

As Engrossed: 3/31/95

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Flanagin**

A Bill

ACT 1295 OF 1995
HOUSE BILL 1806

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-18-203 AND 20-18-304
9 PERTAINING TO DISCLOSURE VITAL STATISTICS RECORDS AND
10 REPORTS; AND FOR OTHER PURPOSES."

Subtitle

13 "TO AMEND ARKANSAS CODE 20-18-203 AND
14 20-18-304 PERTAINING TO DISCLOSURE OF
15 VITAL STATISTICS RECORDS AND REPORTS."

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

19 SECTION 1. Arkansas Code 20-18-203 is amended to read as follows:

20 "20-18-203. State Registrar of Vital Records.

21 (a) The Director of the Department of Health shall appoint the State
22 Registrar of Vital Records.

23 (b) (1) The state registrar shall:

24 (A) Administer and enforce the provisions of this chapter
25 and the rules and regulations issued hereunder and issue instructions for the
26 efficient administration of the statewide system of vital statistics;

27 (B) Direct and supervise the statewide system of vital
28 statistics and the Division of Vital Records and be custodian of its records;

29 (C) Direct, supervise, and control the activities of all
30 persons when they are engaged in activities pertaining to the operation of the
31 statewide system of vital statistics;

32 (D) Conduct training programs to promote uniformity of
33 policy and procedures throughout the state in matters pertaining to the system
34 of vital statistics;

35 (E) Prescribe, with the approval of the board, furnish, and
36 distribute forms required by this chapter and the regulations issued hereunder

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1 or prescribe such other means for transmission of data as will accomplish the
2 purpose of complete and accurate registration;

3 (F) Prepare and publish in a timely manner annual reports
4 of vital statistics of this state and such other reports as may be required by
5 the board;

6 (G) Provide in a timely manner to local health agencies,
7 and for public releases, copies of data derived from certificates and reports
8 required under this chapter, as deemed necessary for local health planning and
9 program activities. The State Registrar shall establish a schedule with each
10 local health agency for transmittal of the copies or data.

11 (2) The state registrar may establish or designate additional
12 offices in the state to aid in the efficient administration of the statewide
13 system of vital statistics.

14 (3) The state registrar may delegate functions and duties vested
15 in him or her to employees of the Division of Vital Records and to employees
16 of an office established or designated under subdivision (b)(2) of this
17 section.

18 (4) The state registrar shall provide copies of certificates or
19 reports required under this chapter or data derived from such certificates or
20 reports, as deemed necessary, to the Division of Health Statistics for
21 statistical analysis and presentation.

22 (A) The state registrar shall establish a schedule for the
23 transmittal with the division.

24 (B) The records or data shall remain the property of the
25 Division of Vital Records and the uses which may be made of the records or
26 data shall be governed by the state registrar.

27 (C) A schedule for the disposition of the certificates,
28 reports, or data provided under subdivision (b)(4) of this section shall be
29 established by the state registrar.

30 (5) To protect the integrity of vital records and to prevent the
31 fraudulent use of birth certificates of deceased persons, the State Registrar
32 may match birth and death certificates, in accordance with regulations, which
33 require proof beyond a reasonable doubt of the fact of death and to post the
34 facts of death to the appropriate birth certificate and mark the birth
35 certificate Deceased. Copies issued from birth certificates of deceased

1 persons shall be similarly marked."
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3 SECTION 2. Arkansas Code 20-18-304 is amended to read as follows:

4 "20-18-304. Disclosure of information prohibited - Exceptions.

5 (a) To protect the integrity of vital records and vital reports, to
6 insure their proper use, and to insure the efficient and proper administration
7 of the system of vital statistics, it shall be unlawful for any person to
8 permit inspection of or to disclose information contained in vital records or
9 vital reports or to copy or issue a copy of all or part of any record or
10 report except as authorized by this chapter and by regulation or by order of a
11 court of competent jurisdiction. The regulations shall provide for adequate
12 standards of security and confidentiality of vital records and vital reports.

13 (b) The board may authorize by regulation the disclosure of information
14 contained in vital records for research purposes. Disclosure of information
15 which may identify any person or institution named in any vital record or
16 vital report may be made only pursuant to regulations which require submission
17 of written requests for information by researchers and execution of agreements
18 that protect the confidentiality of the information provided. The agreements
19 shall prohibit the release by the researcher of any information that might
20 identify any person or institution other than releases that may be provided
21 for in the agreement. Nothing in this act prohibits the release of
22 information or data which would not identify any person or institution named
23 in a vital record or vital report.

24 (c) Appeals from decisions of custodians of vital records or vital
25 reports designated under 20-18-203(b), who refuse to disclose information from
26 records or reports as prescribed by this section and the regulations issued
27 hereunder, shall be made to the state registrar, whose decision shall be
28 binding upon such custodians. Within three (3) working days of the receipt of
29 an appeal of a decision of a custodian of a vital record or vital report
30 designated under Arkansas Code 20-18-203(b), the State Registrar of Vital
31 Records shall issue a decision on the appeal."
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33 SECTION 3. All provisions of this act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Flanagan

APPROVED: 4-14-95

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