

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 ENROLLED ACT No. 1545

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AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 3-7-45-2.1, AS AMENDED BY P.L.128-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.1. (a) As required under 52 U.S.C. 21083, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the registration records of deceased individuals on an expedited basis.

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

- (1) died within Indiana but outside the county of residence; and
- (2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

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

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

(d) The state department of health shall report to the election

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division, by county, the names, ages, and known residence addresses of all persons:

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

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

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

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

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

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

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

- (c) Submission of records on births and deaths shall be entered by:
- (1) funeral directors;
  - (2) physicians;
  - (3) coroners;
  - (4) medical examiners;
  - (5) persons in attendance at birth; and

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(6) local health departments;  
using the electronic system created by the state department under this section.

(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.

(e) **Except as provided in subsection (f)**, death records shall be submitted as follows, using the Indiana death registration system:

(1) The:

(A) physician last in attendance upon the deceased; or

(B) person in charge of interment;

shall initiate the document process. If the person in charge of interment initiates the process, the person in charge of interment shall electronically submit the certificate required under IC 16-37-3-5 to the physician last in attendance upon the deceased not later than five (5) days after the death.

(2) The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after:

(A) initiating the document process; or

(B) receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.

(3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician last in attendance.

**(f) If the IBRS or IDRS is unavailable for more than forty-eight (48) hours, the state registrar may issue a notice permitting the filing of a paper record of a live birth, a death, or both, subject to the following:**

**(1) The notice issued by the state registrar must contain a time frame for which the notice is in effect and when the notice expires. However, the notice automatically expires if the state department notifies the local health officers that the IBRS or IDRS is available, the notice has expired, and that all future submissions must use the IBRS or IDRS.**

**(2) Paper records may not be accepted by the local health department or the state department of health on the earlier of the following:**

**(A) The expiration date listed in the notice or the expiration listed in a renewal notice described in subdivision (3).**

**(B) The state department notifies the local health officers**



when the IBRS or IDRS becomes available.

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

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

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

- (1) The date of the request.
- (2) The name and address of the person making the request.

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

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

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

- (1) The state registrar shall permit inspection of the records or issue a certified copy of a certificate or part of a certificate only if the state registrar is satisfied of the following:
  - (A) That the applicant has a direct interest in the matter recorded.
  - (B) That the information is necessary for the determination of personal or property rights or for compliance with state or federal law.

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

(2) The state department may ~~permit the use of data contained in vital statistical records for research purposes only; but no identifying use may be made of the data.~~ **disclose identifiable vital statistics information to a legitimate researcher, if the researcher complies with the following requirements:**

- (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.

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

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

- (1) the copy made of the certificate of death is not a certified copy;
- (2) any Social Security number that appears on the certificate of death is redacted; and
- (3) any charge or fee that is due under section 9, 11, or 11.5 of this chapter is collected.

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

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information.

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

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

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

(A) A certificate of birth.

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

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

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

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

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

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

(1) A certificate of birth.

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

(c) If:

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

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

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

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

(f) An attorney or agency that arranges an adoption may at any time



request that the state department search its records to determine whether a man executed a paternity affidavit under section 2.1 of this chapter in relation to a child who is or may be the subject of an adoption that the attorney or agency is arranging.

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

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

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

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

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

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

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



retain a copy of the certificate of death:

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

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

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

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

- (1) name;
- (2) sex;
- (3) age;
- (4) place of death;
- (5) residence; and
- (6) for a death certificate only:
  - (A) residence addresses of the deceased during the two (2) years before the death; and
  - (B) Social Security number;

of the deceased.

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





**provided by the local health officer.**

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

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

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

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



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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