

Oregon Vital Events Registration System: Relevant Laws and Rules

Selected excerpts from Oregon Revised Statutes 2003 - Chapter 432 and Oregon Administration Rules Chapter 333 Division 11

432.005 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Dead body" means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death occurred.

(2) "Department" means the Department of Human Services.

(3) "Director" means the Director of Human Services.

(4) "Divorce" means dissolution of a marriage.

(5) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. The death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary muscles.

(6) "File" means the presentation and acceptance of a vital record or vital report provided for in this chapter by the Center for Health Statistics.

(7) "Final disposition" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead body or fetus, except that when removal from the state is conducted by the holder of a certificate of removal registration issued under ORS 692.270, the final disposition may not be considered complete until the certificate of death is filed.

(8) "Induced termination of pregnancy" means the purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant and that does not result in a live birth.

(9) "Institution" means any establishment, public or private, that provides inpatient or outpatient medical, surgical or diagnostic care or treatment or nursing, custodial or domiciliary care, or to which persons are committed by law.

(10) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, that, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(11) "Person acting as a funeral service practitioner" means:

(a) A person other than a funeral service practitioner licensed under ORS 692.045, including but not limited to a relative, friend or other interested party, who performs the duties of a funeral service practitioner without payment; or

(b) A funeral service practitioner who files death certificates in another state if the funeral service practitioner is employed by a funeral establishment licensed in another state and registered with the State Mortuary and Cemetery Board under ORS 692.270.

(12) "Physician" means a person authorized or licensed under the laws of this state to practice medicine, osteopathy, chiropractic or naturopathic medicine.

(13) "Registration" means the process by which vital records and vital reports are completed, filed and incorporated into the official records of the Center for Health

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Statistics.

(14) "State registrar" means the State Registrar of the Center for Health Statistics.

(15) "System of vital statistics" means the registration, collection, preservation, amendment and certification of vital records and vital reports; the collection of other reports required by this chapter, and activities related thereto including the tabulation, analysis, dissemination and publication of vital statistics and training in the use of health data.

(16) "Vital records" means certificates or reports of birth, death, marriage, dissolution of marriage and data related thereto.

(17) "Vital reports" means reports of fetal death, induced termination of pregnancy, suicide attempts by persons under 18 years of age and survey and questionnaire documents and data related thereto.

(18) "Vital statistics" means the data derived from certificates and reports of birth, death, fetal death, induced termination of pregnancy, marriage, dissolution of marriage, suicide attempts by persons under 18 years of age and related reports. [Subsections (1) and (2) enacted as 1973 c.829 §15; 1983 c.709 §1; 1997 c.783 §1; 1999 c.254 §4; 1999 c.724 §7; 2001 c.900 §154]

432.010 Center for Health Statistics; standards.

(1) The Department of Human Services shall establish the Center for Health Statistics, which shall install, maintain and operate the system of vital statistics throughout this state in cooperation with appropriate units of local government. The Center for Health Statistics shall be responsible for the proper administration of the system of vital statistics and for the preservation and security of its official records.

(2) In order to promote and maintain nationwide uniformity in the system of vital statistics, the State Registrar of the Center for Health Statistics may refer to the 1992 federal revision of the Model State Vital Statistics Act and Regulations for recommendations regarding the forms of certificates and reports required by this chapter.

(3) Each certificate, report and other document required by this chapter shall be on a form or in a format prescribed by the state registrar.

(4) All vital records shall contain the date of filing.

(5) Information required in certificates, forms, records or reports authorized by this chapter may be filed, verified, registered and stored by photographic, electronic or other means as prescribed by the state registrar. [Amended by 1983 c.709 §2; 1993 c.324 §2; 1997 c.783 §2]

432.075 Duty to furnish information to state registrar; immunity.

(1) Any person having knowledge of the facts shall furnish all information the person may possess regarding any birth, death, fetal death, induced termination of pregnancy, marriage, dissolution of marriage or suicide attempt by a person under 18 years of age, upon demand of the State Registrar of the Center for Health Statistics.

(2) Any person or institution that in good faith provides information required by this chapter or by rules adopted pursuant thereto shall not be subject to any action for civil damages. [1983 c.709 §23; 1997 c.783 §6]

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432.080 Copy of vital records furnished without charge for use in proceeding on war veteran's benefits. Notwithstanding ORS 432.146, the State Registrar of the Center for Health Statistics or the county registrar shall furnish, without charge therefore [sic], a certified copy of a vital record to the United States Department of Veterans Affairs, the Director of Veterans' Affairs or any county service officer appointed under ORS 408.410 when the record is requested by the agency or officer in connection with, or for use as evidence in, any proceeding involving a claim based upon war veterans' benefits. [1985 c.397 §1; 1991 c.67 §114; 1997 c.783 §8]

432.119 Abstracts of birth and death certificates as public records; limitations.

(1) Abstracts of birth and death certificates as provided in ORS 432.105 are public records and open to public inspection except as provided in this section. The county registrar shall mark the abstract of birth in a manner designated by the State Registrar of the Center for Health Statistics to indicate that the record is not to be used by any person compiling a list for publication or a business contact list under the following conditions:

(a) If a birth certificate indicates any of the following:

(A) The father of the child is not identified.

(B) The infant dies after birth.

(C) Congenital anomaly is reported.

(D) Maternal disability or death is indicated.

(b) If the parent of the infant requests that the record not be made available for publication or business contact lists.

(2) The Department of Human Services or local health department, as provided in ORS 431.416, may use any birth record or abstract as a source of information for activities necessary for the preservation of health or prevention of disease. [1973 c.829 §11; 1979 c.426 §1; 1983 c.709 §33; 1997 c.783 §13]

432.122 Verification of birth certificate and death records; rules. To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the State Registrar of the Center for Health Statistics is authorized to match birth and death certificates, in accordance with rules adopted by the state registrar that require proof beyond a reasonable doubt the fact of death, and to post the facts of death to the appropriate birth certificate. Copies issued from birth certificates marked "deceased" shall be similarly marked. [1983 c.709 §24; 1997 c.783 §18]

432.307 Compulsory filing of death certificates; persons required to file.

(1) A certificate of death for each death that occurs in this state shall be submitted to the county registrar of the county in which the death occurred or to the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within five days after death or the finding of a dead body and prior to final disposition, and shall be registered if it has been completed and filed in accordance with this section.

(a) If the place of death is unknown, but the dead body is found in this

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state, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation. If the date cannot be determined by approximation, the date the dead body is found shall be entered and identified as the date of death.

(b) When death occurs in a moving conveyance:

(A) In the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death.

(B) While in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined.

(c) In all other cases, the place where death is pronounced shall be considered the place where death occurred.

(2) The funeral service practitioner or person acting as a funeral service practitioner who first assumes custody of the dead body shall submit the certificate of death. The funeral service practitioner or person acting as a funeral service practitioner shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefore [sic]. The funeral service practitioner or person acting as a funeral service practitioner shall provide the certificate of death containing information as specified by rule to identify the decedent to the certifier within 48 hours after death.

(3) The physician, physician assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter 677 or certified nurse practitioner, in charge of the care of the patient for the illness or condition that resulted in death shall complete, sign and return the medical certification of death to the funeral service practitioner or person acting as a funeral service practitioner within 48 hours after receipt of the certificate of death by the physician, physician assistant or nurse practitioner, except when inquiry is required by ORS chapter 146. In the absence or inability of the physician, physician assistant or nurse practitioner, or with the approval of the physician, the medical certification of death may be completed by an associate physician, the chief medical officer of the institution in which death occurred or the physician who performed an autopsy upon the decedent, provided that the individual has access to the medical history of the case and death is due to natural causes. The person completing the medical certification of death shall attest to its accuracy either by signature or by an approved electronic process.

(4) When inquiry is required by ORS chapter 146, the medical examiner shall determine the cause of death and shall complete and sign the medical certification of death within 48 hours after taking charge of the case.

(5) If the cause of death cannot be determined within the time prescribed, the medical certification of death shall be completed as provided by rule of the state registrar. The attending physician, physician assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter 677, nurse practitioner or medical examiner shall give the funeral service practitioner or person

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acting as a funeral service practitioner notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician, physician assistant, nurse practitioner or medical examiner.

(6) Upon receipt of autopsy results or other information that would change the information in the "Cause of Death" section of the certificate of death from that originally reported, the certifier shall immediately file a supplemental report of cause of death with the Center for Health Statistics to amend the certificate.

(7) When a death is presumed to have occurred within this state but the body cannot be located, a certificate of death may be registered by the state registrar only upon receipt from the State Medical Examiner. Such a death certificate shall be marked "Presumptive" and shall show on its face the date of registration.

(8) When a death occurring in this state has not been registered within the time period prescribed by this section, a certificate of death may be filed in accordance with rules of the state registrar. The certificate shall be registered subject to evidentiary requirements as the state registrar by rule shall prescribe to substantiate the alleged facts of death.

(9) A certificate of death registered one year or more after the date of death or the date the dead body was found shall be marked "Delayed" and shall show on its face the date of the delayed registration.

(10) When an applicant does not submit the minimum documentation required by rule of the state registrar for delayed registration or when the state registrar has cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence and if the deficiencies are not corrected, the state registrar shall not register the delayed certificate of death and shall advise the applicant of the right of appeal under ORS 183.480 to 183.484.

(11) A certificate of death required to be filed under this section shall contain the Social Security number of the decedent whenever the Social Security number is reasonably available from other records concerning the decedent or can be obtained from the person in charge of the final disposition of the decedent. [1963 c.200 §2; 1965 c.221 §26; 1977 c.582 §33; 1983 c.709 §12; 1985 c.207 §5; 1997 c.783 §29; 1999 c.80 §71; 1999 c.724 §1; 2001 c.357 §2; 2003 c.104 §3]

432.317 Report upon receipt of body or fetus; authorization for final disposition; rules.

(1) The funeral service practitioner or person acting as a funeral service practitioner who first assumes possession of a dead body or fetus shall make a written report to the county registrar in the county in which death occurred or in which the body or fetus was found within 24 hours after taking possession of the body or fetus. The report shall be on a form prescribed and furnished by the State Registrar of the Center for Health Statistics and in accordance with rules adopted by the Department of Human Services.

(2) Prior to final disposition of the body, the funeral service practitioner or person acting as a funeral service practitioner who first assumes custody of a dead body shall, prior to final disposition of the body, obtain written authorization for final disposition of the body from the physician, physician assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter 677,

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certified nurse practitioner or medical examiner who certifies the cause of death as provided in ORS 432.307 (3) on a form prescribed and furnished by the state registrar. If the funeral service practitioner or person acting as a funeral service practitioner is unable to obtain such written authorization prior to final disposition of the body, the practitioner or person, with the oral consent of the physician, the physician assistant, the nurse practitioner, the medical examiner or a licensed health professional authorized to give such consent on behalf of the physician or medical examiner who is responsible for certifying the cause of death, may authorize final disposition of the body on a form prescribed and furnished by the state registrar.

(3) Prior to final disposition of a fetus, irrespective of the duration of pregnancy, the funeral service practitioner, the person in charge of the institution or other person assuming responsibility for final disposition of the fetus shall authorize final disposition of the fetus on a form prescribed and furnished or approved by the state registrar.

(4) With the consent of the physician, physician assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter 677, nurse practitioner or medical examiner who is to certify the cause of death, a dead body may be moved from the place of death for the purpose of being prepared for final disposition.

(5) An authorization for final disposition issued under the laws of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state. Permits for transporting a body or fetus out of another state issued under the laws of another state shall be authority for transporting a body or fetus into Oregon.

(6) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition.

(7) Each person in charge of any place for final disposition shall include in the authorization the date of disposition and shall complete and return all authorizations to the county registrar within 10 days after the date of the disposition. When there is no person in charge of the place for final disposition, a responsible party other than the funeral service practitioner or person acting as a funeral service practitioner shall complete and return the authorization to the county registrar within 10 days after the date of disposition.

(8) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. The authorization shall be issued by the state registrar to a licensed funeral service practitioner or person acting as a funeral service practitioner, upon proper application.

(9) Prior to removing a dead body or fetus from the State of Oregon under ORS 692.270, a person acting as a funeral service practitioner as defined in ORS 432.005 (11)(b) shall submit a written notice of removal to the county registrar in the county in which death occurred or in which the body or fetus was found. The notice shall be on a form prescribed and furnished by the State Registrar of the Center for Health Statistics and in accordance with rules adopted by the Department of Human Services. A copy of the written notice of removal shall serve as a transit permit for the remains of the decedent named on the notice. [1963 c.200 §3; 1983 c.709 §16; 1985

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c.207 §6; 1987 c.252 §9; 1989 c.669 §2; 1997 c.783 §31; 1999 c.724 §4; 2001 c.357 §3; 2003 c.104 §4]

432.333 Reports on fetal deaths.

(1) Each fetal death of 350 grams or more, or, if weight is unknown, of 20 completed weeks gestation or more, calculated from the date last normal menstrual period began to the date of delivery, that occurs in this state shall be reported within five days after delivery to the county registrar of the county in which the fetal death occurred or to the Center for Health Statistics or as otherwise directed by the State Registrar of the Center for Health Statistics. All induced terminations of pregnancy shall be reported in the manner prescribed in ORS 435.496 and shall not be reported as fetal deaths.

(2) When a fetus is delivered in an institution, the person in charge of the institution or a designated representative shall prepare and file the report.

(3) When a fetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall prepare and file the report.

(4) When a fetal death required to be reported by this section occurs without attendance by a physician at or immediately after the delivery or when inquiry is required by ORS 146.003 to 146.165 and 146.710 to 146.992, the medical examiner shall investigate the cause of fetal death and shall prepare and file the report.

(5) When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this state or when a fetus is found in this state and the place of fetal death is unknown, the fetal death shall be reported in this state. The place where the fetus was first removed from the conveyance or the fetus was found shall be considered the place of fetal death.

(6) All information regarding the father shall be entered on the fetal death report if the father is identified. [1983 c.709 §13; 1989 c.171 §54; 1997 c.783 §33]

432.993 Unlawful use of vital record or vital report; criminal penalty.

(1) A person commits the crime of unlawful use of a vital record or vital report if the person willfully and knowingly:

(a) Makes any false statement in a certificate, record or report required by this chapter or in an application for an amendment thereof, or in an application for a certified copy of a vital record or vital report, or supplies false information intending that the information be used in the preparation of any certificate, record or report, or amendment thereto;

(b) Without lawful authority and with intent to deceive, makes, counterfeits, alters, amends or mutilates any certificate, record or report required by this chapter or a certified copy of a certificate, record or report;

(c) Obtains, possesses, uses, sells, furnishes or attempts to obtain, possess, use, sell or furnish to another, for any purpose of deception, any certificate, record or report required by this chapter or certified copy thereof so made, counterfeited, altered, amended or mutilated, or that is false in whole or in part or that relates to the birth of another person, whether living or deceased;

(d) Without lawful authority, possesses any certificate, record or report required by this chapter or a copy or certified copy of a certificate, record or

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report that has been stolen or otherwise unlawfully obtained; or

(e) As an employee of the Center for Health Statistics or of any office established pursuant to ORS 432.035, furnishes or processes a certificate of birth, knowing that the certificate or copy is to be used for the purposes of deception.

(2) Unlawful use of a vital record or vital report is a Class C felony. [1997 c.783 §42]

Oregon Administrative Rules

333-011-0016 Duties of State Registrar

(1) Forms. All forms, certificates, and reports used in the system of vital statistics are the property of the State Health Division -- hereinafter referred to as "State Agency" -- and shall be surrendered to the State Registrar of Vital Statistics -- hereinafter referred to as "State Registrar" -- upon demand. The forms prescribed and distributed by the State Registrar for reporting vital statistics shall be used only for official purposes. Only those forms furnished or approved by the State Registrar shall be used in the reporting of vital statistics or in making copies thereof.

(2) Requirements for preparation of certificates. All certificates and records relating to vital statistics must either be prepared on a typewriter with a black ribbon or printed legibly in black, unfading ink. All signatures required shall be entered in black, unfading ink. Unless otherwise directed by the State Registrar, no certificate shall be complete and correct and acceptable for registration:

- (a) That does not have the certifier's name typed or printed legibly under his or her signature;
- (b) That does not supply all items of information called for thereon or satisfactorily account for their omission;
- (c) That contains alterations or erasures;
- (d) That does not contain handwritten signatures as required;
- (e) That is marked "copy" or "duplicate";
- (f) That is a carbon copy;
- (g) That is prepared on an improper form;
- (h) That contains improper or inconsistent data;
- (i) That contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease;
- (j) That is not prepared in conformity with regulations or instructions issued by the State Registrar.

Stat. Auth.: ORS 432 Stats. Implemented: ORS 432.030

Hist.: HB 169, f. & ef. 10-16-63; HD 24-1981, f. & ef. 11-17-81

333-011-0101 Copies of Data From Vital Records

(1) Full or short form certified copies of vital records may be made by mechanical, electronic, or other reproductive processes, except that the information contained in the "Information for Medical and Health Use Only" section of the birth certificate shall not be included.

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(2) When a certified copy is issued, each certification shall be certified as a true copy by the officer in whose custody the record is entrusted and shall include the date issued, the name of the issuing officer, the registrar's signature or an authorized facsimile thereof, and the seal of the issuing office.

(3) Confidential verification of the facts contained in a vital record may be furnished by the State Registrar to any federal, state, county, or municipal government agency or to any other agency representing the interest of the registrant, subject to the limitations as indicated in section (1) of this rule. Such confidential verifications shall be on forms prescribed and furnished by the State Registrar or on forms furnished by the requesting agency and acceptable to the State Registrar; or, the State Registrar may authorize the verification in other ways when it shall prove in the best interests of his or her office.

(4) When the State Registrar finds evidence that a certificate was registered through misrepresentation or fraud, he or she shall have authority to withhold the issuance of a certified copy of such certificate until a court determination of the facts has been made.

(5) The State Registrar shall determine the minimum information needed to locate and identify a particular record within the files.

(6) Subject to the penalties of ORS 432.990, no person shall photograph, photostat, duplicate, or issue what purports to be a certified copy, certification, or certificate of birth, death, or fetal death except authorized employees of the State Health Division, county registrars, or their deputies, acting in accordance with directives, regulations, or law governing their official duties.

(7) The county registrar may issue certified copies of completed birth and death records from the original record while in the possession of the county registrar. The county registrar shall forward the completed original birth or death record to the State Registrar on the Friday of the week following the week in which it is registered by the county registrar.

(8) When the original death record is forwarded to the State Registrar, county registrars may maintain a copy of the completed death record for a period of six months from the date of death. County registrars may issue certified copies of the copy so maintained for a period not to exceed six months from the date of death.

(9) County registrars may apply to the State Registrar for authorization to issue certified copies of birth certificates for a period not to exceed six months from the date of birth. For approval the application must specify willingness and ability by county registrar to maintain a copy with all subsequent corrections of the upper portion of the birth record in order to issue copies. Notification of subsequent corrections will be made to the county registrar by the State Registrar. The application shall also specify local needs and interests which the issuance would serve. The needs and interests may include, but are not limited to, an established history of birth certificate service to local public, or a specific area or subpopulation need for quick access to birth certificate copies.

Stat. Auth.: ORS 432 Stats. Implemented: ORS 432.010, ORS 432.085 & ORS 432.120

Hist.: HB 169, f. & ef. 10-16-63; HD 24-1981, f. & ef. 11-17-81; HD 3-1986, f. & ef. 2-5-86