

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 373

*An Act to amend and reenact §§ 32.1-272, 32.1-273, and 32.1-273.1 of the Code of Virginia, relating to certification of vital records.*

[S 402]

Approved April 6, 1994

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-272, 32.1-273, and 32.1-273.1 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-272. Certified copies of vital records; other copies.

A. In accordance with § 32.1-271 and the regulations adopted pursuant thereto, the State Registrar *or a district health department* shall, upon receipt of a written request, issue a certified copy of any vital record in ~~his~~ *the* custody of the State Registrar or of a part thereof. Such vital records in ~~his~~ *the* State Registrar's custody may be in the form of originals, photoprocessed reproductions or data filed by electronic means. Each copy issued shall show the date of registration. Any copy issued from a record marked "delayed" or "amended," except a record amended pursuant to subsection F of this section or subsection D of § 32.1-269, shall be similarly marked and show the effective date. Certified copies may be issued by county and city registrars only while the original record is in their possession, except that at the option of the county or city registrar true and complete copies of death certificates may be retained and certified copies of such records may be issued by the county or city registrar.

B. A certified copy of a vital record or any part thereof issued in accordance with subsection A shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts therein stated, provided that the evidentiary value of a vital record filed more than one year after the event or a vital record which has been amended shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

C. The federal agency responsible for national vital statistics may be furnished such copies or other data from the system of vital records as it may require for national statistics if such federal agency shares in the cost of collecting, processing and transmitting such data. Such data may be used for research and medical investigations of public health importance. No other use of such data shall be made by the federal agency unless authorized by the State Registrar.

D. Other federal, state and local, public or private agencies in the conduct of their official duties may, upon request and payment of a reasonable fee, be furnished copies or other data from the system of vital records for statistical or administrative purposes upon such terms or conditions as may be prescribed by the Board. Such copies or other data shall not be used for purposes other than those for which they were requested unless so authorized by the State Registrar.

E. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized in this chapter or regulations adopted hereunder.

F. Certified copies of birth records filed before July 1, 1960, containing statements of racial designation on the reverse thereof shall be issued without such statement as a part of the certification; nor for this purpose solely shall such certification be marked "amended."

*G. With the increased fees to be charged for vital records and the additional deposits to the Vital Statistics Automation Fund, the Board of Health shall establish, within the district health departments, a statewide system for decentralizing certification of vital records, when such records are prepared or issued from data in the custody of the State Registrar and the Board of Health.*

§ 32.1-273. Fees for certified copies, searches of files, etc.; disposition.

A. The Board shall prescribe the fee, not to exceed ~~five~~ *eight* dollars, for a certified copy of a vital record or for a search of the files or records when no copy is made and may establish a reasonable fee schedule related to its cost for information or other data provided for research, statistical or administrative purposes. Whenever any veteran or his survivor requires a certified copy of a vital record to obtain service-connected benefits, one copy of such record shall be provided directly to the Veterans Administration upon their request. No charge shall be imposed upon a veteran or his survivor for the submission of vital records directly to the Veterans Administration.

B. Fees collected under this section by the State Registrar shall be transmitted to the Comptroller for deposit. ~~Two~~ *Four* dollars of each fee collected by the State Registrar shall be deposited by the Comptroller into the Vital Statistics Automation Fund established pursuant to § 32.1-273.1 for so long as shall be authorized. ~~The remainder shall be deposited into the general fund of the state treasury. Four dollars of each fee shall be credited to a special fund to be appropriated by the General Assembly, as it deems necessary, for the purpose of carrying out the provisions of this chapter.~~ When the Vital Statistics Automation System is completed, no further deposits into the fund shall be made and all fees collected under this section *not credited to the special fund created by this subsection* shall be deposited

into the general fund of the state treasury.

C. Fees collected under this section by county and city registrars shall be deposited in the general fund of the county or city except that counties or cities operating health departments pursuant to the provisions of § 32.1-31 shall forward all such fees to the Department for deposit in the cooperative local health services fund.

D. Fees assessed against local departments of social services or public welfare for furnished copies of vital records as needed to administer public assistance programs, as defined in § 63.1-87, shall be payable on a quarterly basis.

§ 32.1-273.1. Virginia Vital Statistics Automation Fund.

For the purpose of fully automating the system of vital records provided for in this chapter, *including the statewide system for decentralizing certification of vital records*, there is hereby established the Virginia Vital Statistics Automation Fund.

~~Two~~ *Four* dollars of each fee collected by the State Registrar shall be deposited by the Comptroller to this fund to be appropriated for this purpose to the Department of Health by the General Assembly as it deems necessary.

Deposits to this fund shall cease at such time as the system of vital records for Virginia has become fully automated and the fund shall expire. Any funds unexpended at expiration shall revert to the general fund.