

SECOND REGULAR SESSION

SENATE BILL NO. 975

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time February 22, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5177S.011

AN ACT

To repeal sections 193.145 and 193.265, RSMo, and to enact in lieu thereof two new sections relating to death certificates.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 193.145 and 193.265, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 193.145 and 193.265, to read as follows:

193.145. 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. **All participants in the death certification and registration process, including, but not limited to, the state registrar, local registrars, local health departments, the state medical examiner, county medical examiners, coroners, funeral directors, embalmers, sheriffs, attending physicians and resident physicians, licensed health care facilities, and other public or private institutions providing medical care, treatment or confinement to persons, shall be required to use any electronic death registration system required under subsection 1 of section 193.265 within twenty-four months of the system being certified by the director of the department of health and senior services to be operational and available through high-speed internet access to all participants in the death registration process. Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary electronic death registration programs until such time as the system can be**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **certified, however, no such pilot or voluntary electronic death**
20 **registration program shall prevent the filing of a death certificate with**
21 **the local registrar or the ability to obtain certified copies of death**
22 **certificates under subsection 2 of section 193.265.**

23 2. If the place of death is unknown but the dead body is found in this
24 state, the certificate of death shall be completed and filed pursuant to the
25 provisions of this section. The place where the body is found shall be shown as
26 the place of death. The date of death shall be the date on which the remains
27 were found.

28 3. When death occurs in a moving conveyance in the United States and
29 the body is first removed from the conveyance in this state, the death shall be
30 registered in this state and the place where the body is first removed shall be
31 considered the place of death. When a death occurs on a moving conveyance
32 while in international waters or air space or in a foreign country or its air space
33 and the body is first removed from the conveyance in this state, the death shall
34 be registered in this state but the certificate shall show the actual place of death
35 if such place may be determined.

36 4. The funeral director or person in charge of final disposition of the dead
37 body shall file the certificate of death. The funeral director or person in charge
38 of the final disposition of the dead body shall obtain or verify:

39 (1) The personal data from the next of kin or the best qualified person or
40 source available; and

41 (2) The medical certification from the person responsible for such
42 certification.

43 5. The medical certification shall be completed, attested to its accuracy
44 either by signature or an electronic process approved by the department, and
45 returned to the funeral director or person in charge of final disposition within
46 seventy-two hours after death by the physician in charge of the patient's care for
47 the illness or condition which resulted in death. In the absence of the physician
48 or with the physician's approval the certificate may be completed and attested to
49 its accuracy either by signature or an approved electronic process by the
50 physician's associate physician, the chief medical officer of the institution in
51 which death occurred, or the physician who performed an autopsy upon the
52 decedent, provided such individual has access to the medical history of the case,
53 views the deceased at or after death and death is due to natural causes. The
54 state registrar may approve alternate methods of obtaining and processing the

55 medical certification and filing the death certificate. The Social Security number
56 of any individual who has died shall be placed in the records relating to the death
57 and recorded on the death certificate.

58 6. When death occurs from natural causes more than thirty-six hours after
59 the decedent was last treated by a physician, the case shall be referred to the
60 county medical examiner or coroner or physician or local registrar for
61 investigation to determine and certify the cause of death. If the death is
62 determined to be of a natural cause, the medical examiner or coroner or local
63 registrar shall refer the certificate of death to the attending physician for such
64 physician's certification. If the attending physician refuses or is otherwise
65 unavailable, the medical examiner or coroner or local registrar shall attest to the
66 accuracy of the certificate of death either by signature or an approved electronic
67 process within thirty-six hours.

68 7. If the circumstances suggest that the death was caused by other than
69 natural causes, the medical examiner or coroner shall determine the cause of
70 death and shall complete and attest to the accuracy either by signature or an
71 approved electronic process the medical certification within seventy-two hours
72 after taking charge of the case.

73 8. If the cause of death cannot be determined within seventy-two hours
74 after death, the attending medical examiner or coroner or attending physician or
75 local registrar shall give the funeral director, or person in charge of final
76 disposition of the dead body, notice of the reason for the delay, and final
77 disposition of the body shall not be made until authorized by the medical
78 examiner or coroner, attending physician or local registrar.

79 9. When a death is presumed to have occurred within this state but the
80 body cannot be located, a death certificate may be prepared by the state registrar
81 upon receipt of an order of a court of competent jurisdiction which shall include
82 the finding of facts required to complete the death certificate. Such a death
83 certificate shall be marked "Presumptive", show on its face the date of
84 registration, and identify the court and the date of decree.

193.265. 1. For the issuance of a certification or copy of a death record,
2 the applicant shall pay a fee of thirteen dollars for the first certification or copy
3 and a fee of ten dollars for each additional copy ordered at that time. For the
4 issuance of a certification or copy of a birth, marriage, divorce, or fetal death
5 record, the applicant shall pay a fee of fifteen dollars. All fees shall be deposited
6 to the state department of revenue. Beginning August 28, 2004, for each vital

7 records fee collected, the director of revenue shall credit four dollars to the
8 general revenue fund, five dollars to the children's trust fund, one dollar shall be
9 credited to the endowed care cemetery audit fund, and three dollars for the first
10 copy of death records and five dollars for birth, marriage, divorce, and fetal death
11 records shall be credited to the Missouri public services health fund established
12 in section 192.900, RSMo. Money in the endowed care cemetery audit fund shall
13 be available by appropriation to the division of professional registration to pay
14 its expenses in administering sections 214.270 to 214.410, RSMo. All interest
15 earned on money deposited in the endowed care cemetery audit fund shall be
16 credited to the endowed care cemetery fund. Notwithstanding the provisions of
17 section 33.080, RSMo, to the contrary, money placed in the endowed care
18 cemetery audit fund shall not be transferred and placed to the credit of general
19 revenue until the amount in the fund at the end of the biennium exceeds three
20 times the amount of the appropriation from the endowed care cemetery audit fund
21 for the preceding fiscal year. The money deposited in the public health services
22 fund under this section shall be deposited in a separate account in the fund, and
23 moneys in such account, upon appropriation, shall be used to automate and
24 improve the state vital records system, and develop and maintain an electronic
25 birth and death registration system [which shall be implemented no later than
26 December 31, 2009]. For any search of the files and records, when no record is
27 found, the state shall be entitled to a fee equal to the amount for a certification
28 of a vital record for a five-year search to be paid by the applicant. For the
29 processing of each legitimation, adoption, court order or recording after the
30 registrant's twelfth birthday, the state shall be entitled to a fee equal to the
31 amount for a certification of a vital record. Except whenever a certified copy or
32 copies of a vital record is required to perfect any claim of any person on relief, or
33 any dependent of any person who was on relief for any claim upon the
34 government of the state or United States, the state registrar shall, upon request,
35 furnish a certified copy or so many certified copies as are necessary, without any
36 fee or compensation therefor.

37 2. For the issuance of a certification of a death record by the local
38 registrar, the applicant shall pay a fee of thirteen dollars for the first certification
39 or copy and a fee of ten dollars for each additional copy ordered at that time. For
40 the issuance of a certification or copy of a birth, marriage, divorce, or fetal death
41 record, the applicant shall pay a fee of fifteen dollars. All fees shall be deposited
42 to the official city or county health agency. A certified copy of a death record by

43 the local registrar can only be issued within twenty-four hours of receipt of the
44 record by the local registrar. Computer-generated certifications of death records
45 may be issued by the local registrar after twenty-four hours of receipt of the
46 records. The fees paid to the official county health agency shall be retained by
47 the local agency for local public health purposes.

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