is required by the Office of the Chief Medical Examiner. In the absence or inability of the death certifier, or with his or her approval, the medical certification may be completed by the death certifier's associate physician, the chief medical officer of the institution in which the death occurred, or the physician who performed an autopsy upon the decedent, if the death is due to natural causes. The person completing the medical certification shall attest to its accuracy through an electronic process approved by the Registrar.

(g) When death occurs in an institution and the death is not under the jurisdiction of the Office of the Chief Medical Examiner, the individual in charge of the institution, or his designee, shall provide the funeral director with a partially completed report of death, including the completed medical certification, within 48 hours of the death.

(h) When death occurs in an institution or outside of an institution, the death certifier, the individual in charge of the institution, or his designee, shall ensure that the following information is included on the partially completed report of death:

- (1) The name of the decedent;
- (2) The sex of the decedent;
- (3) The time and date of death;
- (4) The medical certification of death; and
- (5) The electronic signature of the death certifier.

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

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

(k)(1) If an investigation is conducted by the Medical Examiner, the Medical Examiner shall determine the cause and manner of death, electronically sign, and return the medical

certification portion of the death report to the funeral director within 48 hours after taking jurisdiction over the case.

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

(l) If the cause of death cannot be determined within 48 hours after death, the physician completing the medical certification, or the Medical Examiner shall provide the funeral director and the Registrar notice of the reason for the delay. Final disposition of the body shall not be made until authorized by the physician completing the medical certification or the Medical Examiner.

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

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

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

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

(q) Each report of death shall contain sections concerning the pronouncement of death, disposition of the body, medical certification of the cause of death, and the Social Security number of the deceased. The section of the report of death that contains the pronouncement of death shall include all facts required to be reported in such section, except for those facts relating to the medical cause or causes of death.

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

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

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

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

Sec. 113. Delayed registration of death.

(a) When a death that occurs in the District has not been registered one year or more after the date of death, a delayed report of death may be filed by the funeral director who first took possession of the dead body in accordance with rules issued pursuant to section 129 by the Registrar. To substantiate the alleged facts of death, any delayed report of death shall be registered subject to evidentiary requirements the Registrar shall prescribe in accordance with rules issued pursuant to section 129.

(b) A report of death registered one year or more after the date of death shall be marked "delayed" and shall display on its face the date of the delayed registration.

Sec. 114. Fetal death registration.

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

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

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

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

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

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

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

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

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

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

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

Sec. 115. Reports of induced termination of pregnancy.

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

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

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

(a) Entitled individuals may submit an application to register an out-of-institution birth, delayed birth, or delayed death. If an application to register a record is denied, the applicant may file a complaint with the court for an order to register the record. The court shall provide notice

of the proceeding to the Registrar. A petition filed under this section shall be governed by the Rules of the court.

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

- (1) That the individual for whom a registration of live birth is sought was born in the District;
- (2) That no record of live birth of the individual can be found in the vital statistics system or the archives of the Vital Records Division;
- (3) That the petitioner has made diligent efforts to obtain documentary evidence as required by statute and regulations and as detailed by the Registrar;
- (4) That the Registrar has refused to register a report of live birth; and
- (5) Any other information needed to establish the facts of live birth.

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

- (1) That the individual for whom a registration of death is sought died in the District;
- (2) That no record of death of the individual can be found in the vital statistics system or the archives of the Vital Records Division;
- (3) That the petitioner has made diligent efforts to obtain documentary evidence as required by statute and regulations and as detailed by the Registrar;
- (4) That the Registrar has refused to register the report of death; and
- (5) Any other information needed to establish a death.

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

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

(f) If the court finds that a person was born in the District, the court shall issue an order to register the live birth. The court's order shall make findings as to the place and date of live birth, parentage, and other findings to substantiate the facts of live birth in the District. The order shall include the live birth data to be registered, a description of the evidence presented, the court's findings of fact, and the date of the court's action.

(g) If the court finds that an individual died in the District, the court shall issue an order to register the death. The court's order shall make findings as to the decedent's legal name, date of death, place of death, place of live birth, race, ethnicity, sex, Social Security number, marital status at time of death, address at time of death, parents' names prior to first marriage, name

prior to marriage, and the information necessary to complete the medical certification, including cause and manner of death. If the death occurred from an injury, the order shall include information on how and when the injury occurred. The order shall also indicate whether any of the required information is unknown.

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

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

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

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

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

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

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

(b) Before final disposition of a dead fetus, regardless of the duration of pregnancy, the funeral director, the individual in charge of the institution, or other individual responsible for final disposition of the fetus, shall obtain authorization from the individual with rights to control the final disposition pursuant to section 14 of the Act.

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

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

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

(3) In the case of an unexpected death at a decedent’s place of residence, at the time of death upon the consent of the individual signing the pronouncement of death section on the report of death.

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

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

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

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

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

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

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

Sec. 119. Adoption forms.

(a) The court shall prepare an adoption form for each adoption decreed by the court. The form shall:

- (1) State facts necessary to locate and identify the original record of live birth of the adoptee;
- (2) Provide the information necessary to establish a new record of live birth for the adoptee;
- (3) Identify the adoption order; and
- (4) Be issued under seal by the court.

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

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

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

(e)(1) The Registrar shall forward to the Registrar in the state of the adoptee's birth an adoption form and a certified copy of any court decree that annuls or amends a decree of adoption for an individual born outside the District.

(2) When the court annuls or amends a decree of adoption relating to an individual born in a foreign country, the Registrar shall return the adoption form and decree to the attorney or social service agency handling the adoption for submission to the appropriate federal agency.

(f)(1) If an adoptee was born in a foreign country and was not a citizen of the United States at the time of birth, the Registrar shall prepare a "Record of Foreign Live Birth". The Registrar shall also send a copy of the adoption form, report of annulment of adoption, or amendment of a decree of adoption to the appropriate registration authority.

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

Sec. 120. Amendments and corrections.

(a) The Registrar shall issue rules pursuant to section 129 governing the amendment of vital records that protect the integrity and accuracy of the vital records.

(b) A record or report registered under this act may be amended only in accordance with this act and implementing rules.

(c)(1) Except as provided in this section, a record or report amended under this section shall be marked "amended". The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The Registrar shall issue rules in accordance with subsection (a) of this section that prescribe the conditions under which additions or minor corrections may be made to records or reports, without the record or report being marked "amended".

(2) The Registrar shall not amend a vital record if an applicant does not submit the minimum documentation required pursuant to subsection (a) of this section for amending a vital record or when the Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement given under the penalty of perjury or the documentary evidence,

and the deficiencies are not corrected. The Registrar shall state in writing the reason for this action and shall further advise the applicant of the right of appeal to the court.

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

(e)(1) Pursuant to section 112(e) upon receipt of a certified copy of an order of the court changing the gender identity or expression of an individual who died in the District, the Registrar shall amend the death record to reflect the decedent’s gender identity or expression designation. The record shall not be marked “amended”.

(2) In determining the gender identity or expression to be recorded on a decedent’s certificate of death, the court may consider testimony, documentation that memorializes the decedent’s gender transition, or any other evidence of the decedent’s gender identity or expression.

(3) The court shall resolve a petition to amend the designation of gender entered on a decedent’s death record within 10 days. The petition shall include:

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

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

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

(B) Documentation that otherwise memorializes the decedent’s gender transition, including:

(i) Written instructions from the decedent;

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

(iii) Documentation of a change to the gender marker on a live birth certificate, driver’s license or state identification card, Social Security record, or passport.

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

(5) Death records amended for the purpose of memorializing gender designation shall not be marked “amended”.

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

(f) The Registrar shall issue rules pursuant to section 129 establishing requirements to amend a vital record to correct an institutional error on a certificate item. When certificate items are corrected according to this subsection:

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

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

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

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

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

(1) An adoption form prepared in accordance with section 119;

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

(3) A certified copy of an order issued by the court determining the parentage of such an individual; or

(4) A voluntary acknowledgment of parentage by an individual in accordance with D.C. Official Code § 16-2345.

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

(1) An adoption form prepared in accordance with section 119; or

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

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

(1) An original live birth certificate;

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

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

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

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

(e) The Registrar shall not establish a new record of live birth if so requested by the adoptive parents pursuant to D.C. Official Code § 16-314(a).

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

(g) The actual place and date of live birth shall be displayed on the new record of live birth. The new record shall be substituted for the original record of live birth in the files of the Vital Records Division. The new record shall not designate that parentage has been established by judicial process or by acknowledgement.

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

(i) If no record of live birth is on file for the individual for whom a new live birth record is to be established pursuant to this section, and the date and place of live birth have not been determined in the adoption or parentage proceedings, the Registrar shall file a delayed report of live birth before issuing a new record of live birth. The new live birth record shall be prepared in accordance with section 111.

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

(k) Upon receipt of a report or decree of annulment of adoption, the Registrar shall restore the original record of live birth. The annulled record of live birth and its associated evidence shall not be subject to inspection, except upon order of the court or as authorized by rules issued pursuant to section 129.

(l) The Registrar shall not create a replacement record if the date and place of live birth have not been determined in the adoption or paternity proceedings or if a delayed registration of live birth has not been completed in accordance with section 111.

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

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

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

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

- (A) Parent;
- (B) Guardian; or
- (C) Legal representative;

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

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

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

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

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

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

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

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

(c) A new record of live birth shall:

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

(2) Not be marked "amended" or on its face indicate that:

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

(B) A change in name has been made.

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

Sec. 123. Preservation of vital records.

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

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

(c) The Registrar shall provide for the continued availability and integrity of vital event information through methods including the maintenance of redundant copies of information in multiple locations and formats such as microfilm/microfiche, imaging, and electronic databases.

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

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

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

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

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

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

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

(3) Documented applicable Institutional Review Board approval pursuant to section 491(a) of the Health Research Extension Act of 1985, approved November 20, 1985 (99 Stat. 820; 42 U.S.C. § 289(a));

(4) Provision of documented procedures to protect the confidentiality and security of the information; and

(5) Provision of documented procedures for data storage and the data destruction method to be used for the information provided.

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

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

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

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

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

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

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

(e) The Registrar may disclose de-identified statistical data from vital records that do not identify or enable the identification of any individual to federal, District, state, or other public or private agencies that request the data for statistical or administrative purposes in accordance with standards established by rules issued pursuant to section 129.

(f)(1) The Registrar may authorize the release of vital event verification copies of records or data from the system of vital statistics to a government entity, including federal, state, local and tribal agencies, upon written request, provided that the copies or data shall be used solely in the conduct of the government agency's official duties.

(2) The Registrar, in deciding whether to approve a government agency request submitted pursuant to paragraph (1) of this subsection, shall consider the agency's or other entity's proposed use, frequency of need, security after receipt, and other relevant criteria. The Registrar shall base authorization for the request on:

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

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

(ii) Set forth the payment, if any, to be provided by the government agency to the Registrar for the specified purpose; and

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

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

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

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

(g)(1) The Registrar may furnish to the National Center for Health Statistics (“NCHS”) or its successor agency, copies of data, records, or reports from the system of vital statistics as it may require for national statistics; provided, that the NCHS or its successor agency share in the cost of collecting, processing, and transmitting the data; provided further, that the data shall not be used for other than statistical purposes by the NCHS or its successor agency unless so authorized by the Registrar in writing.

(2) To obtain data, records, or reports from the Registrar, the NCHS or its successor agency shall enter into an agreement with the Registrar indicating the statistical purposes for which the data, records, or reports may be used. The agreement shall prohibit the re-release of data, records, or reports by the NCHS or its successor agency without express written permission from the Registrar. Ownership of vital records data provided under such agreements shall remain solely with the Registrar, not the NCHS or its successor agency.

(h)(1) The Registrar may, according to terms defined by an inter-jurisdictional exchange agreement (“Agreement”), transmit vital records data, or copies of records and other reports to:

(A) The offices of vital statistics in other states or U.S. jurisdictions outside of the District; or

(B) Foreign countries when the data, records, or other reports relate to residents of those states, U.S. jurisdictions, or foreign countries or to individuals who are born or die in those states, U.S. jurisdictions, or foreign countries.

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

(3) Any vital records data or copies of records or reports received by the Registrar from another state, U.S. jurisdiction, or foreign country as a result of an Agreement shall be confidential and the state, U.S. jurisdiction, or foreign country where the event occurred shall retain ownership of the data, records, or reports.

(4) Data, records, or reports may be used by the recipient state, U.S. jurisdiction, or foreign country only for the purposes specified in the Agreement, and the Agreement shall prohibit the recipient state, U.S. jurisdiction, or foreign country from otherwise disclosing any of the District’s data, records, or reports.

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

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

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

(j)(1) Supporting documents, including corrections and acknowledgments of paternity for open vital records shall also be public. Sealed records shall not be classified as public unless

unsealed by the court. Vital records made public after the prescribed time may be transferred to the District of Columbia Archives (“Archives”) in accordance with archival procedures that provide for the continued safekeeping of such vital records.

(2) Before the transfer of live birth and death records to the Archives, the Registrar shall redact any information identified in the NCHS’ U.S. Standard Certificates of live birth and death, and reports of fetal death or reports of induced termination of pregnancy, or as identified by the District by rules issued pursuant to section 129 as medical or for health use only.

(3) The Registrar shall be the only individual authorized to issue certified copies of live birth and death records in the District.

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

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

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

(n) Notwithstanding the provisions of this section, the Registrar shall provide reports of homicides or suicides, as that term is defined in section 3052(e) of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), to the Violence Fatality Review Committee established pursuant to section 3054 of the Fatality Review Committee Amendment Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753).

Sec. 125. Certification from the system of vital statistics

(a)(1) A certificate of live birth, a death, fetal death, domestic partnership or dissolution of domestic partnership, or any part thereof, issued in accordance with this section, shall be considered for all purposes the same as the original record and shall be prima facie evidence of the information it contains.

(2) The evidentiary value of a record submitted to the Registrar more than one year after the vital event, a vital record that has been amended, or a record of foreign live birth shall be determined by the judicial or administrative body or official before whom the record is offered as evidence.

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(b)(1) The Registrar shall require an applicant applying for a certified copy of a vital record to submit a signed application, proof of identity, and evidence of entitlement under this section.

(2) Upon receipt and approval of an application, the Registrar shall issue a certified copy of a vital record in the form of a physical image or abstract to the applicant. Only the Registrar may issue the certified image or abstract.

(3) All certifications of vital records registered in the system shall be issued from the District's vital statistics system.

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

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

(e)(1) The Registrar shall review the evidence of entitlement the applicant provides to support a request for a certified copy of a vital record. Such evidence shall consist of copies of vital records, court documents, or alternative methods identified and considered acceptable by the Registrar through rules issued pursuant to section 129. Evidence of entitlement shall demonstrate that the applicant is authorized to receive a certified copy of a vital record.

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

(3)(A) The only applicants entitled to receive a certified copy of a death record are the informant, the decedent's spouse, domestic partner, child, parent, next of kin as specified by probate or other law, sibling, grandparent, grandchild, the individual with rights to control the final disposition of the decedent's body, the decedent's legal guardian immediately prior to death, the decedent's legal representative.

(B) A funeral director from the funeral establishment named on the death record is entitled to receive a certified copy of the death record for 30 days after the date of filing of the death record.

(C) An applicant may also obtain a certified copy of a death record by demonstrating that the record is needed for determining or protecting any individual or property rights.

(4) The only applicants entitled to receive a certified copy of a fetal death record are the parent, sibling, grandparent, legal guardian of a parent, or legal representative of the

fetus. A funeral director from the funeral home named on the fetal death record is entitled to receive a certified copy of a fetal death record for 30 days from the date of filing of the record.

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

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

(g) The Registrar, in deciding whether to approve the request of a government agency or other entity for receipt of certified copies of vital records or verifications in electronic format shall consider the agency's or other entity's proposed use of the certified record, the frequency of need, security after receipt, and other relevant criteria.

(h) The Registrar shall establish the minimum information to be included in a certificate. No certificate shall be issued without the minimum information necessary; provided, that live birth records without a first name for the registrant may be issued to authorized government agencies for adoption or custody purposes.

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

(j) Each death certificate issued for a record shall include the date of registration. Except as provided by rules issued pursuant to section 129, each certificate issued from a record marked or flagged as "amended" shall be similarly marked or flagged and shall indicate the effective date of the amendment. A certificate issued from a record marked or flagged as "delayed" shall be similarly marked or flagged and shall include the date of registration and a description of the evidence used to establish the delayed record. A certificate issued from a record of foreign live birth shall indicate this fact, display the actual place of live birth, and state that the certificate is not proof of United States citizenship. A certificate issued from a live birth record that has been matched to a death record shall be marked or flagged as "deceased".

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

(l) If the Registrar conducts a search for a vital record on behalf of an applicant, and this search does not identify a record that matches the requested criteria, the Registrar shall issue a document indicating that no matching record was identified. The document shall state the

specific information used in the attempt to identify the record, including the type of event, the name of the registrant, the alleged date or range of dates of the event, and any other criteria used to identify the record.

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

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

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

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

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

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

Sec. 126. Fraud or misrepresentation.

(a)(1) When the Registrar receives information that a vital event report or record may have been registered, corrected, or amended through fraud or misrepresentation, the Registrar may withhold issuance of any certificate or amendment of that certificate pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(2) If, upon conclusion of the inquiry conducted pursuant to paragraph (1) of this subsection, no fraud or misrepresentation is found, the Registrar shall resume processing requests for a certificate or a modification of the record.

(b) When the Registrar receives information that an application for a vital record service may have been submitted for the purpose of fraud or misrepresentation, the Registrar may withhold performance of that service pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

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

(d) If, upon conclusion of this investigation, fraud or misrepresentation is found, the Registrar may suspend further action regarding the record, or void or seal the record. The Registrar shall provide a written statement of these actions, including references to all the

investigative findings and evidence that form the basis for the actions, to the registrant or the registrant's legal representative.

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

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

Sec. 127. Fees.

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

- (1) Processing an application to amend a vital record;
- (2) Certifying records, whether paper or electronic, or searching the files when no certificate is issued;
- (3) Providing copies of or information contained on live birth, death, and fetal death records for health research, statistical, or administrative purposes, or in response to subpoena or court order;
- (4) Verifying information contained on live birth, death, fetal death, and domestic partnership records when the information is provided. Verification of vital events may only be provided to government agencies authorized by the Registrar;
- (5) Processing an application to register a delayed report of a vital event;
- (6) Replacing a live birth record subsequent to adoption, establishment of parentage, paternity acknowledgment, change in gender designation, or court order;
- (7) Providing personally identifiable information from vital records data to a health researcher or an authorized government agency;
- (8) Providing programming and analytic services in response to statistical data requests;
- (9) Issuing a permit for final disposition or a permit to disinter human remains, or as otherwise required by law;
- (10) Providing genealogical search services; and
- (11) Providing any other service as determined by the Registrar.

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

- (1) An individual released from the custody of the Federal Bureau of Prisons (“BOP”), for one year after the individual is released from the custody of the BOP; and
- (2) An individual in the custody of the BOP at a halfway house in the District.

Sec. 128. Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 129. Rules.

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

Sec. 130. Repealer; savings clause.

The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-201 *et seq.*) (“Act”), is repealed. The existing rules implementing the Act shall remain in effect until superseded by rules promulgated under the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250).

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 204(d) of the District of Columbia Administrative Procedure Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(d)), is amended to read as follows:

“(d) The provisions of this title shall not apply to vital records covered by the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 434; D.C. Official Code 7-201 *et seq.*) or the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250).”.

Sec. 202. Section 4606(a)(4) of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.06(a)(4)), is amended by striking the phrase “section 20 of the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-219)” and inserting the phrase “section 124 of

the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)” in its place.

Sec. 203. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-309(b)(4) is amended by striking the phrase “section 10 of the Vital Records Act of 1981” and inserting the phrase “section 119 of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)” in its place.

(b) Section 16-314 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Vital Records Amendment Act of 1981” both times it appears and inserting the phrase “the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)” in its place.

(2) Subsection (b) is amended by striking the phrase “section 11 of the Vital Records Act of 1981” both times it appears and inserting the phrase “section 121 of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)” in its place.

(3) Subsection (c-1) is amended by striking the phrase “section 11 of the Vital Records Act of 1981” and inserting the phrase “section 121 of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)” in its place.

(c) Section 16-1054(a)(4) is amended by striking the phrase “7-219” and inserting the phrase “section 124 of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)” in its place.

(d) Section 16-2345(a) is amended by striking the phrase “pursuant to section 16-909(e)(1)(A) and section 7-205(e)(3A))” and inserting the phrase “pursuant to section 16-909(e)(1)(A) and section 108(l)(6) of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)” in its place.

(e) Section 16-2503 is amended by striking the phrase “as described in section 7-210.01(a)(2)” both times it appears and inserting the phrase “as described in section 122(a)(2) of the Vital Records Modernization Amendment Act of 2018, passed on 3rd reading on July 10, 2018 (Enrolled version of Bill 22-250)” in its place.

TITLE III. NON-GERMANE AMENDMENTS

Sec. 301. Section 202 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.02), is amended as follows:

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

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

“(c) Of the members of the Board, 4 shall be licensed dietitians or licensed nutritionists and one shall be a consumer member who is not licensed as a dietitian or nutritionist.”.

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

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

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

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

“(5) The Mayor shall allow goats and sheep to be temporarily imported into the District and possessed for the purposes of eating grass, milking and shearing demonstrations, participating in yoga or similar activities, being on display in temporary petting zoos for the enjoyment and education of District youth, and any other activities approved by the Department of Health through regulation. The Department of Health may issue rules to protect the safety of the goats and sheep.”.

Sec. 303. The Women’s Health and Cancer Rights Federal Law Conformity Act of 2000, effective April 3, 2001 (D.C. Law 13-254; D.C. Official Code § 31-3831 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 304. Section 2 of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621), is amended as follows:

(a) Subsection (c) is repealed.

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

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

TITLE IV. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 401. Applicability.

Sections 124(n), 125(c), and 127(b) shall apply as of October 1, 2018.

Sec. 402. Fiscal impact statement.

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

Sec. 403. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia