

AN ACT relating to vital records.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. KRS 213.041 is amended to read as follows:

- (1) In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of certificates and reports required by this chapter, or by administrative regulations *promulgated under this chapter*~~[adopted hereunder]~~, shall include, as a minimum, the items recommended by the federal agency responsible for national vital statistics.
- (2) Each certificate, report, and other *document*~~[documents]~~ required by this chapter shall be~~[on a form or]~~ in a *uniform* format prescribed by the cabinet with due consideration for national uniformity. All certificates shall be typewritten with the exception of required signatures which shall be written legibly in unfading black or blue ink.
- (3) No certificate shall be held to be complete and correct that does not supply all items of information called for therein or satisfactorily account for their omission, except as provided in KRS 199.570(3). If a certificate is incomplete, the local registrar shall immediately notify the responsible person and require that person to supply the missing items, if that information can be obtained.
- (4) All vital records shall contain the data required for registration.
- (5) No person shall charge or collect from any member of a family in which a birth or death occurs, any fee for completing and filing a report, or any other act or duty imposed upon them by this chapter.

➔Section 2. KRS 213.131 is amended to read as follows:

- (1) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the system of vital statistics, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or to copy or issue a copy of all or part of any record

except as authorized by this chapter, by administrative regulation, or by order of a court of competent jurisdiction. Every certified copy of a vital record shall have security features that deter the copy from being altered, counterfeited, duplicated, or simulated. Administrative regulations promulgated~~adopted~~ by the cabinet shall provide for adequate standards of security and confidentiality of vital records and copies of vital records and shall conform to subsection (5)~~(4)~~ of this section.

(2) The state registrar shall not permit inspection of, or disclose information contained in, a vital record or copy or issue a copy of all or part of that record unless the registrar confirms that the applicant is authorized to inspect, obtain information from, or obtain a copy of that record.

(3) The state registrar shall prepare annually an alphabetical list of all persons registered as born in the preceding year. The list shall show the person's name, the mother's maiden name, and the date and county of birth. This list shall be an open record subject to inspection by the public upon request.

(4)~~(3)~~ The state registrar shall prepare annually an alphabetical list of all persons registered who die in the Commonwealth. This list shall show the name of the deceased and the date and county of death and shall be an open record subject to inspection by the public upon request.

(5)~~(4)~~ The Cabinet for Health and Family Services may authorize by administrative regulation the disclosure of information contained in vital records for research and official administrative purposes, if:

- (a) All information identifying persons named on the certificate is withheld or removed;
- (b) The information is requested by a federal, state, county, or municipal agency of government which needs the data or information in the conduct of official duties; or
- (c) The cabinet has prepared, in writing, a statement of the conditions under

which the data or records will be used and received an agreement signed by a responsible agent of the research organization agreeing to meet with and conform to the conditions.

~~(6)~~~~(5)~~ If one hundred (100) years have elapsed after the date of birth, seventy (70) years have elapsed after the date of marriage or divorce, or fifty (50) years have elapsed after the date of death, the records of these events in the custody of the state registrar shall become public records and information shall be made available in accordance with regulations which shall provide for continued safekeeping of the records.

➔Section 3. KRS 213.136 is amended to read as follows:

(1) The state registrar shall upon receipt of an application issue a certified copy of a vital record in the registrar's custody to any person authorized to receive a certified copy under this chapter~~for a part thereof to any applicant~~. Each copy issued shall show the date of registration and copies issued from records marked "delayed" or "amended" shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate shall be shown on all copies issued. All forms and procedures used in the issuance of certified copies of vital records in the Commonwealth shall be uniform and provided or approved by the state registrar.

(2) (a) The cabinet shall promulgate administrative regulations prescribing the procedure for issuing a certified copy of a vital record that ensures that certified copies of vital records are only issued to authorized applicants.

(b) The state registrar shall permit a certified copy of a vital record pertaining to a living person to be obtained by:

1. A person named in the vital record;
2. The spouse, child, or parent of a person named;
3. Any person authorized by a person named in the vital record to obtain

a certified copy of that vital record;

4. An elected official on behalf of a constituent who is a person named in the vital record; and

5. Any person who has legal authority over a person named in the vital record, including but not limited to a guardian, limited guardian, conservator, or individual holding power of attorney for the person named in the vital record.

(c) The state registrar shall permit a certified copy of a vital record pertaining to a deceased person to be obtained by the decedent's surviving spouse, adult child, or parent, and a fiduciary of the decedent prior to final settlement of the decedent's estate. The state registrar shall permit a certified copy of a decedent's death certificate to be obtained by a named beneficiary of an insurance policy of the decedent or a person with a claim against the decedent's estate.

(d) Any certified copy of the birth certificate of a deceased person issued under this subsection shall be marked in a manner that clearly indicates that it is the certificate of a person who is deceased.

(e) A certified copy of an original birth certificate of an adopted or legitimized person or a certified copy of a vital record designated by court order as a restricted record shall not be issued under this subsection. A certified copy of an original birth certificate of an adopted child may only be obtained under KRS 199.570 and 199.572.

~~(3)~~(2) A vital record shall be subject to discovery under applicable rules of criminal and civil procedure. The Vital Statistics Branch shall provide a certified copy of a vital record to a person when directed to do so by order of a court of competent jurisdiction. A certified copy of a vital record or any part thereof, issued

in accordance with subsection (1) of this section, shall be considered for all

purposes the same as the original and shall be prima facie evidence of the facts stated therein. The evidentiary value of a certificate or record which has been amended shall be determined by the judicial or administrative body, or official before which the certificate is offered as evidence.

~~(4)~~~~(3)~~ The federal agency responsible for national vital statistics may be furnished copies or data from the system of vital statistics for national statistics, if the federal agency shares in the cost of collecting, processing, and transmitting the data, and if the data is not used for other than statistical purposes by the federal agency unless so authorized by the cabinet.

~~(5)~~~~(4)~~ Federal, state, local, and other public or private agencies may, upon request, be furnished copies or data from the system of vital statistics for statistical or administrative purposes upon terms or conditions as may be prescribed by regulation if the copies or data are not used for purposes other than those for which they were requested without prior permission of the cabinet. No information other than statistical data shall be provided for commercial purposes.

~~(6)~~~~(5)~~ The cabinet may, by agreement, transmit copies of records and other reports required by this chapter to offices of vital statistics outside the Commonwealth when the records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall require that the copies be used for statistical and administrative purposes only and the agreement shall further provide for the retention and disposition of the copies. Copies received by the Vital Statistics Branch from offices of vital statistics in other states shall be handled in the same manner as prescribed in this section.

**(7) The cabinet shall promulgate administrative regulations prescribing the procedure for issuing noncertified copies of vital records that ensure that certified copies of vital records are only issued to authorized applicants.**

~~(8)~~~~(6)~~ No person shall prepare or issue any certificate which purports to be an

original, certified copy, or copy of a vital record except as authorized in this section or administrative regulation promulgated under this chapter~~[adopted hereunder]~~.

➔Section 4. KRS 213.141 is amended to read as follows:

- (1) Except as provided in subsection (2) of this section, the cabinet shall prescribe by regulation a fee ~~[not to exceed five dollars (\$5),]~~ to be paid for certified copies of certificates or records and~~[, or]~~ for a search of the files or records when no copy is made, or for *noncertified copies or records and for a search of all files or records when no copy is made, both of which shall be less than the fee for certified copies*~~[copies or information provided for research, statistical, or administrative purposes]~~.
- (2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter 13A a fee not to exceed ten dollars (\$10) to be paid for a certified copy of a record of a birth:
  - (a) Three dollars (\$3) of which shall be used by the Cabinet for Health and Family Services for the sole purpose of contracting for the operation of private, not-for-profit, self-help, education, and support groups for parents who want to prevent or cease physical, sexual, or mental abuse of children; and
  - (b) One dollar (\$1) of which shall be used by the Division of Maternal and Child Health to pay for therapeutic food, formulas, supplements, or low-protein modified foods for all inborn errors of metabolism and genetic conditions if:
    1. The therapeutic food, formulas, supplements, or low-protein modified food products are medically indicated for the therapeutic treatment of inborn errors of metabolism or genetic conditions and are administered under the direction of a physician; and
    2. The affected person's therapeutic food, formulas, supplements or low-protein foods are not covered under any public or private health benefit

plan.

- (3) Fees collected under this section by the state registrar shall be used to help defray the cost of administering the system of vital statistics.
- (4)
  - (a) No fee or compensation shall be allowed or paid for furnishing certificates of birth or death required in support of any claim against the government for compensation, insurance, back pay, or other allowances or benefits for any person who has at any time served as a member of the Army, Navy, Marine Corps, or Air Force of the United States.
  - (b) No fee or compensation shall be allowed or paid for furnishing a certificate of birth to a member of the Kentucky National Guard who has received deployment orders during the sixty (60) days prior to the furnishing of the certificate.
- (5) The cabinet shall notify the State Board of Elections monthly of the name, address, birthdate, sex, race, and Social Security number of residents of the Commonwealth who died during the previous month. This data shall include only those persons who were over the age of eighteen (18) years at the date of death. No fee or compensation shall be allowed for furnishing these lists.

➔Section 5. KRS 402.100 is amended to read as follows:

Each county clerk shall use the form prescribed by the Department for Libraries and Archives when issuing a marriage license. This form shall provide for the entering of all of the information required in this section, and may also provide for the entering of additional information prescribed by the Department for Libraries and Archives. The form shall consist of:

- (1) A marriage license which provides for the entering of:
  - (a) An authorization statement of the county clerk issuing the license for any person or religious society authorized to perform marriage ceremonies to unite in marriage the persons named;

- (b) Vital information for each party, including the full name, date of birth, place of birth, race, condition (single, widowed, or divorced), number of previous marriages, occupation, current residence, relationship to the other party, and full names of parents; and
  - (c) The date and place the license is issued, and the signature of the county clerk or deputy clerk issuing the license.
- (2) A marriage certificate which provides for the entering of:
- (a) A statement by the person performing the marriage ceremony or the clerk of the religious society authorized to solemnize the marriage ceremony that the ceremony was performed. The statement shall include the name and title of the person performing the ceremony or the name of the religious society solemnizing the marriage, the names of persons married, the date and place of the marriage, and the names of two (2) witnesses;
  - (b) A statement by the person performing the marriage ceremony of his legal qualification under this chapter to perform the ceremony, such statement to include the name of the county or city where his license to perform marriage ceremonies was issued or, in the case of religious societies authorized by KRS 402.050(c) to solemnize marriages, the name of the city or county where the religious society is incorporated. The provisions of this paragraph shall not be construed to require the clerk of a religious society to be present at the marriage so long as the witnesses of the society are present;
  - (c) A dated signature of the person performing the ceremony; and
  - (d) A signed statement by the county clerk or a deputy county clerk of the county in which the marriage license was issued that the marriage certificate was recorded. The statement shall indicate the name of the county and the date the marriage certificate was recorded.
- (3) A certificate to be delivered by the person performing the marriage ceremony or the



clerk of the religious society performing the marriage ceremony to the parties married. This certificate shall provide for the entering of:

- (a) A statement by the person performing the marriage ceremony or the clerk of the religious society performing the marriage ceremony that the ceremony was performed. The statement shall include the name and title of the person performing the ceremony, or the name of the religious society performing the ceremony, the names of persons married, the date and place of the marriage, the names of two (2) witnesses, and the following information as recorded on the license authorizing the marriage: the date the license was issued, the name of the county clerk under whose authority the license was issued, and the county in which the license was issued; and
  - (b) A dated signature of the person performing the ceremony or the clerk of the religious society performing the ceremony.
- (4) A Social Security number shall be requested as a means of identification of each party but shall not be recorded on the marriage license or certificate. Other means of identification may also be requested if a party does not have a Social Security number. ~~[The Social Security number shall be forwarded to the appropriate agency within the Cabinet for Health and Family Services that is responsible for enforcing child support, and the number shall be stored by that agency with a nonidentifying numeric.]~~ The Social Security number shall not be available for public release.