WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979

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ENROLLED

SENATE BILL NO. 202

(By Mr. *Jones*)

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PASSED *March 10,* 1979

In Effect *ninety days from* Passage

No. 202

ENROLLED

Senate Bill No. 202

(By Mr. Jones)

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
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
8 in which the child is first removed from the conveyance.
9 When a birth occurs in a district other than where the
10 mother resides, a birth certificate shall be filed in the
11 district in which the child is born and in the district in
12 which the mother resides.
13   b. When a birth occurs in an institution, the person
14 in charge of the institution or his designated representa-

15 tive shall obtain the personal data, prepare the **certificate,**
16 secure the signatures required for the certificate **and**
17 file it with the local registrar. The physician in attend-
18 ance shall certify to the facts of birth and provide **the**
19 medical information required for the certificate **within**
20 five days after the birth.

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

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

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

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

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

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

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

49   g. In order that each county may have a **complete**
50 record of the births occurring in said county, the **local**
51 registrar shall transmit each month to the county **clerk**
52 of his county the copies of the certificates of all **births**
53 occurring in said county, from which copies the **clerk**

54 shall compile a record of such births and shall enter the
55 same in a systematic and orderly way in a well-bound
56 register of births, which said register shall be a public
57 record: *Provided,* That such copies and register shall
58 not state that any child was either legitimate or illegit-
59 imate. The form of said register of births shall be pre-
60 scribed by the state registrar of vital statistics.

§16-5-19. Death registration.

1   a. A death certificate for each death which occurs in
2   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
6   registrar if it has been completed and filed in accordance
7   with this section: *Provided,* That

8   (1) If the place of death is unknown, a death certifi-
9   cate shall be filed in the registration district in which a
10 dead body is found within three days after the finding;

11   (2) If death occurs in a moving conveyance, a death
12 certificate shall be filed in the registration district in
13 which the dead body is first removed from such con-
14 veyance; and

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

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

26   c. The medical certification shall be completed and
27 signed within twenty-four hours after death by the
28 physician in charge of the patient's care for the illness
29 or condition which results in death except when inquiry
30 is required pursuant to chapter sixty-one, article twelve
31 or other applicable provision of this code.

32   d. When death occurs without medical attendance
33 and inquiry is not required pursuant to chapter sixty-one,
34 article twelve or other applicable provisions of this code,
35 the local health officer shall investigate the cause of
36 death and complete and sign the medical certification
37 within twenty-four hours after receiving notice of the
38 death.
39   e. When death occurs in a manner subject to investiga-
40 tion, the coroner or other officer or official charged with
41 the legal duty of making such investigation shall investi-
42 gate the cause of death and shall complete and sign the
43 medical certification within twenty-four hours after
44 making determination of the cause of death.
45   f. In order that each county may have a complete
46 record of the deaths occurring in said county, the local
47 registrar shall transmit each month to the county clerk
48 of his county a copy of the certificates of all deaths
49 occurring in said county, and if any person shall die in
50 a county other than that county within the state in
51 which such person last resided prior to death, then the
52 state registrar shall, if possible, also furnish a copy of
53 such death certificate to the clerk of the county com-
54 mission of the county wherein such person last resided,
55 from which copies the clerk shall compile a record of
56 such deaths and shall enter the same in a systematic and
57 orderly way in a well-bound register of deaths for that
58 county, which such register shall be a public record.
59 The form of said death register shall be prescribed by
60 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 C. Churston Jr

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J C Dillan Jr

Clerk of the Senate

C A Blankenship

Clerk of the House of Delegates

W Brotherton

President of the Senate

Clyde M. See Jr.

Speaker House of Delegates

The within _is approved_ this the _28_ day of _March_, 1979.

John D. Rockefeller

Governor