

Amendment No. 546

Senate Amendment to Senate Bill No. 52 (BDR 40-446)

Proposed by: Senator Copenig**Amendment Box:** Consistent with Amendment No. 85.**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 52.

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

JMK/RBL



Date: 4/26/2011

S.B. No. 52—Revises provisions relating to vital statistics. (BDR 40-446)



SENATE BILL NO. 52—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE HEALTH DIVISION)

PREFILED DECEMBER 15, 2010

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to vital statistics. (BDR 40-446)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.

Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to vital statistics; revising provisions governing vital statistics and the maintenance of vital records; creating the Office of Vital Statistics within the Health Division of the Department of Health and Human Services; making various changes concerning the use and release of certain information relating to vital records; revising the authority of persons authorized to register certificates of vital records; revising the duties and authority of the State Registrar of Vital Statistics; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions governing vital statistics and provides for the electronic registration, storage and administration of vital records in this State. **Section 8** of this bill creates the Office of Vital Statistics within the Health Division of the Department of Health and Human Services and provides that the Office is responsible for storing and maintaining vital records in this State. **Section 26** of this bill requires the Administrator of the Division, in his or her capacity as the State Registrar of Vital Statistics, to direct and supervise the Office and prescribes other administrative duties of the Administrator. **Section 27** of this bill requires the State Board of Health to provide for a statewide system for the registration of vital records and to adopt regulations relating to the system.

This bill also requires the Board to adopt forms for registration and issuance of certificates of vital records. **Section 10** of this bill requires the Board to prescribe by regulation certain security measures for certificates of birth which may be issued for persons who are deceased. **Section 11** of this bill provides for the creation of a form for certificates of foreign birth. **Sections 12, 13 and 68** of this bill require the State Registrar to provide for the registration of altered, amended and delayed certificates of certain vital records. ~~[Section 28 of this bill requires the State Registrar to establish by regulation fees for blank certificates provided by the State Registrar to health authorities in this State.]~~

Section 14 of this bill requires the State Registrar to take certain actions if he or she receives information that a vital record may be fraudulent or based on a misrepresentation of facts.

Section 41 of this bill requires the collection of certain supporting documents when a certificate of birth is registered and establishes provisions for entering the name of the domestic partner of the mother of a child on the child's birth certificate. **Sections 50 and 53** of this bill set forth the persons who are required to register a certificate of ~~birth resulting in stillbirth~~ **fetal death** and revise provisions for the medical certification of the facts concerning a ~~stillbirth~~ **fetal death**. **Section 52** of this bill sets forth the persons who are required to submit medical certifications for deceased persons. **Section 57** of this bill authorizes a coroner to make a pronouncement of death in certain cases referred to the coroner by the health officer of a county.

Sections 75-83 of this bill prescribe ~~the~~ civil ~~penalty of not more than \$10,000~~ **and criminal penalties** for certain unlawful acts relating to vital records and provide criminal penalties for other related unlawful acts.

Section 83.5 of this bill provides that if a woman conceives a child through in vitro fertilization using a donated egg, under the supervision of a physician, the woman who conceives the child, not the donor of the egg, is considered the mother of the child.

Section 85 of this bill repeals NRS 440.070, 440.350, 440.580 and 440.670.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 440 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 440.010 to 440.080, inclusive, and sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Evidence of life" ~~includes, without limitation,~~ means:*

- 1. Breathing, but does not include fleeting respiratory efforts or gasps;*
- 2. Beating of the heart, but does not include transient cardiac contractions;*
- 3. Pulsation of the umbilical cord; or*
- 4. Definitive movement of a voluntary muscle.*

Sec. 3.5. *"Fetal death" means the death of the product of human conception which occurs before the complete expulsion or extraction of the product from a pregnant woman as shown by the lack of any evidence of life, regardless of the duration of pregnancy. The term does not include an induced termination of pregnancy.*

Sec. 4. *"Health authority" means the district health officer of a health district created pursuant to chapter 439 of NRS, or the district health officer's designee, or, if none, the State Health Officer, or the State Health Officer's designee.*

Sec. 5. *"Health officer" means the:*

- 1. District health officer of a health district created pursuant to chapter 439 of NRS, or the district health officer's designee; or*
 - 2. County health officer in a county in which a health district has not been created, or the county health officer's designee,*
- or, if none, the State Health Officer, or the State Health Officer's designee.*

Sec. 6. *"Pronouncement of death" means a declaration of the time and date when the cessation of the cardiovascular and respiratory functions of a patient occurs that is recorded in the patient's medical record or other record in accordance with the provisions of this chapter and the regulations adopted pursuant thereto.*

Sec. 7. *"Vital statistics" means statistical and other data derived from vital records and related reports.*

1 **Sec. 8.** *1. There is hereby created within the Health Division of the*
2 *Department of Health and Human Services the Office of Vital Statistics.*

3 *2. The Office of Vital Statistics shall store and maintain the vital records of*
4 *this State and carry out such other duties as required by the State Registrar and*
5 *the Board.*

6 **Sec. 9.** *1. Except as otherwise provided in this section and NRS 440.170,*
7 *440.175 and 440.650, a health authority may not release or permit the inspection*
8 *of a vital record or any certificate, report or data relating to a vital record.*

9 *2. In accordance with the regulations adopted by the Board, the State*
10 *Registrar shall ensure the security and confidentiality of vital records maintained*
11 *by the Office of Vital Statistics.*

12 *3. Information relating to vital records may be released:*

13 *(a) Pursuant to requests for information for research purposes if the State*
14 *Registrar or health authority executes an agreement to protect the confidentiality*
15 *of the information provided.*

16 *(b) In a format which does not disclose the identity of any person who is the*
17 *subject of a vital record.*

18 *(c) If the vital record is a certificate of birth, 125 years after the date of the*
19 *birth.*

20 *(d) If the vital record is a certificate of death, 50 years after the date of the*
21 *death.*

22 *(e) To the agency of the Federal Government that is responsible for*
23 *maintaining vital statistics for the United States if the State Registrar or health*
24 *authority executes an agreement to protect the confidentiality of the information.*

25 *(f) To an agency of another state which is responsible for maintaining vital*
26 *statistics for that state if the State Registrar or health authority executes an*
27 *agreement to protect the confidentiality of the information.*

28 *4. The decision of a health authority may be appealed to the State Registrar,*
29 *and a decision of the State Registrar is final as to all requests for disclosure of*
30 *information pursuant to this section.*

31 **Sec. 10.** *The Board shall prescribe by regulation the form for certificates of*
32 *birth issued for persons who are deceased. The regulations must require that*
33 *such a certificate of birth clearly identify that the person is deceased and ensure*
34 *that the certificate of birth is not usable for fraudulent purposes. The State*
35 *Registrar may coordinate vital records of births and deaths to carry out the*
36 *regulations adopted pursuant to this section and may require such a certificate to*
37 *be marked "Deceased."*

38 **Sec. 11.** *The Board shall prescribe by regulation the form for certificates of*
39 *foreign birth. The regulations must require such a certificate to be marked*
40 *"Certificate of Foreign Birth," to indicate the actual place of birth and to state*
41 *that the certificate is not proof of United States citizenship for ~~an adopted~~ a*
42 *child ~~who was adopted in a country other than the United States~~ or for a*
43 *person whose birth certificate or other evidence of birth is written in a language*
44 *other than English.*

45 **Sec. 12.** *1. A person who determines that an error exists in a certificate of*
46 *birth or death may apply to the State Registrar to alter the vital record to correct*
47 *the error.*

48 *2. A certificate of birth or death which has been altered after being filed*
49 *with the State Registrar must:*

50 *(a) Contain the date of the alteration;*

51 *(b) Be marked distinctly "Altered"; and*

52 *(c) Include a summary statement of the evidence submitted in support of the*
53 *alteration.*

3. An application for the registration of an altered certificate may be approved by the State Registrar if:

- (a) The applicant has submitted an application prescribed by the Board;
- (b) All documentation which is required in support of the altered certificate has been received by the State Registrar; and
- (c) The State Registrar has verified the validity and adequacy of the documentation.

4. The evidence affecting the alteration of a certificate, after it has been filed with the State Registrar, must be kept in a special permanent file.

5. The State Registrar shall dismiss an application for the registration of an altered certificate if the documentation submitted by the applicant does not comply with the requirements prescribed by the Board or if the State Registrar has cause to question the validity or adequacy of the documentation submitted by the applicant.

6. If the State Registrar dismisses an application for the registration of an altered certificate, the State Registrar shall inform the applicant of his or her right to seek a court order for the registration.

Sec. 13. 1. A person who determines that a certificate of birth or death is inaccurate because of a change in fact after the registration of the vital record may apply to the State Registrar for an amendment to the vital record.

2. A certificate of birth or death which has been amended after being filed with the State Registrar must:

- (a) Contain the date of the amendment;
- (b) Be marked distinctly "Amended"; and
- (c) Include a summary statement of the evidence submitted in support of the amendment.

3. An application for the registration of an amended certificate:

(a) Must be approved by the State Registrar if the applicant submits to the State Registrar a certified copy of an order of a court of competent jurisdiction relating to the underlying facts of the change, including, without limitation, an order indicating that the sex of the person who is the subject of the vital record has been changed by surgical procedure or the name of the person has changed.

- (b) May be approved by the State Registrar if:
 - (1) The applicant has submitted an application prescribed by the Board;
 - (2) All documentation which is required in support of the amended certificate has been received by the State Registrar; and
 - (3) The State Registrar has verified the validity and adequacy of the documentation.

4. The evidence affecting the amendment of a certificate, after it has been filed with the State Registrar, must be kept in a special permanent file.

5. The State Registrar shall dismiss an application for the registration of an amended certificate if the documentation submitted by the applicant does not comply with the requirements prescribed by the Board or if the State Registrar has cause to question the validity or adequacy of the documentation submitted by the applicant.

6. If the State Registrar dismisses an application for the registration of an amended certificate, the State Registrar shall inform the applicant of his or her right to seek a court order for the registration.

Sec. 14. 1. If the State Registrar receives information or otherwise believes that a vital record may have been registered through fraud or misrepresentation, the State Registrar shall withhold issuance of a copy of the record pending an administrative hearing to determine the validity of the record.

2. *The State Registrar shall notify the person who is the subject of the record or the authorized representative of the person of the administrative hearing and provide an opportunity for that person to attend and present testimony on the alleged fraud or misrepresentation.*

3. *If the State Registrar finds that the record is valid, the State Registrar may issue certified copies of the record.*

4. *If the State Registrar finds fraud or misrepresentation occurred and the record is not valid, the State Registrar shall remove the certificate from the records of vital statistics and retain in a separate place the certificate and the evidence of fraud or misrepresentation. The certificate must not be open to inspection or copying except upon order of a court of competent jurisdiction or by the State Registrar for administrative purposes.*

Sec. 15. NRS 440.010 is hereby amended to read as follows:

440.010 ~~[As used in this chapter,]~~ "Board" means the State Board of Health.

Sec. 16. NRS 440.020 is hereby amended to read as follows:

440.020 ~~[As used in this chapter, "dead"]~~ "**Dead** body" means a lifeless human body, or such severed parts of the human body or the bones thereof, from the state of which it reasonably may be concluded that death had recently occurred, and where the circumstances under which such dead body was found indicate that the death has not been recorded.

Sec. 17. NRS 440.025 is hereby amended to read as follows:

440.025 ~~[As used in this chapter "human"]~~ "**Human** remains" or "remains" means the body of a deceased person, and includes the body in any state of decomposition and the cremated remains of a body.

Sec. 18. NRS 440.030 is hereby amended to read as follows:

440.030 ~~[As used in this chapter, "live"]~~ "**Live** birth" means ~~[a birth in which the child] the complete expulsion or extraction from a [mother] pregnant woman in which the product of human conception~~ shows evidence of life ~~[after complete birth. A birth is complete when the child is entirely outside the mother,]~~ **without regard to the duration of the pregnancy,** even if the **umbilical** cord is uncut and the placenta still attached. ~~[The words "evidence of life" include heart action, breathing or coordinated movement of voluntary muscle.]~~

Sec. 19. NRS 440.040 is hereby amended to read as follows:

440.040 ~~[As used in this chapter, "person"]~~ "**Person** in charge of interment" means any person who places, or causes to be placed, ~~[a deceased stillborn child,]~~ ~~[or] [dead body] [-]~~ ~~[or, after cremation, the ashes thereof,]~~ **human remains** in the earth, a grave, tomb, vault, urn or other receptacle, either in a cemetery or at any other place, or otherwise disposes thereof.

Sec. 20. NRS 440.050 is hereby amended to read as follows:

440.050 ~~[As used in this chapter, "physician" is limited to]~~ "**Physician**" means a person authorized under the laws of this State to practice ~~[as such.] medicine, including, without limitation, a person licensed to engage in the practice of medicine pursuant to chapter 630, 630A, 633, 634 or 635 of NRS.~~

Sec. 21. NRS 440.060 is hereby amended to read as follows:

440.060 ~~[As used in this chapter,]~~ "State Registrar" means the State Registrar of Vital Statistics.

Sec. 22. ~~[NRS 440.070 is hereby amended to read as follows:]~~

~~440.070 [As used in this chapter, "stillbirth"] "**Stillbirth**" means [a birth] the complete expulsion or extraction from a mother after at least 20 weeks of gestation [-] in which the [child] product of human conception shows no evidence of life. [after complete birth.]~~ **(Deleted by amendment.)**

Sec. 23. NRS 440.080 is hereby amended to read as follows:

440.080 ~~[As used in this chapter, "vital statistics"]~~ *"Vital records"* means records of birth, legitimation of birth, death, fetal death, marriage, annulment of marriage, divorce and data incidental thereto.

Sec. 24. NRS 440.090 is hereby amended to read as follows:

440.090 All certificates, ~~[either of]~~ *including, without limitation, certificates of birth, death or ~~[birth resulting in stillbirth,]~~ fetal death,* shall be ~~[written]~~:

1. *Written* legibly, in unfading black ink ~~[, or typewritten,];~~

2. *Typewritten; or*

3. *Produced electronically in accordance with the regulations adopted by the Board pursuant to this chapter,*

and no certificate shall be held to be complete and correct that does not supply all of the items of information called for, or satisfactorily account for their omission.

Sec. 25. NRS 440.100 is hereby amended to read as follows:

440.100 All physicians, registered nurses, midwives, informants or funeral directors, and all other persons having knowledge of the facts, shall furnish such information as they may possess regarding any birth or death upon demand of the State Registrar, in person, by mail, or through the ~~[local]~~ health ~~[officer.]~~ *authority.*

Sec. 26. NRS 440.110 is hereby amended to read as follows:

440.110 1. The Administrator of the Health Division of the Department of Health and Human Services is the State Registrar of Vital Statistics ~~[.]~~ *and is the custodian of records stored and maintained by the Office of Vital Statistics.*

2. *The State Registrar may designate a person to carry out the duties of the State Registrar pursuant to this chapter and the regulations adopted pursuant thereto.*

3. *The State Registrar shall:*

(a) *Direct the Office of Vital Statistics and supervise the activities of persons performing duties relating to the operation of the statewide system for the registration of vital records;*

(b) *Administer and enforce the provisions of this chapter and the regulations adopted pursuant thereto;*

(c) *Prepare and publish reports of vital statistics and such other reports as deemed necessary; and*

(d) *Provide copies of certificates of vital records and reports of vital statistics as necessary for the function and information of local, state and federal agencies, including, without limitation, the release of copies of records.*

4. *The State Registrar may designate offices throughout this State to assist in the efficient administration of the statewide system for the registration of vital records.*

Sec. 27. NRS 440.120 is hereby amended to read as follows:

440.120 1. The Board shall provide ~~[an adequate]~~ *a statewide* system for the registration of ~~[births and deaths]~~ *vital records* by adopting ~~[and enforcing]~~ regulations prescribing the method and form of making such registration.

2. *The regulations adopted by the Board pursuant to this section must, without limitation:*

(a) *Provide for the efficient administration of vital records and vital statistics in this State;*

(b) *Provide for the submission and maintenance of vital records, including, without limitation, electronic records;*

(c) *Prescribe uniform standards for the administration of vital records in this State, which must promote and maintain national standards relating to vital records and vital statistics;*

(d) *Require vital records to include, at a minimum, the information recommended by the agency of the Federal Government responsible for national vital statistics and the date on which the vital record was filed;*

(e) *Provide the manner in which vital records, forms, reports and other information relating to vital records may be filed, verified, registered and stored, including, without limitation, by electronic or photographic means; and*

(f) *Set forth standards for the reproduction and disposal of original vital records.*

2. The State Registrar shall carry into effect the regulations and orders of the Board.

Sec. 28. ~~[NRS 440.120 is hereby amended to read as follows:
440.120 1. The Board shall prescribe and the State Registrar shall prepare, print and supply to all [local] health [officers, all blanks and] authorities the forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this chapter.~~

~~2. The State Registrar shall [charge] establish by regulation a fee for each blank certificate of birth, death or birth resulting in stillbirth. [a fee of \$1.]]~~
(Deleted by amendment.)

Sec. 29. NRS 440.140 is hereby amended to read as follows:

440.140 The ~~[Board]~~ **State Registrar** shall ~~[prepare]~~ :

1. **Prepare** and issue such detailed instructions as may be required to procure the uniform observance of this chapter and the maintenance of ~~[a perfect]~~ **the statewide system [of] for the registration [of] of vital records**, and no forms or blanks other than those so prepared shall be used.

2. **Conduct training programs to promote the uniform application of procedures adopted by the Board and the enforcement of this chapter.**

Sec. 30. NRS 440.150 is hereby amended to read as follows:

440.150 1. The State Registrar shall carefully examine the certificates received from ~~[the local] a health [officers,] authority~~, and if they are incomplete or unsatisfactory the State Registrar shall require such further information to be furnished as may be necessary to make the record complete and satisfactory.

2. **The State Registrar may require an informant, next of kin or parent to provide documentation to support the identity or relationship of the person before registering, altering or amending a vital record.**

3. **The State Registrar shall identify the documentation which must be provided in support of a certificate of birth if further information is required pursuant to this section for a birth which occurred outside of a hospital or institution.**

Sec. 31. NRS 440.160 is hereby amended to read as follows:

440.160 The State Registrar shall:

1. Arrange and permanently preserve the certificates in a systematic manner.

2. Prepare and maintain a comprehensive and continuous ~~[card]~~ **index** of all births and deaths registered. The ~~[cards]~~ **index** must show the name of the child or the deceased, the place and date of birth or death and the number of the certificate. When a certificate of birth indicates that a person has changed his or her name, the ~~[card]~~ **index** must contain ~~[a card]~~ **an entry** for each name.

3. **Make a complete and accurate copy of each vital record, including, without limitation, using typewritten, photographic, electronic or other means of reproduction approved by the Board. Such a copy, when verified and approved by the State Registrar, may be deemed to be the original record, and the original record may be disposed of in accordance with regulations adopted pursuant to NRS 440.120.**

Sec. 32. NRS 440.170 is hereby amended to read as follows:

1 440.170 1. All certificates in the custody of the State Registrar are ~~open to~~
2 ~~inspection subject to the provisions of this chapter.~~ *confidential and may only be*
3 *released pursuant to NRS 440.175 and 440.650 and section 9 of this act.* It is
4 unlawful for any employee of the State to disclose data contained in vital
5 ~~statistics,~~ *records*, except as authorized by this chapter or by the Board.

6 2. Information in vital ~~statistics~~ *records* indicating that a birth occurred out
7 of wedlock must not be disclosed except upon order of a court of competent
8 jurisdiction.

9 3. The ~~Board,~~ *State Registrar:*

10 (a) Shall allow the use of data contained in vital ~~statistics~~ *records* to carry out
11 the provisions of NRS 442.300 to 442.330, inclusive;

12 (b) Shall allow the use of certificates of death by a multidisciplinary team to
13 review the death of a child established pursuant to NRS 432B.405 and 432B.406;
14 and

15 (c) May allow the use of data contained in vital ~~statistics~~ *records* for other
16 research purposes, but without identifying the persons to whom the records relate.

17 **Sec. 33.** NRS 440.190 is hereby amended to read as follows:

18 440.190 The ~~county~~ health ~~officer~~ *authority* shall act as ~~a~~ *the* collector
19 of vital ~~statistics~~ *records* for his or her county.

20 **Sec. 34.** NRS 440.200 is hereby amended to read as follows:

21 440.200 The ~~local~~ health ~~officer~~ *authority* shall furnish blank forms ~~of~~
22 ~~certificates~~ *for vital records* to such persons as require them.

23 **Sec. 35.** NRS 440.210 is hereby amended to read as follows:

24 440.210 ~~Each local~~ *The* health ~~officer~~ *authority* shall carefully examine
25 each certificate of birth or death when presented for record to see that it has been
26 made out in accordance with the provisions of this chapter and the instructions of
27 the ~~Board,~~ *State Registrar.*

28 **Sec. 36.** NRS 440.220 is hereby amended to read as follows:

29 440.220 1. If any certificate of death is incomplete or unsatisfactory, the
30 ~~local~~ health ~~officer~~ *authority* shall call attention to the defects in the return and
31 *the health officer shall* withhold issuing the burial or removal permit until the
32 defects are corrected.

33 2. If any certificate of birth is incomplete, the ~~local~~ health ~~officer~~ *authority*
34 shall immediately notify the ~~informant,~~ *person who certified the birth pursuant*
35 *to NRS 440.280 or the person who attended the birth* and require him or her to
36 supply the missing items if they can be obtained.

37 **Sec. 37.** NRS 440.230 is hereby amended to read as follows:

38 440.230 The ~~local~~ health ~~officer~~ *authority* shall number consecutively the
39 certificates of birth and death, in two separate series, beginning with the number 1
40 for the first birth and the first death occurring in each calendar year, and sign his or
41 her name as health ~~officer~~ *authority* in attest of the date of filing in his or her
42 office.

43 **Sec. 38.** NRS 440.240 is hereby amended to read as follows:

44 440.240 The ~~local~~ health ~~officer~~ *authority* shall make a complete and
45 accurate copy of each birth and death certificate registered by him or her in ~~a~~
46 ~~record book supplied~~ *the format prescribed* by the State Registrar. ~~Record books~~
47 *The copies* shall be preserved permanently in his or her office as the local record in
48 such manner as directed by the Board.

49 **Sec. 39.** NRS 440.250 is hereby amended to read as follows:

50 440.250 ~~1. Not later than the fifth day of each month, deputy county health~~
51 ~~officers shall file with the county health officer all original birth and death~~
52 ~~certificates executed by them.~~

1 ~~—2.]~~ Within 5 days after receipt of the original death certificates, the ~~{county}~~
2 health ~~{officer}~~ *authority* shall file with the public administrator a written list of the
3 names and social security numbers of all deceased persons and the names of their
4 ~~{next-of-kin}~~ *informants* as those names appear on the certificates.

5 **Sec. 40.** NRS 440.260 is hereby amended to read as follows:

6 440.260 On the 10th day of each month the ~~{local}~~ health ~~{officer}~~ *authority*
7 shall transmit to the State Registrar all original certificates registered by him or her
8 during the preceding month. If no births or deaths occurred in any month, the
9 ~~{local}~~ health ~~{officer}~~ *authority* shall report that fact to the State Registrar, on the
10 10th day of the following month, ~~{on a card provided}~~ *in the format prescribed by*
11 *the State Registrar* for that purpose.

12 **Sec. 41.** NRS 440.280 is hereby amended to read as follows:

13 440.280 1. If a birth occurs in a hospital or the mother and child are
14 immediately transported to a hospital, the person in charge of the hospital or his or
15 her designated representative shall obtain the necessary information, prepare a birth
16 certificate, secure the signatures required by the certificate and file it within 10 days
17 with the health ~~{officer}~~ *authority* of the registration district where the birth
18 occurred. The physician in attendance shall provide the medical information
19 required by the certificate and certify to the fact of birth within 72 hours after the
20 birth. If the physician does not certify to the fact of birth within the required 72
21 hours, the person in charge of the hospital or the designated representative shall
22 complete and sign the certification.

23 2. If a birth occurs outside a hospital and the mother and child are not
24 immediately transported to a hospital, the birth certificate *and any supporting*
25 *documentation* must be prepared and filed by one of the following persons in the
26 following order of priority:

27 (a) The physician in attendance at or immediately after the birth.

28 (b) Any other person in attendance at or immediately after the birth.

29 (c) The father, mother or, if the father is absent and the mother is incapacitated,
30 the person in charge of the premises where the birth occurred.

31 3. If a birth occurs in a moving conveyance, the place of birth is the place
32 where the child is removed from the conveyance.

33 4. ~~{In cities, the certificate of birth must be filed sooner than 10 days after the~~
34 ~~birth if so required by municipal ordinance or regulation.~~

35 ~~—5.]~~ If the mother was:

36 (a) Married at the time of birth, the name of her husband must be entered on
37 the certificate as the father of the child unless:

38 (1) A court has issued an order establishing that a person other than the
39 mother's husband is the father of the child; or

40 (2) The mother and a person other than the mother's husband have signed a
41 declaration for the voluntary acknowledgment of paternity developed by the Board
42 pursuant to NRS 440.283.

43 (b) Widowed at the time of birth but married at the time of conception, the
44 name of her husband at the time of conception must be entered on the certificate as
45 the father of the child unless:

46 (1) A court has issued an order establishing that a person other than the
47 mother's husband at the time of conception is the father of the child; or

48 (2) The mother and a person other than the mother's husband at the time of
49 conception have signed a declaration for the voluntary acknowledgment of
50 paternity developed by the Board pursuant to NRS 440.283.

51 ~~{6.]~~ (c) *Registered as a domestic partner pursuant to chapter 122A of NRS at*
52 *the time of the birth, the name of her partner must be entered on the certificate as*
53 *the parent of the child unless:*

(1) A court has issued an order establishing that a person other than the mother's partner is the parent of the child; or

(2) The mother and a person other than the mother's partner have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

(d) Registered as a domestic partner pursuant to chapter 122A of NRS at the time of conception and her domestic partner dies before the birth of the child, the name of her partner must be entered on the certificate as the parent of the child unless:

(1) A court has issued an order establishing that a person other than the mother's partner is the parent of the child; or

(2) The mother and a person other than the mother's partner have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283.

5. If the mother was unmarried at the time of birth, the name of the father *or other parent* may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) , (c) or (d) of subsection ~~(5)~~ 4 are applicable;

(b) A court has issued an order establishing that the person is the ~~(father)~~ parent of the child; or

(c) The mother and father of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283. If both the father and mother execute a declaration consenting to the use of the surname of the father as the surname of the child, the name of the father must be entered on the original certificate of birth and the surname of the father must be entered thereon as the surname of the child.

~~(7-)~~ 6. An order entered or a declaration executed pursuant to subsection ~~(6)~~ 5 must be submitted to the ~~(local)~~ health ~~(officer, the local health officer's authorized representative,)~~ authority or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of the ~~(father or mother)~~ parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The ~~(Health)~~ health ~~(officer)~~ authority shall complete the original certificate of birth in accordance with subsection ~~(6)~~ 5 and other provisions of this chapter.

7. *A certificate of birth filed more than 10 days after the birth of the child, but not more than 1 year after the birth of the child, must be registered on the standard certificate of live birth. The Board may prescribe by regulation the documentation which must be provided in support of a certificate of birth pursuant to this subsection. Such a certificate must not be marked "Delayed" pursuant to NRS 440.630.*

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 42. NRS 440.290 is hereby amended to read as follows:

440.290 The form of the birth certificate to be used under this chapter shall include as a minimum the items required by the standard certificate of live birth ~~(as recommended by the United States Public Health Service,)~~ prescribed by the Board, but no certificate to be used under this chapter shall include any notation of legitimacy or illegitimacy. The entry of the name of the father of a child or of the surname of the father as the surname of the child on the certificate of birth pursuant

1 to NRS 440.280 shall not be considered a notation of legitimacy or illegitimacy
2 within the meaning of this section.

3 **Sec. 43.** NRS 440.300 is hereby amended to read as follows:

4 440.300 1. When any certificate of birth of a living child is presented
5 without the statement of the given name, ~~{the local health officer, the local registrar~~
6 ~~or}~~ the State Registrar shall ~~{make out and deliver}~~ *provide* to the parents of the
7 child a special blank *form approved by the Board* for the supplemental report of the
8 given name of the child, which shall be filled out as directed and returned to the
9 State Registrar as soon as the child shall have been named.

10 2. The Board shall prescribe by regulation the time within which a
11 supplementary report furnishing information omitted on the original certificate may
12 be returned for the purpose of completing the original certificate.

13 3. Certificates of birth completed by a supplementary report shall not be
14 considered as “delayed ~~{ }~~,” *“amended”* or “altered.”

15 **Sec. 44.** NRS 440.303 is hereby amended to read as follows:

16 440.303 1. A person whose birth certificate or other evidence of birth is
17 written in a language other than English, or the parent or guardian of the person,
18 may apply to the State Registrar for a birth certificate in the English language.

19 2. Application for a birth certificate pursuant to this section must be made in
20 writing on a form supplied by the State Registrar and be accompanied by:

21 (a) The document for which a replacement is sought.

22 (b) A translation of the document.

23 (c) An affidavit executed by the translator before a person who is authorized to
24 administer oaths, attesting to the accuracy of the translation.

25 (d) A certificate from the United States Citizenship and Immigration Services
26 of the Department of Homeland Security which establishes that the person who is
27 the subject of the document has entered the United States legally.

28 (e) The fee required by *regulations adopted pursuant to* this chapter for the
29 making and certification of the record of any birth by the State Registrar.

30 3. When the State Registrar receives an application and the documents
31 required by this section, the State Registrar shall prepare a birth certificate and
32 clearly mark it on its face: “ISSUED TO REPLACE A BIRTH RECORD FROM
33 IN THE LANGUAGE.”

34 **Sec. 45.** NRS 440.305 is hereby amended to read as follows:

35 440.305 Upon request of a person or his or her parent, guardian or legal
36 representative, and after receipt of a certified copy of an order of the court changing
37 the name of such person, whether such order was entered ~~{prior or subsequent to}~~
38 *before, on or after* July 1, 1960, the State Registrar shall indicate the change of
39 name on the certificate of birth of such person. *If the order of the court required*
40 *the State Registrar to issue a new certificate of birth, the certificate of birth must*
41 *not be marked “Altered” or “Amended.”*

42 **Sec. 46.** NRS 440.310 is hereby amended to read as follows:

43 440.310 1. Whenever the State Registrar receives a certified report of
44 adoption or amendment of adoption filed in accordance with the provisions of NRS
45 127.157 or the laws of another state or foreign country, or a certified copy of the
46 adoption decree, concerning a person born in Nevada, the State Registrar shall
47 prepare and file a supplementary certificate of birth in the new name of the adopted
48 person which shows the adoptive parents as the parents and seal and file the report
49 or decree and the original certificate of birth.

50 2. Whenever the State Registrar receives a certified report of adoption,
51 amendment or annulment of an order or decree of adoption from a court concerning
52 a person born in another state, the District of Columbia, the Commonwealth of
53 Puerto Rico, a territory or possession of the United States, or Canada, the report

1 must be forwarded to the office responsible for vital ~~statistics~~ *records* in the
2 person's place of birth.

3 3. Whenever the State Registrar receives a certified report of adoption or
4 amendment of adoption filed in accordance with the provisions of NRS 127.157
5 concerning a person born in a foreign country other than Canada, the State
6 Registrar shall, if the State Registrar receives evidence that:

7 (a) The person being adopted is a citizen of the United States; and

8 (b) The adoptive parents are residents of Nevada,

9 *prepare and file a supplementary certificate of birth as described in subsection 1
10 and seal and file the report.*

11 4. Sealed documents may be opened only upon an order of the court issuing
12 the adoption decree, expressly so permitting, pursuant to a petition setting forth the
13 reasons therefor.

14 5. Except as otherwise provided in subsection 2, upon the receipt of a
15 certified copy of a court order of annulment of adoption, the State Registrar shall
16 seal and file the order and supplementary certificate of birth and, if the person was
17 born in Nevada, restore the original certificate to its original place in the files.

18 **Sec. 47.** NRS 440.315 is hereby amended to read as follows:

19 440.315 Any person, or any parent or guardian, of a child with respect to
20 whom a certificate of birth has been issued by this state indicating the illegitimacy
21 of the person or child may apply to the State Registrar for a new certificate which
22 does not contain any notation of illegitimacy, and upon such application the State
23 Registrar shall issue such a certificate. *If the State Registrar issues a new
24 certificate of birth pursuant to this section, the certificate of birth must not be
25 marked "Altered" or "Amended."*

26 **Sec. 48.** NRS 440.325 is hereby amended to read as follows:

27 440.325 1. In the case of the paternity of a child being established by the:

28 (a) Mother and father acknowledging paternity of a child by signing a
29 declaration for the voluntary acknowledgment of paternity developed by the Board
30 pursuant to NRS 440.283; or

31 (b) Order of a district court,

32 *the State Registrar, upon the receipt of the declaration or court order, shall
33 prepare a new certificate of birth in the name of the child as shown in the
34 declaration or order with no reference to the fact of legitimation. If the declaration
35 or court order required the State Registrar to issue a new certificate of birth, the
36 certificate of birth must not be marked "Altered" or "Amended."*

37 2. The new certificate must be identical with the certificate registered for the
38 birth of a child born in wedlock.

39 3. Except as otherwise provided in subsection 4, the evidence upon which the
40 new certificate was made and the original certificate must be sealed and filed and
41 may be opened only upon the order of a court of competent jurisdiction.

42 4. The State Registrar shall, upon the request of the Division of Welfare and
43 Supportive Services of the Department of Health and Human Services, open a file
44 that has been sealed pursuant to subsection 3 to allow the Division to compare the
45 information contained in the declaration or order upon which the new certificate
46 was made with the information maintained pursuant to 42 U.S.C. § 654a.

47 **Sec. 49.** NRS 440.330 is hereby amended to read as follows:

48 440.330 1. Whoever assumes the custody of a living child of unknown
49 parentage shall immediately report, on a form to be approved by the Board, to the
50 ~~local registrar~~ *health authority* of the registration district in which such custody is
51 assumed, the following:

52 (a) Date of finding or assumption of custody.

53 (b) Place of finding or assumption of custody.

- (c) Sex.
(d) Color or race.
(e) Approximate age.
(f) Name and address of the person or institution with whom the child has been placed for care, if any.
(g) Name given to the child by the finder or custodian.
2. The place where the child was found or where custody has been assumed shall be known as the place of birth, and the date of birth shall be determined by approximation.

3. The foundling report shall constitute the certificate of birth for such foundling child, and the provisions of this chapter relating to certificates of birth shall apply in the same manner and with the same effect to such report.

4. If a foundling child shall later be identified and a regular certificate of birth be found or obtained, the report constituting the certificate of birth shall be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

Sec. 50. NRS 440.340 is hereby amended to read as follows:

440.340 1. ~~Stillborn children or those dead at birth shall be registered as a stillbirth and a certificate of birth resulting in stillbirth shall be filed with the local health officer authority in the usual form and manner.~~ A report of fetal death must be prepared and filed for each fetal death of a fetus that weighs 350 grams or more. If the weight of a fetus is unknown, a report of fetal death must be prepared and filed if the fetal death occurred at 20 weeks or more of gestation, calculated from the first day of the last normal menstrual period of the pregnant woman to the date of delivery.

2. The ~~medical certificate of the cause of death shall be signed by the attending physician, if any.~~ report of a fetal death must be prepared and filed:

(a) For a birth fetal death which occurred in a hospital or institution, within 48 hours after the birth delivery by the person in charge of the hospital or institution, or his or her designee;

(b) For a birth fetal death which occurred outside a hospital or institution, within 48 hours after the birth delivery by the physician in attendance at or immediately after the birth delivery; or

(c) If an investigation is required pursuant to this chapter NRS 440.420 or for a birth fetal death which occurred without medical attendance at or immediately after the birth delivery, within 5 days after the birth completion of the investigation by the medical examiner or coroner who investigates the cause of fetal death.

3. Midwives shall not sign certificates of ~~birth resulting in stillbirth for stillborn children~~ fetal death, ~~but such cases,~~ and ~~stillbirths~~ fetal deaths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attention as provided for in this chapter.

4. If a fetal death occurs in a moving conveyance and the fetus is removed from the conveyance in this State or if a fetus is found in this State and the place of fetal death is unknown, the fetal death must be reported in accordance with this section. The place where the fetus was first removed from the conveyance or was found shall be considered the place of fetal death for purposes of filing the report of fetal death.

Sec. 51. NRS 440.360 is hereby amended to read as follows:

440.360 The personal and statistical particulars of the death ~~for stillbirth~~ certificate or certificate of birth resulting in stillbirth fetal death shall be authenticated by the name of the informant, who may be any competent person acquainted with the facts.

Sec. 52. NRS 440.380 is hereby amended to read as follows:

440.380 1. ~~[[The]]~~ Except as otherwise provided in this section, within 48 hours after receiving a death certificate, the medical ~~[[certificate of death]]~~ certification must be signed by the physician ~~[[who was in charge of the patient's medical care relating to the illness or condition which resulted in death, if any, [last in attendance on the deceased,] or [pursuant to regulations adopted by the Board,]]~~ it may be signed by the ~~[[attending]]~~ physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the ~~[[pathologist]]~~ physician who performed an autopsy upon the ~~[[deceased,]]~~ decedent, if such physician has access to the medical history of the decedent and the death is due to natural causes.

2. Except as otherwise provided in this section, if an inquiry into the cause of death is required, the medical examiner or coroner in the jurisdiction where the death occurred or the body was found shall determine the cause of death and shall complete and sign the medical certification ~~[[required pursuant to subsection 1 within 48 hours after taking charge of the case,]]~~ within 5 days after the completion of the investigation by the medical examiner or coroner who investigates the cause of death.

3. ~~[[The Board shall prescribe by regulation the process for medical certification for cases in which the cause of death cannot be determined within 48 hours after receipt of a death certificate. The person responsible for completing the medical certification shall give notice of the reason for the delay to the funeral director and the health authority. The final disposition of the body of the decedent must not be made until authorized by the person responsible for completing the medical certification.]]~~

~~4.]~~ The person who signs the medical ~~[[certificate of death]]~~ certification shall specify:

- (a) The ~~[[social security number of the deceased.]]~~
- ~~—(b) The] hour and day on which the death occurred.~~
- ~~[[e)] (b)]~~ The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

~~[[2.]]~~ ~~[[5.]]~~ 4. In deaths in hospitals or institutions, or of nonresidents, the physician shall furnish the information required under this section, and may state where, in the physician's opinion, the disease was contracted.

~~[[6.]]~~ 5. The person who signs the medical certification may use his or her signature or use an electronic process approved by the Board.

~~[[7.]]~~ 6. If the result of an autopsy or other information is discovered which causes the person responsible for completing a medical certification to change his or her determination as to the cause of death, the person shall immediately file an affidavit of correction with the Office of Vital Statistics to alter the vital record.

~~[[8.]]~~ 7. If the body of a decedent who is believed to have died in this State cannot be located, a death certificate may be prepared by the State Registrar only upon the order of a court of competent jurisdiction, which must include the findings of facts required to complete the death certificate. A death certificate issued pursuant to this section must be marked "Presumptive" and show on its face the date of death as determined by the court and the date of registration, and must identify the court that issued the order and the date of the order.

Sec. 53. NRS 440.390 is hereby amended to read as follows:

440.390 1. The ~~[[certificate]]~~ ~~[[medical certification]]~~ of ~~[[birth resulting in stillbirth]]~~ fetal death must be presented ~~[[by the funeral director or person acting as~~

1 ~~undertake~~ to the physician in attendance at the ~~stillbirth~~ delivery, for the
2 ~~certificate~~ certification of the fact of ~~stillbirth~~ fetal death and the medical data
3 pertaining to ~~stillbirth~~ fetal death as the physician can furnish them in his or her
4 professional capacity.

5 2. *Except as otherwise provided in this section, within 48 hours after*
6 *receiving a certificate of ~~birth resulting in stillbirth~~ fetal death, the medical*
7 *certification must be signed by the attending physician, if any, or it may be signed*
8 *by the attending physician's associate physician, the chief medical officer of the*
9 *hospital or institution in which the ~~stillbirth~~ fetal death occurred, or the*
10 *physician who performed an autopsy upon the decedent, if such physician has*
11 *access to the medical history of the ~~mother~~ pregnant woman and ~~child~~ fetus*
12 *and the death is due to natural causes.*

13 3. *Except as otherwise provided in this section, if an inquiry into the cause*
14 *of ~~stillbirth~~ fetal death is required, the medical examiner or coroner in the*
15 *jurisdiction where the ~~stillbirth~~ fetal death occurred or the body was found shall*
16 *determine the cause of ~~stillbirth~~ fetal death and shall complete and sign the*
17 *medical certification required pursuant to subsection 1 within 5 days after ~~taking~~*
18 *~~charge of the case~~ the completion of the investigation by the medical examiner*
19 *or coroner who investigates the cause of fetal death.*

20 4. ~~*The Board shall prescribe by regulation the process for medical*~~
21 ~~*certification for cases in which the cause of stillbirth cannot be determined within*~~
22 ~~*the period prescribed in subsection 2 or 3. The person responsible for completing*~~
23 ~~*the medical certification shall give notice of the reason for the delay to the*~~
24 ~~*funeral director and the health authority. The final disposition of the body of the*~~
25 ~~*decedent must not be made until authorized by the person responsible for*~~
26 ~~*completing the medical certification.*~~

27 ~~5.~~ *The person who signs the medical certification may use his or her*
28 *signature or use an electronic process approved by the Board.*

29 ~~6.~~ 5. *If the result of an autopsy or other information is discovered which*
30 *causes the person responsible for completing a medical certification to change*
31 *his or her determination as to the cause of ~~stillbirth~~ fetal death, the person*
32 *shall immediately file an affidavit of correction with the Office of Vital Statistics*
33 *to amend the record.*

34 **Sec. 54.** NRS 440.410 is hereby amended to read as follows:

35 440.410 Causes of death, which may be the result of either disease or
36 violence, shall be carefully defined ~~it~~ and if from violence, the means of injury
37 shall be stated, and whether ~~it probably~~ the death was most probably accidental,
38 suicidal or homicidal.

39 **Sec. 55.** NRS 440.415 is hereby amended to read as follows:

40 440.415 1. A physician who anticipates the death of a patient because of an
41 illness, infirmity or disease may authorize a specific registered nurse or physician
42 assistant or the registered nurses or physician assistants employed by a medical
43 facility or program for hospice care to make a pronouncement of death if they
44 attend the death of the patient.

45 2. Such an authorization is valid for 120 days. Except as otherwise provided
46 in subsection 3, the authorization must:

47 (a) Be a written order entered on the chart of the patient;

48 (b) State the name of the registered nurse or nurses or physician assistant or
49 assistants authorized to make the pronouncement of death; and

50 (c) Be signed and dated by the physician.

51 3. If the patient is in a medical facility or under the care of a program for
52 hospice care, the physician may authorize the registered nurses or physician

1 assistants employed by the facility or program to make pronouncements of death
2 without specifying the name of each nurse or physician assistant, as applicable.

3 4. If a pronouncement of death is made by a registered nurse or physician
4 assistant, the physician who authorized that action shall sign the medical ~~certificate~~
5 ~~of death~~ **certification** within 24 hours after being presented with the certificate.

6 5. If a patient in a medical facility is pronounced dead by a registered nurse or
7 physician assistant employed by the facility, the registered nurse or physician
8 assistant may release the body of the patient to a licensed funeral director pending
9 the completion of the medical ~~certificate of death~~ **certification** by the attending
10 physician if the physician or the medical director or chief of the medical staff of the
11 facility has authorized the release in writing.

12 6. The Board may adopt regulations concerning the authorization of a
13 registered nurse or physician assistant to make pronouncements of death.

14 7. As used in this section:

15 (a) "Medical facility" means:

16 (1) A facility for skilled nursing as defined in NRS 449.0039;

17 (2) A facility for hospice care as defined in NRS 449.0033;

18 (3) A hospital as defined in NRS 449.012;

19 (4) An agency to provide nursing in the home as defined in NRS 449.0015;

20 or

21 (5) A facility for intermediate care as defined in NRS 449.0038.

22 (b) "Physician assistant" means a person who holds a license as a physician
23 assistant pursuant to chapter 630 or 633 of NRS.

24 (c) "Program for hospice care" means a program for hospice care licensed
25 pursuant to chapter 449 of NRS.

26 ~~[(d) "Pronouncement of death" means a declaration of the time and date when
27 the cessation of the cardiovascular and respiratory functions of a patient occurs as
28 recorded in the patient's medical record by the attending provider of health care in
29 accordance with the provisions of this chapter.]~~

30 **Sec. 56.** NRS 440.420 is hereby amended to read as follows:

31 440.420 1. In case of any death occurring without medical attendance, the
32 funeral director shall ~~notify the local health officer of such death and~~ refer the
33 case to the ~~local health officer~~ **coroner** for immediate investigation and
34 certification.

35 2. Where there is no qualified physician in attendance, and in such cases only,
36 the ~~local~~ health officer is authorized to make the certificate and return from the
37 statements of relatives or other persons having adequate knowledge of the facts.

38 3. If the death was caused by unlawful or suspicious means, the ~~local~~ health
39 officer shall then refer the case to the coroner for investigation and certification.

40 4. In counties which have adopted an ordinance authorizing a coroner's
41 examination in cases of sudden infant death syndrome, the funeral director shall
42 notify the ~~local~~ health officer whenever the cause or suspected cause of death is
43 sudden infant death syndrome. The ~~local~~ health officer shall then refer the case to
44 the coroner for investigation and certification.

45 5. The coroner or the coroner's deputy may certify the cause of death in any
46 case which is referred to the coroner by the ~~local~~ health officer or pursuant to a
47 local ordinance.

48 **Sec. 57.** NRS 440.430 is hereby amended to read as follows:

49 440.430 1. Any coroner whose duty it is to hold an inquest on the body of
50 any deceased person, and to make the certificate of death required for a burial
51 permit, shall state in the coroner's certificate the name of the disease causing death,
52 or, if from external causes:

53 (a) The means of death; and

(b) Whether ~~[(probably)]~~ *the death was most probably* accidental, suicidal or homicidal.

2. ~~[(In either case, the)]~~ *The* coroner shall furnish such information as may be required by the Board in order to classify the death properly.

3. *The coroner or his or her designee may make a pronouncement of death in any case which is referred to the coroner by the health officer. The Board shall prescribe regulations governing the records of and procedures for a coroner or his or her designee who makes a pronouncement of death.*

Sec. 58. NRS 440.450 is hereby amended to read as follows:

440.450 The funeral director or person acting as undertaker is responsible for obtaining and filing the certificate of death with the ~~[(health)]~~ health officer, or his or her deputy, in the registration district in which the death occurred, and for securing a burial or removal permit prior to any disposition of the body.

Sec. 59. NRS 440.490 is hereby amended to read as follows:

440.490 The funeral director or person acting as undertaker shall present the completed certificate of death to the ~~[(local registrar)]~~ *health authority* within 72 hours after the occurrence or discovery of the death. If a case is referred to the coroner, he or she shall present a completed certificate to the ~~[(local registrar)]~~ *health authority* upon disposition of the investigation.

Sec. 60. NRS 440.495 is hereby amended to read as follows:

440.495 Upon presentation of a completed certificate of death, the ~~[(county)]~~ health officer shall send a certified copy of the certificate of death or a certified list of any person who, at the time of death was 17 years of age or older, to the county clerk or registrar of voters of the county where the deceased person resided. Each certified list must contain the social security numbers of the persons whose names are included on the list.

Sec. 61. NRS 440.500 is hereby amended to read as follows:

440.500 1. Except as provided in subsections 2 and 3, if a certificate of death is properly executed and complete, the ~~[(health)]~~ health officer shall then issue a burial or removal permit to the funeral director. The permit must indicate the name of the cemetery, mausoleum, columbarium or other place of burial where the human remains will be interred, inurned or buried.

2. In case the death occurred from some disease that is held by the Board to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body may be granted by the ~~[(health)]~~ health officer except under such conditions as may be prescribed by the Board.

3. The Board may by regulation provide for the issuance of the burial transit permit prior to the filing of the completed death certificate if that requirement would result in undue hardship.

Sec. 62. NRS 440.510 is hereby amended to read as follows:

440.510 If the interment or other disposition of the body is to be made within the State, the wording of the burial permit may be limited to a statement by the ~~[(health)]~~ health officer and over his or her signature that a satisfactory certificate of death having been filed with him or her as required by law, permission is granted to inter, remove or otherwise dispose of the body of the deceased. The permit must include the name, age, sex, social security number and cause of death of the decedent, the name of the place where the human remains will be interred, inurned or buried, and any other details required on the form prescribed by the Board.

Sec. 63. NRS 440.540 is hereby amended to read as follows:

440.540 1. Except as provided in subsection 2, the body of any person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, removed from or into any registration district, or

1 be held temporarily pending a further disposition more than 72 hours after death,
2 until a permit for burial or removal or other disposition thereof has been properly
3 issued by the ~~{health}~~ health officer of the registration district in which the death
4 occurred.

5 2. If the person who is to certify the cause of death consents, a body may be
6 moved from the place of death into another registration district to be prepared for
7 final disposition.

8 **Sec. 64.** NRS 440.550 is hereby amended to read as follows:

9 440.550 When a dead body is transported by a common carrier into a local
10 health district in Nevada for burial, the transit and removal permit, issued in
11 accordance with the law and health regulations of the place where the death
12 occurred, ~~{shall}~~ *may* be accepted by the ~~{health}~~ health ~~{officer}~~ *authority* of the
13 district into which the body has been transported for burial or other disposition as a
14 basis upon which ~~{he or she shall}~~ *the health officer shall* issue a local burial
15 permit in the same way as if the death occurred in his or her district. The ~~{health}~~
16 health officer shall plainly enter upon the face of the burial permit the fact that it
17 was a body shipped in for interment, and give the actual place of death.

18 **Sec. 65.** NRS 440.570 is hereby amended to read as follows:

19 440.570 A burial permit shall not be required from the ~~{health}~~ health officer of
20 the district in which interment is made when a body is removed from one district in
21 Nevada to another in this state for the purpose of burial or other disposition, either
22 by common carrier, hearse or other conveyance.

23 **Sec. 66.** NRS 440.600 is hereby amended to read as follows:

24 440.600 On or before January 10 and July 10 of each year the county ~~{clerk~~
25 ~~of the several counties}~~ *clerk of each county* shall transmit to the State Registrar
26 the number of marriage licenses issued by ~~{them}~~ *the county clerk* during the
27 preceding 6 months.

28 **Sec. 67.** NRS 440.620 is hereby amended to read as follows:

29 440.620 The acceptance for filing of any certificate by the State Registrar
30 more than ~~{4 years}~~ *1 year* after the time prescribed for its filing shall be subject to
31 regulations in which the Board shall prescribe in detail the proofs to be submitted
32 by any applicant for delayed filing of a certificate.

33 **Sec. 68.** NRS 440.630 is hereby amended to read as follows:

34 440.630 1. Certificates *of birth* accepted subsequent to ~~{4 years}~~ *1 year* after
35 the time prescribed for filing ~~{and certificates which have been altered after being~~
36 ~~filed}~~ with the State Registrar shall contain the date of the delayed filing ~~{and the~~
37 ~~date of the alteration}~~ and be marked distinctly ~~{“Delayed” or “Altered.”}~~
38 *“Delayed.”*

39 2. After a certificate *of birth* has been accepted for delayed filing, ~~{or after~~
40 ~~the Board has permitted an alteration of a certificate on file,}~~ the alteration shall be
41 noted by the State Registrar on the ~~{reverse side of the}~~ certificate, together with a
42 summary statement of the evidence submitted in support of the alteration.

43 3. *An application for the registration of a delayed certificate of birth may be*
44 *approved by the State Registrar if:*

45 (a) *The applicant has submitted an application prescribed by the Board;*

46 (b) *All documentation which is required in support of the delayed certificate*
47 *has been received by the State Registrar; and*

48 (c) *The State Registrar has verified the validity and adequacy of the*
49 *documentation.*

50 4. All the evidence affecting the ~~{alteration}~~ *registration* of a *delayed*
51 certificate ~~{, after it has been filed with the State Registrar,}~~ shall be kept in a
52 special permanent file.

53 5. *A delayed certificate of birth may not be registered for a deceased person.*

6. *The State Registrar shall dismiss an application for the registration of a delayed certificate if the documentation submitted by the applicant does not comply with the requirements prescribed by the Board or if the State Registrar has cause to question the validity or adequacy of the documentation submitted by the applicant.*

7. *If the State Registrar dismisses an application for the registration of a delayed certificate, the State Registrar shall inform the applicant of his or her right to seek a court order for the registration.*

Sec. 69. NRS 440.640 is hereby amended to read as follows:

440.640 The admissibility in evidence of a “delayed ~~[-]~~,” “*amended*” or “altered” certificate shall be subject to the discretion of the court, judicial or administrative body or official to whom any such certificate is offered as evidence.

Sec. 70. NRS 440.650 is hereby amended to read as follows:

440.650 1. ~~Upon~~ *Except as otherwise provided in NRS 440.327, upon request, the State Registrar or health authority having custody of a record shall furnish ~~any applicant~~ a certified copy of the record or part thereof of any birth or death registered under the provisions of this chapter ~~[-]~~ to:*

(a) *The person who is the subject of the record;*

(b) *The spouse, domestic partner, child, parent or legal guardian, or authorized representative of the person who is the subject of the record; and*

(c) *Any other person who demonstrates that the record is necessary to determine or protect a legal right or claim of that person or of the person who is the subject of the record.*

2. The State Registrar *or health authority* shall not issue a certified copy of a certificate or parts thereof unless the State Registrar *or health authority* is satisfied that the applicant ~~[therefor has a direct and tangible interest in the matter recorded; subject, however, to review by the Board or a court of competent jurisdiction under the limitations of NRS 440.170.]~~ *meets the requirements of subsection 1 and any regulation adopted by the Board concerning the issuance of a certified copy of a record.*

3. *The Board shall prescribe by regulation uniform forms and procedures for obtaining a certified copy of a record registered pursuant to this chapter from the State Registrar or health authority having custody of a record in this State. The regulations must ensure that each certified copy is marked on its face with any designation required by this chapter.*

4. ~~A certificate of death must not include the specific cause of death except that the specific cause of death may be included upon the request of:~~

~~(a) The spouse, domestic partner, child, parent or other authorized representative of the person who is the subject of the record;~~

~~(b) A person who demonstrates that the information is necessary to determine or protect a legal right or claim of that person or of the person who is the subject of the record;~~

~~(c) A person who provides benefits to a survivor or beneficiary of the person who is the subject of the record;~~

~~(d) A local, state or federal agency for research or administrative purposes approved by the State Registrar;~~

~~(e) A person for research purposes approved by the State Registrar; or~~

~~(f) A court of competent jurisdiction.~~

~~5.]~~ *The Board shall adopt regulations to ensure that certified copies issued pursuant to this chapter have security features which deter the document from being altered, counterfeited, duplicated or simulated without ready detection.*

~~6.]~~ *5. The release of a record pursuant to this section does not authorize the release of information contained in the record which is identified as*

information for medical and public health use only. Such information is not subject to subpoena or court order and may only be released if authorized by the State Registrar for statistical and research purposes.

~~77~~ 6. *The Board shall prescribe the documentation which must be submitted by a person requesting a certified copy pursuant to this section, and a record may not be released unless the applicant has submitted the required documentation.*

Sec. 71. NRS 440.690 is hereby amended to read as follows:

440.690 1. The State Registrar shall keep a true and correct account of all fees received under this chapter.

2. The money collected pursuant to subsection 2 of NRS 440.700 must be remitted by the State Registrar to the State Treasurer for credit to the Children's Trust Account created by NRS 432.131. The money collected pursuant to subsection 3 of NRS 440.700 must be remitted by the State Registrar to the State Treasurer for credit to the Review of Death of Children Account created by NRS 432B.409. Any money collected pursuant to subsection 5 of NRS 440.700 must be remitted by the State Registrar to the county treasurers of the various participating counties for credit to their accounts for the support of the offices of the county coroners created pursuant to NRS 259.025. Any other proceeds accruing to the State of Nevada under the provisions of this chapter must be forwarded to the State Treasurer for deposit in the State General Fund.

3. Upon the approval of the State Board of Examiners and pursuant to its regulations, the Health Division of the Department of Health and Human Services may maintain an account in a bank or credit union for the purpose of refunding overpayments of fees for vital ~~statistics~~ **records**.

Sec. 72. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of \$3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of \$1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to a homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

5. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of \$1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

~~6. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.~~

~~7.]~~ The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 73. NRS 440.710 is hereby amended to read as follows:

440.710 1. In counties where deputy registrars are appointed, the board of county commissioners shall allow them a monthly salary or the sum of \$1 for each birth and death certificate executed by them.

2. No ~~Health~~ health officer may require from funeral directors or persons acting as undertakers any fee for the issuance of burial or removal permits under this chapter.

Sec. 74. NRS 440.715 is hereby amended to read as follows:

440.715 1. If a board of county commissioners creates an account for the support of the county coroner pursuant to NRS 259.025, a ~~{district}~~ health ~~{officer}~~ *authority* who provides a certified copy of a record of death originating in that county shall charge and collect, in addition to any other fee therefor, the sum of \$1 for the support of the office of the county coroner created pursuant to NRS 244.163.

2. The ~~{district}~~ health ~~{officer}~~ *authority* shall remit any money collected pursuant to this section to the county treasurer of the county in which the certificate originates for credit to the account for the support of the office of the county coroner created pursuant to NRS 259.025.

Sec. 75. NRS 440.720 is hereby amended to read as follows:

440.720 Any physician who was in medical attendance upon any deceased person at the time of death who *willfully* neglects or refuses to make out and deliver to the funeral director, sexton or other person in charge of ~~{the}~~ interment, removal or other disposition of the body, upon request, the medical ~~{certificate}~~ *certification* of the cause of death ~~{shall be punished by a fine of not more than \$250.}~~ *is liable for a civil penalty of not more than \$10,000, to be recovered by the Attorney General or by the district attorney of the county in which the health officer is located.*

Sec. 76. NRS 440.730 is hereby amended to read as follows:

440.730 If any physician knowingly makes a false certification of the cause of death in any case, the physician ~~{shall be punished by a fine of not more than \$250.}~~ *is liable for a civil penalty of not more than \$10,000, to be recovered by the Attorney General or by the district attorney of the county in which the health officer is located.*

1 **Sec. 77.** NRS 440.740 is hereby amended to read as follows:

2 440.740 Any physician or midwife in attendance upon a case of confinement
3 or any person charged with responsibility for reporting births who neglects or
4 refuses to file a proper certificate of birth with the ~~local~~ health ~~officer~~ *authority*
5 within the time required by law ~~[shall be punished by a fine of not more than \$250.]~~
6 *is liable for a civil penalty of not more than \$10,000, to be recovered by the*
7 *Attorney General or by the district attorney of the county in which the health*
8 *officer is located.*

9 **Sec. 78.** NRS 440.750 is hereby amended to read as follows:

10 440.750 1. Any funeral director, sexton or other person in charge of the
11 disposal who interrs, removes or otherwise disposes of the body of any deceased
12 person without having received a burial or removal permit ~~[shall be punished by a~~
13 ~~fine of not more than \$250.]~~ *is liable for a civil penalty of not more than \$10,000,*
14 *to be recovered by the Attorney General or by the district attorney of the county in*
15 *which the health officer is located.*

16 2. *Any person who willingly and knowingly transports and accepts for*
17 *transportation, interment or other disposition a body of any deceased person*
18 *without having received the appropriate permit is liable for a civil penalty of not*
19 *more than \$10,000, to be recovered by the Attorney General or by the district*
20 *attorney of the county in which the health officer is located.*

21 **Sec. 79.** NRS 440.760 is hereby amended to read as follows:

22 440.760 Any person who ~~[shall willfully alter]~~ *with the intent to deceive and*
23 *without authority pursuant to this chapter, alters, creates, counterfeits, amends or*
24 *defaces* any certificate of birth or death, or the copy of any certificate of birth or
25 death, on file in the office of the ~~local~~ health officer or State Board of Health,
26 ~~[shall be]~~ *is* guilty of a misdemeanor.

27 **Sec. 80.** NRS 440.765 is hereby amended to read as follows:

28 440.765 1. ~~[It is unlawful for any] [A person] [to obtain or possess the birth~~
29 ~~certificate of another for the purpose of establishing a false identity for himself or~~
30 ~~himself or any other person.] [who obtains, possesses, uses, sells or furnishes, or~~
31 ~~attempts to obtain, possess, use, sell or furnish to another person any certificate~~
32 ~~of a vital record, or a copy thereof, that has been falsified, counterfeited, altered,~~
33 ~~amended or defaced, in whole or in part, or which relates to the birth or death of~~
34 ~~another person, is guilty of a misdemeanor.~~

35 ~~—2—~~ A person who *obtains or* has in his or her possession the birth certificate
36 of another person without lawful reason for being in possession of the birth
37 certificate or who uses the birth certificate of another in the commission of a
38 misdemeanor, is guilty of a misdemeanor.

39 ~~[3.]~~ 2. A person who has in his or her possession two or more birth
40 certificates of other persons without lawful reason for being in possession of the
41 birth certificates or who uses the birth certificate of another person in the
42 commission of a gross misdemeanor is guilty of a gross misdemeanor.

43 ~~[4.]~~ 3. A person who uses the birth certificate of another person to aid in the
44 commission of a felony is guilty of a category D felony and shall be punished as
45 provided in NRS 193.130.

46 ~~[5.]~~ 4. *A person who possesses any certificate, vital record or report, or a*
47 *copy thereof, who knows that the certificate, record or report was stolen or*
48 *otherwise obtained through unlawful means is guilty of a gross misdemeanor.*

49 ~~[6.]~~ 5. *An employee of a health authority who willfully and knowingly*
50 *registers or issues a certificate of birth or a certified copy of a certificate of birth,*
51 *with the knowledge or intention that the certificate be used for purposes of*
52 *deception is guilty of a gross misdemeanor.*

~~77~~ 6. The offenses described in this section are separate from the primary offense if any, and the unlawful possession of a birth certificate is a separate offense from its unlawful use.

Sec. 81. NRS 440.770 is hereby amended to read as follows:

440.770 1. Any person who furnishes false information to a physician, funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths ~~{shall be punished by a fine of not more than \$250.}~~ *is liable for a civil penalty of not more than \$10,000, to be recovered by the Attorney General or by the district attorney of the county in which the health officer is located.*

2. Any person who willingly and knowingly furnishes false information in an application for registration, alteration or issuance of a certificate of a vital record or a certified copy of a vital record pursuant to this chapter with the intent that the false information be used in the registration, alteration, amendment or issuance of the record is liable for a civil penalty of not more than \$10,000, to be recovered by the Attorney General or by the district attorney of the county in which the health officer is located.

Sec. 82. NRS 440.775 is hereby amended to read as follows:

440.775 1. Any person who violates or proposes to violate the provisions of ~~{NRS 440.773}~~ *this chapter* may be enjoined by any court of competent jurisdiction.

2. Actions for injunction under this section may be prosecuted:

(a) By the Attorney General, ~~{or}~~ any district attorney in this State ~~{;}~~ *or the attorney for a health authority;* or

(b) Upon the complaint of the State Registrar. ~~{for any county recorder or any county clerk that is authorized to file certificates of marriage.}~~

Sec. 83. NRS 440.780 is hereby amended to read as follows:

440.780 ~~{Every}~~

1. *Unless a greater penalty is provided in NRS 440.720 to 440.780, inclusive, a person ~~{violating}~~ who willingly and knowingly violates any ~~{of the provisions}~~ provision of this chapter or ~~{refusing or neglecting}~~ refuses or neglects to obey any lawful order, rule or regulation of the Board ~~{shall be}~~ is guilty of a misdemeanor.*

2. *The State Registrar shall notify the appropriate professional licensing board if a person licensed pursuant to chapter 449 of NRS or title 54 of NRS violates any provision of this chapter or refuses or neglects to obey any lawful order, rule or regulation of the Board.*

Sec. 83.5. NRS 126.061 is hereby amended to read as follows:

126.061 1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if the husband were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by the husband and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the Health Division of the Department of Health and Human Services, where, except as otherwise provided in NRS 239.0115, it must be kept confidential and in a sealed file. The physician's failure to do so does not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is treated in law as if the donor were not the natural father of a child thereby conceived.

3. If, under the supervision of a licensed physician, a woman conceives a child through in vitro fertilization using a donated egg, the woman is treated in law as if she were the natural mother of the child.

4. The donor of the egg provided to a licensed physician for in vitro fertilization of another woman is treated in law as if the donor were not the natural mother of a child thereby conceived.

Sec. 84. NRS 432.038 is hereby amended to read as follows:

432.038 1. Subject to the approval and regulations of the State Board of Examiners, the Division may maintain an account in a bank or credit union for the purchase of birth certificates, death certificates and other ~~vital records~~ ~~[of vital statistics]~~ necessary to perform eligibility and other case-work functions of the Division in a county whose population is less than 100,000 pursuant to NRS 432.010 to 432.085, inclusive.

2. Subject to the approval of the board of county commissioners of the county, an agency which provides child welfare services in a county whose population is 100,000 or more may maintain an account in a bank or credit union for the purchase of birth certificates, death certificates and other ~~vital records~~ ~~[of vital statistics]~~ necessary to perform eligibility and other case-work functions of the agency pursuant to NRS 432.010 to 432.085, inclusive.

Sec. 85. NRS 440.070, 440.350, 440.580 and 440.670 are hereby repealed.

Sec. 86. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

TEXT OF REPEALED SECTIONS

440.070 "Stillbirth" defined. As used in this chapter, "stillbirth" means a birth after at least 20 weeks of gestation, in which the child shows no evidence of life after complete birth.

440.350 Form and contents of certificate of death or stillbirth. The certificate of death or of stillbirth that shall be used is the standard form approved by the United States Public Health Service.

440.580 Signature, endorsement and return of permit. Each sexton or person in charge of any burial ground shall endorse upon the permit the date of interment, over his or her signature, and shall return all permits so endorsed to the local health officer of his or her district within 10 days from the date of interment or within the time fixed by the local health officer or by the Board.

440.670 Abstracted birth certificate: Issuance; contents; form; use as evidence.

1. Upon request, the State Registrar shall supply to any applicant a certificate reciting the birth date, sex, race and birthplace of any person whose birth is registered under the provisions of this chapter. The certificate must show that the data therein contained is as disclosed by the record of the birth.

2. The Board may, by regulation, authorize county health officers to issue such certificates. The Board shall determine the standard form for the abstracted certificates.

3. Every such certificate is prima facie evidence in all courts and places of the facts therein stated.