

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2106**

BY DELEGATES HANNA, MANDT AND ROWE

[Introduced February 10, 2021; Referred to the  
Committee on Health and Human Resources then the  
Judiciary]

1 A BILL to amend and reenact §16-5-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring the Department of Health and Human Resources to include in legislative rules  
 3 for vital statistics that death certificates contain a space for stating “proximate cause of  
 4 death” as well as “cause of death”.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. VITAL STATISTICS.**

**§16-5-3. Department of Health and Human Resources to propose legislative rules.**

1 (a) The Department of Health and Human Resources shall propose rules for legislative  
 2 approval in accordance with the §29A-3-1 *et seq.* of this code to provide for:

3 (1) Adequate standards of security and confidentiality of vital records;  
 4 (2) Requirements for individuals in the state who may be designated by the State Registrar  
 5 to aid in the administration of the system of vital statistics;

6 (3) Criteria for registration districts throughout the state;

7 (4) Requirements for the completion, filing, correction and amendment of certificates,  
 8 reports and other documents required by this article, and the rules shall include the requirement  
 9 that, in addition to the “cause of death” stated on a death certificate, there be a space on the death  
 10 certificate where “proximate cause of death” may be stated;

11 (5) Requirements for registering a delayed certificate of birth, including provisions for  
 12 dismissing an application which is not actively pursued;

13 (6) Inspection of evidence of adoption, annulment of adoption, legitimation, or court  
 14 determination of paternity;

15 (7) Completion of the medical certification of the cause of death;

16 (8) Record keeping requirements for receipt, removal, delivery, burial, cremation or other  
 17 final disposition of a dead body or a fetus;

18 (9) Authorization for the disinterment and reinterment of a dead body or a fetus;

19 (10) Extension of prescribed time periods for the filing of certificates of death, reports of

20 fetal death and authorizations for disposition and disinterment and reinterment, including  
21 authorization for disposition prior to filing a certificate of death;

22 (11) Disposal of original records from which permanent reproductions have been made;

23 (12) Disclosure of confidential information for administrative, statistical or research  
24 purposes;

25 (13) Release of records of birth, death, fetal death, marriage, divorce, or annulment,  
26 subject to ~~the provisions of section~~ §16-5-27 of this code;

27 (14) Authorization for preparing, issuing, or obtaining copies of vital records;

28 (15) Requirements for matching and marking certificates of birth and death for the purpose  
29 of preventing the fraudulent use of birth certificates;

30 (16) Utilization of Social Security numbers to meet requirements of federal law;

31 (17) Requirements for a statewide system of registering, indexing, and preserving records  
32 of marriage, divorce and annulment of marriage; and

33 (18) Any other purpose to carry out the requirements of this article.

34 (b) Any rules in effect as of the passage of this article will remain in effect until amended,  
35 modified, repealed or replaced, except that references to provisions of former enactments of this  
36 article are interpreted to mean provisions of this article.

NOTE: The purpose of this bill is to require the Department of Health and Human Resources to include in legislative rules for vital statistics that death certificates contain a space for stating "proximate cause of death" as well as "cause of death".

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.