

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative McJunkin**

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 20-18-601 TO CHANGE THE  
9 TIME PERIOD FOR THE FILING OF A DEATH CERTIFICATE FROM TEN  
10 (10) DAYS TO THREE (3) DAYS AND TO REDUCE THE TIME PERIOD  
11 FOR THE MEDICAL CERTIFICATION OF THE CAUSE OF DEATH FROM  
12 FORTY-EIGHT (48) HOURS TO TWENTY-FOUR (24) HOURS; AND FOR  
13 OTHER PURPOSES."

## Subtitle

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16 "AN ACT TO CHANGE THE DEADLINE FOR FILING DEATH  
17 CERTIFICATES FROM TEN (10) DAYS TO THREE (3) DAYS AND TO  
18 REDUCE THE TIME PERIOD FOR THE MEDICAL CERTIFICATION OF  
19 THE CAUSE OF DEATH."

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. Arkansas Code § 20-18-601 is hereby amended to read as  
24 follows:

25 "20-18-601. Registration generally.

26 (a) A death certificate for each death which occurs in this state shall  
27 be filed with the Division of Vital Records or as otherwise directed by the  
28 state registrar within three (3) days after death and prior to final  
29 disposition, or as prescribed by regulations of the board. It shall be  
30 registered if it has been completed and filed in accordance with this section.

31 (1) If the place of death is unknown but the body is found in  
32 this state, the death certificate shall be completed and filed in accordance  
33 with this section. The place where the body is found shall be shown as the  
34 place of death. If the date of death is unknown, it shall be determined by  
35 approximation.

1           (2) (A) When death occurs in a moving conveyance in the United  
2 States and the body is first removed from the conveyance in this state, the  
3 death shall be registered in this state and the place where it is first  
4 removed shall be considered the place of death.

5           (B) When a death occurs on a moving conveyance while in  
6 international waters or air space or in a foreign country and the body is  
7 first removed from the conveyance in this state, the death shall be registered  
8 in this state but the certificate shall show the actual place of death insofar  
9 as can be determined.

10          (b) The funeral director or person acting as such who first assumes  
11 custody of the dead body shall file the death certificate. He shall obtain the  
12 personal data from the next of kin or the best qualified person or source  
13 available and shall obtain the medical certification from the person  
14 responsible therefor, as set forth in subsection (c) of this section.

15          (c) The medical certification shall be completed, signed, and returned  
16 to the funeral director within twenty-four (24) hours after receipt of the  
17 death certificate by the physician in charge of the patient's care for the  
18 illness or condition which resulted in death, except when inquiry is required  
19 by § 12-12-315, § 12-12-318, or § 16-83-101 et seq.

20          (1) In the absence of the physician, or with his approval, the  
21 certificate may be completed and signed by his associate physician, the chief  
22 medical officer of the institution in which death occurred, or by the  
23 pathologist who performed an autopsy upon the decedent, provided the  
24 individual has access to the medical history of the case, views the deceased  
25 at or after death, and death is due to natural causes.

26          (2) In the event that none of the above individuals are  
27 available, the case should be referred to the coroner or deputy medical  
28 examiner in the county where the death occurred.

29          (d) If the cause of death appears to be other than the illness or  
30 condition for which the deceased was being treated or if inquiry is required  
31 by either of the laws referred to in subsection (c) of this section, the case  
32 shall be referred to the Office of State Medical Examiner or county coroner  
33 for investigation to determine and certify the cause of death. If the state  
34 medical examiner or county coroner determines that the case does not fall  
35 within his jurisdiction, he shall within twenty-four (24) hours refer the case

1 back to the physician for completion of the medical certification.

2 (e) When inquiry is required by either of the laws referred to in  
3 subsection (c) of this section, the state medical examiner or county coroner  
4 shall determine the cause of death and shall complete and sign the medical  
5 certification within twenty-four (24) hours after taking charge of the case.

6 (f) If the cause of death cannot be determined within twenty-four (24)  
7 hours after death, the medical certification shall be completed as provided by  
8 regulation. The attending physician or state medical examiner or county  
9 coroner shall give the funeral director, or person acting as such, notice of  
10 the reason for the delay, and final disposition of the body shall not be made  
11 until authorized by the attending physician or state medical examiner or  
12 county coroner.

13 (g) When a death is presumed to have occurred within this state but the  
14 body cannot be located, a death certificate may be prepared by the state  
15 registrar upon receipt of an order of a court of competent jurisdiction, which  
16 shall include the finding of facts required to complete the death certificate.  
17 Such a death certificate shall be marked "Presumptive" and shall show on its  
18 face the date of registration and shall identify the court and the date of the  
19 decree.

20 (h) The board may by regulation provide for the extension of time  
21 periods prescribed for the filing of death certificates in cases where  
22 compliance therewith would result in undue hardship."

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24 SECTION 2. All provisions of this act of general and permanent nature  
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 3. If any provisions of this act or the application thereof to  
29 any person or circumstance is held invalid, the invalidity shall not affect  
30 other provisions or applications of the act which can be given effect without  
31 the invalid provisions or application, and to this end the provisions of this  
32 act are declared to be severable.

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34 SECTION 4. All laws and parts of laws in conflict with this act are  
35 hereby repealed.

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