WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

ENROLLED
SENATE BILL NO. 202

(By Mr. Jones)

PASSED March 10, 1979

In Effect ninety days from Passage
AN ACT to amend and reenact sections twelve and nineteen, article five, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring the filing of a birth certificate in the district where the birth occurs and in the district where the mother resides; and requiring the filing of a death certificate in the district where the death occurs and in the district where the deceased resided.

Be it enacted by the Legislature of West Virginia:

That sections twelve and nineteen, 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.

§16-5-12. Birth registration generally.

1 a. A certificate of birth for each live birth which occurs in this state shall be filed with the local registrar of the district in which the birth occurs within seven days after such birth and shall be registered by such registrar if it has been completed and filed in accordance with this section. When a birth occurs in a moving conveyance, a birth certificate shall be filed in the district in which the child is first removed from the conveyance. When a birth occurs in a district other than where the mother resides, a birth certificate shall be filed in the district in which the child is born and in the district in which the mother resides.

13 b. When a birth occurs in an institution, the person in charge of the institution or his designated representa-
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 father as determined by the court shall be entered.

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
record: Provided, That such copies and register shall
not state that any child was either legitimate or illegit-
imate. The form of said register of births shall be pre-
scribed by the state registrar of vital statistics.

§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 certifi-
cate shall be filed in the registration district in which a
dead body is found within three days after the finding;

(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 con-
voyance; and

(3) If the death occurs in a district other than where
the deceased resided, a death certificate shall be filed in
the registration district in which the death occurred and
in the district in which the deceased resided.

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
physician in charge of the patient's care for the illness
or condition which results in death except when inquiry
is required 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 investigation, the coroner or other officer or official charged with the legal duty of making such investigation shall investigate the cause of death and shall complete and sign the medical certification within twenty-four hours after making 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 commission 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence E. Chapman
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. Dillion Jr.
Clerk of the Senate

W. Blackmun
Clerk of the House of Delegates

J. B. Edmisten
President of the Senate

N. F. Skelton
Speaker House of Delegates

The within is approved this the 20th day of March, 1979.

John D. Dalton
Governor