WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

HOUSE BILL No. 527

(By Mr. Watson)

PASSED Feb. 13, 1969

In Effect July 1, 1969

FILED IN THE OFFICE
JOHN D. ROMWELLER, IV
SECRETARY OF STATE
THIS DATE 2-22-69

# 527
ENROLLED

House Bill No. 577
(By Mr. Watson)

[Passed February 13, 1969: in effect July 1, 1969.]

AN ACT to amend and reenact article five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the establishment, maintenance and operation of a statewide system of vital statistics within the state department of health; providing for registration of births, deaths, fetal deaths, divorces, annulments, and other records; specifying duties of the state board of health; providing for appointment and duties of the state registrar; providing for registration districts and appointment, removal and duties of local registrars, deputy local registrars and subregistrars; fixing compensation and fees of local registrars; prescribing forms of certificates, reports and other returns; providing
for birth registration, including method, place of local registration, designation of persons responsible for preparing and signing birth certificates; providing for registration of infants of unknown parentage, delayed registration of births, judicial procedure to establish facts of births, registration of adoptions by courts and their clerks, and reports by courts of results of paternity determinations; providing for issuance of new certificates of birth following adoption, legitimation, and paternity determination; providing for registrations of deaths, and designation of places of local registration; specifying duties of funeral directors, physicians, and other persons, relating to deaths; providing for issuance of death certificates for fetal deaths, issuance of burial or transit permits for disposition of dead bodies, issuance of permits for disinterment and reinterment, and the form and contents of such permits; specifying duties of custodians of burial grounds; endorsement and return of burial permits; providing for extensions of time for filing of death certificates, fetal death certificates, medical certifications of cause of death, and for obtaining burial or transit permits; providing pro-
procedure for correcting and amending certificates of birth, death, and other certificates; reproduction of records by state registrar; restrictions upon disclosure of records and information contained therein; issuance of regulations authorizing disclosure; providing for appeals from decisions of custodians of permanent local records who refuse to disclose information; copies of records, searches of records, and fees therefor; providing for record keeping by institutions; penalties for violations; severability.

Be it enacted by the Legislature of West Virginia:

That article five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. VITAL STATISTICS.

§16-5-1. Definitions.

1 As used in this article:

2 a. "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it reasonably may be concluded that death recently occurred.
b. "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, such death being indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles.

c. "Filing" means the presentation of a certificate, report or other record provided for in this article, of a birth, death, fetal death, adoption, marriage, divorce or annulment, for registration by the division of vital statistics of the state department of health.

d. "Final disposition" means the burial, interment, cremation or other disposition of a dead body or fetus.

e. "Institution" means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment, or nursing, custodial or domiciliary care to two or more unrelated individuals or to which persons are committed by law.

f. "Live birth" means the complete expulsion or ex-
traction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

g. "Physician" means a person authorized or licensed to practice medicine pursuant to article three or article fourteen, chapter thirty of this code.

h. "Registration" means the acceptance by the division of vital statistics, and the incorporation in its official records, of certificates, reports, or other records provided for in this article, of births, deaths, fetal deaths, adoptions, marriages, divorces and annulments.

i. "System of vital statistics" means the registration, collection, preservation, amendment, certification of vital statistics records and activities related thereto, including, but not restricted to, the tabulation, analysis and publication of statistical data derived from such records.
j. "Vital statistics" means records of birth, death, fetal death, marriage, divorce, annulment and data related thereto.

k. "Local registrar" means the person appointed by the state registrar of vital statistics for a county or other district to perform the vital statistics functions specified to be performed in and for such county or other district.

l. "Deputy local registrar" means a person appointed by and working under the supervision of a local registrar in the discharge of the vital statistics functions specified to be performed in and for the county or other district of such local registrar.

m. "Subregistrar" means a person appointed, with the approval of the state registrar of vital statistics, by and working under the supervision of a local registrar in the discharge of the vital statistics functions specified to be performed in and for the county or other district of such local registrar.

§16-5-2. Division of vital statistics; statewide system; offices.

Pursuant to the provisions of section seven, article one of this chapter, there is hereby established in the
The state board of health is authorized, in conformity with the provisions of section three, article one of this chapter to adopt, amend and repeal rules and regulations for the purpose of carrying out the specific provisions of this article.

§16-5-4. Appointment of state registrar of vital statistics.

The state board of health, with the advice of the state director of health, shall appoint and prescribe the quali-
fications of the state registrar of vital statistics in accordance with the provisions of section seven, article one of this chapter.

§16-5-5. Duties of state registrar of vital statistics.

a. The state registrar of vital statistics shall:

(1) Administer and enforce the provisions of this article and all other applicable laws of this state and all lawful rules and regulations adopted and promulgated thereunder.

(2) Direct and supervise the statewide system of vital statistics and the operation of the division of vital statistics, and act as custodian of its records.

(3) Direct, supervise and control the activities of local registrars and the activities of public officers in relation to the operation of the vital statistics system and provide them with the postage necessary for them to carry out their duties under this article.

(4) Prescribe, with the approval of the state board of health, and provide and distribute all forms necessary to carry out the provisions of this article and of the rules and regulations adopted and promulgated thereunder.
(5) Prepare and publish annual reports of vital
statistics of this state, and such other reports as may be
required by the state board of health.

b. The state registrar of vital statistics may delegate
such functions and duties as are hereby vested in him to
officers and employees of the division of vital statistics
and to local registrars as the state registrar may deem
necessary or expedient.

c. The state registrar, either personally or by a duly
deployed representative, shall have authority to investi-
gate cases of irregularity or violation of law arising under
the provisions of this article, and all local registrars,
deputy local registrars, and subregistrars shall aid him,
upon request, in such investigations. When he shall deem
it necessary, he shall report cases of violation of any of
the provisions of this article to the prosecuting attorney
of the county, with a statement of the facts and circum-
stances. When any such case is reported to him by the
state registrar, the prosecuting attorney shall forthwith
initiate and promptly prosecute the necessary court pro-
ceedings against the person or corporation responsible
for the alleged violation of law. Upon request of the state
registrar, the attorney general shall assist in the enforce-
ment of the provisions of this article.

§16-5-6. Registration districts.

1 For the purposes of this article the state board of health
2 may establish registration districts throughout the state.
3 The board may eliminate, or change the boundaries of,
4 any district and may consolidate two or more districts
5 or subdivide any district to facilitate registration.

§16-5-7. Appointment and removal of local registrars, deputy
local registrars, and subregistrars.

1 a. The state registrar of vital statistics shall appoint
2 a local registrar and the local registrar may appoint one
3 or more deputy local registrars of vital statistics for
4 each registration district.
5 b. When it appears necessary for the convenience of
6 the people in any district, the local registrar may, with
7 the approval of the state registrar, appoint one or more
8 persons to act as subregistrars.
9 c. The state registrar may remove a local registrar, a
10 deputy local registrar, or a local subregistrar for reason-
11 able cause.
§16-5-8. Duties of local registrars, deputy registrars and subregistrars.

a. A local registrar, with respect to his registration district, shall:

(1) Administer and enforce the provisions of this article and all instructions, rules and regulations adopted and promulgated pursuant thereto.

(2) Require that certificates be completed and filed in accordance with provisions of this article and the rules and regulations adopted and promulgated pursuant thereto.

(3) Transmit, on the first and fifteenth day of each month or as soon as possible thereafter, the certificates, reports or other returns filed with him to the state registrar of vital statistics, or transmit the same more frequently when directed to do so by the state registrar.

(4) Maintain such records, make such reports and perform such other duties as may be required by the state registrar of vital statistics.

b. In accordance with rules and regulations adopted and promulgated pursuant to this article, the deputy local registrar shall perform the duties of the local regis-
Enr. H. B. No. 577] 12

21 trar in the absence or incapacity of such local registrar
22 and shall perform such other duties as may be prescribed.
23 c. Subregistrars shall perform such duties as may be
24 prescribed by rules and regulations adopted and promul-
25 gated pursuant to this article.


1 a. Each local registrar shall be paid the sum of one
2 dollar for each certificate of birth, death, or fetal death
3 registered by him and transmitted to the state registrar
4 of vital statistics in accordance with the rules and regula-
5 tions adopted and promulgated pursuant to this article.
6 b. If no birth, death or fetal death is registered by
7 him during any calendar month, the local registrar shall
8 report that fact to the state registrar of vital statistics
9 and be paid the sum of one dollar for such report.
10 c. No compensation shall be paid under this section to
11 any full-time employee of any state or local governmental
12 unit or body. Where such employee is designated to serve,
13 and serves, as a local registrar, the compensation pro-
14 vided by this section shall be paid to the governmental
15 unit or body by which such local registrar is employed.
§16-5-10. Payment of fees to local registrars.

1 The state registrar of vital statistics shall certify at the end of each quarter of the calendar year, to the county courts of the several counties, the number of births, fetal deaths and deaths properly registered with the names of the local registrars and the amounts due each. All amounts payable to a local registrar under the provisions of this section shall be paid by the treasurer of the county in which the registration district is located, upon the order of the county court of such county issued upon such certification by the state registrar of vital statistics. Where a local registrar is a full-time employee of any state or local governmental unit or body, the state registrar shall so state in his certification, and, in such case, the county court shall make payment, pursuant to section nine of this article, to the governmental unit or body by which such registrar is employed.

§16-5-11. Form of certificates.

1 a. In order to promote and maintain uniformity in the system of vital statistics, the forms of certificates, reports and other returns required by this article, or by rules and
4 regulations adopted and promulgated thereunder, shall
5 include as a minimum (in addition to the items required
6 by the laws of this state) the items recommended by the
7 federal agency responsible for national vital statistics,
8 subject to the approval of, and to modification by, the
9 state board of health.
10 b. Each certificate, report and form required to be
11 filed under this article shall have entered upon its face
12 the date of registration, duly attested.

§16-5-12. Birth registration.

1 a. A certificate of birth for each live birth which
2 occurs in this state shall be filed with the local registrar
3 of the district in which the birth occurs within seven
4 days after such birth and shall be registered by such
5 registrar if it has been completed and filed in accordance
6 with this section. When a birth occurs in a moving con-
7 veyance, a birth certificate shall be filed in the district in
8 which the child is first removed from the conveyance.
9 b. When a birth occurs in an institution, the person
10 in charge of the institution or his designated representa-
11 tive shall obtain the personal data, prepare the certificate,
secure the signatures required for the certificate and file it with the local registrar. The physician in attendance shall certify to the facts of birth and provide the medical information required for the certificate within five days after the birth.

c. When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician in attendance at or immediately after the birth, or in the absence of such a person,

(2) Any other person in attendance at or immediately after the birth, or in the absence of such a person,

(3) The father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

d. If the mother was married either at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the
父亲由法院确定。否则，不登记在出生证书上。

e. If the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and of the person to be named as the father unless a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

f. Either of the parents of the child shall sign the certificate of live birth to attest to the accuracy of the personal data entered thereon, in time to permit its filing within the seven days prescribed above.

g. In order that each county may have a complete record of the births occurring in said county, the local registrar shall transmit each month to the county clerk of his county the copies of the certificates of all births occurring in said county, from which copies the clerk shall compile a record of such births and shall enter the same in a systematic and orderly way in a well-bound register of births, which said register shall be a public
Provided, That such copies and register shall not state that any child was either legitimate or illegitimate. The form of said register of births shall be prescribed by the state registrar of vital statistics.

§16-5-13. Infants of unknown parentage; foundling registration.

a. Whoever assumes the custody of a living infant of unknown parentage shall report, on a form and in the manner prescribed by the state registrar of vital statistics, within seven days of the date of such assumption of custody, to the local registrar of the district in which the child was found, the following information:

(1) The date and place of finding;
(2) Sex, color or race and approximate age of child;
(3) Name and address of the persons with whom or the institution with which the child has been placed for care; and
(4) Other data required by rules and regulations adopted and promulgated pursuant to this article.

b. The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation.
c. A report registered under this section shall constitute the certificate of birth for the infant.

d. If the child is identified and a certificate of birth is found or obtained, any report registered under this section shall be sealed and filed and may be opened only by order of a court of record of competent jurisdiction or as may be provided by lawful rule and regulation adopted and promulgated pursuant to this article.

§16-5-14. Delayed registration of births.

a. When the birth of a person born in this state has not been registered within the time period provided in section twelve of this article, a certificate may be filed in accordance with rules and regulations adopted and promulgated by the state board of health. Such certificate shall be registered subject to such evidentiary requirements as the state board of health shall by rule and regulation prescribe to substantiate the alleged facts of birth.

b. Certificates of birth registered one year or more after the date of occurrence shall be marked "Delayed" and shall show on their face the date of the delayed registration.
c. A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

d. (1) When an applicant does not submit the minimum documentation required in the rules and regulations for delayed registration or when the state registrar of vital statistics finds reason to question the validity or adequacy of the certificate or the documentary evidence, the state registrar of vital statistics shall not register the delayed certificate and shall advise the applicant in writing of the reasons for this action.

(2) The state board of health may by rule and regulation provide for the dismissal of an application which is not actively prosecuted.


a. If a delayed certificate of birth is refused under the provisions of section fourteen of this article, a petition may be filed with the circuit court or other court of record of competent jurisdiction for an order establishing a record of the date and place of the birth and the parent-
b. Such petition shall allege:

(1) That the person for whom a delayed registration of birth is sought was born in this state;

(2) That no record of birth of such person can be found in the office of the state or the local custodian of birth records;

(3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with section fourteen of this article and of any rules and regulations adopted and promulgated thereunder.

(4) That the state registrar of vital statistics has refused to register a delayed certificate of birth; and

(5) Such other allegations as may be required by the court.

c. The petition shall be accompanied by a copy of the statement of reasons of the registration official made in accordance with sub-section d (1), section fourteen of this article and by all documentary evidence which was submitted to the registration official in support of such registration.
27 d. The court shall fix a time and place for hearing the
28 petition and shall require that the petitioner give the
29 registration official who refused to register the petitioner's
30 delayed certificate of birth not less than twenty days'
31 notice of said hearing. Such official, or his authorized
32 representative, may appear and testify in the proceeding.
33 e. If the court finds from the evidence presented that
34 the person for whom a delayed certificate of birth is sought
35 was born in this state, it shall make findings as to the
36 place and date of birth, parentage, and such other find-
37 ings as the case may require and shall issue an order
38 setting forth the information required under the provi-
39 sions of this article to establish a record of birth. This
40 order shall include the birth date to be registered, a sum-
41 mary statement of the evidence presented, and the date
42 of the court's action.
43 f. The clerk of the court shall forward each such order
44 to the state registrar of vital statistics not later than the
45 tenth day of the calendar month following the month in
46 which it was entered. Such order shall be registered by
47 the state registrar of vital statistics and shall constitute
the record of birth, from which copies may be issued in accordance with the provisions of this article.

Any judgment shall be final unless reversed, vacated or modified on appeal, and any appeal shall be sought in the manner and within the time provided by law for appeals in other civil cases.

§16-5-16. Court reports of adoption.

a. In conformance with the provisions of chapter forty-eight, article four, section four of this code, any court in this state entering an order of adoption shall require the preparation by the clerk of the court of a certificate of adoption on a form prescribed and furnished by the state registrar of vital statistics. Such certificate shall include the factual information described in chapter forty-eight, article four, section four; shall provide such additional information as may be required under rules and regulations duly adopted pursuant to this article to establish a new certificate of birth of the person adopted; shall identify the order of adoption; and shall be certified by the clerk of court.

b. Information in the possession of the petitioner neces-
sary to prepare the certificate of adoption shall be pleaded
in the petition for adoption or shall be furnished to the
clerk of the court by the petitioner for adoption at the
time the petition is filed. Any social or welfare agency
or other person concerned with the adoption shall supply
the petitioner with such information in the possession of
such agency or person as may be necessary to complete
the certificate.

c. Whenever an adoption order or decree is amended
or vacated, the clerk of the court shall prepare a cer-
tificate thereof, which shall include such facts as are
necessary to identify the original adoption certificate and
the facts amended in the adoption order or which are re-
quired to properly amend the birth record.

d. Not later than the tenth day of each calendar month,
the clerk of the court shall forward to the state registrar
of vital statistics a report of all orders or of adoption and
of annulments or amendments thereof, entered in the
preceding month, together with such related certificates
and reports as may be required under the provisions of
this article.
36 e. When the state registrar of vital statistics shall re-
37 ceive a record of adoption or of an annulment or amend-
38 ment of an order or decree of adoption from a court for
39 a person born outside of this state, such record shall be
40 forwarded to the appropriate registration authority in the
41 state of birth.

§16-5-17. Court reports of parentage determination.

1 a. Whenever a judgment has been entered determining
2 the paternity of a child, the clerk of the court shall pre-
3 pare a certificate on a form prescribed and furnished by
4 the state registrar of vital statistics. The certificate shall
5 include such facts as are necessary to locate and identify
6 the certificate of birth of the person whose paternity is
7 determined; shall provide information necessary to estab-
8 lish a new certificate of birth of the person whose pa-
9 ternity is determined and shall identify the action and
10 be certified by the clerk of court.

11 b. Not later than the tenth day of each calendar month,
12 the clerk of the court shall forward to the state registrar
13 of vital statistics certificates of paternity entered in the
preceding month, together with such related reports as
the state registrar of vital statistics shall require.

§16-5-18. New certificate of birth following adoption, legitima-
tion, and paternity determination.

a. The state registrar of vital statistics shall establish
a new certificate of birth for a person born in this state,
when he receives either of the following:

(1) A certificate of adoption as provided in section
sixteen of this article or a certified copy of an order or de-
cree of adoption together with all information necessary to
identify the original certificate of birth and to establish a
new certificate of birth.

(2) A request that a new certificate be established,
together with such evidence as is required by statute or
duly adopted rule and regulation showing that such person
has been legitimated, or that a court of competent jurisdic-
tion has determined the paternity of such a person.

b. When a new certificate of birth is established, the
actual place and date of birth, if known, shall be shown.
it shall be substituted for the original certificate of birth
and thereafter, the original certificate and the evidence of
Enr. H. B. No. 577]  26

18 adoption, paternity, or legitimation shall not be subject
19 to inspection except upon order of a court of competent
20 jurisdiction. Upon receipt of notice of the vacation of an
21 adoption, the original certificate of birth shall be restored
22 to its place in the files and the new certificate and evidence
23 shall not be subject to inspection except upon order of a
24 court of competent jurisdiction.
25 c. If no certificate of birth is on file for the person for
26 whom a new certificate is to be established under this
27 section, a delayed certificate of birth shall be filed with
28 the state registrar of vital statistics as provided in section
29 fourteen or section fifteen of this article, before a new
30 certificate of birth is established, except that when the
31 date and place of birth and parentage have been estab-
32 lished in the adoption proceedings, a delayed certificate
33 shall not be required.
34 d. When a new certificate of birth is established by
35 the state registrar of vital statistics, all copies of the
36 original certificate of birth in the custody of any custodian
37 of permanent local records in this state shall be sealed
§16-5-19. Death registration.

a. A death certificate for each death which occurs in this state shall be filed with the local registrar of the registration district in which the death occurs within three days after such death, and prior to removal of the body from the state, and shall be registered by such registrar if it has been completed and filed in accordance with this section: Provided, That

(1) if the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found within three days after the finding; and

(2) if death occurs in a moving conveyance, a death certificate shall be filed in the registration district in which the dead body is first removed from such conveyance.

b. The funeral director or person acting for him who first assumes custody of a dead body shall file the death certificate. He shall obtain the necessary personal data from the next of kin or the best qualified person or source
available. He shall obtain the medical certification of the
cause of death from the person responsible for making
such certification.

c. The medical certification shall be completed and
signed within twenty-four hours after death by the physi-
cian in charge of the patient's care for the illness or con-
dition which results in death except when inquiry is re-
quired pursuant to chapter sixty-one, article twelve or
other applicable provision of this code.

d. When death occurs without medical attendance and
inquiry is not required pursuant to chapter sixty-one,
article twelve or other applicable provisions of this code,
the local health officer shall investigate the cause of death
and complete and sign the medical certification within
twenty-four hours after receiving notice of the death.

e. When death occurs in a manner subject to investi-
gation, the coroner or other officer or official charged with
the legal duty of making such investigation shall investi-
gate the cause of death and shall complete and sign the
medical certification within twenty-four hours after mak-
ing determination of the cause of death.
f. In order that each county may have a complete record of the deaths occurring in said county, the local registrar shall transmit each month to the county clerk of his county a copy of the certificates of all deaths occurring in said county, and if any person shall die in a county other than that county within the state in which such person last resided prior to death, then the state registrar shall, if possible, also furnish a copy of such death certificate to the clerk of the county court of the county wherein such person last resided, from which copies the clerk shall compile a record of such deaths and shall enter the same in a systematic and orderly way in a well-bound register of deaths for that county, which such register shall be a public record. The form of said death register shall be prescribed by the state registrar of vital statistics.

§16-5-20. Fetal death registration.

a. A fetal death certificate for each fetal death which occurs in this state after a gestation period of twenty completed weeks shall be filed with the local registrar of the registration district in which the delivery occurs within three days after such delivery and prior to removal
of the fetus from the state, and shall be registered with
such registrar if it has been completed and filed in ac-
cordance with this section: Provided, That

(1) if the place of fetal death is unknown, a fetal
death certificate shall be filed in the registration district
in which a dead fetus is found within three days after
the finding; and

(2) if a fetal death occurs in a moving conveyance,
a fetal death certificate shall be filed in the registration
district in which the fetus is first removed from such
conveyance.

b. The funeral director or person acting for him who
first assumes custody of a fetus shall file the fetal death
certificate. In the absence of such a person, the physician
or other person in attendance at or after the delivery
shall file the certificate of fetal death. The person filing
such certificate shall obtain the personal data from the
next of kin or the best qualified person or source avail-
able and shall obtain the medical certification of the cause
of death from the person responsible for making such cer-
tification.
c. The medical certification shall be completed and signed within twenty-four hours after delivery by the physician in attendance at or after delivery except when inquiry is required by chapter sixty-one, article twelve or other applicable provision of this code.

d. When a fetal death occurs without medical attendance for the mother at or after delivery and an inquiry is not required by chapter sixty-one, article twelve or other applicable provision of this code, the local health officer shall investigate the cause of fetal death and shall complete and sign the medical certification within twenty-four hours after receiving notice of the delivery.

e. When the coroner or other officer or official charged with the legal duty of making such investigation shall investigate a fetal death as required by chapter sixty-one, article twelve or other applicable provision of this code, he shall complete and sign the medical certification within twenty-four hours after making determination of the cause of such fetal death.


a. The funeral director or person acting for him who first assumes custody of a dead body or of a fetus
which has died after a gestation period of twenty completed weeks shall obtain a burial or transit permit prior to final disposition or removal from the state of the body or fetus and within seventy-two hours after death.

b. Such burial or transit permit shall be issued by the local registrar of the district where the certificate of death or fetal death is filed in accordance with requirements of section nineteen or section twenty of this article.

c. A burial or transit permit issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.

d. A permit for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus except as authorized by rule and regulation or otherwise provided by law or by order of a court having jurisdiction with respect thereto. Such permit shall be issued by the local registrar to a licensed funeral director, embalmer, or other persons acting on their behalf, upon proper application.
e. The form and contents of burial, transit and disinterment and reinterment permits shall be prescribed by the state registrar of vital statistics in conformance with the provisions of subdivision (4), subsection a, section five of this article.

§16-5-22. No burial without permit; duty of custodian or funeral director.

No person in charge of any premises on which interment or other disposition of dead bodies is made shall inter or permit the interment or other disposition of any such body unless it is accompanied by a burial, transit or reinterment permit except as otherwise provided by order of a court having jurisdiction with respect thereto. Such person shall endorse upon the permit the date of interment or other disposition over his signature and shall return the permit, so endorsed, to the local registrar of the registration district within which the interment or other disposition of the body is made. Such return shall be made within ten days from the date of interment or other disposition. The person endorsing the permit shall keep a record of all bodies interred or otherwise disposed.
of on the premises under his charge, which record shall contain the name of the deceased person, place of death, date of burial or disposal, name and address of the funeral director or person acting for him, and such other information as may be required by rule and regulation duly adopted pursuant to this article. Such record shall at all times be open to official inspection: Provided, That when a body is interred or otherwise disposed of in a cemetery, burial ground, or other premises having no person in charge, the funeral director or person acting for him and making or supervising such interment or disposition shall endorse upon the burial, transit or reinterment permit, the date of interment or disposition over his signature and shall write across the face of the permit “No person in charge” and shall file the endorsed permit with the local registrar of the registration district in which interment or other disposition is made within ten days of such interment or other disposition.

§16-5-23. Extension of time.

a. The state board of health shall, by rule and regulation and upon such conditions as it may prescribe to assure
compliance with the purposes of this article, provide for
the extension of the periods prescribed in sections nine-
teen, twenty and twenty-one of this article for the filing of
death certificates, fetal death certificates, medical certifica-
tions of the cause of death, and for the obtaining of burial
or transit permits, in cases in which compliance with the
applicable prescribed period would result in undue hard-
ship.

b. Rules and regulations of the state board of health
shall provide for the issuance of a burial or transit permit
under section twenty-one of this article prior to the filing
of a certificate of death or fetal death upon conditions de-
dsigned to assure compliance with the purposes of this
article in cases in which compliance with the requirement
that the certificate be filed prior to the issuance of the
permit would result in undue hardship.

§16-5-24. Correction and amendment of vital records.

a. A certificate or record registered pursuant to this
article may be amended only in accordance with the pro-
visions of this article and rules and regulations duly
adopted thereunder.
b. A certificate that is amended under this section shall be marked “amended”, except as hereinafter provided in this subsection and in subsection d of this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The state board of health shall prescribe by rule and regulation the conditions under which additions or minor corrections shall be made to birth certificates within one year after the date of birth without the certificate being considered or marked as amended. The state board of health shall also prescribe by rule and regulation a simplified procedure for the correction of any certificate or record registered pursuant to this article which is deficient in any particular, including, but not limited to, the omission or misspelling of a first name, and such rule and regulation shall specify when and under what circumstances a certificate or record so corrected shall be considered or marked as amended.

c. Upon receipt of a certified copy of a court order of a court of competent jurisdiction changing the name of
a person born in this state, which order was made and
entered in a proceeding brought for that purpose, and
upon request of such person or his parent, guardian, or
legal representative, the state registrar of vital statistics
shall amend the certificate of birth to reflect the new name.

d. Upon request, and upon receipt of a sworn acknowl-
edgment of paternity of a child born out of wedlock
signed by both parents, the state registrar of vital statis-
tics shall amend the certificate of birth to show such pa-
ternity if paternity is not shown on the birth certificate.

Upon request of both of the parents, the surname of the
child shall be changed on the certificate to that of the
father. Such certificate shall not be marked "amended."

e. When a certificate is amended under this section,
the state registrar of vital statistics shall report the
amendment to the custodian of any permanent local
records and such record shall be amended accordingly.

§16-5-25. Reproduction of records.

To preserve original documents, the state registrar of
vital statistics is hereby authorized to prepare typewrit-
ten, photographic, or other reproductions of original rec-
ords and files in his office. Such reproductions when certi-
ied by him shall be accepted as the original record.


1 a. To protect the integrity of vital statistics records,
2 to insure their proper use, and to insure the efficient and
3 proper operation of the vital statistics system, it shall
4 be unlawful for any person to permit inspection of con-
5 fidential information or to disclose confidential informa-
6 tion contained in vital statistics records, or to copy or
7 issue a copy of all or part of any such confidential infor-
8 mation, except as authorized by law or by order of a court
9 having jurisdiction with respect thereto or by rule and
10 regulation duly adopted under the provisions of this
11 article.

12 b. The state board of health may by rule and regulation
13 authorize the disclosure of confidential data contained in
14 vital statistics records for statistical research purposes.

15 c. Information in vital statistics records indicating that
16 a birth occurred out of wedlock shall not be disclosed
17 except as provided by rule and regulation duly adopted or
upon order of a court having jurisdiction with respect thereto.

d. Appeals from decisions of the custodians of permanent local records refusing to disclose confidential information, or to permit inspection of or copying of confidential information under the authority of this section and rules and regulations issued hereunder shall be made to the state registrar of vital statistics, whose decisions shall be binding upon the local custodians of permanent local records.

§16-5-27. Copies of data from vital records.

In accordance with section twenty-five of this article and the rules and regulations adopted pursuant thereto:

a. The state registrar of vital statistics shall upon request issue a certified copy of all or any part of any certificate or record in his custody. Each copy issued shall show the date of registration, and copies issued from records marked “delayed”, “amended”, or “court order” shall be similarly marked and shall show the effective date of the delayed registration, amendment or court order.
b. A certified copy of a certificate or any part thereof, issued in accordance with subdivision (a) of this section, shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts therein stated.

c. The national office of vital statistics may be furnished such copies of or data from state vital statistics records as it may require for national statistics: Provided, That the state shall be reimbursed for the cost of furnishing such data: Provided, however, That such data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state board of health.

d. Federal, state, local and other public or private agencies may, upon request, be furnished copies of or data from state vital statistics for statistical purposes upon such terms or conditions as may be prescribed by the state board of health.

e. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a certificate of birth, death, or fetal death, except as au-
thorized by this article, or by rules and regulations duly
adopted thereunder: Provided, That the foregoing provi-
sions of this subdivision shall not be construed as in any
way prohibiting or infringing upon the right and duty of
a county clerk to furnish a certified copy of any records
in his lawful custody.

§16-5-28. Fees for copies and searches.

a. The state board of health shall prescribe the fees,
if any, to be charged and collected by the state registrar of
vital statistics for certified copies of certificates or records,
not to exceed two dollars per copy, or for a search
of the files or records when no copy is made: Provided,
That the state registrar shall, upon request of any parent
or guardian, supply without fee a certificate limited to
a statement as to the date of birth of any child, when the
same shall be necessary for admission to school, or for
the purpose of securing employment: Provided, however,
That the state registrar may furnish certified copies of
birth and death records to the state welfare department,
to county welfare departments and to organized charities,
free of charge, when such certificates are needed in pre-
senting claims to the federal government, or to the state
department of welfare, and an accurate record shall be
made of all such certificates so furnished.

b. Fees collected under this section by the state regis-
trar of vital statistics shall be deposited to the state gen-
eral fund.

§16-5-29. Persons required to keep records.

a. Every person in charge of an institution as defined
in this article shall keep a record concerning each per-
son admitted to or confined in such institution containing
such information as is required by the standard certifi-
cate of birth, death, and fetal death forms issued under
the provisions of this article. The record shall be made
at the time of admission from information provided by
such person, but when it cannot be so obtained, the same
shall be obtained from relatives or other persons ac-
quainted with the facts. The name and address of the
person providing the information shall be a part of the
record.

b. When a dead human body is released or disposed
of by an institution, the person in charge of the institution
shall keep a record showing the name of the deceased,
date of death, name and address of the person to whom
the body is released, and date of removal from the institu-
tion or if finally disposed of by the institution, the date,
place, and manner of disposition.

c. A funeral director, embalmer or other person who
removes from the place of death or transports or finally
disposes of a dead body or fetus, in addition to filing any
certificate or other form required by this article, shall
keep a record which shall identify the body, and such in-
formation pertaining to his receipt, removal and delivery
of such body as may be prescribed by rules and regu-
lations duly adopted by the state board of health.

d. Records maintained under this section shall be re-
tained for a period of not less than three years and shall
be made available for inspection by the state registrar
of vital statistics or his representative upon request.

§16-5-30. Duty to furnish information relative to vital events.

Any person having knowledge of any fact required to
be recorded under the provisions of this article or any
rules and regulations duly adopted thereunder, or knowledge of which by the state registrar of vital statistics is necessary to effectuate the purposes of this article, shall furnish information of such fact to the state registrar of vital statistics upon request.

§16-5-31. Penalties.

a. (1) Any person who wilfully and knowingly makes any false statement in a report, record, or certificate required to be filed under this article, or in an application for an amendment thereof or who wilfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record or certificate, or amendment thereof; or

(2) Any person who without lawful authority and with the intent to deceive, makes, alters, amends or mutilates any record, report, or certificate required to be filed under this article, or any certified copy of such record, report, or certificate; or

(3) Any person who wilfully and knowingly uses or attempts to use, or furnishes or attempts to furnish to another for use, for any purpose of deception, any certi-
(4) Any person who with the intention to deceive wilfully uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which related to the birth of another person; or

(5) Any person who wilfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person to whom the record of birth relates, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

b. (1) Any person who knowingly transports or accepts for transportation, interment or other disposition a dead body without an accompanying permit as provided in this article; or
(2) Any person who refuses to provide information required by this article; or

(3) Any person who wilfully neglects or violates any of the provisions of this article or refuses to perform any of the duties imposed upon him by this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

§16-5-32. Uniform system of registration of marriage, divorce and annulment of marriage.

To the end that an efficient and uniform system of registration of marriage, divorce and annulment of marriage shall be established in this state, the state division of vital statistics shall provide for the registration of each marriage, divorce, and annulment of marriage which shall occur in this state. In so doing, the state board of health shall have the authority and duty to:

a. Install a statewide system of registering, indexing,
and preserving records of marriage, divorce and annulment of marriage.

b. Make and amend necessary rules and regulations, give instructions, and prescribe and furnish forms, for collecting, transcribing, compiling, and preserving records and statistics of marriage, divorce and annulment of marriage.

c. Make and publish a statistical report of marriage, divorce and annulment of marriage in this state.

§16-5-33. Registration of marriages.

All marriages taking place within the state shall be registered with the state registrar of vital statistics in the following manner:

a. On or before the tenth day of each month, the county clerk of each county shall forward to the state registrar a report of all marriage records made by him during the previous month, in such form and setting forth such information as may be prescribed by rule and regulation duly adopted pursuant to this article.

b. The state registrar shall preserve and index all records thus received and shall upon request issue a
certified copy of the same, which shall be prima facie evidence in all courts in the state of the facts stated therein.

§16-5-34. Registration of divorces and annulments of marriages.

a. The clerk of every court of record having jurisdiction of actions for divorce or annulment of marriage shall monthly make and deliver to the state registrar of vital statistics a report on a form prescribed by the state registrar of vital statistics, listing all of the divorces or annulments of marriages granted by such court during the preceding calendar month, showing insofar as such information appears in the complaint or final order or decree:

(1) the names and ages of the parties to the action,

(2) the date and place of the marriage thereby terminated,

(3) the names of said parties' children under the age of eighteen years,

(4) the date of the final order or decree:

Provided, That in counties where the court is not in continuous session these reports shall be forwarded within ten days following the close of the term of the court.
18     b. The state registrar shall search his files of reports
19     of divorce and annulment of marriage upon receipt of
20     written request and a fee of one dollar. If the record is
21     found, he shall verify the facts of the divorce or annul-
22     ment of marriage in writing to the applicant and shall
23     notify the applicant of the place where the original record
24     is found.
25     c. Failure of the clerk of the court to comply with
26     the provisions of subsections a hereof shall in no way
27     affect the validity of any final judgment, order or decree
28     of divorce or annulment of marriage.

§16-5-35. Severability.

1     If any provision of this article or the application there-
2     of to any person or circumstance is held invalid, such
3     invalidity shall not affect other provisions or applications
4     of the article, and to this end the provisions of this article
5     are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tomp
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1969.

Ollie Beeney
Clerk of the Senate

W.A. Blankenship
Clerk of the House of Delegates

Bill Young
President of the Senate

Ronald H. Brown
Speaker House of Delegates

The within is approved this the 24th day of February, 1969.

Richard Snake Jr.
Governor