

HOUSE BILL No. 2358

By Committee on Federal and State Affairs

2-8

1 AN ACT concerning public health; relating to the uniform vital statistics
2 act; ~~medical~~ certification of an individual's cause of death; permitting
3 ~~mid-level practitioners~~ **cause of death certifiers** to provide
4 certification thereto; amending K.S.A. **65-2401 and** 65-2412 and
5 repealing the existing ~~section~~ **sections**.
6

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

8 **Section 1. K.S.A. 65-2401 is hereby amended to read as follows:**
9 **65-2401. As used in this act:**

10 (a) "Vital statistics" includes the registration, preparation,
11 transcription, collection, compilation, and preservation of data
12 pertaining to birth, adoption, legitimation, death, stillbirth, marriage,
13 divorce, annulment of marriage, induced termination of pregnancy,
14 and data incidental thereto.

15 (b) "Live birth" means the complete expulsion or extraction from
16 its mother of a human child, irrespective of the duration of pregnancy,
17 which, after such expulsion or extraction, breathes or shows any other
18 evidence of life such as beating of the heart, pulsation of the umbilical
19 cord, or definite movement of voluntary muscles, whether or not the
20 umbilical cord has been cut or the placenta is attached.

21 (c) "Gestational age" means the age of the human child as
22 measured in weeks as determined by either the last date of the
23 mother's menstrual period, a sonogram conducted prior to the 20th
24 week of pregnancy or the confirmed known date of conception.

25 (d) "Stillbirth" means any complete expulsion or extraction from
26 its mother of a human child the gestational age of which is not less
27 than 20 completed weeks, resulting in other than a live birth, as
28 defined in this section, and which is not an induced termination of
29 pregnancy.

30 (e) "Induced termination of pregnancy" means abortion, as
31 defined in K.S.A. 65-6701, and amendments thereto.

32 (f) "Dead body" means a lifeless human body or such parts of a

1 human body or the bones thereof from the state of which it reasonably
2 may be concluded that death recently occurred.

3 (g) "Person in charge of interment" means any person who
4 places or causes to be placed a stillborn child or dead body or the
5 ashes, after cremation, in a grave, vault, urn or other receptacle, or
6 otherwise disposes thereof.

7 (h) "Secretary" means the secretary of health and environment.

8 (i) "Cause of death certifier" means a person licensed to practice
9 medicine and surgery by the state board of healing arts, a physician
10 assistant licensed by the state board of healing arts, an advanced practice
11 registered nurse licensed by the state board of nursing or a district
12 coroner, deputy coroner or special deputy coroner.

13 ~~Section 1.~~ **Sec. 2.** K.S.A. 65-2412 is hereby amended to read as
14 follows: 65-2412. (a) A death certificate or stillbirth certificate for each
15 death or stillbirth ~~which~~ *that* occurs in this state shall be filed with the state
16 registrar within three days after such death and prior to removal of the
17 body from the state and shall be registered by the state registrar if such
18 death certificate or stillbirth certificate has been completed and filed in
19 accordance with this section. If the place of death is unknown, a death
20 certificate shall be filed indicating the location where the body was found
21 as the place of death. A certificate shall be filed within three days after
22 such occurrence; if death occurs in a moving conveyance, the death
23 certificate shall record the location where the dead body was first removed
24 from such conveyance as the place of death.

25 (b) (1) The funeral director or person acting as such who first
26 assumes custody of a dead body shall file the death certificate. Such
27 person shall obtain the personal data from the next of kin or the best
28 qualified person or source available and shall obtain the ~~medical~~
29 certification of cause of death from ~~the a physician, coroner, deputy~~
30 ~~coroner, special deputy coroner or a mid-level practitioner as defined in~~
31 ~~K.S.A. 65-1626, and amendments thereto,~~ **the cause of death certifier**
32 *who was last in attendance prior to burial.*

33 (2) The death certificate filed with the state registrar shall be the
34 official death record, except that a funeral director licensed pursuant to
35 K.S.A. 65-1714, and amendments thereto, may verify as true and accurate
36 information pertaining to a death on a form provided by the state registrar,
37 and any such form, verified within 21 days of date of death, shall be prima
38 facie evidence of the facts ~~therein stated for purposes of~~ *pertaining to*
39 establishing *such* death.

40 (3) The secretary of health and environment shall fix and collect a fee
41 for each form provided *to* a funeral director pursuant to this subsection.
42 The fee shall be collected at the time the form is provided *to* the funeral
43 director and shall be in the same amount as the fee for a certified copy of a

1 death certificate.

2 (c) When death occurred without medical attendance or when inquiry
3 is required by the laws relating to postmortem examinations, the coroner
4 shall investigate the cause of death and shall complete and sign the
5 ~~medical cause of death~~ certification *of cause of death* within 24 hours
6 after receipt of the death certificate or as provided in K.S.A. 65-2414, and
7 amendments thereto.

8 (d) ~~A cause of death certifier who makes a certification of a cause~~
9 ~~of death in good faith is immune from civil liability for such~~
10 ~~certification.~~

11 ~~(e)~~ In every instance a certificate shall be filed prior to interment or
12 disposal of the body.

13 ~~(e)(f)(e)~~ On and after January 1, 2017, Any death certificate,
14 stillbirth certificate or ~~medical cause of death~~ certification *of cause of*
15 *death* required to be filed by this section shall be filed through the Kansas
16 electronic death registration system maintained by the Kansas department
17 of health and environment.

18 Sec. ~~2~~ 3. K.S.A. ~~65-2401~~ and 65-2412 ~~is~~ **are** hereby repealed.

19 Sec. ~~3~~ 4. This act shall take effect and be in force from and after its
20 publication in the statute book.