

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

A Bill

SENATE BILL 747

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-18-601 PERTAINING TO THE
9 REGISTRATION OF DEATH CERTIFICATES; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "AMEND ARKANSAS CODE 20-18-601 PERTAINING TO REGISTRATION
14 OF DEATH CERTIFICATES."

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

18 SECTION 1. Arkansas Code 20-18-601 is amended to read as follows:

19 "§ 20-18-601. Registration generally.

20 (a) A death certificate for each death which occurs in this state shall
21 be filed with the Division of Vital Records or as otherwise directed by the
22 state registrar within ten (10) days after death or as prescribed by
23 regulations of the board. It shall be registered if it has been completed and
24 filed in accordance with this section.

25 (1) If the place of death is unknown but the body is found in
26 this state, the death certificate shall be completed and filed in accordance
27 with this section. The place where the body is found shall be shown as the
28 place of death. If the date of death is unknown, it shall be determined by
29 approximation.

30 (2) When death occurs in a moving conveyance in the United States
31 and the body is first removed from the conveyance in this state, the death
32 shall be registered in this state and the place where it is first removed
33 shall be considered the place of death. When a death occurs on a moving
34 conveyance while in international waters or air space or in a foreign country
35 and the body is first removed from the conveyance in this state, the death

1 shall be registered in this state but the certificate shall show the actual
2 place of death insofar as can be determined.

3 (b) The funeral director or person acting as such who first assumes
4 custody of the dead body shall file the death certificate. He shall obtain the
5 personal data from the next of kin or the best qualified person or source
6 available and shall obtain the medical certification from the person
7 responsible therefor, as set forth below.

8 (c) *The medical certification shall be completed and signed by the*
9 *physician in charge of the patient's care for the illness or condition which*
10 *resulted in death, the physician will sign such certification at the time the*
11 *individual is pronounced as deceased, except when inquiry is required by §*
12 *12-12-315, § 12-12-318, or § 16-83-101 et seq.*

13 (1) If the certifier is other than the physician described in
14 subsection (c) above, or with his approval, the certificate may be completed
15 and signed by his associate physician, the chief medical officer of the
16 institution in which death occurred or by the pathologist who performed an
17 autopsy upon the decedent, *provided that the other physician has access to the*
18 *medical records of the decedent. Provided further, if the deceased is in a*
19 *Hospice program at the time of death, the certificate may be completed and*
20 *signed by a registered nurse.*

21 (2) *The Arkansas Department of Health shall provide hospitals,*
22 *nursing homes and hospices with the appropriate death certificate forms which*
23 *will be made available to the attending physicians, coroners or other*
24 *certifiers of death. When death occurs outside these health facilities, the*
25 *funeral home will provide the death certificate to the certifier.*

26 (3) In the event that none of the above individuals are
27 available, the case may be referred to the coroner or deputy medical examiner
28 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) above the case shall be
32 referred to the Office of State Medical Examiner or county coroner for
33 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) above the state medical examiner or county coroner shall
4 determine the cause of death and shall complete and sign the medical
5 certification within forty-eight (48) hours after taking charge of the case.

6 (f) If the cause of death cannot be determined within forty-eight (48)
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."

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21 SECTION 2. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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

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

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/s/ Senator Scott

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As Engrossed: 3/12/93 3/18/93 3/23/93 4/8/93

SB 747

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