



January 25, 2019

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## HOUSE BILL No. 1545

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DIGEST OF HB 1545 (Updated January 23, 2019 5:42 pm - DI 133)

**Citations Affected:** IC 3-7; IC 16-35; IC 16-37.

**Synopsis:** Public health matters. Amends the definition of "food instrument" to state that a participant under the federal Women, Infants, and Children program uses an electronic benefit transfer card to obtain food. Requires the state department of health (department) to provide to the local vital records offices guidelines concerning the interpretation of the laws and the department's rules concerning vital statistics to assure uniform application of the state laws and rules. Removes expired language. Provides that if the Indiana birth registration system (IBRS) or the Indiana death registration system (IDRS) is unavailable for more than 48 hours, the state registrar may issue a notice that allows the filing of a paper record of a live birth, a death, or both. Provides that certain birth, stillborn, and death permanent records may be maintained by the IBRS and IDRS. Requires that a paper copy of the permanent record of a birth, stillborn, or death certificate be provided upon request by an individual. Allows the department to disclose identifiable vital statistics information to a legitimate researcher, if the researcher complies with certain requirements.

**Effective:** July 1, 2019.

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### Kirchhofer

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January 17, 2019, read first time and referred to Committee on Public Health.  
January 24, 2019, reported — Do Pass.

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HB 1545—LS 7324/DI 77





January 25, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1545

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-7-45-2.1, AS AMENDED BY P.L.128-2015,  
2 SECTION 136, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: Sec. 2.1. (a) As required under 52  
4 U.S.C. 21083, the election division shall coordinate the computerized  
5 list generated by the statewide voter registration system under  
6 IC 3-7-26.3 with the state department of health to permit a county voter  
7 registration office to cancel the registration records of deceased  
8 individuals on an expedited basis.  
9 (b) The state department of health shall report to the election  
10 division, by county, the names, ages, and known residence addresses  
11 of all persons who:  
12 (1) died within Indiana but outside the county of residence; and  
13 (2) maintained a residence address within the county during the  
14 two (2) years preceding the date of death.  
15 (c) Each county health officer and municipal health officer shall  
16 report to the state department of health the names, ages, and known  
17 voting addresses in the county of all persons:

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- 1 (1) who have died within the jurisdiction of the officer; or  
 2 (2) for whom burial permits have been issued by the officer.

3 The state department of health shall report this information to the  
 4 election division.

5 (d) The state department of health shall report to the election  
 6 division, by county, the names, ages, and known residence addresses  
 7 of all persons:

- 8 (1) who died outside Indiana;  
 9 (2) who maintained a residence address within the county during  
 10 the two (2) years preceding the date of death; and  
 11 (3) whose names were supplied to the state department of health  
 12 under an agreement made under section 5 of this chapter.

13 (e) The county voter registration office shall request a copy of the  
 14 death records filed quarterly by the local health department with the  
 15 county auditor under ~~IC 16-37-3-9(e)~~. **IC 16-37-3-9(d)**. If a voter is  
 16 identified as deceased in the death records, the county voter registration  
 17 office shall cancel the voter registration record of that individual in  
 18 conformity with section 3 of this chapter.

19 SECTION 2. IC 16-35-1.5-1 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. As used in this  
 21 chapter, "food instrument" means ~~a negotiable voucher~~ **an electronic**  
 22 **benefit transfer card** that specifies the quantity, size, and type of  
 23 authorized food for a WIC participant within a designated time and that  
 24 can be taken to a WIC vendor for exchange for a specified quantity of  
 25 food.

26 SECTION 3. IC 16-37-1-1 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **(a)** The state  
 28 department shall provide a system of vital statistics for Indiana to be  
 29 administered by a division of the state department.

30 **(b) The state department shall provide to the local vital records**  
 31 **offices guidelines concerning the interpretation of laws and the**  
 32 **state department's rules concerning vital statistics to assure**  
 33 **uniform application of the state laws and rules.**

34 SECTION 4. IC 16-37-1-3.1, AS AMENDED BY P.L.156-2011,  
 35 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2019]: Sec. 3.1. (a) ~~Beginning January 1, 2011,~~ The state  
 37 department shall establish the Indiana birth registration system (IBRS)  
 38 for recording in an electronic format live births in Indiana.

39 ~~(b) Beginning January 1, 2011,~~ The state department shall establish  
 40 the Indiana death registration system (IDRS) for recording in an  
 41 electronic format deaths in Indiana.

42 (c) Submission of records on births and deaths shall be entered by:



- 1 (1) funeral directors;  
 2 (2) physicians;  
 3 (3) coroners;  
 4 (4) medical examiners;  
 5 (5) persons in attendance at birth; and  
 6 (6) local health departments;  
 7 using the electronic system created by the state department under this  
 8 section.
- 9 (d) A person in attendance at a live birth shall report a birth to the  
 10 local health officer in accordance with IC 16-37-2-2.
- 11 (e) **Except as provided in subsection (f)**, death records shall be  
 12 submitted as follows, using the Indiana death registration system:
- 13 (1) The:
- 14 (A) physician last in attendance upon the deceased; or  
 15 (B) person in charge of interment;  
 16 shall initiate the document process. If the person in charge of  
 17 interment initiates the process, the person in charge of interment  
 18 shall electronically submit the certificate required under  
 19 IC 16-37-3-5 to the physician last in attendance upon the  
 20 deceased not later than five (5) days after the death.
- 21 (2) The physician last in attendance upon the deceased shall  
 22 electronically certify to the local health department the cause of  
 23 death on the certificate of death not later than five (5) days after:
- 24 (A) initiating the document process; or  
 25 (B) receiving under IC 16-37-3-5 the electronic notification  
 26 from the person in charge of interment.
- 27 (3) The local health officer shall submit the reports required under  
 28 IC 16-37-1-5 to the state department not later than five (5) days  
 29 after electronically receiving under IC 16-37-3-5 the completed  
 30 certificate of death from the physician last in attendance.
- 31 **(f) If the IBRS or IDRS is unavailable for more than forty-eight**  
 32 **(48) hours, the state registrar may issue a notice permitting the**  
 33 **filing of a paper record of a live birth, a death, or both, subject to**  
 34 **the following:**
- 35 **(1) The notice issued by the state registrar must contain a time**  
 36 **frame for which the notice is in effect and when the notice**  
 37 **expires. However, the notice automatically expires if the state**  
 38 **department notifies the local health officers that the IBRS or**  
 39 **IDRS is available, the notice has expired, and that all future**  
 40 **submissions must use the IBRS or IDRS.**
- 41 **(2) Paper records may not be accepted by the local health**  
 42 **department or the state department of health on the earlier of**



1           **the following:**

2           **(A) The expiration date listed in the notice.**

3           **(B) The state department notifies the local health officers**  
4           **when the IBRS or IDRS becomes available.**

5           **(3) The notice may be renewed by the state registrar until the**  
6           **IBRS or IDRS becomes available.**

7           **(4) Once the IBRS or IDRS becomes available, the local health**  
8           **officer shall enter the information contained in the paper**  
9           **record into the IBRS or IDRS.**

10          SECTION 5. IC 16-37-1-7 IS AMENDED TO READ AS  
11          FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. **(a)** Both the state  
12          registrar and the local health officer shall maintain a permanent record,  
13          accompanying the birth records, that contains for each request for a  
14          certified copy of a birth certificate the following:

15               (1) The date of the request.

16               (2) The name and address of the person making the request.

17          **(b) The permanent record for each request required under this**  
18          **section may be maintained in the Indiana birth registration system**  
19          **(IBRS).**

20          SECTION 6. IC 16-37-1-10, AS AMENDED BY P.L.171-2015,  
21          SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22          JULY 1, 2019]: Sec. 10. **(a) Information contained in a birth record**  
23          **is confidential and may be disclosed only in accordance with this**  
24          **article.**

25               ~~(a)~~ **(b)** Except as provided in ~~subsection~~ **subsections (c) and (d)**, the  
26          records and files of the division of the state department concerning  
27          vital statistics are subject to this article and rules of the state  
28          department. Data contained in the records and files may be disclosed  
29          only as follows:

30               (1) The state registrar shall permit inspection of the records or  
31               issue a certified copy of a certificate or part of a certificate only  
32               if the state registrar is satisfied of the following:

33                       (A) That the applicant has a direct interest in the matter  
34                       recorded.

35                       (B) That the information is necessary for the determination of  
36                       personal or property rights or for compliance with state or  
37                       federal law.

38               The state registrar's decision is subject to review by the state  
39               department or a court under this section.

40               (2) The state department may ~~permit the use of data contained in~~  
41               ~~vital statistical records for research purposes only, but no~~  
42               ~~identifying use may be made of the data.~~ **disclose identifiable**



1 vital statistics information to a legitimate researcher, if the  
2 researcher complies with the following requirements:

3 (A) The researcher may not disclose the data in a manner  
4 that identifies any individual that is the subject of the  
5 record or data.

6 (B) The researcher must request the data from the state  
7 department in writing and include the following:

8 (i) The purpose of the request, including the data sought  
9 and any intent to publish findings.

10 (ii) The safeguards the researcher will take to protect the  
11 identity of the individual data subjects.

12 (C) The researcher shall execute a written agreement with  
13 the state department that incorporates the information in  
14 this section and provides that failure by the researcher to  
15 abide by the conditions of the approved agreement  
16 constitutes a breach of contract and could result in civil  
17 litigation by the individual data subjects.

18 (3) In any extraordinary case that the state registrar determines is  
19 a direct tangible and legitimate public interest.

20 ~~(b)~~ (c) Notwithstanding subsection ~~(a)~~(1) (b)(1) through ~~(a)~~(3);  
21 (b)(3), a certificate of death received by a local health department (as  
22 defined in IC 16-18-2-211) or the state department is a public record  
23 that, upon request, must be made available for inspection and copying  
24 if:

25 (1) the copy made of the certificate of death is not a certified  
26 copy;

27 (2) any Social Security number that appears on the certificate of  
28 death is redacted; and

29 (3) any charge or fee that is due under section 9, 11, or 11.5 of  
30 this chapter is collected.

31 ~~(e)~~ (d) The birth record of an adopted child remains subject to the  
32 confidentiality provisions of IC 31-19 regarding the release of adoption  
33 information.

34 ~~(d)~~ (e) The state registrar may deny a request to inspect or copy a  
35 record concerning vital statistics that is in the state registrar's  
36 possession if the state registrar has a reasonable suspicion that  
37 releasing the record may result in fraud or identity theft.

38 SECTION 7. IC 16-37-2-2, AS AMENDED BY P.L.61-2009,  
39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2019]: Sec. 2. (a) A person in attendance at a live birth shall  
41 do the following:

42 (1) File with the local health officer the following:



- 1 (A) A certificate of birth.
- 2 (B) Any paternity affidavit executed under section 2.1(c)(1) of  
3 this chapter.
- 4 ~~However, beginning January 1, 2011, Except as provided in~~  
5 **IC 16-37-1-3.1(f)**, the person in attendance at a live birth shall  
6 use the Indiana birth registration system established under  
7 IC 16-37-1-3.1 to electronically file a birth certificate or paternity  
8 affidavit under this subdivision.
- 9 (2) Advise the mother of a child born out of wedlock of:
- 10 (A) the availability of paternity affidavits under section 2.1 of  
11 this chapter; and
- 12 (B) the existence of the putative father registry established by  
13 IC 31-19-5-2.
- 14 (b) If there was no person in attendance at the birth, one (1) of the  
15 parents shall file with the local health officer the following:
- 16 (1) A certificate of birth.
- 17 (2) Any paternity affidavit executed under section 2.1 of this  
18 chapter.
- 19 (c) If:
- 20 (1) no person was in attendance at the birth and neither parent is  
21 able to prepare the certificate; or
- 22 (2) the local health officer does not receive a certificate of birth;  
23 the local health officer shall prepare a certificate of birth from  
24 information secured from any person who has knowledge of the birth.
- 25 (d) A local health department shall inform the Title IV-D agency (as  
26 defined in IC 31-9-2-130) regarding each paternity affidavit executed  
27 under section 2.1 of this chapter that the local health department  
28 receives under this section.
- 29 (e) A paternity affidavit executed under section 2.1(c)(1) of this  
30 chapter shall be filed with the local health officer not more than five (5)  
31 days after the child's birth.
- 32 (f) An attorney or agency that arranges an adoption may at any time  
33 request that the state department search its records to determine  
34 whether a man executed a paternity affidavit under section 2.1 of this  
35 chapter in relation to a child who is or may be the subject of an  
36 adoption that the attorney or agency is arranging.
- 37 (g) Not more than ten (10) days after receiving a request from an  
38 attorney or agency under subsection (f), the state department shall  
39 submit an affidavit to the attorney or agency verifying whether a  
40 paternity affidavit has been filed under this section. If a paternity  
41 affidavit has been filed regarding a child who is the subject of a request  
42 under subsection (f), the state department shall release a copy of the





1 paternity affidavit to the requesting attorney or agency.

2 SECTION 8. IC 16-37-2-9, AS AMENDED BY P.L.232-2013,  
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2019]: Sec. 9. (a) The local health officer shall make a  
5 permanent record of the following from a birth certificate:

6 (1) Name.

7 (2) Sex.

8 (3) Date of birth.

9 (4) Place of birth.

10 (5) Name of the parents.

11 (6) Birthplace of the parents.

12 (7) The date of filing of the certificate of birth.

13 (8) The person in attendance at the birth.

14 (9) Location of the birth, including whether the birth occurred at  
15 a hospital, licensed health care facility, home, or other non-health  
16 care facility.

17 (b) Except as provided in subsection (c), the permanent record shall  
18 be open to public inspection. **Upon request by an individual, a paper  
19 copy of the permanent record in subsection (a) must be provided.**

20 (c) The birth record of an adopted child remains subject to the  
21 confidentiality provisions of IC 31-19 regarding the release of adoption  
22 information.

23 **(d) The permanent record of the information required under  
24 this section may be maintained in the Indiana birth registration  
25 system (IBRS).**

26 SECTION 9. IC 16-37-3-3, AS AMENDED BY P.L.122-2012,  
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2019]: Sec. 3. ~~(a) The physician last in attendance upon the  
29 deceased or the person in charge of interment shall file a certificate of  
30 death or of stillbirth with the local health officer of the jurisdiction in  
31 which the death or stillbirth occurred. The local health officer shall  
32 retain a copy of the certificate of death.~~

33 ~~(b) Notwithstanding subsection (a), beginning January 1, 2011, for  
34 a death occurring after December 31, 2010, Except as provided in  
35 IC 16-37-1-3.1(f), the physician last in attendance upon the deceased  
36 or the person in charge of interment shall use the Indiana death  
37 registration system established under IC 16-37-1-3.1 to file a certificate  
38 of death with the local health officer of the jurisdiction in which the  
39 death occurred.~~

40 SECTION 10. IC 16-37-3-5, AS AMENDED BY P.L.122-2012,  
41 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2019]: Sec. 5. ~~(a) If the person in charge of interment initiates~~



1 the process; the person in charge of interment shall present a certificate  
 2 of death to the physician last in attendance upon the deceased; who  
 3 shall certify the cause of death upon the certificate of death or of  
 4 stillbirth.

5 (b) Notwithstanding subsection (a), beginning January 1, 2011, for  
 6 a death occurring after December 31, 2010, using the Indiana death  
 7 registration system established under IC 16-37-1-3.1, **Except as**  
 8 **provided in IC 16-37-1-3.1(f)**, if the person in charge of interment  
 9 initiates the process, the person in charge of interment shall  
 10 electronically provide a certificate of death to the physician last in  
 11 attendance upon the deceased. The physician last in attendance upon  
 12 the deceased shall electronically certify to the local health department  
 13 the cause of death on the certificate of death, using the Indiana death  
 14 registration system.

15 SECTION 11. IC 16-37-3-9, AS AMENDED BY P.L.81-2005,  
 16 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2019]: Sec. 9. (a) The local health officer shall, from the  
 18 stillbirth and death certificates, make a permanent record of the:

- 19 (1) name;  
 20 (2) sex;  
 21 (3) age;  
 22 (4) place of death;  
 23 (5) residence; and  
 24 (6) for a death certificate only:  
 25 (A) residence addresses of the deceased during the two (2)  
 26 years before the death; and  
 27 (B) Social Security number;

28 of the deceased.

29 (b) **Except as provided in subsection (c)**, the records in subsection  
 30 (a) shall be open to public inspection. **Upon request by an individual,**  
 31 **a paper copy of the permanent record in subsection (a) must be**  
 32 **provided.**

33 (c) Except as provided in this subsection, the Social Security  
 34 number is confidential and may not be disclosed to the public. ~~After~~  
 35 ~~December 31, 2005~~, The Social Security number shall be disclosed to  
 36 the secretary of state and election division for voter list maintenance  
 37 purposes under IC 3-7-26.3 and IC 3-7-45.

38 ~~(e)~~ (d) The local health officer shall, not later than January 31, April  
 39 30, July 31, and October 31 of each year, furnish to the county auditor  
 40 the records of all deaths within the officer's jurisdiction that occurred  
 41 during the previous three (3) months.

42 ~~(d)~~ (e) The local health officer may make records of other data in



1 connection with deaths for statistical purposes or for the purpose of  
2 planning health programs. Records under this subsection are not public  
3 records.

4 **(f) The permanent record of the information required under this**  
5 **section may be maintained in the Indiana death registration system**  
6 **(IDRS).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1545, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1545 as introduced.)

KIRCHHOFFER

Committee Vote: Yeas 12, Nays 0

