

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 369

Senator Hughes

Cosponsors: Senators Patton, Seitz, Brown, Cafaro

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A B I L L

To amend section 3705.23 of the Revised Code and to 1
amend the version of section 3705.23 of the 2
Revised Code that is scheduled to take effect 3
March 20, 2015, to continue the provisions of this 4
act on and after that effective date, for the 5
purpose of restricting to whom a certified copy of 6
a death certificate containing the decedent's 7
social security number may be issued. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3705.23 of the Revised Code be 9
amended to read as follows: 10

Sec. 3705.23. (A)(1) Except as otherwise provided in this 11
section, the director of health, the state registrar, or a local 12
registrar, on receipt of a signed application and the fee 13
specified in section 3705.24 of the Revised Code, shall issue a 14
certified copy of a vital record, or of a part of a vital record, 15
in the director's or registrar's custody to any applicant, unless 16
the vital record has ceased to be a public record pursuant to 17
section 3705.09, 3705.11, 3705.12, or 3705.15 of the Revised Code. 18
The certified copy shall show the date the vital record was 19

registered by the local registrar. 20

(2) A certified copy of a vital record may be made by a 21
mechanical, electronic, or other reproduction process. It shall be 22
certified as a true copy by the director, state registrar, or 23
local registrar who has custody of the record and shall include 24
the date of issuance, the name of the issuing officer, the 25
signature of the officer or an authorized facsimile of the 26
signature, and the seal of the issuing office. 27

(3) A certified copy of a vital record or of any part of a 28
vital record, issued in accordance with this section, shall be 29
considered for all purposes the same as the original and shall be 30
prima-facie evidence of the facts stated in it in all courts and 31
places. 32

(4)(a) Information contained in the "information for medical 33
and health use only" section of a birth record shall not be 34
included as part of a certified copy of the birth record unless 35
the information specifically is requested by the individual to 36
whose birth the record attests, either of the individual's parents 37
or the individual's guardian, a lineal descendant, or an official 38
of the federal or state government or of a political subdivision 39
of the state charged by law with detecting or prosecuting crime. 40

(b) Except as provided in division (A)(4)(a) of this section, 41
neither the office of vital statistics nor a local registrar shall 42
disclose information contained in the "information for medical and 43
health use only" section of a birth record unless a court, for 44
good cause shown, orders disclosure of the information or the 45
state registrar specifically authorizes release of the information 46
for statistical or research purposes under conditions the state 47
registrar, subject to the approval of the director of health, 48
shall establish by rule. 49

(5) A decedent's social security number shall not be included 50

on a certified copy of the decedent's death certificate unless 51
that information is specifically requested to be on the certified 52
copy by one of the following who presents proof satisfactory to 53
the director, state registrar, or local registrar of the person's 54
identity: 55

(a) The decedent's spouse; 56

(b) A lineal descendant of the decedent; 57

(c) An official of the federal or state government or of a 58
political subdivision of the state charged by law with detecting 59
or prosecuting crime; 60

(d) The executor or administrator of the decedent's estate, 61
or an attorney representing the executor or administrator; 62

(e) An agent, as defined in section 1337.22 of the Revised 63
Code, of the decedent, when the decedent had been the principal 64
under a power of attorney created pursuant to sections 1337.21 to 65
1337.64 of the Revised Code; 66

(f) Any person, other than one described in division 67
(A)(5)(a), (b), (c), (d), or (e) of this section, who is 68
authorized by law to act on behalf of the decedent or the 69
decedent's estate; 70

(g) A licensed funeral director, or an employee or agent of 71
that individual, who requests a certified copy of the decedent's 72
death certificate on behalf of a person described in division 73
(A)(5)(a), (b), (d), (e), or (f) of this section. 74

(B)(1) Unless the applicant specifically requests a certified 75
copy, the director, the state registrar, or a local registrar, on 76
receipt of a signed application for a birth record and the fee 77
specified in section 3705.24 of the Revised Code, may issue a 78
certification of birth, and the certification of birth shall 79
contain at least the name, sex, date of birth, registration date, 80

and place of birth of the person to whose birth the record attests 81
and shall attest that the person's birth has been registered. A 82
certification of birth shall be prima-facie evidence of the facts 83
stated in it in all courts and places. 84

(2) The director or state registrar, on receipt of a signed 85
application for an heirloom certification of birth and the fee 86
specified in section 3705.24 of the Revised Code, may issue an 87
heirloom certification of birth. The director shall prescribe by 88
rule guidelines for the form of an heirloom certification of 89
birth, and the guidelines shall require the heirloom certification 90
of birth to contain at least the name, sex, date of birth, 91
registration date, and place of birth of the person to whose birth 92
the record attests and to attest that the person's birth has been 93
registered. An heirloom certification of birth shall be 94
prima-facie evidence of the facts stated in it in all courts and 95
places. 96

(3)(a) The director or state registrar, on receipt of an 97
application signed by either parent, shall issue a certificate 98
that recognizes the delivery of a stillborn infant. The director 99
or state registrar shall not charge a fee for the certificate. The 100
certificate is not proof of a live birth for purposes of federal, 101
state, and local taxes. 102

The certificate shall contain the infant's name and sex, the 103
date of delivery, and the place of delivery. The certificate shall 104
not contain the word "stillborn" or "stillbirth" or any other 105
words having the same or a similar meaning. The director may 106
prescribe by rule any other standards regarding the form of the 107
certificate. 108

(b) If, prior to ~~the effective date of this amendment~~ June 3, 109
2014, a parent obtained a certificate that contains the word 110
"stillborn" or "stillbirth" or any other words having the same or 111
a similar meaning, the parent may submit to the director or state 112

registrar a written request for issuance of a certificate that 113
meets the conditions specified in division (B)(3)(a) of this 114
section. On receipt of the request, the director or state 115
registrar shall issue the certificate. 116

(C) On evidence that a birth certificate was registered 117
through misrepresentation or fraud, the state registrar may 118
withhold the issuance of a certified copy of the birth record or a 119
certification of birth until a court makes a determination that no 120
misrepresentation or fraud occurred. 121

Section 2. That existing section 3705.23 of the Revised Code 122
is hereby repealed. 123

Section 3. That the version of section 3705.23 of the Revised 124
Code that is scheduled to take effect on March 20, 2015, be 125
amended to read as follows: 126

Sec. 3705.23. (A)(1) Except as otherwise provided in this 127
section, the director of health, the state registrar, or a local 128
registrar, on receipt of a signed application and the fee 129
specified in section 3705.24 of the Revised Code, shall issue a 130
certified copy of a vital record, or of a part of a vital record, 131
in the director's or registrar's custody to any applicant, unless 132
the vital record has ceased to be a public record pursuant to 133
section 3705.09, 3705.11, 3705.12, 3705.121, 3705.122, 3705.123, 134
3705.124, or 3705.15 of the Revised Code. The certified copy shall 135
show the date the vital record was registered by the local 136
registrar. 137

(2) A certified copy of a vital record may be made by a 138
mechanical, electronic, or other reproduction process. It shall be 139
certified as a true copy by the director, state registrar, or 140
local registrar who has custody of the record and shall include 141
the date of issuance, the name of the issuing officer, the 142

signature of the officer or an authorized facsimile of the 143
signature, and the seal of the issuing office. 144

(3) A certified copy of a vital record or of any part of a 145
vital record, issued in accordance with this section, shall be 146
considered for all purposes the same as the original and shall be 147
prima-facie evidence of the facts stated in it in all courts and 148
places. 149

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and health use only" section of a birth record shall not be 151
included as part of a certified copy of the birth record unless 152
the information specifically is requested by the individual to 153
whose birth the record attests, either of the individual's parents 154
or the individual's guardian, a lineal descendant, or an official 155
of the federal or state government or of a political subdivision 156
of the state charged by law with detecting or prosecuting crime. 157

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neither the office of vital statistics nor a local registrar shall 159
disclose information contained in the "information for medical and 160
health use only" section of a birth record unless a court, for 161
good cause shown, orders disclosure of the information or the 162
state registrar specifically authorizes release of the information 163
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registrar, subject to the approval of the director of health, 165
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on a certified copy of the decedent's death certificate unless 168
that information is specifically requested to be on the certified 169
copy by one of the following who presents proof satisfactory to 170
the director, state registrar, or local registrar of the person's 171
identity: 172

(a) The decedent's spouse; 173

<u>(b) A lineal descendant of the decedent;</u>	174
<u>(c) An official of the federal or state government or of a political subdivision of the state charged by law with detecting or prosecuting crime;</u>	175 176 177
<u>(d) The executor or administrator of the decedent's estate, or an attorney representing the executor or administrator;</u>	178 179
<u>(e) An agent, as defined in section 1337.22 of the Revised Code, of the decedent, when the decedent had been the principal under a power of attorney created pursuant to sections 1337.21 to 1337.64 of the Revised Code;</u>	180 181 182 183
<u>(f) Any person, other than one described in division (A)(5)(a), (b), (c), (d), or (e) of this section, who is authorized by law to act on behalf of the decedent or the decedent's estate;</u>	184 185 186 187
<u>(g) A licensed funeral director, or an employee or agent of that individual, who requests a certified copy of the decedent's death certificate on behalf of a person described in division (A)(5)(a), (b), (d), (e), or (f) of this section.</u>	188 189 190 191
(B)(1) Unless the applicant specifically requests a certified copy, the director, the state registrar, or a local registrar, on receipt of a signed application for a birth record and the fee specified in section 3705.24 of the Revised Code, may issue a certification of birth, and the certification of birth shall contain at least the name, sex, date of birth, registration date, and place of birth of the person to whose birth the record attests and shall attest that the person's birth has been registered. A certification of birth shall be prima-facie evidence of the facts stated in it in all courts and places.	192 193 194 195 196 197 198 199 200 201
(2) The director or state registrar, on receipt of a signed application for an heirloom certification of birth and the fee specified in section 3705.24 of the Revised Code, may issue an	202 203 204

heirloom certification of birth. The director shall prescribe by 205
rule guidelines for the form of an heirloom certification of 206
birth, and the guidelines shall require the heirloom certification 207
of birth to contain at least the name, sex, date of birth, 208
registration date, and place of birth of the person to whose birth 209
the record attests and to attest that the person's birth has been 210
registered. An heirloom certification of birth shall be 211
prima-facie evidence of the facts stated in it in all courts and 212
places. 213

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application signed by either parent, shall issue a certificate 215
that recognizes the delivery of a stillborn infant. The director 216
or state registrar shall not charge a fee for the certificate. The 217
certificate is not proof of a live birth for purposes of federal, 218
state, and local taxes. 219

The certificate shall contain the infant's name and sex, the 220
date of delivery, and the place of delivery. The certificate shall 221
not contain the word "stillborn" or "stillbirth" or any other 222
words having the same or a similar meaning. The director may 223
prescribe by rule any other standards regarding the form of the 224
certificate. 225

(b) If, prior to ~~the effective date of this amendment~~ June 3, 226
2014, a parent obtained a certificate that contains the word 227
"stillborn" or "stillbirth" or any other words having the same or 228
a similar meaning, the parent may submit to the director or state 229
registrar a written request for issuance of a certificate that 230
meets the conditions specified in division (B)(3)(a) of this 231
section. On receipt of the request, the director or state 232
registrar shall issue the certificate. 233

(C) On evidence that a birth certificate was registered 234
through misrepresentation or fraud, the state registrar may 235
withhold the issuance of a certified copy of the birth record or a 236

certification of birth until a court makes a determination that no 237
misrepresentation or fraud occurred. 238

Section 4. That the existing version of section 3705.23 of 239
the Revised Code that is scheduled to take effect on March 20, 240
2015, is hereby repealed. 241

Section 5. Sections 3 and 4 of this act take effect March 20, 242
2015. 243

Section 6. Section 3705.23 of the Revised Code is presented 244
in Section 3 of this act as a composite of the section as amended 245
by both Sub. H.B. 95 and Sub. S.B. 23 of the 130th General 246
Assembly. The General Assembly, applying the principle stated in 247
division (B) of section 1.52 of the Revised Code that amendments 248
are to be harmonized if reasonably capable of simultaneous 249
operation, finds that the composite is the resulting version of 250
the section in effect prior to the effective date of the section 251
as presented in Section 3 of this act. 252