

1 AN ACT relating to certificates of death.

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

3 ➔Section 1. KRS 213.076 is amended to read as follows:

- 4 (1) (a) A certificate of death or a provisional certificate of death for each death which
5 occurs in the Commonwealth shall be filed with the cabinet or as otherwise
6 directed by the state registrar prior to final disposition, and it shall be
7 registered if it has been completed and filed in accordance with this section.
8 The funeral director, or person acting as such, who first takes custody of a
9 dead body shall be responsible for filing the certificate of death. The funeral
10 director, or person acting as such, shall obtain the required personal and
11 statistical particulars from the person best qualified to supply them over the
12 signature and address of the informant. ~~[Effective January 1, 2015,]~~All
13 certificates of death shall be filed with the cabinet using the Kentucky
14 Electronic Death Registration System in a manner directed by the state
15 registrar.
- 16 (b) At the time of obtaining the required personal and statistical particulars from
17 the informant referred to in paragraph (a) of this subsection, the funeral
18 director, or person acting as such, shall ask the informant if the deceased ever
19 served in the military. If the informant answers in the affirmative, then the
20 funeral director, or person acting as such, shall provide the informant with a
21 fact sheet stating military burial rights supplied by the Kentucky Department
22 of Veterans' Affairs.
- 23 (c) The funeral director, or person acting as such, shall within five (5) days of the
24 death, present the certificate to the attending physician, advanced practice
25 registered nurse, or physician assistant, if any, to the physician pronouncing
26 death, or to the health officer or coroner as directed by the state registrar, for
27 the medical certificate of the cause of death and other particulars necessary to

1 complete the record as required by this chapter.

2 (d) It shall be unlawful for an institution to release a dead human body until the
3 funeral director, or person acting as such, has completed and filed with the
4 local registrar or person in charge of the institution, a provisional certificate of
5 death. If death occurs outside an institution, the provisional certificate shall be
6 filed with the local registrar by the funeral director, or person acting as such,
7 prior to final disposition of the dead body. A copy of the provisional
8 certificate of death signed by the person with whom it was filed, shall
9 constitute authority for the possession, transportation, and, except for
10 cremation, final disposition of the body.

11 (e) All persons having in their possession a completed provisional certificate of
12 death shall file the certificate at not more than weekly intervals with the local
13 registrar.

14 (f) If the place of death is unknown but the dead body is found in the
15 Commonwealth, the certificate of death shall be completed and filed in
16 accordance with this section. The place where the body is found shall be
17 shown as the place of death. If the date of death is unknown, it shall be
18 determined by approximation subject to amendment upon completion of any
19 postmortem examination required to be performed.

20 (g) If death occurs in a moving conveyance in the United States and the body is
21 first removed from the conveyance in the Commonwealth, the death shall be
22 registered in Kentucky, and the place where it is first removed shall be
23 considered the place of death. If a death occurs on a moving conveyance
24 while in international waters or air space or in a foreign country or its air
25 space, and the body is first removed from the conveyance in the
26 Commonwealth, the death shall be registered in Kentucky, but the certificate
27 shall show the actual place of death insofar as can be determined.

- 1 (2) If any certificate of death is incomplete or unsatisfactory, the state registrar shall
2 call attention to the defects in the certificate and require the person responsible for
3 the entry to complete or correct. The state registrar may also require additional
4 information about the circumstances and medical conditions surrounding a death in
5 order to properly code and classify the underlying cause. A funeral director shall
6 not be held responsible for the failure of a physician, advanced practice registered
7 nurse, physician assistant, dentist, chiropractor, or coroner to complete or correct
8 the entry for which he or she is responsible.
- 9 (3) (a) The medical certification shall be completed, signed, and returned to the
10 funeral director within five (5) working days after presentation to the
11 physician, advanced practice registered nurse, physician assistant, dentist, or
12 chiropractor in charge of the patient's care for the illness or condition which
13 resulted in death, except when inquiry is required by KRS 72.400 to 72.475.
14 In such cases, or if the cause of death is unknown or under investigation, the
15 medical certification shall be completed~~[cause of death shall be shown as~~
16 ~~such on the certificate. A supplemental report providing the medical~~
17 ~~information omitted from the original certificate shall be filed by the certifier~~
18 ~~with the state registrar]~~ within five (5) days after receiving results of the
19 inquiry as required by KRS 72.400 to 72.475. ~~[The supplemental report shall~~
20 ~~be made a part of the existing death certificate. This report shall be considered~~
21 ~~an amendment, and the death certificate shall be marked "Amended."]~~
- 22 (b) In the absence of the physician, advanced practice registered nurse, physician
23 assistant, dentist, or chiropractor, or with such person's approval, the
24 certificate may be completed and signed by his or her associate physician,
25 advanced practice registered nurse, physician assistant, dentist, or
26 chiropractor, or the chief medical officer of the institution in which death
27 occurred, or the physician who performed an autopsy upon the decedent, or a

1 physician, advanced practice registered nurse, or physician assistant employed
2 by the local health department, if the individual has access to the medical
3 history of the case and death is due to natural causes.

4 (4) If death occurs more than thirty-six (36) hours after the decedent was last treated or
5 attended by a physician, advanced practice registered nurse, physician assistant,
6 dentist, or chiropractor, the case shall be referred to the coroner for investigation to
7 determine and certify the cause of death. In the event that a coroner is not available
8 to sign the certificate and there is no duly appointed deputy, the county
9 judge/executive shall appoint a competent person to investigate the death and
10 certify to its cause.

11 (5) (a) The physician, advanced practice registered nurse, physician assistant, dentist,
12 chiropractor, or coroner who certifies to the cause of death shall return the
13 certificate to the funeral director, or person acting as such, who, in turn, shall
14 file the certificate directly with the Vital Statistics Branch. Any certified
15 copies of the record requested at the time of filing shall be issued in not more
16 than two (2) working days.

17 (b) In the case of a death in which diabetes was known to be an underlying cause
18 or contributing condition, diabetes shall be listed in the appropriate location
19 on the death certificate by the physician, advanced practice registered nurse,
20 physician assistant, dentist, chiropractor, or coroner who certifies to the cause
21 of death.

22 (6) Three (3) free verification-of-death statements shall be provided to the funeral
23 director by the Vital Statistics Branch for every death in the Commonwealth of
24 Kentucky.

25 (7) The body of any person whose death occurs in Kentucky shall not be interred,
26 deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from
27 or into any registration district, until a provisional certificate of death has been filed

1 with the local registrar of the registration district in which the death occurs. If the
2 death occurred from a disease declared by the Cabinet for Health and Family
3 Services to be infectious, contagious, or communicable and dangerous to the public
4 health, no permit for the removal or other disposition of the body shall be granted
5 by the registrar except under conditions prescribed by the Cabinet for Health and
6 Family Services and the local health department. The Cabinet for Health and
7 Family Services shall identify by regulation those communicable diseases which
8 require blood and body fluid precautions. If a person who has been diagnosed as
9 being infected with a communicable disease for which blood and body fluid
10 precautions are required, dies within a health facility as defined in KRS 216B.015,
11 the facility shall notify any embalmer or funeral director to whom the body will be
12 transported of the need for such precautions. The notice shall be provided by
13 including the statement "Blood and Body Fluid Precautions" on the provisional
14 report-of-death form as prescribed by the Cabinet for Health and Family Services.
15 Lack of this notice shall not relieve any embalmer or funeral director from taking
16 universal blood and body fluid precautions as are recommended by the United
17 States Department of Health and Human Services, Centers for Disease Control for
18 Morticians' Services. No embalmer or funeral director shall charge more for
19 embalming the remains of a person with a communicable disease which requires
20 blood and body fluid precautions than the price for embalming services listed on the
21 price list funeral providers are required to maintain and provide to consumers
22 pursuant to 16 C.F.R. sec. 453.2~~[(1988)]~~.

23 (8) A burial-transit permit for the final disposition issued under the law of another state
24 which accompanies a dead body or fetus brought into the Commonwealth shall be
25 the authority for final disposition of the body or fetus in the Commonwealth and
26 may be accepted in lieu of a certificate of death. There shall be noted on the face of
27 the record made for return to the local registrar that the body was shipped to

- 1 Kentucky for interment and the actual place of death.
- 2 (9) Nothing in this section shall be construed to delay, beyond a reasonable time, the
3 interment or other disposition of a body unless the services of the coroner or the
4 health officer are required or the Department for Public Health deems it necessary
5 for the protection of the public health. If compliance with this section would result
6 in unreasonable delay in the disposition of the body the funeral director, or person
7 acting as such, shall file with the local registrar or deputy registrar prior to
8 interment a provisional certificate of death which shall contain the name, date, and
9 place of death of the deceased, the name of the medical certifier, and an agreement
10 to furnish within ten (10) days a complete and satisfactory certificate of death.
- 11 (10) No sexton or other person in charge of any place in which interment or other
12 disposition of dead bodies is made shall inter or allow interment or other disposition
13 of a dead body or fetus unless it is accompanied by a copy of the provisional
14 certificate of death. The sexton, or if there is no sexton, the funeral director, or
15 person acting as such, shall enter on the provisional certificate over his or her
16 signature, the date, place, and manner of final disposition and file the certificate
17 within five (5) days with the local registrar.
- 18 (11) Authorization for disinterment, transportation, and reinterment or other disposition
19 shall be required prior to disinterment of any human remains. The authorization
20 shall be issued by the state registrar upon proper application. The provisions of this
21 subsection shall apply to all manners of disposition except cremation and without
22 regard for the time and place of death. The provisions of KRS 381.765 shall not
23 apply to remains removed for scientific study and the advancement of knowledge.
- 24 (12) After a death certificate has been on file for five (5) years, it may not be changed in
25 any manner except upon order of a court. Prior to that time, requests for corrections,
26 amendments, or additions shall be accompanied by prima facie evidence which
27 supports the requested change.