
HOUSE BILL 2056

State of Washington 52nd Legislature 1991 Regular Session

By Representative Braddock; by request of Department of Health.

Read first time February 20, 1991. Referred to Committee on Health Care.

1 AN ACT Relating to vital statistics; amending RCW 26.04.090,
2 26.04.165, 26.26.040, 26.33.290, 35A.70.070, 43.121.100, 70.58.107,
3 70.58.310, 70.58.320, 70.58.330, 70.58.340, and 70.58.390; reenacting
4 and amending RCW 26.09.020 and 26.09.150; adding a new chapter to Title
5 70 RCW; creating new sections; recodifying RCW 70.58.085, 70.58.107,
6 70.58.300, 70.58.310, 70.58.320, 70.58.322, 70.58.330, 70.58.332,
7 70.58.334, 70.58.338, 70.58.340, 70.58.350, and 70.58.390; repealing
8 RCW 70.58.005, 70.58.010, 70.58.020, 70.58.030, 70.58.040, 70.58.050,
9 70.58.070, 70.58.080, 70.58.095, 70.58.100, 70.58.104, 70.58.110,
10 70.58.120, 70.58.130, 70.58.145, 70.58.150, 70.58.160, 70.58.170,
11 70.58.180, 70.58.190, 70.58.200, 70.58.210, 70.58.230, 70.58.240,
12 70.58.250, 70.58.260, 70.58.270, 70.58.280, 70.58.324, 70.58.380, and
13 43.70.160; and prescribing penalties.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

1 NEW SECTION. **Sec. 1.** DEFINITIONS. As used in this chapter:

2 (1) "Dead body" means a human body or such parts of the human body,
3 from the condition of which it reasonably may be concluded that a death
4 has occurred.

5 (2) "Department" means the department of health.

6 (3) "District" means health district as defined by RCW 70.05.010.

7 (4) "Evidence of life" means breathing, beating of the heart,
8 pulsation of the umbilical cord, or definite movement of voluntary
9 muscles.

10 (5) "Final disposition" means the burial, interment, cremation,
11 removal from the state, or other authorized disposition of a body.

12 (6) "Funeral director" means a person authorized to conduct
13 funerals and supervise or direct the burial and disposal of dead human
14 bodies under the laws of Washington state under chapter 18.39 RCW.

15 (7) "Institution" means an establishment, public or private, that
16 provides inpatient medical, surgical, or diagnostic care or treatment
17 or nursing, custodial, or domiciliary care, or to which persons are
18 committed by law.

19 (8) "Live birth" means the complete expulsion or extraction from
20 its mother of a product of human conception, irrespective of the
21 duration of pregnancy, that, after such expulsion or extraction, shows
22 evidence of life.

23 (9) "Physician" means a person authorized or licensed to practice
24 medicine and surgery under the laws of Washington state pursuant to
25 chapter 18.71 RCW or osteopathy pursuant to chapter 18.57 RCW.

26 (10) "Registration" means the acceptance and the incorporation of
27 vital records into the state registrar's official records by the center
28 for health statistics as provided for in this chapter.

29 (11) "Secretary" means the secretary of the department of health.

1 (12) "Spontaneous fetal death" means the expulsion or extraction of
2 a product of human conception resulting in other than a live birth and
3 which is not an induced termination of pregnancy.

4 (13) "State registrar" means the chief of the center for health
5 statistics or the chief's designee.

6 (14) "System of vital statistics" means the registration,
7 collection, preservation, amendment, and certification of vital
8 records; the collection of other reports required by this chapter; and
9 related activities including the tabulation, analysis, and publication
10 of vital statistics.

11 (15) "Vital records" means certificates of birth, spontaneous fetal
12 death, death, marriage, dissolution, and related data.

13 (16) "Vital statistics" means the data derived from certificates of
14 birth, spontaneous fetal death, death, marriage, dissolution, and
15 related reports.

16 NEW SECTION. **Sec. 2.** CENTER FOR HEALTH STATISTICS--ESTABLISHED.
17 The center for health statistics is established in the department of
18 health. The center shall install, maintain, and operate the only
19 system of vital statistics throughout Washington state in cooperation
20 with the appropriate units of local government who have reporting
21 requirements for births, deaths, marriages, and dissolutions. The
22 department shall adopt rules under chapter 34.05 RCW to carry out the
23 provisions of this chapter.

24 NEW SECTION. **Sec. 3.** ADMINISTRATION AND ENFORCEMENT. The state
25 registrar shall:

26 (1) Administer and enforce the provisions of this chapter and the
27 rules adopted under this chapter, and issue instructions for the
28 efficient administration of the system of vital statistics;

1 (2) Direct and supervise the center for health statistics and the
2 system of vital statistics and serve as custodian of its records;

3 (3) Direct and supervise the activities of all persons engaged in
4 activities pertaining to the operation of the system of vital
5 statistics;

6 (4) Conduct training programs to promote uniformity of policy and
7 procedures throughout Washington state in matters pertaining to the
8 system of vital records;

9 (5) Prescribe, furnish, and distribute such forms as are required
10 by this chapter and the rules adopted under this chapter, or prescribe
11 such other means for transmission of data as will accomplish the
12 purpose of complete and accurate reporting and registration;

13 (6) Prepare and publish reports of vital statistics of Washington
14 state;

15 (7) Provide to local health agencies copies of certificates or data
16 derived from certificates and reports for local health planning and
17 program activities, subject to compliance with chapters 42.17 and 42.48
18 RCW. The state registrar shall establish a schedule with local health
19 agencies for transmittal of the copies or data; and

20 (8) Investigate cases of irregularity or violation of this chapter
21 and, where deemed necessary, report violations to the prosecuting
22 attorney of that county for prosecution.

23 The state registrar may delegate functions and duties vested in him
24 or her to employees of the center for health statistics.

25 NEW SECTION. **Sec. 4.** LOCAL REGISTRARS. (1)(a) The
26 county/district health officer shall be the local registrar.

27 (b) Upon a finding of neglect in the performance of his or her
28 duties as registrar, the state board of health may remove the health
29 officer.

1 (c) In the absence of a local health officer, the state registrar
2 shall designate a local registrar for each county health department or
3 health district.

4 (d) The local registrar shall designate one or more deputy
5 registrars to administer the laws relating to vital statistics. Deputy
6 registrars shall act as local registrars in the case of absence, death,
7 illness, or disability of the local registrar.

8 (2) The local registrar and deputy registrars acting under the
9 direction of the local registrar shall:

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

11 (b) Supply blank forms for certificates to persons who require
12 them;

13 (c) Carefully examine each certificate of birth, spontaneous fetal
14 death, or death presented for filing for compliance with this chapter
15 and the rules adopted under this chapter;

16 (d) If information is missing from a certificate, immediately
17 notify the person responsible for submitting the certificate and
18 require that person to supply missing items, if that information can be
19 obtained;

20 (e) Make an immediate report to the state registrar of a violation
21 of this chapter or of the rules of the state registrar, coming to his
22 or her notice by observation or complaint of any person.

23 NEW SECTION. **Sec. 5.** DUTY TO FURNISH INFORMATION TO THE STATE
24 REGISTRAR. A person having knowledge of the facts regarding a birth,
25 spontaneous fetal death, death, marriage, or dissolution shall furnish
26 the information upon demand of the state registrar.

27 NEW SECTION. **Sec. 6.** FORMS FOR VITAL RECORDS--MINIMUM STANDARDS.

28 (1) To promote and maintain nation-wide uniformity in the system of

1 vital statistics, the certificates required by this chapter or by the
2 rules adopted under this chapter shall include, as a minimum, the items
3 recommended by the federal agency responsible for national vital
4 statistics.

5 (2) The state board of health by rule may require additional
6 pertinent information relative to the birth and manner of delivery as
7 it may deem necessary for statistical study. This information shall be
8 placed in a confidential section of the birth certificate form and
9 shall not be subject to the view of the public or for certification
10 purposes except upon order of the court. The state board of health may
11 eliminate from the forms items that it determines are not necessary for
12 statistical study.

13 (3) Each certificate or other document required by this chapter
14 shall be on a form or in a format prescribed by the state registrar.

15 (4) All vital records shall contain the data required for
16 registration. No certificate may be held to be complete and correct
17 that does not supply all items of information called for or that does
18 not satisfactorily account for the omission of required items.

19 (5) Information required in certificates or documents authorized by
20 this chapter may be filed and registered by photographic, electronic,
21 or other means as prescribed by the state registrar.

22 NEW SECTION. **Sec. 7.** PROCEDURE FOR TRANSMITTING AND FILING
23 CERTIFICATES. The department shall prescribe by rule the schedule and
24 system for electronic and hard copy transmission of certificates and
25 documents required by this chapter.

26 (1) If a birth occurs in an institution or en route to an
27 institution, the person in charge of the institution or his or her
28 designated representative shall obtain the personal data and prepare

1 the certificate of birth. The state registrar may authorize electronic
2 birth registration.

3 (2) If a birth occurs outside an institution, the certificate shall
4 be prepared and filed by one of the following with the local registrar
5 within ten days:

6 (a) The attending physician or licensed midwife at or immediately
7 after the birth; or in the absence of such a person

8 (b) Any other person in attendance at or immediately after the
9 birth; or in the absence of such a person

10 (c) The father, the mother, or, in the absence of the father and
11 the inability of the mother, the person in charge of the premises where
12 the birth occurred.

13 (3) If a birth occurs on a moving conveyance within the United
14 States and the child is first removed from the conveyance in Washington
15 state, the birth shall be registered in Washington state and the place
16 where the child is first removed shall be considered the place of
17 birth. If a birth occurs on a moving conveyance while in international
18 waters or air space or in a foreign country or its air space and the
19 child is first removed from the conveyance in Washington state, the
20 birth shall be registered in Washington state but the certificate shall
21 show the actual place of birth insofar as can be determined.

22 (4) All items on the birth certificate form shall be completed.
23 Errors in the personal data shall be amended as directed in section 16
24 of this act.

25 (5) Information deemed necessary for statistical study shall be
26 placed in a confidential portion of the birth certificate and shall not
27 be subject to view by the public or for certification purposes without
28 a court order.

1 NEW SECTION. **Sec. 8.** ELECTRONIC BIRTH AND DEATH CERTIFICATES

2 SYSTEMS. The department may authorize a local registrar to access the
3 state-wide birth data base or death data base and to issue a certified
4 copy of birth or death certificates from the respective electronic data
5 bases. The department may prescribe the fees for maintaining the birth
6 and death data bases and may bill local registrars for their use.

7 NEW SECTION. **Sec. 9.** PARENTAGE ON THE BIRTH CERTIFICATE. (1) If

8 the mother was married at the time of conception or birth, or between
9 conception and birth, the name of the husband shall be entered on the
10 birth certificate as the father of the child unless the birth is the
11 result of artificial insemination without the consent of the husband
12 under chapter 26.26 RCW. Presumption of paternity shall be based on
13 chapter 26.26 RCW.

14 (2) The first presumption of paternity is the mother's husband.
15 Before another man may acknowledge his paternity of this child, the
16 husband must first deny his presumption in a notarized paternity
17 affidavit. The mother and the father may then complete the notarized
18 paternity affidavit and forward the affidavit to the state registrar to
19 amend the child's birth certificate.

20 (3) If the mother was unmarried at the time of conception and
21 remained unmarried between conception and birth and at birth, the name
22 of the father shall not be entered on the certificate without the
23 notarized signature of both the mother and the father on a paternity
24 affidavit supplied by the state registrar unless paternity has been
25 established by court order.

26 (a) The person responsible for completing the birth certificate
27 shall provide at the time of birth an opportunity for the mother and
28 the father to acknowledge paternity. The department of social and
29 health services shall provide written information explaining the

1 benefits of having paternity established and the availability of
2 paternity establishment services including a request for support
3 enforcement services.

4 (b) The affidavit shall contain:

5 (i) A notarized statement by the mother consenting to the assertion
6 of paternity and stating that this is the only possible father;

7 (ii) A statement by the father that he is the natural father of the
8 child;

9 (iii) Written information furnished by the department of social and
10 health services explaining the implications of signing, including
11 parental rights and responsibilities; and

12 (iv) The social security numbers of both parents.

13 (c) If the completed paternity affidavit is returned to the person
14 responsible for completing the birth certificate within seven days,
15 that person shall include the father's information on the birth
16 certificate. The affidavit shall be attached to the original birth
17 certificate and shall be transmitted to the local registrar.

18 (d) If the parents do not return the affidavit within seven days,
19 they may file it with the state registrar as provided in section 16 of
20 this act.

21 (4) If an affidavit acknowledging paternity is filed with the
22 center for health statistics by an institution or midwife, the
23 institution or midwife is entitled to reimbursement for reasonable
24 costs. The department of social and health services shall establish by
25 rule reimbursement rates.

26 (5) If no father is named on a birth certificate of a child born to
27 an unmarried mother, the mother shall designate in space provided for
28 father's name on the birth certificate "None Named." Upon written
29 request of both parents and receipt of a notarized affidavit of

1 paternity signed by both parents, the state registrar shall amend the
2 certificate of birth to show the name of the father.

3 (6) If one or more of the parties are unable or unwilling to
4 complete the notarized affidavit, paternity may be established by court
5 order and the state registrar shall amend the certificate of birth to
6 show the name of the father.

7 (7) If the father is not named on the certificate of birth, other
8 information about the father when available shall be entered on the
9 statistical section of the certificate.

10 (8) The surname of the child shall be designated by the parent or
11 parents.

12 (9) In all cases, the maiden name of the woman who gave birth to
13 the child shall be entered on the certificate.

14 (10) The original certificate as well as all documents submitted
15 under this section shall be sealed and may be accessed only by court
16 order or upon written request of the department of social and health
17 services, the attorney general, or prosecuting attorney stating that
18 documents are being sought in furtherance of an action to enforce a
19 duty of support.

20 NEW SECTION. **Sec. 10.** FOUNDLING REGISTRATION. The state board of
21 health shall prescribe by rule the birth registration of a foundling
22 infant.

23 NEW SECTION. **Sec. 11.** DELAYED REGISTRATION OF BIRTH. (1) If a
24 certificate of birth of a person born in Washington state has not been
25 filed within ten days, a certificate may be filed with the local
26 registrar in accordance with the rules of the department.

27 (2) A certificate of birth registered four years or more after the
28 date of birth shall be made on forms prescribed and furnished by the

1 state registrar, marked "Delayed," and shall show on its face the date
2 of delayed registration.

3 (3)(a) If an applicant does not submit the minimum documentation
4 required by rule of the department for delayed registration or if the
5 state registrar has reasonable cause to question the validity or
6 adequacy of the applicant's statement or documentary evidence and if
7 the deficiencies are not corrected, the state registrar shall not
8 register the delayed certificate of birth.

9 (b) The state registrar shall dismiss an application for a delayed
10 certificate of birth that is not completed within one year.

11 (4)(a) If an application for delayed certificate of birth is
12 rejected under subsection (3) of this section, the parent, adult child,
13 or legal guardian may petition a court of competent jurisdiction for an
14 order directing the state registrar to create a delayed certificate of
15 birth specifying the date and place of birth and the parentage of the
16 person whose birth is to be registered.

17 NEW SECTION. **Sec. 12.** ADOPTION. (1) For each adoption decreed by
18 a court of competent jurisdiction in the state of Washington or another
19 state or a territory of the United States for a child born in
20 Washington state, the clerk of the court shall forward a certified copy
21 of the adoption decree, an adoption information form, an adoption data
22 card, and the fee prescribed by rules of the department to the center
23 for health statistics. The adoption information form shall contain
24 such facts as are necessary to locate and identify the certificate of
25 birth of the person adopted. If a person is adopted in Washington
26 state and born in another state or territory of the United States, the
27 clerk of the court shall forward a certified copy of the adoption
28 decree, an adoption information form, an adoption data card, and the

1 appropriate fee for the state or territory of birth to the center for
2 health statistics in Washington state.

3 (2) The state registrar shall create a new birth certificate
4 stating the new name of the child, the names of the adoptive parents as
5 shown in the adoption decree, the sex, and the date and place of birth
6 as shown on the original certificate. The certificate shall have no
7 reference to the adoption of the child. The original birth certificate
8 shall be sealed as required by RCW 26.33.330.

9 (3) If the birth occurred in a foreign country and the adoption
10 decree was granted in Washington state, the state registrar shall
11 create a certificate of foreign birth showing the name of the child,
12 the adoptive parents, the sex, and the date and country of birth as
13 specified in the adoption decree. The certificate shall have the same
14 overall appearance as the certificate that would have been issued if
15 the adopted child had been born in Washington state. If the adoption
16 was granted prior to January 1, 1985, evidence of the child's birth
17 date and birth place shall be provided to the state registrar.

18 (4) If the adoption decree is amended or annulled, the clerk of the
19 court shall forward a certified copy of the amended decree to the
20 center for health statistics with the adoptee's name, date and place of
21 birth, and adoptive parent's name.

22 NEW SECTION. **Sec. 13.** DEATH CERTIFICATE. (1) A certificate of
23 death for each death that occurs in this state shall be filed with the
24 local registrar within three days after a death is known and prior to
25 final disposition. All items on the death certificate form shall be
26 completed.

27 (a) If the place of death is unknown but the dead body is found in
28 Washington state, the certificate of death shall be completed and filed
29 in accordance with this section. The place where the body is found

1 shall be shown as the place of death. If the date of death is unknown,
2 it shall be determined by approximation.

3 (b) If the death occurs in a moving conveyance in the United States
4 and the body is first removed from the conveyance in Washington state,
5 the death shall be registered in Washington state and the place where
6 the body is first removed shall be considered the place of death. If
7 a death occurs in a moving conveyance while in international waters or
8 air space or in a foreign country or its air space and the body is
9 first removed from the conveyance in Washington state, the death shall
10 be registered in Washington state but the certificate shall show the
11 actual place of death insofar as can be determined.

12 (2) The funeral director or person acting as such who first assumes
13 custody of the dead body shall file the certificate of death. He or
14 she shall obtain the personal data from the next of kin or the best
15 qualified person or source available and shall obtain the cause of
16 death from the attending physician, coroner, or medical examiner.

17 (3) The cause of death section shall be completed, signed, and
18 returned to the funeral director within forty-eight hours after death
19 by the physician in attendance at the time of death according to his or
20 her best knowledge and belief. In the absence of an attending
21 physician, the certificate shall be completed and signed by one of the
22 following:

23 (a) A physician who has access to the decedent's medical history;

24 (b) The physician, coroner, or medical examiner who performed an
25 autopsy upon the decedent;

26 (c) The chief medical officer of the institution in which the death
27 occurred;

28 (d) The coroner or medical examiner, if the decedent died suddenly
29 when in apparent good health and without medical attendance within
30 thirty-six hours preceding death;

1 (e) The coroner or medical examiner, or the prosecuting attorney in
2 their absence, if such individual has access to the decedent's medical
3 history or views the deceased, and death is due to natural causes.

4 (4) If the circumstances suggest that the death was caused by
5 unlawful or unnatural causes, the coroner or medical examiner shall
6 determine the cause of death and shall complete and sign the medical
7 certification within forty-eight hours after taking charge of the case.

8 (5) If the cause of death cannot be determined within forty-eight
9 hours after death, the attending physician, coroner, or medical
10 examiner shall state the cause of death is pending investigation or
11 unknown and return the death certificate to the funeral director or the
12 person acting as such. If the cause of death becomes known, the
13 attending physician, coroner, or medical examiner shall complete an
14 affidavit for correction and file it with the local registrar.

15 (6) Final disposition shall not be made until authorized by the
16 local registrar.

17 (7) The state registrar may authorize electronic death registration
18 and create a state-wide death data base. The department may authorize
19 local registrars to access this data base under section 8 of this act.

20 NEW SECTION. **Sec. 14.** SPONTANEOUS FETAL DEATH CERTIFICATES. (1)
21 Each spontaneous fetal death of twenty or more completed weeks
22 gestation that occurs in this state, calculated according to standard
23 medical practice, shall be reported to the local registrar within three
24 days after the occurrence. Responsibility for reporting a spontaneous
25 fetal death shall be as follows:

26 (a) If a spontaneous fetal death required to be reported by this
27 section occurs in an institution, the attending physician, the person
28 in charge of the institution, or a designated representative of the
29 person in charge shall prepare and file the certificate;

1 (b) If a spontaneous fetal death required to be reported by this
2 section occurs outside an institution, the physician in attendance at
3 or immediately after delivery shall prepare and file the certificate;

4 (c) If a spontaneous fetal death required to be reported by this
5 section occurs without medical attendance, the coroner or medical
6 examiner in the county of event shall prepare and file the certificate;

7 (d) If a spontaneous fetal death required to be reported by this
8 section occurs in a moving conveyance and the fetus is first removed
9 from the conveyance in Washington state or if a dead fetus is found in
10 Washington state and the place of fetal death is unknown, a spontaneous
11 fetal death certificate shall be filed with the local registrar. The
12 place where the fetus was first removed from the conveyance or where
13 the fetus was found shall be considered the place of death.

14 (2) Statistical information regarding the father shall be entered
15 on the spontaneous fetal death certificate if the father is
16 identifiable as provided in section 9 of this act.

17 NEW SECTION. **Sec. 15.** AUTHORIZATION FOR FINAL DISPOSITION.

18 (1)(a) No person may transport, hold for more than seventy-two hours,
19 or inter, cremate, or otherwise permanently dispose of the remains of
20 a person without a notice of removal or a burial-transit permit. The
21 local registrar shall issue this permit with a statement that a
22 satisfactory certificate of death has been filed with that office.

23 (b) The funeral director or person acting as such may remove a body
24 from the district in which the death occurred to another registration
25 district only after filing a complete and accurate death certificate or
26 a notice of removal with the local registrar. The notice of removal
27 shall specify the name and address of the local registrar with whom the
28 funeral director or person acting as such must file the death
29 certificate and obtain the burial-transit permit. The funeral director

1 or person acting as such shall pay the local registrar in the district
2 in which the disposition occurred one dollar to forward the death
3 certificate to the registrar in the district in which the death
4 occurred.

5 (2)(a) The sexton or person in charge of a place for final
6 disposition, or in their absence, the funeral director or person acting
7 as such, shall sign the permit and return it to the local registrar in
8 the county of issuance within ten days after the disposition.

9 (b) The sexton or person in charge of the premises for final
10 disposition shall keep a record of all bodies disposed of on the
11 premises stating the name of the deceased person, place of death, date
12 of disposition, and name and address of the funeral director or person
13 acting as such. This record shall be open to public inspection at all
14 times.

15 (3) A funeral director or person acting as such may disinter a body
16 only after filing a disinterment permit with the local registrar.

17 NEW SECTION. **Sec. 16.** AMENDMENTS. (1) To protect the integrity
18 and accuracy of vital records a certificate registered under this
19 chapter may be amended only in accordance with this section and rules
20 adopted by the department.

21 (2) A certificate that is amended under this section shall be
22 marked "Amended." The department shall prescribe by rule the
23 conditions under which additions or minor corrections may be made to
24 certificates within one year after the date of the event, without the
25 certificate being marked "Amended." The department by rule may limit
26 the length of time in which changes may be made on specific types of
27 certificates.

28 (3) If an applicant does not submit the minimum documentation
29 required by rule for amending a vital record, or if the state registrar

1 has reasonable cause to question the documentary evidence, and if the
2 deficiencies are not corrected, the state registrar shall not amend the
3 vital record, but shall advise the applicant of the right to petition
4 the superior court for a court order to amend the record.

5 NEW SECTION. **Sec. 17.** COURT-ORDERED CHANGES. (1) Upon receipt of
6 a certified copy of a court order changing the items on a birth, death,
7 marriage, or dissolution certificate the state registrar shall amend
8 the birth certificate to show the new information.

9 (2) Upon receipt of a notarized statement by a licensed physician
10 indicating that the gender of an individual born in this state has been
11 changed by surgical procedure and a certified copy of a court order
12 changing that individual's name, if appropriate, the state registrar
13 shall amend the birth certificate as prescribed by rule to reflect the
14 change.

15 NEW SECTION. **Sec. 18.** REPRODUCTION OF VITAL RECORDS. (1) To
16 preserve vital records, the state registrar is authorized to prepare
17 typewritten, photographic, electronic, or other reproductions of
18 certificates or documents in the center for health statistics. If
19 certified by the state registrar, the reproductions shall be accepted
20 as the original records. The documents from which permanent
21 reproductions have been made and verified may be disposed of as
22 provided by rule.

23 (2) Upon receipt of a written application, the state registrar
24 shall issue a certified copy of a vital record in the custody of the
25 state registrar. Each copy issued shall show the date of registration
26 and copies issued from records marked "Delayed" or "Amended" must be
27 similarly marked and show the effective date. The documentary evidence
28 used to establish a delayed certificate must be noted on all copies

1 issued. All forms and procedures used in the issuance of certified
2 copies of vital records in Washington state shall be provided or must
3 be approved by the state registrar.

4 (3) A certified copy of a vital record issued in accordance with
5 subsection (1) of this section shall be considered for all purposes the
6 same as the original and shall be prima facie evidence of the facts
7 stated in the copy. However, the evidentiary value of a certificate or
8 record filed more than one year after the event or a record that has
9 been amended shall be determined by the judicial or administrative body
10 or official before whom the certificate is offered as evidence.

11 NEW SECTION. **Sec. 19.** ACCESS TO INFORMATION FROM CENTER FOR
12 HEALTH STATISTICS. (1) The state registrar shall release statistical
13 information contained in the confidential portion of birth and
14 spontaneous fetal death certificates only under chapter 42.48 RCW or by
15 order of a court of competent jurisdiction.

16 (2) The state registrar shall remove all personal identifiers from
17 public use statistical data tapes of births and spontaneous fetal
18 deaths.

19 (3) The state registrar shall provide copies of the public portion
20 of birth, death, marriage, and dissolution certificates subject to RCW
21 70.58.107 (as recodified by this act) and under chapter 42.17 RCW.

22 (4) The state registrar shall designate a person to be responsible
23 for physical security.

24 (5) The state registrar shall maintain a system for monitoring
25 security.

26 (6) The federal agency responsible for national vital statistics
27 shall be furnished copies or data from the system of vital statistics
28 as the agency shall require for national statistics if the federal
29 agency shares in the cost of collecting, processing, and transmitting

1 the data and if the data will not be used for other than statistical
2 purposes by the federal agency unless so authorized by the state
3 registrar.

4 NEW SECTION. **Sec. 20.** PENALTY. (1) A person is guilty of a
5 misdemeanor if he or she:

6 (a) Willfully fails or refuses to register a certificate as
7 required by this chapter;

8 (b) Willfully fails or refuses to provide complete information for
9 a certificate as required by this chapter;

10 (c) Willfully violates a provision of this chapter.

11 (2) A person is guilty of a gross misdemeanor if he or she
12 willfully furnishes false information for a certificate required by
13 this chapter.

14 NEW SECTION. **Sec. 21.** Sections 1 through 20 of this act shall
15 constitute a new chapter in Title 70 RCW.

16 **Sec. 22.** RCW 26.04.090 and 1967 c 26 s 4 are each amended to read
17 as follows:

18 A person solemnizing a marriage shall, within thirty days
19 thereafter, make and deliver to the county auditor of the county
20 wherein the license was issued a certificate for the files of the
21 county auditor, and a certificate for the files of the state registrar
22 of vital statistics. The certificate for the files of the county
23 auditor shall be substantially as follows:

24 STATE OF WASHINGTON }
25 }
26 COUNTY OF }

1 This is to certify that the undersigned, a, by authority
2 of a license bearing date the day of A.D., 19.., and
3 issued by the County auditor of the county of, did, on the
4 day of A.D., 19.., at in this county and
5 state, join in lawful wedlock A.B. of the county of, state
6 of and C.D. of the county of, state of
7, with their mutual assent, in the presence of F H and E G,
8 witnesses.

9 In Testimony Whereof, witness the signatures of the parties to said
10 ceremony, the witnesses and myself, this day of, A.D.,
11 19...

12 The certificate for the files of the state registrar of vital
13 statistics shall be in accordance with ((RCW 70.58.200)) section 6 of
14 this act. The certificate forms for the files of the county auditor
15 and for the files of the state registrar of vital statistics shall be
16 provided by the state registrar of vital statistics.

17 **Sec. 23.** RCW 26.04.165 and 1989 1st ex.s. c 9 s 203 are each
18 amended to read as follows:

19 In addition to the application provided for in RCW 26.04.160, the
20 county auditor for the county ((wherein the license is issued shall
21 submit to each applicant at the time for application for a license the
22 Washington state department of health marriage certificate form
23 prescribed by RCW 70.58.200 to be completed by the applicants and
24 returned to the county auditor for the files of the state registrar of
25 vital statistics)) in which the license is issued shall complete the
26 marriage certificate form prescribed by the state registrar. This form
27 shall be signed by the applicants at the time of marriage and returned
28 to the county auditor for the files of the state registrar of vital

1 statistics. After the execution of the application for, and the
2 issuance of a license, no county (~~shall~~) may require the persons
3 authorized to solemnize marriages to obtain any further information
4 from the persons to be married except the names and county of residence
5 of the persons to be married.

6 **Sec. 24.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c 375
7 s 3 are each reenacted and amended to read as follows:

8 (1) A petition in a proceeding for dissolution of marriage, legal
9 separation, or for a declaration concerning the validity of a marriage,
10 shall allege the following:

11 (a) The last known residence of each party;

12 (b) The date and place of the marriage;

13 (c) If the parties are separated the date on which the separation
14 occurred;

15 (d) The names, ages, and addresses of any child dependent upon
16 either or both spouses and whether the wife is pregnant;

17 (e) Any arrangements as to the residential schedule of, decision
18 making for, dispute resolution for, and support of the children and the
19 maintenance of a spouse;

20 (f) A statement specifying whether there is community or separate
21 property owned by the parties to be disposed of;

22 (g) The relief sought.

23 (2) Either or both parties to the marriage may initiate the
24 proceeding.

25 (3) The petitioner shall complete and file with the petition a
26 certificate under (~~RCW 70.58.200~~) chapter 70.-- RCW (sections 1
27 through 20 of this act) on the form provided by the department of
28 health.

1 **Sec. 25.** RCW 26.09.150 and 1989 1st ex.s. c 9 s 205 and 1989 c 375
2 s 30 are each reenacted and amended to read as follows:

3 A decree of dissolution of marriage, legal separation, or
4 declaration of invalidity is final when entered, subject to the right
5 of appeal. An appeal which does not challenge the finding that the
6 marriage is irretrievably broken or was invalid, does not delay the
7 finality of the dissolution or declaration of invalidity and either
8 party may remarry pending such an appeal.

9 No earlier than six months after entry of a decree of legal
10 separation, on motion of either party, the court shall convert the
11 decree of legal separation to a decree of dissolution of marriage. The
12 clerk of court shall complete the certificate as provided for in ((RCW
13 70.58.200)) chapter 70.-- RCW (sections 1 through 20 of this act) on
14 the form provided by the department of health. On or before the tenth
15 day of each month, the clerk of the court shall forward to the state
16 registrar of vital statistics the certificate of ((~~each decree of~~
17 ~~divorce, dissolution of marriage,~~) dissolution, annulment, or separate
18 maintenance granted during the preceding month.

19 Upon request of a party whose marriage is dissolved or declared
20 invalid, the court shall order a former name restored or the court may,
21 in its discretion, order a change to another name.

22 **Sec. 26.** RCW 26.26.040 and 1990 c 175 s 2 are each amended to read
23 as follows:

24 (1) A man is presumed to be the natural father of a child for all
25 intents and purposes if:

26 (a) He and the child's natural mother are or have been married to
27 each other and the child is born during the marriage, or within three
28 hundred days after the marriage is terminated by death, annulment,

1 declaration of invalidity, divorce, or dissolution, or after a decree
2 of separation is entered by a court; or

3 (b) Before the child's birth, he and the child's natural mother
4 have attempted to marry each other by a marriage solemnized in apparent
5 compliance with law, although the attempted marriage is or could be
6 declared invalid, and the child is born within three hundred days after
7 the termination of cohabitation;

8 (c) After the child's birth, he and the child's natural mother have
9 married, or attempted to marry, each other by a marriage solemnized in
10 apparent compliance with law, although the attempted marriage is or
11 could be declared invalid, and

12 (i) He has acknowledged his paternity of the child in ~~((writing))~~
13 a notarized paternity affidavit filed with the state registrar of vital
14 statistics,

15 (ii) With his consent, he is named as the child's father on the
16 child's birth certificate, or

17 (iii) He is obligated to support the child under a written
18 voluntary promise or by court order;

19 (d) While the child is under the age of majority, he receives the
20 child into his home and openly holds out the child as his child;

21 (e) He acknowledges his paternity of the child pursuant to ~~((RCW~~
22 70.58.080)) chapter 70.-- RCW (sections 1 through 20 of this act) or in
23 a ~~((writing))~~ notarized paternity affidavit filed with the state
24 ~~((office))~~ registrar of vital statistics~~((, which))~~. The registrar
25 shall promptly inform the mother by certified letter of the filing of
26 the ~~((acknowledgment,))~~ paternity affidavit. If she does not dispute
27 the ~~((acknowledgment))~~ paternity affidavit within a reasonable time
28 after being informed ~~((thereof, in a writing filed with the registrar~~
29 ~~of vital statistics))~~ by notarized paternity affidavit filed with the
30 state registrar, who shall amend the child's birth certificate. In

1 order to enforce rights of residential time, custody, and visitation,
2 a man presumed to be the father as a result of filing a written
3 (~~acknowledgement~~) paternity affidavit must seek appropriate judicial
4 orders under this title; or

5 (f) The United States immigration and naturalization service made
6 or accepted a determination that he was the father of the child at the
7 time of the child's entry into the United States and he had the
8 opportunity at the time of the child's entry into the United States to
9 admit or deny the paternal relationship.

10 (2) A presumption under this section may be rebutted in an
11 appropriate action only by clear, cogent, and convincing evidence. If
12 two or more presumptions arise which conflict with each other, the
13 presumption which on the facts is founded on the weightier
14 considerations of policy and logic controls. The presumption is
15 rebutted by a court decree establishing paternity of the child by
16 another man.

17 **Sec. 27.** RCW 26.33.290 and 1984 c 155 s 29 are each amended to
18 read as follows:

19 Upon receipt of a decree of adoption, the state registrar of vital
20 statistics shall:

21 (1) Return the decree to the court clerk if all information
22 required by RCW 26.33.250 is not included in the decree;

23 (2) If the adoptee was born in a state other than Washington, or in
24 a territory of the United States, forward the certificate of adoption
25 to the appropriate health record recording agency of the state or
26 territory of the United States in which the birth occurred;

27 (3) Issue a new certificate of birth reflecting the information
28 contained in the adoption decree. The original birth certificate shall
29 be sealed and shall not thereafter be open to inspection by any person

1 except upon order of the court for good cause shown or as stipulated by
2 this chapter;

3 (4) If the adoptee was born outside of the United States or its
4 territories, issue a new certificate of birth (~~((by the office of the~~
5 ~~state registrar of vital statistics which))~~ that reflects the
6 information contained in the decree.

7 **Sec. 28.** RCW 35A.70.070 and 1987 c 223 s 4 are each amended to
8 read as follows:

9 Every code city may exercise the powers authorized and shall
10 perform the duties imposed upon cities of like population relating to
11 the public health and safety as provided by Title 70 RCW and, without
12 limiting the generality of the foregoing, shall: (1) Organize boards
13 of health and appoint a health officer with the authority, duties and
14 functions as provided in chapter 70.05 RCW, or provide for combined
15 city-county health departments as provided and in accordance with the
16 provisions of chapter 70.08 RCW; (2) contribute and participate in
17 public health pooling funds as authorized by chapter 70.12 RCW; (3)
18 control and provide for treatment of (~~venereal diseases~~) sexually
19 transmitted diseases as authorized by chapter 70.24 RCW; (4) provide
20 for the care and control of tuberculosis as provided in chapters 70.28,
21 70.30, 70.32, and 70.54 RCW; (5) participate in health districts as
22 authorized by chapter 70.46 RCW; (6) exercise control over water
23 pollution as provided in chapter 35.88 RCW; (7) for all code cities
24 having a population of more than twenty thousand serve as a primary
25 district for registration of vital statistics in accordance with the
26 provisions of chapter (~~70.58~~) 70.-- RCW (sections 1 through 20 of
27 this act); (8) observe and enforce the provisions relating to fireworks
28 as provided in chapter 70.77 RCW; (9) enforce the provisions relating
29 to swimming pools provided in chapter 70.90 RCW; (10) enforce the

1 provisions of chapter 18.20 RCW when applicable; (11) perform the
2 functions relating to mentally ill prescribed in chapters 72.06 and
3 71.12 RCW; (12) cooperate with the state department of social and
4 health services in mosquito control as authorized by RCW 70.22.060; and
5 (13) inspect nursing homes as authorized by RCW 18.51.145.

6 **Sec. 29.** RCW 43.121.100 and 1987 c 351 s 5 are each amended to
7 read as follows:

8 The council may accept contributions, grants, or gifts in cash or
9 otherwise, including funds generated by the sale of "heirloom" birth
10 certificates under chapter (~~(70.58 RCW)~~) 70.-- RCW (sections 1 through
11 20 of this act) from persons, associations, or corporations. All
12 moneys received by the council or any employee thereof from
13 contributions, grants, or gifts and not through appropriation by the
14 legislature shall be deposited in a depository approved by the state
15 treasurer to be known as the children's trust fund. Disbursements of
16 such funds shall be on the authorization of the council or a duly
17 authorized representative thereof and only for the purposes stated in
18 RCW 43.121.050. In order to maintain an effective expenditure and
19 revenue control, such funds shall be subject in all respects to chapter
20 43.88 RCW, but no appropriation shall be required to permit expenditure
21 of such funds.

22 **Sec. 30.** RCW 70.58.107 and 1988 c 40 s 1 are each amended to read
23 as follows:

24 (1) The department (~~(of social and health services)~~) shall charge
25 a fee of eleven dollars for certified copies of records and for copies
26 or information provided for research, statistical, or administrative
27 purposes, and eight dollars for a search of the files or records when
28 no copy is made. The department shall prescribe by (~~(regulation)~~) rule

1 fees to be paid for preparing sealed files and for opening sealed
2 files.

3 (2) No fee may be ~~((demanded or required))~~ charged for furnishing
4 certified copies of a birth, death, spontaneous fetal death, marriage,
5 ~~((divorce, annulment, or legal separation))~~ or dissolution record for
6 use in connection with a claim for compensation or pension pending
7 before the veterans' administration.

8 (3) The ~~((state))~~ department ~~((of social and health services))~~
9 shall keep a true and correct account of all fees received and turn the
10 fees over to the state treasurer on a weekly basis.

11 (4) The local registrar~~((s))~~ shall charge the same fee~~((s))~~ as the
12 state ~~((as hereinabove provided and as prescribed by department~~
13 ~~regulation))~~ register, except that local registrars shall charge eleven
14 dollars for the first copy of a death certificate and six dollars for
15 each additional copy of the same death certificate when ~~((the))~~
16 additional copies are ordered at the same time as the first copy. All
17 such fees collected, except for three dollars of each fee for the
18 issuance of a certified copy, shall be paid to the jurisdictional
19 health department.

20 (5) All local registrars in cities and counties shall keep a true
21 and correct account of all fees received under this section for the
22 issuance of certified copies and shall turn three dollars of the fee
23 over to the state treasurer on or before the first day of January,
24 April, July, and October.

25 (6) Three dollars of each fee ~~((imposed))~~ collected for the
26 issuance of a certified ~~((copies))~~ copy by either the state or local
27 registrars, except for ~~((copies))~~ birth certificates suitable for
28 display issued under RCW 70.58.085 (as recodified by this act), at both
29 the state and local levels shall be ~~((held by the))~~ transmitted to the

1 state treasurer for deposit in the death investigations account
2 (~~established by~~) under RCW 43.79.445.

3 **Sec. 31.** RCW 70.58.310 and 1979 c 141 s 110 are each amended to
4 read as follows:

5 The secretary (~~of social and health services, through the state~~
6 ~~registrar of vital statistics,~~) of health shall establish and maintain
7 a registry for handicapped children.

8 **Sec. 32.** RCW 70.58.320 and 1984 c 156 s 1 are each amended to read
9 as follows:

10 Whenever the attending physician discovers that a newborn child has
11 a sentinel defect, and whenever a physician discovers upon treating a
12 child under the age of fourteen years that such child has a partial or
13 complete disability or a condition which may lead to partial or
14 complete disability, such fact shall be reported to the local registrar
15 and to the parents, or legal guardians of the child, upon a form to be
16 provided by the secretary of (~~social and health services~~) health. No
17 report shall be required if the disabling condition has been previously
18 reported or the condition is not one required to be reported by the
19 secretary of (~~social and health services~~) health. Sentinel defects
20 shall be reported at the same time as birth certificates are required
21 to be filed. Each physician shall make a report as to disabling
22 conditions within thirty days after discovery thereof. If a child with
23 sentinel birth defects is born outside the hospital, the person filling
24 out the birth certificate shall make a report to the department.

25 The forms to be provided by the secretary of (~~social and health~~
26 ~~services~~) health for this purpose shall require such information as
27 the secretary deems necessary to carry out the purpose of RCW 70.58.300
28 through 70.58.350 (as recodified by this act).

1 **Sec. 33.** RCW 70.58.330 and 1984 c 156 s 4 are each amended to read
2 as follows:

3 Except compilations of statistical data furnished by the
4 department, the information furnished in the reports required by RCW
5 70.58.320 (as recodified by this act) shall be secret and shall not be
6 revealed except upon order of the superior court (~~(or by the process~~
7 ~~established by RCW 70.58.324)~~). A parent or legal guardian of a child
8 who is the subject of a report required by RCW 70.58.320 (as recodified
9 by this act) shall have access to such report or reports.

10 **Sec. 34.** RCW 70.58.340 and 1979 c 141 s 112 are each amended to
11 read as follows:

12 The secretary of (~~(social and health services)~~) health and any
13 local health officer is authorized to cooperate with and to promote the
14 aid of any medical, health, nursing, welfare, or other private groups
15 or organizations, and with any state agency or political subdivision to
16 furnish statistical data in furtherance of the purpose of RCW 70.58.300
17 through 70.58.350 (as recodified by this act). The secretary or any
18 local health officer may accept contributions or gifts in cash or
19 otherwise from any person, group, or governmental agency to further the
20 purpose of RCW 70.58.300 through 70.58.350 (as recodified by this act).

21 **Sec. 35.** RCW 70.58.390 and 1981 c 176 s 1 are each amended to read
22 as follows:

23 A county coroner, medical examiner, or the prosecuting attorney
24 having jurisdiction may issue a certificate of presumed death when the
25 official issuing the certificate determines to the best of the
26 official's knowledge and belief that there is sufficient circumstantial
27 evidence to indicate that a person has in fact died in the county or in
28 waters contiguous to the county as a result of (~~(an accident or natural~~

1 ~~disaster,~~) natural or other cause such as a drowning, flood,
2 earthquake, or volcanic eruption(~~(, or similar occurrence)~~), and that
3 it is unlikely that the body will be recovered. The certificate shall
4 recite, to the extent possible, the date, circumstances, and place of
5 the death, and shall be the legally accepted fact of death.

6 In the event that the county in which the death occurred cannot be
7 determined with certainty, the county coroner, medical examiner, or
8 prosecuting attorney in the county in which the events occurred and in
9 which the decedent was last known to be alive may issue a certificate
10 of presumed death under this section.

11 The official issuing the certificate of presumed death shall file
12 the certificate with the state registrar of vital statistics, and
13 thereafter all persons and parties acting in good faith may rely
14 thereon with acquittance.

15 NEW SECTION. **Sec. 36.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 70.58.005 and 1987 c 223 s 1;

18 (2) RCW 70.58.010 and 1979 ex.s. c 52 s 2, 1951 c 106 s 4, 1915 c
19 180 s 1, & 1907 c 83 s 2;

20 (3) RCW 70.58.020 and 1979 ex.s. c 52 s 3, 1961 ex.s. c 5 s 5, 1951
21 c 106 s 5, 1915 c 180 s 2, & 1907 c 83 s 3;

22 (4) RCW 70.58.030 and 1990 c 99 s 1, 1961 ex.s. c 5 s 6, & 1907 c
23 83 s 18;

24 (5) RCW 70.58.040 and 1961 ex.s. c 5 s 7, 1951 c 106 s 8, 1915 c
25 180 s 10, & 1907 c 83 s 19;

26 (6) RCW 70.58.050 and 1907 c 83 s 22;

27 (7) RCW 70.58.070 and 1907 c 83 s 11;

28 (8) RCW 70.58.080 and 1989 c 55 s 2, 1961 ex.s. c 5 s 8, 1951 c 106
29 s 6, & 1907 c 83 s 12;

1 (9) RCW 70.58.095 and 1983 1st ex.s. c 41 s 14, 1975-'76 2nd ex.s.
2 c 42 s 38, & 1961 ex.s. c 5 s 21;

3 (10) RCW 70.58.100 and 1915 c 180 s 8 & 1907 c 83 s 14;

4 (11) RCW 70.58.104 and 1987 c 223 s 2;

5 (12) RCW 70.58.110 and 1953 c 90 s 2, 1943 c 176 s 1, & 1941 c 167
6 s 1;

7 (13) RCW 70.58.120 and 1961 ex.s. c 5 s 9, 1953 c 90 s 3, 1943 c
8 176 s 2, & 1941 c 167 s 2;

9 (14) RCW 70.58.130 and 1961 ex.s. c 5 s 10, 1953 c 90 s 4, 1951 c
10 106 s 2, 1943 c 176 s 4, & 1941 c 167 s 4;

11 (15) RCW 70.58.145 and 1961 ex.s. c 5 s 20;

12 (16) RCW 70.58.150 and 1961 ex.s. c 5 s 11 & 1945 c 159 s 5;

13 (17) RCW 70.58.160 and 1961 ex.s. c 5 s 12 & 1945 c 159 s 1;

14 (18) RCW 70.58.170 and 1979 ex.s. c 162 s 1, 1961 ex.s. c 5 s 13,
15 & 1945 c 159 s 2;

16 (19) RCW 70.58.180 and 1961 ex.s. c 5 s 14, 1953 c 188 s 5, & 1945
17 c 159 s 3;

18 (20) RCW 70.58.190 and 1945 c 159 s 4;

19 (21) RCW 70.58.200 and 1979 ex.s. c 162 s 2, 1975-'76 2nd ex.s. c
20 42 s 39, 1969 ex.s. c 279 s 2, 1967 c 26 s 10, 1961 ex.s. c 5 s 15, &
21 1945 c 159 s 6;

22 (22) RCW 70.58.210 and 1979 ex.s. c 101 s 2, 1975-'76 2nd ex.s. c
23 42 s 40, 1943 c 12 s 1, & 1939 c 133 s 1;

24 (23) RCW 70.58.230 and 1961 ex.s. c 5 s 16, 1915 c 180 s 3, & 1907
25 c 83 s 4;

26 (24) RCW 70.58.240 and 1961 ex.s. c 5 s 17, 1915 c 180 s 6, & 1907
27 c 83 s 8;

28 (25) RCW 70.58.250 and 1961 ex.s. c 5 s 18 & 1907 c 83 s 9;

29 (26) RCW 70.58.260 and 1915 c 180 s 7 & 1907 c 83 s 10;

30 (27) RCW 70.58.270 and 1907 c 83 s 16;

1 (28) RCW 70.58.280 and 1915 c 180 s 12 & 1907 c 83 s 21;
2 (29) RCW 70.58.324 and 1984 c 156 s 3;
3 (30) RCW 70.58.380 and 1981 c 284 s 1; and
4 (31) RCW 43.70.160 and 1989 1st ex.s. c 9 s 255, 1967 c 26 s 2, &
5 1965 c 8 s 43.20.080.

6 NEW SECTION. **Sec. 37.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 38.** Section headings as used in this act
11 constitute no part of the law.

12 NEW SECTION. **Sec. 39.** RCW 70.58.085, 70.58.107, 70.58.300,
13 70.58.310, 70.58.320, 70.58.322, 70.58.330, 70.58.332, 70.58.334,
14 70.58.338, 70.58.340, 70.58.350, and 70.58.390 shall each be recodified
15 in the new chapter created by section 21 of this act. The code reviser
16 shall correct all internal references to these recodified sections.
17 1987 c 351 s 1 shall be placed as a footnote to recodified RCW
18 70.58.085.

19 NEW SECTION. **Sec. 40.** The code reviser shall place a cross-
20 reference to RCW 29.10.095 in the new chapter created by section 21 of
21 this act.