

1 AN ACT relating to vital records.

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

3 ➔Section 1. KRS 213.136 is amended to read as follows:

- 4 (1) The state or county registrar shall, upon written request from an applicant entitled
5 to a record in accordance with administrative regulations promulgated by the
6 cabinet,~~[receipt of an application]~~ issue a certified copy of any certificate or~~[a~~
7 ~~vital]~~ record in the registrar's custody~~[or a part thereof to any applicant]~~. Each
8 certified copy~~[issued]~~ shall indicate~~[show]~~ the date of registration. If the record is~~[~~
9 ~~and copies issued from records]~~ marked "delayed" or "amended," or issued
10 pursuant to a court order, the certified copy shall bear the same designation and
11 include the effective date of the modification~~[shall be similarly marked and show~~
12 ~~the effective date. The documentary evidence used to establish a delayed certificate~~
13 ~~shall be shown on all copies issued. All forms and procedures used in the issuance~~
14 ~~of certified copies of vital records in the Commonwealth shall be provided or~~
15 ~~approved by the state registrar]~~.
- 16 (2) A certified copy of a vital record or any part thereof, issued in accordance with
17 subsection (1) of this section, shall be considered the legal equivalent of~~[for all~~
18 ~~purposes the same as]~~ the original and shall serve as~~[be]~~ prima facie evidence of the
19 facts stated therein. The evidentiary value of a record filed more than one (1) year
20 after the event, a record that has been amended, or a record of a foreign live
21 birth~~[certificate or record which has been amended]~~ shall be determined by the
22 judicial or administrative body, or official before which the certificate is offered as
23 evidence.
- 24 (3) ~~[The federal agency responsible for national vital statistics may be furnished copies~~
25 ~~or data from the system of vital statistics for national statistics, if the federal agency~~
26 ~~shares in the cost of collecting, processing, and transmitting the data, and if the data~~
27 ~~is not used for other than statistical purposes by the federal agency unless so~~

1 authorized by the cabinet.

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

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

16 ~~(6) No person shall prepare or issue any document purporting [certificate which~~
17 ~~purports] to be an original, certified copy, or copy of a certificate of birth, death,~~
18 ~~fetal death, or marriage [vital record] except as authorized in this section or~~
19 ~~regulation adopted hereunder.~~

20 ➔ Section 2. KRS 213.141 is amended to read as follows:

21 (1) Except as provided in subsection ~~(4)~~ ~~[(2)]~~ of this section, the cabinet shall prescribe
22 by regulation a fee not to exceed ten dollars (\$10) ~~[five dollars (\$5)]~~, to be paid for:

23 (a) 1. Certification of records, whether paper or electronic.

24 2. ~~[certified copies of certificates or records, or for]~~ A search of the files
25 or records when no certification ~~[copy]~~ is made.

26 3. ~~[, or for]~~ Copies or information provided for health, research, statistical,
27 or administrative purposes.

1 4. Copies of information provided in response to a subpoena or court
2 order;

3 (b) Verification of information contained in vital records when such
4 information is provided; or

5 (c) A request to modify or replace a vital record in accordance with KRS
6 Chapter 213, provided that a fee shall not be assessed to modify the cause or
7 manner of death or for a correction to public health statistical data collected
8 through vital record registration.

9 (2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter
10 13A a fee not to exceed fifteen dollars (\$15)~~ten dollars (\$10)~~ to be paid for a
11 certified copy of a record of a birth:

12 (a) Three dollars (\$3) of which shall be used by the Cabinet for Health and
13 Family Services for the sole purpose of contracting for the operation of
14 private, not-for-profit, self-help, education, and support groups for parents
15 who want to prevent or cease physical, sexual, or mental abuse of children;
16 and

17 (b) One dollar (\$1) of which shall be used by the Division of Maternal and Child
18 Health to pay for therapeutic food, formulas, supplements, amino acid-based
19 elemental formula, or low-protein modified foods for all inborn errors of
20 metabolism and genetic conditions if:

21 1. The therapeutic food, formulas, supplements, amino acid-based
22 elemental formula, or low-protein modified food products are medically
23 indicated for the therapeutic treatment of inborn errors of metabolism or
24 genetic conditions and are administered under the direction of a
25 physician; and

26 2. The affected person's therapeutic food, formulas, supplements, amino
27 acid-based elemental formula, or low-protein foods are not covered

1 under any public or private health benefit plan.

2 (3) Fees collected under this section by the state registrar shall be used to help defray
3 the cost of administering the system of vital statistics.

4 (4) **No fee or compensation shall be allowed or paid for furnishing certificates of**
5 **birth or death when required:**

6 (a) ~~[No fee or compensation shall be allowed or paid for furnishing certificates of~~
7 ~~birth or death required.]~~In support of any claim against the government for
8 compensation, insurance, back pay, or other allowances or benefits for any
9 person who has at any time served as a member of the Army, Navy, Marine
10 Corps, or Air Force of the United States;[.]

11 (b) ~~[No fee or compensation shall be allowed or paid.]~~For furnishing a certificate
12 of birth to a member of the Kentucky National Guard who has received
13 deployment orders during the sixty (60) days prior to the furnishing of the
14 certificate;[.]

15 (c) ~~[No fee or compensation shall be allowed or paid.]~~For furnishing a certificate
16 of birth to a child who is in the custody of or committed to the cabinet,
17 including a child who has extended commitment to the cabinet in accordance
18 with KRS 610.110(6);[.]

19 (d) ~~[No fee or compensation shall be allowed or paid.]~~For furnishing a certificate
20 of birth to a homeless individual as defined in KRS 198A.700, or a homeless
21 youth as defined in 42 U.S.C. sec. 11434a(2) who is under twenty-five (25)
22 years of age, provided the homeless individual or homeless youth has been
23 verified as homeless by at least one (1) of the following:

24 1. A director or designee of a governmental or nonprofit agency that
25 receives public or private funding to provide services to homeless
26 people;

27 2. A local educational agency liaison for homeless children and youths

1 designated pursuant to 42 U.S.C. sec. 11432(g)(1)(J)(ii) or a school
2 social worker or school counselor;

3 3. The director or director's designee of a federal TRIO Program or a
4 Gaining Early Awareness and Readiness for Undergraduate Program; or

5 4. A financial aid administrator for an institution of higher education; ~~and~~

6 (e) For furnishing a certificate of death of an individual who has died in the
7 line of duty to state or federal agencies, as defined by the applicable
8 provisions of Kentucky Revised Statutes; or

9 (f) Upon the Governor's declaration of a natural disaster within the state, and
10 when the commissioner of the Department for Public Health declares a
11 waiver of the fee for vital record certificate for the victims of the disaster.

12 (5) The Office of Vital Statistics may waive the fee for verification of a vital event
13 requested by a member of a state or federal law enforcement agency authorized to
14 investigate matters involving public safety.

15 (6) (a) ~~(5)~~ The cabinet shall notify the State Board of Elections monthly of the
16 name, address, birthdate, sex, race, and Social Security number of residents of
17 the Commonwealth who died during the previous month. This data shall
18 include only those persons who were over the age of eighteen (18) years at the
19 date of death. No fee or compensation shall be allowed for furnishing these
20 lists.

21 (b) To ensure the State Board of Elections accurately removes names from the
22 voter registration records it maintains, the cabinet shall provide a copy of
23 the Annual Lifetime Kentucky Death Report to the State Board of Elections
24 on or before July 1 of each year.

25 ➔Section 3. KRS 116.113 is amended to read as follows:

26 (1) (a) Upon receipt of notification from the Cabinet for Health and Family Services
27 or other reliable sources of the death of a person, the State Board of Elections

1 shall within five (5) days cause the removal of the name of that person from
2 the voter registration records it maintains, except that no voter's name may be
3 removed during the period of time the registration books are closed for any
4 primary, general, or special election.

5 (b) To ensure that the State Board of Elections accurately removes names from
6 the voter registration records it maintains, the Cabinet for Health and Family
7 Services shall provide a copy of the Annual Lifetime Kentucky Death
8 Report~~[lifetime Kentucky death records]~~ to the State Board of Elections on or
9 before July 1 of each year.

10 (2) Upon receipt of notification from the circuit clerk that a person has been declared
11 incompetent, the State Board of Elections shall within five (5) days cause the
12 removal of the name of that person from the voter registration records it maintains,
13 except that no voter's name may be removed during the period of time the
14 registration books are closed for any primary, general, or special election.

15 (3) Upon receipt of notification from the Administrative Office of the Courts that a
16 person has been excused from jury duty for not being a citizen of the United States,
17 the State Board of Elections shall within five (5) days cause the removal of the
18 name of that person from the voter registration records it maintains, except that no
19 voter's name may be removed during the period of time the registration books are
20 closed for any primary, general, or special election.

21 (4) Upon receipt of notification from the Administrative Office of the Courts or the
22 United States Department of Justice that a person has been convicted of a felony
23 offense, the State Board of Elections shall within five (5) days cause the removal of
24 the name of that person from the voter registration records it maintains, except that
25 no voter's name may be removed during the period of time the registration books
26 are closed for any primary, general, or special election.

27 (5) Upon receipt of notification from a local or state jurisdiction that a voter has

1 registered to vote in the new local or state jurisdiction outside of the
2 Commonwealth, the State Board of Elections shall within five (5) days cause the
3 removal of the name of that person from the voter registration records that it
4 maintains, except that no voter's name may be removed during the period of time
5 the registration books are closed for any primary, regular election, or special
6 election.

7 (6) Following the purge of a name from the records of the State Board of Elections, the
8 state board shall notify the clerk of the county in which the voter lived of the action;
9 and the county clerk shall within ten (10) days update the county voter registration
10 files to reflect the necessary change. If a protest is filed by the voter, the county
11 board shall hear it at its next regular monthly meeting. If the county board decides
12 in favor of the protesting voter, the voter's registration record shall be restored,
13 including his or her voting record. If the protest is filed while the registration books
14 are closed and the county board decides in favor of the protesting voter, the county
15 board shall issue the voter an "Authorization to Vote" for the upcoming election
16 and the voter's record shall be restored when the registration books open following
17 the election.