

A BILL

22-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a system of recordkeeping for vital records for the District of Columbia and to repeal the Vital Records Act of 1981 and to clarify and amend animal control regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "~~Vital Records Modernization and Animal Regulations~~Department of Health Omnibus Technical and Clarifying Regulation Amendment Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Amendment” means a change to a certification item on a vital record after a certification has been issued.

(2) “Applicant” means a person who files information necessary to create a vital record, seeks to amend an existing vital record, or seeks to obtain a copy of or information from a vital record.

(3) “Attending physician” means the physician who was in charge of the decedent’s treatment during the decedent’s hospitalization at the time of death.

(4) “Certificate” means the document, paper, or electronic format, issued by the Registrar that contains all or a part of the exact information on the original vital record, that, when issued by the Registrar, has the full force and effect of the original vital record.

(5) "Certification" means an attestation to the accuracy of information contained in a vital record or on a vital event report.

(6) "Certification item" means any item of information that appears on a certificate that is issued to an applicant.

(7) "Certifier" means a person required to attest to the accuracy of the information submitted on a vital event report.

(8) "Correction" means a change to a non-certification item on a vital record, or a change to a certification item provided no certification, whether paper or electronic, has been issued to an applicant.

(9) "Court" means the Superior Court of the District of Columbia established by § 11-901 or an equivalent court from another jurisdiction.

(10) "Day" means a calendar day.

(11) "Dead body" means a human body or the parts of a human body that have been pronounced deceased.

(12) "Death certifier" means the physician providing treatment at the time of death or the medical examiner investigating the cause and manner of death.

(13) "Designated representative" means an agent identified in a written and witnessed statement signed by the registrant or a qualified applicant to act on the registrant's or applicant's behalf.

(14) "Disclose" or "disclosure" means to make available or make known personally identifiable information contained in a vital record, by any means of communication.

(15) “Disinter” or “disinterment” means the act of removing a dead body from the place of interment.

(16) “Domestic partner” means a person with whom an individual maintains a familial relationship that is characterized by mutual caring and the sharing of a mutual residence and who has registered in accordance with section 3(a) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(a)), or registered in another jurisdiction that recognizes a substantially similar relationship. The term “domestic partner” shall not include a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of a woman who gives birth to a child.

(17) “Domestic partnership” means the relationship between 2 domestic partners as defined in paragraph (14) of this section.

(18) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to attest to the accuracy of the facts in the record.

(19) “Expected death” means a death from a previously diagnosed illness with a prognosis of death in less than 6 months.

(20) “Facts of live birth” means the child’s name, date of live birth, place of live birth, and sex, and the name or names of no more than 2 parents appearing on the record of live birth.

(21) “Fetal death” means death that occurs before the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of

pregnancy. The death is indicated when after the expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. The term “fetal death” shall not include an induced termination of pregnancy.

(22) “File” means the presentation to the Registrar of a vital event report, whether by electronic or other means, for registration in the system of vital records.

(23) “Final disposition” means the burial, interment, cremation, removal from the District, or other authorized disposition of a dead body or fetus.

(24) “IV-D agency” means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under Title IV, Part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

(25) “Funeral director” means a person licensed by the District to perform the practice of funeral directing or acting under the authority of such a person. The term “funeral director” shall include morticians, undertakers, and embalmers who perform duties included in the practice of funeral directing for which licensure is required in the District.

(26) “Gender identity or expression” means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(27) “Health research” means a systematic study conforming to or conducted in accordance with generally accepted scientific standards or principles to gain information and understanding about health with the goal of finding ways to improve human health.

(28) “Human remains” means a dead body, or any part of the body of a deceased human being, but does not include human ashes recovered after cremation.

(29) “Individual” means a natural person.

(30) “Induced termination of pregnancy” means the purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant, and that does not result in a live birth.

(31) “Institution” means any establishment, public or private, that provides in-patient or out-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care, or to which persons are committed by law.

(32) “Inter-jurisdictional exchange” means a process whereby registration areas agree to exchange vital records information with the State Registrars of other States, territories, and neighboring countries.

(33) “Inter” or “Interment” means the disposition of human remains by entombment or burial.

(34) “Legal representative” means a licensed attorney representing a registrant or an applicant.

(35) “Live birth” means the complete expulsion or extraction from its mother of a product of human conception, regardless of the duration of pregnancy, that, after expulsion or

111 extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation
112 of the umbilical cord, or definite movement of voluntary muscles, whether the umbilical cord has
113 been cut or the placenta is attached.

114 (36) “Mother” means a woman who gives live birth to a child in the District of
115 Columbia or a woman who experiences a pregnancy that results in fetal death.

116 (37) “Non-certification item” means any item of information that does not appear
117 on a certification, whether paper or electronic, that is issued to an applicant.

118 (38) “Order” or “order of the court” means a directive to the Register, signed by a
119 judge of the court, to establish or amend a vital record or produce information contained in a
120 vital record. This term includes a subpoena domesticated in accordance with § 13-443.

121 (39) “Personally identifiable information” means information that can be used to
122 distinguish or trace an individual’s identity, such as a Social Security number, biometric records,
123 or address, alone, or when combined with other personal or identifying information that is linked
124 or linkable to a specific individual, such as place of birth or mother’s name prior to first
125 marriage.

126 (40) “Physician” means an individual authorized to practice medicine or
127 osteopathy in the District of Columbia.

128 (41) “Record” means a report of information related to a vital event that the
129 Registrar has accepted for registration.

130 (42) “Registrant” means a person to whom a vital record relates.

(43) “Registrar” means the person appointed by the Director of the Department of Health to administer the system of vital records for the District government.

(44) “Registration” or “register” means the process the Registrar adopts for accepting vital reports of vital events and incorporating the information into the official records of the Vital Records Division.

(45) “Report” means a document, paper or electronic file, record, or data transmittal, containing information related to a vital event submitted by a person or entity required to submit the information to the Registrar for the purpose of registering a vital event.

(46) “Reportable vital event” means a live birth, death, fetal death, or induced termination of pregnancy.

(47) “Resomation” means a process for the disposal of human remains that produces less carbon dioxide and pollutants than cremation.

(48) “Sealed record” means the original record of a reportable vital event and the evidence submitted to support a change by the Registrar for the purpose of the administration of vital records, that is not subject to inspection except upon order of the court or as provided by rulemaking.

(49) “Second parent” means the father or same-sex parent that has acknowledged parentage pursuant to § 16-909.01 or whose parentage has otherwise been determined pursuant to § 16-909.

(50) “Security paper” means paper used for the issuance of a vital record that contains special characteristics such as dithered patterns, special inks, watermarks, metallized

152 threads, phosphorescent fibers, holographic images, or microprinting used to authenticate a
153 document or deter manipulation or copying.

154 (51) "System of vital statistics" or "vital statistics system" means the collection,
155 registration, preservation, amendment, certification, verification, and maintenance of the security
156 and integrity of vital records; the collection of other required reports; and related activities,
157 including tabulation, analysis, publication, and dissemination of vital statistics.

158 (52) "Verification" means a confirmation of information on a vital record based
159 on the facts included in a report.

160 (53) "Vital event" means live birth, death, fetal death, marriage, divorce,
161 dissolution of marriage, or annulment.

162 (54) "Vital record" means a report of live birth, death, fetal death, marriage,
163 divorce, dissolution of marriage, or annulment, and data related thereto that have been accepted
164 for registration and incorporated into the official records of the Vital Records Division.

165 (55) "Vital Records Division" means the Division of the Department of Health or
166 any successor agency that is responsible for the vital statistics system.

167 (56) "Vital statistics" means the data derived from the records and reports of live
168 birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of
169 marriage, or annulment and supporting documentation, and related reports.

Sec. 3. Vital Records Division and the vital statistics system.

The Mayor shall establish a vital statistics system for the reporting, maintenance, issuance, security, and confidentiality of vital records and the data derived from these records.

The Vital Records Division shall be the sole source of certified copies of all vital records.

Sec. 4. Appointment and duties of Registrar of Vital Records Division.

(a) The Director of the Department of Health shall appoint the Registrar.

(b) The Registrar shall:

(1) Administer and enforce the provisions of this act and any implementing rules, and provide instructions for the efficient administration of the vital statistics system;

(2) Direct and supervise the vital statistics system and the Vital Records Division and be custodian of its records;

(3) Provide for the confidentiality and security of the vital statistics system;

(4) Direct, supervise, and control the activities of each person engaged in the activities of the Vital Records Division;

(5) Develop and conduct training programs to promote uniformity of policy and procedures pertaining to the vital statistics system;

(6) Prescribe, furnish, and distribute all forms and prescribe other means for transmission of data, including electronic submission, as will accomplish the purpose of complete, accurate, and timely reporting and registration;

(7) Prepare and publish reports of vital statistics of the District;

(8) Provide information derived from vital records and vital reports required under the Vital Records Act that are necessary for Department of Health programs, health planning, and program activities, which shall remain the property of the Vital Records Division, and under the Registrar's control; and,

(9) Prepare a plan to provide for the continuity of operations of the system of vital statistics in an emergency, as follows:

(A) The plan shall, to the extent practicable, anticipate natural and man-made events that interrupt normal activities of the vital statistics system, identify essential vital statistics services, and provide guidance for maintaining the services;

(B) The plan shall include:

- (i) Alternative locations for operations;
- (ii) Identification of essential equipment and document needs and where to obtain them; and
- (iii) Identification of essential staff and how to communicate with them in an emergency; and

(C) The plan shall be confidential and shall not be subject to compelled disclosure. The Registrar may, however, authorize disclosure of all or part of the plan as the Registrar may deem necessary for the purpose of implementing the plan.

(c) The Registrar may establish or eliminate offices to aid in the efficient administration of the system of vital statistics.

(d) The Registrar may delegate functions and duties to employees of the Vital Records Division and to employees of any office established under subsection (c) of this section.

Sec. 5. Security of vital statistics system.

The Registrar shall:

- (1) Take measures to deter the fraudulent use of vital records;
- (2) Maintain the security of personnel, physical environments, electronic systems, and preservation methods;
- (3) Perform data assurance and record matching activities to protect the confidentiality and security of vital records and prevent their fraudulent use;
- (4) Apply the responsibilities of this section to any authorized partner having access to the vital statistics system;
- (5) Authenticate each user of the vital statistics system, or one of its components, and document that the user requires access based on official duties;
- (6) Authorize an authenticated user of the vital statistics system to access specific components of the vital statistics systems necessary for official roles and duties;
- (7) Establish separation of duties between staff roles that may be susceptible to fraud or misuse and routinely perform audits of staff work for the purpose of identifying fraud or misuse within the vital statistics system;
- (8) Require that each authenticated and authorized user maintains a specified level of training related to security and provides written acknowledgment of security policies, procedures, and penalties;

(9) Validate data provided in reports submitted for registration through site visits or with independent sources outside the registration system at a frequency specified by the Registrar to maximize the integrity of the data collected;

(10) Require that each authenticated user protects personally identifiable information and adheres to protocols that provide for audits of use and protocols for breach identification and notification;

(11) Receive reports of death if the decedent was born in the District, or from the United States Department of Defense or the United States Department of State if the decedent was a U.S. citizen and a resident of the District and the death occurred outside the United States;

(12) Provide secure workplace, storage, and technology environments that have limited role-based access; and

(13) Maintain overt, covert and forensic security measures for certifications, verifications, and automated systems that are part of the vital statistics system.

Sec. 6. Persons required to keep records.

(a) Each person in charge of an institution shall keep a record of personal data concerning each person admitted or confined to the institution. This record shall:

- (1) Include the information required for a reportable vital event; and
- (2) Be created at the time of admission from information obtained from the person admitted or confined. If the person admitted or confined cannot provide the information, the institution shall obtain the information from relatives or other people acquainted with the

facts and shall include the name, address, and relationship of the person providing the information in the record.

(b) A licensed health care provider shall keep a record of personal data concerning each person under the provider's care for a condition that results in a reportable vital event when the documentation is not maintained by an institution described in subsection (a) of this section.

(c) This record required by subsection (b) of this section shall:

(1) Include information required for the provider to submit a report of live birth, death, fetal death, or induced termination of pregnancy; and

(2) Contain information provided by the person being treated. If the person being treated cannot provide the information, then the licensed health care provider shall obtain the information from a relative or other person acquainted with the facts. The name, address, and relationship of the person providing the information shall be a part of the record.

(d) When a dead body or fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the decedent, date of death, name and address of the person to whom the body or fetus is released, and the date of removal from the institution. If final disposition is made by the institution, the date, place, and manner of disposition shall also be recorded.

(e) A funeral director or other authorized person who removes from the place of death, transports, or makes final disposition of a dead body or fetus, in addition to filing any required record or report, shall keep a record that identifies the body and the information pertaining to the

receipt, removal, delivery, burial, or cremation of the body as required by rules issued pursuant to section 30,

(f) Records maintained under this section shall be retained for no less than 5 years and shall be made available for inspection by the Registrar upon request.

Sec. 7. Duties to furnish information.

(a) A person having knowledge of the facts related to a reportable vital event shall furnish any information he or she may possess to the Registrar within 5 days of a request by the Registrar.

(b) No later than the 10th day of each month, the administrator of each institution shall send to the Vital Records Division a list showing each live birth and death occurring at that institution during the preceding month. The list shall be in a format prescribed by the Registrar.

(c) No later than the 10th day of each month, each funeral director shall send to the Registrar a list showing each dead body received, embalmed, prepared for final disposition or finally disposed of in the preceding month. The list shall be in a format prescribed by the Registrar. Each funeral director shall also record the date, place, and manner of final disposition if applicable.

(d) Within 5 days of receipt of any autopsy results or other information that would provide pending or missing information or correct errors in a reported cause of death, the physician or medical examiner required to report the death shall send to the Registrar a delayed diagnosis report of the cause of death to amend the record.

Sec. 8. Content of vital records and vital reports.

(a) To promote and maintain nationwide uniformity in systems of vital statistics, the forms for a vital record or a required vital report shall include, at a minimum, the items recommended by the federal agency responsible for national vital statistics.

(b) Information required in a report may be filed and registered by photographic, electronic, or other means as prescribed by the Registrar.

Sec. 9. Live birth registration.

(a) A report of each live birth that occurs in the District shall be filed with the Registrar within 5 days after the birth.

(b) An institution shall submit live birth information electronically, and the Registrar shall register the live birth when the information is complete and electronically filed. A person may submit live birth information in writing on a form approved by the Registrar for a live birth that occurs outside an institution. The Registrar shall establish the required information for live birth filing through rulemaking.

(c) The physician, institution, or other person providing prenatal care shall provide the prenatal care information required for the report to the institution where the delivery is expected to occur not less than 30 days prior to the expected delivery date.

(d) When a live birth occurs in, or enroute to, an institution, the person in charge of the institution or a designee shall collect the personal data, prepare the electronic form, secure the required signature, and electronically file the information. The physician or other person in attendance at or immediately after the live birth shall provide the medical information required in a live birth report and verify the facts of live birth within 72 hours after the live birth. If the

physician, or other person in attendance at or immediately after the live birth, does not verify the facts of live birth in the 72-hour period, the person in charge of the institution or designee shall verify the facts of live birth and complete the form to report the live birth by an approved electronic process.

(e) In obtaining the information required for the report, an institution shall use information gathering procedures (including worksheets) provided or approved by the Registrar. An institution may establish procedures to transfer information required for the report from other systems. The Registrar shall review and approve the procedures before implementation to ensure that the information transferred is the same required for the report.

(f) When a live birth occurs in the District outside an institution, the report of live birth shall be prepared by and electronically filed by one of the following in the indicated order of priority:

(1) The physician in attendance at the live birth or who examines the mother and the child within 5 days after the live birth;

(2) The medical facility at which the mother and child are examined within 5 days after the live birth;

(3) Any other licensed or certified health care practitioner in attendance at the live birth, or who examines the mother and the child within 5 days after the live birth.

(4) The mother;

(5) The second parent or the spouse or domestic partner of the mother if in attendance at the live birth; or

(6) The person in charge of the premises where the live birth occurred, in the absence of the second parent, spouse, or domestic partner of the mother and if the mother is unable.

(g) The Registrar shall determine by rulemaking the evidence that shall be required to establish the facts of live birth.

(h) The Registrar shall not register a report for a live birth that took place outside of an institution if the report does not include the minimum acceptable required documentation or the Registrar has cause to question the validity or adequacy of the documentary evidence, and the deficiencies are not corrected. The Registrar shall advise the registrant's mother, second parent, or spouse or domestic partner of the mother of the reason for this action, and shall also advise this individual of the right to appeal the Registrar's decision in court.

(i) When a live birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in the District, the live birth shall be electronically registered in the District, and the place where the child is first removed shall be considered the place of live birth.

(j) When a live birth occurs on a moving conveyance while in international waters or air space, or in a foreign country or its air space, and the child is first removed from the conveyance in the District, the live birth shall be electronically registered in the District, but the record shall show the actual place of live birth if it can be determined.

(k) For the purposes of live birth registration, the woman who gives birth to the child shall be the mother. The information required by the report of live birth shall be that of the mother and the information shall be reported to and registered by the Vital Records Division.

(l) For the purposes of live birth registration:

(1) The record shall include the name of the mother of the child;

(2) No more than 2 parents may be named on a live birth record including the mother;

(3) If the mother was married at the time of either conception or live birth, or between conception and live birth, or a child is born within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by the court, only the name of the spouse during those times may be entered on the record as the second parent of the child, unless parentage by a different person has been determined otherwise pursuant to § 16-909.

(4) If the mother was in a domestic partnership at the time of either conception or live birth, or between conception and live birth, or a child is born within 300 days after the termination of the domestic partnership pursuant to § 32-702(d), only the name of the domestic partner shall be entered on the record as the second parent of the child, unless parentage has been determined otherwise pursuant to § 16-909;

(5) If the mother was not married or in a domestic partnership at the time of either conception or live birth, or between conception and live birth, the name of a second parent shall only be entered on the record if:

(A) The mother and the father have signed a voluntary acknowledgment of paternity pursuant to § 16-909.01(a)(1) or pursuant to the laws and procedures of another state in which the voluntary acknowledgment was signed;

(B) The mother and the second parent have signed a consent to parent a child born by artificial insemination pursuant to § 16-909(e); or

(C) Parentage of the second parent has otherwise been established pursuant to § 16-909.

(6) For the purposes of the record, the consent to parent a child born by artificial insemination pursuant to § 16-909(e) shall be on a form prescribed and furnished by the Registrar that:

(A) Acknowledges the mother's and the intended parent's consent to the artificial insemination and the intended parent's intent to be a parent of the child;

(B) Is signed and sworn by oath under penalty of perjury;

(C) Includes written notice of the legal consequences, rights, and responsibilities as a parent that arise from signing the consent; and

(D) Contains the full names, social security numbers of the mother and intended parent, the birthplace of the child, if applicable, and a statement indicating that both parents understand the rights, responsibilities, and consequences of signing the affidavit.

(7) If a male or female parent, other than the mother, is not named on the record of live birth, no other information about the male or female parent may be entered on the record;

(8) The surname of the child shall be the surname of the mother or the second parent, or the surnames of both parents recorded in any order in a hyphenated or unhyphenated form, or any surname to which either parent has a familial connection; and

(9) If the chosen surname is not that of a parent, or the surnames of both parents recorded in any order, whether hyphenated or unhyphenated, both parents shall provide an affidavit signed under penalty of perjury stating that the chosen surname was or is the surname of a past or current relative or has some other clearly stated familial connection.

(m) The mother of the child, the second parent of the child, or other informant, shall verify the accuracy of the personal data to be entered on the report for submission within 5 days.

(n) A report of live birth submitted after 5 days, but within one year from the date of live birth shall be registered in the standard format of live birth reports in the manner prescribed in this section. The report shall not be marked or flagged "Delayed".

(o) An institution may establish procedures to transfer, electronically or otherwise, information required for the report of live birth from other systems. The institution shall not implement such a procedure without review and approval by the Registrar.

Sec. 10. Social Security numbers.

(a) A person required to prepare and file a report of live birth shall include in the report the Social Security number or numbers of each parent, if the parent has more than one Social Security number. The Social Security numbers shall not appear on the record of live birth.

(b) The parent's social security number shall be collected by the Registrar and made available to the IV-D agency for the establishment, modification, and enforcement of a support order. The Registrar shall not disclose a social security number for any other purpose.

Sec. 11. Infants of unknown parentage.

(a) A person who assumes legal custody of a live born infant of unknown parentage shall file with the Registrar a report of live birth that establishes the facts of live birth. The report shall include the following information and be presented to the Registrar within 5 days after the person obtains custody:

(1) Date and place child was found;

(2) Sex and approximate birth date of child;

(3) Name and address of the person or institution with whom the child has been placed for care;

(4) Name and address of the person or institution submitting the report;

(5) Name given to the child by the custodian of the child; and

(6) Any other data required by the Registrar.

(b) The place where the child was found shall be entered as the place of live birth.

(c) Information submitted under this section shall constitute the report of live birth for the child.

(d) If the child is identified and a live birth registration is found or obtained, the report submitted under this section and any live birth registration resulting from that report shall be

voided and placed in a sealed file and shall not be subject to inspection except upon order of the court or as provided by rulemaking.

Sec. 12. Delayed registration of live birth.

(a) A person may submit a delayed report of live birth of a person born in the District one year or more after the live birth date pursuant to rules issued under this act. A delayed report of live birth shall not be registered until evidence to substantiate the facts of live birth in the District has been supplied to the Registrar.

(b) A live birth registered one year or more after the date of live birth shall be marked “delayed” and show the date of the delayed registration on the face of the certificate.

(c) The Registrar shall prepare a written summary of the evidence submitted in support of the delayed registration, which shall be included in the record. The applicant shall sign the report under oath and this signature shall be notarized.

(d) When an applicant does not submit the minimum documentation required to file a delayed report, or when the Registrar has reasonable cause to question the validity or adequacy of the applicant’s sworn notarized statement or the documentary evidence, and the deficiencies are not corrected, the Registrar shall not register the live birth. The Registrar shall state in writing to the applicant the reason for not registering the live birth and shall advise the applicant in writing of the right to bring an action in court to establish the date, place of live birth, and parentage of the person whose live birth is to be registered.

(e) The Registrar may reject a delayed report of live birth that is incomplete or insufficient under subsection (d) of this section if the applicant does not correct the deficiencies within 30 days of the report's initial filing.

(f) No delayed report of live birth shall be registered for a deceased person.

Sec. 13. Death registration.

(a) The funeral director who first assumes custody of a dead body shall electronically submit a report of death to the Registrar within 5 days after date of death and before the final disposition of the body. The report of death shall be registered if it has been electronically completed and filed according to this act. The Registrar may require a written filing on a case-by-case basis. If the report of death cannot be submitted to the Registrar within 5 days after the date of death, the funeral director shall give the Registrar notice of the reason for the delay. The Registrar shall promulgate rules for the implementation of this provision.

(b) The funeral director shall obtain the medical certification from the death certifier and obtain the personal data needed for the report, including the decedent's gender identity or expression, from any person with the right to control the disposition of the remains of the decedent, the location and conditions of interment, and arrangements for funeral goods and services pursuant to section 14 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413).

(c) The funeral director shall not be liable for any damages or costs arising from claims related to the report of the decedent's gender identity or expression on the report of death unless the claims were the result of an error made by the funeral director.

(d) The Registrar shall establish a procedure by which an individual may pre-designate a gender identity or expression as an individual wishes it to be reported after death. The pre-designation shall be filed with the Registrar. The Registrar shall check the gender designation of each report of death and amend the report if there is a pre-designated gender identity or expression that differs from the reported gender designation.

(e) If a decedent did not pre-designate a gender identity or expression with the Registrar under subsection (d) of this section, any person may challenge the gender identity or expression reported to the funeral director within 10 days after the report of death has been registered, by filing a petition in the Superior Court of the District of Columbia seeking an order to determine the gender identity or expression to be recorded for the decedent.

(f) When death occurs in an institution and the death is not under the jurisdiction of the medical examiner, the person in charge of the institution, or his or her designated representative, shall provide the funeral director with a partially completed report of death, including the completed medical certification, within 48 hours of the death. The person in charge of the institution shall ensure that the following information is included on the partially completed report of death:

- (1) The name of the decedent;
- (2) Sex of the decedent;
- (3) Time and date of death;
- (4) The medical certification of death; and
- (5) The electronic signature of the death certifier.

(g) In the absence or inability of the death certifier, or with his or her approval, the medical certification may be completed by the death certifier's associate physician, the chief medical officer of the institution in which the death occurred, or the physician who performed an autopsy upon the decedent, if the death is due to natural causes. The person completing the medical certification shall attest to its accuracy by an approved electronic process.

(h) If a death is natural, the death certifier shall use his or her best medical judgment to certify a reasonable cause of death. With the authorization of the decedent's next of kin, an autopsy may be performed by any hospital or private pathologist to identify and document the disease processes associated with a natural death.

(i) A manner of death that is believed to be other than by "natural causes" is subject to investigation and must be reported to the Office of the Chief Medical Examiner pursuant to § 5-1406. Upon notification of death, the Office of the Chief Medical Examiner may take charge of the body and conduct an investigation or decline jurisdiction.

(j) When an investigation is conducted by the Office of the Chief Medical Examiner, the Medical Examiner shall determine the cause and manner of death, electronically sign, and return the medical certification portion of the death report to the funeral director within 48 hours after taking jurisdiction over the case. If the 48-hour requirement cannot be met, the Medical Examiner shall report the cause and manner of death as "pending." When the investigation has concluded, the Medical Examiner may submit a Delayed Diagnosis Report to amend the cause and manner of death.

(k) If the cause of death cannot be determined within 48 hours after death, the physician completing the medical certification or the Medical Examiner shall give the funeral director and Registrar notice of the reason for the delay. Final disposition of the body shall not be made until authorized by the physician completing the medical certification or the Medical Examiner.

(l) When a death is presumed to have occurred in the District pursuant to § 14-701, the Registrar shall register the death upon receipt of an order of the court. The court order shall include findings of fact necessary for completion of the death record. The death record shall be marked “presumptive,” show on its face the date of registration, identify the court, and include the date of the decree.

(m) If the place of death is unknown but the dead body is found in the District, the report of death shall be completed and filed in the District. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation.

(n) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in the District, the death shall be registered in the District and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space, or in a foreign country or its air space and the body is first removed from the conveyance in the District, the death shall be registered in the District, but the report shall show the actual place of death if it can be determined.

(o) In all other cases, the place where death is pronounced shall be considered the place where death occurred. If the date of death is unknown, the death certifier shall determine the date by approximation. If the date cannot be determined by approximation, the date found shall be entered and identified as the date of death.

(p) Each report of death shall contain a pronouncement of death section, a disposition of the body section, a medical certification of cause of death section, and the social security number of the deceased. The pronouncement of death section shall include all facts required to be reported in this section, except for those facts relating to the medical cause or causes of death, and shall be signed electronically.

(q) In the case of an expected death at a decedent's place of residence, attended by a treating physician or a registered nurse working in general collaboration with the treating physician, the attending registered nurse may sign the pronouncement of death section of the report of death.

(r) When death occurs in an institution and the attending physician is not available to pronounce death, another physician at the institution or the attending registered nurse who views the body may pronounce death, attest to the pronouncement by an approved electronic process, and, with the permission of the person responsible for the medical certification, release the body to the funeral director.

(s) Within 5 days of receipt of autopsy results or other information that would change the information in the cause of death section of the report of death from that originally reported, the death certifier shall submit a supplemental report to the Registrar to amend the report of death.

(t) An institution may establish procedures to transfer, electronically or otherwise, information required for the report of death from other systems. The institution shall not implement such a procedure without review and approval by the Registrar.

Sec.14. Delayed registration of death.

(a) A delayed report of death may be filed by the funeral director who first took possession of the dead body in accordance with rules issued by the Registrar, when a death occurring in the District has not been registered 1 year or more after the date of death. Any delayed report of death shall be registered subject to evidentiary requirements the Registrar shall prescribe by rulemaking in order to substantiate the alleged facts of death.

(b) A report of death registered 1 year or more after the date of death shall be marked "delayed" and shall show on its face the date of the delayed registration.

Sec. 15. Fetal death registration.

(a) An institution shall report electronically each death of a fetus that occurs in the District within 5 days after delivery if the fetus has completed 20 weeks gestation or more, calculated from the date that the last normal menstrual period began to the date of delivery, or has a weight of 350 grams or more. The Registrar shall register a report of fetal death when the information is complete. An induced termination of pregnancy shall not be reported as a fetal death. For the purposes of preparing and filing a fetal death report, the following rules shall apply:

(1) When a fetus is delivered in an institution or en route thereto, the person in charge of the institution or his or her designated representative shall obtain all data required by the Registrar to prepare and submit the report;

(2) In obtaining the information required by the fetal death report, an institution shall use information gathering procedures and worksheets provided or approved by the Registrar;

(3) An institution may establish procedures to transfer, electronically or otherwise, information required by the fetal death report from other systems. The institution shall not implement such a procedure without review and approval by the Registrar;

(4) When a fetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall prepare, electronically sign, and file the report;

(5) When a fetal death required to be reported by this section occurs without medical attendance immediately after the delivery, the Medical Examiner shall prepare and file the fetal death report; and

(6) When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in the District, or when a fetus is found in the District and the place of fetal death is unknown, the fetal death shall be reported in the District. The place where the fetus was first removed from the conveyance or the fetus was found shall be considered the place of fetal death.

(b) The name of the mother and second parent shall be entered on each fetal death report in accordance with the rules prescribed by the Registrar. The second parent shall be

determined pursuant to § 16-909. If the cause of fetal death is unknown or pending investigation, this shall be noted on the report.

Sec. 16. Reports of induced termination of pregnancy.

(a) Each induced termination of pregnancy that occurs in the District, regardless of the length of gestation, shall be electronically reported to the Registrar within 5 days by the person in charge of the medical institution in which the induced termination of pregnancy was performed. This person shall electronically sign the report.

(b) Reports of induced termination of pregnancy are statistical reports to be used only for public health purposes. The Registrar may establish a data file of the reports so they will be available for future research and the file may be retained for as long as the Registrar deems necessary.

Sec. 17. Judicial proceedings to register a vital record.

(a) If an application to register a record is denied, the applicant may file a complaint with the court for an order to register the record. The court shall provide notice of the proceeding to the Registrar. A petition filed under this section shall be governed by the Rules of the Superior Court of the District of Columbia.

(b) A petition for the registration of a live birth or the delayed registration of a live birth shall allege:

(1) That the person for whom a registration of live birth is sought was born in the District of Columbia;

(2) That no record of live birth of the person can be found in the Vital Records Division;

(3) That the petitioner has made diligent efforts to obtain documentary evidence as required by statute and regulations and as detailed by the Registrar;

(4) That the Registrar has refused to register a report of live birth; and

(5) Any other information needed to establish the facts of live birth.

(c) A petition for the registration of a death or the delayed registration of a death shall allege:

(1) That the person for whom a registration of death is sought died in the District of Columbia;

(2) That no record of death of the person can be found in the Vital Records Division;

(3) That the petitioner has made diligent efforts to obtain documentary evidence as required by statute and regulations and as detailed by the Registrar;

(4) That the Registrar has refused to register the report of death; and

(5) Any other information needed to establish a death.

(d) The petition for the registration of a live birth or a death shall be accompanied by a statement of the Registrar denying the application as well as all documentary evidence the petitioner used to support the application submitted to the Registrar.

(e) Before making findings, the court shall order the petitioner to undergo a criminal background check to be provided to the court at the petitioner's expense. The purpose of the

criminal background check shall be for the purpose of revealing any aliases, the petitioner's citizenship status, and criminal records related to identity theft or document fraud by the petitioner. If the court finds that a person was born in the District, the court shall issue an order to register the live birth. The court shall make findings as to the place and date of live birth, parentage, and other findings to substantiate the facts of live birth in the District. The order shall include the live birth data to be registered, a description of the evidence presented, the court's findings of fact, and the date of the court's action.

(f) If the court finds that a person died in the District, the court shall issue an order to register the death. The court's order shall make findings as to the decedent's legal name, date of death, place of death, place of live birth, race, ethnicity, sex, social security number, marital status at time of death, address at time of death, parents' names prior to first marriage, name prior to marriage, and the information necessary to complete the medical certification including cause and manner of death. If the death occurred from an injury, the order shall include information on how and when the injury occurred. The order shall indicate whether any of the required information is unknown.

(g) The court shall forward a certified copy of the order to register the live birth or death to the Registrar no later than the 10th day following the month in which the order was entered. The certified copy of the order shall direct the Registrar to execute the registration.

Sec. 18. Final disposition of dead body or fetus.

(a) The funeral director who first assumes custody of a dead body shall obtain the following before disposing of the body:

(1) An authorization for final disposition of the body from the person with rights to control the final disposition pursuant to section 14 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413);

(2) A permit from the Registrar authorizing final disposition; and

(3) If final disposition is to be by cremation, resomation, or burial at sea, additional authorization from the Medical Examiner in a format prescribed by the Registrar.

(b) Before final disposition of a dead fetus, regardless of the duration of pregnancy, the funeral director, the person in charge of the institution, or other person responsible for final disposition of the fetus, shall obtain authorization from the person with rights to control the final disposition pursuant to section 14 of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-413).

(c) A dead body may be removed from the place of death for the purpose of being prepared for final disposition only under the following conditions:

(1) Upon the consent of the Medical Examiner;

(2) In the case of an expected death at a decedent's place of residence, at the time of death upon the consent of a treating physician or a registered nurse working in general collaboration with the treating physician who signs the pronouncement of death section of the report of death; or

(3) In the case of an unexpected death at a decedent's place of residence, at the time of death upon the consent of the person signing the pronouncement of death section on the report of death.

(d) An authorization for final disposition of a dead body or fetus brought into the District, issued by another state and accompanying the dead body or fetus, shall be sufficient authority for final disposition in the District.

(e) A person in charge of a place for interment or other disposition of dead bodies shall not inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by an authorization for final disposition.

(f) Each person in charge of a cemetery or crematory shall include the date and place of disposition in the permit and shall sign and return the permit to the funeral director in a manner prescribed by the Registrar within 10 days after the date of disposition. When there is no person in charge of the place for final disposition, the funeral director shall complete the authorization.

(g) Authorization for disinterment and re-interment shall be required before human remains are disinterred. The authorization shall be issued by the Registrar to a licensed funeral director and shall include a sworn statement under penalty of perjury stating the grounds for disinterment in a format prescribed by the Registrar. If disinterment is deemed to be a public health threat, the Director of the Department of Health shall be notified prior to the authorization.

(h) A funeral director or designee shall obtain a letter of non-contagious disease certified by the Registrar when transporting a body outside of the United States.

Sec. 19. Marriage, divorce, and annulment reporting.

The court shall complete and forward to the Registrar on or before the 20th day of each month in an electronic format prescribed by the Registrar, a report of the completed applications and licenses for marriage returned to the court during the preceding month and records of each divorce or annulment decree granted during the preceding month.

Sec. 20. Adoption forms.

(a) The court shall cause to be prepared an adoption form for each adoption decreed by the court. The form shall:

(1) State facts necessary to locate and identify the original record of live birth of the adoptee;

(2) Provide the information necessary to establish a new record of live birth for the adoptee;

(3) Identify the adoption order; and

(4) Be issued under seal by the court.

(b) The petitioner for adoption or his or her attorney shall supply the information necessary to prepare the adoption form. The social service agency or any person having knowledge of the facts shall supply the court with any additional information necessary to complete the adoption form. The court shall require these persons to provide the information prior to issuing a final decree in the matter.

(c) The court shall prepare an adoption form whenever an adoption decree is amended or annulled. This form shall include the facts necessary to identify the original adoption form and the facts amended in the adoption decree necessary to properly amend the record of live birth.

(d) The court shall forward to the Registrar adoption forms concerning decrees of adoption, invalidations of adoptions, and amendments of decrees of adoption that were entered in the preceding month, together with any related reports the Registrar may require. The court shall provide these forms to the Registrar no later than the final day of each calendar month.

(e) The Registrar shall forward to the Registrar in the state of the adoptee's birth an adoption form and a certified copy of any court decree that invalidates or amends a decree of adoption for a person born outside the District. When the court invalidates or amends a decree of adoption relating to a person born in a foreign country, the Registrar shall return the adoption form and decree to the attorney or agency handling the adoption for submission to the appropriate federal agency.

(f) If an adoptee was born in a foreign country and was not a citizen of the United States at the time of birth, the Registrar shall prepare a "Record of Foreign Live Birth". The Registrar shall also send a copy of the adoption form, report of annulment of adoption, or amendment of a decree of adoption to the appropriate registration authority.

(g) If the adoptee was born in a foreign country and through parentage is a citizen of the United States, the Registrar shall not prepare a "Record of Foreign Live Birth" but shall notify the adoptive parents of the procedures for obtaining a revised live birth record for their child through the United States Department of State.

Sec. 21. Amendments and corrections.

742 (a) The Registrar shall issue rules governing amendment of vital records that protect the
743 integrity and accuracy of the vital records. A record or report registered under this chapter may
744 be amended only in accordance with this act and implementing rules.

745 (b) Except as provided in this section, a record or report amended under this section shall
746 be marked "amended". The date of amendment and a summary description of the evidence
747 submitted in support of the amendment shall be endorsed on or made a part of the record. The
748 Registrar shall issue rules that prescribe the conditions under which additions or minor
749 corrections may be made to records or reports, without the record or report being marked
750 "amended". The Registrar shall not amend a vital record if an applicant does not submit the
751 minimum documentation required pursuant to subsection (a) of this section for amending a vital
752 record or when the Registrar has reasonable cause to question the validity or adequacy of the
753 applicant's sworn statement given under the penalty of perjury or the documentary evidence, and
754 the deficiencies are not corrected. The Registrar shall state in writing the reason for this action
755 and shall further advise the applicant of the right of appeal to the court.

756 (c) Upon receipt of a certified copy of an order of the court changing the name of a
757 person born in the District and upon the request of the person, his or her legal representative, or
758 in the case of a minor, his or her parents or legal guardian, the Registrar shall amend the record
759 of live birth to show the new name. The record shall be marked "amended".

(d) Upon receipt of a certified copy of an order of the Superior Court changing the gender identity or expression of a person who died in the District, the Registrar shall amend the death record to reflect the decedent's gender identity or expression designation.

(e)(1) The Superior Court shall resolve a petition to amend the designation of gender entered on a decedent's death record in 10 days. In determining the gender identity or expression to be recorded for the decedent, the court may consider testimony, documentation that memorializes the decedent's gender transition, or any other evidence of the decedent's gender identity or expression. Documents that memorialize a decedent's gender transition include:

(A) Written instructions from the decedent;

(B) A court order approving a name or gender change;

(C) A statement, signed under the penalty of law, by a licensed healthcare provider who treated or evaluated the decedent, stating that:

(i) The decedent underwent surgical, hormonal, or other treatment appropriate for the decedent for the purpose of gender transition, based on contemporary medical standards; or

(ii) The decedent had an intersex condition, and that in the healthcare provider's professional opinion, the decedent's gender designation should be changed; or

(D) Documentation of a change to the decedent's gender marker on a certificate of birth, driver's license or state identification card, social security record, or passport.

(2) The original record of death, including the gender as reported by the death certifier, along with any documents submitted pursuant to this section, shall be sealed and made available only by an order of the court.

(3) Death records amended for the purpose of memorializing gender identity or expression designation shall not be marked “amended”.

(4) Death records amended for the purpose of memorializing gender designation shall be substituted for the original death record, and prior issuances shall be voided.

(f) The Registrar shall provide implementing rules to establish requirements to correct an institutional error on a vital record. When personal data is corrected according to this subsection:

(1) Except as provided by rulemaking, certificates of vital record shall be marked as “amended”.

(2) Except as provided by rulemaking, the original record shall be sealed and made available only upon order of the court.

(3) The institution that reported the data in error shall be responsible for associated fees and penalties.

Sec. 22. New records of live birth for adoption and determination of parentage.

(a) The Registrar shall establish a new record of live birth upon receipt of one the following documents:

(1) An adoption form prepared according to section 20;

(2) An adoption form prepared and filed according to the laws of a state or foreign country;

(3) A certified copy of an order issued by the court determining the parentage of such a person, or

(4) A voluntary acknowledgment of parentage of the person pursuant to § 16-2345.

(b) The Registrar shall establish a new record of live birth for an adoptee born outside of the United States upon receipt of a request of the adoptive parent or the adoptee, if the adoptee is 18 years of age or older, and receipt of either:

(1) An adoption form prepared according to section 20; or

(2) A copy of the foreign adoption decree that includes a certified translation of the decree.

(c) If birth information is not already included in the foreign adoption decree, the Registrar may rely on the following evidence to determine the child's birth date and birthplace:

(1) An original live birth certificate;

(2) Evidence of IR-3 immigrant visa status, or successor immigrant visa status, for the child by the U.S. Citizenship and Immigration Services;

(3) A post-adoption live birth certificate issued by the foreign jurisdiction, including a certified copy, extract, or translation; or

(4) An equivalent document, such as a record of the U.S. Citizenship and Immigration Services or the U.S. Department of State.

(d) The Registrar shall return all adoption documents issued by the foreign jurisdiction to the adoptive parent or adoptee, whichever is applicable.

(e) The Registrar shall not establish a new record of live birth if so requested by the adoptive parents pursuant to § 16-314(a).

(f) If the individual's name has been changed subsequent to adoption or determination of parentage, the order shall include the name that currently appears on the live birth record and the new name to be designated on the replacement record of live birth. The new name of the individual shall be shown on the replacement live birth record.

(g) The actual place and date of live birth shall be shown on the new record of live birth. The new record shall be substituted for the original record of live birth in the files. The new record shall not show anywhere that parentage has been established by judicial process or by acknowledgement.

(h) A replacement record of live birth shall be substituted for the original record of live birth. The original record of live birth and the evidence of adoption, parentage determination, or parentage acknowledgement submitted shall be placed under seal and not be subject to inspection except by the Registrar for the purpose of properly administering the system of vital statistics, upon an order of the court, or by rules issued pursuant to section 29.

(i) If no record of live birth is on file for the person for whom a new live birth record is to be established under this section, and the date and place of live birth have not been determined in the adoption or parentage proceedings, the Registrar shall file a delayed report of live birth

before issuing a new record of live birth. The new live birth record shall be prepared according to section 12.

(j) Upon receipt of a report of an amended decree of adoption, the Registrar shall amend the record of live birth.

(k) Upon receipt of a report or decree of annulment of adoption, the Registrar shall restore the original record of live birth. The annulled record of live birth and its associated evidence shall not be subject to inspection except upon order of the court or as authorized by regulation.

(l) The Registrar shall not create a replacement record if the date and place of live birth have not been determined in the adoption or paternity proceedings or if a delayed registration of live birth has not been completed according to section 12.

(m) When a replacement record of live birth is issued by the Registrar, any agency that possesses a certificate of live birth from the original record shall return this certificate to the Registrar upon request.

Sec. 23. New records of live birth for change of gender designation.

(a) The Registrar shall establish a new record of live birth that reflects the new gender designation and, if applicable, the new name of an individual born in the District upon receipt of the following documents:

(1) A written request, signed under oath or affirmation, for a new record of live birth with a gender designation that differs from the gender designated on the original record of live birth, from the individual or, if the individual is a minor, the individual's:

864 (A) Parent;
865 (B) Guardian; or
866 (C) Legal representative; and
867 (2) A statement, signed under oath or affirmation, by a licensed healthcare
868 provider who has treated or evaluated the individual, stating that:
869 (A) The individual has undergone surgical, hormonal, or other treatment
870 appropriate for the individual for the purpose of gender transition, based on contemporary
871 medical standards; or
872 (B) The individual has an intersex condition, and that in the healthcare
873 provider's professional opinion, the individual's gender designation should be changed; and
874 (3) If a change of name listed on the certificate is also being requested, an
875 original or certified copy of the order of the court granting the change of name.
876 (b) The Registrar shall also establish, upon request, a new record of live birth reflecting
877 the new gender designation, new name, or name as previously amended, in the following
878 additional circumstances:
879 (1) When an individual holds an amended certificate of live birth issued before
880 November 5, 2013, that reflects a previous name change and seeks a change of gender
881 designation;
882 (2) When an individual requesting a change of name holds a certificate of live
883 birth that reflects a change in gender; or

(3) When an individual holds an amended certificate of live birth issued before November 5, 2013, that reflects a previous change in gender designation.

(c) A new record of live birth shall:

(1) Be substituted for the original record of live birth; and

(2) Not be marked "amended" or on its face show that:

(A) A change in gender has been made;

(B) A change in name has been made; or

(C) Both.

(d) The original record of live birth, along with any documents submitted pursuant to this section, shall be sealed and made available only upon the demand of the individual to whom the new certificate of live birth was issued or by an order of the court.

Sec. 24. Preservation of vital records.

(a) The Registrar shall develop and implement a preservation management program to preserve vital record documents and information that meets generally accepted standards for permanent preservation.

(b) The Registrar may prepare typewritten, photographic, electronic, or other reproductions of certificates or reports to preserve these vital records. The reproductions shall be accepted as the original record when certified by the Registrar.

(c) The Registrar shall provide for the continued availability and integrity of vital event information. Methods for accomplishing this may include the maintenance of redundant copies

of information in multiple locations and formats such as microfilm/microfiche, imaging, and electronic databases.

(d) The preservation management program shall provide for the continued availability of historic vital record documents and information for research and related purposes.

Sec. 25. Confidentiality and disclosure of information from vital records or vital reports.

(a) Vital records, vital reports, indices, related documents, and data or information contained therein shall be confidential and are not subject to disclosure under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

(b) Except as provided by rulemaking, it shall be unlawful for any person to permit inspection of, or to disclose data or information contained in a vital record, a vital report, or related documents, or to copy or issue a copy of all or part of any such record or report except as authorized by this act, rules issued under and consistent with this act, or by an order of the court. Rules issued under this section shall provide for adequate standards of security and confidentiality of vital records.

(c) Personally identifiable information that may identify any individual named in any vital record or report may be disclosed for health research purposes only after:

(1) Submission of a written request for information by a researcher;

(2) Approval of the Registrar through the execution of a written research agreement that describes the research project;

(3) Documented applicable Institutional Review Board Approval pursuant to section 2 of the Health Research Extension Act of 1985 (42 U.S.C. § 289);

(4) Documented procedures to protect the confidentiality and security of the information; and

(5) Documented procedures for data storage and the data destruction method to be used for the information provided.

(d) Except as authorized by the Registrar, any agreement under which personally identifiable information contained in a vital record or report is disclosed shall:

(1) Prohibit the re-release by the researcher of any personally identifiable information without explicit permission from the Registrar;

(2) Require that the information shall be used solely for research or administrative purposes;

(3) Require that the information shall be used only for the project described in the application;

(4) Prohibit the use of the information as a basis for legal, administrative, or other action that directly affects any person or institution identifiable from the data;

(5) Set forth the payment, if any, to be provided by the researcher to the Registrar for the specified research project; and

(6) Require that ownership of vital records data provided under the agreement shall remain with the Registrar, not the researcher or the research project.

944 (e) The Registrar may disclose de-identified statistical data from vital records that do not
945 identify or make practical the identification of any individual to federal, District, State, or other
946 public or private agencies that request the data for statistical or administrative purposes pursuant
947 to rules issued under this act.

948 (f) The Registrar may furnish copies of records or data from the system of vital statistics
949 to a government entity, including Federal, State, local and Tribal agencies, upon written request,
950 provided that the copies or data shall be used solely in the conduct of the government agency's
951 official duties. Written data sharing agreements that clearly specify the intended uses and protect
952 the confidentiality and security of the information provided shall be executed before the
953 Registrar may release personally identifiable information for government agency official use.
954 The agreement shall prohibit the re-release by the government agency of any personally
955 identifiable information other than re-release that may be provided for in the agreement. The
956 agreement shall set forth the payment, if any, to be provided by the government agency to the
957 Registrar for the specified purpose. Ownership of vital records data provided under such
958 agreements shall remain solely with the Registrar, not the government agency authorized by the
959 agreement to use the data.

960 (g) The Registrar may furnish to the National Center for Health Statistics ("NCHS") or
961 its successor agency, copies of records, reports, or data from the system of vital statistics as it
962 may require for national statistics; provided, that the NCHS or its successor agency shares in the
963 cost of collecting, processing, and transmitting the data; provided further, that the data shall not

be used for other than statistical purposes by the NCHS or its successor agency unless so authorized by the Registrar in writing.

(h) In order for the Registrar to furnish the records, reports, or data to the NCHS or its successor agency, the NCHS or its successor agency shall enter into an agreement with the Registrar indicating the statistical purposes for which the records, reports or data may be used. The agreement shall prohibit the re-release by the NCHS or its successor agency without express written permission from the Registrar. Ownership of vital records data provided under such agreements shall remain solely with the Registrar, not the NCHS or its successor agency.

(i) The Registrar may, according to terms defined by an inter-jurisdictional exchange agreement (“Agreement”), transmit vital records data or copies of records and other reports to the offices of vital statistics in other states or U.S. jurisdictions outside of the District or in foreign countries when the data, records, or other reports relate to residents of those states, U.S. jurisdictions, or foreign countries or to individuals who are born or die in those states, U.S. jurisdictions, or foreign countries.

(j) The Agreement shall specify the purposes for which the data, reports, or records may be used by each state, U.S. jurisdiction, or foreign country, and shall provide instructions for the proper retention and disposition of the data, reports, or records. Any vital records data or copies of reports or records received by the Registrar from another state, U.S. jurisdiction, or foreign country as a result of an Agreement shall be confidential and the state, U.S. jurisdiction, or foreign country where the event occurred shall retain ownership of the data, reports, or records. The data, reports, or records may be used by the recipient state, U.S. jurisdiction, or foreign

country only for the purposes specified in the Agreement, and the Agreement shall prohibit the recipient state, U.S. jurisdiction, or foreign country from otherwise disclosing any of the District's data, reports, or records.

(k) A live birth record shall be considered open when 125 years have elapsed from the date of birth. A death record shall be considered open when 75 years have elapsed from the date of death or fetal death. A marriage record shall be considered open when 100 years have elapsed from the date of marriage, divorce, dissolution of marriage, or annulment. Supporting documents, including corrections and acknowledgments of paternity, for open vital records shall also be open. Sealed records shall never be classified as open unless unsealed by the court. Vital records made open after the prescribed time may be transferred to the District of Columbia Archives in accordance with archival procedures that provide for the continued safekeeping of the records. Before transferring live birth and death records to the Archives, the Registrar shall redact any information identified in the U.S. Standard Certificates of live birth and death, and reports of fetal death or reports of induced termination of pregnancy, or as identified by the District by rulemaking, as medical or for health use only. The Registrar shall be the only person authorized to issue certified copies of live birth and death records in the District of Columbia.

(l) The Vital Records Division shall remain the legal custodian of live birth, death and fetal death, domestic partnership, and dissolution of domestic partnership records and related statistical reports until these records are transferred to the Archives. Only the Registrar may certify issuances of District live birth, death and fetal death records. The Archives may provide

non-certified copies of vital records made open pursuant to subsection (k) of this section according to the procedures of the Archives for making non-certified copies.

(m) The Registrar shall disclose information contained in vital records, or copies of vital records, to the IV-D agency upon request, for purposes directly related to paternity establishment or the establishment, modification, or enforcement of a support order.

(n) A decision by the Registrar regarding the inspection or disclosure of data or information contained in a vital record or vital report shall constitute a final agency determination.

Sec. 26. Certification from the system of vital statistics

(a) A certificate of live birth, or any part thereof, issued in accordance with this section, shall be considered for all purposes the same as the original record and shall be prima facie evidence of the information it contains. The evidentiary value of a birth record submitted to the Registrar more than one year after the birth, a birth record that has been amended, or a record of foreign live birth shall be determined by the judicial or administrative body or official before whom the record is offered as evidence. A certified record of a death, fetal death, domestic partnership or dissolution of domestic partnership shall be considered for all purposes the same as the original record and shall be prima facie evidence of the information it contains.

(b) The Registrar shall require the applicant for a certified copy of a vital record to submit a signed application, proof of identity, and evidence of entitlement under this section. The Registrar shall, upon receipt and approval of an application, issue a certified copy of a vital record in the form of a physical image or abstract to the applicant. Only the Registrar may issue

the certified image or abstract. The Registrar shall require all certifications of vital records registered in the system to be issued from the District's central database of vital records.

(c) The Registrar shall specify through rulemaking the forms of identification an applicant may provide in support of an application for a certified copy of a vital record.

(d) An applicant for a certified copy of a vital record shall be at least 18 years of age, or any age if the applicant is an emancipated minor.

(e) The Registrar shall review the evidence of entitlement the applicant provides to support a request for a certified copy of a vital record. The evidence shall consist of copies of vital records, court documents, or alternative methods identified and accepted by the Registrar through rulemaking. Evidence of entitlement shall demonstrate that the applicant is authorized to receive a certified copy of a vital record.

(f) The only applicants entitled to receive a certified copy of a live birth record are the registrant, his or her child, parent, sibling, grandparent, legal guardian, legal representative, or a government agency authorized by this act in the conduct of its official duties.

(g) The only applicants entitled to receive a certified copy of a death record are the informant, the decedent's spouse, domestic partner, child, parent, next of kin as specified by probate or other law, sibling, grandparent, grandchild, the person with rights to control the final disposition of the decedent's body, the decedent's legal guardian immediately prior to death, the decedent's legal representative, or a government agency authorized by this act in the conduct of its official duties. A funeral director from the funeral establishment named on the death record is entitled to receive a certified copy of the death record for 30 days after the date of filing of the

death record. An applicant may also obtain a certified copy of a death record by demonstrating that the record is needed for determining or protecting any personal or property rights.

(h) The only applicants entitled to receive a certified copy of a fetal death record are the parent, sibling, grandparent, legal guardian of a parent, or legal representative of the fetus, or an authorized government agency in the conduct of its official duties. A funeral director from the funeral home named on the fetal death record is entitled to receive a certified copy of a fetal death record for 30 days from the date of filing of the record.

(i) The only applicants entitled to receive a certified copy of a record of a domestic partnership or the dissolution of a domestic partnership are the registrants, a registrant's child, parent, sibling, grandparent, grandchild, legal guardian, or legal representative, or an authorized government agency in the conduct of its official duties.

(j) The Registrar may verify with originating agencies the identity documents and evidence of entitlement submitted in support of a request for a certified copy.

(k) The Registrar may authorize a government agency or other entity to receive certified copies of vital records or verifications in electronic format for the purpose of conducting its official duties. The Registrar may base this authorization on:

(1) Receipt of an application from an applicant entitled to receive the certified copy of a vital record and authorization by this applicant to release the information to the agency or other entity;

(2) An order of the court;

(3) The establishment of an agreement as set forth in § 25; or

(4) A demonstration of administrative need by the agency or other entity.

(l) The Registrar, in deciding whether to approve a government agency or other entity for receipt of certified copies of vital records or verifications in electronic format, shall consider the agency's or other entity's proposed use of the certified record, frequency of need, security after receipt, and other relevant criteria.

(m) The Registrar shall establish the minimum information to be included in a certificate. No certificate shall be issued without the minimum information necessary with the exception that live birth records without a first name for the registrant may be issued to authorized government agencies for adoption or custody purposes.

(n) A death certificate that includes the manner or cause of death shall be issued with this information unless the decedent's spouse, domestic partner, child, parent, next of kin as specified by probate or other law, the person in charge of disposition of the decedent's remains, or the legal representative of any of these persons requests the omission of this information.

(o) Each certificate issued for a record shall include the date of registration. Except as provided by rulemaking, each certificate issued from a record marked or flagged as amended shall be similarly marked or flagged and shall indicate the effective date of the amendment. A certificate issued from a record marked or flagged as delayed shall be similarly marked or flagged and shall include the date of registration and a description of the evidence used to establish the delayed record. A certificate issued from a record of foreign live birth shall indicate this fact. Such a certificate shall show the actual place of live birth and state that the

certificate is not proof of United States citizenship. A certificate issued from a live birth record that has been matched to a death record shall be marked or flagged as deceased.

(p) Information identified in the U.S. Standard Certificates of Live Birth, Death, and Report of Fetal Death, or identified as for medical or health use only in any vital record through rulemaking shall not be subject to subpoena or court order and shall not be admissible before any court, tribunal, or judicial body. Information identified as for administrative, statistical, medical, or health use only shall not be included in a certificate issued for the vital record.

(q) If the Registrar conducts a search for a vital record on behalf of an applicant, and this search does not identify a record that matches the requested criteria, the Registrar shall issue a document indicating that no matching record was identified. The document shall state the specific information used in the attempt to identify the record, including the type of event, the name of the registrant, the alleged date or range of dates of the event, and any other criteria used to identify the record.

(r) The Registrar may verify the facts contained in a vital record at the request of any authorized government agency in the conduct of its official duties.

(s) Each certificate issued from the vital statistics system shall meet the requirements for apostille, authentication, and exemplification by the District's designated competent authority to facilitate use of the certificate outside of the United States.

(t) All forms and procedures used to issue certificates of vital records in the District shall be uniform and provided or approved by the Registrar. Each certificate issued shall include security features that deter altering, counterfeiting, or duplicating the certification.

(u) The Registrar shall maintain a searchable file, either physical or electronic, of all accepted applications for a minimum of 3 years.

(v) No person shall prepare or issue any paper or electronic document that purports to be an original vital record, a certification or a verification of a vital record, or a copy of a vital record except as authorized by this act or rules promulgated to implement the act.

(w) An application and any supporting documentation submitted to obtain a certificate of a vital record shall be confidential and shall not be disclosed except upon the order of the court.

Sec. 27. Fraud or misrepresentation.

(a) When the Registrar receives information that a record may have been registered, corrected, or amended through fraud or misrepresentation, the Registrar may withhold issuance of any certificate or modification of that record pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred. If upon conclusion of the inquiry no fraud or misrepresentation is found, the Registrar shall resume processing requests for a certificate or a modification of the record.

(b) If upon conclusion of the inquiry there is reasonable cause to suspect fraud or misrepresentation, the Registrar shall provide copies of the record and any other evidence to the appropriate authorities for further investigation.

(c) If upon conclusion of this investigation fraud or misrepresentation is found, the Registrar shall provide an opportunity to the registrant or the registrant's legal representative to respond to the findings. The Registrar may suspend further modification of the record, or void or seal the record. The Registrar shall provide a written statement of these actions, including

references to all the investigative findings and evidence that form the basis for the actions, to the registrant or the registrant's legal representative.

(d) The Registrar shall retain all voided or sealed records and evidence, but these records and evidence shall not be subject to inspection or copying except upon order of the court or by the Registrar for purposes of administering the vital records system.

(e) When the Registrar receives information that an application for a vital record service may have been submitted for purposes of fraud or misrepresentation, the Registrar may withhold performance of that service pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred. If upon conclusion of the inquiry no fraud or misrepresentation is found, the Registrar shall provide the service, including a certificate, if the applicant is entitled to the certificate.

(f) If upon conclusion of the inquiry there is reasonable cause to suspect fraud or misrepresentation, the requested certified copy shall not be issued, and the Registrar shall provide copies of the application and any other evidence to the appropriate authorities for further investigation.

(g) If upon conclusion of this investigation fraud or misrepresentation is found, the Registrar shall provide an opportunity to the registrant or the registrant's legal representative to respond to the findings. The Registrar may suspend further action regarding the record. The Registrar shall provide a written statement of these actions, including references to all investigative findings and evidence that form the basis for the action, to the registrant or the registrant's legal representative.

(h) The Registrar shall retain the application and evidence, but the application and evidence shall not be subject to inspection or copying except upon order of the court or by the Registrar for purposes of administering the vital records system.

(i) The Registrar shall periodically test and audit vital records systems for purposes of detecting fraud. If fraud is detected, the Registrar shall provide copies of the evidence to the proper authorities for further investigation. The results of the tests and audits shall be retained but shall not be subject to inspection or copying except by the Registrar for purposes of administering the vital records system.

Sec. 28. Fees.

The Registrar shall prescribe by rulemaking the fees to be paid for the following services:

- (1) Processing an application to amend a vital record;
- (2) Certifying records, whether paper or electronic, or searching the files when no certificate is issued;
- (3) Providing copies of or information contained on live birth, death, and fetal death records for health research, statistical, or administrative purposes, or in response to subpoena or court order;
- (4) Verifying information contained on live birth, death, fetal death, and domestic partnership records when the information is provided. Verification of vital events may only be provided to government agencies authorized by the Registrar;
- (5) Processing an application to register a delayed report of a vital event;

(6) Replacing a live birth record subsequent to adoption, establishment of parentage, paternity acknowledgment, change in gender designation, or court order;

(7) Providing personally identifiable information from vital records data to a health researcher or an authorized government agency;

(8) Providing programming and analytic services in response to statistical data requests;

(9) Issuing a permit required by law;

(10) Providing genealogical search services; and,

(11) Providing any other service as determined by the Registrar.

Sec. 29. Penalties.

(a) A fine of not more than \$12,500, or imprisonment of not more than 2 years, or both, for each occurrence shall be imposed on:

(1) Any person who willfully and knowingly makes a false statement to the Registrar or the Registrar's designee when submitting information required by this act, in connection with:

(A) A report;

(B) A request to amend or correct a vital record, including any associated evidence;

(C) A request for a certified copy or verification of a vital record;

(D) A request for access to information in vital records; or

(E) A request for creation of a vital record, including delayed records;

1193 (2) Any person who without lawful authority and with the intent to deceive,
1194 makes, counterfeits, alters, amends, or mutilates any record, report, application or supporting
1195 documentation submitted or created pursuant to this act, or any certification or verification of a
1196 vital record, or security paper;

1197 (3) Any person who willfully and knowingly obtains, possesses, uses, sells,
1198 furnishes, or attempts to obtain, possess, use, sell, or furnish a physical or electronic vital record
1199 document, including security paper, records, reports, or information in a vital record, that has
1200 been counterfeited, altered, unlawfully amended, or mutilated, or that is false in whole or in part,
1201 for purposes other than those specified in this act;

1202 (4) Any person who without lawful authority possesses any stolen or otherwise
1203 unlawfully obtained record, security paper, certified copy, or report or application submitted or
1204 created pursuant to this act; or

1205 (5) Any person who willfully and knowingly furnishes data, security paper,
1206 certifications or verifications with the knowledge or intention that they will be used for purposes
1207 other than those specified in this act.

1208 (b) A fine of not more than \$2,500, or imprisonment of not more than one year, or both,
1209 for each occurrence, shall be imposed on:

1210 (1) Any person who willfully and knowingly refuses to provide information
1211 required by this act or rules promulgated to implement this act;

1212 (2) Any person who willfully and knowingly transports or accepts for
1213 transportation, interment, or other disposition human remains without an accompanying permit
1214 as provided in this act; or,

1215 (3) Any person who willfully and knowingly violates any of the provisions of this
1216 act or the rules promulgated to implement this act, or who willfully and knowingly refuses to
1217 perform any of the duties required by this act or its rules.

1218 (c) For each violation set forth in this subsection, as an alternative to the sanctions set
1219 forth in subsections (a) and (b), a civil penalty of not more than \$10,000 shall be imposed on any
1220 person who violates any of the provisions of this act or its rules, or who willfully and knowingly
1221 fails to perform any of the duties required by this act or by the rules.

1222 Sec. 30. Rules.

1223 The Registrar, pursuant to Title I of the District of Columbia Administrative Procedure
1224 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
1225 rules to implement the provisions of this act.

1226 Sec. 31. Repeal.

1227 The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official
1228 Code 7-201 *et seq.*), is repealed. The existing rules implementing the Vital Records Act of 1981
1229 shall remain in effect until superseded by rules promulgated under the the Vital Records
1230 Modernization and Common Sense in Animal Regulations Act of 2018.

1231 Sec. 32. Conforming amendments.

(a) Section 204(d) of the District of Columbia Administrative Procedure Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(d)) is amended to read as follows:

“(d) The provisions of this title shall not apply to vital records covered by the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 434; D.C. Official Code 7-201 *et seq.*) or the the Vital Records Modernization and Animal Regulations Amendment Act of 2018.”.

(b) Title 16 of the District of Columbia Official Code is amended as follows:

(1) Section 16-309(b)(4) is amended by striking the phrase “section 10 of the Vital Records Act of 1981.” and inserting the phrase “section 20 of the the Vital Records Modernization and Animal Regulations Amendment Act of 2018.” in its place.

(2) Section 16-314 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “Vital Records Amendment Act of 1981.” in each place it appears and inserting the phrase “the Vital Records Modernization and Animal Regulations Amendment Act of 2018.” in its place.

(B) Subsection (b) is amended by striking the phrase “section 11 of the Vital Records Act of 1981.” and inserting the phrase “section 22 of the Vital Records Modernization and Animal Regulations Amendment Act of 2018.” in its place.

(C) Subsection (c-1) is amended by striking the phrase “section 11 of the Vital Records Act of 1981.” and inserting the phrase “section 22 of the Vital Records Modernization and Animal Regulations Amendment Act of 2018.” in its place.

Sec. 33. Section 9(j) of the Animal Control Act of 1979, effective October 18, 2979 (D.C. Law 3-30; D.C. Official Code § 8-1808(j)), is amended as follows:

(a) Paragraph (1)(D) is amended to read as follows:

“(D) Captive-bred species of common cage birds, including chickens;”.

(b) A new paragraph (5) is added to read as follows:

“(5) The Mayor shall allow goats and sheep to be temporarily imported into the District of Columbia and possessed for the purposes of eating grass, milking and shearing demonstrations, participating in yoga or similar activities, being on display in temporary pettings zoos for the enjoyment and education of District youth, and any other activities approved by the Department of Health through regulation. The Department of Health shall issue rules to protect the safety of the goats and sheep.

Sec. 33a. Section 302 of Title 22-D of the District of Columbia Municipal Regulations (22-D DCMR § 302) is amended to read as follows:

“302 HEALTH CARE PROVIDER REPORTING

“302. 1 (a) Within 30 days of writing a covered medication, an attending physician shall file with the Department a copy of the information required by section 7 by uploading the following completed, signed and dated Attending Physician’s Checklist Compliance form to the Department’s Death with Dignity online portal.

“(b) The Attending Physician’s Checklist Compliance form shall require the attending physician to provide:

“(1) The patient’s name and date of birth;

1273 “(2) The prescribing physician’s name, address and phone number;
1274 “(3) The date of each patient oral request for covered medication.
1275 “(4) The date of receipt of the written request for covered medication;
1276 “(5) The date that the prescription was written;
1277 “(6) The attending physician’s:
1278 “(A) Diagnosis and prognosis of the patient;
1279 “(B) Determination that the patient is capable, acting voluntarily, and has
1280 made an informed decision to request covered medication;
1281 “(C) Certification that all other requirements of the Act have been met; t
1282 and
1283 “(D) Notation of the covered medication prescribed.
1284 “(7) The name and phone number of the consulting physician and a notation on
1285 the form that the consulting physician confirmed in writing the diagnosis and prognosis of the
1286 patient, and that the patient is capable, acting voluntarily, and has made an informed decision to
1287 request a covered medication.
1288 “(8) If applicable, the name and phone number of the psychiatrist or psychologist
1289 performing a mental capacity evaluation to determine if the patient is capable of making an
1290 informed healthcare decision, and her or his report.
1291 “(9) The following patient demographic information:
1292 “(A) Age:
1293 “(B) Education level, if known

1294 “(C) Race;

1295 “(D) Sex;

1296 “(E) Type of insurance, including whether or not they had insurance; and

1297 “(F) Underlying illness.

1298 “302.2. (a) Within thirty (30) days after a patient dies from ingesting a covered
1299 medication, or as soon as practicable after the health care provider is made aware of a patient’s
1300 death resulting from ingesting the covered medication, the health care provider shall notify the
1301 Department of the patient’s death by uploading the completed, signed and dated Attending
1302 Physician’s Follow Up form into the Department’s online Death with Dignity portal. The
1303 Attending Physician’s Follow Up form shall require the health care provider to provide:

1304 “(1) The patient's name and date of birth;

1305 “(2) The prescribing physician’s name and phone number; and

1306 “(3) If known, the date of death of the patient who died after ingesting covered
1307 medication.

1308 “(b) The Department shall provide all forms, or information submitted pursuant to
1309 paragraph (a) to the Office of the Chief Medical Examiner (OCME).”.

1310 Sec. 34. Fiscal impact statement.

1311 The Council adopts the fiscal impact statement in the committee report as the fiscal
1312 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
1313 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

1314 Sec. 35. Effective Date.

ENGROSSED ORIGINAL

1315 This act shall take effect following approval by the Mayor or in the event of veto by the
1316 Mayor, action by the Council to override the veto, a 30-day period of congressional review as
1317 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
1318 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of
1319 Columbia Register.