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Am. Sub. S. B. No. 61

Senator Hughes

Cosponsors: Senators Eklund, Patton, Seitz, Brown, Bacon, Balderson, Burke, Cafaro, Coley, Faber, Gardner, Hite, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Peterson, Sawyer, Schiavoni, Tavares, Thomas, Uecker, Widener, Williams, Yuko, Representatives Barnes, Bishoff, Amstutz, Anielski, Blessing, Brown, Buchy, Burkley, Conditt, Derickson, Dever, Dovilla, Duffey, Fedor, Gerberry, Green, Hackett, Hambley, Hayes, Huffman, Kraus, Kuhns, Kunze, LaTourette, Leland, Lepore-Hagan, Maag, Manning, McColley, O'Brien, M., Patterson, Pelanda, Perales, Phillips, Ramos, Retherford, Rogers, Ruhl, Ryan, Schaffer, Sears, Sheehy, Slaby, Smith, K., Stinziano, Strahorn, Sweeney, Terhar, Young, Speaker Rosenberger

A BILL

To amend section 3705.23 of the Revised Code to
restrict to whom a certified copy of a death
certificate containing the decedent's social
security number may be issued. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3705.23 of the Revised Code be
amended to read as follows: 5
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Sec. 3705.23. (A) (1) Except as otherwise provided in this
section, the director of health, the state registrar, or a local
registrar, on receipt of a signed application and the fee
specified in section 3705.24 of the Revised Code, shall issue a
certified copy of a vital record, or of a part of a vital
record, in the director's or registrar's custody to any 7
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applicant, unless the vital record has ceased to be a public 13
record pursuant to section 3705.09, 3705.11, 3705.12, 3705.121, 14
3705.122, 3705.123, 3705.124, or 3705.15 of the Revised Code. 15
The certified copy shall show the date the vital record was 16
registered by the local registrar. 17

(2) A certified copy of a vital record may be made by a 18
mechanical, electronic, or other reproduction process. It shall 19
be certified as a true copy by the director, state registrar, or 20
local registrar who has custody of the record and shall include 21
the date of issuance, the name of the issuing officer, the 22
signature of the officer or an authorized facsimile of the 23
signature, and the seal of the issuing office. 24

(3) A certified copy of a vital record or of any part of a 25
vital record, issued in accordance with this section, shall be 26
considered for all purposes the same as the original and shall 27
be prima-facie evidence of the facts stated in it in all courts 28
and places. 29

(4) (a) Information contained in the "information for 30
medical and health use only" section of a birth record shall not 31
be included as part of a certified copy of the birth record 32
unless the information specifically is requested by the 33
individual to whose birth the record attests, either of the 34
individual's parents or the individual's guardian, a lineal 35
descendant, or an official of the federal or state government or 36
of a political subdivision of the state charged by law with 37
detecting or prosecuting crime. 38

(b) Except as provided in division (A) (4) (a) of this 39
section, neither the office of vital statistics nor a local 40
registrar shall disclose information contained in the 41
"information for medical and health use only" section of a birth 42

record unless a court, for good cause shown, orders disclosure 43
of the information or the state registrar specifically 44
authorizes release of the information for statistical or 45
research purposes under conditions the state registrar, subject 46
to the approval of the director of health, shall establish by 47
rule. 48

(5) For the first five years after a decedent's death, a 49
decedent's social security number shall not be included on a 50
certified copy of the decedent's death certificate unless that 51
information is specifically requested to be on the certified 52
copy by one of the following who presents proof satisfactory to 53
the director, state registrar, or local registrar of the 54
person's identity: 55

(a) The decedent's spouse; 56

(b) A county veterans service officer employed under 57
section 5901.07 of the Revised Code; 58

(c) An official specified in division (A), (B), or (C) of 59
section 9.15 of the Revised Code who is authorized to cause the 60
burial or cremation of a dead person as described in that 61
section; 62

(d) An agent of an officer or official described in 63
division (A) (5) (b) or (c) of this section, but only if the agent 64
presents either of the following indicating the agent's status 65
as the officer's or official's agent: 66

(i) Photographic identification, such as an employment 67
badge; 68

(ii) A signed and dated letter on the officer's or 69
official's letterhead. 70

- (e) A lineal descendant of the decedent; 71
- (f) An individual with a class A or B license to engage in the business of private investigation issued under section 4749.03 of the Revised Code; 72
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- (g) An official of the federal or state government or of a political subdivision of the state charged by law with detecting or prosecuting crime; 75
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- (h) An individual engaged in the work of, or connected with, or employed by, any media organization or media association for the purpose of gathering, procuring, compiling, editing, disseminating, or publishing news; 78
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- (i) The executor or administrator of the decedent's estate, or an attorney representing the executor or administrator; 82
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- (j) An agent, as defined in section 1337.22 of the Revised Code, of the decedent, when the decedent had been the principal under a power of attorney created pursuant to sections 1337.21 to 1337.64 of the Revised Code; 85
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- (k) The adult, or any adult in a group of adults, serving as the representative or successor representative under a written declaration the decedent executed pursuant to section 2108.70 of the Revised Code; 89
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- (l) A licensed funeral director, or an employee or agent of that individual, who requests a certified copy of the decedent's death certificate on behalf of a person described in division (A) (5) of this section other than a person described in division (A) (5) (g) of this section; 93
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- (m) Any person who is authorized by law to act on behalf 98

of the decedent or the decedent's estate but is not listed in 99
divisions (A) (5) (a) to (1) of this section. 100

(B) (1) Unless the applicant specifically requests a 101
certified copy, the director, the state registrar, or a local 102
registrar, on receipt of a signed application for a birth record 103
and the fee specified in section 3705.24 of the Revised Code, 104
may issue a certification of birth, and the certification of 105
birth shall contain at least the name, sex, date of birth, 106
registration date, and place of birth of the person to whose 107
birth the record attests and shall attest that the person's 108
birth has been registered. A certification of birth shall be 109
prima-facie evidence of the facts stated in it in all courts and 110
places. 111

(2) The director or state registrar, on receipt of a 112
signed application for an heirloom certification of birth and 113
the fee specified in section 3705.24 of the Revised Code, may 114
issue an heirloom certification of birth. The director shall 115
prescribe by rule guidelines for the form of an heirloom 116
certification of birth, and the guidelines shall require the 117
heirloom certification of birth to contain at least the name, 118
sex, date of birth, registration date, and place of birth of the 119
person to whose birth the record attests and to attest that the 120
person's birth has been registered. An heirloom certification of 121
birth shall be prima-facie evidence of the facts stated in it in 122
all courts and places. 123

(3) (a) The director or state registrar, on receipt of an 124
application signed by either parent, shall issue a certificate 125
that recognizes the delivery of a stillborn infant. The director 126
or state registrar shall not charge a fee for the certificate. 127
The certificate is not proof of a live birth for purposes of 128

federal, state, and local taxes. 129

The certificate shall contain the infant's name and sex, 130
the date of delivery, and the place of delivery. The certificate 131
shall not contain the word "stillborn" or "stillbirth" or any 132
other words having the same or a similar meaning. The director 133
may prescribe by rule any other standards regarding the form of 134
the certificate. 135

(b) If, prior to ~~the effective date of this amendment~~ June 136
3, 2014, a parent obtained a certificate that contains the word 137
"stillborn" or "stillbirth" or any other words having the same 138
or a similar meaning, the parent may submit to the director or 139
state registrar a written request for issuance of a certificate 140
that meets the conditions specified in division (B) (3) (a) of 141
this section. On receipt of the request, the director or state 142
registrar shall issue the certificate. 143

(C) On evidence that a birth certificate was registered 144
through misrepresentation or fraud, the state registrar may 145
withhold the issuance of a certified copy of the birth record or 146
a certification of birth until a court makes a determination 147
that no misrepresentation or fraud occurred. 148

Section 2. That existing section 3705.23 of the Revised 149
Code is hereby repealed. 150

Section 3. Section 3705.23 of the Revised Code is 151
presented as a composite of the section as amended by both Sub. 152
H.B. 95 and Sub. S.B. 23 of the 130th General Assembly. The 153
General Assembly, applying the principle stated in division (B) 154
of section 1.52 of the Revised Code that amendments are to be 155
harmonized if reasonably capable of simultaneous operation, 156
finds that the composite is the resulting version of the section 157

in effect prior to the effective date of the section as
presented in this act.

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