

## HOUSE BILL No. 2617

By Committee on Transportation and Public Safety Budget

2-7

1 AN ACT concerning health; relating to the uniform vital statistics act;  
2 disclosure of records; allowing for an adopted person to inspect and be  
3 issued records of an immediate family member who is deceased;  
4 amending K.S.A. 65-2422d and repealing the existing section.

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

7 Section 1. K.S.A. 65-2422d is hereby amended to read as follows: 65-  
8 2422d. (a) The records and files of the division of public health pertaining  
9 to vital statistics shall be open to inspection, subject to the provisions of  
10 the uniform vital statistics act and rules and regulations of the secretary. It  
11 shall be unlawful for any officer or employee of the state to disclose data  
12 contained in vital statistical records, except as authorized by the uniform  
13 vital statistics act and the secretary, and it shall be unlawful for anyone  
14 who possesses, stores or in any way handles vital statistics records under  
15 contract with the state to disclose any data contained in the records, except  
16 as authorized by law.

17 (b) (1) No information concerning the birth of a child shall be  
18 disclosed in a manner that enables determination that the child was born  
19 out of wedlock, except:

20 (A) Upon order of a court in a case where the information is  
21 necessary for the determination of personal or property rights and then  
22 only for that purpose; or ~~except~~

23 (B) that employees of the office of child support enforcement of the  
24 ~~federal~~ United States department of health and human services shall be  
25 provided information when ~~the~~ such information is necessary to ensure  
26 compliance with federal reporting and audit requirements pursuant to title  
27 IV-D of the federal social security act; or ~~except~~

28 (C) that the secretary for children and families or the secretary's  
29 designee performing child support enforcement functions pursuant to title  
30 IV-D of the federal social security act shall be provided information and  
31 copies of birth certificates when the information is necessary to establish  
32 parentage in legal actions or to ensure compliance with federal reporting  
33 and audit requirements pursuant to title IV-D of the federal social security  
34 act.

35 (2) Nothing in this subsection shall be construed as exempting ~~such~~  
36 employees of the ~~federal~~ United States department of health and human

1 services or the secretary for children and families or the secretary's  
2 designee *being provided information and records pursuant to paragraphs*  
3 *(1)(B) and (C)* from the fees prescribed by K.S.A. 65-2418, and  
4 amendments thereto.

5 (3) *The state registrar shall permit inspection of the records or issue*  
6 *a certified copy or abstract of a certificate or part thereof concerning a*  
7 *deceased person to an immediate family member. Nothing in this*  
8 *subsection shall be construed as preventing persons who have been*  
9 *adopted from requesting and receiving records of such person's birth*  
10 *family.*

11 (c) Except as provided in subsection (b), ~~and amendments thereto,~~ the  
12 state registrar shall not permit inspection of the records or issue a certified  
13 copy or abstract of a certificate or part thereof unless the state registrar is  
14 satisfied the applicant therefor has a direct interest in the matter recorded  
15 and the information contained in the record is necessary for the  
16 determination of personal or property rights. The state registrar's decision  
17 shall be subject, however, to review by the secretary or by a court in  
18 accordance with the Kansas judicial review act, subject to the limitations  
19 of this section.

20 (d) The secretary shall permit the use of data contained in vital  
21 statistical records for research purposes only, but no identifying use of  
22 them shall be made. The secretary shall permit the use of birth, death and  
23 stillbirth certificates as identifiable data for purposes of maternal and child  
24 health surveillance and monitoring. The secretary or the secretary's  
25 designee may interview individuals for purposes of maternal and child  
26 health surveillance and monitoring only with an approval of the health and  
27 environmental institutional review board as provided in title 45, part 46 of  
28 the code of federal regulations. The secretary shall inform such individuals  
29 that the participation in such surveillance and monitoring is voluntary and  
30 may only be conducted with the written consent of the person who is the  
31 subject of the information or with the informed consent of a parent or legal  
32 guardian if ~~the~~ *such* person is under 18 years of age. Informed consent is  
33 not required if the person who is the subject of the information is  
34 deceased.

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

38 (f) On or before the 20<sup>th</sup> day of each month, the state registrar shall  
39 furnish to the county election officer of each county and the clerk of the  
40 district court in each county, without charge, a list of deceased residents of  
41 the county who were at least 18 years of age and for whom death  
42 certificates have been filed in the office of the state registrar during the  
43 preceding calendar month. The list shall include the name, age or date of

1 birth, address and date of death of each of the deceased persons and shall  
2 be used solely by the election officer for the purpose of correcting records  
3 of their offices and by the clerk of the district court in each county for the  
4 purpose of correcting juror information for such county. Information  
5 provided under this subsection to the clerk of the district court shall be  
6 considered confidential and shall not be disclosed to the public. The  
7 provisions of ~~subsection (b) of~~ K.S.A. 45-229(b), and amendments thereto,  
8 shall not apply to the provisions of this subsection.

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

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

19 (i) Social security numbers furnished pursuant to K.S.A. 65-2409a,  
20 and amendments thereto, shall only be used as permitted by title IV-D of  
21 the federal social security act, and amendments thereto, or as permitted by  
22 section 7(a) of the federal privacy act of 1974, and amendments thereto.  
23 The secretary shall make social security numbers furnished pursuant to  
24 K.S.A. 65-2409a, and amendments thereto, available to the Kansas  
25 department for children and families for purposes permitted under title IV-  
26 D of the federal social security act.

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

30 (k) *As used in this section, "immediate family member" means father,*  
31 *mother, stepparent, child, stepchild, sibling, spouse or grandparent.*

32 Sec. 2. K.S.A. 65-2422d is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its  
34 publication in the statute book.