

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2327

Introduced by

Senators Fischer, Flakoll, Watne

Representatives Devlin, Fairfield, Porter

1 A BILL for an Act to amend and reenact sections 23-02.1-09, 23-02.1-10, and 23-02.1-13,
2 subsection 1 of section 23-02.1-14, sections 23-02.1-19, 23-02.1-20, and 23-02.1-21, and
3 paragraph 2 of subdivision a of subsection 3 of section 50-09-08.2 of the North Dakota Century
4 Code, relating to birth, death, and fetal death certificates.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 23-02.1-09 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **23-02.1-09. Compensation of local registrars.**

- 9 4. Each local registrar must be paid the sum of twenty-five cents for each certificate
10 of ~~birth, death, or fetal death~~ registered by ~~him~~ the registrar and transmitted to the
11 state registrar ~~in accordance with the rules and regulations issued hereunder.~~
12 2. If no ~~birth, death, or fetal death~~ is registered by ~~him~~ the registrar during any
13 calendar month, the local registrar shall report that fact to the state registrar and be
14 paid the sum of twenty-five cents.

15 **SECTION 2. AMENDMENT.** Section 23-02.1-10 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **23-02.1-10. Payment of fees to the local registrar.** The state registrar shall certify to
18 the county auditors the number of ~~birth, death, and fetal death~~ certificates registered by each
19 local registrar, with the names of the local registrars and the amount due. Upon ~~such~~ the
20 certification, the fees due the local registrar must be paid by the auditor of the county out of the
21 general fund of the county.

22 **SECTION 3. AMENDMENT.** Section 23-02.1-13 of the 1999 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

24 **23-02.1-13. Birth registration.**

- 1 1. A certificate of birth for each live birth ~~which~~ that occurs in this state must be filed
2 with the ~~local~~ state registrar ~~of the district in which the birth occurs within seven~~
3 ~~days after such birth and must be registered by such registrar if it has been~~
4 ~~completed and filed in accordance with this section; provided, that when a birth~~
5 ~~occurs on a moving conveyance, a birth certificate must be filed in the district in~~
6 ~~which the child is first removed from the conveyance.~~
- 7 2. When a birth occurs in an institution, the person in charge of the institution or ~~his~~ a
8 designated representative shall obtain the personal data, prepare the certificate,
9 secure the signatures required by the certificate, and file it with the ~~local~~ state
10 registrar. The physician in attendance shall certify to the facts of birth and provide
11 the medical information required by the certificate within six days after the birth.
- 12 3. When a birth occurs outside an institution, the certificate must be prepared and
13 filed by one of the following in the indicated order of priority:
- 14 a. The physician in attendance at or immediately after the birth, or in the
15 absence of such a person;
- 16 b. Any other person in attendance at or immediately after the birth, or in the
17 absence of such a person;
- 18 c. The father, the mother, or in the absence of the father and the inability of the
19 mother, the person in charge of the premises where the birth occurred.
- 20 4. If a man and the mother are or have been married or have attempted to marry
21 each other in apparent compliance with law, although the attempted marriage is or
22 could be declared invalid, and the child is born during the marriage or attempted
23 marriage, or within three hundred days after the termination of cohabitation or after
24 the marriage or attempted marriage is terminated by death, annulment, declaration
25 of invalidity, or divorce, or after a decree of separation is entered by a court, the
26 name of ~~such~~ the man must be entered on the certificate as the father of the child
27 unless the presumption of paternity has been rebutted by a court decree.
- 28 5. If the child is not born during the marriage of the mother, or within three hundred
29 days after ~~any such~~ a marriage is terminated by death, annulment, declaration of
30 invalidity, or divorce, or after a decree of separation is entered by a court, the
31 name of the father may not be entered on the birth certificate unless:

- 1 a. After the child's birth, the father and the child's natural mother have married,
2 or attempted to marry, each other by a marriage solemnized in apparent
3 compliance with law, although the attempted marriage is or could be declared
4 invalid, and:
- 5 (1) He has acknowledged his paternity of the child in writing filed with the
6 state registrar;
- 7 (2) With his consent, he is named as the child's father on the child's birth
8 certificate; or
- 9 (3) He is obligated to support the child under a written voluntary promise or
10 by court order;
- 11 b. While the child is under the age of majority, he received the child into his
12 home and openly holds out the child as his natural child;
- 13 c. After the child's birth, the child's natural mother and the father voluntarily
14 acknowledge the child's paternity in a writing signed by both and filed with the
15 state registrar; or
- 16 d. A court or other entity of competent jurisdiction has adjudicated paternity.
- 17 6. If, in accordance with subsections 4 and 5, the name of the father of the child is not
18 entered on the certificate of birth, the child's surname must be shown on the birth
19 certificate as the legal surname of the mother at the time of birth unless an affidavit
20 or an acknowledgment of paternity signed by both parents is received stating the
21 surname to be that of the father.
- 22 7. ~~In the case of a child born out of wedlock, the certificate must be filed directly with~~
23 ~~the state registrar.~~

24 **SECTION 4. AMENDMENT.** Subsection 1 of section 23-02.1-14 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 1. Whoever assumes custody of a living infant of unknown parentage shall report on
27 a form and in the manner prescribed by the state registrar within seven days to the
28 ~~local~~ state registrar ~~of the district in which the child was found~~, the following
29 information:
- 30 a. The date and place of finding.

- 1 b. Sex, color, or race, and approximate age of child and approximate date of
- 2 birth.
- 3 c. Name and address of the persons or institution with whom the child has been
- 4 placed for care.
- 5 d. Name given to the child by the custodian.
- 6 e. Other data required by the state registrar.

7 **SECTION 5. AMENDMENT.** Section 23-02.1-19 of the 1999 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **23-02.1-19. Death registration.**

- 10 1. A death certificate for each death which occurs in this state must be filed with the
11 local registrar of the district in which the death occurred within fifteen days after
12 ~~such~~ the death and must be registered by ~~such~~ the registrar if it has been
13 completed and filed in accordance with this section, provided:
 - 14 a. That if the place of death is unknown, a death certificate must be filed in the
15 registration district in which a dead body is found within fifteen days after ~~such~~
16 the occurrence.
 - 17 b. That if a death occurs on a moving conveyance, a death certificate must be
18 filed in the registration district in which the dead body was first removed from
19 the conveyance.
- 20 2. Notwithstanding subsection 1, if the state registrar has implemented an automated
21 system that allows each local registrar to produce certified copies of death
22 certificates in the local registrar's offices within two working days of filing, death
23 certificates must be filed with the state registrar.
- 24 3. The funeral director ~~or person acting as such~~ who first assumes custody of a dead
25 body shall file the death certificate. ~~He~~ The funeral director shall obtain the
26 personal data from the next of kin or the best qualified person or source available.
27 ~~He~~ The funeral director shall obtain the medical certification of cause of death from
28 the person responsible ~~therefor~~ for the medical certification.
- 29 ~~3.~~ 4. The medical certification must be completed and signed within fifteen days after
30 death by the physician in charge of the patient's care for the illness or condition

1 which resulted in death except when inquiry is required by the local health officer
2 or coroner.

3 ~~4.~~ 5. When death occurred without medical attendance ~~as set forth in subsection 3~~ or
4 when inquiry is required by the local health officer or coroner, the county coroner
5 shall investigate the cause of death and shall complete and sign the medical
6 certification within fifteen days after taking charge of the case.

7 ~~5.~~ 6. If the cause of death cannot be determined within fifteen days after death, the
8 medical certification may be filed after the prescribed period, ~~as required by and in~~
9 accordance with ~~regulations promulgated~~ rules adopted by the state department of
10 health. The attending physician or coroner shall give the funeral director in
11 custody of the body notice of the reason for the delay and final disposition may not
12 be made until authorized by the attending physician or coroner.

13 ~~6.~~ 7. When a death is presumed to have occurred within this state but the body cannot
14 be located, a death certificate may be prepared by the state registrar upon receipt
15 of findings of a court of competent jurisdiction, including the personal data and
16 medical data required to complete the death certificate. ~~Such a~~ The death
17 certificate must be marked "presumptive" and must show on its face the date of
18 registration and must identify the court and the date of the decree.

19 ~~7.~~ 8. Each death certificate must include the social security number of the decedent, if
20 the information is available. A social security number included on a death
21 certificate is exempt from section 44-04-18 and section 6 of article XI of the
22 Constitution of North Dakota.

23 **SECTION 6. AMENDMENT.** Section 23-02.1-20 of the 1999 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

25 **23-02.1-20. Fetal death registration.**

26 1. A fetal death certificate for each fetal death which occurs in this state after a
27 gestation period of twenty completed weeks or more or of less than twenty
28 completed weeks of gestation where provided by rules ~~and regulations~~ of the state
29 department of health must be filed with the ~~local~~ state registrar ~~of the district in~~
30 ~~which the delivery occurred within fifteen days after such delivery, and must be~~

- 1 ~~registered by such registrar if it has been completed and filed in accordance with~~
2 ~~this section, provided:~~
- 3 a. ~~That if the place of fetal death is unknown, a fetal death certificate must be~~
4 ~~filed in the registration district in which the dead infant is found within fifteen~~
5 ~~days after the time of finding.~~
- 6 b. ~~That if a fetal death occurs in a moving conveyance, a fetal death certificate~~
7 ~~must be filed in the registration district in which the fetus was first removed~~
8 ~~from the conveyance.~~
- 9 2. The funeral director ~~or person acting as such~~ who first assumes custody of a fetus
10 shall file the fetal death certificate. In the absence of such a person, the physician
11 or other person in attendance at or after delivery shall file the certificate of fetal
12 death. ~~He~~ The person filing the certificate of death shall obtain the personal data
13 from the next of kin or the best qualified person or source available. ~~He~~ The
14 person filing the certificate of death shall obtain the medical certification of cause
15 of death from the person responsible ~~therefor~~ for the medical certification.
- 16 3. The medical certification must be completed and signed by the physician in
17 attendance at the delivery within fifteen days after the delivery except when inquiry
18 is required by the local health officer or coroner.
- 19 4. When inquiry is required by the local health officer or coroner or in the absence of
20 medical attendance, the county coroner shall investigate the cause of fetal death
21 and sign the medical certification within fifteen days after taking charge of the
22 case.
- 23 5. If the cause of fetal death cannot be determined within fifteen days after death, the
24 medical certification may be filed after the prescribed period of time, ~~as required by~~
25 ~~and~~ in accordance with rules ~~and regulations promulgated~~ adopted by the state
26 department of health. The attending physician or coroner shall give the funeral
27 director in custody of the fetus the notice of the reason for the delay and final
28 disposition may not be made until authorized by the attending physician or
29 coroner.

1 6. The provision for entering the name of the father of the fetus on the fetal death
2 certificate and the reporting of out of wedlock fetal deaths concur exactly with
3 those set forth in ~~subsections 4 through 7~~ of section 23-02.1-13.

4 **SECTION 7. AMENDMENT.** Section 23-02.1-21 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-02.1-21. Permits.**

- 7 1. The funeral director ~~or person acting as such~~ who first obtains custody of a dead
8 body or fetus shall obtain a burial-transit permit ~~prior to~~ before final disposition or
9 removal from this state of the body or fetus.
- 10 2. ~~Such~~ The burial-transit permits must be issued by the state registrar or the local
11 registrar or subregistrar of the district where the certificate of death or fetal death
12 will be filed in accordance with the requirements of sections 23-02.1-19 and
13 23-02.1-20.
- 14 3. A burial-transit permit issued under the laws of another state which accompanies a
15 dead body or fetus brought into this state is authority for final disposition of the
16 body or fetus in this state.
- 17 4. A permit for disinterment and reinterment is required ~~prior to~~ before disinterment of
18 a dead body or fetus except as authorized by ~~regulations~~ rules or otherwise
19 provided by law. ~~Such~~ The permit must be issued by the state registrar to a
20 licensed embalmer upon proper application.

21 **SECTION 8. AMENDMENT.** Paragraph 2 of subdivision a of subsection 3 of section
22 50-09-08.2 of the North Dakota Century Code is amended and reenacted as follows:

- 23 (2) For encumbering or surrendering any assets held by a financial
24 institution in response to a notice of lien or an execution issued by the
25 state agency as provided in ~~subsection 7~~ of section 23-02.1-19 and
26 chapter 34-15; or