

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Flanagin

5

6

7

# A Bill

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."

11

12

## Subtitle

13

14

15

16

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

18

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  
31 the 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  
34 system of vital statistics;

35

(E) Prescribe, with the approval of the board, furnish,

1 and distribute forms required by this chapter and the regulations issued  
2 hereunder or prescribe such other means for transmission of data as will  
3 accomplish the purpose of complete and accurate registration;

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

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

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

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

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

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

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

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

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

1 mark the birth certificate Deceased. Copies issued from birth certificates  
2 of deceased persons shall be similarly marked."

3

4 SECTION 2. Arkansas Code 20-18-304 is amended to read as follows:

5 "20-18-304. Disclosure of information prohibited - Exceptions.

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

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

26 (c) Appeals from decisions of custodians of vital records or vital  
27 reports designated under 20-18-203(b), who refuse to disclose information  
28 from records or reports as prescribed by this section and the regulations  
29 issued hereunder, shall be made to the state registrar, whose decision shall  
30 be binding upon such custodians. Within three (3) working days of the  
31 receipt of an appeal of a decision of a custodian of a vital record or vital  
32 report designated under Arkansas Code 20-18-203(b), the State Registrar of  
33 Vital Records shall issue a decision on the appeal."

34

35 SECTION 3. All provisions of this act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
2 Code Revision Commission shall incorporate the same in the Code.

3

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

9

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

12

*/s/Rep. Flanagan*

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

- 1
- 2
- 3
- 4
- 5