

A-Engrossed House Bill 2093

Ordered by the House April 15
Including House Amendments dated April 15

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Health Authority)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Makes changes to provisions of law related to vital statistics to reflect 2011 Revision to Model State Vital Statistics Act. Appropriates fee moneys collected under provisions to Oregon Health Authority for purpose of administering provisions.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to vital statistics; creating new provisions; amending ORS 3.260, 18.618, 18.792, 18.860,
3 33.430, 33.460, 97.943, 106.100, 107.718, 109.094, 109.460, 112.582, 113.145, 114.525, 116.253, 127.815,
4 130.370, 135.060, 135.065, 146.045, 146.095, 146.121, 176.740, 180.320, 205.130, 247.570, 416.430,
5 417.825, 419B.845, 432.005, 432.010, 432.015, 432.030, 432.035, 432.075, 432.085, 432.090, 432.115,
6 432.121, 432.124, 432.140, 432.142, 432.146, 432.165, 432.180, 432.206, 432.230, 432.235, 432.240,
7 432.285, 432.287, 432.307, 432.312, 432.317, 432.327, 432.333, 432.405, 432.408, 432.412, 432.415,
8 432.420, 432.430, 432.993, 432.995, 677.518, 678.375, 684.030, 685.050, 692.270, 692.405, 708A.655,
9 723.844, 807.510, 807.720 and 830.485; repealing ORS 432.040, 432.080, 432.095, 432.105, 432.119,
10 432.122, 432.130 and 432.300; appropriating money; and declaring an emergency.

11 **Be It Enacted by the People of the State of Oregon:**

DEFINITIONS

12
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14
15 **SECTION 1.** ORS 432.005 is amended to read:

16 432.005. *[As used in this chapter, unless the context requires otherwise:]*

17 *[(1) "Authority" means the Oregon Health Authority.]*

18 *[(2) "Dead body" means a human body or such parts of such human body from the condition of*
19 *which it reasonably may be concluded that death occurred.]*

20 *[(3) "Director" means the Director of the Oregon Health Authority.]*

21 *[(4) "Divorce" means dissolution of a marriage.]*

22 *[(5) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a*
23 *product of human conception, irrespective of the duration of pregnancy. The death is indicated by the*
24 *fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life*
25 *such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary*
26 *muscles.]*

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 [(6) “File” means the presentation and acceptance of a vital record or vital report provided for in
2 this chapter by the Center for Health Statistics.]

3 [(7) “Final disposition” means the burial, interment, cremation, removal from the state or other
4 authorized disposition of a dead body or fetus, except that when removal from the state is conducted
5 by the holder of a certificate of removal registration issued under ORS 692.270, the final disposition
6 may not be considered complete until the certificate of death is filed.]

7 [(8) “Induced termination of pregnancy” means the purposeful interruption of an intrauterine
8 pregnancy with the intention other than to produce a live-born infant and that does not result in a live
9 birth.]

10 [(9) “Institution” means any establishment, public or private, that provides inpatient or outpatient
11 medical, surgical or diagnostic care or treatment or nursing, custodial or domiciliary care, or to which
12 persons are committed by law.]

13 [(10) “Live birth” means the complete expulsion or extraction from its mother of a product of human
14 conception, irrespective of the duration of pregnancy, that, after such expulsion or extraction, breathes
15 or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or
16 definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta
17 is attached.]

18 [(11) “Person acting as a funeral service practitioner” means:]

19 [(a) A person other than a funeral service practitioner licensed under ORS 692.045, including but
20 not limited to a relative, friend or other interested party, who performs the duties of a funeral service
21 practitioner without payment; or]

22 [(b) A funeral service practitioner who files death certificates in another state if the funeral service
23 practitioner is employed by a funeral establishment licensed in another state and registered with the
24 State Mortuary and Cemetery Board under ORS 692.270.]

25 [(12) “Physician” means a person authorized or licensed under the laws of this state to practice
26 medicine, osteopathy, chiropractic or naturopathic medicine.]

27 [(13) “Registration” means the process by which vital records and vital reports are completed, filed
28 and incorporated into the official records of the Center for Health Statistics.]

29 [(14) “State registrar” means the State Registrar of the Center for Health Statistics.]

30 [(15) “System of vital statistics” means the registration, collection, preservation, amendment and
31 certification of vital records and vital reports; the collection of other reports required by this chapter,
32 and activities related thereto including the tabulation, analysis, dissemination and publication of vital
33 statistics and training in the use of health data.]

34 [(16) “Vital records” means certificates or reports of birth, death, marriage, declaration of domestic
35 partnership, dissolution of marriage or domestic partnership and data related thereto.]

36 [(17) “Vital reports” means reports of fetal death, induced termination of pregnancy, suicide at-
37 tempts by persons under 18 years of age and survey and questionnaire documents and data related
38 thereto.]

39 [(18) “Vital statistics” means the data derived from certificates and reports of birth, death, fetal
40 death, induced termination of pregnancy, marriage, declaration of domestic partnership, dissolution of
41 marriage, dissolution of domestic partnership, suicide attempts by persons under 18 years of age and
42 related reports.]

43 **As used in this chapter, unless the context requires otherwise:**

44 (1) “Amendment” means a change to an item that appears on a certified copy of a vital
45 record after a certified copy has been issued.

1 (2) “Authorized representative” means an agent designated in a written statement signed
2 by the registrant or other qualified applicant, the signing of which was witnessed.

3 (3) “Certified copy” means the document, in either paper or electronic format, issued by
4 the State Registrar of the Center for Health Statistics and containing all or a part of the
5 information contained on the original vital record, and which, when issued by the state
6 registrar, has the full force and effect of the original vital record.

7 (4) “Certified copy item” means any item of information that appears on a certified copy.

8 (5) “Certifier” means a person required to attest to the accuracy of information submit-
9 ted on a report.

10 (6) “Correction” means a change to an item that is not included in a certified copy of a
11 vital record, or a change to an item that is included in a certified copy provided that no
12 certified copy has been issued.

13 (7) “Court of competent jurisdiction” means a court within the United States with juris-
14 diction over a person subject to regulation under this chapter.

15 (8) “Date of registration” means the month, day and year a vital record is incorporated
16 into the official records of the Center for Health Statistics.

17 (9) “Dead body” means a human body or such parts of such human body from the con-
18 dition of which it reasonably may be concluded that death occurred.

19 (10) “Electronic signature” means an electronic sound, symbol or process attached to or
20 logically associated with a contract or other record that is executed or adopted by a person
21 with the intent to attest to the accuracy of the facts in the record.

22 (11) “Government agency” means a unit of federal, state, local or tribal government.

23 (12) “Health research” means a systematic study to gain information and understanding
24 about health, with the goal of finding ways to improve human health, that conforms to or
25 is conducted in accordance with generally accepted scientific standards or principles and that
26 is designed to develop or contribute to general scientific knowledge.

27 (13) “Facts of live birth” means the name of the child, date of birth, place of birth, sex
28 and parent’s name or parents’ names appearing on the record of live birth.

29 (14) “Fetal death” means death prior to the complete expulsion or extraction from its
30 mother of a product of human conception, irrespective of the duration of pregnancy, that is
31 not an induced termination of pregnancy. The death is indicated by the fact that after such
32 expulsion or extraction the fetus does not breathe or show any other evidence of life such
33 as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary
34 muscles. As used in this subsection, “breathe” does not include fleeting respiratory efforts
35 or gasps, and “beating of the heart” does not include transient cardiac contractions.

36 (15) “Final disposition” means the burial, interment, cremation, removal from the state
37 or other authorized disposition of a dead body or fetus, except that when removal from the
38 state is conducted by the holder of a certificate of removal registration issued under ORS
39 692.270, the final disposition may not be considered complete until the report of death is filed.

40 (16)(a) “Human remains” means a dead body.

41 (b) “Human remains” does not include human ashes recovered after cremation.

42 (17)(a) “Induced termination of pregnancy” means the purposeful interruption of an
43 intrauterine pregnancy with the intention other than to produce a live-born infant and that
44 does not result in a live birth.

45 (b) “Induced termination of pregnancy” does not include management of prolonged re-

1 **tention of products of conception following fetal death.**

2 **(18) "Institution" means any establishment, public or private, that provides inpatient or**
3 **outpatient medical, surgical or diagnostic care or treatment or nursing, custodial or**
4 **domiciliary care, or to which persons are committed by law.**

5 **(19) "Interment" means the disposition of human remains by entombment or burial.**

6 **(20) "Legal representative" means a licensed attorney representing the registrant or**
7 **other qualified applicant.**

8 **(21) "Live birth" means the complete expulsion or extraction from its mother of a prod-**
9 **uct of human conception, irrespective of the duration of pregnancy, that, after such expul-**
10 **sion or extraction, breathes or shows any other evidence of life such as beating of the heart,**
11 **pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not**
12 **the umbilical cord has been cut or the placenta is attached. As used in this subsection,**
13 **"breathes" does not include fleeting respiratory efforts or gasps, and "beating of the heart"**
14 **does not include transient cardiac contractions.**

15 **(22) "Medical certifier" means a physician, physician assistant or nurse practitioner li-**
16 **censed under the laws of this state or under the laws of Washington, Idaho or California who**
17 **has treated a decedent within the 12 months preceding death.**

18 **(23) "Person acting as a funeral service practitioner" means:**

19 **(a) A person other than a funeral service practitioner licensed under ORS 692.045, in-**
20 **cluding but not limited to a relative, friend or other interested party, who performs the du-**
21 **ties of a funeral service practitioner without payment; or**

22 **(b) A funeral service practitioner who submits reports of death in another state if the**
23 **funeral service practitioner is employed by a funeral establishment licensed in another state**
24 **and registered with the State Mortuary and Cemetery Board under ORS 692.270.**

25 **(24) "Person in charge of an institution" means the officer or employee who is responsi-**
26 **ble for administration of an institution.**

27 **(25) "Personally identifiable information" means information that can be used to distin-**
28 **guish or trace an individual's identity or, when combined with other personal or identifying**
29 **information, is linked or linkable to a specific individual.**

30 **(26) "Physician" means a person authorized to practice medicine, osteopathy,**
31 **chiropractic or naturopathic medicine under the laws of this state or under the laws of**
32 **Washington, Idaho or California.**

33 **(27) "Record" means a report that has been registered by the state registrar.**

34 **(28) "Record of foreign live birth" means a document registered by the state registrar for**
35 **a person born in a foreign country who may or may not be a citizen of the United States and**
36 **who was adopted under the laws of this state.**

37 **(29) "Registration" means the process by which vital records and reports are accepted**
38 **and incorporated into the official records of the Center for Health Statistics.**

39 **(30) "Report" means a document, whether in paper or electronic format, containing in-**
40 **formation related to a vital event submitted by a person required to submit the information**
41 **to the state registrar for the purpose of registering a vital event.**

42 **(31) "State" includes a state or territory of the United States, the District of Columbia**
43 **and New York City.**

44 **(32) "System of vital statistics" means:**

45 **(a) The collection, registration, preservation, amendment, certification and verification**

1 of, and the maintenance of the security and integrity of, vital records;

2 (b) The collection of reports required by this chapter; and

3 (c) Activities related to the activities described in paragraphs (a) and (b) of this sub-
4 section, including the tabulation, analysis, dissemination and publication of vital statistics
5 and training in the use of health data.

6 (33) "Verification" means confirmation of the information on a vital record based on the
7 facts contained in a report.

8 (34) "Vital record" means a report of a live birth, death, fetal death, marriage, declara-
9 tion of domestic partnership, dissolution of marriage or domestic partnership and related
10 data that have been accepted for registration and incorporated into the official records of the
11 Center for Health Statistics.

12 (35) "Vital statistics" means the aggregated data derived from records and reports of live
13 birth, death, fetal death, induced termination of pregnancy, marriage, declaration of domes-
14 tic partnership, dissolution of marriage, dissolution of domestic partnership and supporting
15 documentation and related reports.

16
17 **ADMINISTRATION**

18
19 **SECTION 2.** ORS 432.010 is amended to read:

20 432.010. *[(1) The Oregon Health Authority shall establish the Center for Health Statistics, which*
21 *shall install, maintain and operate the system of vital statistics throughout this state in cooperation*
22 *with appropriate units of local government. The Center for Health Statistics shall be responsible for the*
23 *proper administration of the system of vital statistics and for the preservation and security of its official*
24 *records.]*

25 *[(2) In order to promote and maintain nationwide uniformity in the system of vital statistics, the*
26 *State Registrar of the Center for Health Statistics may refer to the 1992 federal revision of the Model*
27 *State Vital Statistics Act and Regulations for recommendations regarding the forms of certificates and*
28 *reports required by this chapter.]*

29 *[(3) Each certificate, report and other document required by this chapter shall be on a form or in*
30 *a format prescribed by the state registrar.]*

31 *[(4) All vital records shall contain the date of filing.]*

32 *[(5) Information required in certificates, forms, records or reports authorized by this chapter may*
33 *be filed, verified, registered and stored by photographic, electronic or other means as prescribed by the*
34 *state registrar.]*

35 (1) **There is established in the Oregon Health Authority the Center for Health Statistics,**
36 **which shall maintain, operate and advance the system of vital statistics throughout this**
37 **state in cooperation with appropriate units of county government. The Center for Health**
38 **Statistics shall be responsible for the proper administration of the system of vital statistics**
39 **and for the preservation and security of its official records.**

40 (2) **In order to promote and maintain nationwide uniformity in the system of vital sta-**
41 **tistics, the forms for reports and records required by this chapter and the rules adopted**
42 **under this chapter must include, at a minimum, the items recommended by the federal**
43 **agency responsible for national vital statistics.**

44 (3) **Each report, record and other document required by this chapter shall be on a form**
45 **or in a format prescribed by the State Registrar of the Center for Health Statistics.**

1 **(4) All records shall contain the date of registration.**

2 **(5) Information required in forms, reports or records authorized by this chapter may be**
3 **submitted, verified, registered and stored by photographic, electronic or other means as**
4 **prescribed by the state registrar.**

5 **SECTION 3.** ORS 432.015 is amended to read:

6 432.015. [*The State Registrar of the Center for Health Statistics, under the supervision of the Di-*
7 *rector of the Oregon Health Authority, in compliance with ORS chapter 183, shall adopt rules neces-*
8 *sary to the installation and efficient performance of an adequate system of vital and public health*
9 *statistics including rules for the return of evidence affecting delayed certificates, or affecting alteration*
10 *of a certificate, after the certificate has been filed with the state registrar.] **The State Registrar of***

11 **the Center for Health Statistics, under the supervision of the Director of the Oregon Health**
12 **Authority, shall adopt rules in accordance with ORS chapter 183 that are necessary to the**
13 **installation and efficient performance of an adequate system of vital statistics.**

14 **SECTION 4.** ORS 432.030 is amended to read:

15 432.030. [(1) *The State Registrar of the Center for Health Statistics shall:*]

16 [(a) *Under the supervision of the Director of the Oregon Health Authority, have charge of the*
17 *Center for Health Statistics.*]

18 [(b) *Administer and enforce the provisions of this chapter and the rules adopted pursuant thereto*
19 *for the efficient administration of the system of vital statistics.*]

20 [(c) *Direct and supervise the system of vital statistics and the Center for Health Statistics and be*
21 *custodian of its records.*]

22 [(d) *Direct, supervise and control the activities of all persons when they are engaged in activities*
23 *pertaining to the operation of the system of vital statistics.*]

24 [(e) *Conduct training programs to promote uniformity of policy and procedures throughout the state*
25 *in matters pertaining to the system of vital statistics.*]

26 [(f) *Prescribe, furnish and distribute such forms as are required by this chapter and the rules*
27 *adopted pursuant thereto or prescribe other means for transmission of data to accomplish the purpose*
28 *of complete and accurate reporting and registration.*]

29 [(g) *Prepare and publish reports of vital statistics of this state and such other reports as may be*
30 *required by the Oregon Health Authority.*]

31 [(h) *Provide to local health agencies such copies of or data derived from certificates and reports*
32 *required under this chapter as the state registrar shall determine are necessary for local health plan-*
33 *ning and program activities. The state registrar shall establish a schedule with each local health*
34 *agency for transmittal of the copies or data. The copies or data shall remain the property of the Center*
35 *for Health Statistics and the uses that may be made of them shall be determined by the state*
36 *registrar.*]

37 [(i) *Provide local health agencies training and consultation in working with health data.*]

38 [(2) *The state registrar may delegate such functions and duties vested in the state registrar to em-*
39 *ployees of the Center for Health Statistics and to employees of any office established or designated*
40 *under ORS 432.035.*]

41 **(1) The State Registrar of the Center for Health Statistics shall:**

42 **(a) Administer and enforce the provisions of this chapter and the rules adopted under**
43 **this chapter, and issue orders for the efficient administration of the system of vital statis-**
44 **tics.**

45 **(b) Direct and supervise the system of vital statistics and the Center for Health Statis-**

1 tics, and be custodian of its records.

2 (c) Provide for the confidentiality and security of the system of vital statistics.

3 (d) Direct, supervise and control the activities of all persons engaged in activities per-
4 taining to the operation of the system of vital statistics.

5 (e) Develop and conduct training programs to promote uniformity of policy and proce-
6 dures throughout this state in matters pertaining to the system of vital statistics.

7 (f) Prescribe, furnish and distribute the forms required by this chapter or the rules
8 adopted under this chapter, and prescribe other means for transmission of data, including
9 electronic transmission of data, to accomplish the purpose of complete, accurate and timely
10 reporting and registration.

11 (g) Prepare and publish reports of vital statistics of this state and such other reports as
12 may be required by the Oregon Health Authority.

13 (h) Provide to local health agencies information derived from reports and records re-
14 quired under this chapter that the state registrar determines is necessary for local health
15 planning and program activities.

16 (i)(A) Prepare a plan to provide for the continuity of operations of the system of vital
17 statistics in the event of an emergency.

18 (B) The plan shall:

19 (i) Address, to the extent practicable, natural and man-made events that interrupt
20 normal activities of the system of vital statistics;

21 (ii) Identify essential vital statistics services; and

22 (iii) Provide guidance for maintaining essential vital statistics services.

23 (C) Components of the plan shall include:

24 (i) Alternative locations for operations;

25 (ii) Identification of essential equipment and document needs, and a plan for obtaining
26 those needs; and

27 (iii) Identification of essential staff and a means to communicate with that staff in an
28 emergency.

29 (D) The plan is not subject to disclosure under ORS 192.410 to 192.505, except to the ex-
30 tent that the state registrar deems necessary to implement the plan.

31 (2) The state registrar may establish or designate offices in this state to aid in the effi-
32 cient administration of the system of vital statistics.

33 (3) The state registrar may delegate functions and duties vested in the state registrar
34 to employees of the Center for Health Statistics and to employees of an office designated
35 under ORS 432.035.

36 **SECTION 5.** Section 6 of this 2013 Act is added to and made a part of ORS chapter 432.

37 **SECTION 6.** (1) The Legislative Assembly finds that:

38 (a) The system of vital statistics supports civil registration and creates information that
39 is used for public health, health research, national security, statistical and administrative
40 purposes;

41 (b) Civil registration of each vital event that occurs within this state is carried out pri-
42 marily for the purpose of establishing legal documents provided by law; and

43 (c) Due to increased requirements of civil registration in the context of national security
44 and the use of live birth records as the primary document used to identify individuals, the
45 State Registrar of the Center for Health Statistics must:

1 (A) Take measures to prevent the fraudulent use of vital records for identity theft,
2 terrorism or other purposes;

3 (B) Maintain the security of personnel, physical environments, electronic systems and
4 preservation methods; and

5 (C) Perform data assurance and record matching activities to protect the confidentiality
6 and security of vital records and prevent the fraudulent use of vital records.

7 (2) For the purposes described in subsection (1) of this section, the state registrar shall:

8 (a) Authenticate all users of the system of vital statistics and document that the users
9 require access to the system of vital statistics for purposes related to the official roles and
10 duties of the users;

11 (b) Authorize authenticated users of the system of vital statistics to access specific
12 components of the system of vital statistics that are necessary for the users to perform their
13 official roles and duties;

14 (c) Establish separate duties for staff who have roles that may be susceptible to fraud
15 or misuse and routinely perform audits of staff work for the purpose of identifying fraud or
16 misuse within the system of vital statistics;

17 (d) Require that authenticated and authorized users maintain a specified level of training
18 related to security and provide written acknowledgment of security procedures and penalties;

19 (e) Validate data provided in reports submitted for registration through site visits or with
20 sources independent from registration processes at a frequency specified by the state
21 registrar by rule that maximizes the integrity of the data collected;

22 (f) Protect personally identifiable information and maintain systems that provide for au-
23 dits of use and include protocols for breach identification and notification;

24 (g) If the decedent was born in this state or if the decedent was a resident of this state,
25 receive a report from the United States Department of Defense or the United States De-
26 partment of State of a death occurring outside the United States;

27 (h) Match death records to live birth records;

28 (i) Match death records received from the United States Department of Defense or the
29 United States Department of State of a death occurring outside the United States to regis-
30 tered live birth records;

31 (j) Work with law enforcement to provide evidence for active fraud investigations;

32 (k) Provide secure workplace, storage and technology environments;

33 (L) Maintain overt, covert and forensic security measures for certified copies, verifica-
34 tions and automated systems that are part of the system of vital statistics;

35 (m) Comply with laws, rules and regulations associated with information technology
36 systems and information related to the system of vital statistics; and

37 (n) Comply with national standards that apply to the system of vital statistics and its
38 components.

39
40 **COUNTY REGISTRARS**

41
42 **SECTION 7.** ORS 432.035 is amended to read:

43 432.035. *[The State Registrar of the Center for Health Statistics shall designate for each county a*
44 *county registrar. In consultation with the state registrar, the county registrar may designate one or*
45 *more deputy county registrars in any county. So far as practical, a county health official shall be des-*

1 *igned county registrar.]*

2 (1) **The State Registrar of the Center for Health Statistics shall designate for each county**
3 **a government employee or, to the extent allowed under state and federal law, an employee**
4 **of a local public health authority as described in ORS 431.375 (2), to act as a county registrar.**
5 **In consultation with the state registrar, each county registrar may designate one or more**
6 **deputy county registrars. The county registrar shall be sufficiently positioned within the**
7 **county and have sufficient contact with deputy county registrars to ensure compliance with**
8 **this chapter and rules adopted under this chapter.**

9 (2) **The county and deputy county registrars shall:**

10 (a) **Comply with all instructions of the state registrar;**

11 (b) **Check upon the compliance of others with the provisions of this chapter and with**
12 **rules adopted under this chapter; and**

13 (c) **Make an immediate report to the state registrar of any violation of this chapter or**
14 **of a rule adopted under this chapter coming to their notice by observation, upon complaint**
15 **of a person or otherwise.**

16 (3) **The Oregon Health Authority, after taking into consideration county needs, shall**
17 **adopt rules under which a county registrar may issue certified copies of records of live births**
18 **or deaths that occur in the county within six months of the date of the live birth or death.**

19
20 **REPORTS**

21
22 **(In General)**

23
24 **SECTION 8.** ORS 432.075 is amended to read:

25 432.075. *[(1) Any person having knowledge of the facts shall furnish all information the person*
26 *may possess regarding any birth, death, fetal death, induced termination of pregnancy, marriage, dis-*
27 *solution of marriage or suicide attempt by a person under 18 years of age, upon demand of the State*
28 *Registrar of the Center for Health Statistics.]*

29 *[(2) Any person or institution that in good faith provides information required by this chapter or*
30 *by rules adopted pursuant thereto shall not be subject to any action for civil damages.]*

31 (1) **A person having knowledge of the facts shall furnish all information the person may**
32 **possess regarding a live birth, death, fetal death, induced termination of pregnancy, mar-**
33 **riage, declaration of domestic partnership or dissolution of marriage or domestic partnership**
34 **upon demand of the State Registrar of the Center for Health Statistics.**

35 (2) **A person required to report information under this chapter or the rules adopted under**
36 **this chapter shall provide the information to the state registrar within five calendar days**
37 **of receiving the information.**

38 (3) **Within five calendar days of receipt of autopsy results or other information that**
39 **would provide pending or missing information or correct errors in a reported cause of death,**
40 **the medical certifier or medical examiner required to report the death under ORS 432.307**
41 **shall submit an affidavit on the cause of death to amend the record.**

42 (4) **A person or institution that in good faith provides information required by this**
43 **chapter or by rules adopted under this chapter shall not be subject to an action for civil**
44 **damages.**

45 (5) **The state registrar may require alternative documentation from the provider of in-**

1 **formation relating to the occurrence of a vital event for the purpose of quality assurance.**

2
3 **(By Institutions)**

4
5 **SECTION 9.** ORS 432.165 is amended to read:

6 432.165. *[(1) All superintendents or managers or other persons in charge of institutions shall keep*
7 *a record of personal data concerning each person admitted or confined to the institution. This record*
8 *shall include information as required for the certificates of birth and death and the reports of fetal*
9 *death and induced termination of pregnancy required by this chapter. The record shall be made at the*
10 *time of admission from information provided by the person being admitted or confined, but when it*
11 *cannot be so obtained, the information shall be obtained from relatives or other persons acquainted*
12 *with the facts. The name and address of the person providing the information shall be a part of the*
13 *record.]*

14 *[(2) When a dead body or fetus is released or disposed of by an institution, the person in charge*
15 *of the institution shall keep a record showing the name of the decedent, Social Security number, if is-*
16 *sued, date of death, name and address of the person to whom the body or fetus is released and the date*
17 *of removal from the institution. If final disposition is made by the institution, the date, place and*
18 *manner of disposition shall also be recorded.]*

19 *[(3) A funeral service practitioner, embalmer, sexton or other person who removes from the place*
20 *of death, transports or makes final disposition of a dead body or fetus, in addition to filing any cer-*
21 *tificate or other report required by this chapter or rules adopted pursuant thereto, shall keep a record*
22 *which shall identify the body, and information pertaining to receipt, removal, delivery, burial or*
23 *cremation of the body as may be required by rules adopted by the State Registrar of the Center for*
24 *Health Statistics.]*

25 *[(4) A medical examiner, physician or nurse practitioner authorized by law to sign a death certifi-*
26 *cate who is notified of the death of a person not under the care of institutions shall keep a record.]*

27 *[(5) Copies of records described in this section shall be sent to the state registrar at least monthly.*
28 *Records maintained under this section shall be retained by the institution, medical examiner, physician*
29 *or nurse practitioner and the persons described in subsection (3) of this section for a period of not less*
30 *than two years and shall be made available for inspection by the state registrar or a representative of*
31 *the state registrar upon demand.]*

32 **(1) A person in charge of an institution shall keep a record of personal data concerning**
33 **each person admitted or confined to the institution. The record shall include information as**
34 **required for the reports of live birth, death, fetal death or induced termination of pregnancy**
35 **required by this chapter. The record shall be made at the time of admission from information**
36 **provided by the person being admitted or confined, but when it cannot be so obtained, the**
37 **information shall be obtained from relatives or other persons acquainted with the facts. The**
38 **name and address of the person providing the information shall be a part of the record.**

39 **(2) A licensed health care practitioner shall keep a record of personal data concerning**
40 **each person under the practitioner's care for a condition that results in a reportable vital**
41 **event if a record for that event is not maintained by an institution as described in subsection**
42 **(1) of this section. The record shall include information as required for the reports of live**
43 **birth, death, fetal death or induced termination of pregnancy required by this chapter. The**
44 **record shall include information provided by the person under the practitioner's care. If the**
45 **person being treated cannot provide the information, then the practitioner shall obtain the**

1 information from relatives or other persons acquainted with the facts. The name and address
2 of the person providing the information shall be a part of the record.

3 (3) When a dead body or fetus is released or disposed of by an institution, the person in
4 charge of the institution shall keep a record showing the name of the decedent, Social Se-
5 curity number, if issued, date of death, name and address of the person to whom the body
6 or fetus is released and date of removal from the institution. If final disposition is made by
7 the institution, the date, place and manner of disposition shall also be recorded.

8 (4) A funeral service practitioner, embalmer, sexton or other person who removes from
9 the place of death, transports or makes final disposition of a dead body or fetus, in addition
10 to filing a report required by this chapter or rules adopted under this chapter, shall keep a
11 record that identifies the body and that includes information pertaining to the receipt, re-
12 moval, delivery and final disposition of the body as may be required by rules adopted by the
13 State Registrar of the Center for Health Statistics.

14 (5) Copies of records described in subsections (1) to (3) of this section shall be sent to the
15 state registrar at least monthly. Records maintained under this section shall be retained for
16 a period of not less than seven years and shall be made available for inspection by the state
17 registrar or a representative of the state registrar upon demand.

18
19 (For Live Births)

20
21 **SECTION 10.** ORS 432.206 is amended to read:

22 432.206. [(1) A certificate of birth for each birth that occurs in this state shall be filed with the
23 county registrar of the county in which the birth occurred or with the Center for Health Statistics, or
24 as otherwise directed by the State Registrar of the Center for Health Statistics, within five days after
25 the birth and shall be registered if the certificate has been completed and filed in accordance with this
26 section. Any birth certificate not containing the name of the father or on which the surname of the fa-
27 ther is at variance with that of the child, at the request of either parent, may be filed with the state
28 registrar and not with the registrar of the county in which the birth occurred.]

29 [(2) When a birth occurs in an institution or en route thereto, the person in charge of the institution
30 or authorized designee shall obtain the personal data, prepare the certificate, certify either by signature
31 or by an approved electronic process that the child was born alive at the place and time and on the
32 date stated and file the certificate as directed in subsection (1) of this section. The physician or other
33 person in attendance shall provide the medical information required by the certificate within 72 hours
34 after the birth.]

35 [(3) When a birth occurs outside of an institution:]

36 [(a) The certificate shall be prepared and filed within five days after the birth by one of the fol-
37 lowing in the indicated order of priority, in accordance with rules adopted by the state registrar:]

38 [(A) The physician in attendance at the birth or immediately after the birth, or in the absence of
39 such a person;]

40 [(B) The midwife in attendance at the birth or immediately after the birth, or in the absence of such
41 a person;]

42 [(C) Any other person in attendance at the birth or immediately after the birth, or in the absence
43 of such a person; or]

44 [(D) The father, the mother or, in the absence of the father and the inability of the mother, the
45 person with authority over the premises where the birth occurred.]

1 ***[(b) The state registrar shall by rule determine what evidence shall be required to establish the***
2 ***facts of birth.]***

3 ***[(4) When a birth occurs on a moving conveyance:]***

4 ***[(a) Within the United States and the child is first removed from the conveyance in this state, the***
5 ***birth shall be registered in this state and the place where it is first removed shall be considered the***
6 ***place of birth.]***

7 ***[(b) While in international waters or airspace or in a foreign country or its airspace and the child***
8 ***is first removed from the conveyance in this state, the birth shall be registered in this state but the***
9 ***certificate shall show the actual place of birth insofar as can be determined.]***

10 ***[(5) If the mother is not married at the time of birth, the name of the father shall not be entered***
11 ***on the certificate unless:]***

12 ***[(a) The mother was married to and cohabiting with her husband at the time of conception, in***
13 ***which case the husband's name shall be entered on the certificate, provided that the husband was not***
14 ***impotent or sterile; or]***

15 ***[(b) Both the father and mother have signed a voluntary acknowledgment of paternity form that***
16 ***has been executed in accordance with ORS 432.287 and filed with the registrar.]***

17 ***[(6) In the case of a child born to a married woman as a result of artificial insemination with the***
18 ***consent of her husband, the husband's name shall be entered on the certificate.]***

19 ***[(7) If the mother was not married at the time of either conception or birth or between conception***
20 ***and birth, the name of the father shall not be entered on the certificate unless a voluntary acknowl-***
21 ***edgment of paternity form or other form prescribed under ORS 432.287 signed by the mother and the***
22 ***person to be named as the father is filed with the state registrar.]***

23 ***[(8) In any case in which paternity of a child is determined by a court of competent jurisdiction,***
24 ***or by an administrative determination of paternity, the Center for Health Statistics shall enter the name***
25 ***of the father on the new certificate of birth. The Center for Health Statistics shall change the surname***
26 ***of the child if so ordered by the court or, in a proceeding under ORS 416.430, by the administrator as***
27 ***defined in ORS 25.010.]***

28 ***[(9) If the father is not named on the certificate of birth, no other information about the father shall***
29 ***be entered on the legal portion of the certificate. Information pertaining to the father may be entered***
30 ***in the "Medical and Confidential" section of the certificate of birth.]***

31 ***[(10) Certificates of birth filed after five days, but within one year after the date of birth, shall be***
32 ***registered on the standard form of birth certificate in the manner prescribed in this section. The cer-***
33 ***tificates shall not be marked "Delayed." The state registrar may require additional evidence in support***
34 ***of the facts of birth.]***

35 **(1) A report of live birth for each live birth that occurs in this state shall be submitted**
36 **to the Center for Health Statistics, or as otherwise directed by the State Registrar of the**
37 **Center for Health Statistics, within five calendar days after the live birth and shall be reg-**
38 **istered if the report has been completed and filed in accordance with this section.**

39 **(2) The physician, institution or other person providing prenatal care related to a live**
40 **birth shall provide prenatal care information as required by the state registrar by rule to the**
41 **institution where the delivery is expected to occur not less than 30 calendar days prior to**
42 **the expected delivery date.**

43 **(3) When a live birth occurs in an institution or en route to an institution, the person**
44 **in charge of the institution or an authorized designee shall obtain all data required by the**
45 **state registrar, prepare the report of live birth, certify either by signature or electronic**

1 signature that the child was born alive at the place and time and on the date stated and
2 submit the report as described in subsection (1) of this section.

3 (4) In obtaining the information required for the report of live birth, an institution shall
4 use information gathering procedures provided or approved by the state registrar. Insti-
5 tutions may establish procedures to transfer, electronically or otherwise, information re-
6 quired for the report from other sources, provided that the procedures are reviewed and
7 approved by the state registrar prior to the implementation of the procedures to ensure that
8 the information being transferred is the same as the information being requested.

9 (5)(a) When a live birth occurs outside an institution, the information for the report of
10 live birth shall be submitted within five calendar days of the live birth in a format adopted
11 by the state registrar by rule in the following order of priority:

12 (A) By an institution where the mother and child are examined, if examination occurs
13 within 24 hours of the live birth;

14 (B) By a physician in attendance at the live birth;

15 (C) By a nurse practitioner, as defined in ORS 678.010, or direct entry midwife licensed
16 under ORS 687.405 to 687.495 in attendance at the live birth;

17 (D) By a person not described in subparagraphs (A) to (C) of this paragraph and not re-
18 quired by law to be licensed to practice midwifery who is registered with the Center for
19 Health Statistics to submit reports of live birth and who was in attendance at the live birth;
20 or

21 (E) By the father, the mother or, in the absence of the father and the inability of the
22 mother, the person in charge of the premises where the live birth occurred.

23 (b) The state registrar may establish by rule the manner of submitting the information
24 for the report of live birth by a person described in paragraph (a)(D) of this subsection or a
25 physician, nurse practitioner or licensed direct entry midwife who attends the birth of his
26 or her own child, grandchild, niece or nephew.

27 (6) When a report of live birth is submitted that does not include the minimum accepta-
28 ble documentation required by this section or any rules adopted under this section, or when
29 the state registrar has cause to question the validity or adequacy of the documentation, the
30 state registrar, in the state registrar's discretion, may refuse to register the live birth and
31 shall enter an order to that effect stating the reasons for the action. The state registrar
32 shall advise the applicant of the right to appeal under ORS 183.484.

33 (7) When a live birth occurs on a moving conveyance:

34 (a) Within the United States and the child is first removed from the conveyance in this
35 state, the live birth shall be registered in this state and the place where it is first removed
36 shall be considered the place of live birth.

37 (b) While in international waters or air space or in a foreign country or its air space and
38 the child is first removed from the conveyance in this state, the birth shall be registered in
39 this state but the report of live birth shall show the actual place of birth insofar as can be
40 determined.

41 (8) For purposes of making a report of live birth and live birth registration, the woman
42 who gives live birth is the live birth mother. If a court of competent jurisdiction determines
43 that a woman other than the live birth mother is the biological or genetic mother, the court
44 may order the state registrar to amend the record of live birth. The record of live birth shall
45 then be placed under seal.

1 (9)(a) If the mother is married at the time of either conception or live birth, or within
2 300 days before the live birth, the name of the husband shall be entered on the report of live
3 birth as the father of child unless parentage has been determined otherwise by a court of
4 competent jurisdiction.

5 (b) If the mother is not married at the time of either conception or live birth, or within
6 300 days before the live birth, the name of the father shall not be entered on the report of
7 live birth unless a voluntary acknowledgment of paternity form or other form prescribed
8 under ORS 432.287 is:

9 (A) Signed by the mother and the person to be named as the father; and

10 (B) Filed with the state registrar.

11 (c) If the mother is a partner in a domestic partnership registered by the state at the
12 time of either conception or live birth, or between conception and live birth, the name of the
13 mother's partner shall be entered on the report of live birth as a parent of the child, unless
14 parentage has been determined otherwise by a court of competent jurisdiction.

15 (d) In any case in which paternity of a child is determined by a court of competent ju-
16 risdiction, or by an administrative determination of paternity, the Center for Health Statis-
17 tics shall enter the name of the father on the new record of live birth. The Center for Health
18 Statistics shall change the surname of the child if so ordered by the court or, in a proceeding
19 under ORS 416.430, by the administrator as defined in ORS 25.010.

20 (e) If a biological parent is not named on the report of live birth, information other than
21 the identity of the biological parent may be entered on the report.

22 (10) A parent of the child, or other informant as determined by the state registrar by
23 rule, shall verify the accuracy of the personal data to be entered on a report of live birth in
24 time to permit submission of the report within the five calendar days of the live birth.

25 (11) A report of live birth submitted after five calendar days, but within one year after
26 the date of live birth, shall be registered in the manner prescribed in this section. The record
27 shall not be marked "Delayed."

28 (12) The state registrar may require additional evidence in support of the facts of live
29 birth.

30 **SECTION 11.** ORS 432.285 is amended to read:

31 432.285. Any health care facility as defined in ORS 442.015 shall make available to the biological
32 parents of any child born live[,] or expected to be born [*within*] in the health care facility, a volun-
33 tary acknowledgment of paternity form when the facility has reason to believe that the mother of
34 the child is unmarried. The responsibility of the health care facility is limited to providing the form
35 and submitting the form with the [*birth certificate*] **report of live birth** to the State Registrar of the
36 Center for Health Statistics. The biological parents are responsible for ensuring that the form is
37 accurately completed. This form shall be as prescribed by ORS 432.287.

38 **SECTION 12.** ORS 432.287 is amended to read:

39 432.287. (1) The Director of the Oregon Health Authority shall adopt by rule a form of a vol-
40 untary acknowledgment of paternity that includes the minimum requirements specified by the United
41 States Secretary of Health and Human Services. When the form is signed by both biological parents
42 and witnessed by a third party, the form establishes paternity for all purposes when filed with the
43 State Registrar of the Center for Health Statistics, provided there is no male parent already named
44 [*on the birth certificate*] **in the report of live birth**. Establishment of paternity under this section
45 is subject to the provisions and the requirements in ORS 109.070. When there is no other male

1 named as father on the child's *[birth certificate]* **record of live birth**, the filing of such voluntary
 2 acknowledgment of paternity form shall cause the state registrar to place the name of the male
 3 parent who has signed the voluntary acknowledgment of paternity form on the *[birth certificate]*
 4 **record of live birth** of the child or, if appropriate, *[issue a new birth certificate]* **establish a re-**
 5 **placement for the record** containing the name of the child's male parent, as that parent is named
 6 in the voluntary acknowledgment of paternity form. When signed by both parents in the health care
 7 facility of the child's birth within five days after the birth, the voluntary acknowledgment of
 8 paternity form is not a sworn document. When thus signed, a staff member of the health care facility
 9 shall witness the signatures of the parents. In all other circumstances, the form is a sworn docu-
 10 ment. The filing of the voluntary acknowledgment of paternity form created by this section is subject
 11 to the payment of any fees that may apply.

12 (2) The voluntary acknowledgment of paternity form must contain:

13 (a) A statement of rights and responsibilities including any rights afforded to a minor parent;

14 (b) A statement of the alternatives to and consequences of signing the acknowledgment;

15 (c) Instructions on how to file the form with the state registrar and information about any fee
 16 required;

17 (d) Lines for the Social Security numbers and addresses of the parents; and

18 (e) A statement that the rights, responsibilities, alternatives and consequences listed on the ac-
 19 knowledgment were read to the parties prior to signing the acknowledgment.

20 (3) Upon request, the state registrar shall provide a copy of any voluntary acknowledgment of
 21 paternity form to the state agency responsible for administration of the child support enforcement
 22 program created under Title IV-D of the Social Security Act. The duty imposed upon the state
 23 registrar by this section is limited to *[birth certificates]* **records of live birth** executed and filed with
 24 the state registrar after October 1, 1995.

25 **SECTION 13.** ORS 432.430 is amended to read:

26 432.430. *[(1) A person who assumes the custody of a child of unknown parentage shall report on*
 27 *a form and in a manner prescribed by the State Registrar of the Center for Health Statistics, within*
 28 *five days of assuming custody, to the state registrar the following information:]*

29 *[(a) The date and the city or county, or both, where the child was found.]*

30 *[(b) Sex and approximate birth date of child.]*

31 *[(c) Name and address of the person or institution with whom the child has been placed for care.]*

32 *[(d) Name given to the child by the custodian of the child.]*

33 *[(e) Other data required by the state registrar.]*

34 *[(2) The place where the child was found shall be entered as the place of birth.]*

35 *[(3) The report registered under this section shall constitute the certificate of birth for the child.]*

36 *[(4) If the child is identified and a certificate of birth is found or obtained, the report registered*
 37 *under this section shall be placed in a sealed file and shall not be subject to inspection except upon*
 38 *order of a court of competent jurisdiction or as provided by rule of the state registrar.]*

39 **(1) A person who assumes the custody of a child of unknown parentage shall report on**
 40 **a form and in a manner prescribed by the State Registrar of the Center for Health Statistics,**
 41 **within five calendar days of assuming custody, to the state registrar the following informa-**
 42 **tion:**

43 **(a) The date and the city or county, or both, where the child was found.**

44 **(b) Sex and approximate live birth date of child.**

45 **(c) Name and address of the person or institution with whom the child has been placed**

1 for care.

2 (d) Name given to the child by the custodian of the child.

3 (e) Other data required by the state registrar.

4 (2) The place where the child was found shall be entered as the place of live birth.

5 (3) Information submitted under this section shall constitute the report of live birth for
6 the child.

7 (4) If the child is identified and a live birth registration is found or obtained, the report
8 submitted under this section and the live birth registration resulting from that report shall
9 be voided and placed under seal and shall not be subject to inspection except upon order of
10 a court of competent jurisdiction or as provided by rule of the state registrar.

11 **SECTION 14.** ORS 432.140 is amended to read:

12 432.140. [(1) When a certificate of birth of a person born in this state has not been filed within one
13 year after the date of birth, a delayed certificate of birth may be filed in accordance with rules of the
14 State Registrar of the Center for Health Statistics. If a hospital fails to file a certificate of birth within
15 one year after the date of birth, a certificate of birth may be filed as provided by rule of the state
16 registrar. No delayed certificate shall be registered until the evidentiary requirements as specified by
17 rule have been met.]

18 [(2) A certificate of birth registered one year or more after the date of birth shall be registered on
19 a delayed certificate of birth form and show on its face the date of filing.]

20 [(3) A summary statement of the evidence submitted in support of the delayed registration shall be
21 indorsed on the certificate.]

22 [(4)(a) When an applicant does not submit the minimum documentation required by rule of the state
23 registrar for delayed registration or when the state registrar has cause to question the validity or ad-
24 equacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not
25 corrected, the state registrar shall not register the delayed certificate of birth and shall enter an order
26 to that effect stating the reasons for the action. The state registrar shall advise the applicant of the
27 right to appeal under ORS 183.480 to 183.484.]

28 [(b) The state registrar by rule may provide for the dismissal of an application which is not actively
29 prosecuted.]

30 (1) When a report of live birth of a person born in this state has not been registered
31 within one year after the date of birth, a delayed report of live birth may be submitted in
32 accordance with rules of the State Registrar of the Center for Health Statistics. No delayed
33 report shall be registered until the evidentiary requirements as specified by rule have been
34 met.

35 (2) A certified copy issued as a result of a report of live birth submitted under this sec-
36 tion shall indicate the delayed registration and show the date of the registration. The record
37 of live birth shall contain a summary statement of the evidence submitted in support of the
38 delayed registration.

39 (3) All delayed reports of live birth shall be processed and registered at the Center for
40 Health Statistics.

41 (4) All certified copies of delayed registrations shall be issued by the state registrar.

42 (5) A delayed report of live birth may not be registered for a deceased person.

43 (6)(a) When an applicant does not submit the minimum documentation required by rule
44 of the state registrar for delayed registration or when the state registrar has cause to
45 question the validity or adequacy of the applicant's sworn statement or the documentary

1 evidence, and if the deficiencies are not corrected, the state registrar, in the state registrar's
2 discretion, may refuse to register the delayed report of live birth and shall enter an order
3 to that effect stating the reasons for the action. The state registrar shall advise the appli-
4 cant of the right to appeal under ORS 183.484.

5 (b) The state registrar by rule may provide for the dismissal of an application that is not
6 actively prosecuted.

7 **SECTION 15.** ORS 432.142 is amended to read:

8 432.142. *[(1) If the State Registrar of the Center for Health Statistics refuses to file a delayed cer-*
9 *tificate of birth under the provisions of ORS 432.140, the applicant may file a signed and sworn petition*
10 *with a court of competent jurisdiction seeking an order establishing a record of the date and place of*
11 *birth and the parentage of the person whose birth is to be registered.]*

12 *[(2) The petition shall be made on a form prescribed and furnished or approved by the state*
13 *registrar and shall allege:]*

14 *[(a) That the person for whom a delayed certificate of birth is sought was born in this state;]*

15 *[(b) That no certificate of birth of the person can be found in the records of the Center for Health*
16 *Statistics;]*

17 *[(c) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance*
18 *with ORS 432.140 and rules adopted pursuant thereto;]*

19 *[(d) That the state registrar has refused to file a delayed certificate of birth; and]*

20 *[(e) Such other allegations as may be required under ORS 183.480 and 183.484.]*

21 *[(3) The petition shall be accompanied by a statement made in accordance with ORS 432.140 and*
22 *all documentary evidence which was submitted to the state registrar in support of the filing.]*

23 *[(4) The court shall fix a time and place for hearing the petition and shall give the state registrar*
24 *notice of the hearing. The state registrar or an authorized representative may appear and testify in the*
25 *proceeding.]*

26 *[(5) If the court finds, from the evidence presented, that the person for whom a delayed certificate*
27 *of birth is sought was born in this state, it shall make findings as to the place and date of birth, par-*
28 *entage and such other findings as may be required and shall issue an order, on a form prescribed and*
29 *furnished or approved by the state registrar, to establish a court-ordered certificate of birth. This order*
30 *shall include the birth data to be registered, a description of the evidence presented and the date of the*
31 *court's action.]*

32 *[(6) The clerk of the court shall forward each order to the state registrar not later than the 10th*
33 *day of the calendar month following the month in which it was entered. The order shall be registered*
34 *by the state registrar and shall constitute the certificate of birth.]*

35 **(1) If the State Registrar of the Center for Health Statistics refuses to register a report**
36 **of live birth or a delayed report of live birth under the provisions of ORS 432.140 or 432.206,**
37 **the applicant may file a signed and sworn petition with a court of competent jurisdiction**
38 **seeking an order establishing a record of the date and place of live birth and the parentage**
39 **of the person whose birth is to be registered.**

40 **(2) The petition shall be made on a form prescribed and furnished or approved by the**
41 **state registrar and shall allege:**

42 **(a) That the person for whom a record of live birth or a delayed record of live birth is**
43 **sought was born in this state and no record of live birth or delayed record of live birth of**
44 **the person can be found in the records of the Center for Health Statistics;**

45 **(b) That diligent efforts by the petitioner have failed to obtain the evidence required for**

1 submitting a report of live birth or a delayed report of live birth in accordance with ORS
2 432.140 or 432.206 and rules adopted under ORS 432.140 or 432.206;

3 (c) That the state registrar has refused to register a report of live birth or a delayed
4 report of live birth; and

5 (d) Other allegations as may be required under ORS 183.484.

6 (3) The petition must be served on the state registrar and accompanied by all documen-
7 tary evidence that was submitted to the state registrar in support of the petition.

8 (4) The court shall fix a time and place for hearing the petition and shall give the state
9 registrar notice of the hearing. The state registrar or an authorized representative may
10 appear and testify in the proceeding.

11 (5) If the court finds, from the evidence presented, that the person for whom a record
12 of live birth or a delayed record of live birth is sought was born in this state, it shall make
13 findings as to the place and date of live birth, parentage and such other findings as may be
14 required and shall issue an order, on a form prescribed and furnished or approved by the
15 state registrar, to establish a court-ordered record of live birth or delayed record of live
16 birth. This order shall include the live birth data to be registered, a description of the evi-
17 dence presented and the date of the court's action.

18 (6) The clerk of the court shall forward a certified copy of each order to the state
19 registrar twice a month as adopted by the state registrar by rule. The order must be used
20 to register a report of live birth or a delayed report of live birth for the person. The record
21 of live birth or delayed record of live birth must include a statement that it was registered
22 on the basis of a court order.

23
24 (For Death and Fetal Death)

25
26 **SECTION 16.** ORS 432.307 is amended to read:

27 432.307. [(1) A certificate of death for each death that occurs in this state must be submitted to the
28 county registrar of the county in which the death occurred or to the Center for Health Statistics, or as
29 otherwise directed by the State Registrar of the Center for Health Statistics, within five days after death
30 or the finding of a dead body and before final disposition, and must be registered if it has been com-
31 pleted and filed in accordance with this section.]

32 [(a) If the place of death is unknown, but the dead body is found in this state, the certificate of
33 death must be completed and filed in accordance with this section. The place where the body is found
34 must be shown as the place of death. If the date of death is unknown, it must be determined by ap-
35 proximation. If the date cannot be determined by approximation, the date the dead body is found must
36 be entered and identified as the date of death.]

37 [(b) When death occurs in a moving conveyance:]

38 [(A) In the United States and the body is first removed from the conveyance in this state, the death
39 must be registered in this state and the place where it is first removed must be considered the place
40 of death.]

41 [(B) While in international waters or airspace or in a foreign country or its airspace and the body
42 is first removed from the conveyance in this state, the death must be registered in this state but the
43 certificate must show the actual place of death insofar as can be determined.]

44 [(c) In all other cases, the place where death is pronounced is considered the place where death
45 occurred.]

1 [(2) *The funeral service practitioner or person acting as a funeral service practitioner who first*
2 *assumes custody of the dead body shall submit the certificate of death. The funeral service practitioner*
3 *or person acting as a funeral service practitioner shall obtain the personal data from the next of kin*
4 *or the best qualified person or source available and shall obtain the medical certification from the*
5 *person responsible therefor. The funeral service practitioner or person acting as a funeral service*
6 *practitioner shall provide the certificate of death containing information as specified by rule to identify*
7 *the decedent to the certifier within 48 hours after death.*]

8 [(3) *The physician, physician assistant practicing under the supervision of a person licensed to*
9 *practice medicine under ORS chapter 677 or certified nurse practitioner, in charge of the care of the*
10 *patient for the illness or condition that resulted in death shall complete, sign and return the medical*
11 *certification of death to the funeral service practitioner or person acting as a funeral service practi-*
12 *tioner within 48 hours after receipt of the certificate of death by the physician, physician assistant or*
13 *nurse practitioner, except when inquiry is required by ORS chapter 146. In the absence or inability of*
14 *the physician, physician assistant or nurse practitioner, or with the approval of the physician, the*
15 *medical certification of death may be completed by an associate physician, the chief medical officer of*
16 *the institution in which death occurred or the physician who performed an autopsy upon the decedent,*
17 *provided that the individual has access to the medical history of the case and death is due to natural*
18 *causes. The person completing the medical certification of death shall attest to its accuracy either by*
19 *signature or by an approved electronic process.*]

20 [(4) *When inquiry is required by ORS chapter 146, the medical examiner shall determine the cause*
21 *of death and shall complete and sign the medical certification of death within 48 hours after taking*
22 *charge of the case.*]

23 [(5) *If the cause of death cannot be determined within the time prescribed, the medical certification*
24 *of death must be completed as provided by rule of the state registrar. The attending physician, physi-*
25 *cian assistant practicing under the supervision of a person licensed to practice medicine under ORS*
26 *chapter 677, nurse practitioner or medical examiner shall give the funeral service practitioner or person*
27 *acting as a funeral service practitioner notice of the reason for the delay, and final disposition of the*
28 *body may not be made until authorized by the attending physician, physician assistant, nurse practi-*
29 *tioner or medical examiner.*]

30 [(6) *Upon receipt of autopsy results or other information that would change the information in the*
31 *“Cause of Death” section of the certificate of death from that originally reported, the certifier shall*
32 *immediately file a supplemental report of cause of death with the Center for Health Statistics to amend*
33 *the certificate.*]

34 [(7) *When a death is presumed to have occurred within this state but the body cannot be located,*
35 *a certificate of death may be registered by the state registrar only upon receipt from the State Medical*
36 *Examiner. Such a death certificate must be marked “Presumptive” and must show on its face the date*
37 *of registration.*]

38 [(8) *When a death occurring in this state has not been registered within the time period prescribed*
39 *by this section, a certificate of death may be filed in accordance with rules of the state registrar. The*
40 *certificate must be registered subject to evidentiary requirements prescribed by the state registrar by*
41 *rule to substantiate the alleged facts of death.*]

42 [(9) *A certificate of death registered one year or more after the date of death or the date the dead*
43 *body was found must be marked “Delayed” and must show on its face the date of the delayed regis-*
44 *tration.*]

45 [(10) *When an applicant does not submit the minimum documentation required by rule of the state*

1 registrar for delayed registration or when the state registrar has cause to question the validity or ad-
2 equacy of the applicant's sworn statement or the documentary evidence and if the deficiencies are not
3 corrected, the state registrar may not register the delayed certificate of death and shall advise the ap-
4 plicant of the right of appeal under ORS 183.480 to 183.484.]

5 [(11) A certificate of death required to be filed under this section must contain the Social Security
6 number of the decedent whenever the Social Security number is reasonably available from other records
7 concerning the decedent or can be obtained from the person in charge of the final disposition of the
8 decedent.]

9 [(12) If a decedent's death was caused by suicide, the person who submits the death certificate to
10 the county registrar or to the Center for Health Statistics, or as otherwise directed by the State
11 Registrar of the Center for Health Statistics, shall make reasonable efforts to ascertain and shall notify
12 the center through the electronic death certificate system:]

13 [(a) Whether the decedent was a veteran; and]

14 [(b) If the decedent was a veteran, whether the decedent served in combat and, if so, where the
15 decedent served.]

16 **(1)(a) A report of death for each death that occurs in this state must be submitted to the**
17 **county registrar of the county in which the death occurred or to the Center for Health Sta-**
18 **tics, or as otherwise directed by the State Registrar of the Center for Health Statistics,**
19 **within five calendar days after death or the finding of a dead body and before final disposi-**
20 **tion, and must be registered if it has been completed and submitted in accordance with this**
21 **section.**

22 **(b) If the place of death is unknown, but the dead body is found in this state, the report**
23 **of death must be completed and submitted in accordance with this section. The place where**
24 **the body is found must be noted as the place of death except, if in an emergency the decedent**
25 **is moved by conveyance to another county and is dead on arrival, the death shall be consid-**
26 **ered to have occurred in the county from where the body was originally moved.**

27 **(c) When death occurs in a moving conveyance within or outside the United States and**
28 **the body is first removed from the conveyance in this state, the death must be registered in**
29 **this state and the place where the body is first removed shall be deemed the place of death.**
30 **The report of death may note the actual location of death insofar as it can be determined.**

31 **(d) In all other cases, the place where death is pronounced shall be considered the place**
32 **where death occurred.**

33 **(e) If the date of death is unknown, the medical certifier shall determine the date by**
34 **approximation. If the date cannot be determined by approximation, the date that the body**
35 **was found shall be entered on the report of death.**

36 **(2)(a) The funeral service practitioner or person acting as a funeral service practitioner**
37 **who first assumes custody of the dead body shall submit the report of death to the county**
38 **registrar of the county in which the death occurred or to the Center for Health Statistics.**
39 **In cases where there is no funeral service practitioner or person acting as a funeral service**
40 **practitioner, the medical examiner shall submit the report of death.**

41 **(b) The funeral service practitioner or person acting as the funeral service practitioner**
42 **shall obtain the personal data from the next of kin or the best qualified person or source**
43 **available and shall obtain the medical certification from the person responsible for the med-**
44 **ical certification.**

45 **(c) The funeral service practitioner or person acting as the funeral service practitioner**

1 shall provide sufficient information to identify the decedent to the medical certifier within
2 48 hours after death unless the medical certification has already been submitted.

3 (3) A medical certification shall be completed within 48 hours after having access to the
4 report of death by the decedent's primary or attending medical certifier who was in charge
5 of the care of the patient for the illness or condition that resulted in death, except when
6 inquiry is required under ORS chapter 146. In the absence or inability of the medical
7 certifier, or with the medical certifier's approval, the report of death may be completed by
8 an associate of the medical certifier, the chief medical officer of the institution where death
9 occurred or the physician who performed an autopsy upon the decedent, provided that the
10 associate, chief medical officer or physician has access to the medical history of the case and
11 death is due to natural causes. The person completing the cause of death shall attest to its
12 accuracy either by signature or by electronic signature.

13 (4) When inquiry is required under ORS chapter 146, the medical examiner in the juris-
14 diction where death occurred or the body was found shall determine the cause and manner
15 of death and shall complete and sign the medical certification within 48 hours after taking
16 charge of the case. If the cause or manner of death is unknown or pending investigation, the
17 cause or manner of death shall be noted as such on the report of death.

18 (5) When the death occurs in a hospital where more than 10 deaths occurred during the
19 previous calendar year, the person in charge of the hospital shall require the medical cer-
20 tification to be reported through the state electronic reporting system and the report of
21 death to include the electronic signature of the medical certifier.

22 (6)(a) When a death occurs in a hospital described in subsection (5) of this section and
23 the death is not under the jurisdiction of a medical examiner, the person in charge of the
24 hospital or the designated representative of the person in charge of the hospital shall enter
25 the following information on the report of death within 48 hours of death:

26 (A) If the report of death does not exist in the state electronic reporting system, the
27 name of the decedent, the date of the decedent's birth, the date of the decedent's death and
28 the county in which the decedent died; and

29 (B) The medical certification of death, accompanied by the signature or electronic sig-
30 nature of the person completing the cause of death as described in subsection (3) of this
31 section.

32 (b) The partially completed report of death prepared under this subsection shall be made
33 available to the funeral service practitioner or person acting as a funeral service practitioner
34 within 48 hours of death.

35 (7) Upon receipt of autopsy results or other information that would change the informa-
36 tion related to the cause or manner of death, a medical certifier or medical examiner shall
37 submit an amendment to the record of death within five calendar days to the Center for
38 Health Statistics.

39 (8) When a death that is not the subject of a presumptive death proceeding in a court in
40 this state or another state is presumed to have occurred in this state as the result of a
41 known event in this state, but no remains of the presumed deceased can be located, a report
42 of death may be prepared by the State Medical Examiner upon receiving an order from a
43 court of competent jurisdiction that contains findings of fact necessary to complete the re-
44 port of death. A report of death prepared under this subsection shall be marked or flagged
45 "Presumptive" and must show on its face the date of death as determined by the court, the

1 date of registration, the identity of the court and the date of the order.

2 (9) When a death of a missing person domiciled in this state, and that is not the subject
3 of a presumptive death proceeding in a court of this state or another state, has been deter-
4 mined by a court of competent jurisdiction to have presumptively occurred in another state,
5 a report of death may be prepared by the State Medical Examiner upon receiving an order
6 from the court that contains findings of fact necessary to complete the report of death. A
7 report of death prepared under this subsection shall be marked or flagged "Presumptive" and
8 must show on its face the date of death as determined by the court, the date of registration,
9 the identity of the court and the date of the order.

10 (10) When a death occurring in this state has not been registered as prescribed by this
11 section, a report of death may be submitted to the state registrar as described in this section
12 provided that the medical certifier or medical examiner and the funeral service practitioner
13 or person acting as a funeral service practitioner are available to complete the report of
14 death. If the report of death is submitted more than one year after the date of death or the
15 date on which the body was found, the medical certifier or medical examiner and funeral
16 service practitioner or person acting as a funeral service practitioner shall state in accom-
17 panying notarized statements that the information submitted is based on records kept in the
18 files of the medical certifier or medical examiner and funeral service practitioner or person
19 acting as a funeral service practitioner. If the medical certifier or medical examiner and fu-
20 neral service practitioner or person acting as a funeral service practitioner are unavailable
21 to complete the report of death, or decline to complete the report death, then the death shall
22 not be registered except upon the receipt of an order from a court of competent jurisdiction.

23 (11) A report of death required to be submitted under this section must contain the So-
24 cial Security number of the decedent when the Social Security number is reasonably avail-
25 able from other records related to the decedent or can be obtained from the person in charge
26 of the final disposition of the decedent.

27 (12) If a decedent's death was caused by suicide, the person who submits the report of
28 death to the county registrar or to the Center for Health Statistics, or as otherwise directed
29 by the state registrar, shall make reasonable efforts to ascertain whether the decedent was
30 a veteran and, if the decedent was a veteran, whether the decedent served in combat and,
31 if so, where the decedent served. Information acquired under this subsection must be re-
32 ported to the Center for Health Statistics through the state electronic reporting system.

33 SECTION 17. Section 18 of this 2013 Act is added to and made a part of ORS chapter 432.

34 SECTION 18. (1)(a) A death may be registered by the State Medical Examiner as specified
35 in ORS 432.307 (8) or (9) upon receipt of an order from a court of competent jurisdiction.

36 (b) A court order that establishes a record of death shall include all of the following in-
37 formation:

38 (A) The decedent's full legal name;

39 (B) The date of the decedent's death as determined from evidence presented to the court;
40 and

41 (C) The city, county and place in which the decedent died as determined from evidence
42 presented to the court.

43 (c) A court order that establishes a record of death shall include, if available, all of the
44 following information:

45 (A) The decedent's date of live birth, city and state or country of live birth, race,

1 ethnicity, sex and Social Security number and the name or names of the decedent's parent
2 or parents, as the name or names appear on a birth record;

3 (B) The decedent's address, including street address, city, county, state and zip code at
4 the time of death;

5 (C) The decedent's marital status at the time of death;

6 (D) The name, as it appears on a birth record, of any surviving spouse; and

7 (E) The information necessary to complete the medical certification, including the cause
8 and manner of death and, if the death occurred because of an injury, information on how and
9 when the injury occurred, or, if the cause and manner of death are not known, a statement
10 that the cause and manner of death are not known.

11 (2) On the basis of the information in the court order, the State Medical Examiner shall
12 prepare a report of death. The State Registrar of the Center for Health Statistics shall use
13 a report of death prepared under this subsection to register the death.

14 (3) All records of death issued under this section shall show the date of the court order
15 and the name of the court issuing the order.

16 (4) If the death was registered pursuant to ORS 432.307 (8) or (9), the record of death
17 shall be flagged as being "Presumptive."

18 **SECTION 19.** ORS 432.333 is amended to read:

19 432.333. *[(1) Each fetal death of 350 grams or more, or, if weight is unknown, of 20 completed*
20 *weeks gestation or more, calculated from the date last normal menstrual period began to the date of*
21 *delivery, that occurs in this state shall be reported within five days after delivery to the county registrar*
22 *of the county in which the fetal death occurred or to the Center for Health Statistics or as otherwise*
23 *directed by the State Registrar of the Center for Health Statistics. All induced terminations of preg-*
24 *nancy shall be reported in the manner prescribed in ORS 435.496 and shall not be reported as fetal*
25 *deaths.]*

26 *[(2) When a fetus is delivered in an institution, the person in charge of the institution or a desig-*
27 *nated representative shall prepare and file the report.]*

28 *[(3) When a fetus is delivered outside an institution, the physician in attendance at or immediately*
29 *after delivery shall prepare and file the report.]*

30 *[(4) When a fetal death required to be reported by this section occurs without attendance by a*
31 *physician at or immediately after the delivery or when inquiry is required by ORS 146.003 to 146.189*
32 *and 146.710 to 146.992, the medical examiner shall investigate the cause of fetal death and shall pre-*
33 *pare and file the report.]*

34 *[(5) When a fetal death occurs in a moving conveyance and the fetus is first removed from the*
35 *conveyance in this state or when a fetus is found in this state and the place of fetal death is unknown,*
36 *the fetal death shall be reported in this state. The place where the fetus was first removed from the*
37 *conveyance or the fetus was found shall be considered the place of fetal death.]*

38 *[(6) All information regarding the father shall be entered on the fetal death report if the father is*
39 *identified.]*

40 (1)(a) A report of each fetal death of 350 grams or more or, if the weight is unknown,
41 of 20 completed weeks gestation or more, calculated from the date the last normal menstrual
42 period began to the date of the delivery, that occurs in this state shall be submitted within
43 five calendar days after the delivery to the Center for Health Statistics or as otherwise di-
44 rected by the State Registrar of the Center for Health Statistics. The state registrar shall
45 register the report of fetal death if it has been completed and submitted in accordance with

1 this section and any rules adopted by the state registrar under this section.

2 (b) All induced terminations of pregnancy shall be reported in the manner prescribed in
3 ORS 435.496 and shall not be reported as fetal deaths.

4 (2) When fetal death occurs in an institution or en route to an institution, the person in
5 charge of the institution or an authorized designee shall obtain all data required by the state
6 registrar, prepare the report of fetal death, certify by electronic signature that the infor-
7 mation reported is accurate and complete and submit the report as described in subsection
8 (1) of this section.

9 (3) In obtaining the information required for the report of fetal death, an institution shall
10 use information gathering procedures provided or approved by the state registrar. Insti-
11 tutions may establish procedures to transfer, electronically or otherwise, information re-
12 quired for the report from other sources, provided that the procedures are reviewed and
13 approved by the state registrar prior to the implementation of the procedures to ensure that
14 the information being transferred is the same as the information being requested.

15 (4) If fetal death occurs outside an institution, the physician in attendance at or imme-
16 diately after the delivery of the fetus shall prepare and submit the report of fetal death
17 within five calendar days of the delivery in a format adopted by the state registrar by rule.

18 (5) If fetal death occurs outside an institution and without a physician in attendance at
19 or immediately after the delivery of the fetus, or if inquiry is required by ORS chapter 146,
20 the medical examiner in the jurisdiction where the fetal death occurred shall prepare and
21 submit the report of fetal death within five calendar days of the delivery in a format adopted
22 by the state registrar by rule. If the cause of fetal death is unknown or pending investi-
23 gation, the cause shall be noted as such on the report of fetal death.

24 (6) When fetal death occurs in a moving conveyance within or outside the United States
25 and the fetus is first removed from the conveyance in this state, the fetal death must be
26 registered in this state and the place where the fetus is first removed shall be deemed the
27 place of fetal death. The report of fetal death may note the actual location of fetal death
28 insofar as it can be determined.

29 (7) When a fetus is found in this state and the place of delivery is unknown, the report
30 of fetal death must indicate that the place where the fetus was found is the place of delivery.

31 (8) When a record of fetal death is amended, a notation indicating the record was
32 amended must be shown on all certified copies of the record. The date of the amendment and
33 the certified copy item that was amended must also be shown on all certified copies of the
34 record.

35 **SECTION 20.** ORS 432.317 is amended to read:

36 432.317. [(1) *The funeral service practitioner or person acting as a funeral service practitioner who*
37 *first assumes possession of a dead body or fetus shall make a written report to the county registrar in*
38 *the county in which death occurred or in which the body or fetus was found within 24 hours after*
39 *taking possession of the body or fetus. The report shall be on a form prescribed and furnished by the*
40 *State Registrar of the Center for Health Statistics and in accordance with rules adopted by the Oregon*
41 *Health Authority.*]

42 [(2) *Prior to final disposition of the body, the funeral service practitioner or person acting as a*
43 *funeral service practitioner who first assumes custody of a dead body shall, prior to final disposition*
44 *of the body, obtain written authorization for final disposition of the body from the physician, physician*
45 *assistant practicing under the supervision of a person licensed to practice medicine under ORS chapter*

1 677, certified nurse practitioner or medical examiner who certifies the cause of death as provided in
 2 ORS 432.307 (3) on a form prescribed and furnished by the state registrar. If the funeral service
 3 practitioner or person acting as a funeral service practitioner is unable to obtain such written author-
 4 ization prior to final disposition of the body, the practitioner or person, with the oral consent of the
 5 physician, the physician assistant, the nurse practitioner, the medical examiner or a licensed health
 6 professional authorized to give such consent on behalf of the physician or medical examiner who is
 7 responsible for certifying the cause of death, may authorize final disposition of the body on a form
 8 prescribed and furnished by the state registrar.]

9 [(3) Prior to final disposition of a fetus, irrespective of the duration of pregnancy, the funeral ser-
 10 vice practitioner, the person in charge of the institution or other person assuming responsibility for
 11 final disposition of the fetus shall authorize final disposition of the fetus on a form prescribed and
 12 furnished or approved by the state registrar.]

13 [(4) With the consent of the physician, physician assistant practicing under the supervision of a
 14 person licensed to practice medicine under ORS chapter 677, nurse practitioner or medical examiner
 15 who is to certify the cause of death, a dead body may be moved from the place of death for the purpose
 16 of being prepared for final disposition.]

17 [(5) An authorization for final disposition issued under the laws of another state which accompa-
 18 nies a dead body or fetus brought into this state shall be authority for final disposition of the body or
 19 fetus in this state. Permits for transporting a body or fetus out of another state issued under the laws
 20 of another state shall be authority for transporting a body or fetus into Oregon.]

21 [(6) No sexton or other person in charge of any place in which interment or other disposition of
 22 dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless
 23 it is accompanied by authorization for final disposition.]

24 [(7) Each person in charge of any place for final disposition shall include in the authorization the
 25 date of disposition and shall complete and return all authorizations to the county registrar within 10
 26 days after the date of the disposition. When there is no person in charge of the place for final dispo-
 27 sition, a responsible party other than the funeral service practitioner or person acting as a funeral
 28 service practitioner shall complete and return the authorization to the county registrar within 10 days
 29 after the date of disposition.]

30 [(8) Authorization for disinterment and reinterment shall be required prior to disinterment of a
 31 dead body or fetus. The authorization shall be issued by the state registrar to a licensed funeral service
 32 practitioner or person acting as a funeral service practitioner, upon proper application.]

33 [(9) Prior to removing a dead body or fetus from the State of Oregon under ORS 692.270, a person
 34 acting as a funeral service practitioner as defined in ORS 432.005 (11)(b) shall submit a written notice
 35 of removal to the county registrar in the county in which death occurred or in which the body or fetus
 36 was found. The notice shall be on a form prescribed and furnished by the State Registrar of the Center
 37 for Health Statistics and in accordance with rules adopted by the Oregon Health Authority. A copy of
 38 the written notice of removal shall serve as a transit permit for the remains of the decedent named on
 39 the notice.]

40 **(1) Human remains shall be disposed of in accordance with ORS chapter 97.**

41 **(2) The funeral service practitioner or person acting as a funeral service practitioner who**
 42 **first assumes possession of a dead body or fetus shall submit written notice to the county**
 43 **registrar in the county in which death occurred or in which the dead body or fetus was found**
 44 **within 24 hours of taking possession of the dead body or fetus. The notice must be on a form**
 45 **prescribed and furnished by the State Registrar of the Center for Health Statistics.**

1 (3) Before the final disposition of a dead body, the funeral service practitioner or person
2 acting as a funeral service practitioner who first assumes custody of the dead body shall
3 obtain written authorization, on a form prescribed and furnished by the state registrar, for
4 final disposition of the dead body from the medical certifier or medical examiner who certi-
5 fies the cause of death as described in ORS 432.307. If the funeral service practitioner or
6 person acting as a funeral service practitioner is unable to obtain written authorization be-
7 fore the final disposition of the dead body, the funeral service practitioner or person acting
8 as a funeral service practitioner may authorize, with the oral consent of the medical certifier
9 or medical examiner who is responsible for certifying the cause of death, the final disposition
10 of the dead body on a form prescribed and furnished by the state registrar.

11 (4) Upon request of a parent or the parent's authorized representative, a disposition
12 permit may be issued for a fetus that is not reportable as a fetal death.

13 (5) A permit authorizing final disposition issued under the law of another state that ac-
14 companies human remains brought into this state shall have the same force and effect as a
15 permit authorizing final disposition issued by the state registrar.

16 (6) A person in charge of a place where interment or other disposition of human remains
17 is made may not inter or allow interment or other disposition of human remains unless the
18 human remains are accompanied by a permit authorizing disposition.

19 (7) A person in charge of a place where interment or other disposition of human remains
20 is made shall indicate on the permit authorizing disposition the date of disposition and return
21 the completed permit to the county registrar of the county where death occurred. If there
22 is no such person, the funeral service practitioner or person acting as the funeral service
23 practitioner shall complete the permit and return it to the county registrar of the county
24 where death occurred.

25 (8) Disinterment of human remains requires authorization for disinterment and
26 reinterment. The state registrar may issue authorization for disinterment and reinterment
27 to a funeral service practitioner or person acting as a funeral service practitioner upon ap-
28 plication, as required by the state registrar by rule.

29 (9) Prior to removing a dead body or fetus from this state under ORS 692.270, a funeral
30 service practitioner or a person acting as a funeral service practitioner shall submit a writ-
31 ten notice of removal to the country registrar in the county in which death occurred or in
32 which the dead body or fetus was found. The notice shall be on a form prescribed and fur-
33 nished by the state registrar. A copy of a written notice of removal serves as a permit for
34 transporting the remains of a decedent named on the notice.

35 **SECTION 21.** ORS 432.327 is amended to read:

36 432.327. Upon such conditions as the State Registrar of the Center for Health Statistics may
37 prescribe to ensure compliance with the purposes of this chapter, by rule the state registrar may
38 provide for the extension, not to exceed 60 days, of the periods prescribed in ORS 432.307, [and]
39 432.317 and 432.333 for the [filing of certificates of death and fetal death reports, medical certifications
40 of death, and] **submission of a report of death or fetal death and related documentation and**
41 for the obtaining of [permits] **a permit** for disposition of human remains in cases where compliance
42 with the applicable prescribed period would result in undue hardship.

43
44 (For Marriage, Domestic Partnership, Dissolution of
45 Marriage and Dissolution of Domestic Partnership)

1 **SECTION 22.** ORS 432.405 is amended to read:

2 432.405. *[(1) A record of each marriage performed and domestic partnership registered in this state*
3 *shall be filed with the Center for Health Statistics and shall be registered if it has been completed and*
4 *filed in accordance with this section and rules adopted by the State Registrar of the Center for Health*
5 *Statistics.]*

6 *[(2) The county clerk or county official who issues the marriage license or registers the Declaration*
7 *of Domestic Partnership shall prepare the record in the form prescribed or furnished by the state*
8 *registrar upon the basis of information obtained from the parties.]*

9 *[(3) Each person who performs a marriage ceremony shall certify the fact of marriage and return*
10 *the record to the official who issued the license within 10 days after the ceremony.]*

11 *[(4) Every official issuing marriage licenses or registering Declarations of Domestic Partnership*
12 *shall complete and forward to the Center for Health Statistics on or before the 10th day of each cal-*
13 *endar month the records of marriages returned to such official during the preceding calendar month*
14 *and the records of Declarations of Domestic Partnership registered during the preceding calendar*
15 *month.]*

16 *[(5) A marriage or domestic partnership record not filed within the time prescribed by this section*
17 *may be registered in accordance with rules adopted by the state registrar.]*

18 **(1) A report of each marriage performed and domestic partnership registered by the state**
19 **shall be submitted to the Center for Health Statistics. The State Registrar of the Center for**
20 **Health Statistics shall register a marriage or domestic partnership if the report of marriage**
21 **or domestic partnership has been completed and submitted in accordance with this section**
22 **and any rules adopted by the state registrar.**

23 **(2) The county clerk or county official who issues the marriage license or registers the**
24 **Declaration of Domestic Partnership shall prepare the report of marriage or domestic part-**
25 **nership on a form prescribed and furnished by the state registrar, using information obtained**
26 **from the parties to whom the marriage license or Declaration of Domestic Partnership is**
27 **being issued.**

28 **(3) A person who performs a marriage shall certify the fact of marriage and submit the**
29 **certification to the county clerk or county official who issued the license within five calendar**
30 **days of the marriage ceremony.**

31 **(4) A county clerk or county official who issues marriage licenses or registers declara-**
32 **tions of domestic partnership shall complete and submit the report of marriage or domestic**
33 **partnership to the Center for Health Statistics within 15 calendar days of receiving the**
34 **completed marriage license or registering the Declaration of Domestic Partnership. The re-**
35 **port of marriage or domestic partnership must include a copy of the marriage license or**
36 **Declaration of Domestic Partnership.**

37 **SECTION 23.** Section 24 of this 2013 Act is added to and made a part of ORS chapter 432.

38 **SECTION 24.** The State Registrar of the Center for Health Statistics may register a
39 marriage one year or more after the date of the marriage ceremony if:

40 **(1) The report of marriage is submitted by the county clerk or county official responsible**
41 **for issuing marriage licenses; and**

42 **(2) The report of marriage indicates that the registration is delayed and identifies the**
43 **date of registration.**

44 **SECTION 25.** ORS 432.408 is amended to read:

45 432.408. *[(1) A record of each dissolution of marriage judgment or dissolution of domestic part-*

1 *nership judgment by any court in this state shall be filed by the clerk of the court with the Center for*
2 *Health Statistics and shall be registered if it has been completed and filed in accordance with this*
3 *section. The record shall be prepared by the petitioner or a legal representative of the petitioner in the*
4 *form prescribed or furnished by the State Registrar of the Center for Health Statistics and shall be*
5 *presented to the clerk of the court with the petition. In all cases the completed record shall be prereq-*
6 *uisite to the entry of the judgment. The state registrar shall design the record so that, for judgments*
7 *or orders issued in proceedings under ORS 107.085 or 107.485, the state registrar, county clerks, county*
8 *recording officers and state courts may keep Social Security numbers confidential and exempt from*
9 *public inspection.]*

10 *[(2) The clerk of the court shall complete and forward to the Center for Health Statistics on or*
11 *before the 10th day of each calendar month the records of each dissolution of marriage judgment or*
12 *dissolution of domestic partnership judgment granted during the preceding calendar month. The clerk*
13 *shall comply with procedures established under ORS 107.840 to ensure that, in the records completed*
14 *and forwarded under this subsection, the Social Security numbers of parties to a proceeding under*
15 *ORS 107.085 or 107.485 are kept confidential and exempt from public inspection.]*

16 *[(3) A dissolution of marriage record or dissolution of domestic partnership record not filed within*
17 *the time prescribed by subsection (2) of this section may be registered in accordance with rules adopted*
18 *by the state registrar.]*

19 **(1) A report of each dissolution of marriage or dissolution of domestic partnership by a**
20 **court of competent jurisdiction in this state shall be submitted by the clerk of the court to**
21 **the Center for Health Statistics. The State Registrar of the Center for Health Statistics shall**
22 **register the dissolution of marriage or dissolution of domestic partnership if the report of**
23 **dissolution of marriage or dissolution of domestic partnership is completed and submitted in**
24 **accordance with this section and any rules adopted by the state registrar. A report of dis-**
25 **solution of marriage or dissolution of domestic partnership shall be prepared by the**
26 **petitioner for dissolution or the petitioner's legal representative on a form prescribed by the**
27 **state registrar and submitted to the clerk of the court with the petition for dissolution.**

28 **(2) The state registrar shall design the report of dissolution of marriage or dissolution**
29 **of domestic partnership in a manner that allows, for judgments or orders issued in pro-**
30 **ceedings initiated under ORS 107.085 or 107.485, the state registrar, county clerks, county**
31 **recording officers and courts to keep Social Security numbers confidential and exempt from**
32 **public inspection. In all cases, the report of dissolution of marriage or dissolution of domestic**
33 **partnership shall be completed and submitted to the clerk of the court prior to the issuance**
34 **of the court's final order.**

35 **(3) Twice a month, as adopted by the state registrar by rule, the clerk of the court shall**
36 **complete and submit a report of dissolution of marriage or dissolution of domestic partner-**
37 **ship for each judgment or final order of dissolution of marriage or dissolution of domestic**
38 **partnership entered during the month.**

39
40 **(For Adoption)**

41
42 **SECTION 26.** ORS 432.415 is amended to read:

43 432.415. *[(1) For each judgment of adoption entered by a court in this state, the court shall require*
44 *the preparation of a report of adoption on a form prescribed and furnished by the State Registrar of*
45 *the Center for Health Statistics. The report shall:]*

1 *[(a) Include such facts as are necessary to locate and identify the certificate of birth of the person*
2 *adopted or, in the case of a person who was born in a foreign country, evidence from sources deter-*
3 *mined to be reliable by the court as to the date and place of birth of the person;]*

4 *[(b) Provide information necessary to establish a new certificate of birth of the person adopted;*
5 *and]*

6 *[(c) Identify the order of adoption and be certified by the clerk of the court.]*

7 *[(2) Information necessary to prepare the report of adoption shall be furnished by each petitioner*
8 *for adoption or the attorney of the petitioner. The Department of Human Services or any person having*
9 *knowledge of the facts shall supply the court with such additional information as may be necessary to*
10 *complete the report of adoption. The provision of such information shall be prerequisite to the issuance*
11 *of a judgment of adoption.]*

12 *[(3) Whenever an adoption judgment is amended or annulled, the clerk of the court shall prepare*
13 *a report thereof, which shall include such facts as are necessary to identify the original adoption report*
14 *and the facts amended in the adoption judgment as shall be necessary to properly amend the birth re-*
15 *cord.]*

16 *[(4) Not later than the 10th day of each calendar month or more frequently, as directed by the state*
17 *registrar, the clerk of the court shall forward to the state registrar reports of adoption, reports of*
18 *annulment of adoption and amendments of judgments of adoption that were entered in the preceding*
19 *month, together with such related reports as the state registrar shall require.]*

20 *[(5) When the state registrar receives a report of adoption, report of annulment of adoption or*
21 *amendment of a judgment of adoption for a person born outside this state, the state registrar shall*
22 *forward such report to the state registrar in the state of birth.]*

23 *[(6) If the birth occurred in a foreign country, except Canada, and the person is not a citizen of the*
24 *United States at the time of birth, the state registrar shall prepare a certificate of foreign birth as*
25 *provided by ORS 432.230. If the person was born in Canada, the state registrar shall forward the re-*
26 *port of adoption, report of annulment of adoption or amendment of a judgment of adoption to the ap-*
27 *propriate registration authority in Canada.]*

28 *[(7) If the person was born in a foreign country but was a citizen of the United States at the time*
29 *of birth, the state registrar shall not prepare a certificate of foreign birth and shall notify the adoptive*
30 *parents of the procedures for obtaining a revised birth certificate for the person through the United*
31 *States Department of State.]*

32 **(1) For each judgment of adoption entered by a court of competent jurisdiction in this**
33 **state, the court shall require the preparation of a report of adoption on a form prescribed**
34 **and furnished by the State Registrar of the Center for Health Statistics. The report of**
35 **adoption must:**

36 **(a) Include facts that the state registrar deems necessary to locate and identify the re-**
37 **port of live birth of the person adopted;**

38 **(b) If the person was born in a foreign country, provide evidence from sources deter-**
39 **mined to be reliable by the court of the date and place of live birth;**

40 **(c) Include information necessary to establish a replacement report of live birth of the**
41 **person adopted;**

42 **(d) Identify the final order of the judgment of adoption; and**

43 **(e) Be certified or authenticated by the clerk of the court as provided by the state**
44 **registrar by rule.**

45 **(2) Information necessary to prepare a report of adoption must be furnished by the**

1 petitioner for adoption or by the petitioner's legal representative. The Department of Human
 2 Services or any other person having knowledge of the facts shall supply the court with ad-
 3 ditional information that is necessary to complete the report of adoption. A court must re-
 4 ceive the information required by this subsection before issuing a judgment of adoption.

5 (3) Whenever a judgment of adoption is amended or annulled, the clerk of the court shall
 6 prepare a report of the amendment or annulment that includes the facts necessary to iden-
 7 tify the original report of adoption and the facts amended in the judgment of adoption that
 8 are necessary to amend a report of live birth.

9 (4) Twice a month as adopted by the state registrar by rule, the clerk of the court shall
 10 submit to the Center for Health Statistics reports of adoption or reports prepared under
 11 subsection (3) of this section.

12 (5) When the state registrar receives a report under subsection (4) of this section for a
 13 person born in another state, the state registrar shall forward the report to the state
 14 registrar in the state of live birth.

15 (6) If a live birth occurred in a foreign country and the child is not a citizen of the United
 16 States at the time of live birth, the state registrar shall prepare a record of foreign live birth
 17 as provided in ORS 432.230. If the live birth occurred in a neighboring country, the state
 18 registrar shall also send a copy of the report of adoption or any report prepared under sub-
 19 section (4) of this section to the appropriate authority.

20 (7) If a live birth occurred in a foreign country and through parentage the child is a cit-
 21 izen of the United States, the state registrar shall notify the parents adopting the child of
 22 the procedures for obtaining a revised live birth record for their child through the United
 23 States Department of State. The state registrar shall not prepare a record of foreign live
 24 birth for a live birth described in this subsection.

25 **SECTION 27.** ORS 432.240 is added to and made a part of ORS chapter 432.

26 **SECTION 28.** ORS 432.240 is amended to read:

27 432.240. (1) Upon receipt of a written application to the State Registrar **of the Center for**
 28 **Health Statistics**, [any] an adopted person 21 years of age and older born in [the State of Oregon]
 29 **this state** shall be issued a certified copy of [his/her] **the person's** unaltered, original and una-
 30 mended [certificate of birth] **record of live birth** in the custody of the state registrar, with proce-
 31 dures, filing fees, and waiting periods [identical to those imposed upon nonadopted citizens of the State
 32 of Oregon pursuant to ORS 432.121 and 432.146. Contains no exceptions] **as prescribed by the state**
 33 **registrar by rule.**

34 (2) A birth parent may at any time request from the state registrar [of the Center for Health
 35 Statistics] or from a voluntary adoption registry a Contact Preference Form that shall accompany
 36 a [birth certificate] **certified copy** issued under subsection (1) of this section. The Contact Preference
 37 Form shall provide the following information to be completed at the option of the birth parent:

38
 39
 40 (a) I would like to be contacted;

41 (b) I would prefer to be contacted only through an intermediary; or

42 (c) I prefer not to be contacted at this time. If I decide later that I would like to be contacted,
 43 I will register with the voluntary adoption registry. I have completed an updated medical history
 44 and have filed it with the voluntary adoption registry. Attached is a certificate from the voluntary
 45 adoption registry verifying receipt of the updated medical history.

1
2
3 (3) *[The]* A certificate from *[the]* a voluntary adoption registry verifying receipt of an updated
4 medical history under subsection (2) of this section shall be in a form prescribed by the Oregon
5 Health Authority and shall be supplied upon request of the birth parent by the voluntary adoption
6 registry.

7 (4) When the state registrar *[of the Center for Health Statistics]* receives a completed Contact
8 Preference Form from a birth parent, the state registrar shall match the Contact Preference Form
9 with the adopted person's *[sealed file]* **record of live birth**. The Contact Preference Form shall be
10 *[placed in the adopted person's sealed file]* **made a part of the adopted person's record of live**
11 **birth** when a match is made.

12 (5) A completed Contact Preference Form shall be confidential and shall be placed in a secure
13 file until a match with the adopted person's *[sealed file]* **record of live birth** is made and the Con-
14 tact Preference Form is placed in the adopted person's *[file]* **record**.

15 (6) Only those persons who are authorized to process applications made under subsection (1) of
16 this section may process Contact Preference Forms.

17 18 **AMENDMENTS AND CORRECTIONS**

19 20 **SECTION 29.** ORS 432.235 is amended to read:

21 432.235. *[(1) A certificate or report registered under this chapter may be amended only in accord-*
22 *ance with this chapter and rules adopted by the State Registrar of the Center for Health Statistics to*
23 *protect the integrity and accuracy of vital records and vital reports.]*

24 *[(2) A certificate or report that is amended under this section shall indicate that it has been*
25 *amended, except as otherwise provided in ORS 432.230, this section or by rule of the state registrar.*
26 *A record shall be maintained that identifies the evidence upon which the amendment was based, the*
27 *date of the amendment and the identity of the person making the amendment. The state registrar shall*
28 *prescribe by rule the conditions under which additions or minor corrections may be made to certificates*
29 *or reports within one year without the certificate or report indicating that it has been amended.]*

30 *[(3) Upon receipt of a certified copy of an order of a court changing the name of a person born in*
31 *this state and upon request of such person or if the person is a minor or incompetent, the parents,*
32 *guardian or legal representative of the person, the state registrar shall amend the certificate of birth*
33 *to show the new name.]*

34 *[(4) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that*
35 *the sex of an individual born in this state has been changed by surgical procedure and whether such*
36 *individual's name has been changed, the certificate of birth of such individual shall be amended as*
37 *prescribed by rule of the state registrar.]*

38 *[(5) When an applicant does not submit the minimum documentation required by rule of the state*
39 *registrar for amending a vital record or when the state registrar has cause to question the validity or*
40 *adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are*
41 *not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the*
42 *reason for this action and shall further advise the applicant of the right of appeal under ORS 183.480*
43 *and 183.484.]*

44 *[(6) When a certificate or report is amended under this section by the state registrar, the state*
45 *registrar shall report the amendment to any other custodian of the vital record and the record of the*

1 *other custodian shall be amended accordingly.]*

2 *[(7) When an amendment is made to an application, license and record of marriage or to a Decla-*
3 *ration of Domestic Partnership by the local official issuing the marriage license or registering the*
4 *declaration, copies of the amendment shall be forwarded to the state registrar.]*

5 *[(8)(a) When a party or legal representative proposes to set aside or change any information re-*
6 *corded in a dissolution of marriage judgment or dissolution of domestic partnership judgment filed*
7 *pursuant to ORS 432.408, the party or legal representative seeking the amendment or set aside order*
8 *shall prepare a summary of the changes in the form prescribed or furnished by the state registrar and*
9 *shall present the form to the clerk of the court along with the proposed supplemental judgment. In all*
10 *cases the completed form shall be a prerequisite to the entry of the supplemental judgment.]*

11 *[(b) The clerk of the court shall complete and forward to the Center for Health Statistics the re-*
12 *records of each such supplemental judgment in the same manner prescribed by ORS 432.408.]*

13 **(1) A vital record registered under this chapter must be amended or corrected in ac-**
14 **cordance with this section or rules adopted by the State Registrar of the Center for Health**
15 **Statistics for the purpose of protecting the integrity and accuracy of vital records.**

16 **(2)(a) A vital record that is amended under this section shall indicate that it has been**
17 **amended, except as otherwise provided in this section or by rule of the state registrar.**

18 **(b) The state registrar shall keep and maintain:**

19 **(A) Documentation that identifies the evidence upon which an amendment or correction**
20 **is based;**

21 **(B) The date of the amendment or correction; and**

22 **(C) The identity of the individual authorized by the Center for Health Statistics that**
23 **made the amendment or correction.**

24 **(3) Upon receipt of a certified copy of an order of a court of competent jurisdiction**
25 **changing the name of a person born in this state, and upon the request of a person 18 years**
26 **of age or older or, if a person is younger than 18 years of age and is not an emancipated**
27 **minor, by the person's parent, legal guardian or legal representative, the state registrar shall**
28 **amend the record of live birth to show a new name.**

29 **(4) When an applicant to amend a vital record does not submit the minimum documen-**
30 **tation required to make an amendment, or when the state registrar has cause to question**
31 **the validity or adequacy of the application, the state registrar, in the state registrar's dis-**
32 **cretion, may refuse to amend the vital record and shall enter an order to that effect, stating**
33 **the reasons for the action. The state registrar shall advise the applicant of the right to ap-**
34 **peal under ORS 183.484.**

35 **(5) When an amendment is made to a record of marriage or a record of domestic part-**
36 **nership by the county clerk or other county official who issues marriage licenses and regis-**
37 **ters domestic partnerships or, if an amendment changes the name, date of birth or**
38 **birthplace of a party, by the court that entered the judgment or final order of dissolution**
39 **of marriage or dissolution of domestic partnership, copies of the amendment must be for-**
40 **warded to the state registrar.**

41 **(6) If a judgment or final order of dissolution of marriage or dissolution of domestic**
42 **partnership is set aside by the court that entered the judgment or order, a copy of the notice**
43 **setting aside the judgment or order must be forwarded to the state registrar and the state**
44 **registrar shall void the related record.**

45 **SECTION 30. ORS 432.230 is amended to read:**

1 432.230. [(1) *The State Registrar of the Center for Health Statistics shall establish a new certificate*
2 *of birth for a person born in this state when the state registrar receives either of the following:*]

3 [(a) *A report of adoption as provided in ORS 432.415 or a report of adoption prepared and filed*
4 *in accordance with the laws of another state or foreign country, or a certified copy of the judgment of*
5 *adoption, together with the information necessary to identify the original certificate of birth and to es-*
6 *tablish a new certificate of birth, except that a new certificate of birth shall not be established if so*
7 *requested by the court entering the judgment of adoption, the adoptive parents or the adopted person.*]

8 [(b) *A request that a new certificate of birth be established as prescribed by rule and the evidence*
9 *required by rule of the state registrar proving that:*]

10 [(A) *The person has been legitimated;*]

11 [(B) *A court of competent jurisdiction has determined the paternity of the person;*]

12 [(C) *An administrative determination of paternity has been filed; or*]

13 [(D) *Both parents have voluntarily acknowledged the paternity of the person and requested that the*
14 *surname be changed from that shown on the original certificate.*]

15 [(2) *When a new certificate of birth is established, the actual city or county, or both, and date of*
16 *birth shall be shown. The new certificate shall be substituted for the original certificate of birth in the*
17 *files, and the original certificate of birth and the evidence of adoption, legitimation, court determination*
18 *of paternity, administrative determination of paternity, voluntary acknowledgment of paternity or other*
19 *form prescribed in ORS 432.287 shall not be subject to inspection except upon order of a court or as*
20 *provided by rule of the state registrar.*]

21 [(3) *Upon receipt of a report of an amended judgment of adoption, the certificate of birth shall be*
22 *amended as provided by rule of the state registrar.*]

23 [(4) *Upon receipt of a report or judgment of annulment of adoption, the original certificate of birth*
24 *shall be restored to its place in the files and the adoption certificate and evidence shall not be subject*
25 *to inspection except upon order of a court of competent jurisdiction or as provided by rule of the state*
26 *registrar.*]

27 [(5) *Upon written request of both parents and receipt of a voluntary acknowledgment of paternity*
28 *form or other form prescribed in ORS 432.287 signed by both parents of a child born out of wedlock,*
29 *the state registrar shall issue a new certificate of birth to show such paternity if paternity is not al-*
30 *ready shown on the certificate of birth. Such certificate shall not be marked "Amended."*]

31 [(6) *If no certificate of birth is on file for the person for whom a new birth certificate is to be es-*
32 *tablished under this section, and the date and place of birth have not been determined in the adoption*
33 *or paternity proceedings, a delayed certificate of birth shall be filed with the state registrar as provided*
34 *in ORS 432.140 and 432.142, before a new certificate of birth is established. The new birth certificate*
35 *shall be prepared on the delayed birth certificate form.*]

36 [(7) *When a new certificate of birth is established by the state registrar, all copies of the original*
37 *certificate of birth in the custody of any other custodian of vital records in this state shall be sealed*
38 *from inspection or forwarded to the state registrar as the state registrar shall direct.*]

39 [(8) *The state registrar, upon request, shall prepare and register a certificate in this state for a*
40 *person born in a foreign country who is not a citizen of the United States and who was adopted*
41 *through a court of competent jurisdiction in this state. The certificate shall be established upon receipt*
42 *of a report of a judgment of adoption from the court, proof of the date and place of the person's birth,*
43 *and a request from the court, the adopting parents or the adopted person, if 18 years of age or over,*
44 *that such a certificate be prepared. The certificate shall be labeled "Certificate of Foreign Birth" and*
45 *shall show the actual country of birth. A statement shall also be included on the certificate indicating*

1 *that it is not evidence of United States citizenship for the person for whom it is issued. After regis-*
2 *tration of the birth certificate in the new name of the adopted person, the state registrar shall seal the*
3 *report of adoption, which shall not be subject to inspection except upon order of a court of competent*
4 *jurisdiction.]*

5 **(1) For a person born in this state, the State Registrar of the Center for Health Statistics**
6 **shall amend a record of live birth and establish a replacement for the record if the state**
7 **registrar receives one of the following:**

8 **(a) A report of adoption as provided in ORS 432.415 or a certified copy of the judgment**
9 **of adoption, with the information necessary to identify the original record of live birth and**
10 **to establish a replacement for the record, unless the court ordering the adoption requests**
11 **that a replacement for the record not be established;**

12 **(b) A request that a replacement record of live birth be prepared to establish parentage,**
13 **as prescribed by the state registrar by rule or ordered by a court of competent jurisdiction**
14 **in this state that has determined the paternity of a person;**

15 **(c) A written and notarized request, signed by both parents, acknowledging paternity; or**

16 **(d) A certified copy of a judgment that indicates that an individual born in this state has**
17 **completed sexual reassignment and that the sex on the record of live birth must be changed.**

18 **(2) To change a person's name under subsection (1) of this section, the request or court**
19 **order must include the name that currently appears the record of live birth and the new**
20 **name to be designated on the replacement for the record. The new name of the person shall**
21 **be shown on the replacement for the record.**

22 **(3) Upon receipt of a certified copy of a court order to change the name of a person born**
23 **in this state as authorized by 18 U.S.C. 3521 et seq., the state registrar shall create a re-**
24 **placement for a record of live birth to show the new information as specified in the court**
25 **order.**

26 **(4) When a replacement for a record of live birth is prepared, the city, county and date**
27 **of live birth must be included in the replacement. The replacement for the record must be**
28 **substituted for the original record of live birth. The original record of live birth and all evi-**
29 **dence submitted with the request or court order for the replacement for the record must**
30 **be placed under seal and is not subject to inspection, except upon the order of a court of**
31 **competent jurisdiction in this state or as provided by rule of the state registrar.**

32 **(5) Upon receipt of an amended judgment of adoption, the record of live birth shall be**
33 **amended by the state registrar as provided by the state registrar by rule.**

34 **(6) Upon receipt of a report of annulment of adoption or a court order annulling an**
35 **adoption, the original record of live birth must be restored. The replacement for the record**
36 **of live birth is not subject to inspection, except upon the order of a court of competent ju-**
37 **risdiction in this state or as provided by rule of the state registrar.**

38 **(7) If there is no record of live birth for a person for whom a replacement for the record**
39 **is sought under this section and the court issues an order indicating a date of live birth more**
40 **than one year from the date submitted to the Center for Health Statistics, the replacement**
41 **for the record of live birth shall be created as a delayed record of live birth.**

42 **(8) The state registrar shall prepare and register a record of foreign live birth for a**
43 **person born in a foreign country who is not a citizen of the United States and for whom a**
44 **judgment of adoption was issued by a court of competent jurisdiction in this state if the**
45 **court, the parents adopting the child or the adopted person, if the adopted person is 18 years**

1 of age or older, requests the record. The record must be labeled “Record of Foreign Live
2 Birth” and shall show the actual country of live birth. After registering the record of foreign
3 live birth in the new name of the adopted person, the record must be placed under seal and
4 is not subject to inspection, except upon the order of a court of competent jurisdiction in this
5 state or as provided by rule of the state registrar.

6 (9) A replacement record of live birth may not be created under this section if the date
7 and place of live birth have not been determined by the court order.

8 **SECTION 31.** ORS 432.420 is amended to read:

9 432.420. The documents forwarded to the State Registrar of the Center for Health Statistics or
10 sealed under ORS 432.230 may be opened by the state registrar only upon [*an order of an Oregon*
11 *court of competent jurisdiction*] **receiving an order from a court of competent jurisdiction** or
12 when requested by an agency operating a voluntary adoption registry as defined in ORS 109.425 for
13 the purpose of facilitating the identification of persons registering under the provisions of ORS
14 109.425 and 109.435 to 109.507.

15 16 PRESERVATION OF VITAL RECORDS

17
18 **SECTION 32.** ORS 432.115 is amended to read:

19 432.115. [*To preserve vital records and vital reports, the State Registrar of the Center for Health*
20 *Statistics is authorized to prepare typewritten, photographic, electronic or other reproductions of cer-*
21 *tificates or reports in the Center for Health Statistics. Such reproductions when verified and approved*
22 *by the state registrar shall be accepted as original records, and the documents from which permanent*
23 *reproductions have been made may be disposed of as provided by rule of the state registrar, rule of the*
24 *Secretary of State and ORS 192.105.]*

25 (1) **In consultation with the State Archivist, the State Registrar of the Center for Health**
26 **Statistics shall develop and implement a preservation management program to preserve vital**
27 **record documents and information and meet generally accepted standards for permanent**
28 **preservation.**

29 (2) **The state registrar shall prepare typewritten, photographic, electronic or other re-**
30 **productions of vital records or reports kept and maintained in the Center for Health Statis-**
31 **tics. These reproductions, when verified and approved by the state registrar, shall be**
32 **accepted as the original vital record documents. The original vital record documents from**
33 **which permanent reproductions have been made may be disposed of as described in ORS**
34 **192.105 or as provided by rule of the state registrar.**

35 (3) **The state registrar shall provide for the continued availability and integrity of vital**
36 **event information. To ensure such availability and integrity, the state registrar may keep**
37 **and maintain redundant copies of information in multiple locations and formats, such as**
38 **microfilm, microfiche, imaging and electronic databases.**

39 (4) **The preservation management program must provide for the continued availability**
40 **of historic vital record documents and information for research and related purposes. Vital**
41 **records are historic when 100 years have elapsed after the date of live birth for births oc-**
42 **curring after 1914, 50 years have elapsed after the date of death for deaths occurring after**
43 **1964, 50 years have elapsed after the date of fetal death for fetal deaths occurring after 1964**
44 **or 50 years have elapsed after the date of marriage, domestic partnership, dissolution of**
45 **marriage or dissolution of domestic partnership for such events occurring after 1964. Sup-**

1 **porting documents, including corrections and acknowledgments of paternity, may be included**
 2 **with historic vital records. Records under seal are not historic unless unsealed by court or-**
 3 **der.**

4 **(5) Historic vital records shall be transferred to the State Archives in accordance with**
 5 **archival procedures for the continued safekeeping of the vital records. The State Archives**
 6 **may not charge the Center for Health Statistics for the transfer and maintenance of historic**
 7 **vital records under this subsection. The state registrar shall adopt rules to ensure that the**
 8 **release of information contained in records of birth, death, marriage, domestic partnership**
 9 **and dissolution of marriage or domestic partnership, and reports of fetal death, comply with**
 10 **federal and state laws, regulations and rules.**

11 **EXEMPTION FROM PUBLIC DISCLOSURE**

12
 13
 14 **SECTION 33.** ORS 432.121 is amended to read:

15 432.121. *[(1) To protect the integrity of vital records and vital reports, to ensure their proper use*
 16 *and to ensure the efficient and proper administration of the system of vital statistics, it shall be un-*
 17 *lawful for any person to permit inspection of, or to disclose information from vital records or vital re-*
 18 *ports in the custody of the State Registrar of the Center for Health Statistics, county registrar or local*
 19 *registrar or to copy or issue a copy of all or part of any such record or report unless authorized by*
 20 *this chapter and by rules adopted pursuant thereto or by order of a court of competent jurisdiction.*
 21 *Rules adopted under this section shall provide for adequate standards of security and confidentiality*
 22 *of vital records and vital reports. The state registrar shall adopt rules to ensure that, for records of*
 23 *dissolution of marriage issued in proceedings under ORS 107.085 or 107.485, Social Security numbers*
 24 *of the parties are kept confidential and exempt from public inspection.]*

25 *[(2) The State Registrar of the Center for Health Statistics shall authorize the inspection, disclosure*
 26 *and copying of the information referred to in subsection (1) of this section as follows:]*

27 *[(a) To the subject of the record; spouse, child, parent, sibling or legal guardian of the subject of*
 28 *the record; an authorized representative of the subject of the record, spouse, child, parent, sibling or*
 29 *legal guardian of the subject of the record; and, in the case of death, marriage or divorce records, to*
 30 *other next of kin.]*

31 *[(b) When a person demonstrates that a death, marriage or divorce record is needed for the deter-*
 32 *mination or protection of a personal or property right.]*

33 *[(c) When 100 years have elapsed after the date of birth or 50 years have elapsed after the date of*
 34 *death, marriage or divorce.]*

35 *[(d) When the person requesting the information demonstrates that the person intends to use the*
 36 *information solely for research purposes. In order to receive the information, the person must submit*
 37 *a written request to the state registrar requesting a research agreement. The state registrar shall issue*
 38 *a research agreement if the person demonstrates that the information will be used only for research and*
 39 *will be held confidential. The research agreement shall prohibit the release by the person of any in-*
 40 *formation other than that authorized by the agreement that might identify any person or institution.]*

41 *[(e) To the federal agency responsible for national vital statistics, upon request. The copies or data*
 42 *may be used solely for the conduct of official duties. Before furnishing the records, reports or data, the*
 43 *state registrar shall enter into an agreement with the federal agency indicating the statistical or re-*
 44 *search purposes for which the records, reports or data may be used. The agreement shall also set forth*
 45 *the support to be provided by the federal agency for the collection, processing and transmission of the*

1 records, reports or data. Upon written request of the federal agency, the state registrar may approve,
2 in writing, additional statistical or research uses of the records, reports or data supplied under the
3 agreement.]

4 [(f) To federal, state and local governmental agencies, upon request. The copies or data may be
5 used solely for the conduct of official duties of the requesting governmental agency.]

6 [(g) To offices of vital statistics outside this state when such records or other reports relate to
7 residents of those jurisdictions or persons born in those jurisdictions. Before furnishing the records,
8 reports or data, the state registrar shall enter into an agreement with the office of vital statistics. The
9 agreement shall specify the statistical and administrative purposes for which the records, reports or
10 data may be used and the agreement shall further provide instructions for the proper retention and
11 disposition of the copies. Copies received by the Center for Health Statistics from offices of vital sta-
12 tistics in other states shall be handled in the same manner as prescribed in this section.]

13 [(h) To an investigator licensed under ORS 703.430, upon request.]

14 [(3) The state registrar, upon request of a family member or legal representative, shall issue a
15 certified copy or other copy of a death certificate containing the cause of death information as provided
16 in subsection (2) of this section or as follows:]

17 [(a) When a person has demonstrated through documented evidence a need for the cause of death
18 to establish a legal right or claim.]

19 [(b) When the request for the copy is made by or on behalf of an organization that provides benefits
20 to the decedent's survivors or beneficiaries.]

21 [(4) Nothing in this section prohibits the release of information or data that would not identify any
22 person or institution named in a vital record or a vital report.]

23 [(5) Nothing in this section shall prohibit a health care provider from disclosing information con-
24 tained in the provider's records as otherwise allowed by law.]

25 [(6) Nothing in this section shall be construed to permit disclosure of information contained in the
26 "Information for Medical and Health Use Only" section of the birth certificate, fetal death report or the
27 "Information for Statistical Purposes Only" section or other confidential section of the application, li-
28 cense and record of marriage or certificate of divorce, unless specifically authorized by the state
29 registrar for statistical or research purposes. The data shall not be subject to subpoena or court order
30 and shall not be admissible before any court, tribunal or judicial body.]

31 [(7) All forms and procedures used in the issuance of certified copies of vital records and vital re-
32 ports shall be uniform and provided by or approved by the state registrar. All certified copies issued
33 shall have security features that safeguard the document against alteration, counterfeiting, duplication
34 or simulation without ready detection.]

35 [(8) Each copy issued shall show the date of filing. Copies issued from records marked
36 "Amended" shall be similarly marked and shall show the effective date of the amendment. Copies is-
37 sued from records marked "Delayed" shall be similarly marked and shall include the date of filing and
38 a description of the evidence used to establish the delayed certificate.]

39 [(9) Any copy issued of a certificate of foreign birth shall indicate this fact and show the actual
40 place of birth and the fact that the certificate is not proof of United States citizenship for an adoptive
41 child.]

42 [(10) Appeals from decisions of the state registrar to refuse to disclose information or to permit
43 inspection or copying of records as prescribed by this section and rules adopted pursuant thereto shall
44 be made under ORS chapter 183.]

45 [(11) The state registrar shall adopt rules to implement this section in accordance with the appli-

1 *cable sections of ORS chapter 183.]*

2 *[(12) Indexes of deaths, marriages or divorces that list names, dates of events, county of events or*
3 *certificate numbers may be disclosed.]*

4 **(1)(a) Vital records and reports, and documents, data and information related to vital**
5 **records and reports, are exempt from public disclosure under ORS 192.410 to 192.505. Except**
6 **as provided in this section and ORS 432.180 or rules adopted by the State Registrar of the**
7 **Center for Health Statistics as described in paragraph (b) of this subsection, a person may**
8 **not disclose or allow a person to inspect vital records or reports or related documents, data**
9 **or information.**

10 **(b) The state registrar may adopt rules permitting the disclosure of vital records and**
11 **reports and related documents, data or information if the disclosure is for public health**
12 **purposes or if the state registrar otherwise determines that:**

13 **(A) The requestor has a valid need for the information;**

14 **(B) The information cannot be obtained from other sources;**

15 **(C) The requestor is authorized to receive the information; and**

16 **(D) The integrity of the vital record or report can be assured.**

17 **(2)(a) Personally identifiable information that may be used to identify a natural person**
18 **named in a vital record or report may be disclosed for health research purposes after sub-**
19 **mission of a written request for the information by a researcher and the approval of the**
20 **state registrar through the execution of a written research agreement that:**

21 **(A) Describes the research project;**

22 **(B) Documents, if necessary, applicable institutional review board approvals; and**

23 **(C) Protects the confidentiality and security of the information provided.**

24 **(b) An agreement entered into under this subsection:**

25 **(A) Must:**

26 **(i) Prohibit, except as explicitly permitted in the agreement, the further release of the**
27 **personally identifiable information by the researcher unless explicitly authorized by the state**
28 **registrar; and**

29 **(ii) Specify that the state continues to own the information provided to the requester;**
30 **and**

31 **(B) May require payment for the use of the requested information.**

32 **(3) A government agency may be furnished, upon written request and the approval of the**
33 **state registrar, with copies of documents or other data from the system of vital statistics,**
34 **provided that the copies or data are used solely in the conduct of the government agency's**
35 **official duties. Before furnishing information under this subsection, the state registrar and**
36 **the government agency requesting the copies or data shall enter into a data sharing agree-**
37 **ment that clearly specifies the uses for the copies or data. An agreement entered into under**
38 **this subsection:**

39 **(a) Must:**

40 **(A) Contain measures to protect the confidentiality and security of the copies or data;**

41 **(B) Prohibit the further release of any personally identifiable information by the gov-**
42 **ernment agency unless explicitly provided in the agreement; and**

43 **(C) Specify that the state continues to own the copies or data; and**

44 **(b) May require payment for the use of the requested copies or data.**

45 **(4) The federal agency responsible for national vital statistics may be furnished with**

1 copies of records, reports or other data from the system of vital statistics as necessary for
2 the maintenance of national statistics, provided that the agency shares in the cost of col-
3 lecting, processing and transmitting the information and that the agency does not use the
4 information for purposes other than statistical purposes unless the use is explicitly author-
5 ized by the state registrar. Before furnishing information under this subsection, the state
6 registrar and the agency shall enter into a data sharing agreement that clearly specifies the
7 uses for the information. An agreement entered into under this subsection must:

8 (a) Prohibit the further release of any information by the agency unless explicitly au-
9 thorized by the state registrar; and

10 (b) Specify that the state continues to own the information.

11 (5)(a) The state registrar, pursuant to an interjurisdictional exchange agreement, may
12 transmit copies of records, reports or other documents or other data from the system of
13 vital statistics to offices of vital statistics in other states or neighboring countries. The ex-
14 change agreement must specify the purposes for which the copies or data may be used by
15 the other state or neighboring country and provide instructions for the proper retention and
16 disposition of the copies and data.

17 (b) Copies of records, reports or other documents or other data received by the Center
18 for Health Statistics as a result of the exchange agreement are confidential and not subject
19 to public disclosure under ORS 192.410 to 192.505, and the state or neighboring country in
20 which the vital event occurred continues to own the copies and data.

21 (c) An exchange agreement entered into under this subsection may not allow the disclo-
22 sure of copies of records, reports or other documents or other data of a vital event that did
23 not occur in the state or country that is transmitting the information.

24 (6) When the death of a person who was born in this state or was a resident of this state
25 at the time of death occurs in a country other than the United States, the state registrar
26 shall receive a report of death from the United States Department of Defense or the United
27 States Department of State.

28 (7) When 100 years have elapsed after the date of live birth for births occurring after
29 1914, 50 years have elapsed after the date of death for deaths occurring after 1964, 50 years
30 have elapsed after the date of fetal death for fetal deaths occurring after 1964 or 50 years
31 have elapsed after the date of marriage, domestic partnership, dissolution of marriage or
32 dissolution of domestic partnership for such events occurring after 1964, the record available
33 for disclosure under this section, whether in paper, electronic or other form, may be trans-
34 ferred to the State Archives as a public record in accordance with archival procedures for
35 the continued safekeeping of the vital records. The State Archives may not charge the Cen-
36 ter for Health Statistics for the transfer and maintenance of historic vital records under this
37 subsection. The state registrar shall adopt rules to ensure that, for records of dissolution
38 of marriage or dissolution of domestic partnership issued in proceedings under ORS 106.300
39 to 106.340 or 107.085 or 107.485, the Social Security numbers of the parties are kept confi-
40 dential and exempt from public disclosure under ORS 192.410 to 192.505. Prior to transferring
41 records of live birth and death, the state registrar shall redact all information identified as
42 having only a medical or health purpose in the United States Standard Certificates of Live
43 Birth and Death and the Report of Fetal Death or by rule of the state registrar.

44 (8) A decision of the state registrar with regard to the disclosure of vital records, reports
45 and related documents, data and information is a final agency determination. If the state

1 **registrar refuses an inspection under this section, the person seeking inspection may proceed**
2 **in the manner set forth in ORS 183.484.**

3 **(9) Nothing in this section prohibits the state registrar from publishing statistical com-**
4 **pilations or reports for public health purposes if the compilations and reports do not contain**
5 **personally identifiable information.**

6 **SECTION 34.** ORS 432.124 is amended to read:

7 432.124. Notwithstanding any other provision of law, [*all death records*] **a document recording**
8 **a death** filed in conjunction with owning or having a claim or interest in land [*in the county*] that
9 [*are*] **is** in the custody of a county clerk or county recording officer [*are*] **is** open and subject to full
10 disclosure. **A document recording a death filed in conjunction with owning or having a claim**
11 **or interest in land may not include medical information related to the cause of death.**

12 **SECTION 35.** ORS 432.412 is amended to read:

13 432.412. (1) Except as provided in subsection (2) of this section, notwithstanding any other pro-
14 vision of law, all marriage **and domestic partnership** records and all [*divorce*] records of **dissol-**
15 **ution of marriage and dissolution of domestic partnership** in the custody of a county clerk or
16 county recording officer and all [*divorce*] records of **dissolution of marriage and dissolution of**
17 **domestic partnership** in the custody of the state courts are open and subject to full disclosure.

18 (2) [*Divorce*] Records of **dissolution of marriage and dissolution of domestic partnership** in
19 the custody of the state courts shall be completed and maintained in accordance with procedures
20 established under ORS 107.840 to ensure that the Social Security numbers of parties to proceedings
21 under ORS 107.085 and 107.485 are kept confidential and exempt from public inspection.

22 **CERTIFIED COPIES OF RECORDS**

23
24
25 **SECTION 36.** ORS 432.180 is amended to read:

26 432.180. [(1) *A certified copy of a vital record or vital report or any part thereof shall be considered*
27 *for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.*
28 *However, the evidentiary value of a record or report filed more than one year after the event, a record*
29 *or report that has been amended or a certificate of foreign birth shall be determined by the judicial or*
30 *administrative body or official before whom the record or report is offered as evidence.*]

31 [(2) *The contents, or part of the contents, and the due execution of any certificate on file in the*
32 *Center for Health Statistics may be evidenced by a copy of the material in the certificate, as certified*
33 *by the State Registrar of the Center for Health Statistics.*]

34 [(3) *When the state registrar receives information that a certificate may have been registered*
35 *through fraud or misrepresentation, the state registrar shall withhold issuance of any copy of that*
36 *certificate. The state registrar shall advise the applicant of the right to appeal under ORS 183.480 to*
37 *183.484. If fraud or misrepresentation is found, the state registrar shall remove the certificate from the*
38 *file. The certificate and evidence shall be retained but shall not be subject to inspection or copying ex-*
39 *cept upon order of a court of competent jurisdiction or by the state registrar for purposes of adminis-*
40 *tering the system of vital statistics.*]

41 [(4) *No person may prepare or issue any certificate that purports to be an original, certified copy*
42 *or copy of a vital record or vital report except as authorized in this chapter or rules adopted pursuant*
43 *thereto. No person may prepare or issue any certified copies of birth or death abstracts.*]

44 **(1)(a) A certified copy of a record of live birth or any part of a record of live birth that**
45 **is issued under this section shall be considered the same as the original record of live birth**

1 and is prima facie evidence of the facts stated on the certified copy. However, the
2 evidentiary value of a certified copy of a record of live birth submitted more than one year
3 after the birth, an amended record of live birth or a record of foreign live birth must be
4 determined by the judicial or administrative body or official before whom the certified copy
5 is offered as evidence.

6 (b) A certified copy of a record of death, fetal death, marriage, domestic partnership,
7 dissolution of marriage or dissolution of domestic partnership or any part of such records
8 that is issued under this section shall be considered the same as the original record of death,
9 fetal death, marriage, domestic partnership, dissolution of marriage or dissolution of do-
10 mestic partnership and is prima facie evidence of the facts stated on the certified copy.

11 (2)(a) The State Registrar of the Center for Health Statistics shall require an applicant
12 for a certified copy to submit a signed application, documentation of identity and evidence
13 of eligibility.

14 (b)(A) Upon receipt of an application, the state registrar shall review the documentation
15 of identity provided by the applicant. The documentation must be acceptable to the state
16 registrar and, at a minimum, include:

17 (i) Government issued identification that includes a photograph;

18 (ii) At least three forms of identification; or

19 (iii) Identification submitted through an electronic process adopted by the state registrar
20 by rule.

21 (B) Forms of identification that may be submitted under subparagraph (A)(ii) of this
22 paragraph include, but are not limited to, letters from government or social agencies, payroll
23 statements, utility bills, student identification with a photograph or other items acceptable
24 to the state registrar.

25 (c)(A) Upon receipt of an application, the state registrar shall review the evidence of el-
26 igibility provided by the applicant. Evidence of eligibility submitted under this subsection may
27 consist of copies of vital records establishing eligibility, court documents establishing eligi-
28 bility or alternate methods identified and accepted by the state registrar. Evidence of eligi-
29 bility must demonstrate that the applicant is qualified to receive a certified copy.

30 (B) To be qualified, an applicant must be:

31 (i) Eighteen years of age or older or an emancipated minor or, if the applicant is re-
32 questing to receive a certified copy of the applicant's own record of live birth, 15 years of
33 age or older;

34 (ii) If the applicant is requesting a certified copy of a record of live birth, the registrant,
35 the registrant's spouse, domestic partner who is registered by the state, parent, child, sib-
36 ling, grandparent, grandchild, legal guardian or legal representative, an authorized repre-
37 sentative or a government agency acting in the conduct of its official duties;

38 (iii) If the applicant is requesting a certified copy of a record of death, the decedent's
39 spouse, domestic partner who is registered by the state, child, parent, sibling, grandparent,
40 grandchild, next of kin, legal guardian immediately before death or legal representative, an
41 authorized representative, a person in charge of disposition, a government agency acting in
42 the conduct of its official duties, an employee or agent of a funeral home or person acting
43 as a funeral service practitioner who is named in the record of death for up to two years
44 following the date of death or a person that demonstrates to the satisfaction of the state
45 registrar that the certified copy is necessary for a determination related to or the protection

1 of a personal or property right of the applicant;

2 (iv) If the applicant is requesting a certified copy of a record of fetal death, the parent,
3 legal guardian, legal representative of a parent, sibling, grandparent, an authorized repre-
4 sentative, a person in charge of disposition, a government agency acting in the conduct of
5 its official duties or an employee or agent of a funeral home or person acting as a funeral
6 service practitioner who is named in the record of fetal death for up to two years following
7 the date of delivery; and

8 (v) If the applicant is requesting a certified copy of a record of marriage, domestic part-
9 nership, dissolution of marriage or dissolution of domestic partnership, the registrant, the
10 registrant's spouse, domestic partner who is registered by the state, child, parent, sibling,
11 grandparent, grandchild, legal guardian or legal representative, an authorized representative
12 or a government agency acting in the conduct of its official duties.

13 (d) The state registrar may verify documentation of identity and evidence of eligibility
14 with any agency that issued that documentation or evidence in reviewing an application.

15 (3) Notwithstanding subsection (2) of this section, when 100 years have elapsed after the
16 date of live birth for births occurring after 1914, 50 years have elapsed after the date of death
17 for deaths occurring after 1964, 50 years have elapsed after the date of fetal death for fetal
18 deaths occurring after 1964 or 50 years have elapsed after the date of marriage, domestic
19 partnership, dissolution of marriage or dissolution of domestic partnership for such events
20 occurring after 1964, the state registrar may issue a certified copy of a record to a person
21 who submits an application on a form and in a manner prescribed by the state registrar by
22 rule. An application submitted under this subsection must contain proof of identity.

23 (4) The state registrar shall, upon receipt and approval of an application under this sec-
24 tion, issue a certified copy of a vital record in the form of a physical image or abstract to
25 the applicant.

26 (5) The state registrar shall require all certified copies of vital records registered in the
27 state to be issued from a central database.

28 (6)(a) The state registrar may issue certified copies directly to a government agency or
29 other institution as described in this subsection.

30 (b) Upon receipt of an application under subsection (2) of this section, the state registrar
31 may issue, upon request by the qualified applicant, a certified copy in electronic form to a
32 government agency or other institution approved by the state registrar.

33 (c) The state registrar may authorize a government agency or other institution to re-
34 ceive certified copies under this subsection in electronic form through an automated system
35 approved by the state registrar.

36 (d) The state registrar, in approving the issuance of a certified copy to a government
37 agency or other institution, shall consider the proposed use for the certified copy, the fre-
38 quency of need for the certified copy, the security afforded by the government agency or
39 institution and other criteria as determined by the state registrar by rule.

40 (e) Certified copies issued under this subsection may be used by a government agency
41 only for purposes related to the official duties of the government agency.

42 (7) The state registrar shall establish minimum information to be included in a certified
43 copy. A certified copy may not be issued without the minimum information, except that a
44 record of live birth without a first name for the registrant may be issued to government
45 agencies for adoption or custody purposes.

1 **(8) A certified copy of a death record containing the cause and manner of death may not**
2 **be issued except as follows:**

3 **(a) Upon specific request by the spouse, domestic partner who is registered by the state,**
4 **child, parent or next of kin of the decedent, a person in charge of disposition or an author-**
5 **ized representative of a person described in this paragraph;**

6 **(b) When a documented need for the cause or manner of death to establish a legal right**
7 **or claim has been demonstrated; or**

8 **(c) Upon receiving an order from a court of competent jurisdiction that requires the is-**
9 **ssuance of a certified copy of a death record containing the cause and manner of death.**

10 **(9) Each certified copy issued for a record registered after January 1, 2008, must indicate**
11 **the date of registration. If the record was amended, the certified copy must be marked or**
12 **flagged as having been amended and must indicate the effective date of the amendment. If**
13 **the record is marked or flagged “Delayed,” the certified copy must be marked or flagged as**
14 **having been delayed and must include the date of registration and a description of the evi-**
15 **dence used to establish the record. If the record is a record of foreign live birth, the certified**
16 **copy must indicate that fact and show the actual place of birth. A certified copy for a record**
17 **of live birth that has been matched to a record of death must be marked or flagged “De-**
18 **ceased.”**

19 **(10) Information identified in the United States Standard Certificates of Live Birth and**
20 **Death and the Report of Fetal Death, or as identified by the state registrar by rule, as only**
21 **being available for medical or health purposes is not subject to subpoena or court order and**
22 **is not admissible before a court, tribunal or other judicial body. Information identified in the**
23 **United States Standard Certificates of Live Birth and Death and the Report of Fetal Death,**
24 **or as identified by the state registrar by rule, as having an administrative, statistical, med-**
25 **ical or health purpose may not be included in a certified copy of a vital record.**

26 **(11) After acceptance of an application by a qualified applicant, if a record is not identi-**
27 **fied for the requested certified copy, the state registrar shall issue a document indicating**
28 **that a record for the requested certified copy has not been identified. The document also**
29 **must include the criteria used in attempting to identify the record, including the type of vital**
30 **event, the name of the registrant, the date or range of dates for the vital event and other**
31 **criteria used.**

32 **(12) Verification of facts contained in a certified copy may be furnished by the state**
33 **registrar to a government agency in the conduct of its official duties. The request for ver-**
34 **ification must:**

35 **(a) Include a copy of the certified copy and be in a format prescribed or approved by the**
36 **state registrar; or**

37 **(b) If the requester attests to having the certified copy and can provide verification, as**
38 **determined by the state registrar by rule, of having the certified copy, be submitted elec-**
39 **tronically through an automated system approved by the state registrar.**

40 **(13) The state registrar shall provide or approve forms and procedures for the issuance**
41 **of certified copies of vital records in this state. All forms and procedures must be uniform**
42 **and be in accordance with section 6 of this 2013 Act.**

43 **(14) The state registrar shall maintain a searchable file, either physical or electronic, of**
44 **each application submitted under this section for a minimum of three years.**

45 **(15) A person may not prepare or issue any paper or electronic document that purports**

1 to be an original vital record, a certified copy for verification of a vital record or a copy of
2 a vital record except as authorized in this chapter.

3 (16) All applications and supporting documentation submitted for the purpose of issuing
4 certified copies of vital records are confidential and not subject to public disclosure under
5 ORS 192.410 to 192.505.

6 SECTION 37. Section 38 of this 2013 Act is added to and made a part of ORS chapter 432.

7 SECTION 38. (1)(a) When the State Registrar of the Center for Health Statistics receives
8 information that a record may have been registered, amended or corrected through fraud
9 or misrepresentation, the state registrar may withhold issuance of certified copies related
10 to that record pending an inquiry by appropriate authorities to determine whether fraud or
11 misrepresentation has occurred.

12 (b) If the appropriate authorities conclude that no fraud or misrepresentation occurred,
13 then the state registrar shall issue certified copies related to the record. If the appropriate
14 authorities conclude that there is reasonable cause to suspect fraud or misrepresentation,
15 then the state registrar shall provide copies of the record and any relevant evidence to the
16 appropriate authorities for further investigation.

17 (c) If upon further investigation, the appropriate authorities conclude that fraud or
18 misrepresentation occurred, the state registrar shall provide an opportunity to the regis-
19 trant or the legal representative of the registrant to respond to the findings prior to voiding
20 the record.

21 (d) If the state registrar issues an order voiding a record under this subsection, the state
22 registrar shall advise the registrant of the registrant's rights under ORS 183.484.

23 (e) A record voided under this subsection shall be retained by the state registrar. How-
24 ever, a record voided under this subsection is not subject to inspection or copying except
25 upon receiving an order from a court of competent jurisdiction or by the state registrar for
26 purposes of administering the system of vital statistics.

27 (2)(a) When the state registrar receives information that an application for a certified
28 copy may have been submitted for purposes of fraud or misrepresentation, the state
29 registrar may withhold issuance of the certified copy pending an inquiry by appropriate au-
30 thorities to determine whether fraud or misrepresentation occurred.

31 (b) If the appropriate authorities conclude that no fraud or misrepresentation occurred,
32 then the state registrar shall issue the certified copy. If the appropriate authorities conclude
33 that there is reasonable cause to suspect fraud or misrepresentation, then the state
34 registrar shall provide copies of the application and any relevant evidence to the appropriate
35 authorities for further investigation. The state registrar shall advise the applicant of the
36 applicant's rights under ORS 183.484.

37 (c) An application investigated under this subsection shall be retained by the state
38 registrar. However, an application investigated under this subsection is not subject to in-
39 spection or copying except upon receiving an order from a court of competent jurisdiction
40 or by the state registrar for purposes of administering the system of vital statistics.

41 (3) The state registrar shall periodically test and audit the system of vital statistics for
42 purposes of detecting fraud. If fraud is detected, the state registrar shall provide copies of
43 the evidence to the appropriate authorities for further investigation. The result of such
44 tests and audits shall be retained by the state registrar. However, the results of such tests
45 and audits are not subject to inspection or copying except upon receiving an order from a

1 **court of competent jurisdiction or by the state registrar for purposes of administering the**
2 **system of vital statistics.**

3 **SECTION 39.** ORS 432.085 is amended to read:

4 432.085. The Oregon Health Authority shall adopt, taking into consideration local service needs
5 and interests, rules to allow a county registrar to sell, within six months of the date of the event
6 occurring in the county, certified copies of [*birth certificates and death certificates*] **records of live**
7 **birth and death.**

8 **SECTION 40.** ORS 432.090 is amended to read:

9 432.090. (1) [*In addition to the original birth certificate,*] The State Registrar of the Center for
10 Health Statistics shall issue upon request and upon payment of a fee in an amount set by the state
11 registrar a [*birth certificate*] **record of live birth** representing that the birth of the person named
12 [*thereon*] **on the record of live birth** is recorded in the office of the state registrar. The
13 [*certificate*] **record of live birth** issued under this section shall be in a form consistent with the need
14 to protect the integrity of vital records but shall be suitable for display. It may bear the seal of the
15 state [*printed thereon*] and may be signed by the Governor. [*It shall have the same status as evidence*
16 *as the original birth certificate.*]

17 (2) Of the funds received under subsection (1) of this section, the amount needed to reimburse
18 the state registrar for expenses incurred in administering this section shall be credited to the Public
19 Health Account. The remainder shall be credited to the subaccount created pursuant to section 36
20 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund.

21 (3) In setting the fee amount under subsection (1) of this section, the state registrar shall give
22 substantial consideration to the amount suggested by the holder of the subaccount created pursuant
23 to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund.

24
25 **FEES**

26
27 **SECTION 41.** ORS 432.146 is amended to read:

28 432.146. (1) Except as provided in ORS 432.090 [*and 432.312,*] **and subsection (2) of this sec-**
29 **tion, and** subject to the review of the Oregon Department of Administrative Services, the Oregon
30 Health Authority shall establish all fees for services [*or records*] provided under [*ORS 432.005 to*
31 *432.165*] **this chapter.** The fees and charges established under this section shall be authorized by
32 the Legislative Assembly for the authority's budget, as the budget may be modified by the Emer-
33 gency Board.

34 (2) **The State Registrar of the Center for Health Statistics shall search the system of**
35 **vital statistics and issue certified copies or other documents, as appropriate, without charge**
36 **if the search or issuance is:**

37 (a) **Requested in connection with a pending application for benefits from the United**
38 **States Department of Veterans Affairs, if proof of the application is first submitted; or**

39 (b) **In response to an administrative error as determined by the state registrar.**

40 (3) **Fees collected under this section shall be deposited in the Oregon Health Authority**
41 **Fund and are continuously appropriated to the Center for Health Statistics for the purpose**
42 **of administering this chapter.**

43 **SECTION 42.** ORS 432.312 is amended to read:

44 432.312. (1) The Oregon Health Authority shall impose and collect a filing fee of \$20 for each
45 [*certificate*] **report** of death. Of the fee, \$6 shall be deposited to the credit of the Public Health Ac-

1 count and used to carry out the purposes of ORS 97.170 (6) and \$14 shall be deposited to the credit
2 of the State Mortuary and Cemetery Board Account and used in the same manner as funds credited
3 to the account under ORS 692.375.

4 (2) The expenditures under ORS 97.170 (6) and 692.375 may not exceed the funds collected under
5 subsection (1) of this section, and in no event may expenditure on the administration of the funds
6 exceed five percent of the moneys collected.

7
8 **PENALTIES**

9
10 **SECTION 43.** Section 44 of this 2013 Act is added to and made a part of ORS chapter 432.

11 **SECTION 44.** (1) The Director of the Oregon Health Authority may impose a civil penalty
12 in an amount not to exceed \$10,000 for each violation described in ORS 432.993. Moneys re-
13 ceived by the authority from civil penalties imposed under this section shall be deposited in
14 the General Fund and are available for general governmental expenses.

15 (2) Civil penalties under this section shall be imposed in the manner provided in ORS
16 183.745.

17 **SECTION 45.** ORS 432.993 is amended to read:

18 432.993. (1) A person commits the crime of unlawful use of a vital record or [vital] report if the
19 person willfully and knowingly:

20 [(a) Makes any false statement in a certificate, record or report required by this chapter or in an
21 application for an amendment thereof, or in an application for a certified copy of a vital record or vital
22 report, or supplies false information intending that the information be used in the preparation of any
23 certificate, record or report, or amendment thereto;]

24 [(b) Without lawful authority and with intent to deceive, makes, counterfeits, alters, amends or
25 mutilates any certificate, record or report required by this chapter or a certified copy of a certificate,
26 record or report;]

27 [(c) Obtains, possesses, uses, sells, furnishes or attempts to obtain, possess, use, sell or furnish to
28 another, for any purpose of deception, any certificate, record or report required by this chapter or cer-
29 tified copy thereof so made, counterfeited, altered, amended or mutilated, or that is false in whole or
30 in part or that relates to the birth of another person, whether living or deceased;]

31 [(d) Without lawful authority, possesses any certificate, record or report required by this chapter
32 or a copy or certified copy of a certificate, record or report that has been stolen or otherwise unlawfully
33 obtained; or]

34 [(e) As an employee of the Center for Health Statistics or of any office established pursuant to ORS
35 432.035, furnishes or processes a certificate of birth, knowing that the certificate or copy is to be used
36 for the purposes of deception.]

37 (a) Makes a false statement to the State Registrar of the Center for Health Statistics in
38 a report or application described in this chapter;

39 (b) Without lawful authority and with intent to deceive, makes, counterfeits, alters,
40 amends or mutilates a record, report, certified copy, verification or application, or doc-
41 umentation submitted in support of a record, report, certified copy, verification or applica-
42 tion;

43 (c) Obtains, possesses, uses, sells or furnishes to another, or attempts to obtain, possess,
44 use, sell or furnish to another, for any purpose of deception, a record, report, certified copy,
45 verification or application, or documentation submitted in support of a record, report, cer-

1 **tified copy, verification or application;**

2 (d) **Without lawful authority, possesses a record, report, certified copy, verification or**
3 **application, or documentation submitted in support of a record, report, certified copy, ver-**
4 **ification or application, that has been stolen or otherwise unlawfully obtained; or**

5 (e) **As an employee of the Center for Health Statistics or of an office designated under**
6 **ORS 432.035, furnishes or processes a certified copy of a record of live birth, knowing that**
7 **the certified copy is to be used for the purposes of deception.**

8 (2) Unlawful use of a vital record or [*vital*] report is a Class C felony.

9 **SECTION 46.** ORS 432.995 is amended to read:

10 432.995. (1) A person commits the crime of obstructing the keeping of vital records or [*vital*]
11 reports if the person knowingly and willfully:

12 (a) Refuses to provide information required by this chapter or rules adopted [*thereunder*] **under**
13 **this chapter;**

14 (b) Transports or accepts for transportation, interment or other disposition a dead body without
15 an accompanying permit as provided in this chapter; or

16 (c) Fails to perform in a timely manner any of the provisions of this chapter.

17 (2) The provisions of subsection (1)(c) of this section do not apply to the officers or employees
18 of the courts of this state acting in an official capacity.

19 (3) Obstructing the keeping of vital records or [*vital*] reports is a Class A misdemeanor.

20
21 **CONFORMING AMENDMENTS**

22
23 **SECTION 47.** ORS 3.260 is amended to read:

24 3.260. (1) The circuit courts and the judges thereof shall exercise all juvenile court jurisdiction,
25 authority, powers, functions and duties.

26 (2) Pursuant to ORS 3.275, in addition to any other jurisdiction vested in it by law, the circuit
27 court shall exercise exclusive and original judicial jurisdiction, authority, powers, functions, and
28 duties in the judicial district in any or all of the following matters that on the date specified in the
29 order entered under ORS 3.275 are not within the jurisdiction of the circuit court:

30 (a) Adoption.

31 (b) Change of name under ORS 33.410.

32 (c) Filiation.

33 (d) Commitment of persons with mental illness or mental retardation.

34 (e) Any suit or civil proceeding involving custody or other disposition of a child or the support
35 thereof or the support of a spouse, including enforcement of the Uniform Reciprocal Enforcement
36 of Support Act and enforcement of out-of-state or foreign judgments and decrees on domestic re-
37 lations.

38 (f) Waivers of the three-day waiting period before a marriage license becomes effective under
39 ORS 106.077.

40 (g) Issuance of delayed **reports of live birth** [*certificate*].

41 **SECTION 48.** ORS 18.618 is amended to read:

42 18.618. (1)(a) Notwithstanding ORS 18.615, the following are not garnishable property:

43 (A) Equitable interests, except to the extent allowed under ORS chapter 130.

44 (B) Property in the custody of the law.

45 (C) Property in the possession of a conservator.

1 (D) Property in the possession of a personal representative that constitutes the subject matter
2 of a trust contained in a duly probated will of a decedent.

3 (E) If a residential landlord is the garnishee, property in the possession of a residential landlord
4 that is held as a security deposit or prepaid rent under ORS 90.300.

5 (F) The right of a seller under a land sale contract, as defined by ORS 18.960, to receive pay-
6 ments that are due more than 45 days after the writ of garnishment is delivered.

7 (G) Amounts in an account in a financial institution that are not subject to garnishment under
8 ORS 18.784.

9 (H) An identification document, such as a driver license, passport, [*birth certificate*] **certified**
10 **copy of a record of live birth** or Social Security card.

11 (b) If a garnishee holds any property described in paragraph (a) of this subsection, the garnishee
12 must note in the garnishee response required by ORS 18.680 that the garnishee holds the property,
13 but may not deliver the property to the garnishor.

14 (2)(a) Notwithstanding ORS 18.615, wages owing by a garnishee to a debtor for a specific pay
15 period are not garnishable property if:

16 (A) The writ is delivered within two business days before the debtor's normal payday for the
17 pay period;

18 (B) When the writ is delivered to the garnishee, the debtor's wages are paid by direct deposit
19 to a financial institution, or the garnishee uses the Oregon Department of Administrative Services
20 or an independent contractor as defined in ORS 670.600 as payroll administrator for the garnishee's
21 payroll; and

22 (C) Before the writ is delivered to the garnishee, the garnishee issued instructions to the fi-
23 nancial institution or the payroll administrator to pay the debtor for the pay period.

24 (b) If a garnishee owes any wages as described in paragraph (a) of this subsection, the garnishee
25 must so note in the garnishee response required by ORS 18.680.

26 (3) Notwithstanding any other provision of law, if a voluntary or involuntary bankruptcy peti-
27 tion has been filed by or on behalf of the debtor after a writ of garnishment could be issued under
28 ORS 18.605, the garnishment of any property of the debtor in the garnishee's possession, control or
29 custody is stayed pursuant to section 362 of the United States Bankruptcy Code (11 U.S.C. 101 to
30 1330).

31 **SECTION 49.** ORS 18.792 is amended to read:

32 18.792. (1) Notwithstanding any other provision of ORS 18.600 to 18.850, but subject to the pro-
33 visions of ORS 18.854, the duty of a financial institution that is a garnishee to deliver any property
34 of the debtor that may be contained in a safe deposit box that is in the garnishee's possession,
35 control or custody at the time the writ of garnishment is delivered is conditioned upon the garnishor
36 first paying to the garnishee, in addition to the search fee provided for in ORS 18.790, all reasonable
37 costs incurred by the garnishee in gaining entry to the safe deposit box. The costs must be paid to
38 the garnishee by the garnishor before access to the safe deposit box is granted. If the garnishor fails
39 to pay such costs to the garnishee within 20 days after the delivery of the garnishee response, the
40 garnishment shall not be effective to garnish any property of the debtor that may be contained in
41 the safe deposit box and the garnishee may proceed to deal with the safe deposit box and its con-
42 tents as though the writ of garnishment had not been issued. Nothing in this section limits the right
43 of a garnishor to reach the contents of any safe deposit box in any manner otherwise provided by
44 law.

45 (2) If a sheriff is instructed to seize and sell the contents of a safe deposit box, and the box is

1 found to contain an identification document, such as a driver license, passport, *[birth certificate]*
2 **certified copy of a record of live birth** or Social Security card, the sheriff shall take possession
3 of the identification document, but the document may not be sold to satisfy the debt.

4 **SECTION 50.** ORS 18.860 is amended to read:

5 18.860. (1) A writ of execution may direct a sheriff to:

6 (a) Levy on and sell real property of the judgment debtor and deliver the proceeds to the court
7 for application against amounts owing on a money award.

8 (b) Levy on and sell personal property of the judgment debtor in the possession of the judgment
9 debtor, and deliver the proceeds to the court for application against amounts owing on a money
10 award.

11 (c) Levy on and deliver possession of specific real or personal property pursuant to the terms
12 of the judgment.

13 (d) Levy on and sell specific real or personal property pursuant to the terms of the judgment.

14 (e) Levy on currency that is in the possession of the judgment debtor and deliver the currency
15 to the court for application against amounts owing on a money award.

16 (2) A single writ of execution may be issued for two or more of the purposes specified in this
17 section.

18 (3) A single writ of execution may be issued for two or more judgments as long as the judgments
19 are against the same judgment debtor or debtors and are entered in the same case.

20 (4) An identification document, such as a driver license, passport, *[birth certificate]* **certified**
21 **copy of a record of live birth** or Social Security card, is not subject to execution and a writ of
22 execution may not direct a sheriff to levy on an identification document except for the purpose of
23 delivering the document pursuant to the terms of a judgment under subsection (1)(c) of this section.

24 **SECTION 51.** ORS 33.430 is amended to read:

25 33.430. (1) In the case of a change, by court order, of the name of the parents of any minor child,
26 if the child's *[birth certificate]* **record of live birth** is on file in this state, the State Registrar of the
27 Center for Health Statistics, upon receipt of a certified copy of the court order changing the name,
28 together with the information required to locate the original *[birth certificate of the child]* **record**
29 **of live birth**, shall prepare a new *[birth certificate]* **record of live birth** for the child in the new
30 name of the parents of the child. The name of the parents as so changed shall be set forth in *[the*
31 *new certificate]* **a new certified copy of the record of live birth**, in place of their original name.

32 (2) The evidence upon which the new *[certificate]* **record of live birth** was made, and the ori-
33 ginal *[certificate]* **record of live birth**, shall be sealed and filed by the State Registrar of the Center
34 for Health Statistics, and may be opened only upon demand of the person whose name was changed,
35 if of legal age, or by an order of a court of competent jurisdiction.

36 (3) When a change of name by parents will affect the name of their child under subsection (1)
37 of this section, the court, on its own motion or on request of a child of the parents, may take tes-
38 timony from or confer with the child and may exclude from the conference the parents and other
39 persons if the court finds that such action would be in the best interests of the child. However, the
40 court shall permit an attorney for the parents to attend the conference, and the conference shall
41 be reported. If the court finds that a change of name would not be in the best interests of the child,
42 the court may provide in the order changing the name of the parents that such change of name shall
43 not affect the child, and a new *[birth certificate]* **record of live birth** shall not be prepared for the
44 child.

45 **SECTION 52.** ORS 33.460 is amended to read:

1 33.460. (1) A court that has jurisdiction to determine an application for change of name of a
2 person under ORS 33.410 and 33.420 may order a legal change of sex and enter a judgment indicat-
3 ing the change of sex of a person [*whose sex has been changed by surgical procedure*] **if the court**
4 **determines that the individual has undergone surgical, hormonal or other treatment appro-**
5 **priate for that individual for the purpose of gender transition and that sexual reassignment**
6 **has been completed.**

7 (2) The court may order a legal change of sex and enter the judgment in the same manner as
8 that provided for change of name of a person under ORS 33.410 and 33.420.

9 (3) If a person applies for a change of name under ORS 33.410 and 33.420 at the time the person
10 applies for a legal change of sex under this section, the court may order change of name and legal
11 change of sex at the same time and in the same proceeding.

12 **SECTION 53.** ORS 97.943, as amended by section 10, chapter 7, Oregon Laws 2012, is amended
13 to read:

14 97.943. (1) A master trustee or a depository may not make any distributions from prearrange-
15 ment sales contract trust fund deposits except as provided in this section.

16 (2) The principal of a trust created pursuant to a prearrangement sales contract shall be paid
17 to the certified provider who sold the contract if the certified provider who sold the contract swears,
18 by affidavit, that the certified provider has delivered all merchandise and performed all services
19 required under the prearrangement sales contract and delivers to the master trustee or the deposi-
20 tory one of the following:

21 (a) A certified **copy of a death** [*certificate*] **record** of the beneficiary; or

22 (b) A sworn affidavit signed by the certified provider and by:

23 (A) One member of the beneficiary's family; or

24 (B) The executor of the beneficiary's estate.

25 (3) The principal of a trust created pursuant to a prearrangement sales contract must be paid
26 to the purchaser if the original certified provider is no longer qualified to serve as the certified
27 provider under ORS 97.941 (11).

28 (4) Upon completion by the certified provider of the actions described in subsection (2) of this
29 section, the master trustee or the depository shall pay to the certified provider from the prear-
30 rangement sales contract trust fund an amount equal to the sales price of the merchandise delivered.

31 (5) Upon the final payment to the certified provider of the principal in trust under subsection
32 (2) of this section, the undistributed earnings of the trust must be paid to:

33 (a) The certified provider who sold the contract if the contract is a guaranteed contract; or

34 (b) The contract purchaser, or the purchaser's estate, if the contract is a nonguaranteed con-
35 tract.

36 (6) The master trustee or the depository may rely upon the certifications and affidavits made to
37 it under the provisions of ORS 97.923 to 97.949, 97.992, 97.994 and 692.180, and is not liable to any
38 person for such reliance.

39 (7) If a certified provider who sold a prearrangement sales contract does not comply with the
40 terms of the prearrangement sales contract within a reasonable time after the certified provider is
41 required to do so, the purchaser or heirs or assigns or duly authorized representative of the pur-
42 chaser or the beneficiary has the right to a refund in the amount equal to the sales price paid for
43 undelivered merchandise and unperformed services plus undistributed earnings amounts held in trust
44 attributable to such contract, within 30 days of the filing of a sworn affidavit with the certified
45 provider who sold the contract and the master trustee or the depository setting forth the existence

1 of the contract and the fact of breach. A copy of this affidavit shall be filed with the Director of the
 2 Department of Consumer and Business Services. In the event a certified provider who has sold a
 3 prearrangement sales contract is prevented from performing by strike, shortage of materials, civil
 4 disorder, natural disaster or any like occurrence beyond the control of the certified provider, the
 5 certified provider's time for performance is extended by the length of such delay.

6 (8) Except for an irrevocable contract described in ORS 97.939 (4), at any time prior to the death
 7 of the beneficiary of a prearrangement sales contract, the purchaser of the prearrangement sales
 8 contract may cancel the contract and is entitled to a refund of all amounts paid on the contract,
 9 all amounts in trust including earnings allocated to the contract that are in excess of all amounts
 10 paid on the contract and unallocated earnings on trust contract amounts from the date of the last
 11 allocation to the date of the refund request, less any amounts paid for merchandise already delivered
 12 or services already performed, which amounts may be retained by the certified provider as com-
 13 pensation.

14 (9) Notwithstanding ORS 97.941 (4) and subsection (5) of this section, a master trustee or certi-
 15 fied provider may pay accounting fees, taxes, depository fees, investment manager fees and master
 16 trustee fees from earnings of trust fund deposits. Any payment of expenses or fees from earnings of
 17 a trust fund deposit under this subsection must not:

18 (a) Exceed an amount equal to two percent per calendar year of the value of the trust as de-
 19 termined at least once every six months as prescribed by the director by rule;

20 (b) Include the payment of any fee to the certified provider in consideration for services ren-
 21 dered as certified provider; or

22 (c) Reduce, diminish or in any other way lessen the value of the trust fund deposit so that the
 23 merchandise or services provided for under the contract are reduced, diminished or in any other
 24 way lessened.

25 **SECTION 54.** ORS 106.100 is amended to read:

26 106.100. (1) The county clerk who issues the marriage license shall maintain records relating to
 27 marriages licensed in the county. The records must include the names of the parties, the consent
 28 of the parent or guardian, if any, the name of the affiant, the substance of the affidavit upon which
 29 the license issued and the date of the license.

30 (2) Upon return of the completed application, license and record of marriage under ORS 106.170,
 31 the county clerk shall add the date of the marriage ceremony to the clerk's records maintained un-
 32 der subsection (1) of this section and file the completed application, license and record of marriage.
 33 Except as provided in ORS 205.320, the county clerk may not charge a fee for filing, recording or
 34 indexing the application, license and record of marriage.

35 (3) The county clerk shall, upon completion of the requirements of this section and ORS 106.077,
 36 deliver the original completed application, license and [record] **report** of marriage to the Center for
 37 Health Statistics as required under ORS 432.405.

38 (4) Notwithstanding any other provision of law, the record of marriage maintained by a county
 39 clerk is not a vital record as defined in ORS 432.005 and is a public record open and subject to full
 40 disclosure.

41 **SECTION 55.** ORS 107.718 is amended to read:

42 107.718. (1) When a person files a petition under ORS 107.710, the circuit court shall hold an
 43 ex parte hearing in person or by telephone on the day the petition is filed or on the following judi-
 44 cial day. Upon a showing that the petitioner has been the victim of abuse committed by the re-
 45 spondent within 180 days preceding the filing of the petition, that there is an imminent danger of

1 further abuse to the petitioner and that the respondent represents a credible threat to the physical
2 safety of the petitioner or the petitioner's child, the court shall, if requested by the petitioner, order:

3 (a) Except as provided in subsection (2) of this section, that temporary custody of the children
4 of the parties be awarded to the petitioner or, at the request of the petitioner, to the respondent,
5 subject to reasonable parenting time rights of the noncustodial parent, which the court shall order,
6 unless such parenting time is not in the best interest of the child;

7 (b) That the respondent be required to move from the petitioner's residence, if in the sole name
8 of the petitioner or if it is jointly owned or rented by the petitioner and the respondent, or if the
9 parties are married to each other;

10 (c) That the respondent be restrained from entering, or attempting to enter, a reasonable area
11 surrounding the petitioner's current or subsequent residence if the respondent is required to move
12 from petitioner's residence;

13 (d) That a peace officer accompany the party who is leaving or has left the parties' residence
14 to remove essential personal effects of the party or the party's children, or both, including but not
15 limited to clothing, toiletries, diapers, medications, Social Security cards, [*birth certificates*] **certified**
16 **copies of records of live birth**, identification and tools of the trade;

17 (e) That the respondent be restrained from intimidating, molesting, interfering with or menacing
18 the petitioner, or attempting to intimidate, molest, interfere with or menace the petitioner;

19 (f) That the respondent be restrained from intimidating, molesting, interfering with or menacing
20 any children in the custody of the petitioner, or attempting to intimidate, molest, interfere with or
21 menace any children in the custody of the petitioner;

22 (g) That the respondent be restrained from entering, or attempting to enter, on any premises and
23 a reasonable area surrounding the premises when it appears to the court that such restraint is
24 necessary to prevent the respondent from intimidating, molesting, interfering with or menacing the
25 petitioner or children whose custody is awarded to the petitioner;

26 (h) Other relief that the court considers necessary to:

27 (A) Provide for the safety and welfare of the petitioner and the children in the custody of the
28 petitioner, including but not limited to emergency monetary assistance from the respondent; and

29 (B) Prevent the neglect and protect the safety of any service or therapy animal or any animal
30 kept for personal protection or companionship, but not an animal kept for any business, commercial,
31 agricultural or economic purpose; or

32 (i) Except as described in subsection (12) of this section or parenting time ordered under this
33 section, that the respondent have no contact with the petitioner in person, by telephone or by mail.

34 (2) If the court determines that exceptional circumstances exist that affect the custody of a
35 child, the court shall order the parties to appear and provide additional evidence at a hearing to
36 determine temporary custody and resolve other contested issues. Pending the hearing, the court
37 may make any orders regarding the child's residence and the parties' contact with the child that the
38 court finds appropriate to provide for the child's welfare and the safety of the parties. The court
39 shall set a hearing time and date as provided in ORS 107.716 (2) and issue a notice of the hearing
40 at the same time the court issues the restraining order.

41 (3) The court's order under subsection (1) of this section is effective for a period of one year or
42 until the order is withdrawn or amended, or until the order is superseded as provided in ORS
43 107.722, whichever is sooner.

44 (4) If respondent is restrained from entering, or attempting to enter, an area surrounding
45 petitioner's residence or any other premises, the order restraining respondent shall specifically de-

1 scribe the area.

2 (5) Imminent danger under this section includes but is not limited to situations in which the
3 respondent has recently threatened petitioner with additional bodily harm.

4 (6) If the court awards parenting time to a parent who committed abuse, the court shall make
5 adequate provision for the safety of the child and of the petitioner. The order of the court may in-
6 clude, but is not limited to, the following:

7 (a) That exchange of a child between parents shall occur at a protected location.

8 (b) That parenting time be supervised by another person or agency.

9 (c) That the perpetrator of the abuse be required to attend and complete, to the satisfaction of
10 the court, a program of intervention for perpetrators or any other counseling program designated
11 by the court as a condition of the parenting time.

12 (d) That the perpetrator of the abuse not possess or consume alcohol or controlled substances
13 during the parenting time and for 24 hours preceding the parenting time.

14 (e) That the perpetrator of the abuse pay all or a portion of the cost of supervised parenting
15 time, and any program designated by the court as a condition of parenting time.

16 (f) That no overnight parenting time occur.

17 (7) The State Court Administrator shall prescribe the content and form of the petition, order and
18 related forms for use under ORS 107.700 to 107.735. The clerk of the court shall make available the
19 forms and an instructional brochure explaining the rights set forth under ORS 107.700 to 107.735.

20 (8) If the court orders relief:

21 (a) The clerk of the court shall provide without charge the number of certified true copies of
22 the petition and order necessary to provide the petitioner with one copy and to effect service and
23 shall have a true copy of the petition and order delivered to the county sheriff for service upon the
24 respondent, unless the court finds that further service is unnecessary because the respondent ap-
25 peared in person before the court. In addition and upon request by the petitioner, the clerk shall
26 provide the petitioner, without charge, two exemplified copies of the petition and order.

27 (b) The county sheriff shall serve the respondent personally unless the petitioner elects to have
28 the respondent served personally by a private party or by a peace officer who is called to the scene
29 of a domestic disturbance at which the respondent is present, and who is able to obtain a copy of
30 the order within a reasonable amount of time. Proof of service shall be made in accordance with
31 ORS 107.720. When the order does not contain the respondent's date of birth and service is effected
32 by the sheriff or other peace officer, the sheriff or officer shall verify the respondent's date of birth
33 with the respondent and shall record that date on the order or proof of service entered into the Law
34 Enforcement Data System under ORS 107.720.

35 (c) No filing fee, service fee or hearing fee shall be charged for proceedings seeking only the
36 relief provided under ORS 107.700 to 107.735.

37 (9) If the county sheriff:

38 (a) Determines that the order and petition are incomplete, the sheriff shall return the order and
39 petition to the clerk of the court. The clerk of the court shall notify the petitioner, at the address
40 provided by the petitioner, of the error or omission.

41 (b) After accepting the order and petition, cannot complete service within 10 days, the sheriff
42 shall notify the petitioner, at the address provided by the petitioner, that the documents have not
43 been served. If the petitioner does not respond within 10 days, the sheriff shall hold the order and
44 petition for future service and file a return to the clerk of the court showing that service was not
45 completed.

1 (10)(a) Within 30 days after a restraining order is served under this section, the respondent
 2 therein may request a court hearing upon any relief granted. The hearing request form shall be
 3 available from the clerk of the court in the form prescribed by the State Court Administrator.

4 (b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk of the
 5 court shall notify the petitioner of the date and time of the hearing, and shall supply the petitioner
 6 with a copy of the respondent's request for a hearing. The petitioner shall give to the clerk of the
 7 court information sufficient to allow such notification.

8 (c) The hearing shall not be limited to the issues raised in the respondent's request for hearing
 9 form. If the respondent seeks to raise an issue at the hearing not previously raised in the request
 10 for hearing form, or if the petitioner seeks relief at the hearing not granted in the original order,
 11 the other party shall be entitled to a reasonable continuance for the purpose of preparing a response
 12 to the issue.

13 (11) If the respondent fails to request a hearing within 30 days after a restraining order is
 14 served, the restraining order is confirmed by operation of law. The provisions of this section are
 15 sufficient to meet the due process requirements of 18 U.S.C. 922(g) in that the respondent received
 16 actual notice of the right to request a hearing and the opportunity to participate at the hearing but
 17 the respondent failed to exercise those rights.

18 (12) Service of process or other legal documents upon the petitioner is not a violation of this
 19 section if the petitioner is served as provided in ORCP 7 or 9.

20 **SECTION 56.** ORS 109.094 is amended to read:

21 109.094. Upon the paternity of a child being established in the proceedings, the father shall have
 22 the same rights as a father who is or was married to the mother of the child. The clerk of the court
 23 shall certify the fact of paternity to the Center for Health Statistics of the Oregon Health Authority,
 24 and the Center for Health Statistics shall [*prepare*] **amend a record of live birth for the child and**
 25 **issue** a new [*birth certificate*] **certified copy of the record of live birth** for the child.

26 **SECTION 57.** ORS 109.460 is amended to read:

27 109.460. (1) An adult adoptee, each birth parent, a putative father, an adult genetic sibling of
 28 an adoptee, an adoptive parent of a deceased adoptee and a parent or adult sibling of a deceased
 29 birth parent or parents may register by submitting a signed affidavit to the appropriate registry.
 30 The affidavit shall contain the information listed in ORS 109.465 and a statement of the registrant's
 31 willingness to be identified to the other relevant persons who register. The affidavit gives authority
 32 to the registry to release identifying information related to the registrant to the other relevant
 33 persons who register. Each registration shall be accompanied by the [*birth certificate of the*
 34 *registrant*] **registrant's certified copy of the record of live birth.**

35 (2) An adoptee, or the parent or guardian of an adoptee under 18 years of age, may register to
 36 have specific identifying information disclosed to Indian tribes or to governmental agencies in order
 37 to establish the adoptee's eligibility for tribal membership or for benefits or to a person settling an
 38 estate. The information shall be limited to a true copy of documents that prove the adoptee's
 39 lineage. Information disclosed in accordance with this subsection shall not be disclosed to the
 40 adoptee or the parent or guardian of the adoptee by the registry or employee or agency operating
 41 a registry nor by the Indian tribe, governmental agency or person receiving the information.

42 (3) Except as provided in ORS 109.475 (2), if a birth parent or an adoptee fails to file an affidavit
 43 with the registry for any reason, including death or disability, identifying information shall not be
 44 disclosed to those relevant persons who do register.

45 (4) Except as otherwise provided in ORS 109.503, a registry or employee or the agency operating

1 a registry shall not contact or in any other way solicit any adoptee or birth parent to register with
2 the registry.

3 **SECTION 58.** ORS 112.582 is amended to read:

4 112.582. (1) For the purpose of establishing death under the survivorship rules established under
5 ORS 112.570 to 112.590, death occurs when an individual has sustained irreversible cessation of
6 circulatory and respiratory functions, or when there has been an irreversible cessation of all func-
7 tions of the entire brain, including the brain stem. A determination of death must be made in ac-
8 cordance with accepted medical standards.

9 (2)(a) For the purpose of establishing death under the survivorship rules established under ORS
10 112.570 to 112.590, a certified or authenticated copy of a death [*certificate*] **record** purporting to be
11 issued by an official or agency of the place where the death is alleged to have occurred is prima
12 facie evidence of the identity of the decedent and of the fact, place, date and time of death.

13 (b) A certified or authenticated copy of any record or report of a governmental agency, domestic
14 or foreign, that an individual is missing, detained, dead or alive is prima facie evidence of the status
15 of the person and of the dates, circumstances and places disclosed by the record or report.

16 (3) In the absence of prima facie evidence of death under subsection (2) of this section, the facts
17 surrounding a person's death may be established by clear and convincing evidence. Circumstantial
18 evidence may be considered in determining whether a person has died and the circumstances of the
19 death.

20 (4) An individual whose death is not otherwise established under this section but who is absent
21 for a continuous period of five years is presumed to be dead if the person has made no contact with
22 another person during the five-year period and the absence of the person cannot be satisfactorily
23 explained after diligent search or inquiry. A person presumed dead under this subsection is pre-
24 sumed to have died at the end of the five-year period unless it is proved by a preponderance of the
25 evidence that death occurred at a different time.

26 (5) In the absence of evidence contradicting a time of death specified in a document described
27 in subsection (2) of this section, a document described in subsection (2) of this section that indicates
28 a time of death 120 hours or more after the time of death of another person conclusively establishes
29 that the person specified in the document survived the other person by at least 120 hours, without
30 regard to the manner in which the time of death of the other person is determined.

31 **SECTION 59.** ORS 113.145 is amended to read:

32 113.145. (1) Upon appointment a personal representative shall deliver or mail to the devisees,
33 heirs and the persons described in ORS 113.035 (8) and (9) who were required to be named in the
34 petition for appointment of a personal representative, at the addresses therein shown, information
35 that shall include:

36 (a) The title of the court in which the estate proceeding is pending and the clerk's file number;

37 (b) The name of the decedent and the place and date of the death of the decedent;

38 (c) Whether or not a will of the decedent has been admitted to probate;

39 (d) The name and address of the personal representative and the attorney of the personal rep-
40 resentative;

41 (e) The date of the appointment of the personal representative;

42 (f) A statement advising the devisee, heir or other interested person that the rights of the
43 devisee, heir or other interested person may be affected by the proceeding and that additional in-
44 formation may be obtained from the records of the court, the personal representative or the attorney
45 for the personal representative;

1 (g) If information under this section is required to be delivered or mailed to a person described
2 in ORS 113.035 (8), a statement that the rights of the person in the estate may be barred unless the
3 person proceeds as provided in ORS 113.075 within four months of the delivery or mailing of the
4 information; and

5 (h) If information under this section is required to be delivered or mailed to a person described
6 in ORS 113.035 (9), a statement that the rights of the person in the estate may be barred unless the
7 person proceeds as provided in ORS 112.049 within four months of the delivery or mailing of the
8 information.

9 (2) If the personal representative is a devisee, heir or other interested person named in the pe-
10 tition the personal representative is not required to deliver or mail the information under this sec-
11 tion to the personal representative.

12 (3) The failure of the personal representative to give information under this section is a breach
13 of duty to the persons concerned, but does not affect the validity of appointment, duties or powers
14 or the exercise of duties or powers.

15 (4) Within 30 days after the date of appointment a personal representative shall cause to be filed
16 in the estate proceeding proof of the delivery or mailing required by this section or a waiver of
17 notice as provided under ORS 111.225. The proof shall include a copy of the information delivered
18 or mailed and the names of the persons to whom it was delivered or mailed.

19 (5) If before the filing of the final account the personal representative has actual knowledge that
20 the petition did not include the name and address of any person described in ORS 113.035 (4), (5),
21 (7), (8) or (9), the personal representative shall:

22 (a) Make reasonable efforts under the circumstances to ascertain each of those names and ad-
23 dresses;

24 (b) Promptly deliver or mail information as described in subsection (1) of this section to each
25 of those persons located after the filing of the petition and before the filing of the final account; and

26 (c) File in the estate proceeding, on or before filing the final account under ORS 116.083, proof
27 of compliance with this subsection or a waiver of notice as provided under ORS 111.225.

28 (6) Within 30 days after the appointment of a personal representative, the personal represen-
29 tative must mail or deliver the information specified in subsection (1) of this section and a copy of
30 the death [*certificate*] **record** of the decedent to the Department of Human Services and the Oregon
31 Health Authority or as otherwise provided by rule adopted by the authority.

32 **SECTION 60.** ORS 114.525 is amended to read:

33 114.525. An affidavit filed under ORS 114.515 shall:

34 (1) State the name, age, domicile, post-office address and Social Security number of the decedent;

35 (2) State the date and place of the decedent's death. A certified copy of the death [*certificate*]
36 **record** shall be attached to the affidavit;

37 (3) Describe and state the fair market value of all property in the estate, including a legal de-
38 scription of any real property;

39 (4) State that no application or petition for the appointment of a personal representative has
40 been granted in Oregon;

41 (5) State whether the decedent died testate or intestate, and if the decedent died testate, the
42 will shall be attached to the affidavit;

43 (6) List the heirs of the decedent and the last address of each heir as known to the affiant, and
44 state that a copy of the affidavit showing the date of filing and a copy of the will, if the decedent
45 died testate, will be delivered to each heir or mailed to the heir at the last-known address;

1 (7) If the decedent died testate, list the devisees of the decedent and the last address of each
2 devisee as known to the affiant and state that a copy of the will and a copy of the affidavit showing
3 the date of filing will be delivered to each devisee or mailed to the devisee at the last-known ad-
4 dress;

5 (8) State the interest in the property described in the affidavit to which each heir or devisee is
6 entitled and the interest, if any, that will escheat;

7 (9) State that reasonable efforts have been made to ascertain creditors of the estate. List the
8 expenses of and claims against the estate remaining unpaid or on account of which the affiant or
9 any other person is entitled to reimbursement from the estate, including the known or estimated
10 amounts thereof and the names and addresses of the creditors as known to the affiant, and state that
11 a copy of the affidavit showing the date of filing will be delivered to each creditor who has not been
12 paid in full or mailed to the creditor at the last-known address;

13 (10) Separately list the name and address of each person known to the affiant to assert a claim
14 against the estate that the affiant disputes and the known or estimated amount thereof and state
15 that a copy of the affidavit showing the date of filing will be delivered to each such person or mailed
16 to the person at the last-known address;

17 (11) State that a copy of the affidavit showing the date of filing will be mailed or delivered to
18 the Department of Human Services and the Oregon Health Authority;

19 (12) State that claims against the estate not listed in the affidavit or in amounts larger than
20 those listed in the affidavit may be barred unless:

21 (a) A claim is presented to the affiant within four months of the filing of the affidavit at the
22 address stated in the affidavit for presentment of claims; or

23 (b) A personal representative of the estate is appointed within the time allowed under ORS
24 114.555; and

25 (13) If the affidavit lists one or more claims that the affiant disputes, state that any such claim
26 may be barred unless:

27 (a) A petition for summary determination is filed within four months of the filing of the affidavit;
28 or

29 (b) A personal representative of the estate is appointed within the time allowed under ORS
30 114.555.

31 **SECTION 61.** ORS 116.253 is amended to read:

32 116.253. (1) Within 10 years after the death of a decedent whose estate escheated in whole or
33 in part to the state, or within eight years after the entry of a judgment or order escheating property
34 of an estate to the state, a claim may be made for the property escheated, or the proceeds thereof,
35 by or on behalf of a person not having actual knowledge of the escheat or by or on behalf of a
36 person who at the time of the escheat was unable to prove entitlement to the escheated property.

37 (2) The claim shall be made by a petition filed with the Director of the Department of State
38 Lands. The claim is considered a contested case as provided in ORS 183.310 and there is the right
39 of judicial review as provided in ORS 183.480. The petition must include a declaration under penalty
40 of perjury in the form required by ORCP 1 E and shall state:

41 (a) The age and place of residence of the claimant by whom or on whose behalf the petition is
42 filed;

43 (b) That the claimant lawfully is entitled to the property or proceeds, briefly describing the
44 property or proceeds;

45 (c) That at the time the property escheated to the state the claimant had no knowledge or notice

1 thereof or was unable to prove entitlement to the escheated property and has subsequently acquired
2 new evidence of that entitlement;

3 (d) That the claimant claims the property or proceeds as an heir or devisee or as the personal
4 representative of the estate of an heir or devisee, setting forth the relationship, if any, of the
5 claimant to the decedent who at the time of death was the owner;

6 (e) That 10 years have not elapsed since the death of the decedent, or that eight years have not
7 elapsed since the entry of the judgment or order escheating the property to the state; and

8 (f) If the petition is not filed by the claimant, the status of the petitioner.

9 (3) If it is determined that the claimant is entitled to the property or the proceeds thereof, the
10 Director of the Department of State Lands shall deliver the property to the petitioner, subject to
11 and charged with any tax on the property and the costs and expenses of the state in connection
12 therewith.

13 (4) If the person whose property escheated or reverted to the state was at any time an inmate
14 of a state institution in Oregon for persons with mental illness or mental retardation, the reasonable
15 unpaid cost of the care and maintenance of the person while a ward of the institution, regardless
16 of when the cost was incurred, may be deducted from, or, if necessary, be offset in full against, the
17 amount of the escheated property. The reasonable unpaid cost of care and maintenance shall be
18 determined by:

19 (a) The Department of Human Services for patients of the Eastern Oregon Training Center; and

20 (b) The Oregon Health Authority for patients of the Blue Mountain Recovery Center and the
21 Oregon State Hospital.

22 (5) For the purposes of this section, the death of the decedent is presumed to have occurred on
23 the date shown in the decedent's [*death certificate*] **certified copy of the death record** or in any
24 other similar document issued by the jurisdiction in which the death occurred or issued by an
25 agency of the federal government.

26 **SECTION 62.** ORS 127.815 is amended to read:

27 127.815. §3.01. Attending physician responsibilities. (1) The attending physician shall:

28 (a) Make the initial determination of whether a patient has a terminal disease, is capable, and
29 has made the request voluntarily;

30 (b) Request that the patient demonstrate Oregon residency pursuant to ORS 127.860;

31 (c) To ensure that the patient is making an informed decision, inform the patient of:

32 (A) His or her medical diagnosis;

33 (B) His or her prognosis;

34 (C) The potential risks associated with taking the medication to be prescribed;

35 (D) The probable result of taking the medication to be prescribed; and

36 (E) The feasible alternatives, including, but not limited to, comfort care, hospice care and pain
37 control;

38 (d) Refer the patient to a consulting physician for medical confirmation of the diagnosis, and for
39 a determination that the patient is capable and acting voluntarily;

40 (e) Refer the patient for counseling if appropriate pursuant to ORS 127.825;

41 (f) Recommend that the patient notify next of kin;

42 (g) Counsel the patient about the importance of having another person present when the patient
43 takes the medication prescribed pursuant to ORS 127.800 to 127.897 and of not taking the medication
44 in a public place;

45 (h) Inform the patient that he or she has an opportunity to rescind the request at any time and

1 in any manner, and offer the patient an opportunity to rescind at the end of the 15-day waiting pe-
2 riod pursuant to ORS 127.840;

3 (i) Verify, immediately prior to writing the prescription for medication under ORS 127.800 to
4 127.897, that the patient is making an informed decision;

5 (j) Fulfill the medical record documentation requirements of ORS 127.855;

6 (k) Ensure that all appropriate steps are carried out in accordance with ORS 127.800 to 127.897
7 prior to writing a prescription for medication to enable a qualified patient to end his or her life in
8 a humane and dignified manner; and

9 (L)(A) Dispense medications directly, including ancillary medications intended to facilitate the
10 desired effect to minimize the patient's discomfort, provided the attending physician is registered as
11 a dispensing physician with the Oregon Medical Board, has a current Drug Enforcement Adminis-
12 tration certificate and complies with any applicable administrative rule; or

13 (B) With the patient's written consent:

14 (i) Contact a pharmacist and inform the pharmacist of the prescription; and

15 (ii) Deliver the written prescription personally or by mail to the pharmacist, who will dispense
16 the medications to either the patient, the attending physician or an expressly identified agent of the
17 patient.

18 (2) Notwithstanding any other provision of law, the attending physician may sign the patient's
19 [*death certificate*] **report of death.**

20 **SECTION 63.** ORS 130.370 is amended to read:

21 130.370. (1) Within three months after a petition is entered in the register of the court under
22 ORS 130.355, or within such longer time as the court allows, a trustee must make reasonably dili-
23 gent efforts to investigate the financial records and affairs of the settlor and to take such further
24 actions as are reasonably necessary to ascertain the identity and address of each person who has
25 or asserts a claim against the trust estate. The court shall allow the trustee as much time as re-
26 quested by the trustee for the purpose of determining the claims against the trust estate. The trustee
27 must thereafter cause to be delivered or mailed a notice containing the information required in
28 subsection (2) of this section to the Department of Human Services and the Oregon Health Author-
29 ity, or as otherwise provided by rule adopted by the authority, and to each person known by the
30 trustee to have or to assert a claim against the trust estate. Notice under this section is not re-
31 quired for any claim that has already been presented, accepted or paid in full or on account of a
32 claim that is merely conjectural.

33 (2) The notice required by this section must include:

34 (a) The name of the settlor and the last four digits of the settlor's Social Security number;

35 (b) The name of the trustee and the address at which claims must be presented;

36 (c) A statement that claims against the trust estate that are not presented to the trustee within
37 30 days after the date of the notice may be barred;

38 (d) The date of the notice, which shall be the date on which the notice is delivered or mailed;
39 and

40 (e) A **certified** copy of the settlor's death [*certificate*] **record.**

41 **SECTION 64.** ORS 135.060 is amended to read:

42 135.060. (1) When the defendant is arraigned, the defendant shall be informed that:

43 (a) If the name by which the defendant is charged in the accusatory instrument is not the true
44 name of the defendant the defendant must then declare the true name; and

45 (b) If the defendant does not declare the true name as required by paragraph (a) of this sub-

1 section, the defendant is ineligible for any form of release other than a security release under ORS
2 135.265.

3 (2) The defendant or the attorney for the defendant may acknowledge the true name of the de-
4 fendant at arraignment and the acknowledgment may not be used against the defendant at trial on
5 the underlying charge or any other criminal charge or fugitive complaint except that:

6 (a) The use of different names can be used in determining the defendant's release status if the
7 defendant has used different names in different proceedings; and

8 (b) A defendant who intentionally falsifies the defendant's name under this section or ORS
9 135.065 while under oath or affirmation is subject to prosecution under ORS 162.065.

10 (3) As used in this section and ORS 135.065, "true name" means:

11 (a) The name on the defendant's [*birth certificate*] **certified copy of the record of live birth**;

12 (b) The defendant's birth name; or

13 (c) If the defendant's name has been changed by court order or by operation of law, the name
14 as changed by court order or operation of law.

15 **SECTION 65.** ORS 135.065 is amended to read:

16 135.065. (1) If the defendant gives no other name, the court may proceed against the defendant
17 by the name in the accusatory instrument. If the defendant is charged by indictment or information
18 and alleges that another name is the true name of the defendant, the court shall direct an entry
19 thereof to be made in its register, and the subsequent proceedings on the accusatory instrument may
20 be had against the defendant by that name, referring also to the name by which the defendant is
21 charged. Before proceeding against the defendant as provided in this subsection, the court shall
22 attempt to determine the true name of the defendant. If a [*birth certificate*] **certified copy of the**
23 **record of live birth** for the defendant was never [*created*] **issued**, the court shall ask the defendant,
24 under oath or affirmation, to give the defendant's true name. The court shall proceed under the
25 name given unless the court is persuaded by a preponderance of the evidence that the name is not
26 the defendant's true name.

27 (2) Upon motion of the defendant, all names, other than the true name of the defendant, shall
28 be stricken from any accusatory instrument read or submitted to the jury.

29 (3)(a) The following may file a motion requesting that a false name used by a defendant be
30 stricken from an accusatory instrument, warrant of arrest or judgment and that the defendant's true
31 name, if known, be substituted:

32 (A) The district attorney; or

33 (B) A person whose name is the same as the false name used by the defendant.

34 (b) Before the court may grant a motion filed under paragraph (a)(B) of this subsection, the
35 court must provide the district attorney with notice of the motion and an opportunity to respond.

36 (c) If the court grants a motion under this subsection, the court shall order that the false name
37 be stricken from the accusatory instrument, warrant of arrest or judgment and that the defendant's
38 true name be substituted. In addition, the court shall order that any warrant of arrest of the de-
39 fendant reflect that the defendant uses a name other than the defendant's true name.

40 **SECTION 66.** ORS 146.045 is amended to read:

41 146.045. (1) After consultation with the State Medical Examiner Advisory Board, the State
42 Medical Examiner shall appoint each Deputy State Medical Examiner.

43 (2) The State Medical Examiner shall:

44 (a) Appoint and discharge each district medical examiner as provided by ORS 146.065 (2).

45 (b) Designate those pathologists authorized to perform autopsies under ORS 146.117 (2).

1 (c) Approve those laboratories authorized to perform the analyses required under ORS 146.113
2 (2).

3 (3) The State Medical Examiner may:

4 (a) Assume control of a death investigation in cooperation with the district attorney.

5 (b) Order an autopsy in a death requiring investigation.

6 (c) Certify the cause and manner of a death requiring investigation.

7 (d) Amend a previously completed [*death certificate*] **report** on a death requiring investigation.

8 (e) Order a body exhumed in a death requiring investigation.

9 (f) Designate a Deputy State Medical Examiner as Acting State Medical Examiner.

10 (g) After a reasonable and thorough investigation, complete and file a [*death certificate*] **report**
11 **of death** for a person whose body is not found.

12 (4) Distribution of moneys from the State Medical Examiner's budget for partial reimbursement
13 of each county's autopsy expenditures shall be made subject to approval of the State Medical Ex-
14 aminer.

15 (5) Within 45 days of receipt of information that a person is missing at sea and presumed dead,
16 the State Medical Examiner shall determine whether the information is credible and, if so, complete
17 and file a [*death certificate*] **report of death** for the person presumed dead. If the information is
18 determined not to be credible, the State Medical Examiner may continue the death investigation.

19 **SECTION 67.** ORS 146.095 is amended to read:

20 146.095. (1) The district medical examiner and the district attorney for the county where death
21 occurs, as provided by ORS 146.100 (2), shall be responsible for the investigation of all deaths re-
22 quiring investigation.

23 (2) The medical examiner shall certify the manner and the cause of all deaths which the medical
24 examiner is required to investigate. The [*certificate*] **report** of death shall be [*filed*] **submitted to a**
25 **county registrar** as required by ORS 432.307.

26 (3) The medical examiner shall make a report of death investigation to the State Medical Ex-
27 aminer as soon as possible after being notified of a death requiring investigation.

28 (4) Within five days after notification of a death requiring investigation, the medical examiner
29 shall make a written report of the investigation and file it in the district medical examiner's office.

30 (5) The district medical examiner shall supervise the assistant district medical examiners and
31 deputy medical examiners in cooperation with the district attorney.

32 (6) The district medical examiner shall regularly conduct administrative training programs for
33 the assistant district medical examiners, deputy medical examiners and law enforcement agencies.

34 **SECTION 68.** ORS 146.121 is amended to read:

35 146.121. (1) No person shall bury or otherwise dispose of the body of a person whose death re-
36 quired investigation, without having first obtained a burial or cremation permit, or a [*death certif-*
37 *icate*] **report of death** completed and signed by a medical examiner.

38 (2) When a medical examiner investigates the death of a person whose body is not claimed by
39 a friend or relative within five days of the date of death, the sheriff or, in counties having a popu-
40 lation of 400,000 or more, the medical examiner shall dispose of the body according to the provisions
41 of ORS 97.170 to 97.210.

42 (3) If the medical examiner is unable to dispose of the body of a deceased person according to
43 subsection (2) of this section, the medical examiner may order in writing that the body be either
44 cremated or plainly and decently buried.

45 (4) The sheriff or medical examiner shall file a copy of the [*death certificate*] **report of death**,

1 the order for disposition and a verified statement of the expenses of the cremation or burial with
2 the board of county commissioners. The board of county commissioners shall pay such expenses, or
3 any proportion thereof as may be available, from county funds annually budgeted for this purpose.

4 **SECTION 69.** ORS 176.740 is amended to read:

5 176.740. (1) The Governor may proclaim that a natural disaster or an act of war, terrorism or
6 sabotage has caused the death of unknown persons on a specific date at a specific place.

7 (2) For the purposes of any civil or administrative proceeding, there is a presumption that a
8 missing person is dead if it is shown that:

9 (a) The person was at or near the place described in a proclamation under this section on the
10 date specified in the proclamation; and

11 (b) The person's absence cannot be satisfactorily explained after diligent search.

12 (3) In administering the estate of an absentee under ORS chapter 117, the court may enter an
13 order directing the State Medical Examiner to [*deposit a death certificate with*] **submit a report of**
14 **death to** the county registrar for a decedent presumed to be dead under this section. The county
15 registrar may not charge a fee for [*depositing a death certificate*] **receiving a report** under this
16 subsection or for issuing a copy of a [*death certificate deposited*] **report submitted** under this sub-
17 section. The State Medical Examiner shall indicate on the [*death certificate*] **report of death** that
18 the [*death certificate was issued*] **report of death was submitted** pursuant to an order entered un-
19 der this section.

20 (4) This section does not establish, limit or abrogate the special peril doctrine.

21 **SECTION 70.** ORS 180.320 is amended to read:

22 180.320. (1) All state agencies, district attorneys and all police officers of the state, county or
23 any municipality, university or court thereof, shall cooperate with the Division of Child Support of
24 the Department of Justice in furnishing and making available information, records and documents
25 necessary to assist in establishing or enforcing support obligations or paternity, in performing the
26 duties set out in ORS 25.080 and in determining the location of any absent parent or child for the
27 purpose of enforcing any state or federal law regarding the unlawful taking or restraint of a child
28 or for the purpose of making or enforcing a child custody determination. Notwithstanding the pro-
29 visions of ORS [*109.225, 416.430, 432.121, 432.230 and 432.430*] **109.225 or 416.430 or ORS chapter**
30 **432**, records pertaining to the paternity of a child shall be made available upon written request of
31 an authorized representative of the Division of Child Support. Any information obtained pursuant
32 to this subsection is confidential, and shall be used only for the purposes set out in this subsection.

33 (2) Information furnished to the Division of Child Support by the Department of Revenue and
34 made confidential by ORS 314.835 shall be used by the division and its employees solely for the
35 purpose of enforcing the provisions of ORS 180.320 to 180.365 and shall not be disclosed or made
36 known for any other purpose. Any person who violates the prohibition against disclosure contained
37 in this subsection, upon conviction, is punishable as provided in ORS 314.991 (2).

38 **SECTION 71.** ORS 205.130 is amended to read:

39 205.130. The county clerk shall:

40 (1) Have the custody of, and safely keep and preserve all files and records of deeds and mort-
41 gages of real property, and a record of all maps, plats, contracts, powers of attorney and other in-
42 terests affecting the title to real property required or permitted by law to be recorded.

43 (2) Record, or cause to be recorded, in a legible and permanent manner, and keep in the office
44 of the county clerk, all:

45 (a) Deeds and mortgages of real property, powers of attorney and contracts affecting the title

1 to real property, authorized by law to be recorded, assignments thereof and of any interest therein
2 when properly acknowledged or proved and other interests affecting the title to real property re-
3 quired or permitted by law to be recorded;

4 (b) Certificates of sale of real property under execution or order of court, or assignments thereof
5 or of any interest therein when properly acknowledged or proved;

6 (c) Certified copies of death [*certificates*] **records** of any person appearing in the county records
7 as owning or having a claim or interest in land in the county. A **certified copy of a death** [*certif-*
8 *icate*] **record** recorded in the deed records of a county under this subsection is a public record and
9 is not subject to the disclosure limitations under ORS 432.121;

10 (d) Instruments presented for recording by the United States or the State of Oregon, or a poli-
11 tical subdivision of either, that affect title to or an interest in real property or that lawfully concern
12 real property;

13 (e) Instruments recognized under state law or rule or federal law or regulation as affecting title
14 to or an interest in real property if the instrument is properly acknowledged or proved; and

15 (f) Orders from a county forestland-urban interface classification committee filed under ORS
16 477.052.

17 (3) Keep and maintain:

18 (a) Deed and mortgage records;

19 (b) Statutory lien records;

20 (c) A record called the County Clerk Lien Record in which the following shall be recorded:

21 (A) The warrants and orders of officers and agencies that are required or permitted by law to
22 be recorded; and

23 (B) All instruments presented for recordation when required or permitted by law to be recorded
24 that affect the title to or an interest in real property, other than instruments recorded in the deed
25 and mortgage records or the statutory lien records;

26 (d) Releases, satisfactions, assignments, amendments and modifications of recorded instruments;
27 and

28 (e) Other instruments required or permitted by law to be recorded not affecting interests in real
29 property.

30 (4) Perform all the duties in regard to the recording and indexing of deeds and mortgages of real
31 property, contracts, abstracts of judgments, notices of pendency, powers of attorney and other in-
32 terests when required or permitted by law to be recorded that affect the title of real property, and
33 in regard to the entry of satisfaction and discharge of the same, together with other documents re-
34 quired or permitted by law to be recorded.

35 (5) Incur no civil or criminal liability, either personally or in an official capacity, for recording
36 an instrument that does not comply with the provisions of law that require or allow the recording
37 of the instrument.

38 **SECTION 72.** ORS 247.570 is amended to read:

39 247.570. (1) Not later than five business days after receiving a [*certificate*] **report** of death under
40 ORS 432.307, a county registrar designated under ORS 432.035 shall furnish to the county clerk of
41 that county the name, age, date of birth and residence address of the person for whom the registrar
42 has received the [*certificate*] **report** of death. If the person was registered to vote in the county, the
43 county clerk immediately shall cancel the registration of the person.

44 (2) Not later than five business days after receiving information from the county registrar under
45 subsection (1) of this section, the county clerk shall furnish the information to the Secretary of

1 State. The Secretary of State shall furnish a copy of the appropriate names received under this
 2 subsection to each county clerk. Each county clerk immediately shall cancel the registrations of
 3 those persons.

4 (3) The Oregon Health Authority, during the last week of each month, shall furnish to the Sec-
 5 retary of State a list of the name, age, date of birth, county of residence and residence address of
 6 each resident of this state who has died during the preceding month and for whom a [*certificate*]
 7 **report** of death was not [*filed with*] **submitted to** a county registrar. The Secretary of State shall
 8 furnish a copy of the appropriate names to each county clerk. Each county clerk immediately shall
 9 cancel registrations of those persons.

10 **SECTION 73.** ORS 416.430 is amended to read:

11 416.430. (1) The administrator may establish paternity of a child in the course of a support
 12 proceeding under ORS 416.400 to 416.465 when both parents sign statements that paternity has not
 13 been legally established and that the male parent is the father of the child. The administrator may
 14 enter an order which establishes paternity.

15 (2) If the parent fails to file a response denying paternity and requesting a hearing within the
 16 time period allowed in ORS 416.415 (2), then the administrator, without further notice to the parent,
 17 may enter an order, in accordance with ORS 416.415 (7), which declares and establishes the parent
 18 as the legal father of the child.

19 (3) Any order entered pursuant to subsection (1) or (2) of this section establishes legal paternity
 20 for all purposes. The Center for Health Statistics of the Oregon Health Authority shall [*prepare*]
 21 **amend the record of live birth for the child and issue** a new [*birth certificate*] **certified copy of**
 22 **the record of live birth** in the new name, if any, of the child. The original [*birth certificate*] **record**
 23 **of live birth** shall be sealed and filed and may be opened only upon order of a court of competent
 24 jurisdiction.

25 (4)(a) If paternity is alleged under ORS 416.415 (3) and a written response denying paternity and
 26 requesting a hearing is received within the time period allowed in ORS 416.415 (2), or if the ad-
 27 ministrator determines that there is a valid issue with respect to paternity of the child, the admin-
 28 istrator, subject to the provisions of subsections (5) and (6) of this section, shall certify the matter
 29 to the circuit court for a determination based upon the contents of the file and any evidence which
 30 may be produced at trial. The proceedings in court shall for all purposes be deemed suits in equity.
 31 The provisions of ORS 109.145 to 109.230 apply to proceedings certified to court by the administrator
 32 pursuant to this section.

33 (b) Any response denying paternity and requesting a hearing shall be sent by the enforcement
 34 office to the obligee by regular mail.

35 (5) An action to establish paternity initiated under ORS 416.400 to 416.465 shall not be certified
 36 to court for trial unless all of the following have occurred:

37 (a) Blood tests have been conducted;

38 (b) The results of the blood tests have been served upon the parties and notice has been given
 39 that an order establishing paternity will be entered unless a written objection is received within 30
 40 days; and

41 (c) A written objection to the entry of an order has been timely received from a party.

42 (6) Notwithstanding the provisions of subsection (5) of this section, the administrator:

43 (a) Shall certify the matter to court:

44 (A) Within 30 days of receipt by the administrator of a timely written objection to the entry of
 45 an order by a party under subsection (5)(c) of this section;

1 (B) When a party requests certification in writing after the administrator has received a party's
2 written denial of paternity if at least 120 days have elapsed from receipt of the denial; or

3 (C) Upon receipt of blood test results with a cumulative paternity index of less than 99; and

4 (b) May certify the matter to court at any time under any other circumstances.

5 (7) If the blood tests conducted under ORS 109.250 to 109.262 result in a cumulative paternity
6 index of 99 or greater, evidence of the tests, together with the testimony of the parent, shall be a
7 sufficient basis upon which to establish paternity and the administrator may enter an order declar-
8 ing the alleged father as the legal father of the child unless a party objects in writing to the entry
9 of the order. The testimony of the parent may be presented by affidavit.

10 (8) Prior to certification to court, the administrator may attempt to resolve the issue of
11 paternity by discovery conducted under the Oregon Rules of Civil Procedure. Unless otherwise
12 specifically provided by statute, the proceedings shall be conducted under the Oregon Rules of Civil
13 Procedure.

14 (9) When, in accordance with subsection (6)(a)(A) of this section, a party objects to the entry
15 of an order and the blood tests conducted under ORS 109.250 to 109.262 result in a cumulative
16 paternity index of 99 or greater, notwithstanding the party's objection, evidence of the tests, to-
17 gether with the testimony of a parent, is a sufficient basis upon which to presume paternity for
18 purposes of establishing temporary support under this section. The court shall, upon motion of any
19 party, enter a temporary order requiring the alleged father to provide support pending the determi-
20 nation of parentage by the court. In determining the amount of support, the court shall use the
21 formula established under ORS 25.275.

22 **SECTION 74.** ORS 417.825 is amended to read:

23 417.825. (1) In addition to any other fees provided by law, the appropriate agency:

24 (a) When [*birth certificates*] **records of live birth** are registered with the state, shall pay a \$1
25 fee on each [*birth certificate*] **record of live birth** registered with the agency.

26 (b) That issues [*birth certificates*] **certified copies of records of live birth** for the state or a
27 county, shall collect a \$1 fee on each [*birth certificate*] **certified copy of a record of live birth** is-
28 sued by the agency.

29 (2) The agencies paying or collecting the fees described in subsection (1) of this section shall
30 transfer moneys from the fees imposed by this section to the State Treasurer for deposit in the De-
31 partment of Human Services Account established under ORS 409.060. The moneys deposited under
32 this section are appropriated continuously to the Department of Human Services for use by the Of-
33 fice of Children's Advocate for the administration of ORS 417.805, 417.810 and 417.815.

34 **SECTION 75.** ORS 419B.845 is amended to read:

35 419B.845. (1)(a) When a petition has been filed alleging that the child has been physically or
36 sexually abused, the court may enter an order restraining the alleged perpetrator of the abuse from
37 having contact with the child or attempting to contact the child and requiring the alleged
38 perpetrator to move from the household in which the child resides. The court may issue a restrain-
39 ing order only if the court finds that:

40 (A) There is probable cause to believe the abuse occurred and that the person to be restrained
41 committed the abuse; and

42 (B) The order is in the best interest of the child.

43 (b) Upon finding that to do so would aid in protecting the victim of the alleged abuse, the court
44 may enter, in addition to a restraining order described in paragraph (a) of this subsection, other
45 appropriate orders including, but not limited to, orders that control contact between the alleged

1 abuser and other children in the household.

2 (c) The court shall include in an order entered under this subsection the following information
3 about the person to be restrained:

4 (A) Name;

5 (B) Address;

6 (C) Age and birth date;

7 (D) Race;

8 (E) Sex;

9 (F) Height and weight; and

10 (G) Color of hair and eyes.

11 (d) The court may include in the order a provision that a peace officer accompany the restrained
12 person to the household when it is necessary for the person to remove the person's essential per-
13 sonal effects including, but not limited to, clothing, toiletries, medications, Social Security cards,
14 [*birth certificates*] **certified copies of records of live birth**, identification and tools of the trade.
15 The restrained person is entitled to remove the person's essential personal effects under this para-
16 graph on one occasion only and is required to be accompanied by a peace officer. The restrained
17 person and the peace officer shall remain for no longer than 20 minutes and the peace officer may
18 temporarily interrupt the removal of essential personal effects at any time. Nothing in this para-
19 graph affects a peace officer's duty to arrest under ORS 133.055 and 133.310. A peace officer who
20 accompanies a restrained person under this paragraph has immunity from any liability, civil or
21 criminal, for any actions the person commits during the removal of the person's essential personal
22 effects.

23 (2) If the court enters an order under this section:

24 (a) The clerk of the court shall provide without charge the number of certified copies of the
25 petition and order necessary to effect service and shall have a copy of the petition and order de-
26 livered to the sheriff or other person qualified to serve the order for service upon the person to be
27 restrained; and

28 (b) The sheriff or other person qualified to serve the order shall serve the person to be re-
29 strained personally unless that person is present at the hearing. After accepting the order, if the
30 sheriff or other person cannot complete service within 10 days, the sheriff or other person shall hold
31 the order for future service and file a return to the clerk of the court showing that service was not
32 completed.

33 (3) Within 30 days after an order is served under this section, the restrained person may file a
34 written request with the court and receive a court hearing on any portion of the order. If the re-
35 strained person requests a hearing under this subsection:

36 (a) The clerk of the court shall notify the parties and, if the restrained person is not a party,
37 the restrained person of the date and time of the hearing; and

38 (b) The court shall hold the hearing within 21 days after the request and may cancel or modify
39 the order.

40 (4) Upon receipt of a copy of the order and notice of completion of any required service by a
41 member of a law enforcement agency, the sheriff shall immediately enter the order into the Law
42 Enforcement Data System maintained by the Department of State Police. If the order was served
43 on the person to be restrained by a person other than a member of a law enforcement agency, the
44 county sheriff shall enter the order into the Law Enforcement Data System upon receipt of a true
45 copy of the affidavit of proof of service. Entry into the Law Enforcement Data System constitutes

1 notice to all law enforcement agencies of the existence of the order. Law enforcement agencies shall
 2 establish procedures adequate to ensure that an officer at the scene of an alleged violation of the
 3 order may be informed of the existence and terms of the order. The order is fully enforceable in any
 4 county in this state.

5 (5) A restraining order issued pursuant to this section remains in effect for a period of one year
 6 or until the order is modified, amended or terminated by court order.

7 (6) A court that issued a restraining order under this section may renew the order for a period
 8 of up to one year if the court finds that there is probable cause to believe the renewal is in the best
 9 interest of the child. The court may renew the order on motion alleging facts supporting the re-
 10 quired finding. If the renewal order is granted, subsections (2) and (3) of this section apply.

11 (7) If a restraining order issued pursuant to this section is terminated before its expiration date,
 12 the clerk of the court shall immediately deliver a copy of the termination order to the sheriff. The
 13 sheriff shall promptly remove the original order from the Law Enforcement Data System.

14 (8) Pending a contempt hearing for alleged violation of a restraining order issued under this
 15 section, a person arrested and taken into custody pursuant to ORS 133.310 may be released as pro-
 16 vided in ORS 135.230 to 135.290. Unless the order provides otherwise, the security amount for re-
 17 lease shall be \$5,000.

18 (9) When a restraining order entered under this section prohibits the restrained person from
 19 contacting the protected person in writing, the restrained person does not violate the restraining
 20 order by serving on the protected person a copy of a notice of appeal of the restraining order or
 21 any other document required by law to be served on the adverse party to an appeal if:

- 22 (a) Neither the restrained person nor the protected person is represented by counsel;
- 23 (b) The restrained person serves the document by mail; and
- 24 (c) The contents of the document are not intended to harass or intimidate the protected person.

25 **SECTION 76.** ORS 677.518 is amended to read:

26 677.518. A physician assistant, practicing under the supervision of a supervising physician or a
 27 supervising physician organization, is authorized to complete and sign **reports of** death
 28 [*certificates*]. **Reports of** death [*certificates*] signed by a physician assistant shall be accepted as ful-
 29 filling all of the laws dealing with **reports of** death [*certificates*]. A physician assistant who [*signs*
 30 *a death certificate*] **prepares a report of death** must comply with all provisions of ORS 432.307.

31 **SECTION 77.** ORS 678.375 is amended to read:

32 678.375. (1) The Oregon State Board of Nursing is authorized to issue certificates of special
 33 competency to licensed registered nurses to practice as nurse practitioners if they meet the re-
 34 quirements of the board pursuant to ORS 678.380.

35 (2) No person shall practice as a nurse practitioner or hold oneself out to the public or to an
 36 employer, or use the initials, name, title, designation or abbreviation as a nurse practitioner until
 37 and unless such person is certified by the board.

38 (3) A registered nurse, certified as a nurse practitioner, is authorized to complete and sign **re-**
 39 **ports of** death [*certificates*]. **Reports of** death [*certificates*] signed by a certified nurse practitioner
 40 shall be accepted as fulfilling all the requirements of the laws dealing with **reports of** death [*cer-*
 41 *tificates*]. A certified nurse practitioner who [*signs a death certificate*] **prepares a report of death**
 42 must comply with all provisions of ORS 432.307.

43 (4) A registered nurse, certified as a nurse practitioner, is authorized to prescribe drugs for the
 44 use of and administration to other persons if approval has been given under ORS 678.390. The drugs
 45 which the nurse practitioner is authorized to prescribe shall be included within the certified nurse

1 practitioner's scope of practice as defined by rules of the board.

2 (5) A licensed pharmacist may fill and a licensed pharmacist or an employee of the licensed
3 pharmacist may dispense medications prescribed by a nurse practitioner in accordance with the
4 terms of the prescription. The filling of such a prescription does not constitute evidence of
5 negligence on the part of the pharmacist if the prescription was dispensed within the reasonable and
6 prudent practice of pharmacy.

7 (6) As used in this section:

8 (a) "Drug" means:

9 (A) Articles recognized as drugs in the official United States Pharmacopoeia, official National
10 Formulary, official Homeopathic Pharmacopoeia, other drug compendium or any supplement to any
11 of them;

12 (B) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of dis-
13 ease in human beings;

14 (C) Articles other than food that are intended to affect the structure or any function of the body
15 of human beings; and

16 (D) Articles intended for use as a component of any articles specified in subparagraph (A), (B)
17 or (C) of this paragraph.

18 (b) "Prescribe" means to direct, order or designate the preparation, use of or manner of using
19 by spoken or written words or other means.

20 **SECTION 78.** ORS 684.030 is amended to read:

21 684.030. Chiropractic physicians shall observe and be subject to all state and municipal regu-
22 lations relating to the control of contagious and infectious diseases, sign [*birth and death*
23 *certificates*] **reports of live birth and death**, and report all matters pertaining to public health to
24 the proper health officers the same as other practitioners.

25 **SECTION 79.** ORS 685.050 is amended to read:

26 685.050. Licensees under this chapter are authorized to sign [*birth and death certificates. Such*
27 *certificates so signed shall be accepted as fulfilling all the requirements of the laws dealing with such*
28 *certificates*] **reports of live birth and death. Reports signed under this section shall be accepted**
29 **as fulfilling all the requirements of the laws of this state dealing with such reports.**

30 **SECTION 80.** ORS 692.270 is amended to read:

31 692.270. (1) The State Mortuary and Cemetery Board shall issue a certificate of removal regis-
32 tration to a funeral establishment licensed in another state contiguous to Oregon with laws sub-
33 stantially similar to the provisions of this section for the limited purpose of removing dead human
34 bodies from Oregon, prior to submitting a [*certificate*] **report** of death, if the establishment that will
35 make the removals applies to the board for a certificate of removal registration on a form provided
36 by the board. The application fee established under ORS 692.160 shall accompany the application.
37 A certificate issued under this subsection expires upon a change of ownership of the funeral estab-
38 lishment.

39 (2) For purposes of this section, each branch of a registrant's funeral establishment is a separate
40 establishment and must be registered as a fixed place of business.

41 (3) Notwithstanding ORS 692.025 (1) and 692.045, a funeral service practitioner who files **reports**
42 **of death** [*certificates*] in another state may file an Oregon [*certificate*] **report** of death if the funeral
43 service practitioner is employed by a licensed funeral establishment registered with the board under
44 this section.

45 (4) The conduct of a funeral service practitioner or any other person employed by or acting on

1 behalf of a removal registrant shall be the direct responsibility of the holder of a certificate of re-
2 moval registration.

3 (5) For any of the causes described in ORS 692.180, or for violation of any death care rule or
4 law in another state, the board may impose upon the holder of a certificate of removal registration
5 or applicant any of the sanctions described in ORS 692.180.

6 **SECTION 81.** ORS 692.405 is amended to read:

7 692.405. The funeral service practitioner or person acting as such shall be responsible for
8 causing to be affixed to each receptacle, as defined by rule of the State Mortuary and Cemetery
9 Board, in which a dead human body is contained an identifying metal disc, of a design to be ap-
10 proved by rule of the State Mortuary and Cemetery Board, that shall remain attached to the re-
11 ceptacle in which the body is contained and shall bear a corresponding number that is also [*on both*
12 *the death certificate*] **in the report of death** and the final disposition permit. In the event of
13 cremation, the disc shall stay with the cremated remains.

14 **SECTION 82.** ORS 708A.655 is amended to read:

15 708A.655. (1) This section applies to the safe deposit box of any person who is the sole lessee
16 or last surviving lessee of the box and who has died.

17 (2) Subject to ORS 114.537, upon being furnished with a certified copy of the decedent's death
18 [*certificate*] **record** or other evidence of death satisfactory to the Oregon operating institution, the
19 Oregon operating institution within which the box is located shall cause or permit the box to be
20 opened and the contents of the box examined at the request of an individual who furnishes an affi-
21 davit stating:

22 (a) That the individual believes the box may contain the will of the decedent, a trust instrument
23 creating a trust of which the decedent was a trustor or a trustee at the time of the decedent's death,
24 documents pertaining to the disposition of the remains of the decedent, documents pertaining to
25 property of the estate of the decedent or property of the estate of the decedent; and

26 (b) That the individual is an interested person and wishes to open the box to conduct a will
27 search or trust instrument search, obtain documents relating to the disposition of the decedent's
28 remains, inventory the contents of the box or remove property of the estate of the decedent pursuant
29 to a small estate affidavit filed under ORS 114.515.

30 (3) For the purpose of this section, "interested person" means any of the following:

31 (a) A person named as personal representative of the decedent in a purported will of the
32 decedent;

33 (b) The surviving spouse or any heir of the decedent;

34 (c) A person who was serving as the court-appointed guardian or conservator of the decedent
35 or as trustee for the decedent immediately prior to the decedent's death;

36 (d) A person named as successor trustee in a purported trust instrument creating a trust of
37 which the decedent was a trustor or a trustee at the time of the decedent's death;

38 (e) A person designated by the decedent in a writing that is acceptable to the Oregon operating
39 institution and is filed with it prior to the decedent's death;

40 (f) A person who immediately prior to the death of the decedent had the right of access to the
41 box as an agent of the decedent under a durable power of attorney;

42 (g) If there are no heirs of the decedent, an estate administrator of the Department of State
43 Lands appointed under ORS 113.235; or

44 (h) A person who is authorized to file an affidavit under ORS 114.515.

45 (4) If the box is opened for the purpose of conducting a will search, the Oregon operating in-

1 stitution shall remove any document that appears to be a will, make a true and correct copy of it
2 and deliver the original will to a person designated in the will to serve as the decedent's personal
3 representative, or if no such person is designated or the Oregon operating institution cannot, despite
4 reasonable efforts, determine the whereabouts of such person, the Oregon operating institution shall
5 retain the will or deliver it to a court having jurisdiction of the estate of the decedent. A copy of
6 the will shall be retained in the box. At the request of the interested person, a copy of the will,
7 together with copies of any documents pertaining to the disposition of the remains of the decedent,
8 may be given to the interested person.

9 (5) If the box is opened for the purpose of conducting a trust instrument search, the Oregon
10 operating institution shall remove any document that appears to be a trust instrument creating a
11 trust of which the decedent was a trustor or trustee at the time of the decedent's death, make a true
12 and correct copy of it and deliver the original trust instrument to a person designated in the trust
13 instrument to serve as the successor trustee on the death of the decedent. If no such person is
14 designated or the Oregon operating institution cannot, despite reasonable efforts, determine the
15 whereabouts of such person, the Oregon operating institution shall retain the trust instrument. A
16 copy of the trust instrument shall be retained in the box. At the request of any interested person,
17 a copy of the trust instrument may be given to the interested person.

18 (6) If the box is opened for the purpose of obtaining documents pertaining to the disposition of
19 the decedent's remains, the Oregon operating institution shall comply with subsection (4) or (5) of
20 this section with respect to any will or trust instrument of the decedent found in the box, and may
21 in its discretion either:

22 (a) Make and retain in the box a copy of any documents pertaining to the disposition of the
23 remains of the decedent and tender the original documents to the interested person; or

24 (b) Provide a copy of any documents pertaining to the disposition of the remains of the decedent
25 to the interested person and retain the original documents in the box.

26 (7) If the box is opened for the purpose of making an inventory of its contents, the Oregon op-
27 erating institution shall comply with subsection (4) or (5) of this section with respect to any will or
28 trust instrument of the decedent that is found in the box, and shall cause the inventory to be made.
29 The inventory must be attested to by a representative of the Oregon operating institution and may
30 be attested to by the interested person, if the interested person is present when the inventory is
31 made. The Oregon operating institution shall retain the original inventory in the box, and shall
32 furnish a copy of the inventory to the interested person upon request.

33 (8) If the interested person is an affiant of a small estate affidavit filed under ORS 114.515 and
34 delivers a certified copy of the affidavit in the manner provided by ORS 114.535, the Oregon oper-
35 ating institution shall provide to the affiant access to the decedent's property. The Oregon operating
36 institution shall comply with subsection (4) or (5) of this section if a will or trust instrument of the
37 decedent is found in the box. Subject to ORS 114.537, the Oregon operating institution shall allow
38 the affiant to take possession of the personal property in the box.

39 (9) The Oregon operating institution may presume the truth of any statement contained in the
40 affidavit required to be furnished under this section or ORS 114.535, and when acting in reliance
41 upon such an affidavit, the Oregon operating institution is discharged as if it had dealt with the
42 personal representative of the decedent. The Oregon operating institution is not responsible for the
43 adequacy of the description of any property included in an inventory of the contents of a box, or for
44 the conversion of the property in connection with actions performed under this section, except for
45 conversion by intentional acts of the Oregon operating institution or its employees, directors, offi-

1 cers or agents. If the Oregon operating institution is not satisfied that the requirements of this
2 section have been satisfied, the Oregon operating institution may decline to open the box.

3 (10) If the interested person or affiant does not furnish the key needed to open the box, and the
4 Oregon operating institution must incur expense in gaining entry to the box, the Oregon operating
5 institution may require that the interested person or affiant pay the expense of opening the box.

6 (11) Any examination of the contents of a box under this section shall be conducted in the
7 presence of at least one employee of the Oregon operating institution.

8 **SECTION 83.** ORS 723.844 is amended to read:

9 723.844. (1) This section applies to the safe deposit box of any person who is the sole lessee or
10 last surviving lessee of the box and who has died.

11 (2) Subject to ORS 114.537, upon being furnished with a certified copy of the decedent's death
12 [certificate] **record** or other evidence of death satisfactory to the credit union, the credit union
13 within which the box is located shall cause or permit the box to be opened and the contents of the
14 box examined at the request of an individual who furnishes an affidavit stating:

15 (a) That the individual believes the box may contain the will of the decedent, a trust instrument
16 creating a trust of which the decedent was a trustor or a trustee at the time of the decedent's death,
17 documents pertaining to the disposition of the remains of the decedent, documents pertaining to
18 property of the estate of the decedent or property of the estate of the decedent; and

19 (b) That the individual is an interested person and wishes to open the box to conduct a will
20 search or trust instrument search, obtain documents relating to the disposition of the decedent's
21 remains or inventory the contents of the box or remove property of the estate of the decedent pur-
22 suant to a small estate affidavit filed under ORS 114.515.

23 (3) For the purpose of this section, "interested person" means any of the following:

24 (a) A person named as personal representative of the decedent in a purported will of the
25 decedent;

26 (b) The surviving spouse or any heir of the decedent;

27 (c) A person who was serving as the court-appointed guardian or conservator of the decedent
28 or as trustee for the decedent immediately prior to the decedent's death;

29 (d) A person named as successor trustee in a purported trust instrument creating a trust of
30 which the decedent was a trustor or a trustee at the time of the decedent's death;

31 (e) A person designated by the decedent in a writing that is acceptable to the credit union and
32 is filed with it prior to the decedent's death;

33 (f) A person who immediately prior to the death of the decedent had the right of access to the
34 box as an agent of the decedent under a durable power of attorney;

35 (g) If there are no heirs of the decedent, an estate administrator of the Department of State
36 Lands appointed under ORS 113.235; or

37 (h) A person who is authorized to file an affidavit under ORS 114.515.

38 (4) If the box is opened for the purpose of conducting a will search, the credit union shall re-
39 move any document that appears to be a will, make a true and correct copy of it and deliver the
40 original will to a person designated in the will to serve as the decedent's personal representative,
41 or if no such person is designated or the credit union cannot, despite reasonable efforts, determine
42 the whereabouts of such person, the credit union shall retain the will or deliver it to a court having
43 jurisdiction of the estate of the decedent. A copy of the will shall be retained in the box. At the
44 request of the interested person, a copy of the will, together with copies of any documents pertain-
45 ing to the disposition of the remains of the decedent, may be given to the interested person.

1 (5) If the box is opened for the purpose of conducting a trust instrument search, the credit union
2 shall remove any document that appears to be a trust instrument creating a trust of which the
3 decedent was a trustor or trustee at the time of the decedent's death, make a true and correct copy
4 of it and deliver the original trust instrument to a person designated in the trust instrument to serve
5 as the successor trustee on the death of the decedent. If no such person is designated or the credit
6 union cannot, despite reasonable efforts, determine the whereabouts of such person, the credit union
7 shall retain the trust instrument. A copy of the trust instrument shall be retained in the box. At the
8 request of any interested person, a copy of the trust instrument may be given to the interested
9 person.

10 (6) If the box is opened for the purpose of obtaining documents pertaining to the disposition of
11 the decedent's remains, the credit union shall comply with subsection (4) or (5) of this section with
12 respect to any will or trust instrument of the decedent found in the box, and may in its discretion
13 either:

14 (a) Make and retain in the box a copy of any documents pertaining to the disposition of the
15 remains of the decedent and tender the original documents to the interested person; or

16 (b) Provide a copy of any documents pertaining to the disposition of the remains of the decedent
17 to the interested person and retain the original documents in the box.

18 (7) If the box is opened for the purpose of making an inventory of its contents, the credit union
19 shall comply with subsection (4) or (5) of this section with respect to any will or trust instrument
20 of the decedent that is found in the box, and shall cause the inventory to be made. The inventory
21 must be attested to by a representative of the credit union and may be attested to by the interested
22 person, if the interested person is present when the inventory is made. The credit union shall retain
23 the original inventory in the box, and shall furnish a copy of the inventory to the interested person
24 upon request.

25 (8) If the interested person is an affiant of a small estate affidavit filed under ORS 114.515 and
26 delivers a certified copy of the affidavit in the manner provided by ORS 114.535, the credit union
27 shall provide to the affiant access to the decedent's property. The credit union shall comply with
28 subsection (4) or (5) of this section if a will or trust instrument of the decedent is found in the box.
29 Subject to ORS 114.537, the credit union shall allow the affiant to take possession of the personal
30 property in the box.

31 (9) The credit union may presume the truth of any statement contained in the affidavit required
32 to be furnished under this section and ORS 114.535, and when acting in reliance upon such an affi-
33 davit, the credit union is discharged as if it had dealt with the personal representative of the
34 decedent. The credit union is not responsible for the adequacy of the description of any property
35 included in an inventory of the contents of a box, or for the conversion of the property in connection
36 with actions performed under this section, except for conversion by intentional acts of the credit
37 union or its employees, directors, officers or agents. If the credit union is not satisfied that the re-
38 quirements of this section have been satisfied, the credit union may decline to open the box.

39 (10) If the interested person or affiant does not furnish the key needed to open the box, and the
40 credit union must incur expense in gaining entry to the box, the credit union may require that the
41 interested person or affiant pay the expense of opening the box.

42 (11) Any examination of the contents of a box under this section shall be conducted in the
43 presence of at least one employee of the credit union.

44 **SECTION 84.** ORS 807.510 is amended to read:

45 807.510. (1) A person commits the offense of transfer of documents for the purposes of misrep-

1 representation if the person:

2 (a) Manufactures, produces, sells, offers for sale or transfers to another person any document
3 purporting to be a [*certificate of*] **certified copy of a record of a live** birth, certificate of baptism,
4 driver license or any other document designated by the Department of Transportation by rule as
5 acceptable for establishing age or identity; and

6 (b) Knows or has reason to know that the document may be used to represent a person as an-
7 other person in obtaining documents issued by a government agency to grant driving privileges or
8 for identification purposes.

9 (2) The offense described in this section, transfer of documents for purposes of misrepresen-
10 tation, is a Class A misdemeanor.

11 **SECTION 85.** ORS 807.720 is amended to read:

12 807.720. On or before the 15th day of each month, the Director of the Oregon Health Authority
13 shall forward to the Department of Transportation a copy of the death [*certificate covering the death,*
14 *resulting from a motor vehicle accident,*] **record** of any persons within the jurisdiction of the Director
15 of the Oregon Health Authority **who died from a motor vehicle accident** during the preceding
16 calendar month.

17 **SECTION 86.** ORS 830.485 is amended to read:

18 830.485. (1) The State Marine Board shall prepare and make available to the public forms for
19 accident reports required in ORS 830.480. The report shall call for sufficiently detailed information
20 to disclose the cause of an accident, conditions then existing, and the persons and vehicles involved.
21 Every accident report shall be made on a form approved by the board.

22 (2) The State Health Officer shall on or before the 15th day of each month forward to the board
23 a copy of the death [*certificate covering the death, resulting from a boat accident,*] **record** of any
24 persons within the jurisdiction of the State Health Officer **who died from a boat accident** during
25 the preceding calendar month.

26
27 **PLACEMENT OF PROVISIONS**

28
29 **SECTION 87.** ORS 432.060 and 432.312 are added to and made a part of ORS chapter 413.

30
31 **REPEALS**

32
33 **SECTION 88.** ORS 432.040, 432.080, 432.095, 432.105, 432.119, 432.122, 432.130 and 432.300 are
34 repealed.

35
36 **OPERATIVE DATE**

37
38 **SECTION 89.** (1) Sections 5, 6, 17, 18, 23, 24, 27, 37, 38, 43, 44 and 87 of this 2013 Act, the
39 amendments to statutes by sections 1 to 4, 7 to 16, 19 to 22, 25, 26, 28 to 36, 39 to 42 and 45
40 to 86 of this 2013 Act and the repeal of statutes by section 88 of this 2013 Act become oper-
41 ative on January 1, 2014.

42 (2) The State Registrar of the Center for Health Statistics and the Oregon Health Au-
43 thority may take any action before the operative date specified in subsection (1) of this sec-
44 tion that is necessary to enable the state registrar or authority to exercise, on and after the
45 operative date specified in subsection (1) of this section, all the duties, functions and powers

1 conferred on the state registrar and authority by sections 5, 6, 17, 18, 23, 24, 27, 37, 38, 43,
2 44 and 87 of this 2013 Act, the amendments to statutes by sections 1 to 4, 7 to 16, 19 to 22,
3 25, 26, 28 to 36, 39 to 42 and 45 to 86 of this 2013 Act and the repeal of statutes by section
4 88 of this 2013 Act.

5
6 **UNIT CAPTIONS**

7
8 **SECTION 90.** The unit captions used in this 2013 Act are provided only for the conven-
9 ience of the reader and do not become part of the statutory law of this state or express any
10 legislative intent in the enactment of this 2013 Act.

11
12 **EMERGENCY CLAUSE**

13
14 **SECTION 91.** This 2013 Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
16 on its passage.

17
