

11103487D

HOUSE BILL NO. 2017

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 32.1-271 and 32.1-273 of the Code of Virginia, relating to authority to receive death certificates.

Patron—Alexander

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That §§ 32.1-271 and 32.1-273 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-271. Disclosure of information in records; when unlawful; when permitted; proceeding to compel disclosure; when certain records made public.

A. To protect the integrity of vital records and to ensure the efficient and proper administration of the system of vital records, it shall be unlawful, notwithstanding the provisions of §§ 2.2-3700 through 2.2-3714, for any person to permit inspection of or to disclose information contained in vital records or to copy or issue a copy of all or part of any such vital records except as authorized by this section or regulation of the Board or when so ordered by a court of this Commonwealth.

B. Data contained in vital records may be disclosed for valid and substantial research purposes in accordance with the regulations of the Board.

C. Any person aggrieved by a decision of a county or city registrar may appeal to the State Registrar. If the State Registrar denies disclosure of information or inspection of or copying of vital records, such person may petition the court of the county or city in which he resides if he resides in the Commonwealth or in which the recorded event occurred or the Circuit Court of the City of Richmond, Division I, for an order compelling disclosure, inspection or copying of such vital record. The State Registrar or his authorized representative may appear and testify in such proceeding.

D. When 100 years have elapsed after the date of birth, or 50 years have elapsed after the date of death, marriage, or divorce, the records of these events in the custody of the State Registrar may become public information and be made available in accordance with regulations that shall provide for the continued safekeeping of the records. All records that are public information on July 1, 1983, shall continue to be public information.

E. The State Registrar or the city or county registrar shall disclose data about or issue a certified copy of a birth certificate of a child to the grandparent of the child upon the written request of the grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as prescribed by Board regulation, for the data or birth certificate.

F. The State Registrar or the city or county registrar shall issue a certified copy of a death certificate to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the Board in regulation.

G. *The State Registrar or the city or county registrar shall disclose data about or issue a certified copy of a death certificate to a nonprofit organ or tissue procurement organization that is a member of the Virginia Transplant Council for the purpose of determining the suitability of organs and tissues for donation, as prescribed by the Board in regulations. Such regulations shall ensure that the information disclosed includes the cause of death and any other medical information necessary to determine the suitability of the organs and tissues for donation.*

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

A. The Board shall prescribe the fee, not to exceed 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.

Whenever a nonprofit organ or tissue procurement organization that is a member of the Virginia Transplant Council requests information from a death certificate pursuant to § 32.1-271 for the purpose of determining the suitability of organs and tissues for donation, such information or certified copy of a death certificate shall be provided free of charge.

B. Fees collected under this section by the State Registrar shall be transmitted to the Comptroller for

INTRODUCED

HB2017

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

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

70 D. Fees assessed against local departments of social services for furnished copies of vital records as
71 needed to administer public assistance and social services programs, as defined in § 63.2-100, shall be
72 payable on a quarterly basis.
73