

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 146

Representative Householder

Cosponsors: Representatives Hughes, Blessing, Huffman, Johnson, T., Rogers, Stein, Riedel, Gavarone, Antani, Seitz, Faber, Lipps, Edwards, Arndt, Schaffer, Hambley, Green, DeVitis, Manning, Becker, Patton, Hill, Carfagna, Ginter, Keller, Hagan, Romanchuk, Sweeney, West, Brinkman, Henne, Gonzales, Brenner, Sprague

A BILL

To amend sections 313.19 and 3705.22 of the Revised Code to allow a coroner to change the cause, manner, and mode of death in a filed death certificate only after a hearing in the court of common pleas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 313.19 and 3705.22 of the Revised Code be amended to read as follows:

Sec. 313.19. The cause of death and the manner and mode in which the death occurred, as delivered by the coroner and incorporated in the coroner's verdict and in the death certificate filed with the division of vital statistics, shall be the legally accepted manner and mode in which such death occurred, and the legally accepted cause of death, unless the court of common pleas of the county in which the death occurred, after a hearing, directs or allows the coroner to change ~~his~~ the

coroner's decision as to such cause and manner and mode of 16
death. 17

Sec. 3705.22. Whenever it is alleged that the facts stated 18
in any birth, fetal death, or death record filed in the 19
department of health are not true, the director may require 20
satisfactory evidence to be presented in the form of affidavits, 21
amended records, or certificates to establish the alleged facts. 22
When established, the original record or certificate shall be 23
supplemented by the affidavit or the amended certificate or 24
record information. 25

An affidavit in a form prescribed by the director shall be 26
sworn to by a person having personal knowledge of the matter 27
sought to be corrected. Medical certifications contained on 28
fetal death or death records signed by an attending physician 29
may be corrected only by the person whose name appears on the 30
original record as attending physician ~~or by~~. Medical 31
certifications contained on fetal death or death records signed 32
by the coroner of the county in which the death occurred may be 33
changed only if the court of common pleas of the county in which 34
the death occurred, after a hearing, allows the coroner to 35
change the cause of death as provided under section 313.19 of 36
the Revised Code. 37

The amended birth record shall be signed by the person who 38
attended the birth and the informant or informants whose names 39
appear on the original record. The amended death or fetal death 40
record shall be signed by the physician or coroner, funeral 41
director, and informant whose names appear on the original 42
record. 43

An affidavit or amended record for the correction of the 44
given name of a person shall have the signature of the person, 45

if the person is age eighteen or older, or of both parents if 46
the person is under eighteen, except that in the case of a child 47
born out of wedlock, the mother's signature will suffice; in the 48
case of the death or incapacity of either parent, the signature 49
of the other parent will suffice; in the case of a child not in 50
the custody of ~~his~~ the child's parents, the signature of the 51
guardian or agency having the custody of the child will suffice; 52
and in the case of a child whose parents are deceased, the 53
signature of another person who knows the child will suffice. 54

Once a correction or amendment of an item is made on a 55
vital record, that item shall not be corrected or amended again 56
except on the order of a court of this state or the request of a 57
court of another state or jurisdiction. 58

The director may refuse to accept an affidavit or amended 59
certificate or record that appears to be submitted for the 60
purpose of falsifying the certificate or record. 61

A certified copy of a certificate or record issued by the 62
department of health shall show the information as originally 63
given and the corrected information, except that an 64
electronically produced copy need indicate only that the 65
certificate or record was corrected and the item that was 66
corrected. 67

Section 2. That existing sections 313.19 and 3705.22 of 68
the Revised Code are hereby repealed. 69