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1	H.151
2	Introduced by Committee on Government Operations
3	Date:
4	Subject: Health; vital records generally
5	Statement of purpose of bill as introduced: This bill proposes to authorize
6	State agencies to request certified copies of birth and death certificates from
7	the State Registrar, remove the requirement that the Department of Health
8	approve the construction of mausoleums and columbaria, and amend
9	provisions related to the in-person service of emergency health orders.
10 11	An act relating to vital records, mausoleums and columbaria, and emergency health orders
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	* * * Vital Records * * *
14	Sec. 1. 18 V.S.A. § 5016 is amended to read:
15	§ 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION
16	(a) Access and issuance generally.
17	* * *
18	(6) The State Registrar may authorize the issuance of certified birth or

19 death certificates to public agencies, as defined in 1 V.S.A. § 317, for official

20 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
12	or protection of a person's right; or
13	(C) <u>an employee of a public agency authorized by the State Registrar</u>
14	as provided in subdivision (a)(6) of this section; or
15	(\underline{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

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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	* * *

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1	* * * Mausoleums and Columbaria * * *
2	Sec. 5. 18 V.S.A. chapter 121, subchapter 6 is amended to read:
3	Subchapter 6. Community Mausoleums and Columbariums Columbaria
4	* * *
5	§ 5573. CONSTRUCTION REQUIREMENTS
6	(a) A community mausoleum or columbarium, the crypts or niches of
7	which are available to the public, shall be constructed and erected only with
8	the consent and approval of the State Board of Health legislative body of the
9	municipality and local board of health.
10	(b) Before commencing the building, construction, or erection of any such
11	structure, full detailed plans and specifications shall be presented to the State
12	Board of Health. The approval of such plans and specifications shall be
13	evidenced by a certificate in writing, signed by the State Board of Health
14	legislative body of the municipality and the local board of health.
15	(c) A community mausoleum, columbarium, or any structure intended to
16	hold or contain permanently the bodies of the dead, and to which the public
17	shall have access, shall not be constructed or erected without the approvals
18	required by this section. A building not used for the permanent disposition of
19	the human dead shall not be altered or changed for such use or used for such
20	purposes to be used for the permanent disposition of the human dead, and an
21	addition shall not be made to any existing community mausoleum or

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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,
11	or 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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1	* * *
2	* * * Emergency Health Orders * * *
3	Sec. 6. 18 V.S.A. § 107 is amended to read:
4	§ 107. LIFE AND HEALTH OF INHABITANTS; INSPECTIONS,
5	INVESTIGATIONS
6	* * *
7	(b) A health officer may conduct inspections, review records, and take
8	samples, photographs, and other evidence to detect violations of any State or
9	local health statute, rule, ordinance, or permit, or any public health hazard or
10	public health risk. Inspections shall be conducted at a reasonable time and in a
11	reasonable manner. The health officer may, upon presentation of credentials,
12	seek permission to inspect any premises not open to the public. If permission
13	is refused, the health officer may, pursuant to section 121 of this title, seek a
14	search warrant authorizing the inspection of such premises.
15	* * *
16	Sec. 7. 18 V.S.A. § 126 is amended to read:
17	§ 126. HEALTH ORDERS
18	* * *
19	(c) Prior to issuance of a health order under this section, the issuing
20	authority shall provide notice as provided in this subsection.
21	* * *

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1	(2) The notice of intent, together with the supporting evidence, and a
2	statement of procedural rights available under this section, shall be served in
3	person by a health officer on the person against whom the health order is
4	sought or in accordance with the procedures set forth in Vermont Rules of
5	Civil Procedure. If the person resides out of state, the notice of intent shall be
6	served on the person against whom the health order is sought through certified
7	mail.
8	* * *
9	Sec. 8. 18 V.S.A. § 127 is amended to read:
10	§ 127. EMERGENCY HEALTH ORDERS
11	* * *
12	(b) The health officer may issue an emergency health order only after
13	preparation of a written statement of reasons stating the need for an emergency
14	health order together with the supporting evidence and a statement of
15	procedural rights available under this section. The order, together with the
16	statement and the evidence, shall be made available as soon as possible to the
17	person to whom the order is directed. An emergency order shall be served in
18	person by a health officer or in accordance with the procedures set forth in
19	Rule 4 of the Vermont Rules of Civil Procedure. If the person resides out of
20	state, the emergency health order shall be served on the person against whom
21	the order is sought through certified mail.

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1	* * *	
2	* * * Repeals; Effective Date * * *	
3	Sec. 9. REPEALS	
4	The following are repealed:	
5	(1) 18 V.S.A. § 5574 (inspection of mausoleums and columbaria).	
6	(2) 24 V.S.A. § 2654 (recording determination of emergency service	
7	districts).	
8	Sec. 10. EFFECTIVE DATE	
9	This act shall take effect on July 1, 2021.	