

**As Reported by the House Health and Aging Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. Sub. S. B. No. 61**

**Senator Hughes**

**Cosponsors: Senators Eklund, Patton, Seitz, Brown, Bacon, Balderson, Burke, Cafaro, Coley, Faber, Gardner, Hite, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Peterson, Sawyer, Schiavoni, Tavares, Thomas, Uecker, Widener, Williams, Yuko, Representatives Barnes, Bishoff**

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**A BILL**

To amend section 3705.23 of the Revised Code to  
restrict to whom a certified copy of a death  
certificate containing the decedent's social  
security number may be issued.

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

**Section 1.** That section 3705.23 of the Revised Code be  
amended to read as follows:

**Sec. 3705.23.** (A) (1) Except as otherwise provided in this  
section, the director of health, the state registrar, or a local  
registrar, on receipt of a signed application and the fee  
specified in section 3705.24 of the Revised Code, shall issue a  
certified copy of a vital record, or of a part of a vital  
record, in the director's or registrar's custody to any  
applicant, unless the vital record has ceased to be a public  
record pursuant to section 3705.09, 3705.11, 3705.12, 3705.121,  
3705.122, 3705.123, 3705.124, or 3705.15 of the Revised Code.  
The certified copy shall show the date the vital record was  
registered by the local registrar.

(2) A certified copy of a vital record may be made by a 18  
mechanical, electronic, or other reproduction process. It shall 19  
be certified as a true copy by the director, state registrar, or 20  
local registrar who has custody of the record and shall include 21  
the date of issuance, the name of the issuing officer, the 22  
signature of the officer or an authorized facsimile of the 23  
signature, and the seal of the issuing office. 24

(3) A certified copy of a vital record or of any part of a 25  
vital record, issued in accordance with this section, shall be 26  
considered for all purposes the same as the original and shall 27  
be prima-facie evidence of the facts stated in it in all courts 28  
and places. 29

(4) (a) Information contained in the "information for 30  
medical and health use only" section of a birth record shall not 31  
be included as part of a certified copy of the birth record 32  
unless the information specifically is requested by the 33  
individual to whose birth the record attests, either of the 34  
individual's parents or the individual's guardian, a lineal 35  
descendant, or an official of the federal or state government or 36  
of a political subdivision of the state charged by law with 37  
detecting or prosecuting crime. 38

(b) Except as provided in division (A) (4) (a) of this 39  
section, neither the office of vital statistics nor a local 40  
registrar shall disclose information contained in the 41  
"information for medical and health use only" section of a birth 42  
record unless a court, for good cause shown, orders disclosure 43  
of the information or the state registrar specifically 44  
authorizes release of the information for statistical or 45  
research purposes under conditions the state registrar, subject 46  
to the approval of the director of health, shall establish by 47

rule. 48

(5) For the first five years after a decedent's death, a 49  
decedent's social security number shall not be included on a 50  
certified copy of the decedent's death certificate unless that 51  
information is specifically requested to be on the certified 52  
copy by one of the following who presents proof satisfactory to 53  
the director, state registrar, or local registrar of the 54  
person's identity: 55

(a) The decedent's spouse; 56

(b) A county veterans service officer employed under 57  
section 5901.07 of the Revised Code; 58

(c) An official specified in division (A), (B), or (C) of 59  
section 9.15 of the Revised Code who is authorized to cause the 60  
burial or cremation of a dead person as described in that 61  
section; 62

(d) An agent of an officer or official described in 63  
division (A) (5) (b) or (c) of this section, but only if the agent 64  
presents either of the following indicating the agent's status 65  
as the officer's or official's agent: 66

(i) Photographic identification, such as an employment 67  
badge; 68

(ii) A signed and dated letter on the officer's or 69  
official's letterhead. 70

(e) A lineal descendant of the decedent; 71

(f) An individual with a class A or B license to engage in 72  
the business of private investigation issued under section 73  
4749.03 of the Revised Code; 74

- (g) An official of the federal or state government or of a political subdivision of the state charged by law with detecting or prosecuting crime; 75  
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- (h) An individual engaged in the work of, or connected with, or employed by, any media organization or media association for the purpose of gathering, procuring, compiling, editing, disseminating, or publishing news; 78  
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- (i) The executor or administrator of the decedent's estate, or an attorney representing the executor or administrator; 82  
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- (j) An agent, as defined in section 1337.22 of the Revised Code, of the decedent, when the decedent had been the principal under a power of attorney created pursuant to sections 1337.21 to 1337.64 of the Revised Code; 85  
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- (k) The adult, or any adult in a group of adults, serving as the representative or successor representative under a written declaration the decedent executed pursuant to section 2108.70 of the Revised Code; 89  
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- (l) A licensed funeral director, or an employee or agent of that individual, who requests a certified copy of the decedent's death certificate on behalf of a person described in division (A) (5) of this section other than a person described in division (A) (5) (g) of this section; 93  
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- (m) Any person who is authorized by law to act on behalf of the decedent or the decedent's estate but is not listed in divisions (A) (5) (a) to (l) of this section. 98  
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- (B) (1) Unless the applicant specifically requests a certified copy, the director, the state registrar, or a local registrar, on receipt of a signed application for a birth record 101  
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and the fee specified in section 3705.24 of the Revised Code, 104  
may issue a certification of birth, and the certification of 105  
birth shall contain at least the name, sex, date of birth, 106  
registration date, and place of birth of the person to whose 107  
birth the record attests and shall attest that the person's 108  
birth has been registered. A certification of birth shall be 109  
prima-facie evidence of the facts stated in it in all courts and 110  
places. 111

(2) The director or state registrar, on receipt of a 112  
signed application for an heirloom certification of birth and 113  
the fee specified in section 3705.24 of the Revised Code, may 114  
issue an heirloom certification of birth. The director shall 115  
prescribe by rule guidelines for the form of an heirloom 116  
certification of birth, and the guidelines shall require the 117  
heirloom certification of birth to contain at least the name, 118  
sex, date of birth, registration date, and place of birth of the 119  
person to whose birth the record attests and to attest that the 120  
person's birth has been registered. An heirloom certification of 121  
birth shall be prima-facie evidence of the facts stated in it in 122  
all courts and places. 123

(3) (a) The director or state registrar, on receipt of an 124  
application signed by either parent, shall issue a certificate 125  
that recognizes the delivery of a stillborn infant. The director 126  
or state registrar shall not charge a fee for the certificate. 127  
The certificate is not proof of a live birth for purposes of 128  
federal, state, and local taxes. 129

The certificate shall contain the infant's name and sex, 130  
the date of delivery, and the place of delivery. The certificate 131  
shall not contain the word "stillborn" or "stillbirth" or any 132  
other words having the same or a similar meaning. The director 133

may prescribe by rule any other standards regarding the form of 134  
the certificate. 135

(b) If, prior to ~~the effective date of this amendment~~ June 136  
3, 2014, a parent obtained a certificate that contains the word 137  
"stillborn" or "stillbirth" or any other words having the same 138  
or a similar meaning, the parent may submit to the director or 139  
state registrar a written request for issuance of a certificate 140  
that meets the conditions specified in division (B) (3) (a) of 141  
this section. On receipt of the request, the director or state 142  
registrar shall issue the certificate. 143

(C) On evidence that a birth certificate was registered 144  
through misrepresentation or fraud, the state registrar may 145  
withhold the issuance of a certified copy of the birth record or 146  
a certification of birth until a court makes a determination 147  
that no misrepresentation or fraud occurred. 148

**Section 2.** That existing section 3705.23 of the Revised 149  
Code is hereby repealed. 150

**Section 3.** Section 3705.23 of the Revised Code is 151  
presented as a composite of the section as amended by both Sub. 152  
H.B. 95 and Sub. S.B. 23 of the 130th General Assembly. The 153  
General Assembly, applying the principle stated in division (B) 154  
of section 1.52 of the Revised Code that amendments are to be 155  
harmonized if reasonably capable of simultaneous operation, 156  
finds that the composite is the resulting version of the section 157  
in effect prior to the effective date of the section as 158  
presented in this act. 159