

AMENDED IN ASSEMBLY APRIL 9, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2755

Introduced by Assembly Member Napolitano

February 22, 1996

An act to amend ~~Section 102345~~ Sections 102360, 102370, 102875, 103535, and 103640 of the Health and Safety Code, relating to vital statistics.

LEGISLATIVE COUNSEL'S DIGEST

AB 2755, as amended, Napolitano. Vital statistics.

Existing law requires each live birth, fetal death, death, and marriage be registered in accordance with prescribed procedures.

This bill would make changes of a technical, nonsubstantive nature.

Existing law requires the local registrar of births and deaths to furnish to the registrar of voters or the county clerk a notification of all deceased persons 18 years of age or older, and requires copies to be sent to the county welfare department and the local social security office.

This bill would require an additional copy to be sent to the regional tumor registry.

Existing law specifies the form and content of a certificate of death, including, but not limited to, the signatures of embalmer, attending physician and surgeon, coroner, or local registrar.

This bill would permit use of an electronic signature substitute approved by the State Registrar in lieu of a signature, and would specify that the person completing the cause of death portion of the certificate, thus, attest to its accuracy.

Existing law requires a local registrar to request a copy of a new amended birth certificate under prescribed provisions of law, and requires the State Registrar to send the requested copy.

This bill would revise this requirement to include other provisions of law authorizing amended certificates for various reasons, including, but not limited to, correction of health section data, insertion of a missing name, and deletion of racial slurs.

Existing law requires certain fees to be charged for certified copies of certain vital records. Existing law requires certain additional fees be charged, and permits the local official collecting the additional fee to establish a vital and health statistics trust fund. The law requires allocation of the additional fees according to a prescribed schedule. Existing law requires each county to submit an annual report to the State Registrar regarding these revenues.

This bill would require the State Registrar to submit an annual combined report, and a summary report of all statewide activities related to the revenues.

By imposing these new duties upon local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.



The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 102345 of the Health and Safety~~
2 ~~Code is amended to read:~~

3 ~~102345. The local registrar of births and deaths shall~~
4 ~~transmit each week to the State Registrar all original~~
5 ~~certificates accepted for registration by him or her during~~
6 ~~the preceding week.~~

7 *SECTION 1. Section 102360 of the Health and Safety*
8 *Code is amended to read:*

9 102360. The local registrar of births and deaths shall
10 furnish to the registrar of voters or county clerk not later
11 than the 15th day of each month a notification of all
12 deceased persons 18 years of age and over whose deaths
13 were registered with him or her or of whose deaths he or
14 she was notified by the state registrar of vital statistics
15 during the preceding month. This notification shall
16 include at least the name, social security number, sex, age,
17 birthplace, birthdate, place of residence, and date and
18 place of death for each decedent. Copies of this
19 notification list shall be sent at the same time to the
20 county welfare department, *the regional tumor registry,*
21 and the local district social security office.

22 *SEC. 2. Section 102370 of the Health and Safety Code*
23 *is amended to read:*

24 102370. The ~~county recorder~~ *local custodian of*
25 *records* is hereby authorized to receive original records
26 or abstracts of records of any birth or death that were filed
27 with any political subdivision prior to July 1, 1905, and to
28 retain them as a special county record of the events.

29 *SEC. 3. Section 102875 of the Health and Safety Code*
30 *is amended to read:*

31 102875. The certificate of death shall be divided into
32 two sections. ~~The~~

33 (a) *The* first section shall contain those items
34 necessary to establish the fact of the death, including all
35 of the following and those other items as the State
36 Registrar may designate:

37 (a)



- 1 (1) Personal data concerning decedent including full
- 2 name, sex, color or race, marital status, name of spouse,
- 3 date of birth and age at death, birthplace, usual residence,
- 4 and occupation and industry or business.
- 5 ~~(b)~~
- 6 (2) Date of death, including month, day, and year.
- 7 ~~(c)~~
- 8 (3) Place of death.
- 9 ~~(d)~~
- 10 (4) Full name of father and birthplace of father, and
- 11 full maiden name of mother and birthplace of mother.
- 12 ~~(e)~~
- 13 (5) Informant.
- 14 ~~(f)~~
- 15 (6) Disposition of body information including
- 16 signature and license number of embalmer if body
- 17 embalmed or name of embalmer if affixed by
- 18 attorney-in-fact; name of funeral director, or person
- 19 acting as such; and date and place of interment or
- 20 removal. *An electronic signature substitute approved by*
- 21 *the State Registrar may be used in lieu of the actual*
- 22 *signature of the embalmer.*
- 23 ~~(g)~~
- 24 (7) Certification and signature of attending physician
- 25 *and surgeon* or certification and signature of coroner
- 26 when required to act by law. *The person completing the*
- 27 *portion of the certificate setting forth the cause of death*
- 28 *may attest to its accuracy by use of an electronic signature*
- 29 *substitute approved by the State Registrar in lieu of a*
- 30 *signature.*
- 31 ~~(h)~~
- 32 (8) Date accepted for registration and signature of
- 33 local registrar. *The local registrar may elect to use an*
- 34 *electronic signature substitute approved by the State*
- 35 *Registrar in lieu of a signature.*
- 36 ~~The~~
- 37 (b) *The* second section shall contain those items
- 38 relating to medical and health data, including all of the
- 39 following and other items as the State Registrar may
- 40 designate:



1 ~~(a)~~
2 (1) Disease or conditions leading directly to death and
3 antecedent causes.

4 ~~(b)~~
5 (2) Operations and major findings thereof.

6 ~~(c)~~
7 (3) Accident and injury information.

8 *SEC. 4. Section 103535 of the Health and Safety Code*
9 *is amended to read:*

10 103535. Upon application of a parent, the local
11 registrar or county recorder shall request a copy of a new
12 birth certificate amended under ~~Article 1 Chapter 5~~
13 ~~(commencing with Section 102625) of this chapter and~~
14 ~~Article 2 (commencing with Section 102725) of Chapter~~
15 ~~5, and Article 3 (commencing with Section 103300),~~
16 ~~Article 4 (commencing with Section 1033250), Article 5~~
17 ~~(commencing with Section 103350), Article 6~~
18 ~~(commencing with Section 103400), and Article 7~~
19 ~~(commencing with Section 103425), of Chapter 11, from~~
20 the State Registrar. When ~~such~~ a request of this type is
21 received, the State Registrar shall send a copy of the new
22 certificate to the local registrar or county recorder who
23 shall then issue certified copies from the document. The
24 copy of the new certificate returned to the local registrar
25 or county recorder under this procedure shall be filed in
26 the same manner as the copies of other certificates
27 representing births that occurred during the same time
28 period.

29 *SEC. 5. Section 103640 of the Health and Safety Code*
30 *is amended to read:*

31 103640. (a) Commencing January 1, 1992, in addition
32 to the fees prescribed by subdivisions (a) to (d), inclusive,
33 of Section 103625, all applicants for certified copies of the
34 records described in those subdivisions shall pay an
35 additional fee of two dollars (\$2), that shall be collected
36 by the State Registrar, the local registrar, county
37 recorder, or county clerk, as the case may be.

38 (b) Except as provided in paragraph (2), the local
39 public official charged with the collection of the
40 additional fee established pursuant to subdivision (a) may



1 create a Vital and Health Statistics Trust Fund. The fees
2 collected by local public officials pursuant to subdivision
3 (a) shall be distributed as follows:

4 (1) Commencing January 1, 1992, and ending
5 December 31, 1992, one dollar (\$1) of each two dollars
6 (\$2) collected shall be deposited with the State Registrar
7 in the State Vital Record Improvement Account
8 established pursuant to Section 102250.

9 (2) Commencing January 1, 1993, ninety cents (\$0.90)
10 of each two dollars (\$2) collected shall be deposited with
11 the State Registrar in the State Vital Record
12 Improvement Account established pursuant to Section
13 102250.

14 (3) The remainder of each two dollars (\$2) collected
15 shall be deposited into the collecting agency's Vital and
16 Health Statistics Trust Fund.

17 (4) Any local public official that does not establish a
18 local Vital and Health Statistics Trust Fund shall forward
19 the entire two dollars (\$2) fee to the State Registrar, who
20 shall deposit the fees into the State Vital Record
21 Improvement Account established pursuant to Section
22 102250.

23 (5) Fees collected by the State Registrar shall be
24 deposited into the State Vital Record Improvement
25 Account established pursuant to Section 102250.

26 (c) Moneys in each Vital and Health Statistics Trust
27 Fund shall be available to the public official charged with
28 the collection of fees pursuant to this section to defray the
29 administrative costs of collecting and reporting with
30 respect to those fees and for the other costs, as follows:

31 (1) Modernization of vital record operations,
32 including improvement, automation, and technical
33 support of vital record systems.

34 (2) Improvement in the collection and analysis of
35 health-related birth and death certificate information,
36 and other community health data collection and analysis,
37 as appropriate.

38 (d) Funds collected pursuant to this section shall not
39 be used to supplant existing funding that is necessary for
40 the daily operation of vital *statistics and vital* record



1 systems. It is the intent of the Legislature that funds
2 collected pursuant to this section be used to enhance
3 service to the public, to improve analytical capabilities of
4 state and local health authorities in addressing the health
5 needs of newborn children, maternal health problems,
6 and to analyze the health status of the general population.

7 (e) Each county shall annually submit a report to the
8 State Registrar by March 1, containing information on the
9 amount of revenues collected pursuant to this section for
10 the previous calendar year and on how the revenues were
11 expended and for what purpose. *The State Registrar shall*
12 *annually combine the reports from the counties,*
13 *incorporate information regarding revenues collected by*
14 *the State Registrar pursuant to this section for the*
15 *previous calendar year; including, but not limited to the*
16 *manner in which, and purpose for which, these revenues*
17 *were expended, and a summary report of all statewide*
18 *activities related to these revenues.*

19 (f) This section shall remain in effect only until
20 January 1, 1997, and as of that date is repealed, unless a
21 later enacted statute, which is enacted before January 1,
22 1997, deletes or extends that date.

23 (g) It is the intent of the Legislature that the Vital
24 Record Improvement Project be completed by January
25 1, 1997, and that the one dollar (\$1) surcharge used to
26 fund this project be discontinued at that time.

27 (h) This section shall become operative on July 1, 1995.

28 *SEC. 6. Notwithstanding Section 17610 of the*
29 *Government Code, if the Commission on State Mandates*
30 *determines that this act contains costs mandated by the*
31 *state, reimbursement to local agencies and school*
32 *districts for those costs shall be made pursuant to Part 7*
33 *(commencing with Section 17500) of Division 4 of Title*
34 *2 of the Government Code. If the statewide cost of the*
35 *claim for reimbursement does not exceed one million*
36 *dollars (\$1,000,000), reimbursement shall be made from*
37 *the State Mandates Claims Fund.*

38 *Notwithstanding Section 17580 of the Government*
39 *Code, unless otherwise specified, the provisions of this act*



1 *shall become operative on the same date that the act*
2 *takes effect pursuant to the California Constitution.*

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