

# FINAL BILL REPORT

## ESSB 5332

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Synopsis as Enacted

**Brief Description:** Concerning vital statistics.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Rivers, Wilson, C., Walsh, Randall, Cleveland and Liias; by request of Department of Health).

**Senate Committee on Law & Justice**  
**Senate Committee on Ways & Means**  
**House Committee on Health Care & Wellness**  
**House Committee on Appropriations**

**Background:** History of Recording Vital Statistics. Before 1900, maintaining vital records was a state and local responsibility. Before 1900, the U.S. Census Bureau developed the first standardized reporting form for vital statistics, known as the U.S. standard certificate of death. The Census Bureau recommended all local vital records registrars to adopt the form by 1900. By 1902, federal legislation directed the Census Bureau to collect copies of records filed in vital statistics offices of those states and cities having adequate death registration systems.

Beginning in 1891, Washington State's laws required each county to keep vital records. In 1907, the state assumed responsibility for collecting birth and death records. In 1968, the state assumed responsibility for collecting marriage and divorce records. Depending on the date of a vital record, the records may be located in different places. The Washington State Library, under the Office of the Secretary of State, maintains a website to assist persons searching for genealogical records.

Current Vital Statistics Program at the Department of Health. 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. Under current law, DOH retains permanent custody of all vital records in its statewide vital records system.

The state registrar of vital statistics oversees the system and is responsible for the system's operations and integrity. The state registrar also develops uniform vital statistics reporting requirements and forms for local registrars across the state.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Access to Birth and Death Records. Washington's vital records certificates contain all the information required by the federal Centers for Disease Control and Prevention's National Center for Health Statistics (NCHS), including social security numbers. Under Washington's current vital statistics law, the state Board of Health may require additional information in a confidential section of the birth certificate. The confidential section is not publicly available without a court order. The person who is the birth certificate's subject may obtain a copy without a court order, but the copy will not include information about the parents. The state has both a long form and a short form death certificate. The short form death certificate and informational copies of death certificates are not publicly available.

DOH releases the long form death certificate to anyone who has the decedent's name, date and county of death. The long form includes such information as the decedent's social security number, residence and address, marital status and spouse, cause and manner of death. DOH sends a monthly death index to the state archives. The death index contains the decedent's full name, county of death, county of residence, sex, age, and date of death. DOH sends its vital statistics data to NCHS. Contracts between NCHS and each jurisdiction's vital records office set mutual responsibilities, uniform standards, and procedures for reporting vital statistics.

Centers for Disease Control and Prevention Model Vital Statistics Act. NCHS operates and maintains the national vital statistics system as the official source for national vital statistics data. NCHS compiles, analyzes, and disseminates vital statistics from all 50 states, New York City, the District of Columbia, and five U.S. territories. NCHS provides data on health indicators to support public health policy work at the national, state, and local levels. For example, the system provides data on risk factors for adverse pregnancy outcomes, life expectancy, and leading causes of death.

NCHS develops a model state vital statistics law and regulations to promote uniformity among the states in the definitions, registration practices, data disclosure, and other functions of state vital statistics systems. The federal government developed its first model act in 1907 and produced revised versions in 1941, 1959, 1977, and 1992. NCHS proposed its most recent version in 2011. The National Association for Public Health Statistics and Information Systems endorsed the 2011 model act. NCHS's purpose in developing its 2011 version is to address system security, the electronic information environment, continuity of operations planning, data confidentiality and disclosure, and changes to the scope of vital statistics data, for example, assisted reproduction and same-sex marriage. The 2011 NCHS model state vital statistics law provided the framework for this proposed vital statistics bill.

**Summary:** DOH may only release a certified death certificate to a qualified applicant. Qualified applicants include the decedent's spouse or domestic partner, child, parent, stepparent, stepchild, sibling, grandparent, great-grandparent, grandchild, legal guardian immediately prior to death, legal representative, authorized representative with a notarized statement from a qualified applicant, next of kin, funeral director within 12 months of the date of death, or a government agency or court for its official duties. A short form death certificate does not display information related to cause and manner of death. DOH may release a short form certificate to a qualified applicant. Additionally, DOH may release a short form certificate to a title insurer or title insurance agent handling a real property

transaction involving the decedent, or a person who shows the short form is necessary for a determination related to the death or the protection of a personal or property right related to the death.

DOH may only release a birth certificate to the subject of the record or the subject's spouse or domestic partner, child, parent, stepparent, stepchild, sibling, grandparent, great-grandparent, grandchild, legal guardian, legal or authorized representative, or a government agency or court for official duties.

Informational copies of vital records are available to the public. Informational copies only contain the information allowed by rule. Informational copies are derived from the original document, but cannot be used for legal purposes.

Access to vital records is not governed by the Public Records Act, but is governed under this vital records chapter in the RCW. DOH is authorized to investigate fraud including periodic testing and auditing of the vital records system to detect fraud. DOH will provide adjudicative proceedings for certain adverse actions.

The state registrar must transfer custody of records to the state archives. The transfer applies to:

- birth records, 100 years after the birth date;
- death records, 25 years after the death date; and
- marriage, divorce, dissolution of marriage or domestic partnership, declaration of invalidity of marriage or domestic partnership, or legal separation, 25 years after the event.

The state archives may provide noncertified copies of original vital records in its custody to the public. The state archives may charge for the cost of operating the state archives through the central services billing model. Sealed records must remain sealed and in DOH custody. DOH may retain records for the purpose of providing certified copies.

**Votes on Final Passage:**

Senate	33	15
House	79	16

**Effective:** January 1, 2021  
July 28, 2019 (Section 3 and Section 43)