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H.151

Introduced by Committee on Government Operations

Date:

Subject: Health; vital records generally

Statement of purpose of bill as introduced: This bill proposes to authorize State agencies to request certified copies of birth and death certificates from the State Registrar, remove the requirement that the Department of Health approve the construction of mausoleums and columbaria, and amend provisions related to the in-person service of emergency health orders.

An act relating to vital records, mausoleums and columbaria, and emergency health orders

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Vital Records * * *

Sec. 1. 18 V.S.A. § 5016 is amended to read:

§ 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

(a) Access and issuance generally.

* * *

(6) The State Registrar may authorize the issuance of certified birth or death certificates to public agencies, as defined in 1 V.S.A. § 317, for official purposes.

1 (b) Certified copies.

2 * * *

3 (2) Only the following persons shall be eligible for a certified copy of a
4 birth or death certificate:

5 (A) the registrant or his or her spouse, child, grandchild, parent,
6 sibling, grandparent, or guardian; a person petitioning to open a decedent's
7 estate; a court-appointed executor or administrator; or the legal representative
8 of any of these;

9 (B) a specific person pursuant to a court order finding that a
10 noncertified copy is not sufficient for the applicant's legal purpose and that a
11 certified copy of the birth or death certificate is needed for the determination or
12 protection of a person's right; ~~or~~

13 (C) an employee of a public agency authorized by the State Registrar
14 as provided in subdivision (a)(6) of this section; or

15 (D) in the case of a death certificate only, additionally to:

16 * * *

17 Sec. 2. 18 V.S.A. § 5073 is amended to read:

18 § 5073. BIRTH CERTIFICATE CORRECTIONS, COMPLETIONS

19 * * *

20 (d) ~~If the State Registrar corrects or completes a certificate that was~~
21 ~~registered prior to July 1, 2019, he or she shall notify the town clerk or clerks~~

1 ~~with custody of the certificate, who shall replace and dispose of the~~
2 ~~uncorrected certificate and update indexes as directed by the State Registrar.~~
3 ~~Corrected or completed originals shall not be marked “Amended.”~~ [Repealed.]

4 Sec. 3. 18 V.S.A. § 5075 is amended to read:

5 § 5075. ISSUANCE OF AMENDED OR DELAYED BIRTH CERTIFICATE

6 * * *

7 ~~(e) If the State Registrar amends a certificate that was registered prior to~~
8 ~~July 1, 2019, he or she shall notify the town clerk or clerks with custody of the~~
9 ~~certificate, who shall replace and dispose of the unamended certificate and~~
10 ~~update indexes as directed by the State Registrar.~~ [Repealed.]

11 Sec. 4. 18 V.S.A. § 5202a is amended to read:

12 § 5202a. CORRECTION, COMPLETION, OR AMENDMENT OF DEATH
13 CERTIFICATE

14 * * *

15 ~~(e) Original certificates. If the State Registrar corrects, completes, or~~
16 ~~amends a certificate that was registered prior to July 1, 2019, he or she shall~~
17 ~~notify the town clerk or clerks with custody of the original certificate, who~~
18 ~~shall replace and dispose of the original and update indexes, as directed by the~~
19 ~~State Registrar.~~ [Repealed.]

20 * * *

1 columbarium, unless constructed of ~~such~~ material and workmanship as will
2 ensure its durability and permanence as well as the safety, convenience,
3 comfort, and health of the community in which it is located, as dictated and
4 determined at the time by modern mausoleum construction and engineering
5 science.

6 (d) Construction shall be managed and supervised by a person with
7 experience in modern mausoleum construction and engineering.

8 * * *

9 § 5577. MAUSOLEUM BECOMING UNTENABLE

10 If, ~~in the opinion of the State Board of Health,~~ a mausoleum, vault, crypt, or
11 structure containing one or more deceased human bodies becomes a ~~menace~~
12 hazard to public health, and the owner or owners ~~thereof~~ of the structure fail to
13 remedy or remove the same to the satisfaction of the ~~State Board~~ Department
14 of Health, a court of competent jurisdiction may order the person, firm, or
15 corporation owning ~~such~~ the structure to remove the body or bodies for
16 interment in some suitable cemetery at the expense of the person, firm, or
17 corporation owning ~~such~~ the mausoleum, vault, or crypt. When ~~such~~ the
18 person, firm, or corporation cannot be found in the county where ~~such~~ the
19 mausoleum, vault, or crypt is located, then ~~such~~ the removal and interment
20 shall be at the expense of the cemetery, ~~or~~ cemetery association, city, or town
21 where ~~such~~ the mausoleum, vault, or crypt is situated.

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* * * Emergency Health Orders * * *

Sec. 6. 18 V.S.A. § 107 is amended to read:

§ 107. LIFE AND HEALTH OF INHABITANTS; INSPECTIONS,
INVESTIGATIONS

* * *

(b) A health officer may conduct inspections, review records, and take samples, photographs, and other evidence to detect violations of any State or local health statute, rule, ordinance, or permit, or any public health hazard or public health risk. Inspections shall be conducted at a reasonable time and in a reasonable manner. The health officer may, upon presentation of credentials, seek permission to inspect any premises not open to the public. If permission is refused, the health officer may, pursuant to section 121 of this title, seek a search warrant authorizing the inspection of such premises.

* * *

Sec. 7. 18 V.S.A. § 126 is amended to read:

§ 126. HEALTH ORDERS

* * *

(c) Prior to issuance of a health order under this section, the issuing authority shall provide notice as provided in this subsection.

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* * * Repeals; Effective Date * * *

Sec. 9. REPEALS

The following are repealed:

(1) 18 V.S.A. § 5574 (inspection of mausoleums and columbaria).

(2) 24 V.S.A. § 2654 (recording determination of emergency service districts).

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2021.