



March 29, 2019

ENGROSSED HOUSE BILL No. 1545

DIGEST OF HB 1545 (Updated March 27, 2019 11:43 am - DI 104)

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.

Kirchhofer, Lindauer, Shackelford, Fleming

(SENATE SPONSORS — CHARBONNEAU, RUCKELSHAUS)

January 17, 2019, read first time and referred to Committee on Public Health.

January 24, 2019, reported — Do Pass.

January 28, 2019, read second time, ordered engrossed. Engrossed.

January 31, 2019, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 27, 2019, read first time and referred to Committee on Health and Provider Services.

March 28, 2019, amended, reported favorably — Do Pass.

EH 1545—LS 7324/DI 77



March 29, 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.

ENGROSSED 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 or the
3 expiration listed in a renewal notice described in
4 subdivision (3).

5 (B) The state department notifies the local health officers
6 when the IBRS or IDRS becomes available.

7 (3) The notice may be renewed by the state registrar until the
8 IBRS or IDRS becomes available.

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

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

17 (1) The date of the request.

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

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

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

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

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

35 (A) That the applicant has a direct interest in the matter
36 recorded.

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

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

42 (2) The state department may ~~permit the use of data contained in~~



1 vital statistical records for research purposes only; but no
 2 identifying use may be made of the data. disclose identifiable
 3 vital statistics information to a legitimate researcher, if the
 4 researcher complies with the following requirements:

5 (A) The researcher states in writing to the state
 6 department the purpose, including:

7 (i) any intent to publish findings;

8 (ii) the nature of the data sought;

9 (iii) the personal information that would be required;

10 and

11 (iv) the safeguards that will be taken to protect the
 12 identity of the data subjects.

13 (B) The researcher executes an agreement with the state
 14 department, on a form approved by the oversight
 15 committee on public records established under
 16 IC 5-15-5.1-18, that:

17 (i) incorporates safeguards for protection of individual
 18 data subjects;

19 (ii) defines the scope of the research project; and

20 (iii) informs the researcher that failure to abide by
 21 conditions of the approved agreement constitutes a
 22 breach of contract and could result in civil litigation by
 23 any data subject.

24 (C) The researcher agrees to pay any direct or indirect
 25 costs of the research.

26 The state department shall determine whether the proposed
 27 safeguards are adequate to prevent the identity of an
 28 individual data subject from being known before approving
 29 the agreement. Upon execution of an agreement described in
 30 this subdivision, the state department shall maintain a copy of
 31 the agreement for the duration of the agreement's effective
 32 date.

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

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

40 (1) the copy made of the certificate of death is not a certified
 41 copy;

42 (2) any Social Security number that appears on the certificate of



1 death is redacted; and

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

4 ~~(c)~~ (d) The birth record of an adopted child remains subject to the
5 confidentiality provisions of IC 31-19 regarding the release of adoption
6 information.

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

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

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

16 (A) A certificate of birth.

17 (B) Any paternity affidavit executed under section 2.1(c)(1) of
18 this chapter.

19 ~~However, beginning January 1, 2011, Except as provided in~~
20 **IC 16-37-1-3.1(f)**, the person in attendance at a live birth shall
21 use the Indiana birth registration system established under
22 IC 16-37-1-3.1 to electronically file a birth certificate or paternity
23 affidavit under this subdivision.

24 (2) Advise the mother of a child born out of wedlock of:

25 (A) the availability of paternity affidavits under section 2.1 of
26 this chapter; and

27 (B) the existence of the putative father registry established by
28 IC 31-19-5-2.

29 (b) If there was no person in attendance at the birth, one (1) of the
30 parents shall file with the local health officer the following:

31 (1) A certificate of birth.

32 (2) Any paternity affidavit executed under section 2.1 of this
33 chapter.

34 (c) If:

35 (1) no person was in attendance at the birth and neither parent is
36 able to prepare the certificate; or

37 (2) the local health officer does not receive a certificate of birth;
38 the local health officer shall prepare a certificate of birth from
39 information secured from any person who has knowledge of the birth.

40 (d) A local health department shall inform the Title IV-D agency (as
41 defined in IC 31-9-2-130) regarding each paternity affidavit executed
42 under section 2.1 of this chapter that the local health department



1 receives under this section.

2 (e) A paternity affidavit executed under section 2.1(c)(1) of this
3 chapter shall be filed with the local health officer not more than five (5)
4 days after the child's birth.

5 (f) An attorney or agency that arranges an adoption may at any time
6 request that the state department search its records to determine
7 whether a man executed a paternity affidavit under section 2.1 of this
8 chapter in relation to a child who is or may be the subject of an
9 adoption that the attorney or agency is arranging.

10 (g) Not more than ten (10) days after receiving a request from an
11 attorney or agency under subsection (f), the state department shall
12 submit an affidavit to the attorney or agency verifying whether a
13 paternity affidavit has been filed under this section. If a paternity
14 affidavit has been filed regarding a child who is the subject of a request
15 under subsection (f), the state department shall release a copy of the
16 paternity affidavit to the requesting attorney or agency.

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

- 21 (1) Name.
22 (2) Sex.
23 (3) Date of birth.
24 (4) Place of birth.
25 (5) Name of the parents.
26 (6) Birthplace of the parents.
27 (7) The date of filing of the certificate of birth.
28 (8) The person in attendance at the birth.
29 (9) Location of the birth, including whether the birth occurred at
30 a hospital, licensed health care facility, home, or other non-health
31 care facility.

32 (b) Except as provided in subsection (c), the permanent record shall
33 be open to public inspection. **Upon request by an individual, a paper
34 copy of the permanent record in subsection (a) must be provided
35 by the local health officer.**

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

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

42 SECTION 9. IC 16-37-3-3, AS AMENDED BY P.L.122-2012,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 3. (a) The physician last in attendance upon the
3 deceased or the person in charge of interment shall file a certificate of
4 death or of stillbirth with the local health officer of the jurisdiction in
5 which the death or stillbirth occurred. The local health officer shall
6 retain a copy of the certificate of death.

7 (b) Notwithstanding subsection (a), beginning January 1, 2011, for
8 a death occurring after December 31, 2010, **Except as provided in**
9 **IC 16-37-1-3.1(f)**, the physician last in attendance upon the deceased
10 or the person in charge of interment shall use the Indiana death
11 registration system established under IC 16-37-1-3.1 to file a certificate
12 of death with the local health officer of the jurisdiction in which the
13 death occurred.

14 SECTION 10. IC 16-37-3-5, AS AMENDED BY P.L.122-2012,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 5. (a) If the person in charge of interment initiates
17 the process, the person in charge of interment shall present a certificate
18 of death to the physician last in attendance upon the deceased, who
19 shall certify the cause of death upon the certificate of death or of
20 stillbirth.

21 (b) Notwithstanding subsection (a), beginning January 1, 2011, for
22 a death occurring after December 31, 2010, using the Indiana death
23 registration system established under IC 16-37-1-3.1, **Except as**
24 **provided in IC 16-37-1-3.1(f)**, if the person in charge of interment
25 initiates the process, the person in charge of interment shall
26 electronically provide a certificate of death to the physician last in
27 attendance upon the deceased. The physician last in attendance upon
28 the deceased shall electronically certify to the local health department
29 the cause of death on the certificate of death, using the Indiana death
30 registration system.

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

- 35 (1) name;
- 36 (2) sex;
- 37 (3) age;
- 38 (4) place of death;
- 39 (5) residence; and
- 40 (6) for a death certificate only:
 - 41 (A) residence addresses of the deceased during the two (2)
 - 42 years before the death; and



1 (B) Social Security number;
2 of the deceased.

3 (b) **Except as provided in subsection (c), the records in subsection**
4 **(a) shall be open to public inspection. Upon request by an individual,**
5 **a paper copy of the permanent record in subsection (a) must be**
6 **provided by the local health officer.**

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

12 ~~(c)~~ (d) The local health officer shall, not later than January 31, April
13 30, July 31, and October 31 of each year, furnish to the county auditor
14 the records of all deaths within the officer's jurisdiction that occurred
15 during the previous three (3) months.

16 ~~(d)~~ (e) The local health officer may make records of other data in
17 connection with deaths for statistical purposes or for the purpose of
18 planning health programs. Records under this subsection are not public
19 records.

20 (f) **The permanent record of the information required under this**
21 **section may be maintained in the Indiana death registration system**
22 **(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.)

KIRCHHOFER

Committee Vote: Yeas 12, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1545, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 22, strike "specifies the quantity, size, and type of".

Page 2, strike line 23.

Page 4, line 2, delete "notice." and insert "**notice or the expiration listed in a renewal notice described in subdivision (3).**".

Page 5, delete lines 3 through 17, begin a new line double block indented and insert:

"(A) The researcher states in writing to the state department the purpose, including:

(i) any intent to publish findings;

(ii) the nature of the data sought;

(iii) the personal information that would be required; and

(iv) the safeguards that will be taken to protect the identity of the data subjects.

(B) The researcher executes an agreement with the state department, on a form approved by the oversight committee on public records established under IC 5-15-5.1-18, that:

(i) incorporates safeguards for protection of individual data subjects;

(ii) defines the scope of the research project; and

(iii) informs the researcher that failure to abide by conditions of the approved agreement constitutes a breach of contract and could result in civil litigation by



any data subject.

(C) The researcher agrees to pay any direct or indirect costs of the research.

The state department shall determine whether the proposed safeguards are adequate to prevent the identity of an individual data subject from being known before approving the agreement. Upon execution of an agreement described in this subdivision, the state department shall maintain a copy of the agreement for the duration of the agreement's effective date."

Page 7, line 19, delete "provided." and insert "**provided by the local health officer.**"

Page 8, line 32, delete "provided." and insert "**provided by the local health officer.**"

and when so amended that said bill do pass.

(Reference is to HB 1545 as printed January 25, 2019.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 8, Nays 0.

