

HOUSE BILL No. 2718

AN ACT concerning the department of health and environment; relating to vital statistics; amending K.S.A. 23-110, 65-2417 and 65-2434 and K.S.A. 2001 Supp. 65-2418, 65-2422d and 65-2423 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 65-2418a.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 23-110 is hereby amended to read as follows: 23-110. The secretary of health and environment shall index all records received pursuant to K.S.A. 23-109 and amendments thereto and, upon request, shall issue a certified copy *or abstract* of them which in all courts and for all purposes shall be prima facie evidence of the facts stated in them. For each certified copy *or abstract* a fee shall be paid to the secretary in an amount prescribed in accordance with, and disposed of in the manner provided by, K.S.A. 65-2418 and amendments thereto.

Sec. 2. K.S.A. 65-2417 is hereby amended to read as follows: 65-2417. (a) Subject to the requirements of K.S.A. 65-2421, ~~65-2422~~, 65-6422d and 65-2423 *and amendments thereto*, the state registrar shall, upon request, furnish to any applicant a certified copy *or a certified abstract* of any certificate, or any part thereof.

(b) Copies *or abstracts* of the contents of any certificate on file or any part thereof, certified by the state registrar shall be considered for all purposes the same as the original subject to the requirements of K.S.A. 65-2421, ~~65-2422~~, 65-2422d and 65-2423.

Sec. 3. K.S.A. 2001 Supp. 65-2418 is hereby amended to read as follows: 65-2418. (a) Except as otherwise provided in this section, the secretary shall fix and charge the fees, if any, to be paid for certified copies *or abstracts* of certificates or for search of the files or records when no certified copy *or abstract* is made. Fees for certified copies *or abstracts* of certificates shall be fixed by rules and regulations of the secretary except that the fee for the first copy of a birth or death certificate *or abstract* shall include a \$3 surcharge and the fee for each additional copy of the same birth or death certificate *or abstract* requested at the same time shall include a \$1 surcharge. The secretary shall not charge any fee for a certified copy of a certificate *or abstract* or for a search of the files or records if the certificate, *abstract* or search is requested by a person who exhibits correspondence from the United States ~~veterans administration~~ *department of veterans affairs* or the Kansas commission on veterans' affairs which indicates that the person is applying for benefits from the United States ~~veterans administration~~ *department of veterans affairs* and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent ~~certified~~ copy of a certificate, *abstract* or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.

(b) Subject to K.S.A. 65-2420, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.

(c) (1) The secretary shall remit all moneys received by or for the secretary from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, other than remittances for fees for birth certificates *or abstracts*, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(2) Upon receipt of any such remittance of a fee for a birth certificate *or abstract*, \$3 of each such fee for the first copy of a birth certificate *or abstract* and \$1 of each such fee for each additional copy of the same birth certificate *or abstract* requested at the same time shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto. Upon receipt of any such remittance of a fee for a death certificate *or abstract*, \$3 of each such fee for the first copy of a death certificate *or abstract* and \$1 of each such fee for each additional copy of the same death certificate *or abstract* requested at the same time shall be remitted to the state trea-

surer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a birth certificate *or abstract* shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) *Upon receipt of any fee for a certified copy or abstract of a birth, death, fetal death, marriage or divorce certificate, \$1 of each such fee shall be remitted to the state treasurer who shall deposit the entire amount of each such remittance in the state treasury and credit it to the vital statistics maintenance fee fund created under K.S.A. 2001 Supp. 65-2418b, and amendments thereto. For the purposes of the vital statistics maintenance fee fund, the secretary of health and environment shall adopt rules and regulations providing for an increase of \$1 in the fees charged by the state registrar for providing a certified copy or abstract of a birth, death, fetal death, marriage or divorce certificate.*

Sec. 4. K.S.A. 2001 Supp. 65-2422d is hereby amended to read as follows: 65-2422d. (a) The records and files of the division of health pertaining to vital statistics shall be open to inspection, subject to the provisions of this act and rules and regulations of the secretary. It shall be unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this act and the secretary, and it shall be unlawful for anyone who possesses, stores or in any way handles vital statistics records under contract with the state to disclose any data contained in the records, except as authorized by law.

(b) No information concerning the birth of a child shall be disclosed in a manner that enables determination that the child was born out of wedlock, except upon order of a court in a case where the information is necessary for the determination of personal or property rights and then only for that purpose.

(c) The state registrar shall not permit inspection of the records or issue a certified copy *or abstract* of a certificate or part thereof unless the state registrar is satisfied the applicant therefor has a direct interest in the matter recorded and the information contained in the record is necessary for the determination of personal or property rights. The state registrar's decision shall be subject, however, to review by the secretary or by a court in accordance with the act for judicial review and civil enforcement of agency actions, subject to the limitations of this section.

(d) The secretary shall permit the use of data contained in vital statistical records for research purposes only, but no identifying use of them shall be made.

(e) Subject to the provisions of this section the secretary may direct the state registrar to release birth, death and stillbirth certificate data to federal, state or municipal agencies.

(f) On or before the 20th day of each month, the state registrar shall furnish to the county election officer of each county, without charge, a list of deceased residents of the county who were at least 18 years of age and for whom death certificates have been filed in the office of the state registrar during the preceding calendar month. The list shall include the name, age or date of birth, address and date of death of each of the deceased persons and shall be used solely by the election officer for the purpose of correcting records of their offices.

(g) No person shall prepare or issue any certificate which purports to be an original, certified copy *or abstract* or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act.

(h) Records of births, deaths or marriages which are not in the custody of the secretary of health and environment and which were created before July 1, 1911, pursuant to chapter 129 of the 1885 Session Laws of Kansas, and any copies of such records, shall be open to inspection by any person and the provisions of this section shall not apply to such records.

(i) Social security numbers furnished pursuant to K.S.A. ~~65-2409~~ 65-2409a and amendments thereto shall only be used as permitted by title

IV-D of the federal social security act and amendments thereto or as permitted by section 7(a) of the federal privacy act of 1974 and amendments thereto. The secretary shall make social security numbers furnished pursuant to K.S.A. ~~65-2409~~ 65-2409a and amendments thereto available to the department of social and rehabilitation services for purposes permitted under title IV-D of the federal social security act.

(j) Fact of death information may be disseminated to state and federal agencies administering benefit programs. Such information shall be used for file clearance purposes only.

Sec. 5. K.S.A. 2001 Supp. 65-2423 is hereby amended to read as follows: 65-2423. (a) In cases of adoption the state registrar upon receipt of a certified decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, and the report of adoption form shall prepare a supplementary certificate *or abstract* in the new name of the adopted person and seal and file the original certificate of birth with such certified copy *or abstract* attached thereto. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the files.

(b) For any child born in a foreign country but adopted in Kansas or born and adopted in a foreign country and such adoption is filed and entered pursuant to K.S.A. 59-2144, and amendments thereto, the state registrar, upon request, shall complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, the report of adoption form and proof of the date and place of the child's birth. The certificate shall show the new name of the child as specified in the decree of adoption, or a similar document or documents which evidences finalization of the adoption in the foreign country, and such further information concerning the adopting parents as may be necessary to complete the birth certificate. The certificate shall show the true country of birth and the date of birth of the child, and that the certificate is not evidence of United States citizenship.

Sec. 6. K.S.A. 65-2434 is hereby amended to read as follows: 65-2434. (1) Any person who willfully makes or alters any certificate ~~or~~ certified copy thereof *or abstract* provided for in this act, except in accordance with the provisions of this act, shall be ~~finned not more than \$1,000, or be imprisoned not exceeding six months, or both finned and imprisoned~~ *guilty of a class B misdemeanor.*

(2) Any person who knowingly transports or accepts for transportation, a dead body located in this state to a location outside the boundaries of this state without an accompanying permit issued in accordance with the provisions of K.S.A. 65-2428a, shall be ~~finned not more than \$500~~ *guilty of a class C misdemeanor.*

(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or neglects or refuses to perform any of the duties imposed upon such person by this act, shall be fined not more than ~~\$100~~ \$200.

Sec. 7. K.S.A. 23-110, 65-2417 and 65-2434 and K.S.A. 2001 Supp. 65-2418, 65-2418a, 65-2422d and 65-2423 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.