

CHAPTER 5.

[S. B. 19.]

VITAL STATISTICS.

AN ACT Relating to vital statistics; amending section 57, chapter 7, Laws of 1921 and RCW 43.20.040; section 17, chapter 83, Laws of 1907 as last amended by section 1, chapter 106, Laws of 1951 and RCW 43.20.080; section 20, chapter 83, Laws of 1907 as last amended by section 1, chapter 90, Laws of 1953 and RCW 43.20.090; section 9, chapter 46, Laws of 1949 and RCW 70.08.060; section 3, chapter 83, Laws of 1907 as last amended by section 5, chapter 106, Laws of 1951 and RCW 70.58.020; section 18, chapter 83, Laws of 1907 and RCW 70.58.030; section 19, chapter 83, Laws of 1907 as last amended by section 8, chapter 106, Laws of 1951 and RCW 70.58.040; section 12, chapter 83, Laws of 1907 as amended by section 6, chapter 106, Laws of 1951 and RCW 70.58.080; section 2, chapter 167, Laws of 1941 as last amended by section 3, chapter 90, Laws of 1953 and RCW 70.58.120; section 4, chapter 167, Laws of 1941 as last amended by section 4, chapter 90, Laws of 1953 and RCW 70.58.130; section 5, chapter 159, Laws of 1945 and RCW 70.58.150; section 1, chapter 159, Laws of 1945 and RCW 70.58.160; section 2, chapter 159, Laws of 1945 and RCW 70.58.170; section 3, chapter 159, Laws of 1945 as amended by section 5, chapter 188, Laws of 1953 and RCW 70.58.180; section 6, chapter 159, Laws of 1945 and RCW 70.58.200; section 4, chapter 83, Laws of 1907 as amended by section 3, chapter 180, Laws of 1915 and RCW 70.58.230; section 8, chapter 83, Laws of 1907 as amended by section 6, chapter 180, Laws of 1915 and RCW 70.58.240; section 9, chapter 83, Laws of 1907 and RCW 70.58.250; and repealing section 15, chapter 83, Laws of 1907 and RCW 70.58.060; section 13, chapter 83, Laws of 1907 as last amended by section 7, chapter 106, Laws of 1951 and RCW 70.58.090; section 5, chapter 176, Laws of 1943 and RCW 70.58.140; and section 2, chapter 133, Laws of 1939 and RCW 70.58.220; and adding two new sections to chapter 70.58 RCW, and making an effective date.

Be it enacted by the Legislature of the State of Washington:

RCW 43.20.040 amended.

SECTION 1. Section 57, chapter 7, Laws of 1921 and RCW 43.20.040 are each amended to read as follows:

The director of health shall appoint the registrar

of vital statistics, who shall be the secretary of the state board of health.

Registrar of
vital statistics
—Other
personnel.

The director may appoint and employ such deputies, scientific experts, sanitary engineers, quarantine officers, and such clerical and other assistants as may be necessary to carry on the work of the department of health.

SEC. 2. Section 17, chapter 83, Laws of 1907 as last amended by section 1, chapter 106, Laws of 1951 and RCW 43.20.080 are each amended to read as follows:

RCW 43.20.080
amended.

The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be attached to and filed with the certificate. He shall furnish, arrange, bind, and make a permanent record of the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, and fetal deaths registered.

Duties of
registrar.

SEC. 3. Section 20, chapter 83, Laws of 1907 as last amended by section 1, chapter 90, Laws of 1953 and RCW 43.20.090 are each amended to read as follows:

RCW 43.20.090
amended.

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, or fetal death, registered under the

Certified
copies of birth
or death
certificates—
Fee—
Restrictions.

provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of two dollars to be paid by the applicant: *Provided*, That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: *Provided further*, That no fees shall be demanded or required for furnishing certified copy, or copies, of birth, death, or fetal death for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of two dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: *Provided*, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate

transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

SEC. 4. Section 9, chapter 46, Laws of 1949 and RCW 70.08.060 are each amended as follows:

The director of public health under this chapter shall be registrar of vital statistics for all cities and counties under his jurisdiction and shall conduct such vital statistics work in accordance with the same laws and/or rules and regulations pertaining to vital statistics for a city of the first class.

SEC. 5. Section 3, chapter 83, Laws of 1907 as last amended by section 5, chapter 106, Laws of 1951 and RCW 70.58.020 are each amended as follows:

Under the direction and control of the state registrar, the health officer of each city of the first class shall be the local registrar in and for the primary registration district under his supervision as health officer and the health officer of each county and district health department normally served by a full-time health officer shall be the local registrar in and for the registration area which he supervises as health officer and shall serve as such as long as he performs the registration duties as prescribed by law. He may be removed as local registrar of the

registration area which he serves by the state board of health upon its finding of evidence of neglect in the performance of his duties as such registrar. The state registrar shall appoint local registrars for those registration areas not included in the foregoing and also in areas where the state board of health has removed the health officer from this position as registrar.

Each local registrar, subject to the approval of the state registrar, shall appoint in writing a sufficient number of deputy registrars to administer the laws relating to vital statistics, and shall certify the appointment of such deputies to the state registrar. Deputy registrars shall act in the case of absence, death, illness or disability of the local registrar, or such other conditions as may be deemed sufficient cause to require their services.

RCW 70.58.030
amended.

SEC. 6. Section 18, chapter 83, Laws of 1907 and RCW 70.58.030 are each amended to read as follows:

Duties of local
registrars.

The local registrar shall supply blank forms of certificates to such persons as require them. He shall carefully examine each certificate of birth, death, and fetal death when presented for record, and see that it has been made out in accordance with the provisions of law and the instructions of the state registrar. If any certificate of death is incomplete or unsatisfactory, he shall call attention to the defects in the return, and withhold issuing the burial-transit permit until it is corrected. If the certificate of death is properly executed and complete, he shall issue a burial-transit permit to the funeral director or person acting as such. If a certificate of a birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items if they can be obtained. He shall sign his name as local registrar to each certificate filed in attest of the date of filing in his office. He shall make a record of each birth, death, and

fetal death certificate registered by him in such manner as directed by the state registrar. He shall on or before the tenth day of each month, transmit to the state registrar all original certificates registered by him during the preceding month. If no births or no deaths occurred in any month, he shall, on the tenth day of the following month, report that fact to the state registrar, on a card provided for this purpose: *Provided*, That in cities of the first class the city health officer may require the filing of two original certificates and may retain one of the duplicate original certificates as the city record.

SEC. 7. Section 19, chapter 83, Laws of 1907 as last amended by section 8, chapter 106, Laws of 1951 and RCW 70.58.040 are each amended as follows:

RCW 70.58.040 amended.

A local registrar shall be paid the sum of one dollar for each birth, death, or fetal death certificate registered for his district, which sum shall cover making out the burial-transit permit and record of the certificate to be filed and preserved in his office. If no births or deaths were registered during any month, the local registrar shall be paid the sum of one dollar for each report to that effect: *Provided*, That all local health officers who are by statute required to serve as local registrars shall not be entitled to the fee of one dollar. Neither shall any members of their staffs be entitled to the above fee of one dollar when such persons serve as deputy registrars. All fees payable to local registrars shall be paid by the treasurer of the county or city, properly chargeable therewith, out of the funds of the county or city, upon warrants drawn by the auditor, or other proper officer of the county or city. No warrant shall be issued to a local registrar except upon a statement, signed by the state registrar, stating the names and addresses respectively of the local registrars entitled to fees from the county or city, and the number of certificates and reports of

Compensation of local registrars.

births, deaths, and fetal deaths, properly returned to the state registrar, by each local registrar, during three preceding calendar months prior to the date of the statement, and the amount of fees to which each local registrar is entitled, which statement the state registrar shall file with the proper officers during the months of January, April, July, and October of each year. Upon filing of the statement the auditor or other proper officer of the county or city shall issue warrants for the amount due each local registrar.

RCW 70.58.080
amended.

SEC. 8. Section 12, chapter 83, Laws of 1907 as amended by section 6, chapter 106, Laws of 1951 and RCW 70.58.080 are each amended as follows:

Birth
certificates.

The attending physician or midwife shall file a certificate of birth, properly and completely filled out, giving all of the particulars required, with the local registrar of the district in which the birth occurred, within ten days after the birth. If there is no attending physician or midwife, the father or mother of the child, householder or owner of the premises, manager or superintendent of the public or private institution in which the birth occurred, shall notify the local registrar, within ten days after the birth, of the fact of the birth, and the local registrar shall secure the necessary information and signature to make a proper certificate of birth.

When an infant is found for whom no certificate of birth is known to be on file, a birth certificate shall be filed within the time and in the form prescribed by the state board of health.

When no putative father is named on a birth certificate of a child born to an unwed mother the mother may give any surname she so desires to her child but shall designate in space provided for father's name on the birth certificate "None Named".

SEC. 9. Section 2, chapter 167, Laws of 1941 as

last amended by section 3, chapter 90, Laws of 1953 and RCW 70.58.120 are each amended as follows: RCW 70.58.120 amended.

The delayed registration of birth form shall be provided by the state registrar and shall be signed by the registrant if of legal age, or by the attendant at birth, parent, or guardian if the registrant is not of legal age. In instances of delayed registration of birth where the person whose birth is to be recorded is four years of age or over but under twelve years of age and in instances where the person whose birth is to be recorded is less than four years of age and the attending physician is not available to make the registration, the facts concerning date of birth, place of birth, and parentage shall be established by at least one piece of documentary evidence. In instances of delayed registration of birth where the person whose birth is to be recorded is twelve years of age or over, the facts concerning date of birth and place of birth shall be established by at least three documents of which only one may be an affidavit. The facts concerning parentage shall be established by at least one document. Documents, other than affidavits, or documents established prior to the fourth birthday of the registrant, shall be at least five years old or shall have been made from records established at least five years prior to the date of application. Delayed registration of births. Authorized.

SEC. 10. Section 4, chapter 167, Laws of 1941 as last amended by section 4, chapter 90, Laws of 1953 and RCW 70.58.130 are each amended as follows: RCW 70.58.130 amended.

The birth shall be registered in the records of the state registrar. A certified copy of the record shall be prima facie evidence of the facts stated therein. —Where registered—Copy as evidence.

SEC. 11. Section 5, chapter 159, Laws of 1945 and RCW 70.58.150 are each amended as follows: RCW 70.58.150 amended.

A fetal death means any product of conception that shows no evidence of life after complete expulsion. "Fetal death", "evidence of life" defined.

sion or extraction from its mother. The words "evidence of life" include breathing, beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

RCW 70.58.160
amended.

SEC. 12. Section 1, chapter 159, Laws of 1945 and RCW 70.58.160 are each amended as follows:

Certificate of
death or
fetal death.
Filing
required.

A certificate of every death or fetal death shall be filed with the local registrar of the district in which the death or fetal death occurred within three days after the occurrence is known, or if the place of death or fetal death is not known, then with the local registrar of the district in which the body is found within twenty-four hours thereafter. In every instance a certificate shall be filed prior to the interment or other disposition of the body: *Provided*, That a certificate of fetal death shall not be required if the period of gestation is less than twenty weeks.

RCW 70.58.170
amended.

SEC. 13. Section 2, chapter 159, Laws of 1945 and RCW 70.58.170 are each amended as follows:

—By whom
filed.

The funeral director or person in charge of interment shall file the certificate of death or fetal death. In preparing such certificate, the funeral director or person in charge of interment shall obtain and enter on the certificate such personal data as the certificate requires from the person or persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased, or, if the deceased died without medical attendance, to the health officer, coroner, or prosecuting attorney having jurisdiction, who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of fetal death to the physician, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as he can furnish.

SEC. 14. Section 3, chapter 159, Laws of 1945 as amended by section 5, chapter 188, Laws of 1953 and RCW 70.58.180 are each amended as follows:

RCW 70.58.180 amended.

If the death occurred without medical attendance, the funeral director or person in charge of interment shall notify the coroner, or prosecuting attorney if there is no coroner in the county. If the circumstances suggest that the death or fetal death was caused by unlawful or unnatural causes or if there is no local health officer with jurisdiction, the coroner, or if none, the prosecuting attorney shall complete and sign the certification, noting upon the certificate that no physician was in attendance at the time of death. In case of any death without medical attendance in which there is no suspicion of death from unlawful or unnatural causes, the local health officer or his deputy, the coroner and if none, the prosecuting attorney, shall complete and sign the certification, noting upon the certificate that no physician was in attendance at the time of death, and noting the cause of death without the holding of an inquest or performing of an autopsy or post mortem, but from statements of relatives, persons in attendance during the last sickness, persons present at the time of death or other persons having adequate knowledge of the facts.

—Certificate when no physician in attendance—
Legally accepted cause of death.

The cause of death, the manner and mode in which death occurred, as noted by the coroner or if none, the prosecuting attorney or the health officer and incorporated in the death certificate filed with the bureau of vital statistics of the board of health shall be the legally accepted manner and mode by which the deceased came to his or her death and shall be the legally accepted cause of death.

SEC. 15. Section 6, chapter 159, Laws of 1945 and RCW 70.58.200 are each amended to read as follows:

RCW 70.58.200 amended.

The forms of birth, death, and fetal death certificates shall include as a minimum the items re-

Forms of
birth, death
and fetal
death
certificates.

quired by the respective standard certificate as recommended by the federal agency responsible for national vital statistics subject to approval of and modification by the Washington state board of health. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate file together with the item pertaining to illegitimacy and shall not be subject to the view of the public or for certification purposes except upon order of a court.

RCW 70.58.230
amended.

SEC. 16. Section 4, chapter 83, Laws of 1907 as amended by section 3, chapter 180, Laws of 1915 and RCW 70.58.230 are each amended to read as follows:

Burial, disinterment or removal permits required.

It shall be unlawful for any person to inter, deposit in a vault, grave, or tomb, cremate or otherwise dispose of, or disinter or remove from one registration district to another, or hold for more than seventy-two hours after death, the body or remains of any person whose death occurred in this state or any body which shall be found in this state, without obtaining, from the local registrar of the district in which the death occurred or in which the body was found, a permit for the burial, disinterment, or removal of such body: *Provided*, That a licensed funeral director or embalmer of this state may remove a body from the district where the death occurred to another registration district without having obtained a permit but in such cases the funeral director or embalmer shall at the time of removing a body file with or mail to the local registrar of the district where the death occurred a notice of removal upon a blank to be furnished by the state registrar. The notice of removal shall be signed by the funeral director or embalmer and shall contain the name and address of the local

registrar with whom the certificate of death will be filed and the burial-transit permit secured. Every local registrar, accepting a death certificate and issuing a burial-transit permit for a death that occurred outside his district, shall be entitled to a fee of one dollar to be paid by the funeral director or embalmer at the time the death certificate is accepted and the permit is secured. It shall be unlawful for any person to bring into or transport within the state or inter, deposit in a vault, grave, or tomb, or cremate or otherwise dispose of the body or remains of any person whose death occurred outside this state unless such body or remains be accompanied by a removal or transit permit issued in accordance with the law and health regulations in force where the death occurred, or unless a special permit for bringing such body into this state shall be obtained from the state registrar.

SEC. 17. Section 8, chapter 83, Laws of 1907 as amended by section 6, chapter 180, Laws of 1915 and RCW 70.58.240 are each amended to read as follows:

**RCW 70.58.240
amended.**

Each funeral director or person acting as such shall obtain a certificate of death and file the same with the local registrar, and secure a burial-transit permit, prior to any permanent disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them. He shall present the certificate to the attending physician or in case the death occurred without any medical attendance, to the proper official for certification for the medical certificate of the cause of death and other particulars necessary to complete the record. He shall supply the information required relative to the date and place of disposition and he shall present the completed certificate to the local registrar, for the issuance of a burial-transit permit. He shall deliver the burial permit to the sexton, or person in charge of the place of burial,

**Duties of
funeral
directors.**

before interring the body; or shall attach the transit permit to the box containing the corpse, when shipped by any transportation company, and the permit shall accompany the corpse to its destination.

RCW 70.58.250 amended.

SEC. 18. Section 9, chapter 83, Laws of 1907 and RCW 70.58.250 are each amended to read as follows:

Burial-transit permit—
Requisites.

The burial-transit permit shall contain a statement by the local registrar and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the body; stating the name of the deceased and other necessary details upon the form prescribed by the state registrar.

Repeal.

SEC. 19. Section 15, chapter 83, Laws of 1907 and RCW 70.58.060; section 13, chapter 83, Laws of 1907 as last amended by section 7, chapter 106, Laws of 1951 and RCW 70.58.090; section 5, chapter 176, Laws of 1943 and RCW 70.58.140; and section 2, chapter 133, Laws of 1939 and RCW 70.58.220 are each hereby repealed.

New section.

SEC. 20. There is added to chapter 70.58 RCW, a new section to read as follows:

Order to establish record of birth.

When a person alleged to be born in this state is unable to meet the requirements for a delayed registration of birth in accordance with RCW 70.58-.120, he may petition the superior court of the county of residence or of the county of birth for an order establishing a record of the date and place of his birth, and his parentage. The court shall fix a time for hearing the petition, and the state registrar shall be given notice at least twenty days prior to the date set for hearing in order that he may present at the hearing any information he believes will be useful to the court. If the court from the evidence presented to it finds that the petitioner was born in this state, the court shall issue an order to establish a record of birth. This order shall include the birth

data to be registered. If the court orders the birth of a person in this state registered, it shall be registered in the records of the state registrar.

SEC. 21. There is added to chapter 70.58 RCW a new section to read as follows: New section.

The state registrar of vital statistics shall establish a new certificate of birth for a person born in this state when he receives a request that a new certificate be established and such evidence as required by regulation of the state board of health proving that such person has been legitimated, or that a court of competent jurisdiction has determined the paternity of such person. When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of paternity, or legitimation shall not be subject to inspection except upon order of a court of competent jurisdiction. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed registration of birth shall be filed with the state registrar of vital statistics as provided in RCW 70.58.120. New certificate of birth.

SEC. 22. This amendatory act shall take effect on July 1, 1961. Effective date.

Passed the Senate March 19, 1961.

Passed the House March 22, 1961.

Approved by the Governor March 28, 1961.