

1 AN ACT relating to death certificates.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 213.076 is amended to read as follows:

- 4 (1) (a) **1.** A certificate of death or a provisional certificate of death for each death
5 which occurs in the Commonwealth shall be filed with the cabinet or as
6 otherwise directed by the state registrar prior to final disposition, and it
7 shall be registered if it has been completed and filed in accordance with
8 this section.
- 9 **2.** The funeral director, or person acting as such, who first takes custody of
10 a dead body shall be responsible for filing the certificate of death. The
11 funeral director, or person acting as such, shall obtain the required
12 personal and statistical particulars from the person best qualified to
13 supply them over the signature and address of the informant.
- 14 **3.** Effective January 1, 2015, all certificates of death shall be filed with the
15 cabinet using the Kentucky Electronic Death Registration System in a
16 manner directed by the state registrar.
- 17 **4. *On and after the effective date of this Act, a certificate of death or a***
18 ***provisional certificate of death shall include the section and lot***
19 ***number of the grave space if the dead body is interred in a cemetery.***
20 ***The cemetery or cemetery company shall provide the section and lot***
21 ***number to the funeral director, or person acting as such, who shall***
22 ***include this information on the certificate of death or provisional***
23 ***certificate of death before fulfilling the requirements of subparagraph***
24 ***3. of this subsection.***
- 25 (b) At the time of obtaining the required personal and statistical particulars from
26 the informant referred to in paragraph (a) of this subsection, the funeral
27 director, or person acting as such, shall ask the informant if the deceased ever

1 served in the military. If the informant answers in the affirmative, then the
2 funeral director, or person acting as such, shall provide the informant with a
3 fact sheet stating military burial rights supplied by the Kentucky Department
4 of Veterans' Affairs.

5 (c) The funeral director, or person acting as such, shall within five (5) days of the
6 death, present the certificate to the attending physician, advanced practice
7 registered nurse, or physician assistant, if any, to the physician pronouncing
8 death, or to the health officer or coroner as directed by the state registrar, for
9 the medical certificate of the cause of death and other particulars necessary to
10 complete the record as required by this chapter.

11 (d) It shall be unlawful for an institution to release a dead human body until the
12 funeral director, or person acting as such, has completed and filed with the
13 local registrar or person in charge of the institution, a provisional certificate of
14 death. If death occurs outside an institution, the provisional certificate shall be
15 filed with the local registrar by the funeral director, or person acting as such,
16 prior to final disposition of the dead body. A copy of the provisional
17 certificate of death signed by the person with whom it was filed, shall
18 constitute authority for the possession, transportation, and, except for
19 cremation, final disposition of the body.

20 (e) All persons having in their possession a completed provisional certificate of
21 death shall file the certificate at not more than weekly intervals with the local
22 registrar.

23 (f) If the place of death is unknown but the dead body is found in the
24 Commonwealth, the certificate of death shall be completed and filed in
25 accordance with this section. The place where the body is found shall be
26 shown as the place of death. If the date of death is unknown, it shall be
27 determined by approximation subject to amendment upon completion of any

1 postmortem examination required to be performed.

2 (g) If death occurs in a moving conveyance in the United States and the body is
3 first removed from the conveyance in the Commonwealth, the death shall be
4 registered in Kentucky, and the place where it is first removed shall be
5 considered the place of death. If a death occurs on a moving conveyance while
6 in international waters or air space or in a foreign country or its air space, and
7 the body is first removed from the conveyance in the Commonwealth, the
8 death shall be registered in Kentucky, but the certificate shall show the actual
9 place of death insofar as can be determined.

10 (2) If any certificate of death is incomplete or unsatisfactory, the state registrar shall call
11 attention to the defects in the certificate and require the person responsible for the
12 entry to complete or correct. The state registrar may also require additional
13 information about the circumstances and medical conditions surrounding a death in
14 order to properly code and classify the underlying cause. A funeral director shall not
15 be held responsible for the failure of a physician, advanced practice registered
16 nurse, physician assistant, dentist, chiropractor, or coroner to complete or correct
17 the entry for which he or she is responsible.

18 (3) The medical certification shall be completed, signed, and returned to the funeral
19 director within five (5) working days after presentation to the physician, advanced
20 practice registered nurse, physician assistant, dentist, or chiropractor in charge of
21 the patient's care for the illness or condition which resulted in death, except when
22 inquiry is required by KRS 72.400 to 72.475. In such cases, or if the cause of death
23 is unknown or under investigation, the cause of death shall be shown as such on the
24 certificate. A supplemental report providing the medical information omitted from
25 the original certificate shall be filed by the certifier with the state registrar within
26 five (5) days after receiving results of the inquiry as required by KRS 72.400 to
27 72.475. The supplemental report shall be made a part of the existing death

1 certificate. This report shall be considered an amendment, and the death certificate
2 shall be marked "Amended." In the absence of the physician, advanced practice
3 registered nurse, physician assistant, dentist, or chiropractor, or with such person's
4 approval, the certificate may be completed and signed by his associate physician,
5 advanced practice registered nurse, physician assistant, dentist, or chiropractor, or
6 the chief medical officer of the institution in which death occurred, or the physician
7 who performed an autopsy upon the decedent, or a physician, advanced practice
8 registered nurse, or physician assistant employed by the local health department, if
9 the individual has access to the medical history of the case and death is due to
10 natural causes.

11 (4) If death occurs more than thirty-six (36) hours after the decedent was last treated or
12 attended by a physician, advanced practice registered nurse, physician assistant,
13 dentist, or chiropractor, the case shall be referred to the coroner for investigation to
14 determine and certify the cause of death. In the event that a coroner is not available
15 to sign the certificate and there is no duly appointed deputy, the county
16 judge/executive shall appoint a competent person to investigate the death and certify
17 to its cause.

18 (5) (a) The physician, advanced practice registered nurse, physician assistant, dentist,
19 chiropractor, or coroner who certifies to the cause of death shall return the
20 certificate to the funeral director, or person acting as such, who, in turn, shall
21 file the certificate directly with the Vital Statistics Branch. Any certified
22 copies of the record requested at the time of filing shall be issued in not more
23 than two (2) working days.

24 (b) In the case of a death in which diabetes was known to be an underlying cause
25 or contributing condition, diabetes shall be listed in the appropriate location
26 on the death certificate by the physician, advanced practice registered nurse,
27 physician assistant, dentist, chiropractor, or coroner who certifies to the cause

1 of death.

- 2 (6) The Vital Statistics Branch shall provide self-addressed, color-coded envelopes for
3 the funeral homes in the Commonwealth of Kentucky.
- 4 (7) Three (3) free verification-of-death statements shall be provided to the funeral
5 director by the Vital Statistics Branch for every death in the Commonwealth of
6 Kentucky.
- 7 (8) The body of any person whose death occurs in Kentucky shall not be interred,
8 deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from
9 or into any registration district, until a provisional certificate of death has been filed
10 with the local registrar of the registration district in which the death occurs. If the
11 death occurred from a disease declared by the Cabinet for Health and Family
12 Services to be infectious, contagious, or communicable and dangerous to the public
13 health, no permit for the removal or other disposition of the body shall be granted
14 by the registrar except under conditions prescribed by the Cabinet for Health and
15 Family Services and the local health department. The Cabinet for Health and Family
16 Services shall identify by regulation those communicable diseases which require
17 blood and body fluid precautions. If a person who has been diagnosed as being
18 infected with a communicable disease for which blood and body fluid precautions
19 are required, dies within a health facility as defined in KRS 216B.015, the facility
20 shall notify any embalmer or funeral director to whom the body will be transported
21 of the need for such precautions. The notice shall be provided by including the
22 statement "Blood and Body Fluid Precautions" on the provisional report-of-death
23 form as prescribed by the Cabinet for Health and Family Services. Lack of this
24 notice shall not relieve any embalmer or funeral director from taking universal
25 blood and body fluid precautions as are recommended by the United States
26 Department of Health and Human Services, Centers for Disease Control for
27 Morticians' Services. No embalmer or funeral director shall charge more for

1 embalming the remains of a person with a communicable disease which requires
2 blood and body fluid precautions than the price for embalming services listed on the
3 price list funeral providers are required to maintain and provide to consumers
4 pursuant to 16 C.F.R. Sec. 453.2 (1988).

5 (9) A burial-transit permit for the final disposition issued under the law of another state
6 which accompanies a dead body or fetus brought into the Commonwealth shall be
7 the authority for final disposition of the body or fetus in the Commonwealth and
8 may be accepted in lieu of a certificate of death. There shall be noted on the face of
9 the record made for return to the local registrar that the body was shipped to
10 Kentucky for interment and the actual place of death.

11 (10) Nothing in this section shall be construed to delay, beyond a reasonable time, the
12 interment or other disposition of a body unless the services of the coroner or the
13 health officer are required or the Department for Public Health deems it necessary
14 for the protection of the public health. If compliance with this section would result
15 in unreasonable delay in the disposition of the body the funeral director, or person
16 acting as such, shall file with the local registrar or deputy registrar prior to interment
17 a provisional certificate of death which shall contain the name, date, and place of
18 death of the deceased, the name of the medical certifier, and an agreement to furnish
19 within ten (10) days a complete and satisfactory certificate of death.

20 (11) No sexton or other person in charge of any place in which interment or other
21 disposition of dead bodies is made shall inter or allow interment or other disposition
22 of a dead body or fetus unless it is accompanied by a copy of the provisional
23 certificate of death. The sexton, or if there is no sexton, the funeral director, or
24 person acting as such, shall enter on the provisional certificate over his signature,
25 the date, place, and manner of final disposition and file the certificate within five (5)
26 days with the local registrar.

27 (12) Authorization for disinterment, transportation, and reinterment or other disposition

1 shall be required prior to disinterment of any human remains. The authorization
2 shall be issued by the state registrar upon proper application. The provisions of this
3 subsection shall apply to all manners of disposition except cremation and without
4 regard for the time and place of death. The provisions of KRS 381.765 shall not
5 apply to remains removed for scientific study and the advancement of knowledge.

6 (13) After a death certificate has been on file for five (5) years, it may not be changed in
7 any manner except upon order of a court. Prior to that time, requests for corrections,
8 amendments, or additions shall be accompanied by prima facie evidence which
9 supports the requested change.

10 ➔Section 2. This Act shall be known and may be cited as "Lil's Law."