

Act 396 of the 1989 Regular Session.

Act 396

HB1047

By: Representative Tullis

"AN ACT TO AMEND TITLE 20, CHAPTER 18, OF THE ARKANSAS CODE OF 1987, TO DELETE OBSOLETE INFORMATION; UPDATE CURRENT INFORMATION REQUIREMENTS; AND MODIFY THE LAW TO COMPLY WITH ACTUAL PRACTICE AND RECENT COURT DECISIONS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 20-18-203 (a) is hereby amended to read as follows:

"(a) The Director of the Department of Health shall appoint the State Registrar of Vital Records, hereinafter referred to as 'state registrar.'

SECTION 2. Arkansas Code 20-18-401(e) is hereby amended to read as follows:

"(e) (1) If the mother was married at the time of either conception or birth, or anytime between conception and 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.

(2) If the mother was not married at the time of either conception or birth or anytime between conception and birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father. This procedure shall be performed prior to the filing of the birth certificate in the Division of Vital Records.

(3) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

(4) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate."

SECTION 3. Arkansas Code 20-18-601(c) is hereby amended to read as follows:

"(c) The medical certification shall be completed, signed, and returned to the funeral director within forty-eight (48) hours after receipt of death certificate by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by 12-12-315, 12-12-318, or 16-83-101 et seq.

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

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

SECTION 4. Arkansas Code 20-18-604 is hereby amended to read as follows:
"20-18-604. Final disposition of dead body or fetus.

(a) The funeral director who first assumes custody of a dead body shall, within seventy-two (72) hours and prior to final disposition of the body, obtain authorization for final disposition of the body. Authorization for final disposition should be obtained as provided in the regulations.

(b) Prior to final disposition of a dead fetus, irrespective of the duration of pregnancy, the funeral director, the person in charge of the institution, or other person assuming responsibility for final disposition of the fetus shall obtain from the parents authorization for final disposition on a form prescribed and furnished by the state registrar. After final disposition, the authorization shall be retained for a period of one (1) year by the funeral director, the person in charge of the institution, or other person making the final disposition.

(c) With the consent of the physician or state medical examiner or county coroner, who is to certify the cause of death, a body may be moved from the place of death for the purpose of being prepared for final disposition.

(d) An authorization for disposition 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.

(e) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. The authorization shall be issued by the state registrar to a licensed funeral director upon proper application.

(f) No sexton or other person in charge of any premises in which interments or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition. Each person in charge of any place for final disposition shall keep a record of all final dispositions made in the premises under his charge. The record shall state the name of the deceased person, date and place of death, date of final disposition, and the name and address of the funeral director or such information as prescribed by rules and regulations.

(g) Each person in charge of any place for final disposition shall endorse upon the authorization the date of disposition over his signature and shall return all authorizations to the issuing official in the county where death occurred within ten (10) days after the date of disposition. When there is no person in charge of the place for final disposition, the funeral director shall endorse and return the authorization."

SECTION 5. Arkansas Code 20-18-306(b) is hereby amended to read as follows:

"(b) (1) If the state registrar, acting upon any request for a certified copy, shall find that no birth, marriage, or divorce certificate has been previously filed, he shall be entitled to a fee of five dollars (\$5.00) for the examination and search, with the fee to be paid by the applicant.

(2) If the state registrar, acting upon any request for a certified copy of a death certificate finds that no certificate has been previously filed, he shall be entitled to a fee of four dollars (\$4.00) for the examination and search, with the fee to be paid by the applicant.

(3) The fee shall be paid prior to searching the record."

SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 7. All laws and parts of laws in conflict with this act are

hereby repealed.

APPROVED: March 8, 1989
