
SUBSTITUTE SENATE BILL 5332

State of Washington

66th Legislature

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

READ FIRST TIME 02/08/19.

1 AN ACT Relating to vital statistics; amending RCW 18.39.525,
2 19.182.220, 26.04.090, 26.04.165, 26.09.150, 35A.70.070, 43.79.445,
3 43.121.100, 68.50.300, and 74.20A.056; adding a new section to
4 chapter 42.56 RCW; adding a new chapter to Title 70 RCW; creating a
5 new section; repealing RCW 43.70.160, 70.58.005, 70.58.010,
6 70.58.020, 70.58.030, 70.58.040, 70.58.050, 70.58.055, 70.58.061,
7 70.58.065, 70.58.070, 70.58.080, 70.58.082, 70.58.085, 70.58.095,
8 70.58.098, 70.58.100, 70.58.104, 70.58.107, 70.58.110, 70.58.120,
9 70.58.130, 70.58.145, 70.58.150, 70.58.160, 70.58.170, 70.58.175,
10 70.58.180, 70.58.190, 70.58.210, 70.58.230, 70.58.240, 70.58.250,
11 70.58.260, 70.58.270, 70.58.280, 70.58.380, 70.58.390, 70.58.400, and
12 70.58.900; prescribing penalties; and providing an effective date.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

14 NEW SECTION. **Sec. 1.** INTENT AND PURPOSE. (1) Protection of
15 public health requires a vital records system that provides proof of
16 vital life events and gathers population health data for assessment,
17 evaluation, research, and other public health purposes. An efficient
18 and effective vital records system is a foundational public health
19 service to support a healthy and productive population.

20 (2) The purpose of this chapter is to provide a framework for
21 ongoing administration of a single comprehensive vital records system

1 in the state that is operated and maintained by the department, under
2 the supervision of the state registrar, to preserve the security,
3 integrity, and confidentiality of state vital records and vital
4 statistics, established under RCW 43.70.130 and this chapter.

5 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
6 section apply throughout this chapter unless the context clearly
7 requires otherwise.

8 (1) "Adult" means a person who is at least eighteen years of age,
9 or an emancipated minor under chapter 13.64 RCW.

10 (2) "Amendment" means a change to a certification item on the
11 vital record.

12 (3) "Authorized representative" means a person permitted to
13 receive a certification who is:

14 (a) Identified in a notarized statement signed by a qualified
15 applicant; or

16 (b) An agent identified in a power of attorney as defined in
17 chapter 11.125 RCW.

18 (4) "Certification" means the document, in either paper or
19 electronic format, containing all or part of the information
20 contained in the original vital record from which the document is
21 derived, and is issued from the central vital records system. A
22 certification includes an attestation by the state or local registrar
23 to the accuracy of information, and has the full force and effect of
24 the original vital record.

25 (5) "Certification item" means any item of information that
26 appears on certifications.

27 (6) "Coroner" means the person elected or appointed in a county
28 under chapter 36.16 RCW to serve as the county coroner and fulfill
29 the responsibilities established under chapter 36.24 RCW.

30 (7) "Cremated remains" has the same meaning as "cremated human
31 remains" in chapter 68.04 RCW.

32 (8) "Delayed report of live birth" means the report submitted to
33 the department for the purpose of registering the live birth of a
34 person born in state that was not registered within one year of the
35 date of live birth.

36 (9) "Department" means the department of health.

37 (10) "Domestic partner" means a party to a state registered
38 domestic partnership established under chapter 26.60 RCW.

1 (11) "Facility" means any licensed establishment, public or
2 private, located in state, which provides inpatient or outpatient
3 medical, surgical, or diagnostic care or treatment; or nursing,
4 custodial, or domiciliary care. The term also includes establishments
5 to which persons are committed by law including, but not limited to:

6 (a) Mental illness detention facilities designated to assess,
7 diagnose, and treat individuals detained or committed, under chapter
8 71.05 RCW;

9 (b) City and county jails;

10 (c) State department of corrections facilities; and

11 (d) Juvenile correction centers governed by Title 72 RCW.

12 (12) "Fetal death" means any product of conception that shows no
13 evidence of life, such as breathing, beating of the heart, pulsation
14 of the umbilical cord, or definite movement of voluntary muscles
15 after complete expulsion or extraction from the individual who gave
16 birth that is not an induced termination of pregnancy and:

17 (a) Has completed twenty or more weeks of gestation as calculated
18 from the date the last menstrual period of the individual who gave
19 birth began, to the date of expulsion or extraction; or

20 (b) Weighs three hundred fifty grams or more, if weeks of
21 gestation are not known.

22 (13) "Final disposition" means the burial, interment, entombment,
23 cremation, removal from the state, or other manner of disposing of
24 human remains as authorized under chapter 68.50 RCW.

25 (14) "Funeral director" means a person licensed under chapter
26 18.39 RCW as a funeral director.

27 (15) "Funeral establishment" means a place of business licensed
28 under chapter 18.39 RCW as a funeral establishment.

29 (16) "Government agencies" include state boards, commissions,
30 committees, departments, educational institutions, or other state
31 agencies which are created by or pursuant to statute, other than
32 courts and the legislature; county or city agencies, United States
33 federal agencies, and federally recognized tribes and tribal
34 organizations.

35 (17) "Human remains" means the body of a deceased person,
36 includes the body in any stage of decomposition, and includes
37 cremated human remains, but does not include human remains that are
38 or were at any time under the jurisdiction of the state physical
39 anthropologist under chapter 27.44 RCW.

40 (18) "Individual" means a natural person.

1 (19) "Induced termination of pregnancy" means the purposeful
2 interruption of an intrauterine pregnancy with an intention other
3 than to produce a live-born infant, and which does not result in a
4 live birth.

5 (20) "Informational copy" means a birth or death record issued
6 from the central vital records system, containing all or part of the
7 information contained in the original vital record from which the
8 document is derived, and indicating it cannot be used for legal
9 purposes on its face.

10 (21) "Legal guardian" means a person who serves as a guardian for
11 the purpose of either legal or custodial matters, or both, relating
12 to the person for whom the guardian is appointed. The term legal
13 guardian includes, but is not limited to, guardians appointed
14 pursuant to chapters 11.88 and 13.36 RCW.

15 (22) "Legal representative" means a licensed attorney
16 representing either the subject of the record or qualified applicant.

17 (23) "Live birth" means the complete expulsion or extraction of a
18 product of human conception from the individual who gave birth,
19 irrespective of the duration of pregnancy, which, after such
20 expulsion or extraction, breathes or shows any other evidence of
21 life, such as beating of the heart, pulsation of the umbilical cord,
22 or definite movement of voluntary muscles.

23 (24) "Local health officer" has the same meaning as in chapter
24 70.05 RCW.

25 (25) "Medical certifier" for a death or fetal death means an
26 individual required to attest to the cause of death information
27 provided on a report of death or fetal death. Each individual
28 certifying cause of death or fetal death may certify cause of death
29 only as permitted by that individual's professional scope of
30 practice. These individuals include:

31 (a) A physician, physician's assistant, or an advanced registered
32 nurse practitioner last in attendance at death or who treated the
33 decedent through examination, medical advice, or medications within
34 the twelve months preceding the death;

35 (b) A midwife, only in cases of fetal death; and

36 (c) A physician performing an autopsy, when the decedent was not
37 treated within the last twelve months and the person died a natural
38 death.

1 (26) "Medical examiner" means the person appointed under chapter
2 36.24 RCW to fulfill the responsibilities established under chapter
3 36.24 RCW.

4 (27) "Midwife" means a person licensed to practice midwifery
5 pursuant to chapter 18.50 RCW.

6 (28) "Physician" means a person licensed to practice medicine,
7 naturopathy, or osteopathy pursuant to Title 18 RCW.

8 (29) "Registration" or "register" means the process by which a
9 report is approved and incorporated as a vital record into the vital
10 records system.

11 (30) "Registration date" means the month, day, and year a report
12 is incorporated into the vital records system.

13 (31) "Report" means an electronic or paper document containing
14 information related to a vital life event for the purpose of
15 registering the vital life event.

16 (32) "Sealed record" means the original record of a vital life
17 event and the evidence submitted to support a change to the original
18 record.

19 (33) "Secretary" means the secretary of the department of health.

20 (34) "State" means Washington state unless otherwise specified.

21 (35) "State registrar" means the person appointed by the
22 secretary to administer the vital records system under section 4 of
23 this act.

24 (36) "Territory of the United States" means American Samoa, the
25 Commonwealth of the Northern Mariana Islands, the Commonwealth of
26 Puerto Rico, Guam, and the United States Virgin Islands.

27 (37) "Vital life event" means a birth, death, fetal death,
28 marriage, dissolution of marriage, dissolution of domestic
29 partnership, declaration of invalidity of marriage, declaration of
30 invalidity of domestic partnership, and legal separation.

31 (38) "Vital record" or "record" means a report of a vital life
32 event that has been registered and supporting documentation.

33 (39) "Vital records system" means the statewide system created,
34 operated, and maintained by the department under this chapter.

35 (40) "Vital statistics" means the aggregated data derived from
36 vital records, including related reports, and supporting
37 documentation.

1 NEW SECTION. **Sec. 3.** RULE MAKING. (1) The secretary shall have
2 charge of the state vital records system and shall adopt rules to
3 ensure implementation of the vital records system and this chapter.

4 (2) The secretary may adopt rules to set fees for services
5 related to the vital records system including, but not limited to,
6 expediting requests, verification and access for government agencies,
7 registering reports of delayed birth, amending vital records, and
8 releasing vital records and vital statistics.

9 (3) The state board of health may adopt, amend, or repeal rules
10 requiring statistical information related to birth and manner of
11 delivery.

12 NEW SECTION. **Sec. 4.** APPOINTMENT OF THE STATE REGISTRAR. The
13 secretary shall appoint the state registrar in accordance with RCW
14 43.70.020 and 43.70.150.

15 NEW SECTION. **Sec. 5.** DUTIES OF THE STATE REGISTRAR. (1) The
16 state registrar shall administer and enforce the provisions of this
17 chapter and shall:

18 (a) Administer the operation and maintenance of the vital records
19 system to preserve the security, integrity, and confidentiality of
20 state vital records and vital statistics established under RCW
21 43.70.130 and 43.70.150 and this chapter;

22 (b) Prescribe paper and electronic forms needed to carry out the
23 purposes of this chapter;

24 (c) Prescribe the information required in forms, reports, vital
25 records, certifications, or other documents authorized by this
26 chapter;

27 (d) Prescribe the means for transmission of data, including
28 electronic submission, necessary to accomplish the purpose of
29 complete, accurate, and timely reporting and registration;

30 (e) Review reports to determine if additional information is
31 necessary to register the report. If any reports are incomplete, the
32 state registrar shall require submission of information necessary to
33 make the record complete;

34 (f) Deny or revoke registration of a report or application for an
35 amendment, or withhold or deny issuance of a certification for the
36 reasons permitted by this chapter;

37 (g) Prepare and publish vital statistics pursuant to this
38 chapter;

1 (h) Prepare a plan to provide for the continuity of operations of
2 the vital records system in the event of an emergency;

3 (i) Take measures to prevent the fraudulent use of vital records;
4 and

5 (j) Perform data quality assurance and record matching
6 activities.

7 (2) The state registrar may delegate functions and duties vested
8 in the state registrar under this section to employees of the
9 department.

10 (3) The state registrar may appoint a deputy state registrar,
11 with the concurrence of the secretary, with the same authority
12 granted to the state registrar under this chapter.

13 NEW SECTION. **Sec. 6.** APPOINTMENT OF LOCAL AND DEPUTY
14 REGISTRARS. (1) Under the direction and control of the state
15 registrar, the local health officer of each health jurisdiction is
16 and shall serve as local registrar.

17 (2) Subject to the approval of the state registrar, each local
18 registrar shall appoint a sufficient number of deputy registrars to
19 perform the duties prescribed by this chapter applicable to local
20 registrars. The local registrar shall submit each proposed
21 appointment to the state registrar in writing. The state registrar
22 shall either approve or deny the appointment in writing prior to the
23 assumption of duties by the deputy registrar. The state registrar may
24 deny an appointment for good cause.

25 (3) The state registrar shall authorize a local or deputy
26 registrar to access the electronic vital records databases to issue
27 birth or death certifications upon the local or deputy registrar's
28 appointment. Access and use of the database by the local or deputy
29 registrar must be consistent with this chapter.

30 (4) The state board of health may remove the local health officer
31 as local registrar upon finding evidence of neglect in the
32 performance of duties as local registrar.

33 NEW SECTION. **Sec. 7.** SECURITY OF THE VITAL RECORDS SYSTEM. (1)
34 A person may not prepare or issue any vital record that purports to
35 be an original, certification of, or copy of a vital record except as
36 authorized in this chapter.

1 (2) All certifications of vital records must include security
2 features to deter alteration, counterfeiting, or simulation without
3 ready detection.

4 (3) All informational copies must indicate that they cannot be
5 used for legal purposes on their face.

6 (4) The state registrar may:

7 (a) Authorize users of the vital records system to access
8 specific components of the vital records system based on their
9 official duties;

10 (b) Require users authorized under this section to acknowledge
11 having read and understood security procedures and penalties;

12 (c) Revoke user access of the vital records system when the user
13 violates security procedures or when the user no longer needs access
14 to conduct official duties;

15 (d) Ensure that state birth records are marked as deceased upon
16 receipt of death records; and

17 (e) Periodically test and audit the vital records system for
18 purposes of detecting fraud. If fraud is suspected, the state
19 registrar may provide copies of the evidence to appropriate
20 authorities for further investigation consistent with the provisions
21 of section 26 of this act. The state registrar may retain the results
22 of such tests and audits, which are not subject to inspection or
23 copying except upon order of a court of competent jurisdiction.

24 (5) The state registrar may, at the state registrar's discretion,
25 validate data provided in reports filed for registration through site
26 visits or with independent sources outside the vital records system
27 at a frequency specified by the state registrar to maximize the
28 integrity of the data collected.

29 NEW SECTION. **Sec. 8.** CONTENT, SUBMISSION, AND HANDLING OF
30 REPORTS AND VITAL RECORDS. (1) Forms prescribed by the state
31 registrar must be used in reporting, registering, and issuing
32 certifications and informational copies, and preserving vital
33 records, or in otherwise carrying out the purpose of this chapter.

34 (2) Reports must contain the data required for registration. No
35 report may be held to be complete and correct that does not supply
36 all items of information required under this chapter, or that does
37 not satisfactorily account for the omission of required items.

1 NEW SECTION. **Sec. 9.** REGISTRATION OF LIVE BIRTH—KNOWN

2 PARENTAGE. (1) A facility representative or midwife shall prepare and
3 submit a report of live birth for each live birth at which that
4 person attended that occurs in this state to the department within
5 ten calendar days after the birth occurs. The facility representative
6 or midwife shall:

7 (a) Include all data and evidence required to establish the facts
8 of live birth under this section;

9 (b) Include parentage information consistent with chapters 26.26A
10 and 26.26B RCW;

11 (c) Include all statistical information required about the
12 individual who gave birth;

13 (d) Ensure the accuracy of the personal data entered on the
14 report; and

15 (e) Attest the child was born alive at the place and time, and on
16 the date stated on the report.

17 (2) The health care provider or facility representative providing
18 prenatal care shall provide the prenatal care information required
19 for the report of live birth to the facility where the delivery is
20 expected to occur not less than thirty calendar days prior to the
21 expected delivery date.

22 (3) When a live birth occurs in a facility or en route to a
23 facility, the facility representative shall submit the report of live
24 birth consistent with this section.

25 (4) When a live birth occurs outside a facility and not en route
26 to a facility, the report of live birth must be filed consistent with
27 this section by the:

28 (a) Health care provider in attendance of the live birth; or

29 (b) Facility representative where the individual who gave birth
30 and child are examined, if that examination happens within ten
31 calendar days of live birth.

32 (5) For an unattended live birth not reported under subsection
33 (4) of this section, a report of live birth and an affidavit stating
34 the facts of the birth must be filed with the department within ten
35 calendar days of the live birth.

36 (a) The report of live birth must be completed and signed by a
37 person with knowledge of the facts of the birth other than the
38 individual who gave birth to the child.

1 (b) The affidavit attesting to the facts of the birth must be
2 completed and signed by the individual who gave birth, other parent,
3 or other person with knowledge of the facts of the birth.

4 (c) The report of live birth and affidavit must not be signed by
5 the same person.

6 (6) When the live birth occurs on a moving conveyance:

7 (a) Within the United States, and the child is first removed from
8 the conveyance in state, the place where the child is first removed
9 from the conveyance must be registered as the place of live birth;

10 (b) While in international waters or air space, or in a foreign
11 country or its air space, and the child is first removed from the
12 conveyance in state, the live birth must be registered in this state.
13 The report of live birth under this subsection must show the actual
14 place of live birth insofar as can be determined.

15 (7) The facility representative or midwife shall provide written
16 and oral information and required forms, furnished by the department
17 of social and health services and the state registrar, to the parents
18 of a child about establishing parentage pursuant to chapter 26.26A
19 RCW.

20 (8) The state registrar may not register a report of live birth
21 unless it has been completed and filed in accordance with this
22 chapter.

23 (9) A report of a live born child of unknown parentage must be
24 registered in accordance with section 10 of this act.

25 (10) A delayed report of live birth filed after one year from the
26 date of live birth must be registered in accordance with section 11
27 of this act.

28 NEW SECTION. **Sec. 10.** REGISTRATION OF LIVE BIRTH—UNKNOWN
29 PARENTAGE. (1) When a child is found for whom no record of live birth
30 is known to be on file, within ten calendar days of the child being
31 found, a report of a live birth must be filed with the department in
32 a manner prescribed by the state registrar.

33 (2) If the child is identified at a later date and another live
34 birth record is found, the state registrar shall void the record
35 registered under subsection (1) of this section.

36 (3) This section cannot be used when the report of live birth is
37 considered a delayed registration under section 11 of this act or an
38 unattended live birth under section 9(5) of this act.

1 NEW SECTION. **Sec. 11.** DELAYED REGISTRATION OF LIVE BIRTH. (1)

2 An individual requesting a delayed report of live birth shall submit
3 to the state registrar a completed and signed delayed report of live
4 birth. Each report must include documentary evidence establishing the
5 facts of the live birth and any applicable fees. The completed
6 delayed report of live birth must be signed and sworn under penalty
7 of perjury by the individual whose live birth is to be registered if
8 the individual is an adult, or by the parent or legal guardian if the
9 individual whose live birth is to be registered is not an adult.

10 (2) An individual requesting the delayed report of live birth of
11 an individual under twelve years of age must establish the facts
12 concerning full name, date, and place of live birth.

13 (3) An individual requesting the delayed report of live birth of
14 an individual twelve years of age or over must establish the facts
15 concerning full name, date, and place of live birth and the full name
16 prior to first marriage of the individual who gave birth. Documentary
17 evidence for an individual twelve years of age or over, other than
18 affidavits, must have been established at least five years prior to
19 the date of application.

20 (4) Each piece of documentary evidence must come from a unique
21 source in the form of the original record or an exact copy thereof.
22 The individual requesting the delayed report of live birth must
23 either be able to authenticate the source of each document presented
24 to the department, or present to the department a signed statement
25 from the custodian of the record or document which attests to the
26 authenticity of the document and the accuracy of the facts contained
27 in the document.

28 (5) The state registrar may verify the authenticity and accuracy
29 of documentary evidence provided by the individual requesting a
30 delayed report of live birth.

31 (6) The state registrar shall not register a delayed report of
32 live birth until all applicable provisions of this chapter have been
33 met to the satisfaction of the state registrar.

34 (7) Upon review and approval of a delayed report of live birth,
35 the state registrar shall register a delayed report of live birth.
36 The delayed birth record must include a description of the evidence
37 used to establish the delayed birth record.

38 (8) If the state registrar denies a delayed report of live birth,
39 section 12 of this act is the sole remedy for decisions made under
40 this section. The administrative procedure act, chapter 34.05 RCW,

1 does not govern review of decisions on registration of delayed
2 reports of live birth made by the state registrar under this section.

3 NEW SECTION. **Sec. 12.** REGISTRATION OF LIVE BIRTH—COURT ORDERED.

4 (1) If the state registrar denies a delayed report of live birth
5 under the provisions of section 11 of this act, the individual
6 requesting the delayed report of live birth may petition a court of
7 competent jurisdiction for an order establishing a record of the
8 name, date, and place of the live birth, and parentage of the
9 individual whose live birth is to be registered.

10 (2) The petition must allege:

11 (a) The individual for whom a delayed report of live birth is
12 sought was born in state;

13 (b) No report of live birth of the individual can be found in the
14 vital records system;

15 (c) Diligent efforts by the petitioner have failed to obtain the
16 evidence required in accordance with section 11 of this act; and

17 (d) The state registrar has denied a delayed report of live
18 birth.

19 (3) The petition must be accompanied by a statement of the state
20 registrar made in accordance with section 11 of this act and all
21 documentary evidence to support such registration which was filed
22 with the state registrar.

23 (4) The court shall fix a time and place for hearing the
24 petition. The petitioner shall serve the state registrar with notice
25 of the time and place for hearing and shall include with such notice
26 the petition filed with the court. The petitioner shall give the
27 state registrar notice at least thirty calendar days prior to the
28 date set for the hearing.

29 (5) The state registrar, or the state registrar's designee, may
30 present at the hearing any information the state registrar believes
31 will be useful to the court. The state registrar is not required to
32 attend or appear for the hearing, and the court may proceed without
33 the state registrar if the state registrar does not appear at the
34 designated time and place set for hearing in the notice.

35 (6) The burden of proof is on the petitioner.

36 (7) If the court finds, by clear and convincing evidence, that
37 the individual for whom a delayed report of live birth is sought was
38 born in state, the court shall issue an order requiring the state

1 registrar to establish a delayed record of live birth. This order
2 must include, at a minimum, the following findings:

3 (a) The full name, city and county of live birth, and birth date
4 to be registered of the individual whose live birth is to be
5 registered;

6 (b) The full name, state or country of birth, and date of birth
7 of the individual who gave birth; and

8 (c) A statement of the evidence relied on by the court in making
9 the order.

10 (8) The clerk of the court shall forward the order to the state
11 registrar within five business days after the order is entered.

12 (9) The state registrar shall register the live birth upon
13 receipt of an order to register a delayed report of live birth from a
14 court of competent jurisdiction, and must include the court case
15 number and the date of the order in the vital record.

16 NEW SECTION. **Sec. 13.** REGISTRATION OF DEATH AND FETAL DEATH.

17 (1)(a) Reports of death and fetal death must comply with the
18 requirements of this section.

19 (b) For the purposes of this section, "death" includes "fetal
20 death" as defined in section 2 of this act.

21 (2) A complete report of death must be filed with the local
22 registrar in the local health jurisdiction where the death occurred
23 for each death that occurs in this state. Except for circumstances
24 covered by subsection (7) of this section, the report must be filed
25 within five calendar days after the death or finding of human remains
26 and prior to final disposition of the human remains as required by
27 this section.

28 (a) If the place of death is unknown and the human remains are
29 found in state prior to final disposition, the death must be filed in
30 state and the place where the human remains were found is the place
31 of death.

32 (b) When death occurs in a moving conveyance within or outside
33 the United States and the human remains are first removed from the
34 conveyance in state, the death must be filed in state and the place
35 of death is the place where the remains were removed from the moving
36 conveyance.

37 (c) In all other cases, the place where death is pronounced is
38 the place where death occurred.

1 (d) An approximate date of death may be used if date of death is
2 unknown. If the date cannot be determined by approximation, the date
3 of death must be the date the human remains were found.

4 (3) If the death occurred with medical attendance, a funeral
5 director, funeral establishment, or person having the right to
6 control the disposition of the human remains under RCW 68.50.160
7 shall:

8 (a) Obtain and enter personal data on the report of death about
9 the decedent from the person best qualified to provide the
10 information;

11 (b) Provide the report of death to the medical certifier within
12 two calendar days after the death or finding of human remains;

13 (c) File the completed report of death with the local registrar;
14 and

15 (d) Obtain a burial transit permit prior to the disposition of
16 the human remains as required in section 14 of this act.

17 (4) The medical certifier shall:

18 (a) Attest to the cause, date, and time of death; and

19 (b) Return the report of death to the funeral director, funeral
20 establishment, or person having the right to control the disposition
21 of the human remains under RCW 68.50.160 within two calendar days.

22 (5) The report of death may be completed by another individual
23 qualified to be a medical certifier as defined in section 2 of this
24 act who has access to the medical history of the decedent when:

25 (a) The medical certifier is absent or unable to attest to the
26 cause, date, and time of death; or

27 (b) The death occurred due to natural causes, and the medical
28 certifier gives approval.

29 (6) If the death occurred without medical attendance, the funeral
30 director, funeral establishment, or person having the right to
31 control the disposition of the human remains under RCW 68.50.160
32 shall provide the report of death to the coroner, medical examiner,
33 or local health officer as allowed by (a) of this subsection.

34 (a) If the death occurred due to natural causes, the coroner,
35 medical examiner, or local health officer shall determine whether to
36 certify the report of death. If the coroner, medical examiner, or
37 local health officer decides to certify the report of death, the
38 person certifying the report shall:

39 (i) Attest to the manner, cause, and date of death without
40 holding an inquest or performing an autopsy or postmortem, based on

1 statements of relatives, persons in attendance during the last
2 sickness, persons present at the time of death, or other persons
3 having adequate knowledge of the facts;

4 (ii) Note that there was no medical attendance at the time of
5 death; and

6 (iii) Return the report of death to the funeral home within two
7 calendar days.

8 (b) If the death appears to be the result of unlawful or
9 unnatural causes, the coroner or medical examiner shall:

10 (i) Attest to the cause, place, and date of death;

11 (ii) Note that there was no medical attendance at the time of
12 death;

13 (iii) Note when the cause of death is pending investigation; and

14 (iv) Return the report of death to the funeral director, funeral
15 establishment, or person having the right to control the disposition
16 of the human remains under RCW 68.50.160 within two calendar days.

17 (7) When there is no funeral director, funeral establishment, or
18 person having the right to control the disposition of human remains
19 under chapter 68.50 RCW, the coroner, medical examiner, or local
20 health officer shall file the completed report of death with the
21 local registrar as required by subsection (2) of this section.

22 (8) When a coroner or medical examiner determines that there is
23 sufficient circumstantial evidence to indicate that an individual has
24 died in the county or in waters contiguous to the county, and that it
25 is unlikely that the body will be recovered, the coroner or medical
26 examiner shall file a report of death, including the cause, place,
27 and date of death, to the extent possible.

28 (9) The coroner or medical examiner in a county in which a
29 decedent was last known to be alive may file a report of death with
30 the local registrar when the county in which the presumed death
31 occurred cannot be determined with certainty. The coroner or medical
32 examiner shall file a report of death, including the cause, place,
33 and date of death, to the extent possible.

34 (10) The coroner or medical examiner having jurisdiction may
35 release information contained in a report of death according to RCW
36 68.50.300.

37 (11) The local registrar shall:

38 (a) Review filed reports of death to ensure completion in
39 accordance with this chapter;

40 (b) Request missing information or corrections;

1 (c) Ensure issuance of the burial-transit permit as required
2 under section 14 of this act;

3 (d) Register a report of death with the department if it has been
4 completed and submitted in accordance with this section.

5 (12) A medical certifier, coroner, medical examiner, or local
6 health officer shall submit an affidavit of correction to the state
7 registrar to amend the report of death within five calendar days of
8 receipt of an autopsy result or other information that completes or
9 amends the cause of death from that originally filed with the
10 department.

11 (13) The department may require a medical certifier, coroner,
12 medical examiner, or local health officer to provide additional or
13 clarifying information to properly code and classify cause of death.

14 NEW SECTION. **Sec. 14.** FINAL DISPOSITION OF HUMAN REMAINS.

15 (1)(a) Reports of death and fetal death must comply with the
16 requirements of this section.

17 (b) For the purposes of this section, "death" includes "fetal
18 death" as defined in section 2 of this act.

19 (2) If a report of death is completed and filed in accordance
20 with this chapter, the local registrar shall issue a burial-transit
21 permit or disinterment permit to the funeral director, funeral
22 establishment, or person having the right to control the disposition
23 of the human remains under RCW 68.50.160.

24 (3) A person may not provide for final disposition of human
25 remains until the following have occurred:

26 (a) The report of death has been registered in accordance with
27 section 13 of this act; and

28 (b) The funeral director, funeral establishment, or person having
29 the right to control the disposition of the human remains under RCW
30 68.50.160 has obtained a burial-transit permit authorizing final
31 disposition.

32 (4) A funeral director, funeral establishment, or person having
33 the right to control the disposition of the human remains under RCW
34 68.50.160 shall:

35 (a) Deliver the burial-transit permit to the person in charge of
36 the funeral establishment licensed under chapter 18.39 RCW, crematory
37 with a permit or endorsement under RCW 68.05.175, or cemetery
38 authority as defined in RCW 68.04.190 before interring the human
39 remains; or

1 (b) Attach the burial-transit permit to the container holding the
2 human remains when shipped by a transportation company.

3 (5) Final disposition of human remains must be completed in
4 accordance with chapter 68.50 RCW.

5 (6) A person in charge of a funeral establishment licensed under
6 chapter 18.39 RCW or cemetery authority as defined in RCW 68.04.190:

7 (a) May not allow the final disposition of human remains unless
8 accompanied by a burial-transit permit;

9 (b) Shall indicate on the burial-transit permit the date and type
10 of final disposition;

11 (c) Shall return all completed and signed or electronically
12 approved burial-transit permits to the local registrar for the county
13 in which the death occurred within ten days of final disposition;

14 (d) Shall keep a record of all human remains disposed of on the
15 premises, including the:

16 (i) Name of the deceased individual;

17 (ii) Place of death;

18 (iii) Date of disposition; and

19 (iv) Name and address of the funeral director, funeral
20 establishment, or other person having the right to control the
21 disposition of the human remains under RCW 68.50.160.

22 (7) When there is no person in charge of the place of final
23 disposition, the funeral director, funeral establishment, or person
24 having the right to control the disposition of the human remains
25 under RCW 68.50.160 shall write across the face of the permit the
26 words "no person in charge."

27 (8) A funeral director, funeral establishment, or person having
28 the right to control the disposition of the human remains under RCW
29 68.50.160 must obtain a disinterment permit from the local registrar
30 to disinter human remains or a burial-transit permit from the local
31 registrar to reinter human remains.

32 (9) A person may not bring into or transport within this state;
33 inter, deposit in a vault, grave, or tomb; or cremate or otherwise
34 dispose of the human remains of any person whose death occurred
35 outside the state, unless the human remains are accompanied by a
36 burial-transit permit or other document issued in accordance with the
37 laws in force where the death occurred. A burial-transit permit is
38 not required for the spreading of cremated remains in accordance with
39 the laws regulating the scattering of cremated remains in state,
40 federal, and international lands or water.

1 (10) A funeral director or funeral establishment licensed under
2 chapter 18.39 RCW, or a funeral establishment licensed in Oregon or
3 Idaho, may remove human remains from the local health jurisdiction
4 where the death occurred to another local health jurisdiction or
5 Oregon or Idaho without having obtained a burial-transit permit if
6 the funeral director or funeral establishment:

7 (a) Has been issued a certificate of removal registration by the
8 director of the department of licensing; and

9 (b) Initiates a report of death with the local registrar where
10 the death occurred.

11 NEW SECTION. **Sec. 15.** REGISTRATION OF MARRIAGE. The state
12 registrar shall register reports of marriage received from a state
13 county auditor pursuant to chapter 26.04 RCW.

14 NEW SECTION. **Sec. 16.** REGISTRATION OF LEGAL SEPARATION,
15 DISSOLUTION, AND DECLARATION OF INVALIDITY OF MARRIAGE OR DOMESTIC
16 PARTNERSHIP. The state registrar shall register reports of legal
17 separation, dissolution of marriage, dissolution of domestic
18 partnership, declaration of invalidity of marriage, and declaration
19 of invalidity of domestic partnership from the clerk of each state
20 superior court pursuant to chapter 26.09 RCW.

21 NEW SECTION. **Sec. 17.** ADOPTION. (1) The state registrar shall
22 amend the birth record of a child born in state to reflect an
23 adoption decree received from a Washington state court of competent
24 jurisdiction upon receipt of:

25 (a) An application to register an adoption;

26 (b) A certified copy of the adoption decree entered pursuant to
27 chapter 26.33 RCW; and

28 (c) Applicable fees established under this chapter and by rule.

29 (2) The state registrar shall amend the live birth record of a
30 child born in state to reflect an adoption report from any other
31 state or territory of the United States, and the District of
32 Columbia, upon receipt of:

33 (a) A certified copy of an adoption report, or an application to
34 register an adoption and a certified copy of the adoption decree; and

35 (b) Applicable fees established under this chapter and by rule.

36 (3) The state registrar shall register the birth of a child born
37 outside the United States and its territories and adopted after

1 January 1, 1985, in a Washington state court of competent
2 jurisdiction upon receipt of:

- 3 (a) An application to register an adoption;
- 4 (b) A certified copy of a decree of adoption entered pursuant to
5 chapter 26.33 RCW; and
- 6 (c) Applicable fees established under this chapter and by rule.

7 (4) The state registrar shall register the birth of a child born
8 outside the United States and its territories and adopted before
9 January 1, 1985, in a Washington state court of competent
10 jurisdiction upon receipt of:

- 11 (a) An application to register an adoption;
- 12 (b) A certified copy of a decree of adoption entered pursuant to
13 chapter 26.33 RCW;
- 14 (c) Documentary evidence as to the child's birthdate and
15 birthplace provided by:

- 16 (i) The original birth certification;
- 17 (ii) A certified copy, extract, or translation of the original
18 birth certification; or
- 19 (iii) A certified copy of another document essentially equivalent
20 to the original birth certification including, but not limited to,
21 the records of the United States citizenship and immigration services
22 or the United States department of state; and

23 (d) Applicable fees established under this chapter and by rule.

24 (5) The state registrar shall retain and seal the original birth
25 record including the adoption report, certified copy of the adoption
26 decree, and other documentary evidence filed pursuant to chapter
27 26.33 RCW. The sealed record is not subject to public inspection or
28 copying pursuant to chapter 42.56 RCW and may be released only as
29 allowed by RCW 26.33.345.

30 NEW SECTION. **Sec. 18.** AMENDING VITAL RECORDS. (1) The state
31 registrar may amend certification items on state vital records.

32 (2) The state registrar may amend a live birth record to change
33 the name of a person born in state:

- 34 (a) Upon receipt of a complete and signed amendment application
35 with applicable fees and a certified copy of an order of a court of
36 competent jurisdiction, including the name of the person as it
37 appears on the current live birth record and the new name to be
38 designated on the amended live birth record, under RCW 4.24.130; or

1 (b) As authorized under 18 U.S.C. Sec. 3521, the federal witness
2 relocation and protection act.

3 (3) The state registrar shall seal the original live birth record
4 amended under subsection (2)(b) of this section. The sealed record is
5 not subject to public inspection and copying under chapter 42.56 RCW
6 except upon order of a court of competent jurisdiction.

7 (4) The state registrar may amend a vital record to change the
8 sex designation of the subject of the record. The state registrar
9 shall include a nonbinary option for sex designation on the record.

10 (5) The state registrar may amend vital records for purposes
11 other than those established in this section.

12 (6) The state registrar may deny an application to amend a vital
13 record when:

14 (a) The application is not completed or filed in accordance with
15 this chapter;

16 (b) The state registrar has cause to question the validity or
17 adequacy of the applicant's statements or documentary evidence; or

18 (c) The deficiencies under (a) or (b) of this subsection are not
19 addressed to the satisfaction of the state registrar.

20 (7) The state registrar shall provide notice of the denial of an
21 application to amend a vital record and state the reasons for the
22 denial. If the state registrar denies an amendment to a vital record
23 under the provisions of this section, a person may appeal the
24 decision under section 23 of this act.

25 NEW SECTION. **Sec. 19.** PRESERVING VITAL RECORDS. (1) The state
26 registrar shall develop and implement a preservation management
27 policy for the vital records system for permanent preservation while
28 in the custody of the state registrar.

29 (2) The state registrar shall transfer the custody of vital
30 records to the state archives in accordance with state archival
31 procedures when:

32 (a) One hundred years have elapsed after the date of live birth
33 or fetal death;

34 (b) Twenty-five years have elapsed after the date of death; and

35 (c) Twenty-five years have elapsed after the date of marriage,
36 divorce, dissolution of marriage, dissolution of domestic
37 partnership, declaration of invalidity of marriage, declaration of
38 invalidity of domestic partnership, or legal separation.

1 (3) The state archives may provide noncertified copies of
2 original vital records in the custody of the state archives, due to a
3 transfer under subsection (2) of this section, to the public.

4 (4) The state archives may not:

5 (a) Charge the department a fee or pass along costs to transfer
6 the vital records to state archives or maintain the vital records in
7 the state archives; or

8 (b) Alter, amend, or delete certification items on the vital
9 records.

10 (5) Sealed records must remain sealed and in the custody of the
11 department.

12 (6) In consultation with the state archives, the state registrar
13 shall prescribe the format and method of delivery of vital records
14 transferred to the state archives.

15 (7) The department may retain records for the purpose of issuing
16 certifications under section 21 of this act.

17 NEW SECTION. **Sec. 20.** DISCLOSURE OF VITAL RECORDS, DATA, AND
18 VITAL STATISTICS. (1) The department may disclose vital records
19 information for persons named in any birth, death, or fetal death
20 record only as provided under this chapter.

21 (2) Proposals for research and public health purposes must be
22 reviewed and approved as to scientific merit and adequacy of
23 confidentiality safeguards in accordance with this section.

24 (3) The department may release birth and fetal death record data
25 that includes direct identifiers for research with approval of the
26 state institutional review board and receipt of a signed
27 confidentiality agreement with the department.

28 (4) The department may release birth and fetal death record data
29 that includes direct identifiers for nonresearch public health
30 purposes to a government agency upon receipt of a signed written
31 data-sharing agreement with the department.

32 (5) The department may release birth and fetal death record data
33 that contains only indirect identifiers to anyone upon receipt of a
34 signed written data-sharing agreement with the department.

35 (6) The department may release death record data to anyone upon
36 approval of the department and receipt of a signed written data-
37 sharing agreement with the department.

1 (7) A written data-sharing agreement required under subsections
2 (4) through (6) and (14) through (17) of this section must, at a
3 minimum:

4 (a) Include a description of the type of data needed and the
5 purpose for how the data will be used;

6 (b) Include the methods to be used to protect the confidentiality
7 and security of the data;

8 (c) State that ownership of the data provided under this section
9 remains with the department, and is not transferred to those
10 authorized to receive and use the data under the agreement; and

11 (d) Include the applicable fees for use of the data.

12 (8) In addition to the conditions required by subsection (7) of
13 this section, the written data-sharing agreement for birth and fetal
14 death record data for public health purposes under subsection (4) of
15 this section must:

16 (a) Prohibit redisclosure of any direct or indirect identifiers
17 without explicit permission from the department; and

18 (b) Prohibit the recipient of the data from contacting or
19 attempting to contact the person whose information is included in the
20 data set or that person's family members without explicit permission
21 from the department.

22 (9) In addition to the conditions required by subsection (7) of
23 this section, the written data-sharing agreement for birth or fetal
24 death record data with indirect identifiers under subsection (5) of
25 this section must prohibit the recipient of the data from attempting
26 to determine the identity of persons whose information is included in
27 the data set or use the data in any manner that identifies
28 individuals or their family members.

29 (10) The department and the state institutional review board
30 shall apply the most restrictive law governing data release to
31 proposals for research and public health purposes requesting data
32 sets with direct identifiers for linkage to other data sets.

33 (11) The department may provide the fewest birth and fetal death
34 record data elements necessary for the purpose described in the
35 proposal for research or public health purposes.

36 (12) The department may deny a request for data for cause
37 including, but not limited to, when:

38 (a) Indirect identifiers are sufficient for the purpose described
39 in the proposal for research or public health purposes;

1 (b) The research or public health proposal lacks scientific
2 merit;

3 (c) The department lacks resources or the request would result in
4 an unreasonable use of resources related to data preparation and
5 analysis;

6 (d) The requestor cannot meet the requirements in a data-sharing
7 agreement for protecting the confidentiality of the data; or

8 (e) The requestor is out of compliance with an existing data-
9 sharing agreement.

10 (13) The department must provide notice of the denial to the
11 requestor and include a statement of the reasons for the denial. If
12 the state registrar denies a request for data under the provisions of
13 this section, a person may appeal the decision under section 23 of
14 this act.

15 (14) The department may release vital records to government
16 agencies in the conduct of official duties upon approval of the state
17 registrar and receipt of a signed written data-sharing agreement with
18 the department that prohibits redisclosure of any direct or indirect
19 identifiers without explicit permission from the department. Vital
20 records information released by the department under this subsection
21 may be limited to only the information necessary to perform the
22 official duties of the agencies to which the information is released.
23 The department may deny requests according to subsection (12) of this
24 section. Government agencies may access records electronically and
25 use of records must be limited to the information needed for official
26 business. The agreement may include cost sharing for support of the
27 electronic system.

28 (15) The department shall make available to the department of
29 social and health services, division of child support, the social
30 security numbers of parents listed on birth records as required for
31 establishing child support upon receipt of a signed written data-
32 sharing agreement with the department.

33 (16) The department may release vital records to the national
34 center for health statistics to be used solely for national
35 statistics upon approval of the state registrar and receipt of a
36 signed written data-sharing agreement with the department.

37 (17) The department may release copies of vital records through
38 an interjurisdictional exchange agreement to offices of vital
39 statistics in states or territories of the United States, the
40 District of Columbia, New York City, or neighboring countries. The

1 records must relate to a resident of, a person born in, or a person
2 who died in the requesting state, territory, the District of
3 Columbia, New York City, or neighboring country.

4 (18) The department may release indices of death, marriage, and
5 divorce records annually to the state archives.

6 (19) Nothing in this chapter may be construed as giving authority
7 to the state or local registrar, department, government agencies, or
8 data recipients to sell or provide access to lists of individuals
9 when requested for commercial purposes.

10 (20) For the purposes of this section:

11 (a) "Data" means a data file containing multiple records.

12 (b) "Direct identifier" means a single data element that
13 identifies an individual person.

14 (c) "Indirect identifier" means a single data element that on its
15 own does not identify an individual person, but when combined with
16 other indirect identifiers can be used to identify an individual
17 person.

18 (d) "Public health purpose" means a purpose that seeks to support
19 or evaluate public health activities which include, but are not
20 limited to, health surveillance; identifying population health
21 trends; health assessments; implementing educational programs;
22 program evaluation; developing and implementing policies; determining
23 needs for access to services and administering services; creating
24 emergency response plans; promoting healthy lifestyles; and
25 preventing, detecting, and responding to infectious diseases, injury,
26 and chronic and inheritable conditions. Public health purpose does
27 not include research as defined in this section.

28 (e) "Research" means a systematic investigation, including
29 research development, testing, and evaluation, designed to develop or
30 contribute to generalizable knowledge. Activities that meet this
31 definition constitute research for purposes of this policy, whether
32 or not they are conducted or supported under a program that is
33 considered research for other purposes.

34 NEW SECTION. **Sec. 21.** CERTIFICATIONS AND INFORMATIONAL COPIES
35 FROM THE VITAL RECORDS SYSTEM. (1)(a) A certification issued in
36 accordance with this section is considered for all purposes the same
37 as the original vital record and is prima facie evidence of the facts
38 stated therein.

1 (b) An informational copy is not considered the same as the
2 original vital record and does not serve as prima facie evidence of
3 the facts stated therein.

4 (2) The state and local registrar shall issue all certifications
5 registered in the vital records system from the state's central vital
6 records system database upon submission by a qualified applicant of
7 all required information and documentation required either by this
8 chapter or by rule, or both, and shall ensure that all certifications
9 include:

10 (a) The date of registration; and

11 (b) Security features that deter altering, counterfeiting, or
12 simulation without ready detection as required under this chapter.

13 (3) A person requesting a certification of birth, death, or fetal
14 death must submit an application, identity documentation, evidence of
15 eligibility, and the applicable fee established in section 24 of this
16 act to the state or local registrar.

17 (4) For a certification of birth, the state or local registrar
18 may release the certification only to:

19 (a) The subject of the record or the subject of the record's
20 spouse or domestic partner, child, parent, stepparent, stepchild,
21 sibling, grandparent, great grandparent, grandchild, legal guardian,
22 legal representative, or authorized representative; or

23 (b) A government agency or court, if the certification will be
24 used in the conduct of the agency's or court's official duties.

25 (5) The state registrar may issue an heirloom certification of
26 birth to a qualified applicant consistent with subsection (4) of this
27 section. The heirloom certification of birth must contain the state
28 seal and be signed by the governor.

29 (6) The state registrar may issue a certification of a birth
30 record registered as delayed under section 11 or 12 of this act to a
31 qualified applicant consistent with subsection (4) of this section.
32 The certification must:

33 (a) Be marked as delayed; and

34 (b) Include a description of the evidence or court order number
35 used to establish the delayed record.

36 (7) The state registrar may issue a certification of a birth
37 record for a person adopted under chapter 26.33 RCW and registered
38 under section 17 of this act to a qualified applicant consistent with
39 subsection (4) of this section. The certification:

40 (a) Must not include reference to the adoption of the child; and

1 (b) For children born outside of the state, must be issued
2 consistent with the certification standards of this section, unless
3 the court orders otherwise.

4 (8) When providing a birth certification to a qualified applicant
5 under this chapter, the state or local registrar shall include
6 information prepared by the department setting forth the advisability
7 of a security freeze under RCW 19.182.230 and the process for
8 acquiring a security freeze.

9 (9) For a certification of death, the state or local registrar
10 may release the certification only to:

11 (a) The decedent's spouse or domestic partner, child, parent,
12 stepparent, stepchild, sibling, grandparent, great grandparent,
13 grandchild, legal guardian immediately prior to death, legal
14 representative, authorized representative, or next of kin as
15 specified in RCW 11.28.120;

16 (b) A funeral director, the funeral establishment licensed
17 pursuant to chapter 18.39 RCW, or the person having the right to
18 control the disposition of the human remains under RCW 68.50.160
19 named on the death record, within twelve months of the date of death;
20 or

21 (c) A government agency or court, if the certification will be
22 used in the conduct of the agency's or court's official duties.

23 (10) The state or local registrar may issue a short form
24 certification of death that does not display information relating to
25 cause and manner of death to a qualified applicant. In addition to
26 the qualified applicants listed in subsection (9) of this section, a
27 qualified applicant for a short form certification of death includes:

28 (a) A title insurer or title insurance agent handling a
29 transaction involving real property in which the decedent held some
30 right, title, or interest; or

31 (b) A person that demonstrates that the certified copy is
32 necessary for a determination related to the death or the protection
33 of a personal or property right related to the death.

34 (11) For a certification of fetal death, the state or local
35 registrar may release the certification only to:

36 (a) A parent, a parent's legal representative, an authorized
37 representative, a sibling, or a grandparent;

38 (b) The funeral director or funeral establishment licensed
39 pursuant to chapter 18.39 RCW and named on the fetal death record,
40 within twelve months of the date of fetal death; or

1 (c) A government agency or court, if the certification will be
2 used in the conduct of the agency's or court's official duties.

3 (12) The state or local registrar shall review the identity
4 documentation and evidence of eligibility to determine if the person
5 requesting the certification is a qualified applicant under this
6 section. The state or local registrar may verify the identity
7 documents and evidence of eligibility to determine the acceptability
8 and authenticity of identity documentation and evidence of
9 eligibility.

10 (13) The state or local registrar may not issue a certification
11 of birth or fetal death that includes information from the
12 confidential section of the birth or fetal death record, except as
13 provided in subsection (14) of this section.

14 (14) The state registrar may release information contained in the
15 confidential section of the birth record only to the following
16 persons:

17 (a) The individual who is the subject of the birth record, upon
18 confirmation of documentation and evidence of identity of the
19 requestor in a manner approved by the state board of health and the
20 department. The state registrar must limit the confidential
21 information provided to the individual who is the subject of the
22 birth record's information, and may not include the parent's
23 confidential information; or

24 (b) A member of the public, upon order of a court of competent
25 jurisdiction.

26 (15) A person requesting a certification of marriage, dissolution
27 of marriage, or dissolution of domestic partnership currently held by
28 the department must submit an application and the applicable fee
29 established in section 24 of this act to the state registrar.

30 (16) The state registrar may mark deceased on a birth
31 certification when that birth record is matched to a death record
32 under section 7 of this act.

33 (17) The state or local registrar must issue an informational
34 copy from the central vital records system to anyone. Informational
35 copies must contain only the information allowed by rule.
36 Informational copies of death records must not display information
37 related to cause and manner of death.

38 (18) A person requesting an informational copy must submit an
39 application and the applicable fee established in section 24 of this
40 act to the state or local registrar.

1 (19) If no record is identified as matching the information
2 provided in the application, the state or local registrar shall issue
3 a document indicating that a search of the vital records system was
4 made and no matching record was identified.

5 (20) All government agencies or courts to whom certifications or
6 informational copies are issued must pay the applicable fee for
7 certifications established in section 24 of this act.

8 (21) The state or local registrar must comply with the
9 requirements of this chapter when issuing a certification or
10 informational copy of a vital life event.

11 (22) The department may issue, through electronic means and
12 processes determined by the department, verifications of information
13 contained on birth or death records filed with the department when a
14 verification is requested by a government agency, insurance company,
15 hospital, or any other organization in the conduct of its official
16 duties for fraud prevention and good governance purposes as
17 determined by the department. The department shall charge a fee for a
18 search under this subsection.

19 (23) For the purposes of this section, a "qualified applicant"
20 means a person who is eligible to receive a certification of a vital
21 record based on the standards established by this chapter and
22 department rule.

23 NEW SECTION. **Sec. 22.** DISCLOSURE GOVERNED BY THIS CHAPTER. (1)
24 All or part of any vital records, reports, supporting documentation,
25 vital statistics, data, or information contained therein are not
26 subject to public inspection and copying under chapter 42.56 RCW.

27 (2) With the exception of certifications and informational copies
28 issued under section 21 of this act, or unless otherwise authorized
29 by this chapter, no person may permit the inspection of, disclose
30 data or information contained in, or copy or issue a copy of all or
31 part of any vital records, reports, supporting documentation, vital
32 statistics, data, or information contained therein.

33 NEW SECTION. **Sec. 23.** ADJUDICATIVE PROCEEDINGS. (1) This
34 section governs any case in which the state registrar takes one of
35 the following adverse actions:

36 (a) Denies or revokes registration of a report or application for
37 an amendment;

1 (b) Withholds or denies issuance of a certification under this
2 chapter; or

3 (c) Denies a request for data under section 20 of this act.

4 (2) This section does not govern denied applications for delayed
5 birth registration under section 11 of this act, or amendments due to
6 legal name change, adoption, or parentage, which require court
7 orders.

8 (3) RCW 43.70.115 does not govern adjudications under this
9 chapter.

10 (4) The department shall give written notice to the applicant
11 when it denies or revokes registration of a report or application for
12 certification, or withholds issuance of a certification. The written
13 notice must state the reasons for the action and be served on the
14 applicant or person to whom the record pertains. "Service" means
15 posting in the United States mail, delivery to a commercial parcel
16 delivery company, or personal service. Service by mail is complete
17 upon deposit of the notice in the United States mail. Service by a
18 commercial parcel delivery company is complete upon delivery to the
19 commercial parcel delivery company, properly addressed, with charges
20 prepaid.

21 (5) Except as otherwise provided in this subsection and in
22 subsection (7) of this section, only revocation is effective twenty-
23 eight days after service of the notice. The department may make the
24 date the action is effective sooner than twenty-eight days after
25 service when necessary to protect public health, safety, or welfare,
26 or when deemed necessary by the state registrar for the security of
27 the vital record. When the department does so, it shall state the
28 effective date and the reasons supporting the effective date in the
29 notice.

30 (6) Except as otherwise provided in subsection (7) of this
31 section, denial of the registration of a report or application for an
32 amendment under subsection (1)(a) of this section, and actions under
33 subsection (1)(b) and (c) of this section, are effective immediately
34 upon service of the notice.

35 (7) An applicant has the right to an adjudicative proceeding. The
36 proceeding is governed by the administrative procedure act, chapter
37 34.05 RCW. The request for an adjudicative proceeding must be in
38 writing, state the basis for contesting the adverse action, include a
39 copy of the adverse notice, be served on and received by the

1 department within twenty-eight days of service of the adverse notice,
2 and be served in a manner that shows proof of receipt.

3 (8) If the department gives an applicant twenty-eight days'
4 notice of revocation and the applicant or person to whom the record
5 pertains files an appeal before its effective date, the department
6 shall not implement the adverse action until the final order has been
7 entered. The presiding or reviewing officer may permit the department
8 to implement part or all of the adverse action while the proceedings
9 are pending if the appellant causes an unreasonable delay in the
10 proceeding, if the circumstances change so that implementation is in
11 the public interest, or for other good cause.

12 (9) If the department gives an applicant less than twenty-eight
13 days' notice of revocation and the applicant or person to whom the
14 record pertains timely files a sufficient appeal, the department may
15 implement the adverse action on the effective date stated in the
16 notice. The presiding or reviewing officer may order the department
17 to stay implementation of part or all of the adverse action while the
18 proceedings are pending if staying implementation is in the public
19 interest or for other good cause.

20 (10) The department is authorized to adopt a brief adjudicative
21 proceeding for proceedings under this chapter, in accordance with
22 chapter 34.05 RCW.

23 NEW SECTION. **Sec. 24.** FEES. (1) The department and local
24 registrars shall charge a fee of twenty-five dollars for a
25 certification or informational copy of a vital record or for a search
26 of the vital records system when no matching record was identified,
27 except as provided in subsection (2) of this section.

28 (2) The department and local registrars may not charge a fee for
29 issuing a certification of:

30 (a) A vital record for use in connection with a claim for
31 compensation or pension pending before the veterans administration;

32 (b) The death of a sex offender, for use by a law enforcement
33 agency in maintaining a registered sex offender database; or

34 (c) The death of any offender, requested by a county clerk or
35 court in the state for purposes of extinguishing the offender's legal
36 financial obligation.

37 (3) The department may not charge a fee for issuing a birth
38 certification for homeless persons as defined in RCW 43.185C.010
39 living in state.

1 (4) The department and local registrars may charge an electronic
2 payment fee, in addition to the twenty-five dollar fee for
3 certification and informational copy of vital records or for a search
4 of the vital records system, in cases where payment is made by credit
5 card, charge card, debit card, smart card, stored value card, federal
6 wire, automatic clearinghouse system, or other electronic
7 communication.

8 (5) Local registrars shall keep a true and correct account of all
9 fees received under this section for the issuance of certifications
10 and informational copies.

11 (6) A portion of the twenty-five dollar fee collected by the
12 local registrars must be transmitted to the state treasurer on a
13 monthly basis as follows:

14 (a) Thirteen dollars for each birth certification and birth
15 informational copy issued;

16 (b) Thirteen dollars for each first copy of a death certification
17 and death informational copy; and

18 (c) Twenty dollars for each additional death certification and
19 death informational copy.

20 (7) For each fee turned over to the state treasurer by the local
21 registrars, the state treasurer shall:

22 (a) Pay the department two dollars of each fee for birth
23 certifications and birth informational copies and first copies of
24 death certifications and death informational copies;

25 (b) Pay the department nine dollars of each fee for additional
26 death certifications and death informational copies; and

27 (c) Hold eleven dollars of each fee in the death investigations
28 account established under RCW 43.79.445, except for an heirloom birth
29 certification issued under section 21 of this act.

30 (8) Eleven dollars of the twenty-five dollar fee collected by the
31 department for certifications and informational copies issued by the
32 department must be transmitted to the state treasurer for the death
33 investigations account established under RCW 43.79.445.

34 (9) The department of children, youth, and families shall set a
35 fee for an heirloom birth certification established under section 21
36 of this act for the children's trust fund established under RCW
37 43.121.100. The department shall collect the fee established under
38 this subsection when issuing an heirloom birth certification and
39 transmit the fees collected to the state treasurer for credit to the
40 children's trust fund.

1 NEW SECTION. **Sec. 25.** LOCAL REGISTRAR REPORTING. (1) The local
2 registrar shall, on a monthly basis, submit the following to the
3 state registrar:

4 (a) A summary of the number of certifications and informational
5 copies issued by vital life event type in a format provided by the
6 state registrar;

7 (b) A log of all numbered paper certifications issued and
8 destroyed in a format provided by the state registrar; and

9 (c) A copy of the accounting of fees required by section 24 of
10 this act.

11 (2) The state registrar shall periodically test and audit local
12 registrar fraud prevention procedures and products, and may share the
13 results of such tests and audits with the local registrar.

14 NEW SECTION. **Sec. 26.** ENFORCEMENT. (1) All requirements of this
15 chapter must be uniformly complied with by all local registrars in
16 state.

17 (2) Local registrars are charged with the strict and thorough
18 enforcement of the provisions of this chapter in their health
19 jurisdictions, under the supervision and direction of the state
20 registrar, and:

21 (a) Shall immediately report observed or suspected violations of
22 this chapter to the state registrar;

23 (b) Shall aid the state registrar, upon request, in
24 investigations initiated under this section; and

25 (c) May not issue a certification for a record that is currently
26 under investigation under this section, or subject to an action under
27 section 23 of this act, until such time as the state registrar allows
28 for the issuance of such certification.

29 (3) The state registrar may investigate cases of irregularity or
30 violation of this chapter. In cases where the state registrar finds
31 reasonable cause to suspect fraud or misrepresentation, the state
32 registrar shall:

33 (a) Retain the application and evidence; and

34 (b) Notify the appropriate authorities.

35 (4) The state registrar may only release the application and
36 evidence under subsection (3)(a) of this section upon order of a
37 court of competent jurisdiction.

38 (5) When the state registrar deems it necessary, the state
39 registrar shall report cases of violation of any of the provisions of

1 this chapter to the prosecuting attorney of the proper county with a
2 statement of the facts and circumstances.

3 (6) Prosecuting attorneys, or officials acting in such capacity,
4 shall initiate and promptly follow up the necessary court proceedings
5 against the parties responsible for the alleged violations of law
6 reported to them by the state registrar.

7 (7) The state registrar may, during the pendency of an
8 investigation under subsection (3) of this section, or at the
9 conclusion of an investigation under subsection (3) of this section,
10 take any action permitted by this chapter with respect to the
11 affected certification or record including, but not limited to,
12 denial of issuance or revocation of the affected certification or
13 record.

14 NEW SECTION. **Sec. 27.** PENALTIES. (1) Every person who violates
15 or willfully fails, neglects, or refuses to comply with any
16 provisions of this chapter is guilty of a misdemeanor.

17 (2) Every person who willfully furnishes false information or who
18 makes any false statement to establish a vital record or obtain a
19 certification required by this chapter is guilty of a gross
20 misdemeanor.

21 NEW SECTION. **Sec. 28.** APPLICABILITY. (1) This act applies to
22 all causes of action commenced on or after the effective date of this
23 section, regardless of when the cause of action arose.

24 (2) The requirements of this act apply to all records covered by
25 this act that are held by the department or state registrar,
26 regardless of the date the record was created or modified.

27 (3) In all other respects not specifically indicated in this
28 section, this chapter applies prospectively.

29 **Sec. 29.** RCW 18.39.525 and 2005 c 365 s 26 are each amended to
30 read as follows:

31 (1) The director shall issue a certificate of removal
32 registration to a funeral establishment licensed in another state
33 contiguous to Washington, with laws substantially similar to the
34 provisions of this section, for the limited purpose of removing human
35 remains from Washington prior to submitting a (~~certificate~~) report
36 of death. Licensed funeral establishments wishing to participate
37 must: Apply to the department of licensing for a certificate of

1 removal registration, on a form provided by the department, and pay
2 the required application fee, as set by the director.

3 (2) For purposes of this section, each branch of a registrant's
4 funeral establishment is a separate establishment and must be
5 registered as a fixed place of business.

6 (3) Certificates of death are governed by ~~((RCW 70.58.160))~~
7 section 13 of this act.

8 (4) Notices of removal and disposition permits are governed by
9 ~~((RCW 70.58.230))~~ section 14 of this act.

10 (5) The conduct of funeral directors, embalmers, or any other
11 person employed by or acting on behalf of a removal registrant is the
12 direct responsibility of the holder of the certificate of removal
13 registration.

14 (6) The board may impose sanctions upon the holder of a
15 certificate of removal registration if the registrant is found to be
16 in violation of any death care statute or rule.

17 (7) Certificates of removal registration expire January 31st, or
18 as otherwise determined by the director.

19 **Sec. 30.** RCW 19.182.220 and 2016 c 135 s 1 are each amended to
20 read as follows:

21 The definitions in this section apply throughout this section and
22 RCW 19.182.230 ~~((and 70.58.098))~~ unless the context clearly requires
23 otherwise.

24 (1) "Credit report" means a consumer report, as defined in 15
25 U.S.C. Sec. 1681a, that is used or collected to serve as a factor in
26 establishing a consumer's eligibility for credit for personal,
27 family, or household purposes.

28 (2) "Normal business hours" means Sunday through Saturday,
29 between the hours of 6:00 a.m. and 9:30 p.m. Pacific time.

30 (3) "Protected consumer" means an individual who is:

31 (a) Under the age of sixteen years old at the time a request for
32 the placement of a security freeze is made pursuant to RCW
33 19.182.230; or

34 (b) Incapacitated and for whom a guardian or limited guardian has
35 been appointed.

36 (4) "Record" means a compilation of information that:

37 (a) Identifies a protected consumer;

38 (b) Is created by a consumer reporting agency solely for the
39 purpose of complying with RCW 19.182.230; and

1 (c) May not be created or used to consider the protected
2 consumer's credit worthiness, credit standing, credit capacity,
3 character, general reputation, personal characteristics, or mode of
4 living for any purpose listed in RCW 19.182.020.

5 (5) "Representative" means a person who provides to a consumer
6 reporting agency sufficient proof of authority to act on behalf of a
7 protected consumer.

8 (6) "Security freeze" means:

9 (a) If a consumer reporting agency does not have a file
10 pertaining to a protected consumer, a restriction that:

11 (i) Is placed on the protected consumer's record in accordance
12 with RCW 19.182.230; and

13 (ii) Prohibits the consumer reporting agency from releasing the
14 protected consumer's record except as provided in RCW 19.182.230; or

15 (b) If a consumer reporting agency has a file pertaining to the
16 protected consumer, a restriction that:

17 (i) Is placed on the protected consumer's consumer report in
18 accordance with RCW 19.182.230; and

19 (ii) Prohibits the consumer reporting agency from releasing the
20 protected consumer's consumer report or any information derived from
21 the protected consumer's consumer report except as provided in RCW
22 19.182.230.

23 (7) "Sufficient proof of authority" means documentation that
24 shows a representative has authority to act on behalf of a protected
25 consumer, including:

26 (a) An order issued by a court of law;

27 (b) A lawfully executed and valid power of attorney; and

28 (c) A written, notarized statement signed by a representative
29 that expressly describes the authority of the representative to act
30 on behalf of a protected consumer.

31 (8) "Sufficient proof of identification" means information or
32 documentation that identifies a protected consumer or a
33 representative of a protected consumer, including:

34 (a) A social security number or a copy of a social security card
35 issued by the social security administration;

36 (b) A certified or official copy of a birth certificate issued by
37 the entity authorized to issue the birth certificate;

38 (c) A copy of a driver's license, an identicard issued under RCW
39 46.20.117, or any other government-issued identification; or

1 (d) A copy of a bill, including a bill for telephone, sewer,
2 septic tank, water, electric, oil, or natural gas services, that
3 shows a name and home address.

4 **Sec. 31.** RCW 26.04.090 and 2016 c 202 s 23 are each amended to
5 read as follows:

6 A person solemnizing a marriage shall, within thirty days
7 thereafter, make and deliver to the county auditor of the county
8 wherein the license was issued a certificate for the files of the
9 county auditor, and a certificate for the files of the state
10 registrar of vital statistics. The certificate for the files of the
11 county auditor shall be substantially as follows:

12 STATE OF WASHINGTON }
13 }
14 COUNTY OF }

15
16
17 This is to certify that the undersigned, a, by
18 authority of a license bearing date the day of
19 A.D. (year) , and issued by the County auditor of the
20 county of, did, on the day of A.D.
21 (year) , at in this county and state, join in
22 lawful wedlock A.B. of the county of, state
23 of and C.D. of the county of, state
24 of, with their mutual assent, in the presence of
25 F H and E G, witnesses.

26 In Testimony Whereof, witness the signatures of the
27 parties to said ceremony, the witnesses and myself,
28 this day of, A.D. (year)

29 (~~The certificate for the files of the state registrar of vital~~
30 ~~statistics shall be in accordance with RCW 70.58.200.~~) The
31 certificate forms for the files of the county auditor and for the
32 files of the state registrar of vital statistics shall be provided by
33 the state registrar of vital statistics.

34 **Sec. 32.** RCW 26.04.165 and 1989 1st ex.s. c 9 s 203 are each
35 amended to read as follows:

1 In addition to the application provided for in RCW 26.04.160, the
2 county auditor for the county wherein the license is issued shall
3 submit to each applicant at the time for application for a license
4 the Washington state department of health marriage certificate form
5 (~~prescribed by RCW 70.58.200~~) provided by the state registrar of
6 vital statistics to be completed by the applicants and returned to
7 the county auditor for the files of the state registrar of vital
8 statistics. After the execution of the application for, and the
9 issuance of a license, no county shall require the persons authorized
10 to solemnize marriages to obtain any further information from the
11 persons to be married except the names and county of residence of the
12 persons to be married.

13 **Sec. 33.** RCW 26.09.150 and 2008 c 6 s 1016 are each amended to
14 read as follows:

15 (1) A decree of dissolution of marriage or domestic partnership,
16 legal separation, or declaration of invalidity is final when entered,
17 subject to the right of appeal. An appeal which does not challenge
18 the finding that the marriage or domestic partnership is
19 irretrievably broken or was invalid, does not delay the finality of
20 the dissolution or declaration of invalidity and either party may
21 remarry or enter into a domestic partnership pending such an appeal.

22 (2)(a) No earlier than six months after entry of a decree of
23 legal separation, on motion of either party, the court shall convert
24 the decree of legal separation to a decree of dissolution of marriage
25 or domestic partnership. The clerk of court shall complete the
26 certificate (~~as provided for in RCW 70.58.200~~) on the form provided
27 by the department of health. On or before the tenth day of each
28 month, the clerk of the court shall forward to the state registrar of
29 vital statistics the certificate of each decree of divorce,
30 dissolution of marriage or domestic partnership, annulment, or
31 separate maintenance granted during the preceding month.

32 (b) Once a month, the state registrar of vital statistics shall
33 prepare a list of persons for whom a certificate of dissolution of
34 domestic partnership was transmitted to the registrar and was not
35 included in a previous list, and shall supply the list to the
36 secretary of state.

37 (3) Upon request of a party whose marriage or domestic
38 partnership is dissolved or declared invalid, the court shall order a

1 former name restored or the court may, in its discretion, order a
2 change to another name.

3 **Sec. 34.** RCW 35A.70.070 and 1987 c 223 s 4 are each amended to
4 read as follows:

5 Every code city may exercise the powers authorized and shall
6 perform the duties imposed upon cities of like population relating to
7 the public health and safety as provided by Title 70 RCW and, without
8 limiting the generality of the foregoing, shall: (1) Organize boards
9 of health and appoint a health officer with the authority, duties and
10 functions as provided in chapter 70.05 RCW, or provide for combined
11 city-county health departments as provided and in accordance with the
12 provisions of chapter 70.08 RCW; (2) contribute and participate in
13 public health pooling funds as authorized by chapter 70.12 RCW; (3)
14 control and provide for treatment of (~~venereal~~) sexually
15 transmitted diseases as authorized by chapter 70.24 RCW; (4) provide
16 for the care and control of tuberculosis as provided in chapters
17 70.28, 70.30, (~~70.32,~~) and 70.54 RCW; (5) participate in health
18 districts as authorized by chapter 70.46 RCW; (6) exercise control
19 over water pollution as provided in chapter 35.88 RCW; (7) for all
20 code cities having a population of more than twenty thousand serve as
21 a primary district for registration of vital statistics in accordance
22 with the provisions of chapter (~~70.58 RCW~~) 70.--- RCW (the new
23 chapter created in section 44 of this act); (8) observe and enforce
24 the provisions relating to fireworks as provided in chapter 70.77
25 RCW; (9) enforce the provisions relating to swimming pools provided
26 in chapter 70.90 RCW; (10) enforce the provisions of chapter 18.20
27 RCW when applicable; (11) perform the functions relating to
28 (~~mentally ill~~) persons with mental illness prescribed in chapters
29 72.06 and 71.12 RCW; (12) cooperate with the state department of
30 social and health services in mosquito control as authorized by RCW
31 70.22.060; and (13) inspect nursing homes as authorized by RCW
32 18.51.145.

33 **Sec. 35.** RCW 43.79.445 and 2018 c 299 s 922 are each amended to
34 read as follows:

35 There is established an account in the state treasury referred to
36 as the "death investigations account" which shall exist for the
37 purpose of receiving, holding, investing, and disbursing funds

1 appropriated or provided in (~~RCW 70.58.107~~) section 24 of this act
2 and any moneys appropriated or otherwise provided thereafter.

3 Moneys in the death investigations account shall be disbursed by
4 the state treasurer once every year on December 31 and at any other
5 time determined by the treasurer. The treasurer shall make
6 disbursements to: The state toxicology laboratory, counties for the
7 cost of autopsies, the state patrol for providing partial funding for
8 the state dental identification system, the criminal justice training
9 commission for training county coroners, medical examiners and their
10 staff, and the state forensic investigations council. Funds from the
11 death investigations account may be appropriated during the 2013-2015
12 fiscal biennium for the activities of the state crime laboratory
13 within the Washington state patrol.

14 **Sec. 36.** RCW 43.121.100 and 2018 c 58 s 14 are each amended to
15 read as follows:

16 Contributions, grants, or gifts in cash or otherwise, including
17 funds generated by the sale of "heirloom" birth certificates under
18 chapter (~~70.58 RCW~~) 70.--- RCW (the new chapter created in section
19 44 of this act) from persons, associations, or corporations and funds
20 generated through the issuance of the "Keep Kids Safe" license plate
21 under chapter 46.18 RCW, shall be deposited in a depository approved
22 by the state treasurer to be known as the children's trust fund.
23 Disbursements of such funds shall be on the authorization of the
24 secretary of the department of children, youth, and families
25 beginning July 1, 2012. In order to maintain an effective expenditure
26 and revenue control, such funds shall be subject in all respects to
27 chapter 43.88 RCW, but no appropriation shall be required to permit
28 expenditure of such funds.

29 **Sec. 37.** RCW 68.50.300 and 2012 c 117 s 318 are each amended to
30 read as follows:

31 (1) The county coroner, medical examiner, or prosecuting attorney
32 having jurisdiction may in such official's discretion release
33 information concerning a person's death to the media and general
34 public, in order to aid in identifying the deceased, when the
35 identity of the deceased is unknown to the official and when he or
36 she does not know the information to be readily available through
37 other sources.

1 (2) (a) The county coroner, medical examiner, or prosecuting
2 attorney may withhold any information which directly or indirectly
3 identifies a decedent until either:

4 (~~(a)~~) (i) A notification period of forty-eight hours has
5 elapsed after identification of the decedent by such official; or

6 (~~(b)~~) (ii) The next of kin of the decedent has been notified.

7 (b) During the forty-eight hour notification period, such
8 official shall make a good faith attempt to locate and notify the
9 next of kin of the decedent.

10 (3) The county coroner, medical examiner, or prosecuting attorney
11 having jurisdiction may release information contained in a report of
12 death, as defined in chapter 70.--- RCW (the new chapter created in
13 section 44 of this act), to the media and general public.

14 **Sec. 38.** RCW 74.20A.056 and 2018 c 150 s 108 are each amended to
15 read as follows:

16 (1) If an alleged father has signed an affidavit acknowledging
17 paternity which has been filed with the state registrar of vital
18 statistics before July 1, 1997, the division of child support may
19 serve a notice and finding of parental responsibility on him and the
20 custodial parent. Procedures for and responsibility resulting from
21 acknowledgments filed after July 1, 1997, are in subsections (8) and
22 (9) of this section. Service of the notice shall be in the same
23 manner as a summons in a civil action or by certified mail, return
24 receipt requested, on the alleged father. The custodial parent shall
25 be served by first-class mail to the last known address. If the
26 custodial parent is not the nonassistance applicant or public
27 assistance recipient, service shall be in the same manner as for the
28 responsible parent. The notice shall have attached to it a copy of
29 the affidavit or certification of birth record information advising
30 of the existence of a filed affidavit, provided by the state
31 registrar of vital statistics, and shall state that:

32 (a) Either or both parents are responsible for providing health
33 care coverage for their child either through health insurance or
34 public health care coverage, which is accessible to the child, or
35 through coverage that if coverage that can be extended to cover the
36 child is or becomes available to the parent through employment or is
37 union-related, or for paying a monthly payment toward the premium if
38 no such coverage is available, as provided under RCW 26.09.105;

1 (b) The alleged father or custodial parent may file an
2 application for an adjudicative proceeding at which they both will be
3 required to appear and show cause why the amount stated in the notice
4 as to support is incorrect and should not be ordered;

5 (c) An alleged father or mother, if she is also the custodial
6 parent, may request that a blood or genetic test be administered to
7 determine whether such test would exclude him from being a natural
8 parent and, if not excluded, may subsequently request that the
9 division of child support initiate an action in superior court to
10 determine the existence of the parent-child relationship; and

11 (d) If neither the alleged father nor the custodial parent
12 requests that a blood or genetic test be administered or files an
13 application for an adjudicative proceeding, the amount of support
14 stated in the notice and finding of parental responsibility shall
15 become final, subject only to a subsequent determination under RCW
16 26.26.500 through 26.26.630 that the parent-child relationship does
17 not exist.

18 (2) An alleged father or custodial parent who objects to the
19 amount of support requested in the notice may file an application for
20 an adjudicative proceeding up to twenty days after the date the
21 notice was served. An application for an adjudicative proceeding may
22 be filed within one year of service of the notice and finding of
23 parental responsibility without the necessity for a showing of good
24 cause or upon a showing of good cause thereafter. An adjudicative
25 proceeding under this section shall be pursuant to RCW 74.20A.055.
26 The only issues shall be the amount of the accrued debt, the amount
27 of the current and future support obligation, and the reimbursement
28 of the costs of blood or genetic tests if advanced by the department.
29 A custodian who is not the parent of a child and who has physical
30 custody of a child has the same notice and hearing rights that a
31 custodial parent has under this section.

32 (3) If the application for an adjudicative proceeding is filed
33 within twenty days of service of the notice, collection action shall
34 be stayed pending a final decision by the department. If no
35 application is filed within twenty days:

36 (a) The amounts in the notice shall become final and the debt
37 created therein shall be subject to collection action; and

38 (b) Any amounts so collected shall neither be refunded nor
39 returned if the alleged father is later found not to be a responsible
40 parent.

1 (4) An alleged father or the mother, if she is also the custodial
2 parent, may request that a blood or genetic test be administered at
3 any time. The request for testing shall be in writing, or as the
4 department may specify by rule, and served on the division of child
5 support. If a request for testing is made, the department shall
6 arrange for the test and, pursuant to rules adopted by the
7 department, may advance the cost of such testing. The department
8 shall mail a copy of the test results by certified mail, return
9 receipt requested, to the alleged father's and mother's, if she is
10 also the custodial parent, last known address.

11 (5) If the test excludes the alleged father from being a natural
12 parent, the division of child support shall file a copy of the
13 results with the state registrar of vital statistics and shall
14 dismiss any pending administrative collection proceedings based upon
15 the affidavit in issue. The state registrar of vital statistics shall
16 remove the alleged father's name from the birth certificate and
17 change the child's surname to be the same as the mother's maiden name
18 as stated on the birth certificate, or any other name which the
19 mother may select.

20 (6) The alleged father or mother, if she is also the custodial
21 parent, may, within twenty days after the date of receipt of the test
22 results, request the division of child support to initiate an action
23 under RCW 26.26.500 through 26.26.630 to determine the existence of
24 the parent-child relationship. If the division of child support
25 initiates a superior court action at the request of the alleged
26 father or mother and the decision of the court is that the alleged
27 father is a natural parent, the parent who requested the test shall
28 be liable for court costs incurred.

29 (7) If the alleged father or mother, if she is also the custodial
30 parent, does not request the division of child support to initiate a
31 superior court action, or fails to appear and cooperate with blood or
32 genetic testing, the notice of parental responsibility shall become
33 final for all intents and purposes and may be overturned only by a
34 subsequent superior court order entered under RCW 26.26.500 through
35 26.26.630.

36 (8)(a) Subsections (1) through (7) of this section do not apply
37 to acknowledgments of paternity filed with the state registrar of
38 vital statistics after July 1, 1997.

1 (b) If an acknowledged father has signed an acknowledgment of
2 paternity that has been filed with the state registrar of vital
3 statistics after July 1, 1997:

4 (i) The division of child support may serve a notice and finding
5 of financial responsibility under RCW 74.20A.055 based on the
6 acknowledgment. The division of child support shall attach a copy of
7 the acknowledgment or certification of the birth record information
8 advising of the existence of a filed acknowledgment of paternity to
9 the notice;

10 (ii) The notice shall include a statement that the acknowledged
11 father or any other signatory may commence a proceeding in court to
12 rescind or challenge the acknowledgment or denial of paternity under
13 RCW 26.26.330 and 26.26.335;

14 (iii) A statement that either or both parents are responsible for
15 providing health care coverage for the child if accessible coverage
16 that can be extended to cover the child is or becomes available to
17 the parent through employment or is union-related as provided under
18 RCW 26.09.105; and

19 (iv) The party commencing the action to rescind or challenge the
20 acknowledgment or denial must serve notice on the division of child
21 support and the office of the prosecuting attorney in the county in
22 which the proceeding is commenced. Commencement of a proceeding to
23 rescind or challenge the acknowledgment or denial stays the
24 establishment of the notice and finding of financial responsibility,
25 if the notice has not yet become a final order.

26 (c) If neither the acknowledged father nor the other party to the
27 notice files an application for an adjudicative proceeding or the
28 signatories to the acknowledgment or denial do not commence a
29 proceeding to rescind or challenge the acknowledgment of paternity,
30 the amount of support stated in the notice and finding of financial
31 responsibility becomes final, subject only to a subsequent
32 determination under RCW 26.26.500 through 26.26.630 that the parent-
33 child relationship does not exist. The division of child support does
34 not refund nor return any amounts collected under a notice that
35 becomes final under this section or RCW 74.20A.055, even if a court
36 later determines that the acknowledgment is void.

37 (d) An acknowledged father or other party to the notice who
38 objects to the amount of support requested in the notice may file an
39 application for an adjudicative proceeding up to twenty days after
40 the date the notice was served. An application for an adjudicative

1 proceeding may be filed within one year of service of the notice and
2 finding of parental responsibility without the necessity for a
3 showing of good cause or upon a showing of good cause thereafter. An
4 adjudicative proceeding under this section shall be pursuant to RCW
5 74.20A.055. The only issues shall be the amount of the accrued debt
6 and the amount of the current and future support obligation.

7 (i) If the application for an adjudicative proceeding is filed
8 within twenty days of service of the notice, collection action shall
9 be stayed pending a final decision by the department.

10 (ii) If the application for an adjudicative proceeding is not
11 filed within twenty days of the service of the notice, any amounts
12 collected under the notice shall be neither refunded nor returned if
13 the alleged father is later found not to be a responsible parent.

14 (e) If neither the acknowledged father nor the custodial parent
15 requests an adjudicative proceeding, or if no timely action is
16 brought to rescind or challenge the acknowledgment or denial after
17 service of the notice, the notice of financial responsibility becomes
18 final for all intents and purposes and may be overturned only by a
19 subsequent superior court order entered under RCW 26.26.500 through
20 26.26.630.

21 (9) Acknowledgments of paternity that are filed after July 1,
22 1997, are subject to requirements of chapters 26.26, the uniform
23 parentage act, and (~~70.58 RCW~~) 70.--- RCW (the new chapter created
24 in section 44 of this act).

25 (10) The department and the department of health may adopt rules
26 to implement the requirements under this section.

27 (11) The department has rule-making authority to enact rules
28 consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)
29 as amended by section 7307 of the deficit reduction act of 2005.
30 Additionally, the department has rule-making authority to implement
31 regulations required under 45 C.F.R. Parts 302, 303, 304, 305, and
32 308.

33 NEW SECTION. **Sec. 39.** A new section is added to chapter 42.56
34 RCW to read as follows:

35 All or part of any vital records, reports, supporting
36 documentation, vital statistics, data, or information contained
37 therein under chapter 70.--- RCW (the new chapter created in section
38 44 of this act) are not subject to public inspection and copying
39 under this chapter.

1 NEW SECTION. **Sec. 40.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 43.70.160 (Duties of registrar) and 1989 1st ex.s. c 9 s
4 255, 1967 c 26 s 2, & 1965 c 8 s 43.20.080;

5 (2) RCW 70.58.005 (Definitions) and 2015 3rd sp.s. c 1 s 412,
6 2015 c 225 s 103, 2009 c 231 s 1, 2005 c 365 s 151, 1991 c 3 s 342, &
7 1987 c 223 s 1;

8 (3) RCW 70.58.010 (Registration districts) and 2012 c 117 s 383,
9 1979 ex.s. c 52 s 2, 1951 c 106 s 4, 1915 c 180 s 1, & 1907 c 83 s 2;

10 (4) RCW 70.58.020 (Local registrars—Deputies) and 2012 c 117 s
11 384, 1979 ex.s. c 52 s 3, 1961 ex.s. c 5 s 5, 1951 c 106 s 5, 1915 c
12 180 s 2, & 1907 c 83 s 3;

13 (5) RCW 70.58.030 (Duties of local registrars) and 1990 c 99 s 1,
14 1961 ex.s. c 5 s 6, & 1907 c 83 s 18;

15 (6) RCW 70.58.040 (Compensation of local registrars) and 2012 c
16 117 s 385, 1961 ex.s. c 5 s 7, 1951 c 106 s 8, 1915 c 180 s 10, &
17 1907 c 83 s 19;

18 (7) RCW 70.58.050 (Duty to enforce law) and 2012 c 117 s 386 &
19 1907 c 83 s 22;

20 (8) RCW 70.58.055 (Certificates generally) and 2009 c 44 s 1,
21 1997 c 58 s 948, & 1991 c 96 s 1;

22 (9) RCW 70.58.061 (Electronic and hard copy transmission) and
23 1991 c 96 s 2;

24 (10) RCW 70.58.065 (Local registrar use of electronic databases)
25 and 1991 c 96 s 3;

26 (11) RCW 70.58.070 (Registration of births required) and 1907 c
27 83 s 11;

28 (12) RCW 70.58.080 (Birth certificates—Filing—Establishing
29 paternity—Surname of child) and 2002 c 302 s 708, 1997 c 58 s 937,
30 1989 c 55 s 2, 1961 ex.s. c 5 s 8, 1951 c 106 s 6, & 1907 c 83 s 12;

31 (13) RCW 70.58.082 (Vital records—Rules—Release of copies) and
32 2005 c 365 s 152 & 1997 c 108 s 1;

33 (14) RCW 70.58.085 (Birth certificates suitable for display—
34 Issuance—Fee—Disposition of funds) and 2004 c 53 s 1 & 1987 c 351 s
35 6;

36 (15) RCW 70.58.095 (New certificate of birth—Legitimation,
37 paternity—Substitution for original—Inspection of original, when—
38 When delayed registration required) and 2012 c 117 s 387, 1983 1st
39 ex.s. c 41 s 14, 1975-'76 2nd ex.s. c 42 s 38, & 1961 ex.s. c 5 s 21;

1 (16) RCW 70.58.098 (Information regarding credit report security
2 freeze) and 2016 c 135 s 3;

3 (17) RCW 70.58.100 (Supplemental report on name of child) and
4 1915 c 180 s 8 & 1907 c 83 s 14;

5 (18) RCW 70.58.104 (Reproductions of vital records—Disclosure of
6 information for research purposes—Furnishing of birth and death
7 records by local registrars) and 1991 c 96 s 4 & 1987 c 223 s 2;

8 (19) RCW 70.58.107 (Fees charged by department and local
9 registrars) and 2007 c 200 s 2 & 2007 c 91 s 2;

10 (20) RCW 70.58.110 (Delayed registration of births—Authorized)
11 and 1953 c 90 s 2, 1943 c 176 s 1, & 1941 c 167 s 1;

12 (21) RCW 70.58.120 (Delayed registration of births—Application—
13 Evidence required) and 1961 ex.s. c 5 s 9, 1953 c 90 s 3, 1943 c 176
14 s 2, & 1941 c 167 s 2;

15 (22) RCW 70.58.130 (Delayed registration of births—Where
16 registered—Copy as evidence) and 1961 ex.s. c 5 s 10, 1953 c 90 s 4,
17 1951 c 106 s 2, 1943 c 176 s 4, & 1941 c 167 s 4;

18 (23) RCW 70.58.145 (Order establishing record of birth when
19 delayed registration not available—Procedure) and 2012 c 117 s 388 &
20 1961 ex.s. c 5 s 20;

21 (24) RCW 70.58.150 ("Fetal death," "evidence of life," defined)
22 and 1961 ex.s. c 5 s 11 & 1945 c 159 s 5;

23 (25) RCW 70.58.160 (Certificate of death or fetal death required)
24 and 2005 c 365 s 153, 1961 ex.s. c 5 s 12, & 1945 c 159 s 1;

25 (26) RCW 70.58.170 (Certificate of death or fetal death—By whom
26 filed) and 2009 c 231 s 2, 2005 c 365 s 154, 2000 c 133 s 1, 1979
27 ex.s. c 162 s 1, 1961 ex.s. c 5 s 13, & 1945 c 159 s 2;

28 (27) RCW 70.58.175 (Certificate of death—Domestic partnership
29 information) and 2007 c 156 s 32;

30 (28) RCW 70.58.180 (Certificate when no physician, physician's
31 assistant, or advanced registered nurse practitioner in attendance—
32 Legally accepted cause of death) and 2009 c 231 s 3, 2005 c 365 s
33 155, 2000 c 133 s 2, 1961 ex.s. c 5 s 14, 1953 c 188 s 5, & 1945 c
34 159 s 3;

35 (29) RCW 70.58.190 (Permit to dispose of human remains when cause
36 of death undetermined) and 2005 c 365 s 156 & 1945 c 159 s 4;

37 (30) RCW 70.58.210 (Birth certificate upon adoption) and 1979
38 ex.s. c 101 s 2, 1975-'76 2nd ex.s. c 42 s 40, 1943 c 12 s 1, & 1939
39 c 133 s 1;

1 (31) RCW 70.58.230 (Permits for burial, removal, etc., required—
2 Removal to another district without permit, notice to registrar, fee)
3 and 2009 c 231 s 4, 2005 c 365 s 157, 1961 ex.s. c 5 s 16, 1915 c 180
4 s 3, & 1907 c 83 s 4;

5 (32) RCW 70.58.240 (Duties of funeral directors) and 2009 c 231 s
6 5, 2005 c 365 s 158, 1961 ex.s. c 5 s 17, 1915 c 180 s 6, & 1907 c 83
7 s 8;

8 (33) RCW 70.58.250 (Burial-transit permit—Requisites) and 2009 c
9 231 s 6, 1961 ex.s. c 5 s 18, & 1907 c 83 s 9;

10 (34) RCW 70.58.260 (Burial grounds—Duties of individual in charge
11 of the premises) and 2009 c 231 s 7, 2005 c 365 s 159, 1915 c 180 s
12 7, & 1907 c 83 s 10;

13 (35) RCW 70.58.270 (Data on inmates of hospitals, etc.) and 2012
14 c 117 s 389 & 1907 c 83 s 16;

15 (36) RCW 70.58.280 (Penalty) and 2003 c 53 s 353, 1915 c 180 s
16 12, & 1907 c 83 s 21;

17 (37) RCW 70.58.380 (Certificates for out-of-state marriage
18 license requirements) and 1981 c 284 s 1;

19 (38) RCW 70.58.390 (Certificates of presumed death) and 2005 c
20 365 s 160 & 1981 c 176 s 1;

21 (39) RCW 70.58.400 (Certificate of death—Presence of methicillin-
22 resistant staphylococcus aureus (MRSA)) and 2009 c 244 s 3; and

23 (40) RCW 70.58.900 (Construction—Chapter applicable to state
24 registered domestic partnerships—2009 c 521) and 2009 c 521 s 153.

25 NEW SECTION. **Sec. 41.** SEVERABILITY. If any provision of this
26 act or its application to any person or circumstance is held invalid,
27 the remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 42.** EFFECTIVE DATE. Except for sections 3 and
30 43 of this act, this act takes effect January 1, 2021.

31 NEW SECTION. **Sec. 43.** The secretary and state board of health
32 may adopt rules as authorized by this act to ensure that the sections
33 in this act are implemented on their effective dates.

1 NEW SECTION. **Sec. 44.** CODIFICATION DIRECTIVE. Sections 1
2 through 28 and 42 of this act constitute a new chapter in Title 70
3 RCW.

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