

SENATE BILL REPORT

ESHB 1799

As of April 1, 2019

Title: An act relating to developing a short form for death certificates.

Brief Description: Developing a short form for death certificates.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Hoff, Wylie, Corry, Sutherland, Vick, Paul, Smith and Goodman).

Brief History: Passed House: 3/04/19, 96-0.

Committee Activity: Law & Justice: 4/01/19.

Brief Summary of Bill

- Excludes the cause and manner of death, the names of the decedent's parents, and social security numbers from the short form death certificate.
- Authorizes the Department of Health, or local registrars, to issue a certified short form death certificate to a qualified applicant.
- Specifies certain relatives, legal representatives, and persons performing business and legal functions related to the death, as qualified applicants for a certified short form death certificate.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Burke-Cain (786-7755)

Background: Washington's Department of Health (DOH) collects and stores all reports of specific vital life events in the state. These vital life events are births, deaths, fetal deaths, marriages, marriage and domestic partnership dissolutions, marriage and domestic partnership annulments, and legal separations. The federal Centers for Disease Control National Center for Health Statistics (CDC-NCHS) specifies data the state must include in its death certificates. DOH forwards certain vital records data to the CDC-NCHS.

The DOH long form death certificate includes the decedent's name, date, and county of death. It also includes the decedent's social security number, residence, address, marital status, spouse's name, and cause and manner of death. DOH releases the long form death

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certificate to anyone who has the decedent's name, date, and county of death. The short form death certificate is not currently available to the public.

Summary of Bill: State or local registrars may issue a short form death certificate that excludes social security numbers, names of the decedent's parents, and information about the cause and manner of death. Qualified applicants who may obtain a short form death certificate include:

- specified family members, guardians, and representatives;
- funeral directors, funeral establishments, and people with the right to control the disposition of the human remains;
- a title insurer or title insurance agent handling a transaction involving real property in which the decedent held a right, title, or interest; and
- a person who demonstrates that the certified copy is necessary for a determination related to the death or the protection of a personal or property right related to the death.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill protects against rampant identity theft by taking the cause of death off the short form death certificate along with other private data. As an estate attorney, I am always surprised to see the private information available on the death certificate. The public is more aware of the potential for identity theft now. Those persons who are involved in estate issues as beneficiaries or family members of the decedent are also quite reasonably concerned about protecting private information in the the death certificate. The bill authorizes the short form certificate, but it does not do away with the long form death certificate.

CON: By restricting the information on the short form death certificate, those who use the short form for estate-related purposes such as banks, insurance companies, and title insurers, as well as local auditors, do not have access to information they need for transferring real and personal property and accounting for estate beneficiaries. The comprehensive revision to the vital records law, SB 5332, allows rulemaking at the Department of Health to bring all the stakeholders together to identify the necessary information that should be on the certificates and the confidential information that should be kept private under administrative rules. The rulemaking would identify the data elements to be included on the short form certificate. There will still be a long form certificate, a short form certificate, and the new informational copy. Only a qualified applicant is eligible to obtain a long or short form death certificate. The informational copy will primarily be used by genealogists and the media. It will have the same information as the short form death certificate, but it will also have a watermark indicating it is not useable for legal purposes.

Persons Testifying: PRO: Representative Larry Hoff, Prime Sponsor; Greg Gilday, citizen.

CON: Jean Remsbecker, Department of Health, State Registrar.

Persons Signed In To Testify But Not Testifying: No one.