

DEATH CERTIFICATE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill allows a health care professional to indicate that air pollution factored into an individual's death on the individual's death certificate.

Highlighted Provisions:

This bill:

- ▶ allows a health care professional to indicate on a death certificate that air pollution factored into the individual's death; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-2-13, as last amended by Laws of Utah 2021, Chapters 11 and 297

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-2-13** is amended to read:

26-2-13. Certificate of death -- Execution and registration requirements --
Information provided to lieutenant governor.



(1) (a) A certificate of death for each death that occurs in this state shall be filed with the local registrar of the district in which the death occurs, or as otherwise directed by the state registrar, within five days after death and prior to the decedent's interment, any other disposal, or removal from the registration district where the death occurred.

(b) A certificate of death shall be registered if the certificate of death is completed and filed in accordance with this chapter.

(2) (a) If the place of death is unknown but the dead body is found in this state:

(i) the certificate of death shall be completed and filed in accordance with this section; and

(ii) the place where the dead body is found shall be shown as the place of death.

(b) If the date of death is unknown, the date shall be determined by approximation.

(3) (a) When death occurs in a moving conveyance in the United States and the decedent is first removed from the conveyance in this state:

(i) the certificate of death shall be filed with:

(A) the local registrar of the district where the decedent is removed; or

(B) a person designated by the state registrar; and

(ii) the place where the decedent is removed shall be considered the place of death.

(b) When a death occurs on a moving conveyance outside the United States and the decedent is first removed from the conveyance in this state:

(i) the certificate of death shall be filed with:

(A) the local registrar of the district where the decedent is removed; or

(B) a person designated by the state registrar; and

(ii) the certificate of death shall show the actual place of death to the extent [†] the actual place of death can be determined.

(4) (a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a funeral service director is not retained, a dispositioner shall sign the certificate of death.

(b) The custodial funeral service director, an agent of the custodial funeral service director, or, if a funeral service director is not retained, a dispositioner shall:

(i) file the certificate of death prior to any disposition of a dead body or fetus; and

(ii) obtain the decedent's personal data from the next of kin or the best qualified person or source available, including the decedent's social security number, if known.

(c) The certificate of death may not include the decedent's social security number.

(d) A dispositioner may not sign a certificate of death, unless the signature is witnessed by the state registrar or a local registrar.

~~[(5) (a) Except as provided in Section 26-2-14, fetal death certificates, the medical section of the certificate of death shall be completed, signed, and returned to the funeral service director, or, if a funeral service director is not retained, a dispositioner, within 72 hours after death by the health care professional who was in charge of the decedent's care for the illness or condition which resulted in death, except when inquiry is required by Title 26, Chapter 4, Utah Medical Examiner Act.]~~

(5) (a) Except as provided in Section 26-2-14 and except when inquiry is required by Chapter 4, Utah Medical Examiner Act, the attending health care professional responsible for treating the illness or condition that led to the decedent's death shall complete, sign, and return the medical section of the certificate of death to the funeral service director, or, if a funeral service director is not retained, a dispositioner, within 72 hours after the time of death.

(b) In the absence of the attending health care professional or with the health care professional's approval, the certificate of death may be completed and signed by an associate physician, the chief medical officer of the institution in which death occurred, or a physician who performed an autopsy upon the decedent, if:

- (i) the [person] individual has access to the medical history of the case;
- (ii) the [person] individual views the decedent at or after death; and
- (iii) the death is not due to causes required to be investigated by the medical examiner.

(c) When determining the cause of death, if the attending health care professional reasonably believes air pollution factored into the cause of death, the attending health care professional may indicate on the certificate of death that air pollution factored into the cause of death.

(d) Subsection (5)(c) does not create a private cause of action.

(6) When death occurs more than 365 days after the day on which the decedent was last treated by a health care professional, the case shall be referred to the medical examiner for investigation to determine and certify the cause, date, and place of death.

(7) When inquiry is required by ~~[Title 26,]~~ Chapter 4, Utah Medical Examiner Act, the medical examiner shall make an investigation and complete and sign the medical section of the

certificate of death within 72 hours after ~~[taking]~~ the time at which the medical examiner takes
charge of the case.

(8) If the cause of death cannot be determined within 72 hours after death:

(a) the medical section of the certificate of death shall be completed as provided by
department rule;

(b) the attending health care professional or medical examiner shall give the funeral
service director, or, if a funeral service director is not retained, a dispositioner, notice of the
reason for the delay; and

(c) final disposition of the decedent may not be made until authorized by the attending
health care professional or medical examiner.

(9) (a) When a death is presumed to have occurred within this state but the dead body
cannot be located, a certificate of death may be prepared by the state registrar upon receipt of
an order of a Utah district court.

(b) The order described in Subsection (9)(a) shall include a finding of fact stating the
name of the decedent, the date of death, and the place of death.

(c) A certificate of death prepared under Subsection (9)(a) shall:

(i) show the date of registration; and

(ii) identify the court and the date of the order.

(10) It is unlawful for a dispositioner to charge for or accept any remuneration for:

(a) signing a certificate of death; or

(b) performing any other duty of a dispositioner, as described in this section.

(11) The state registrar shall, within five business days after the day on which the state
registrar or local registrar registers a certificate of death for a Utah resident, inform the
lieutenant governor of:

(a) the decedent's name, last known residential address, date of birth, and date of death;
and

(b) any other information requested by the lieutenant governor to assist the county
clerk in identifying the decedent for the purpose of removing the decedent from the official
register of voters.

(12) The lieutenant governor shall, within one business day after the day on which the
lieutenant governor receives the information described in Subsection (11), provide the

121 information to the county clerks.