

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 577

(By Mr. Watson)



PASSED Feb. 13 1969

In Effect July 1, 1969 ~~Passage~~



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

577

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(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-

cedure 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
3 of such body or bones thereof from the state of which
4 it reasonably may be concluded that death recently oc-
5 curred.

6 b. "Fetal death" means death prior to the complete
7 expulsion or extraction from its mother of a product of
8 human conception, irrespective of the duration of preg-
9 nancy, such death being indicated by the fact that after
10 such expulsion or extraction the fetus does not breathe
11 or show any other evidence of life such as beating of
12 the heart, pulsation of the umbilical cord or definite
13 movement of voluntary muscles.

14 c. "Filing" means the presentation of a certificate, re-
15 port or other record provided for in this article, of a birth,
16 death, fetal death, adoption, marriage, divorce or annul-
17 ment, for registration by the division of vital statistics
18 of the state department of health.

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

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

26 f. "Live birth" means the complete expulsion or ex-

27 traction from its mother of a product of human concep-
28 tion, irrespective of the duration of pregnancy, which,
29 after such expulsion or extraction, breathes or shows any
30 other evidence of life such as beating of the heart, pulsa-
31 tion of the umbilical cord or definite movement of vol-
32 untary muscles, whether or not the umbilical cord has
33 been cut or the placenta is attached.

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

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

42 i. "System of vital statistics" means the registration,
43 collection, preservation, amendment, certification of vital
44 statistics records and activities related thereto, including,
45 but not restricted to, the tabulation, analysis and publica-
46 tion of statistical data derived from such records.

47 j. "Vital statistics" means records of birth, death
48 fetal death, marriage, divorce, annulment and data related
49 thereto.

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

54 l. "Deputy local registrar" means a person appointed
55 by and working under the supervision of a local regis-
56 trar in the discharge of the vital statistics functions spe-
57 cified to be performed in and for the county or other dis-
58 trict of such local registrar.

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

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

1 Pursuant to the provisions of section seven, article
2 one of this chapter, there is hereby established in the

3 state department of health a division of vital statistics
4 which shall install, maintain, and operate the system of
5 vital statistics throughout this state. The state board of
6 health shall have general supervision over the division
7 of vital statistics, which shall be under the immediate
8 supervision of the state registrar of vital statistics. The
9 board shall provide for such clerical and other assistants in
10 the division of vital statistics as may be necessary for the
11 purposes of this article. Suitable offices shall be pro-
12 vided at the seat of state government for the division of
13 vital statistics, and such offices shall be properly equipped
14 with a fireproof vault and filing cases for the permanent
15 and safe preservation of all official records made, main-
16 tained, or filed under the provisions of this article.

§16-5-3. Duties of the state board of health.

1 The state board of health is authorized, in conformity
2 with the provisions of section three, article one of this
3 chapter to adopt, amend and repeal rules and regulations
4 for the purpose of carrying out the specific provisions
5 of this article.

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

1 The state board of health, with the advice of the state
2 director of health, shall appoint and prescribe the quali-

3 fications of the state registrar of vital statistics in accord-
4 ance with the provisions of section seven, article one of
5 this chapter.

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

1 a. The state registrar of vital statistics shall:

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

6 (2) Direct and supervise the statewide system of vital
7 statistics and the operation of the division of vital statis-
8 tics, and act as custodian of its records.

9 (3) Direct, supervise and control the activities of
10 local registrars and the activities of public officers in re-
11 lation to the operation of the vital statistics system and
12 provide them with the postage necessary for them to
13 carry out their duties under this article.

14 (4) Prescribe, with the approval of the state board of
15 health, and provide and distribute all forms necessary
16 to carry out the provisions of this article and of the rules
17 and regulations adopted and promulgated thereunder.

18 (5) Prepare and publish annual reports of vital
19 statistics of this state, and such other reports as may be
20 required by the state board of health.

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

26 c. The state registrar, either personally or by a duly
27 delegated representative, shall have authority to investi-
28 gate cases of irregularity or violation of law arising under
29 the provisions of this article, and all local registrars,
30 deputy local registrars, and subregistrars shall aid him,
31 upon request, in such investigations. When he shall deem
32 it necessary, he shall report cases of violation of any of
33 the provisions of this article to the prosecuting attorney
34 of the county, with a statement of the facts and circum-
35 stances. When any such case is reported to him by the
36 state registrar, the prosecuting attorney shall forthwith
37 initiate and promptly prosecute the necessary court pro-
38 ceedings against the person or corporation responsible

39 for the alleged violation of law. Upon request of the state
40 registrar, the attorney general shall assist in the enforce-
41 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.

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

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

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

10 (3) Transmit, on the first and fifteenth day of each
11 month or as soon as possible thereafter, the certificates,
12 reports or other returns filed with him to the state reg-
13 istrar of vital statistics, or transmit the same more fre-
14 quently when directed to do so by the state registrar.

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

18 b. In accordance with rules and regulations adopted
19 and promulgated pursuant to this article, the deputy lo-
20 cal registrar shall perform the duties of the local regis-

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.

§16-5-9. Compensation of local registrars.

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
2 end of each quarter of the calendar year, to the county
3 courts of the several counties, the number of births, fetal
4 deaths and deaths properly registered with the names
5 of the local registrars and the amounts due each. All
6 amounts payable to a local registrar under the provisions
7 of this section shall be paid by the treasurer of the county
8 in which the registration district is located, upon the order
9 of the county court of such county issued upon such certi-
10 fication by the state registrar of vital statistics. Where
11 a local registrar is a full-time employee of any state or
12 local governmental unit or body, the state registrar shall
13 so state in his certification, and, in such case, the county
14 court shall make payment, pursuant to section nine of
15 this article, to the governmental unit or body by which
16 such registrar is employed.

§16-5-11. Form of certificates.

1 a. In order to promote and maintain uniformity in the
2 system of vital statistics, the forms of certificates, reports
3 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,

12 secure the signatures required for the certificate and file
13 it with the local registrar. The physician in attendance
14 shall certify to the facts of birth and provide the medical
15 information required for the certificate within five days
16 after the birth.

17 c. When a birth occurs outside an institution, the cer-
18 tificate shall be prepared and filed by one of the following
19 in the indicated order of priority:

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

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

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

27 d. If the mother was married either at the time of
28 conception or birth, the name of the husband shall be
29 entered on the certificate as the father of the child unless
30 paternity has been determined otherwise by a court of
31 competent jurisdiction, in which case the name of the

32 father as determined by the court shall be entered.

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

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

45 g. In order that each county may have a complete
46 record of the births occurring in said county, the local
47 registrar shall transmit each month to the county clerk
48 of his county the copies of the certificates of all births
49 occurring in said county, from which copies the clerk
50 shall compile a record of such births and shall enter the
51 same in a systematic and orderly way in a well-bound
52 register of births, which said register shall be a public

53 record: *Provided*, That such copies and register shall
54 not state that any child was either legitimate or illegi-
55 timate. The form of said register of births shall be pre-
56 scribed by the state registrar of vital statistics.

**§16-5-13. Infants of unknown parentage; foundling registra-
tion.**

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

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

14 b. The place where the child was found shall be en-
15 tered as the place of birth and the date of birth shall be
16 determined by approximation.

17 c. A report registered under this section shall consti-
18 tute the certificate of birth for the infant.

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

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

1 a. When the birth of a person born in this state has
2 not been registered within the time period provided in
3 section twelve of this article, a certificate may be filed in
4 accordance with rules and regulations adopted and prom-
5 ulgated by the state board of health. Such certificate shall
6 be registered subject to such evidentiary requirements as
7 the state board of health shall by rule and regulation pre-
8 scribe to substantiate the alleged facts of birth.

9 b. Certificates of birth registered one year or more
10 after the date of occurrence shall be marked "Delayed"
11 and shall show on their face the date of the delayed
12 registration.

13 c. A summary statement of the evidence submitted
14 in support of the delayed registration shall be endorsed
15 on the certificate.

16 d. (1) When an applicant does not submit the mini-
17 mum documentation required in the rules and regulations
18 for delayed registration or when the state registrar of vital
19 statistics finds reason to question the validity or adequacy
20 of the certificate or the documentary evidence, the state
21 registrar of vital statistics shall not register the delayed
22 certificate and shall advise the applicant in writing of the
23 reasons for this action.

24 (2) The state board of health may by rule and regu-
25 lation provide for the dismissal of an application which
26 is not actively prosecuted.

§16-5-15. Judicial procedure to establish facts of birth.

1 a. If a delayed certificate of birth is refused under the
2 provisions of section fourteen of this article, a petition
3 may be filed with the circuit court or other court of record
4 of competent jurisdiction for an order establishing a
5 record of the date and place of the birth and the parent-

6 age of the person whose birth is to be registered.

7 b. Such petition shall allege:

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

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

13 (3) That diligent efforts by the petitioner have failed
14 to obtain the evidence required in accordance with sec-
15 tion fourteen of this article and of any rules and regula-
16 tions adopted and promulgated thereunder.

17 (4) That the state registrar of vital statistics has re-
18 fused to register a delayed certificate of birth; and

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

21 c. The petition shall be accompanied by a copy of the
22 statement of reasons of the registration official made in ac-
23 cordance with sub-section d (1), section fourteen of
24 this article and by all documentary evidence which was
25 submitted to the registration official in support of such
26 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

48 the record of birth, from which copies may be issued in
49 accordance with the provisions of this article.

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

§16-5-16. Court reports of adoption.

1 a. In conformance with the provisions of chapter forty-
2 eight, article four, section four of this code, any court in
3 this state entering an order of adoption shall require the
4 preparation by the clerk of the court of a certificate of
5 adoption on a form prescribed and furnished by the
6 state registrar of vital statistics. Such certificate shall
7 include the factual information described in chapter forty-
8 eight, article four, section four; shall provide such addi-
9 tional information as may be required under rules and
10 regulations duly adopted pursuant to this article to estab-
11 lish a new certificate of birth of the person adopted; shall
12 identify the order of adoption; and shall be certified by
13 the clerk of court.

14 b. Information in the possession of the petitioner neces-

15 sary to prepare the certificate of adoption shall be pleaded
16 in the petition for adoption or shall be furnished to the
17 clerk of the court by the petitioner for adoption at the
18 time the petition is filed. Any social or welfare agency
19 or other person concerned with the adoption shall supply
20 the petitioner with such information in the possession of
21 such agency or person as may be necessary to complete
22 the certificate.

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

29 d. Not later than the tenth day of each calendar month,
30 the clerk of the court shall forward to the state registrar
31 of vital statistics a report of all orders or of adoption and
32 of annulments or amendments thereof, entered in the
33 preceding month, together with such related certificates
34 and reports as may be required under the provisions of
35 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

14 preceding month, together with such related reports as
15 the state registrar of vital statistics shall require.

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

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

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

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

14 b. When a new certificate of birth is established, the
15 actual place and date of birth, if known, shall be shown.
16 it shall be substituted for the original certificate of birth
17 and thereafter, the original certificate and the evidence of

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

38 from inspection or forwarded to the state registrar of vital
39 statistics, as he shall direct.

§16-5-19. Death registration.

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

8 (1) if the place of death is unknown, a death certi-
9 ficate shall be filed in the registration district in which
10 a dead body is found within three days after the finding;
11 and

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

15 b. The funeral director or person acting for him who
16 first assumes custody of a dead body shall file the death
17 certificate. He shall obtain the necessary personal data
18 from the next of kin or the best qualified person or source

19 available. He shall obtain the medical certification of the
20 cause of death from the person responsible for making
21 such certification.

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

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

34 e. When death occurs in a manner subject to investi-
35 gation, the coroner or other officer or official charged with
36 the legal duty of making such investigation shall investi-
37 gate the cause of death and shall complete and sign the
38 medical certification within twenty-four hours after mak-
39 ing determination of the cause of death.

40 f. In order that each county may have a complete
41 record of the deaths occurring in said county, the local
42 registrar shall transmit each month to the county clerk
43 of his county a copy of the certificates of all deaths occur-
44 ring in said county, and if any person shall die in a county
45 other than that county within the state in which such
46 person last resided prior to death, then the state registrar
47 shall, if possible, also furnish a copy of such death certi-
48 ficate to the clerk of the county court of the county where-
49 in such person last resided, from which copies the clerk
50 shall compile a record of such deaths and shall enter the
51 same in a systematic and orderly way in a well-bound
52 register of deaths for that county, which such register
53 shall be a public record. The form of said death register
54 shall be prescribed by the state registrar of vital statistics.

§16-5-20. Fetal death registration.

1 a. A fetal death certificate for each fetal death which
2 occurs in this state after a gestation period of twenty
3 completed weeks shall be filed with the local registrar of
4 the registration district in which the delivery occurs
5 within three days after such delivery and prior to removal

6 of the fetus from the state, and shall be registered with
7 such registrar if it has been completed and filed in ac-
8 cordance with this section: *Provided*, That

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

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

17 b. The funeral director or person acting for him who
18 first assumes custody of a fetus shall file the fetal death
19 certificate. In the absence of such a person, the physician
20 or other person in attendance at or after the delivery
21 shall file the certificate of fetal death. The person filing
22 such certificate shall obtain the personal data from the
23 next of kin or the best qualified person or source avail-
24 able and shall obtain the medical certification of the cause
25 of death from the person responsible for making such cer-
26 tification.

27 c. The medical certification shall be completed and
28 signed within twenty-four hours after delivery by the
29 physician in attendance at or after delivery except when
30 inquiry is required by chapter sixty-one, article twelve
31 or other applicable provision of this code.

32 d. When a fetal death occurs without medical atten-
33 dance for the mother at or after delivery and an in-
34 quiry is not required by chapter sixty-one, article twelve
35 or other applicable provision of this code, the local health
36 officer shall investigate the cause of fetal death and shall
37 complete and sign the medical certification within twenty-
38 four hours after receiving notice of the delivery.

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

§16-5-21. Permits.

1 a. The funeral director or person acting for him who
2 first assumes custody of a dead body or of a fetus

3 which has died after a gestation period of twenty com-
4 pleted weeks shall obtain a burial or transit permit prior
5 to final disposition or removal from the state of the body
6 or fetus and within seventy-two hours after death.

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

11 c. A burial or transit permit issued under the law
12 of another state which accompanies a dead body or fetus
13 brought into this state shall be authority for final dis-
14 position of the body or fetus in this state.

15 d. A permit for disinterment and reinterment shall
16 be required prior to disinterment of a dead body or fetus
17 except as authorized by rule and regulation or otherwise
18 provided by law or by order of a court having jurisdiction
19 with respect thereto. Such permit shall be issued by the
20 local registrar to a licensed funeral director, embalmer,
21 or other persons acting on their behalf, upon proper ap-
22 plication.

23 e. The form and contents of burial, transit and disin-
24 terment and reinterment permits shall be prescribed by
25 the state registrar of vital statistics in conformance with
26 the provisions of subdivision (4), subsection a, section
27 five of this article.

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

1 No person in charge of any premises on which inter-
2 ment or other disposition of dead bodies is made shall
3 inter or permit the interment or other disposition of any
4 such body unless it is accompanied by a burial, transit
5 or reinterment permit except as otherwise provided by
6 order of a court having jurisdiction with respect thereto.
7 Such person shall endorse upon the permit the date of
8 interment or other disposition over his signature and shall
9 return the permit, so endorsed, to the local registrar of
10 of the registration district within which the interment or
11 other disposition of the body is made. Such return shall
12 be made within ten days from the date of interment or
13 other disposition. The person endorsing the permit shall
14 keep a record of all bodies interred or otherwise disposed

15 of on the premises under his charge, which record shall
16 contain the name of the deceased person, place of death,
17 date of burial or disposal, name and address of the funeral
18 director or person acting for him, and such other infor-
19 mation as may be required by rule and regulation duly
20 adopted pursuant to this article. Such record shall at all
21 times be open to official inspection: *Provided*, That when
22 a body is interred or otherwise disposed of in a cemetery,
23 burial ground, or other premises having no person in
24 charge, the funeral director or person acting for him and
25 making or supervising such interment or disposition shall
26 endorse upon the burial, transit or reinterment permit,
27 the date of interment or disposition over his signature
28 and shall write across the face of the permit "No person
29 in charge" and shall file the endorsed permit with the
30 local registrar of the registration district in which inter-
31 ment or other disposition is made within ten days of such
32 interment or other disposition.

§16-5-23. Extension of time.

- 1 a. The state board of health shall, by rule and regula-
- 2 tion and upon such conditions as it may prescribe to assure

3 compliance with the purposes of this article, provide for
4 the extension of the periods prescribed in sections nine-
5 teen, twenty and twenty-one of this article for the filing of
6 death certificates, fetal death certificates, medical certifica-
7 tions of the cause of death, and for the obtaining of burial
8 or transit permits, in cases in which compliance with the
9 applicable prescribed period would result in undue hard-
10 ship.

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

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

1 a. A certificate or record registered pursuant to this
2 article may be amended only in accordance with the pro-
3 visions of this article and rules and regulations duly
4 adopted thereunder.

5 b. A certificate that is amended under this section shall
6 be marked "amended", except as hereinafter provided in
7 this subsection and in subsection d of this section. The date
8 of amendment and a summary description of the evidence
9 submitted in support of the amendment shall be endorsed
10 on or made a part of the record. The state board of health
11 shall prescribe by rule and regulation the conditions
12 under which additions or minor corrections shall be made
13 to birth certificates within one year after the date of birth
14 without the certificate being considered or marked as
15 amended. The state board of health shall also prescribe
16 by rule and regulation a simplified procedure for the
17 correction of any certificate or record registered pursuant
18 to this article which is deficient in any particular, includ-
19 ing, but not limited to, the omission or misspelling of a
20 first name, and such rule and regulation shall specify
21 when and under what circumstances a certificate or record
22 so corrected shall be considered or marked as amended.

23 c. Upon receipt of a certified copy of a court order of
24 a court of competent jurisdiction changing the name of

25 a person born in this state, which order was made and
26 entered in a proceeding brought for that purpose, and
27 upon request of such person or his parent, guardian, or
28 legal representative, the state registrar of vital statistics
29 shall amend the certificate of birth to reflect the new name.

30 d. Upon request, and upon receipt of a sworn acknowl-
31 edgment of paternity of a child born out of wedlock
32 signed by both parents, the state registrar of vital statis-
33 tics shall amend the certificate of birth to show such pa-
34 ternity if paternity is not shown on the birth certificate.
35 Upon request of both of the parents, the surname of the
36 child shall be changed on the certificate to that of the
37 father. Such certificate shall not be marked "amended."
38 e. When a certificate is amended under this section,
39 the state registrar of vital statistics shall report the
40 amendment to the custodian of any permanent local
41 records and such record shall be amended accordingly.

§16-5-25. Reproduction of records.

1 To preserve original documents, the state registrar of
2 vital statistics is hereby authorized to prepare typewrit-
3 ten, photographic, or other reproductions of original rec-

4 ords and files in his office. Such reproductions when certi-
5 fied by him shall be accepted as the original record.

§16-5-26. Disclosure of records.

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

18 upon order of a court having jurisdiction with respect
19 thereto.

20 d. Appeals from decisions of the custodians of per-
21 manent local records refusing to disclose confidential in-
22 formation, or to permit inspection of or copying of confi-
23 dential information under the authority of this section
24 and rules and regulations issued hereunder shall be made
25 to the state registrar of vital statistics, whose decisions
26 shall be binding upon the local custodians of permanent
27 local records.

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

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

3 a. The state registrar of vital statistics shall upon
4 request issue a certified copy of all or any part of any
5 certificate or record in his custody. Each copy issued
6 shall show the date of registration, and copies issued from
7 records marked "delayed", "amended", or "court order"
8 shall be similarly marked and shall show the effective
9 date of the delayed registration, amendment or court
10 order.

11 b. A certified copy of a certificate or any part thereof,
12 issued in accordance with subdivision (a) of this section,
13 shall be considered for all purposes the same as the
14 original, and shall be prima facie evidence of the facts
15 therein stated.

16 c. The national office of vital statistics may be furnished
17 such copies of or data from state vital statistics records
18 as it may require for national statistics: *Provided*, That
19 the state shall be reimbursed for the cost of furnishing
20 such data: *Provided, however*, That such data shall not
21 be used for other than statistical purposes by the na-
22 tional office of vital statistics unless so authorized by the
23 state board of health.

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

29 e. No person shall prepare or issue any certificate
30 which purports to be an original, certified copy, or copy of
31 a certificate of birth, death, or fetal death, except as au-

32 thorized by this article, or by rules and regulations duly
33 adopted thereunder: *Provided*, That the foregoing provi-
34 sions of this subdivision shall not be construed as in any
35 way prohibiting or infringing upon the right and duty of
36 a county clerk to furnish a certified copy of any records
37 in his lawful custody.

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

1 a. The state board of health shall prescribe the fees,
2 if any, to be charged and collected by the state registrar of
3 vital statistics for certified copies of certificates or records,
4 not to exceed two dollars per copy, or for a search
5 of the files or records when no copy is made: *Provided*,
6 That the state registrar shall, upon request of any parent
7 or guardian, supply without fee a certificate limited to
8 a statement as to the date of birth of any child, when the
9 same shall be necessary for admission to school, or for
10 the purpose of securing employment: *Provided, however*,
11 That the state registrar may furnish certified copies of
12 birth and death records to the state welfare department,
13 to county welfare departments and to organized charities,
14 free of charge, when such certificates are needed in pre-

15 senting claims to the federal government, or to the state
16 department of welfare, and an accurate record shall be
17 made of all such certificates so furnished.

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

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

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

13 b. When a dead human body is released or disposed
14 of by an institution, the person in charge of the institution

15 shall keep a record showing the name of the deceased,
16 date of death, name and address of the person to whom
17 the body is released, and date of removal from the institu-
18 tion or if finally disposed of by the institution, the date,
19 place, and manner of disposition.

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

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

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

1 Any person having knowledge of any fact required to
2 be recorded under the provisions of this article or any

3 rules and regulations duly adopted thereunder, or knowl-
4 edge of which by the state registrar of vital statistics is
5 necessary to effectuate the purposes of this article, shall
6 furnish information of such fact to the state registrar of
7 vital statistics upon request.

§16-5-31. Penalties.

1 a. (1) Any person who wilfully and knowingly
2 makes any false statement in a report, record, or certifi-
3 cate required to be filed under this article, or in an ap-
4 plication for an amendment thereof or who wilfully and
5 knowingly supplies false information intending that such
6 information be used in the preparation of any such report,
7 record or certificate, or amendment thereof; or

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

13 (3) Any person who wilfully and knowingly uses or
14 attempts to use, or furnishes or attempts to furnish to
15 another for use, for any purpose of deception, any certi-

16 ficate, record, report, or certified copy thereof so made,
17 altered, amended, or mutilated; or

18 (4) Any person who with the intention to deceive
19 wilfully uses or attempts to use any certificate of birth
20 or certified copy of a record of birth knowing that such
21 certificate or certified copy was issued upon a record
22 which is false in whole or in part or which related to
23 the birth of another person; or

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

32 b. (1) Any person who knowingly transports or ac-
33 cepts for transportation, interment or other disposition
34 a dead body without an accompanying permit as provided
35 in this article; or

36 (2) Any person who refuses to provide information
37 required by this article; or

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

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

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

8 a. Install a statewide system of registering, indexing,

9 and preserving records of marriage, divorce and annul-
10 ment of marriage.

11 b. Make and amend necessary rules and regulations,
12 give instructions, and prescribe and furnish forms, for
13 collecting, transcribing, compiling, and preserving records
14 and statistics of marriage, divorce and annulment of mar-
15 riage.

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

§16-5-33. Registration of marriages.

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

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

10 b. The state registrar shall preserve and index all
11 records thus received and shall upon request issue a

12 certified copy of the same, which shall be prima facie
13 evidence in all courts in the state of the facts stated
14 therein.

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

1 a. The clerk of every court of record having jurisdic-
2 tion of actions for divorce or annulment of marriage shall
3 monthly make and deliver to the state registrar of vital
4 statistics a report on a form prescribed by the state regis-
5 trar of vital statistics, listing all of the divorces or annul-
6 ments of marriages granted by such court during the pre-
7 ceding calendar month, showing insofar as such informa-
8 tion appears in the complaint or final order or decree:

9 (1) the names and ages of the parties to the action,
10 (2) the date and place of the marriage thereby termi-
11 nated,

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

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

15 *Provided*, That in counties where the court is not in
16 continuous session these reports shall be forwarded with-
17 in 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 Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1969.

Thomas M. McE...
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lyda J. ...
President of the Senate

Sam F. Binner
Speaker House of Delegates

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

Arch A. Shouse Jr.
Governor

7

PRESENTED TO THE
GOVERNOR

Date 2/20/69 FEB 21 11 03 AM '69

Time 9:35 am OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

REC-27 11 03 AM '69

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA