

As Passed by the Senate

131st General Assembly

Regular Session

2015-2016

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

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 or an agent of such an 58
officer who presents either of the following indicating the 59
agent's status as the officer's agent: 60

(i) Photographic identification, such as an employment 61
badge; 62

(ii) A signed and dated letter on the officer's 63
letterhead. 64

(c) A lineal descendant of the decedent; 65

(d) An individual with a class A or B license to engage in 66
the business of private investigation issued under section 67
4749.03 of the Revised Code; 68

(e) An official of the federal or state government or of a 69
political subdivision of the state charged by law with detecting 70
or prosecuting crime; 71

(f) An individual engaged in the work of, or connected 72
with, or employed by, any media organization or media 73
association for the purpose of gathering, procuring, compiling, 74
editing, disseminating, or publishing news; 75

<u>(g) The executor or administrator of the decedent's</u>	76
<u>estate, or an attorney representing the executor or</u>	77
<u>administrator;</u>	78
<u>(h) An agent, as defined in section 1337.22 of the Revised</u>	79
<u>Code, of the decedent, when the decedent had been the principal</u>	80
<u>under a power of attorney created pursuant to sections 1337.21</u>	81
<u>to 1337.64 of the Revised Code;</u>	82
<u>(i) The adult, or any adult in a group of adults, serving</u>	83
<u>as the representative or successor representative under a</u>	84
<u>written declaration the decedent executed pursuant to section</u>	85
<u>2108.70 of the Revised Code;</u>	86
<u>(j) Any person, other than one described in division (A)</u>	87
<u>(5) (a), (b), (c), (d), (e), (f), (g), (h), or (k) of this</u>	88
<u>section, who is authorized by law to act on behalf of the</u>	89
<u>decedent or the decedent's estate;</u>	90
<u>(k) A licensed funeral director, or an employee or agent</u>	91
<u>of that individual, who requests a certified copy of the</u>	92
<u>decedent's death certificate on behalf of a person described in</u>	93
<u>division (A) (5) (a), (b), (c), (d), (f), (g), (h), (i), or (k)</u>	94
<u>of this section.</u>	95
(B) (1) Unless the applicant specifically requests a	96
certified copy, the director, the state registrar, or a local	97
registrar, on receipt of a signed application for a birth record	98
and the fee specified in section 3705.24 of the Revised Code,	99
may issue a certification of birth, and the certification of	100
birth shall contain at least the name, sex, date of birth,	101
registration date, and place of birth of the person to whose	102
birth the record attests and shall attest that the person's	103
birth has been registered. A certification of birth shall be	104

prima-facie evidence of the facts stated in it in all courts and 105
places. 106

(2) The director or state registrar, on receipt of a 107
signed application for an heirloom certification of birth and 108
the fee specified in section 3705.24 of the Revised Code, may 109
issue an heirloom certification of birth. The director shall 110
prescribe by rule guidelines for the form of an heirloom 111
certification of birth, and the guidelines shall require the 112
heirloom certification of birth to contain at least the name, 113
sex, date of birth, registration date, and place of birth of the 114
person to whose birth the record attests and to attest that the 115
person's birth has been registered. An heirloom certification of 116
birth shall be prima-facie evidence of the facts stated in it in 117
all courts and places. 118

(3) (a) The director or state registrar, on receipt of an 119
application signed by either parent, shall issue a certificate 120
that recognizes the delivery of a stillborn infant. The director 121
or state registrar shall not charge a fee for the certificate. 122
The certificate is not proof of a live birth for purposes of 123
federal, state, and local taxes. 124

The certificate shall contain the infant's name and sex, 125
the date of delivery, and the place of delivery. The certificate 126
shall not contain the word "stillborn" or "stillbirth" or any 127
other words having the same or a similar meaning. The director 128
may prescribe by rule any other standards regarding the form of 129
the certificate. 130

(b) If, prior to ~~the effective date of this amendment~~ June 131
3, 2014, a parent obtained a certificate that contains the word 132
"stillborn" or "stillbirth" or any other words having the same 133
or a similar meaning, the parent may submit to the director or 134

state registrar a written request for issuance of a certificate 135
that meets the conditions specified in division (B) (3) (a) of 136
this section. On receipt of the request, the director or state 137
registrar shall issue the certificate. 138

(C) On evidence that a birth certificate was registered 139
through misrepresentation or fraud, the state registrar may 140
withhold the issuance of a certified copy of the birth record or 141
a certification of birth until a court makes a determination 142
that no misrepresentation or fraud occurred. 143

Section 2. That existing section 3705.23 of the Revised 144
Code is hereby repealed. 145

Section 3. Section 3705.23 of the Revised Code is 146
presented as a composite of the section as amended by both Sub. 147
H.B. 95 and Sub. S.B. 23 of the 130th General Assembly. The 148
General Assembly, applying the principle stated in division (B) 149
of section 1.52 of the Revised Code that amendments are to be 150
harmonized if reasonably capable of simultaneous operation, 151
finds that the composite is the resulting version of the section 152
in effect prior to the effective date of the section as 153
presented in this act. 154