

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 61

**Senator Hughes
Cosponsors: Senators Eklund, Patton, Seitz, Brown**

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. 1
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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: 5
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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. 7
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(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 decedent's social security number shall not be included on a certified copy of the decedent's death certificate unless that information is specifically requested to be on the certified copy by one of the following who presents proof satisfactory to the director, state registrar, or local registrar of the person's identity: 49
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(a) The decedent's spouse; 56

(b) A county veterans service officer employed under section 5901.07 of the Revised Code; 57
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(c) A lineal descendant of the decedent; 59

(d) An individual with a class A or B license to engage in the business of private investigation issued under section 4749.03 of the Revised Code; 60
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(e) An official of the federal or state government or of a political subdivision of the state charged by law with detecting or prosecuting crime; 63
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(f) An individual engaged in the work of, or connected with, or employed by, any newspaper or any press association for the purpose of gathering, procuring, compiling, editing, disseminating, or publishing news; 66
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(g) The executor or administrator of the decedent's estate, or an attorney representing the executor or administrator; 70
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(h) 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; 73
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(i) Any person, other than one described in division (A) 77
(5) (a), (b), (c), (d), (e), (f), (g), (h), or (j) of this 78
section, who is authorized by law to act on behalf of the 79
decedent or the decedent's estate; 80

(j) A licensed funeral director, or an employee or agent 81
of that individual, who requests a certified copy of the 82
decedent's death certificate on behalf of a person described in 83
division (A) (5) (a), (b), (c), (d), (f), (g), (h), or (i) of this 84
section. 85

(B) (1) Unless the applicant specifically requests a 86
certified copy, the director, the state registrar, or a local 87
registrar, on receipt of a signed application for a birth record 88
and the fee specified in section 3705.24 of the Revised Code, 89
may issue a certification of birth, and the certification of 90
birth shall contain at least the name, sex, date of birth, 91
registration date, and place of birth of the person to whose 92
birth the record attests and shall attest that the person's 93
birth has been registered. A certification of birth shall be 94
prima-facie evidence of the facts stated in it in all courts and 95
places. 96

(2) The director or state registrar, on receipt of a 97
signed application for an heirloom certification of birth and 98
the fee specified in section 3705.24 of the Revised Code, may 99
issue an heirloom certification of birth. The director shall 100
prescribe by rule guidelines for the form of an heirloom 101
certification of birth, and the guidelines shall require the 102
heirloom certification of birth to contain at least the name, 103
sex, date of birth, registration date, and place of birth of the 104
person to whose birth the record attests and to attest that the 105
person's birth has been registered. An heirloom certification of 106

birth shall be prima-facie evidence of the facts stated in it in 107
all courts and places. 108

(3) (a) The director or state registrar, on receipt of an 109
application signed by either parent, shall issue a certificate 110
that recognizes the delivery of a stillborn infant. The director 111
or state registrar shall not charge a fee for the certificate. 112
The certificate is not proof of a live birth for purposes of 113
federal, state, and local taxes. 114

The certificate shall contain the infant's name and sex, 115
the date of delivery, and the place of delivery. The certificate 116
shall not contain the word "stillborn" or "stillbirth" or any 117
other words having the same or a similar meaning. The director 118
may prescribe by rule any other standards regarding the form of 119
the certificate. 120

(b) If, prior to ~~the effective date of this amendment~~ June 121
3, 2014, a parent obtained a certificate that contains the word 122
"stillborn" or "stillbirth" or any other words having the same 123
or a similar meaning, the parent may submit to the director or 124
state registrar a written request for issuance of a certificate 125
that meets the conditions specified in division (B) (3) (a) of 126
this section. On receipt of the request, the director or state 127
registrar shall issue the certificate. 128

(C) On evidence that a birth certificate was registered 129
through misrepresentation or fraud, the state registrar may 130
withhold the issuance of a certified copy of the birth record or 131
a certification of birth until a court makes a determination 132
that no misrepresentation or fraud occurred. 133

Section 2. That existing section 3705.23 of the Revised 134
Code is hereby repealed. 135

Section 3. Section 3705.23 of the Revised Code is 136
presented as a composite of the section as amended by both Sub. 137
H.B. 95 and Sub. S.B. 23 of the 130th General Assembly. The 138
General Assembly, applying the principle stated in division (B) 139
of section 1.52 of the Revised Code that amendments are to be 140
harmonized if reasonably capable of simultaneous operation, 141
finds that the composite is the resulting version of the section 142
in effect prior to the effective date of the section as 143
presented in this act. 144