

1 H.932

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 transfer the
9 authority over ambulance licensure from the Board of Health to the
10 Department of Health.

11 An act relating to vital records, mausoleums and columbaria, and the
12 licensure of ambulances

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

14 * * * Vital Records * * *

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

16 § 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

17 (a) Access and issuance generally.

18 * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

* * *

~~(d) If the State Registrar corrects or completes a certificate that was registered prior to July 1, 2019, he or she shall notify the town clerk or clerks with custody of the certificate, who shall replace and dispose of the uncorrected certificate and update indexes as directed by the State Registrar. Corrected or completed originals shall not be marked "Amended." [Repealed.]~~

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

§ 5075. ISSUANCE OF AMENDED OR DELAYED BIRTH CERTIFICATE

* * *

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 [Repealed.]~~

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

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

* * *

~~(e) Original certificates. If the State Registrar corrects, completes, or amends a certificate that was registered prior to July 1, 2019, he or she shall notify the town clerk or clerks with custody of the original certificate, who~~

1 ~~shall replace and dispose of the original and update indexes, as directed by the~~
2 ~~State Registrar. [Repealed.]~~

3 * * *

4 * * * Mausoleums and Columbaria * * *

5 Sec. 5. 18 V.S.A. chapter 121, subchapter 6 is amended to read:

6 Subchapter 6. Community Mausoleums and ~~Columbariums~~ Columbaria

7 * * *

8 § 5573. CONSTRUCTION REQUIREMENTS

9 (a) A community mausoleum or columbarium, the crypts or niches of
10 which are available to the public, shall be constructed and erected only with
11 the consent and approval of the ~~State Board of Health~~ legislative body of the
12 municipality and local board of health.

13 (b) Before commencing the building, construction, or erection of any such
14 structure, full detailed plans and specifications shall be presented to the State
15 Board of Health. The approval of ~~such~~ plans and specifications shall be
16 evidenced by a certificate in writing, signed by the ~~State Board of Health~~
17 legislative body of the municipality and the local board of health.

18 (c) A community mausoleum, columbarium, or any structure intended to
19 hold or contain permanently the bodies of the dead, and to which the public
20 shall have access, shall not be constructed or erected without the approvals
21 required by this section. A building not used for the permanent disposition of

1 the human dead shall not be altered or changed ~~for such use or used for such~~
2 ~~purposes~~ to be used for the permanent disposition of the human dead, and an
3 addition shall not be made to any existing community mausoleum or
4 columbarium, unless constructed of ~~such~~ material and workmanship as will
5 ensure its durability and permanence as well as the safety, convenience,
6 comfort, and health of the community in which it is located, as dictated and
7 determined at the time by modern mausoleum construction and engineering
8 science.

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

11 * * *

12 § 5577. MAUSOLEUM BECOMING UNTENABLE

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

1 mausoleum, vault, or crypt is located, then ~~such~~ the removal and interment
2 shall be at the expense of the cemetery, ~~or~~ cemetery association, city, or town
3 where ~~such~~ the mausoleum, vault, or crypt is situated.

4 * * * Emergency Health Orders * * *

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

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

8 * * *

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

17 * * *

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

19 § 126. HEALTH ORDERS

20 * * *

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

3 * * *

4 (2) The notice of intent, together with the supporting evidence, and a
5 statement of procedural rights available under this section, shall be served in
6 person by a health officer on the person against whom the health order is
7 sought or in accordance with the procedures set forth in Vermont Rules of
8 Civil Procedure. If the person resides out of state, the notice of intent shall be
9 served on the person against whom the health order is sought through certified
10 mail.

11 * * *

12 Sec. 8. 18 V.S.A. § 127 is amended to read:

13 § 127. EMERGENCY HEALTH ORDERS

14 * * *

15 (b) The health officer may issue an emergency health order only after
16 preparation of a written statement of reasons stating the need for an emergency
17 health order together with the supporting evidence and a statement of
18 procedural rights available under this section. The order, together with the
19 statement and the evidence, shall be made available as soon as possible to the
20 person to whom the order is directed. An emergency order shall be served in
21 person by a health officer or in accordance with the procedures set forth in

1 Rule 4 of the Vermont Rules of Civil Procedure. If the person resides out of
2 state, the emergency health order shall be served on the person against whom
3 the order is sought through certified mail.

4 * * *

5 * * * Ambulance Licensure * * *

6 Sec. 9. 24 V.S.A. chapter 71 is amended to read:

7 CHAPTER 71. AMBULANCE SERVICES

8 Subchapter 1. Emergency Medical Services Districts

9 § 2651. DEFINITIONS

10 As used in this chapter:

11 * * *

12 (14) ~~“State Board” means the State Board of Health~~ “Department” means
13 the Department of Health.

14 * * *

15 § 2652. CREATION OF DISTRICTS

16 The ~~State Board of Health~~ Department may divide the State into emergency
17 medical services districts, the number, size, and boundaries of which shall be
18 determined by the ~~Board~~ Department in the interest of affording adequate and
19 efficient emergency medical services throughout the State.

20 * * *

1 § 2657. PURPOSES AND POWERS OF EMERGENCY MEDICAL
2 SERVICES DISTRICTS

3 (a) It shall be the function of each emergency medical services district to
4 foster and coordinate emergency medical services within the district, in the
5 interest of affording adequate ambulance services within the district. Each
6 emergency medical services district shall have powers which include the
7 power to:

8 * * *

9 (6) monitor the provision of emergency medical services within the
10 district and make recommendations to the ~~State Board~~ Department regarding
11 licensure, relicensure, and removal or suspension of licensure for ambulance
12 vehicles, ambulance services, and first responder services;

13 * * *

14 (b) Two or more contiguous emergency medical services districts by a
15 majority vote of the district board in each of the districts concerned may
16 change the mutual boundaries of their emergency medical services districts.
17 The district boards shall report all changes in district boundaries to the ~~State~~
18 Board Department.

19 * * *

1
2
3
4
5
6
7
8
9
10
11
12
13

* * *

- (8) making return and recording the return in the town clerk's office,
~~\$10.00~~ \$15.00 per page, to be paid to the town clerk;
- (9) collector's deed, ~~\$30.00~~ \$15.00 per page.

* * *

* * * Repeal; Effective Date * * *

Sec. 11. 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. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2020.