

2018 -- H 7765 SUBSTITUTE A

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LC004681/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO HEALTH AND SAFETY - VITAL RECORDS

Introduced By: Representatives Ajello, Lombardi, Walsh, McNamara, and Donovan

Date Introduced: February 28, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-3-16 of the General Laws in Chapter 23-3 entitled "Vital
2 Records" is hereby amended to read as follows:

3 **23-3-16. Death registration.**

4 (a) A death certificate for each death which occurs in this state shall be filed with the
5 state registrar of vital records or as otherwise directed by the state registrar within seven (7)
6 calendar days after death and prior to removal of the body from the state, and shall be registered
7 if it has been completed and filed in accordance with this section; provided:

8 (1) That if the place of death is unknown, a death certificate shall be filed with the state
9 registrar of vital records or as otherwise directed by the state registrar within seven (7) calendar
10 days after the occurrence; and

11 (2) That if death occurs in a moving conveyance, a death certificate shall be filed with the
12 state registrar of vital records or as otherwise directed by the state registrar.

13 (b) The funeral director, his or her duly authorized agent, or person acting as agent, who
14 first assumes custody of a dead body, shall file the death certificate. He or she shall obtain the
15 personal data from the next of kin or the best qualified person or source available. He or she shall
16 obtain the medical certification of cause of death from the person responsible for certification.

17 The death certificate shall indicate the following:

18 (1) The sex of the decedent shall be recorded to reflect the decedent's gender identity, as
19 reported by the next of kin or the best qualified person available, unless the person completing the

1 death certificate is presented with a document that memorializes the decedent's gender transition.
2 In case of conflicting information on the sex of the decedent from the sources, the death
3 certificate shall be based on documentation that memorializes the decedent's gender transition.
4 Documents that may memorialize a gender transition include: written instructions from the
5 decedent; a court order approving a name or gender change; an advance health care directive;
6 documentation of an appropriate course of treatment for the purpose of gender transition;
7 documentation of a change to the gender marker on a birth certificate; or a state or federally
8 issued identification card, or any additional document as authorized by the Rhode Island
9 department of health. If more than one document is presented and the documents are in conflict
10 regarding the decedent's gender identity, the most recent document that memorializes the
11 decedent's gender transition shall prevail. If documentation is not available, it shall be based on
12 information from individuals most familiar with the decedent's gender identity at the time of
13 death.

14 (c) A physician, after the death of a person whom he or she has attended during his or her
15 last illness, or the physician declaring that person dead, or if the death occurred in a hospital, a
16 registered hospital medical officer duly appointed by the hospital director or administrator, shall
17 immediately furnish for registration a standard certificate of death to a funeral director or other
18 authorized person or any member of the family of the deceased, stating to the best of his or her
19 knowledge and belief the name of the deceased, the disease of which he or she died, where it was
20 contracted, the duration of the illness from which he or she died, when last seen alive by the
21 physician, or, if death occurs in a hospital, when last seen alive by a physician and the date of
22 death.

23 (d) When death occurred without medical attendance as set forth in subsection (c) or
24 when inquiry is required by chapter 4 of this title, the medical examiner shall investigate the
25 cause of death and shall complete and sign the medical certification within forty-eight (48) hours
26 after taking charge of the case.

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY - VITAL RECORDS

- 1 This act would require that a death certificate reflect the decedent's gender identity, as
- 2 reported by the next of kin or the best qualified person available, unless the person completing the
- 3 death certificate is presented with a document that memorializes the decedent's gender transition.
- 4 This act would take effect upon passage.

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