

**Enrolled**  
**Senate Bill 298**

Sponsored by Senator HANSELL (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to records of death; amending ORS 432.380.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 432.380 is amended to read:

432.380. (1)(a) A certified copy of a record of live birth or any part of a record of live birth that is issued under this section shall be considered the same as the original record of live birth and is prima facie evidence of the facts stated on the certified copy. However, the evidentiary value of a certified copy of a record of live birth submitted more than one year after the birth, an amended record of live birth or a record of foreign live birth must be determined by the judicial or administrative body or official before whom the certified copy is offered as evidence.

(b) A certified copy of a record of death, fetal death, marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership or any part of such records that is issued under this section shall be considered the same as the original record of death, fetal death, marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership and is prima facie evidence of the facts stated on the certified copy.

(2)(a) The State Registrar of the Center for Health Statistics shall require an applicant for a certified copy to submit a signed application, documentation of identity and evidence of eligibility.

(b)(A) Upon receipt of an application, the state registrar shall review the documentation of identity provided by the applicant. The documentation must be acceptable to the state registrar and, at a minimum, include:

- (i) Government issued identification that includes a photograph;
- (ii) At least three forms of identification; or
- (iii) Identification submitted through an electronic process adopted by the state registrar by rule.

(B) Forms of identification that may be submitted under subparagraph (A)(ii) of this paragraph include, but are not limited to, letters from government or social agencies, payroll statements, utility bills, student identification with a photograph or other items acceptable to the state registrar.

(c)(A) Upon receipt of an application, the state registrar shall review the evidence of eligibility provided by the applicant. Evidence of eligibility submitted under this subsection may consist of copies of vital records establishing eligibility, court documents establishing eligibility or alternate methods identified and accepted by the state registrar. Evidence of eligibility must demonstrate that the applicant is qualified to receive a certified copy.

(B) To be qualified, an applicant must be:

- (i) Eighteen years of age or older or an emancipated minor or, if the applicant is requesting to receive a certified copy of the applicant's own record of live birth, 15 years of age or older;

(ii) If the applicant is requesting a certified copy of a record of live birth, the registrant, the registrant's spouse, domestic partner who is registered by the state, parent, child, sibling, grandparent, grandchild, legal guardian or legal representative, an authorized representative or a government agency acting in the conduct of its official duties;

(iii) If the applicant is requesting a certified copy of a record of death, the decedent's spouse, domestic partner who is registered by the state, child, parent, sibling, grandparent, grandchild, next of kin, legal guardian immediately before death or legal representative, an authorized representative, a person in charge of disposition, a government agency acting in the conduct of its official duties, an employee or agent of a funeral home or person acting as a funeral service practitioner who is named in the record of death [*for up to two years following the date of death*] or a person that demonstrates to the satisfaction of the state registrar that the certified copy is necessary for a determination related to or the protection of a personal or property right of the applicant;

(iv) If the applicant is requesting a certified copy of a record of fetal death, the parent, legal guardian, legal representative of a parent, sibling, grandparent, an authorized representative, a person in charge of disposition, a government agency acting in the conduct of its official duties or an employee or agent of a funeral home or person acting as a funeral service practitioner who is named in the record of fetal death [*for up to two years following the date of delivery*]; and

(v) If the applicant is requesting a certified copy of a record of marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership, the registrant, the registrant's spouse, domestic partner who is registered by the state, child, parent, sibling, grandparent, grandchild, legal guardian or legal representative, an authorized representative or a government agency acting in the conduct of its official duties.

(d) The state registrar may verify documentation of identity and evidence of eligibility with any agency that issued that documentation or evidence in reviewing an application.

(3) Notwithstanding subsection (2) of this section, when 100 years have elapsed after the date of live birth for births occurring after 1914, 50 years have elapsed after the date of death for deaths occurring after 1964, 50 years have elapsed after the date of fetal death for fetal deaths occurring after 1964 or 50 years have elapsed after the date of marriage, domestic partnership, dissolution of marriage or dissolution of domestic partnership for such events occurring after 1964, the state registrar may issue a certified copy of a record to a person who submits an application on a form and in a manner prescribed by the state registrar by rule. An application submitted under this subsection must contain proof of identity.

(4) The state registrar shall, upon receipt and approval of an application under this section, issue a certified copy of a vital record in the form of a physical image or abstract to the applicant.

(5) The state registrar shall require all certified copies of vital records registered in the state to be issued from a central database.

(6)(a) The state registrar may issue certified copies directly to a government agency or other institution as described in this subsection.

(b) Upon receipt of an application under subsection (2) of this section, the state registrar may issue, upon request by the qualified applicant, a certified copy in electronic form to a government agency or other institution approved by the state registrar.

(c) The state registrar may authorize a government agency or other institution to receive certified copies under this subsection in electronic form through an automated system approved by the state registrar.

(d) The state registrar, in approving the issuance of a certified copy to a government agency or other institution, shall consider the proposed use for the certified copy, the frequency of need for the certified copy, the security afforded by the government agency or institution and other criteria as determined by the state registrar by rule.

(e) Certified copies issued under this subsection may be used by a government agency only for purposes related to the official duties of the government agency.

(7) The state registrar shall establish minimum information to be included in a certified copy. A certified copy may not be issued without the minimum information, except that a record of live

birth without a first name for the registrant may be issued to government agencies for adoption or custody purposes.

(8) A certified copy of a death record containing the cause and manner of death may not be issued except as follows:

*[(a) Upon specific request by the spouse, domestic partner who is registered by the state, child, parent or next of kin of the decedent, a person in charge of disposition or an authorized representative of a person described in this paragraph;]*

**(a) Upon specific request by a person qualified to receive a certified copy of a record of death under subsection (2)(c)(B)(iii) of this section;**

(b) When a documented need for the cause or manner of death to establish a legal right or claim has been demonstrated; or

(c) Upon receiving an order from a court of competent jurisdiction that requires the issuance of a certified copy of a death record containing the cause and manner of death.

(9) Each certified copy issued for a record registered after January 1, 2008, must indicate the date of registration. If the record was amended, the certified copy must be marked or flagged as having been amended and must indicate the effective date of the amendment. If the record is marked or flagged "Delayed," the certified copy must be marked or flagged as having been delayed and must include the date of registration and a description of the evidence used to establish the record. If the record is a record of foreign live birth, the certified copy must indicate that fact and show the actual place of birth. A certified copy for a record of live birth that has been matched to a record of death must be marked or flagged "Deceased."

(10) Information identified in the United States Standard Certificates of Live Birth and Death and the Report of Fetal Death, or as identified by the state registrar by rule, as only being available for medical or health purposes is not subject to subpoena or court order and is not admissible before a court, tribunal or other judicial body. Information identified in the United States Standard Certificates of Live Birth and Death and the Report of Fetal Death, or as identified by the state registrar by rule, as having an administrative, statistical, medical or health purpose may not be included in a certified copy of a vital record.

(11) After acceptance of an application by a qualified applicant, if a record is not identified for the requested certified copy, the state registrar shall issue a document indicating that a record for the requested certified copy has not been identified. The document also must include the criteria used in attempting to identify the record, including the type of vital event, the name of the registrant, the date or range of dates for the vital event and other criteria used.

(12) Verification of facts contained in a certified copy may be furnished by the state registrar to a government agency in the conduct of its official duties. The request for verification must:

(a) Include a copy of the certified copy and be in a format prescribed or approved by the state registrar; or

(b) If the requester attests to having the certified copy and can provide verification, as determined by the state registrar by rule, of having the certified copy, be submitted electronically through an automated system approved by the state registrar.

(13) The state registrar shall provide or approve forms and procedures for the issuance of certified copies of vital records in this state. All forms and procedures must be uniform and be in accordance with ORS 432.033.

(14) The state registrar shall maintain a searchable file, either physical or electronic, of each application submitted under this section for a minimum of three years.

(15) A person may not prepare or issue any paper or electronic document that purports to be an original vital record, a certified copy for verification of a vital record or a copy of a vital record except as authorized in this chapter.

(16) All applications and supporting documentation submitted for the purpose of issuing certified copies of vital records are confidential and not subject to public disclosure under ORS 192.311 to 192.478.

**Passed by Senate March 5, 2019**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 28, 2019**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

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Bev Clarno, Secretary of State