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1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: *Senators Snyder and Malone***

A Bill

ACT 1254 OF 1995
SENATE BILL 500

For An Act To Be Entitled

"AN ACT TO AMEND THE VITAL STATISTICS ACT, ARKANSAS CODE §
20-18-101, ET SEQ.; AND FOR OTHER PURPOSES."

Subtitle

"TO AMEND THE VITAL STATISTICS ACT."

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

SECTION 1. Arkansas Code 20-18-102 is amended to read as follows:

"20-18-102. Definitions.

As used in this chapter:

(1) Vital statistics means the data derived from certificates and reports of birth, death, fetal death, induced termination of pregnancy, marriage, divorce, or annulment and related reports but does not mean or include the unintentional destruction of a fetus in performance of the surgical procedure dilation and curettage;

(2) System of vital statistics includes the registration, collection, preservation, amendment, and certification of vital records, the collection of other reports required by this chapter, and activities related thereto, including the tabulation, analysis, publication and dissemination of vital statistics;

(3) Vital records means certificates or reports of birth, death, marriage, divorce, or annulment and the data related thereto;

(4) Vital reports means reports of fetal death and induced termination of pregnancy and data related thereto;

(5) File means the presentation and acceptance of a vital record provided for in this chapter for registration by the Division of Vital Records;

(6) Date of Filing means the date a vital record is accepted for

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1 registration by the Division of Vital Records.

2 (7) Registration means the process by which vital records are
3 completed, filed and incorporated into the official records of the Division of
4 Vital Records;

5 (8) Live birth means the complete expulsion or extraction from its
6 mother of a product of human conception, irrespective of the duration of
7 pregnancy, which, after the expulsion or extraction, breathes or shows any
8 other evidence of life such as beating of the heart, pulsation of the
9 umbilical cord or definite movement of voluntary muscles, whether or not the
10 umbilical cord has been cut or the placenta is attached. Heartbeats shall be
11 distinguished from transient cardiac contractions; respirations shall be
12 distinguished from fleeting respiratory efforts or gasps;

13 (9) Fetal death means death prior to the complete expulsion or
14 extraction from its mother of a product of human conception, irrespective of
15 the duration of pregnancy and which is not an induced termination of
16 pregnancy. The death is indicated by the fact that after the expulsion or
17 extraction, the fetus does not breathe or show any other evidence of life such
18 as beating of the heart, pulsation of the umbilical cord or definite movement
19 of voluntary muscles. Heartbeats shall be distinguished from the transient
20 cardiac contractions, respirations shall be distinguished from fleeting
21 respiratory efforts or gasps;

22 (A) Spontaneous fetal death, stillbirth, or miscarriage
23 means the expulsion or extraction of a product of human conception resulting
24 in other than a live birth and which is not an induced termination of
25 pregnancy;

26 (B) Induced termination of pregnancy means the purposeful
27 interruption of pregnancy with the intention other than to produce a live-born
28 infant, and which does not result in a live birth, except that this definition
29 excludes management of prolonged retention of products of conception following
30 fetal death;

31 (10) Dead body means a human body, or parts of a human body, from the
32 condition of which it reasonably may be concluded that death occurred;

33 (11) Final disposition means the burial, interment, cremation, removal
34 from Arkansas or other authorized disposition of a dead body or fetus;

35 (12) Physician means a person authorized or licensed to practice

1 medicine, chiropractic, or osteopathy pursuant to the laws of this state;

2 (13) Institution means any establishment, public or private, which
3 provides inpatient or out-patient medical, surgical, or diagnostic care or
4 treatment or nursing, custodial, or domiciliary care, or to which persons are
5 committed by law;

6 (14) State Registrar means the State Registrar of Vital Records;

7 (15) Board means the State Board of Health."
8

9 SECTION 2. Arkansas Code 20-18-103 is amended to read as follows:

10 "20-18-103. Applicability.

11 The provisions of this chapter also apply to all certificates of birth,
12 death, marriage, divorce, or annulment, and reports of fetal death and induced
13 termination of pregnancy previously received by the Division of Vital Records
14 and in the custody of the State Health Department."
15

16 SECTION 3. Arkansas Code 20-18-104 is repealed.
17

18 SECTION 4. Arkansas Code 20-18-105 is amended to read as follows:

19 "20-18-105. Penalties.

20 (a) The following persons shall be punished by a fine of not more than
21 ten thousand dollars (\$10,000) or by imprisonment for not more than five (5)
22 years, or both:

23 (1) Any person who willfully and knowingly makes any false
24 statement in a certificate, record, or report required to be filed under this
25 chapter, or in an application for an amendment thereof or in an application
26 for a certified copy of a vital record or who willfully and knowingly supplies
27 false information intending that the information be used in the preparation of
28 any report, record, or certificate, or amendment thereof;

29 (2) Any person who without lawful authority and with the intent
30 to deceive, makes, counterfeits, alters, amends, or mutilates any certificate,
31 record, or report required to be filed under this chapter or a certified copy
32 of such certificate, record, or report;

33 (3) Any person who willfully and knowingly obtains, possesses,
34 uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish
35 to another, for any purpose of deception, any certificate, record, report, or

1 certified copy thereof so made, counterfeited, altered, amended, or mutilated
2 or which is false in whole or in part or which relates to the birth of another
3 person, whether living or deceased;

4 (4) Any employee of the Division of Vital Records or any office
5 designated under 20-18-203(b) who willfully and knowingly furnishes or
6 processes a certificate of birth, or certified copy of a certificate of birth,
7 with the knowledge or intention that it be used for the purposes of deception;

8 (5) Any person who, without lawful authority, possesses any
9 certificate, record, or report required by this chapter or a copy or certified
10 copy of the certificate, record, or report knowing that it has been stolen or
11 otherwise unlawfully obtained.

12 (b) The following persons shall be punished by a fine of not more than
13 one thousand dollars (\$1,000) or by imprisonment for not more than one (1)
14 year, or both:

15 (1) Any person who willfully and knowingly refuses to provide
16 information required by this chapter or regulations adopted pursuant to it;

17 (2) Any person who willfully and knowingly transports or accepts
18 for transportation, interment, or other disposition, a dead body without an
19 accompanying permit as provided in this chapter; or

20 (3) Any person who willfully and knowingly neglects or violates
21 any of the provisions of this chapter or refuses to perform any of the duties
22 imposed upon him or her by this chapter."

23

24 SECTION 5. Arkansas Code 20-18-201 is amended to read as follows:

25 "20-18-201. Division of Vital Records.

26 (a) There is established in the Department of Health, a Division of
27 Vital Records which shall install, maintain, and operate the only system of
28 vital statistics throughout this state.

29 (b) The Division of Vital Records shall be provided with sufficient
30 staff, suitable offices, and other resources for the proper administration of
31 the statewide system of vital statistics and for the preservation and security
32 of its official records."

33

34 SECTION 6. Arkansas Code 20-18-202 is amended to read as follows:

35 "20-18-202. Regulatory powers of the State Board of Health.

1 The board is authorized to adopt, amend, and repeal rules and
2 regulations for the purpose of carrying out the provisions of this chapter.
3 *All rules and regulations adopted under this chapter shall be reviewed by the*
4 *Joint Interim Committee on Public Health, Welfare, and Labor or an appropriate*
5 *subcommittee of the committee.*

6

7 SECTION 7. Arkansas Code 20-18-203 is amended to read as follows:

8 "20-18-203. State Registrar of Vital Records.

9 (a) The Director of the Department of Health shall appoint the State
10 Registrar of Vital Records.

11 (b)(1) The state registrar shall:

12 (A) Administer and enforce the provisions of this chapter
13 and the rules and regulations issued hereunder and issue instructions for the
14 efficient administration of the statewide system of vital statistics;

15 (B) Direct and supervise the statewide system of vital
16 statistics and the Division of Vital Records and be custodian of its records;

17 (C) Direct, supervise, and control the activities of all
18 persons when they are engaged in activities pertaining to the operation of the
19 statewide system of vital statistics;

20 (D) Conduct training programs to promote uniformity of
21 policy and procedures throughout the state in matters pertaining to the system
22 of vital statistics;

23 (E) Prescribe, with the approval of the board, furnish, and
24 distribute forms required by this chapter and the regulations issued hereunder
25 or prescribe such other means for transmission of data as will accomplish the
26 purpose of complete and accurate registration;

27 (F) Prepare and publish reports of vital statistics of this
28 state and such other reports as may be required by the board;

29 (G) Provide to local health agencies copies of or data
30 derived from certificates and reports required under this chapter, as deemed
31 necessary for local health planning and program activities.

32 (i) The State Registrar shall establish a schedule
33 with each local health agency for transmittal of the copies or data.

34 (ii) The copies or data shall remain the property of
35 the Division of Vital Records, and the uses which may be made of them shall be

1 governed by the State Registrar.

2 (2) The state registrar may establish or designate additional
3 offices in the state to aid in the efficient administration of the statewide
4 system of vital statistics.

5 (3) The state registrar may delegate functions and duties vested
6 in him or her to employees of the Division of Vital Records and to employees
7 of an office established or designated under subdivision (b) (2) of this
8 section.

9 (4) The state registrar shall provide copies of certificates or
10 reports required under this chapter or data derived from such certificates or
11 reports, as deemed necessary, to the Division of Health Statistics for
12 statistical analysis and presentation.

13 (A) The state registrar shall establish a schedule for the
14 transmittal with the division.

15 (B) The records or data shall remain the property of the
16 Division of Vital Records and the uses which may be made of the records or
17 data shall be governed by the state registrar.

18 (C) A schedule for the disposition of the certificates,
19 reports, or data provided under subdivision (b) (4) of this section shall be
20 established by the state registrar.

21 (5) To protect the integrity of vital records and to prevent the
22 fraudulent use of birth certificates of deceased persons, the State Registrar
23 may match birth and death certificates, in accordance with regulations, which
24 require proof beyond a reasonable doubt of the fact of death and to post the
25 facts of death to the appropriate birth certificate and mark the birth
26 certificate Deceased. Copies issued from birth certificates of deceased
27 persons shall be similarly marked."

28

29 SECTION 8. Arkansas Code 20-18-301 is amended to read as follows:

30 "20-18-301. Content of certificates and reports.

31 (a) In order to promote and maintain nationwide uniformity in the
32 system of vital statistics, the forms of certificates, reports, and records
33 required by this chapter, or by regulations adopted hereunder, shall include
34 as a minimum the items recommended by the federal agency responsible for
35 national vital statistics.

1 (b) Each certificate, report, record, and form required by this act
2 shall be prepared in the format approved by the State Registrar.

3 (c) All vital records and reports shall contain the date of filing.

4 (d) Information required in certificates, reports, records or forms
5 authorized by this chapter may be filed, verified, registered and stored by
6 photographic, electronic, or other means as prescribed by the state
7 registrar."

8

9 SECTION 9. Arkansas Code 20-18-302 is amended to read as follows:

10 "20-18-302. Persons required to keep records.

11 (a) Every person in charge of an institution as defined in this
12 chapter shall keep a record of personal data concerning each person admitted
13 or confined to the institution.

14 (1) This record shall include such information as required by the
15 certificates of birth and death and the reports of fetal death and induced
16 termination of pregnancy forms required by this chapter.

17 (2) The record shall be made at the time of admission from
18 information provided by the person being admitted or confined, but when it
19 cannot be so obtained, the information shall be obtained from relatives or
20 other persons acquainted with the facts. The name and address of the person
21 providing the information shall be a part of the record.

22 (b) When a dead body is released or disposed of by an institution, the
23 person in charge of the institution shall keep a record showing the name of
24 the decedent, date of death, name and address of the person to whom the body
25 or fetus is released, date of removal from the institution; or if finally
26 disposed of by the institution, the date, place, and manner of disposition
27 shall be recorded.

28 (c) A funeral director, embalmer, sexton or other person who removes
29 from the place of death or transports or finally disposes of a dead body or
30 fetus, in addition to filing any certificate or other report required by this
31 chapter or regulations promulgated hereunder, shall keep a record which shall
32 identify the body, and such information pertaining to the receipt, removal,
33 and delivery of the body as may be required in regulations adopted by the
34 board.

35 (d) Records maintained under this section shall be retained for a

1 period of not less than one (1) year and shall be made available for
2 inspection by the state registrar or his or her representative upon demand."

3

4 SECTION 10. Arkansas Code 20-18-303 is amended to read as follows:

5 "20-18-303. Duty to furnish information.

6 (a) Any person having knowledge of the facts shall furnish such
7 information as he may possess regarding any birth, death, spontaneous fetal
8 death, induced termination of pregnancy, marriage, divorce, or annulment upon
9 demand of the state registrar.

10 (b) Any person or institution that in good faith provides information
11 required by this chapter or regulations promulgated hereunder shall not be
12 subject to any action for damages.

13 (c) Not later than the tenth day of the month following the month of
14 occurrence, the administrator of each institution shall send to the Division
15 of Vital Records a list showing all births and deaths occurring in that
16 institution during the preceding month. The lists shall be on forms approved
17 by the State Registrar.

18 (d) Not later than the tenth day of the month following the month of
19 occurrence, each funeral director shall send to the Division of Vital Records
20 a list showing all dead bodies embalmed or otherwise prepared for final
21 disposition or dead bodies finally disposed of by the funeral director during
22 the preceding month. The list shall be made on forms provided by the State
23 Registrar."

24

25 SECTION 11. Arkansas Code 20-18-304 is amended to read as follows:

26 "20-18-304. Disclosure of information prohibited - Exceptions.

27 (a) To protect the integrity of vital records and vital reports, to
28 insure their proper use, and to insure the efficient and proper administration
29 of the system of vital statistics, it shall be unlawful for any person to
30 permit inspection of or to disclose information contained in vital records or
31 vital reports or to copy or issue a copy of all or part of any record or
32 report except as authorized by this chapter and by regulation or by order of a
33 court of competent jurisdiction. The regulations shall provide for adequate
34 standards of security and confidentiality of vital records and vital reports.

35 (b) The board may authorize by regulation the disclosure of information

1 contained in vital records for research purposes. Disclosure of information
2 which may identify any person or institution named in any vital record or
3 vital report may be made only pursuant to regulations which require submission
4 of written requests for information by researchers and execution of agreements
5 that protect the confidentiality of the information provided. The agreements
6 shall prohibit the release by the researcher of any information that might
7 identify any person or institution other than releases that may be provided
8 for in the agreement. For purposes of this act research means a systematic
9 investigation designed primarily to develop or contribute to generalizable
10 knowledge. Nothing in this act prohibits the release of information or data
11 which would not identify any person or institution named in a vital record or
12 vital report.

13 (c) Appeals from decisions of custodians of vital records or vital
14 reports designated under 20-18-203(b), who refuse to disclose information from
15 records or reports as prescribed by this section and the regulations issued
16 hereunder, shall be made to the state registrar, whose decision shall be
17 binding upon such custodians."

18

19 SECTION 12. Arkansas Code 20-18-305 is amended to read as follows:

20 "20-18-305. Issuance of certified copies and data from the vital
21 statistics system.

22 In accordance with § 20-18-304 and the regulations adopted pursuant
23 thereto:

24 (1) The state registrar and other custodians of vital records
25 designated by the state registrar under 20-18-203(b)(2), shall upon receipt of
26 written application issue a certified copy of a vital record in his or her
27 custody or a part thereof to the registrant, his or her spouse, child, parent,
28 guardian or their respective authorized designated representative. Others may
29 be authorized to obtain certified copies when they demonstrate that the record
30 is needed for the determination or protection of his or her personal or
31 property rights. The board may adopt regulations to further define those who
32 may obtain copies of vital records filed under this act.

33 (2) All forms and procedures used in the issuance of certified copies
34 of vital records in the state shall be uniform and approved by the state
35 registrar. All certified copies issued shall have security features that

1 deter persons from altering, counterfeiting, duplicating or simulating the
2 document.

3 (3) Each copy or abstract issued shall show the date of registration
4 and copies or abstracts issued from records marked _Delayed, _Amended, or
5 _Certificate of Foreign Birth_ shall be similarly marked and show the
6 effective date;

7 (4) A certified copy or other copy of a death certificate containing
8 cause of death information shall not be issued except as follows:

9 (A) upon specific request of a spouse, child, parent, or other
10 next of kin of the decedent or an authorized representative;

11 (B) when a documented need for the cause of death to establish a
12 legal right or claim has been demonstrated;

13 (C) when the request for the copy is made by or on the behalf of
14 an organization that provides benefits to the decedent_s survivors or
15 beneficiaries;

16 (D) upon specific request by local, state, or federal agencies
17 for research or administrative purposes approved by the State Registrar;

18 (E) when needed for research activities approved by the State
19 Registrar; or

20 (F) upon receipt of an order from a court of competent
21 jurisdiction ordering such release;

22 (5) A certified copy of a vital record or any part thereof, issued in
23 accordance with subdivision (1) of this section, shall be considered for all
24 purposes the same as the original and shall be prima facie evidence of the
25 facts stated therein, provided that the evidentiary value of a certificate or
26 record filed more than one (1) year after the event, or a record which has
27 been amended, or a certificate of foreign birth shall be determined by the
28 judicial or administrative body or official before whom the certificate is
29 offered as evidence;

30 (6) The federal agency responsible for national vital statistics may be
31 furnished such copies or data from the system of vital statistics as it may
32 require for national statistics. The State Registrar shall enter into an
33 agreement with the federal agency that specifies the statistical or research
34 purposes for which the records, reports or data may be used. The agreement
35 shall also set forth the support to be provided by the federal agency for the

1 collection, processing and transmission of such records, reports or data.
2 Upon written request of the federal agency, the state registrar may approve,
3 in writing, additional statistical or research uses of the records, reports or
4 data supplied under the agreement;

5 (7) Federal, state, local, and other public government agencies may,
6 upon request, be furnished copies of records, reports or data, provided that
7 the copies or data shall be used solely in the conduct of their official
8 duties;

9 (8) (A) The state registrar may, by agreement, transmit copies of
10 records and other reports required by this chapter to offices of vital
11 statistics outside this state when the records or other reports relate to
12 residents of those jurisdictions or persons born in those jurisdictions.

13 (i) The agreement shall require that the transcripts be
14 used for statistical and administrative purposes only as specified in the
15 agreement; and

16 (ii) The agreement shall provide instruction for the proper
17 retention and disposition of copies;

18 (B) Copies received from other jurisdictions by the Division of
19 Vital Statistics shall be handled in the same manner as prescribed in
20 subdivision (8) of this section;

21 (9) When one hundred (100) years have elapsed after the date of birth
22 or fifty (50) years have elapsed after the date of death, marriage, divorce,
23 or annulment, the records of these events in the custody of the State
24 Registrar shall become available to the public without restriction, in
25 accordance with regulations which shall provide for the continued safekeeping
26 of the records.

27 (10) Nothing in this section shall be construed to permit disclosure of
28 information contained in the Information for Medical and Health Use Only
29 section of the birth certificate or the Information for Statistical Purposes
30 Only section of the certificate of marriage or certificate of divorce or
31 annulment, unless specifically authorized by the State Registrar for
32 statistical or research purposes.

33 (11) No person shall prepare or issue any certificate which purports to
34 be an original, certified copy, or copy of a vital record except as authorized
35 in this chapter or regulations adopted pursuant to it;

1 (12) When the State Registrar receives information that a certificate
2 may have been registered through fraud or misrepresentation, he or she shall
3 withhold issuance of any copy of that certificate pending an administrative
4 hearing to determine whether fraud or misrepresentation has occurred. The
5 State Registrar shall offer the registrant or the registrant_s authorized
6 representative notice and opportunity to be heard. If upon conclusion of the
7 hearing no fraud or misrepresentation is found, copies may be issued. If upon
8 conclusion of the hearing, fraud or misrepresentation is found, the State
9 Registrar shall remove the certificate from the file. The certificate and
10 evidence shall be retained but shall not be subject to inspection or copying,
11 except upon order of a court of competent jurisdiction or by the State
12 Registrar for purposes of administering the vital statistics program."
13

14 SECTION 13. Arkansas Code 20-18-306 is amended to read as follows:

15 "20-18-306. Fees for certified copies.

16 (a) (1) All fees for certified copies of vital records or reports under
17 the Vital Statistics Act are listed in A.C.A. § 20-7-123.

18 (2) However, certified copies of the records shall be furnished
19 to veterans or their dependents without costs when the Department of Veterans
20 Affairs requires certified copies of the records.

21 (A) Any veteran or his dependents shall make application
22 and shall execute an unnotarized affidavit that he is a veteran or a dependent
23 of a veteran in order to obtain the free certified copy of any record.

24 (B) Any person who falsely or fraudulently makes an
25 application and unnotarized affidavit that he is a veteran or a dependent of a
26 veteran when the person is not a veteran or a dependent of a veteran shall be
27 guilty of a misdemeanor. Upon conviction, the person shall be subject to a
28 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty
29 dollars (\$250), or imprisonment for not less than thirty (30) days nor more
30 than six (6) months, or both such fine and imprisonment."
31

32 SECTION 14. Arkansas Code 20-18-307 is amended to read as follows:

33 "20-18-307. Amendment of Vital Records and Reports.

34 (a) A certificate, report or record registered under this chapter may
35 be amended only in accordance with this chapter and regulations adopted by the

1 board to protect the integrity and accuracy of vital records and reports.

2 (b) (1) A certificate, report or record that is amended under this
3 section shall be marked Amended. The date of amendment, the identity of the
4 person making the amendment and a summary description of the evidence
5 submitted in support of the amendment shall be made a part of the record or
6 report.

7 (2) The board shall prescribe by regulation the conditions under
8 which additions or minor corrections may be made to certificates or records
9 within one (1) year after the date of the event without the certificate or
10 record being considered as amended.

11 (c) Upon receipt of a certified copy of an order of a court of
12 competent jurisdiction changing the name of a person born in this state and
13 upon request of the person or his or her parents, guardian or legal
14 representative, the state registrar shall amend the certificate of birth to
15 show the new name.

16 (d) Upon receipt of a certified copy of an order of a court of
17 competent jurisdiction indicating that the sex of an individual born in this
18 state has been changed by surgical procedure and that such individual's name
19 has been changed, the certificate of birth of such individual shall be amended
20 accordingly.

21 (e) When an applicant does not submit the minimum documentation required
22 in the regulations for amending a vital record or when the state registrar has
23 cause to question the validity or adequacy of the applicant's sworn statements
24 or the documentary evidence and if the deficiencies are not corrected, the
25 state registrar shall not amend the vital record and shall advise the
26 applicant of the reason for this action. The state registrar shall advise the
27 applicant of his or her right of appeal to a court of competent jurisdiction.

28 (f) When a certificate or record is amended under this section by the
29 state registrar, the state registrar shall report the amendment to any other
30 custodian of the vital record and the record shall be amended accordingly.

31 (g) When an amendment is made to a certificate of marriage, divorce, or
32 annulment by the local official issuing the marriage license or the court
33 entering the decree of divorce or annulment, copies of the amendment shall be
34 forwarded to the state registrar."

35

1 SECTION 15. Arkansas Code 20-18-308 is amended to read as follows:

2 "20-18-308. Reproduction.

3 (a) To preserve vital records, the state registrar is authorized to
4 prepare typewritten, photographic, electronic, or other reproductions of
5 original records and files in the Division of Vital Records.

6 (b) The reproductions, when verified and approved by the state
7 registrar, shall be accepted as the original records.

8 (c) The documents from which permanent reproductions have been made may
9 be disposed of as provided by regulation."

10

11 SECTION 16. Arkansas Code 20-18-401 is amended to read as follows:

12 "20-18-401. Birth registration generally.

13 (a) A certificate of birth for each live birth which occurs in this
14 state shall be filed with the Division of Vital Records, or as otherwise
15 directed by the state registrar, within ten (10) days after the birth and
16 shall be registered if it has been completed and filed in accordance with this
17 section.

18 (b) When a birth occurs in an institution or en route thereto, the
19 person in charge of the institution or his or her authorized designee shall
20 obtain the personal data, prepare the certificate, certify that the child was
21 born alive at the place, time and date stated on the certificate either by
22 signature or in an approved electronic process, and file the certificate as
23 directed in subsection (a). The physician or other person in attendance shall
24 provide the medical information required by the certificate within seventy-two
25 (72) hours after the birth.

26 (c) When a birth occurs outside an institution,

27 (1) the certificate shall be prepared and filed by one (1) of the
28 following in the indicated order of priority:

29 (A) The physician in attendance at or immediately after the
30 birth, or in the absence of such a person;

31 (B) Any other person in attendance at or immediately after
32 the birth, or in the absence of such a person;

33 (C) The father, the mother, or in the absence of the father
34 and the inability of the mother, the person in charge of the premises where
35 the birth occurred.

1 (2) the Division of Vital Records shall determine what evidence
2 may be required to establish the fact of birth.

3 (d) When a birth occurs on a moving conveyance within the United States
4 and the child is first removed from the conveyance in this state, the birth
5 shall be registered in this state and the place where it is first removed
6 shall be considered the place of birth. When a birth occurs on a moving
7 conveyance while in international waters or air space or in a foreign country
8 or its air space and the child is first removed from the conveyance in this
9 state, the birth shall be registered in this state, but the certificate shall
10 show the actual place of birth insofar as can be determined.

11 (e) For the purposes of birth registration, the mother is deemed to be
12 the woman who gives birth to the child, unless otherwise provided by state law
13 or determined by a court of competent jurisdiction prior to the filing of the
14 birth certificate. The information about the father shall be entered as
15 provided in subsection (f).

16 (f)(1) If the mother was married at the time of either conception or
17 birth, or between conception and birth, the name of the husband shall be
18 entered on the certificate as the father of the child, unless:

19 (A) paternity has been determined otherwise by a court of
20 competent jurisdiction; or

21 (B) the mother executes an affidavit attesting that the
22 husband is not the father and that the putative father is the father, and the
23 putative father executes an affidavit attesting that he is the father and the
24 husband executes an affidavit attesting that he is not the father. Affidavits
25 may be joint or individual or a combination thereof, and each signature shall
26 be individually notarized. In such event, the putative father shall be shown
27 as the father on the certificate and the parents may give the child any
28 surname they choose.

29 (2) If the mother was not married at the time of either
30 conception or birth or between conception and birth, the name of the father
31 shall not be entered on the certificate of birth without an affidavit of
32 paternity signed by the mother and the person to be named as the father. The
33 parents may give the child any surname they choose.

34 (3) In any case in which paternity of a child is determined by a
35 court of competent jurisdiction, the name of the father and surname of the

1 child shall be entered on the certificate of birth in accordance with the
2 finding and order of the court.

3 (4) If the father is not named on the certificate of birth, no
4 other information about the father shall be entered on the certificate.

5 (g) Either of the parents of the child, or other informant, shall
6 verify by signature or electronic process the accuracy of the personal data to
7 be entered on the certificate in time to permit the filing of the certificate
8 within the ten (10) days prescribed in this section.

9 (h) Certificates of birth filed after ten (10) days, but within one (1)
10 year from the date of birth shall be registered on the standard form of live
11 birth certificate in the manner prescribed above. Such certificates shall not
12 be marked Delayed. The State Registrar may require additional evidence in
13 support of the facts of birth."

14

15 SECTION 17. Arkansas Code 20-18-402 is amended to read as follows:

16 "20-18-402. Delayed registration of birth.

17 (a) When the certificate of birth of a person born in the state has not
18 been filed within one (1) year, a delayed certificate of birth may be filed in
19 accordance with regulations of the board. No delayed certificate shall be
20 registered until the evidentiary requirements as specified in regulations have
21 been met.

22 (b) Such birth shall be registered on a delayed certificate of birth
23 form and show on its face the date of registration. The delayed certificate
24 shall contain a summary statement of the evidence submitted in support of the
25 delayed registration.

26 (c) No delayed certificate of birth shall be registered for a deceased
27 person.

28 (d) (1) When an applicant does not submit the minimum documentation
29 required in the regulations for delayed registration or when the state
30 registrar has cause to question the validity or adequacy of the applicant's
31 sworn statement or the documentary evidence, and, if the deficiencies are not
32 corrected, the state registrar shall not register the delayed certificate of
33 birth and shall advise the applicant of the reasons for this action. The state
34 registrar shall further advise the applicant of his or her right of appeal to
35 a court of competent jurisdiction.

1 (2) The board may by regulation provide for the dismissal of an
2 application which is not actively prosecuted.

3

4 SECTION 18. Arkansas Code 20-18-403 is amended to read as follows:

5 "20-18-403. Judicial procedure to register birth.

6 (a) If the state registrar refuses to file a certificate of birth under
7 the provisions of § 20-18-401 or § 20-18-402, a petition may be filed with a
8 court of competent jurisdiction for an order establishing a record of the date
9 and place of the birth and the parentage of the person whose birth is to be
10 registered.

11 (b) The petition shall be made on a form prescribed and furnished or
12 approved by the state registrar and shall allege:

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

15 (2) That no certificate of birth of the person can be found in
16 the Division of Vital Records;

17 (3) That diligent efforts by the petitioner have failed to obtain
18 the evidence required in accordance with § 20-18-401 or § 20-18-402 and
19 regulations adopted pursuant thereto;

20 (4) That the state registrar has refused to file a certificate of
21 birth; and

22 (5) Such other allegations as may be required.

23 (c) The petition shall be accompanied by a statement of the state
24 registrar made in accordance with § 20-18-401 or § 20-18-402 and all
25 documentary evidence which was submitted to the state registrar in support of
26 the registration.

27 (d) The court shall fix a time and place for hearing the petition and
28 shall give the state registrar ten (10) days' notice of the hearing. The state
29 registrar or his or her authorized representative may appear and testify in
30 the proceeding.

31 (e) If the court finds, from the evidence presented, that the person
32 for whom a certificate of birth is sought was born in the state, it shall make
33 findings as to the place and date of birth, parentage, and other findings as
34 the case may require and shall issue an order, on a form prescribed and
35 furnished or approved by the state registrar, to establish a court order

1 certificate of birth. This order shall include the birth data to be
2 registered, a description of the evidence presented, and the date of the
3 court's action.

4 (f) The clerk of court shall forward each order to the state registrar
5 not later than the tenth day of the calendar month following the month in
6 which it was entered. The order shall be registered by the state registrar and
7 shall constitute the court order certificate of birth."

8

9 SECTION 19. Arkansas Code 20-18-404 is amended to read as follows:

10 "20-18-404. Infants of unknown parentage.

11 (a) Whoever assumes the custody of a live-born infant of unknown
12 parentage shall report on a form and in a manner prescribed by the state
13 registrar within ten (10) days to the Division of Vital Records the following
14 information:

15 (1) The date and city and/or county of finding;

16 (2) Sex and approximate birth date of child;

17 (3) Name and address of the person or institution with whom the
18 child has been placed for care;

19 (4) Name given to the child by the custodian of the child; and

20 (5) Other data required by the state registrar.

21 (b) The place where the child was found shall be entered as the place
22 of birth.

23 (c) A report registered under this section shall constitute the
24 certificate of birth for the child.

25 (d) If the child is identified and a certificate of birth is found or
26 obtained, the report registered under this section shall be placed in a
27 special file and shall not be subject to inspection except upon order of a
28 court of competent jurisdiction or as provided by regulation."

29

30 SECTION 20. Arkansas Code 20-18-405 is amended to read as follows:

31 "20-18-405. Adoption - Court reports.

32 (a) For each adoption decreed by a court of competent jurisdiction in
33 this state, the court shall require the preparation of a certificate of
34 adoption on a form prescribed and furnished by the state registrar. The
35 certificate of adoption shall include such facts as are necessary to locate

1 and identify the certificate of birth of the person adopted or, in the case of
2 a person who was born in a foreign country, evidence from sources determined
3 to be reliable by the court as to the date and place of birth of such person.

4 The certificate of adoption shall also provide information necessary to
5 establish a new certificate of birth of the person adopted, and identify the
6 order of adoption. The report shall be certified by the clerk of court.

7 (b) Information necessary to prepare the report of adoption shall be
8 furnished by each petitioner for adoption or his or her attorney.

9 (1) The social service agency or any person having knowledge of
10 the facts shall supply the court with such information as may be necessary to
11 complete the report.

12 (2) The provision of the information shall be a prerequisite to
13 the issuance of a final decree in the matter by the court.

14 (c) Whenever an adoption decree is amended or annulled, the clerk of
15 the court shall prepare a report, which shall include such facts as are
16 necessary to identify the original certificate of adoption and the facts
17 amended in the adoption decree as are necessary to properly amend the birth
18 record.

19 (d) Not later than the tenth day of each calendar month, or more
20 frequently as directed by the state registrar, the clerk of the court shall
21 forward to the state registrar certificates of adoption, reports of annulments
22 of adoption, or amendments of certificates of adoption entered in the
23 preceding month, together with related reports as the state registrar shall
24 require.

25 (e) When the state registrar receives a certificate of adoption or
26 report of annulment of adoption or amendment of a certificate of adoption from
27 a court for a person born outside this state, the report shall be forwarded to
28 the state registrar in the state of birth.

29 (f) If the birth occurred in a foreign country, and the child was not a
30 citizen of the United States at the time of birth, the State Registrar shall
31 prepare a Certificate of Foreign Birth as provided by 20-18-406. If the
32 child was born in Canada, the State Registrar shall also send a copy of the
33 certificate of adoption, report of annulment of adoption, or amendment of a
34 certificate of adoption to the appropriate registration authority in that
35 country.

1 (g) If the child was born in a foreign country but was a citizen of the
2 United States at the time of birth, the State Registrar shall not prepare a
3 _Certificate of Foreign Birth_ but shall notify the adoptive parents of the
4 procedures for obtaining a revised birth certificate for their child through
5 the United States Department of State."

6

7 SECTION 21. Arkansas Code 20-18-406 is amended to read as follows:

8 "20-18-406. New certificates.

9 (a) The state registrar shall establish a new certificate of birth for
10 a person born in this state when he or she receives the following:

11 (1) A certificate of adoption as provided in § 20-18-405, or a
12 certificate of adoption prepared and filed in accordance with the laws of
13 another state or foreign country, or a certified copy of the decree of
14 adoption, together with the information necessary to identify the original
15 certificate of birth and to establish a new certificate of birth. However, a
16 new certificate of birth shall not be established if so requested by the court
17 decreeing the adoption, the adoptive parents, or the adopted person;

18 (2) A request that a new certificate be established and any
19 evidence, as required by regulation, proving that the person has been
20 legitimated, or that a court of competent jurisdiction has determined the
21 paternity of the person or that both parents have acknowledged the paternity
22 of the person and request that the surname be changed from that shown on the
23 original certificate.

24 (b) When a new certificate of birth is established, the actual city
25 and/or county and date of birth shall be shown. The new certificate shall be
26 substituted for the original certificate of birth. Thereafter, the original
27 certificate and the evidence of adoption, paternity determination, or
28 legitimation shall not be subject to inspection except upon order of an
29 Arkansas court of competent jurisdiction or as provided by regulation.

30 (c) Upon receipt of a report of an amended certificate of adoption, the
31 certificate of birth shall be amended as provided by regulation.

32 (d) Upon receipt of a report of annulment of adoption, the original
33 certificate of birth shall be restored to its place in the files, and the new
34 certificate and evidence shall not be subject to inspection except upon order
35 of a court of competent jurisdiction or as provided by regulation.

1 (e) Upon written request of both parents and receipt of a sworn
2 acknowledgment of paternity signed by both parents of a child born out of
3 wedlock, the State Registrar shall reflect paternity on the certificate of
4 birth in the manner prescribed by regulation if paternity is not already shown
5 on the certificate of birth.

6 (f) (1) The State Registrar of Vital Records shall, upon request,
7 prepare and register an Arkansas certificate of birth for a person born in a
8 foreign country, who is not a citizen of the United States, and for whom a
9 final order of adoption has been entered in a court of competent jurisdiction
10 in Arkansas when he or she receives the following:

11 (A) A certificate of adoption as provided in § 20-18-405;

12 (B) Proof of the date and place of the adopted child's
13 birth;

14 (C) A request by the court decreeing the adoption, the
15 adoptive parents, or the adopted person if eighteen (18) years of age or
16 older.

17 (2) After preparation of the birth certificate in the new name of
18 the adopted person, the State Registrar of Vital Records shall seal and file
19 the certificate of adoption. This certificate shall not be subject to
20 inspection except upon order of a court of competent jurisdiction or as
21 provided by regulation or as otherwise provided by state law.

22 (3) The birth certificate shall show the actual foreign country
23 of birth, and shall state that the certificate is not evidence of United
24 States citizenship for the child for whom it is issued.

25 (g) If no certificate of birth is on file for the person for whom a new
26 birth certificate is to be established under this section and the date and
27 place of birth have not been determined in the adoption or paternity
28 proceedings, a delayed certificate of birth shall be filed with the state
29 registrar as provided in § 20-18-402 or § 20-18-403 before a new certificate
30 of birth is established. The new birth certificate shall be prepared on the
31 delayed birth certificate form.

32 (h) When a new certificate of birth is established by the State
33 Registrar, all copies of the original certificate of birth in the custody of
34 any other custodian of vital records in this state shall be sealed from
35 inspection or forwarded to the State Registrar as he or she shall direct."

1

2 SECTION 22. Arkansas Code 20-18-408 is amended to read as follows:

3 "20-18-408. Notice to parents regarding affidavits of paternity.

4 Upon the birth of a child to a woman that was unmarried at the time of
5 either conception or birth or between conception and birth, the person
6 responsible under § 20-18-401 for providing birth registration information
7 shall:

8 (1) Provide an opportunity for the child's mother and natural father to
9 complete an affidavit acknowledging paternity, to include such information as
10 is required by the court to establish paternity and establish a child support
11 obligation and to be filed with the Division of Vital Records of the
12 Department of Health;

13 (2) Provide written information, furnished by the Office of Child
14 Support Enforcement, to the child's mother and natural father explaining the
15 implications of signing an affidavit of paternity and parental rights and
16 responsibilities; and

17 (3) Provide written information, furnished by the Office of Child
18 Support Enforcement, to the child's mother regarding the benefits of having
19 her child's paternity established and the availability of paternity
20 establishment services, including a request for support enforcement services."

21 SECTION 23. Arkansas Code 20-18-501 is amended to read as follows:

22 "20-18-501. Marriage registration.

23 (a) A record of each marriage performed in this state shall be filed
24 with the Division of Vital Records and shall be registered if it has been
25 completed and filed in accordance with this section.

26 (b) The official who issues the marriage license shall prepare the
27 record on the form prescribed by the state registrar upon the basis of
28 information obtained from one of the parties to be married.

29 (c) Every person who performs a marriage shall certify the fact of
30 marriage and return the record to the official who issued the license within
31 fifteen (15) days after the ceremony.

32 (d) Every official issuing marriage licenses shall complete and forward
33 to the Division of Vital Records on or before the thirtieth day of each
34 calendar month the records of marriages filed with him or her during the
35 preceding calendar month.

1 (e) A marriage record not filed within the time prescribed by statute
2 may be registered in accordance with regulations of the board."

3

4 SECTION 24. Arkansas Code 20-18-502 is amended to read as follows:

5 "20-18-502. Divorce or annulment registration.

6 (a) For each divorce or annulment granted by any court in this state, a
7 record shall be filed by the clerk of court with the Division of Vital Records
8 and shall be registered if it has been completed and filed in accordance with
9 this section.

10 (1) The record shall be prepared on a form prescribed and
11 furnished by the state registrar by the petitioner or his or her legal
12 representative and shall be presented to the clerk of court with the petition.

13 (2) In all cases, the completed record shall be a prerequisite to
14 the entry of the decree.

15 (b) The clerk of court shall complete and forward to the Division of
16 Vital Records on or before the thirtieth day of each calendar month the
17 records of each divorce or annulment filed with him or her during the
18 preceding calendar month."

19

20 SECTION 25. Arkansas Code 20-18-601 is amended to read as follows:

21 "20-18-601. Registration generally.

22 (a) A death certificate for each death which occurs in this state
23 shall be filed with the Division of Vital Records, or as otherwise directed by
24 the state registrar, within ten (10) days after death or the finding of a dead
25 body shall be registered if it has been completed and filed in accordance with
26 this section.

27 (1) If the place of death is unknown but the body is found in
28 this state, the death certificate shall be completed and filed in accordance
29 with this section. The place where the body is found shall be shown as the
30 place of death. If the date of death is unknown, it shall be determined by
31 approximation. If the date cannot be determined by approximation, the date
32 found shall be entered and identified as such.

33 (2) (A) When death occurs in a moving conveyance in the United
34 States and the body is first removed from the conveyance in this state, the
35 death shall be registered in this state and the place where it is first

1 removed shall be considered the place of death.

2 (B) When a death occurs on a moving conveyance while in
3 international waters or air space or in a foreign country or its air space and
4 the body is first removed from the conveyance in this state, the death shall
5 be registered in this state but the certificate shall show the actual place of
6 death insofar as can be determined.

7 (C) In all other cases, the place where death is pronounced
8 shall be considered the place where death occurred.

9 (b) The funeral director, or person acting as such, who first assumes
10 custody of the dead body shall file the death certificate. He or she shall
11 obtain the personal data from the next of kin or the best qualified person or
12 source available and shall obtain the medical certification from the person
13 responsible therefor, as set forth in subsection (c) of this section. The
14 funeral director, or person acting as such, shall provide a death certificate
15 that contains sufficient information to identify the decedent to the
16 certifier.

17 (c) The medical certification shall be completed, signed, and returned
18 to the funeral director within two (2) business days after receipt of the
19 death certificate by the physician in charge of the patient's care for the
20 illness or condition which resulted in death, except when inquiry is required
21 by § 12-12-315, § 12-12-318, or § 14-15-301, et seq.

22 (1) In the absence of the physician, or with his or her approval,
23 the certificate may be completed and signed by his or her associate physician,
24 the chief medical officer of the institution in which death occurred, by the
25 pathologist who performed an autopsy upon the decedent, or by a registered
26 nurse as provided in subdivision (c)(2), provided the individual has access to
27 the medical history of the case, views the deceased at or after death, and
28 death is due to natural causes. The person completing the cause-of-death
29 section of the certificate shall attest to its accuracy either by a signature
30 or by approved electronic process.

31 (2) A registered nurse employed by the attending hospice may
32 complete and sign the medical certification of death for a patient who is
33 terminally ill, whose death is anticipated, who is receiving services from a
34 hospice program certified under Arkansas Code § 20-7-117 and who dies in a
35 hospice inpatient program or as a hospice patient in a nursing home.

1 (3) In the event the hospice patient dies in the home, the
2 registered nurse may make pronouncement of death, however the county coroner
3 and the chief law enforcement official of the county or municipality where
4 death occurred must be immediately notified in accordance with Arkansas Code
5 12-12-315.

6 (4) The Arkansas Department of Health shall provide hospitals,
7 nursing homes and hospices with the appropriate death certificate forms which
8 will be made available to the attending physicians, coroners or other
9 certifiers of death. When death occurs outside these health facilities, the
10 funeral home will provide the death certificate to the certifier.

11 (d) If the cause of death appears to be other than the illness or
12 condition for which the deceased was being treated or if inquiry is required
13 by either of the laws referred to in subsection (c) of this section, the case
14 shall be referred to the Office of State Medical Examiner or coroner in the
15 jurisdiction where the death occurred or the body was found for investigation
16 to determine and certify the cause of death. If the state medical examiner or
17 county coroner determines that the case does not fall within his jurisdiction,
18 he shall within twenty-four (24) hours refer the case back to the physician
19 for completion of the medical certification.

20 (e) When inquiry is required by either of the laws referred to in
21 subsection (c) of this section, the state medical examiner or coroner in the
22 jurisdiction where the death occurred or the body was found shall determine
23 the cause of death and shall complete and sign the medical certification
24 within forty-eight (48) hours after taking charge of the case.

25 (f) If the cause of death cannot be determined within forty-eight (48)
26 hours after death, the medical certification shall be completed as provided by
27 regulation. The attending physician or state medical examiner or county
28 coroner shall give the funeral director, or person acting as such, notice of
29 the reason for the delay, and final disposition of the body shall not be made
30 until authorized by the attending physician or state medical examiner or
31 county coroner.

32 (g) When a death is presumed to have occurred within this state but the
33 body cannot be located, a death certificate may be prepared by the state
34 registrar only upon receipt of an order of a court of competent jurisdiction,
35 which shall include the finding of facts required to complete the death

1 certificate. Such a death certificate shall be marked Presumptive and shall
2 show on its face the date of death as determined by the court and the date of
3 registration and shall identify the court and the date of the decree.

4 (h) Upon receipt of autopsy results or other information that would
5 change the information in the cause-of-death section of the death certificate
6 from that originally reported, the certifier shall immediately file a
7 supplemental report of cause of death with the Division of Vital Records in
8 order to amend the record."

9

10 SECTION 26. Arkansas Code 20-18-602 is amended to read as follows:

11 "20-18-602. Delayed registration.

12 (a) When a death occurring in this state has not been registered within
13 the time period as prescribed by § 20-18-601, a certificate may be filed in
14 accordance with regulations of the board. The certificates shall be registered
15 subject to such evidentiary requirements as the board shall by regulation
16 prescribe to substantiate the alleged facts of death.

17 (b) When an applicant does not submit the minimum documentation
18 required by regulation for delayed registration or when the state registrar
19 has cause to question the validity or adequacy of the applicant's sworn
20 statement or the documentary evidence, and if the deficiencies are not
21 corrected, the state registrar shall not register the delayed certificate of
22 death and shall advise the applicant of the reasons for this action, and
23 further advise the applicant of his or her right to appeal to a court of
24 competent jurisdiction.

25 (c) Certificates of death registered one (1) year or more after the date
26 of death shall be marked Delayed and shall show on their face the date of
27 the delayed registration."

28

29 SECTION 27. Arkansas Code 20-18-603 is amended to read as follows:

30 "20-18-603. Registration of termination of pregnancy.

31 (a) (1) Each fetal death where the fetus weighs three hundred fifty
32 (350) grams or more, or if weight is unknown, the fetus completed twenty (20)
33 weeks gestation or more, calculated from the date the last normal menstrual
34 period began to the date of delivery, that occurs in this state shall be
35 reported within five (5) days after delivery to the Division of Vital Records

1 or as otherwise directed by the State Registrar. All induced terminations of
2 pregnancy shall be reported in the manner prescribed in subsection (b) of this
3 section and shall not be reported as fetal deaths.

4 (A) When a dead fetus is delivered in an institution, the
5 person in charge of the institution or his or her designated representative
6 shall prepare and file the fetal death certificate.

7 (B) When a dead fetus is delivered outside an institution,
8 the physician in attendance at or immediately after delivery shall prepare and
9 file the fetal death certificate.

10 (C) When a fetal death required to be reported by this
11 section occurs without medical attendance at or immediately after the
12 delivery, or when inquiry is required by Arkansas Code § 12-12-301, et seq. or
13 § 14-15-301, et seq. or otherwise provided by law, the medical examiner or
14 coroner shall investigate the cause of fetal death and shall prepare and file
15 the report within five (5) days.

16 (D) When a fetal death occurs in a moving conveyance and
17 the fetus is first removed from the conveyance in this state or when a fetus
18 is found in this state and the place of fetal death is unknown, the fetal
19 death shall be reported in this state. The place where the fetus was first
20 removed from the conveyance or the fetus was found shall be considered the
21 place of fetal death.

22 (2) Spontaneous fetal deaths where the fetus has completed less
23 than twenty (20) weeks of gestation and where the fetus weighs less than three
24 hundred fifty (350) grams shall be reported as prescribed in subsection (b) of
25 this section.

26 (b) Each induced termination of pregnancy which occurs in this state,
27 regardless of the length of gestation, shall be reported to the Division of
28 Vital Statistics within five (5) days by the person in charge of the
29 institution in which the induced termination of pregnancy was performed. If
30 the induced termination of pregnancy was performed outside an institution, the
31 attending physician shall prepare and file the report.

32 (c) (1) The reports required under this subsection are statistical
33 reports to be used only for medical and health purposes and shall not be
34 incorporated into the permanent official records of the system of vital
35 statistics. A schedule for the disposition of these reports shall be provided

1 for by regulation.

2 (2) Reports required under this section shall not include the name
3 or other personal identification of the individual having an induced or
4 spontaneous termination of pregnancy."

5

6 SECTION 28. Arkansas Code 20-18-604 is amended to read as follows:

7 "20-18-604. Final disposition of dead body or fetus.

8 (a) The funeral director, or person acting as such, who first assumes
9 custody of a dead body shall obtain authorization for final disposition of the
10 body as provided in the regulations.

11 (b) Prior to final disposition of a dead fetus, irrespective of the
12 duration of pregnancy, the funeral director, the person in charge of the
13 institution, or other person assuming responsibility for final disposition of
14 the fetus shall obtain from the parents authorization for final disposition on
15 a form prescribed by the state registrar.

16 (c) With the consent of the physician or state medical examiner or
17 county coroner, who is to certify the cause of death, a dead body may be moved
18 from the place of death for the purpose of being prepared for final
19 disposition.

20 (d) An authorization for final disposition issued under the law of
21 another state which accompanies a dead body or fetus brought into this state
22 shall be authority for final disposition of the body or fetus in this state.

23 (e) Authorization for disinterment and reinterment shall be required
24 prior to disinterment of a dead body or fetus. The authorization shall be
25 issued by the state registrar to a licensed funeral director, or person acting
26 as such, upon proper application."

27

28 SECTION 29. Arkansas Code 20-7-123(b)(1) is amended to read as follows:

29 "(1) All fees prescribed in the Vital Statistics Act, § 20-18-101 et
30 seq., are as follows:

31 (A) A fee of two dollars and fifty cents (\$2.50) collected by the
32 state registrar for the filing of a delayed certificate of birth;

33 (B) A fee of two dollars and fifty cents (\$2.50) collected by the
34 state registrar for the filing of a delayed certificate of death or marriage;

35 (C) A fee of two dollars (\$2.00) collected by the clerks of the

1 probate courts upon the filing of an adoption decree;

2 (D) A fee of five dollars (\$5.00) collected by the state
3 registrar for issuing a new certificate of birth for a person who has been
4 legitimated, or whose paternity has been determined, or whose name has been
5 changed;

6 (E) A fee of one dollar (\$1.00) collected by the clerks of the
7 county courts upon the application of any person for marriage, which fee is in
8 addition to any other fees;

9 (F) A fee of one dollar (\$1.00) collected by the clerks of the
10 chancery courts upon the filing of each divorce or annulment complaint;

11 (G) A fee of two dollars (\$2.00) collected by the state registrar
12 for the amendment of any record;

13 (H) A fee of five dollars (\$5.00) collected by the state
14 registrar for making and certification of any certificate or record other than
15 a death certificate;

16 (I) A fee of four dollars (\$4.00) collected by the state
17 registrar for the making and certification of a single copy of a death
18 certificate, and a fee of one dollar (\$1.00) collected for the making and
19 certification of each additional copy of a death certificate;

20 (J) A fee of five dollars (\$5.00) collected by the state
21 registrar for an examination and search of the files for any birth, marriage,
22 or divorce record, and a fee of four dollars (\$4.00) for an examination and
23 search of the files for any death record. The fee shall be paid prior to
24 searching the record; and

25 (K) A fee of five dollars (\$5.00) collected by the state
26 registrar for establishing a new certificate of birth under 20-18-406."

27

28 SECTION 30. All provisions of this act of a general and permanent
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
30 Code Revision Commission shall incorporate the same in the Code.

31

32 SECTION 31. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

2

3 SECTION 32. All laws and parts of laws in conflict with this act are
4 hereby repealed.

5

/s/Snyder

6

7

APPROVED: 4-13-95

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