

FIRST REGULAR SESSION

# SENATE BILL NO. 244

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 31, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1367S.011

## AN ACT

To repeal section 193.145, RSMo, and to enact in lieu thereof one new section relating to death certificates.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 193.145, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 193.145, to read as follows:

193.145. 1. A certificate of death for each death which occurs in this state  
2 shall be filed with the local registrar, or as otherwise directed by the state  
3 registrar, within five days after death and shall be registered if such certificate  
4 has been completed and filed pursuant to this section. All data providers in the  
5 death registration process, including, but not limited to, the state registrar, local  
6 registrars, the state medical examiner, county medical examiners, coroners,  
7 funeral directors or persons acting as such, embalmers, sheriffs, attending  
8 physicians and resident physicians, and the chief medical officers of licensed  
9 health care facilities, and other public or private institutions providing medical  
10 care, treatment, or confinement to persons, shall be required to use and utilize  
11 any electronic death registration system required and adopted under subsection  
12 1 of section 193.265 within six months of the system being certified by the  
13 director of the department of health and senior services, or the director's  
14 designee, to be operational and available to all data providers in the death  
15 registration process. Nothing in this section shall prevent the state registrar  
16 from adopting pilot programs or voluntary electronic death registration programs  
17 until such time as the system can be certified; however, no such pilot or voluntary  
18 electronic death registration program shall prevent the filing of a death certificate  
19 with the local registrar or the ability to obtain certified copies of death  
20 certificates under subsection 2 of section 193.265 until six months after such  
21 certification that the system is operational. **The funeral director, or person**

22 **acting as such, instead of entering the data directly into the electronic**  
23 **death registration system, may, at his or her option, complete and file**  
24 **the death certificate in paper form with the local registrar. In the**  
25 **event of such a paper filing, the local registrar or state registrar shall**  
26 **enter the death certificate into the electronic death registration system.**  
27 **If this manual paper filing option is used, the local registrar shall issue**  
28 **certified copies of death certificates for the first twenty-four hours**  
29 **after filing as set out in subsection 2 of section 193.265.**

30         2. If the place of death is unknown but the dead body is found in this  
31 state, the certificate of death shall be completed and filed pursuant to the  
32 provisions of this section. The place where the body is found shall be shown as  
33 the place of death. The date of death shall be the date on which the remains  
34 were found.

35         3. When death occurs in a moving conveyance in the United States and  
36 the body is first removed from the conveyance in this state, the death shall be  
37 registered in this state and the place where the body is first removed shall be  
38 considered the place of death. When a death occurs on a moving conveyance  
39 while in international waters or air space or in a foreign country or its air space  
40 and the body is first removed from the conveyance in this state, the death shall  
41 be registered in this state but the certificate shall show the actual place of death  
42 if such place may be determined.

43         4. The funeral director or person in charge of final disposition of the dead  
44 body shall file the certificate of death. The funeral director or person in charge  
45 of the final disposition of the dead body shall obtain or verify:

46             (1) The personal data from the next of kin or the best qualified person or  
47 source available; and

48             (2) The medical certification from the person responsible for such  
49 certification.

50         5. The medical certification shall be completed, attested to its accuracy  
51 either by signature or an electronic process approved by the department, and  
52 returned to the funeral director or person in charge of final disposition within  
53 seventy-two hours after death by the physician in charge of the patient's care for  
54 the illness or condition which resulted in death. In the absence of the physician  
55 or with the physician's approval the certificate may be completed and attested to  
56 its accuracy either by signature or an approved electronic process by the  
57 physician's associate physician, the chief medical officer of the institution in  
58 which death occurred, or the physician who performed an autopsy upon the

59 decedent, provided such individual has access to the medical history of the case,  
60 views the deceased at or after death and death is due to natural causes. The  
61 state registrar may approve alternate methods of obtaining and processing the  
62 medical certification and filing the death certificate. The Social Security number  
63 of any individual who has died shall be placed in the records relating to the death  
64 and recorded on the death certificate.

65         6. When death occurs from natural causes more than thirty-six hours after  
66 the decedent was last treated by a physician, the case shall be referred to the  
67 county medical examiner or coroner or physician or local registrar for  
68 investigation to determine and certify the cause of death. If the death is  
69 determined to be of a natural cause, the medical examiner or coroner or local  
70 registrar shall refer the certificate of death to the attending physician for such  
71 physician's certification. If the attending physician refuses or is otherwise  
72 unavailable, the medical examiner or coroner or local registrar shall attest to the  
73 accuracy of the certificate of death either by signature or an approved electronic  
74 process within thirty-six hours.

75         7. If the circumstances suggest that the death was caused by other than  
76 natural causes, the medical examiner or coroner shall determine the cause of  
77 death and shall complete and attest to the accuracy either by signature or an  
78 approved electronic process the medical certification within seventy-two hours  
79 after taking charge of the case.

80         8. If the cause of death cannot be determined within seventy-two hours  
81 after death, the attending medical examiner or coroner or attending physician or  
82 local registrar shall give the funeral director, or person in charge of final  
83 disposition of the dead body, notice of the reason for the delay, and final  
84 disposition of the body shall not be made until authorized by the medical  
85 examiner or coroner, attending physician or local registrar.

86         9. When a death is presumed to have occurred within this state but the  
87 body cannot be located, a death certificate may be prepared by the state registrar  
88 upon receipt of an order of a court of competent jurisdiction which shall include  
89 the finding of facts required to complete the death certificate. Such a death  
90 certificate shall be marked "Presumptive", show on its face the date of  
91 registration, and identify the court and the date of decree.

✓