

EXHIBIT I



HUMAN
RIGHTS
CAMPAIGN
FOUNDATION™

CORPORATE EQUALITY INDEX 2017

Rating Workplaces on Lesbian, Gay,
Bisexual and Transgender Equality



887

of the Nation's Largest Businesses
Demonstrated Their Commitment
to LGBT Equality and Inclusion



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The nation's largest employers have demonstrated through their actions that LGBTQ people are not just tolerated, but welcomed in their workplaces and communities.

IN 2016, THE LGBTQ COMMUNITY WAS

subjected to unprecedented attacks – from state lawmakers plotting to undermine our historic gains, to tragic, unimaginable experiences of violence, to those who pledged to roll back our rights from the highest offices in the land.

And yet, during it all, the unstoppable beat of progress towards greater equality in the places many LGBTQ Americans spend most of their daily lives – their workplaces – didn't just remain steady, it sped up.

In this 15th edition of the Corporate Equality Index we have seen the largest increase in top-rated businesses in the history of our survey with 515 employers earning perfect 100 percent scores. In addition, this year saw the CEI's largest jump ever in businesses offering transgender-inclusive healthcare coverage – from 511 last year to 647 this year.

These businesses know that LGBTQ equality isn't just the right thing to do, it makes them stronger in our global economy. Ensuring fairness in the workplace is a value and increasingly a policy norm, and not just in the U.S. Now, more than 90 percent of CEI-rated businesses have embraced both sexual orientation and gender identity employment protections for their U.S. and global operations.

This past year, as an unprecedented wave of anti-LGBTQ bills spread across the country, corporate champions state to state – from South Dakota and Mississippi, and North Carolina and Georgia – made their voices heard and stood firmly on the side of fairness and equality.

The story behind this groundswell of public support for equality began within each business's efforts to recognize their own LGBTQ employees and adopt inclusive policies, benefits and practices. With every policy change and discussion of transgender-inclusive benefits, for example, an employee saw a path to bringing their full self to work, an executive could put a human face to the need for full

equality and an ally could proudly display a show of support for their LGBTQ colleagues and friends.

The nation's largest employers have demonstrated through their actions that LGBTQ people are not just tolerated, but welcomed in their workplaces and communities. Even with all of this progress, we know that policies and benefits make up the crucial foundation, but not the totality, of what's needed to ensure that LGBTQ workers can thrive from the plant floor to the corner office.

Today, marriage equality and hate crimes protections are the law of the land. Barriers to LGBTQ service in the armed forces have been lifted. But the lack of consistent, explicit federal protections in employment, housing, credit, public services and other essential aspects of American life remain major barriers to full equality for the LGBTQ community.

While there is much to do and many key civil rights fights ahead, thanks to these private sector leaders, the march towards greater equality is not slowing down. The LGBTQ community and the 887 businesses in the CEI will keep moving forward every day.

Sincerely,



Chad Griffin, President
Human Rights Campaign Foundation

Executive Summary



Corporate Equality Index 2017

IN THIS 15TH EDITION OF THE HUMAN

Rights Campaign's Corporate Equality Index, a record 515 employers earned a top rating of 100 percent. This is the largest jump in top-rated businesses in a single year in the entire history of the CEI. The CEI catalyzes change by appealing to businesses' competitive nature: behind every top rated business in the 2016 report, numerous peers were spurred to catch up in the 2017 CEI.

The CEI criteria reflect leading policies, benefits and practices for the LGBT workforce and their families. The criteria are premised on the notion of parity rather than prescription. In other words, HRC promotes the adoption of LGBT-specific language into existing corporate practices (e.g. ensuring that existing health care coverage affords coverage for routine and chronic care of transgender individuals as well as transition-related medical coverage). By using the CEI as a guide, businesses can ensure that their existing policy and benefit infrastructure is inclusive of the LGBT workforce and their families, resulting in greater recruitment and retention of a talented, diverse workforce.

The most significant progress in the CEI has been the wide-scale adoption of transgender-inclusive initiatives across businesses.

- A full 82 percent of the Fortune 500 have gender identity protections enumerated in their non-discrimination policies and 96 percent of the entire CEI universe of businesses offer explicit gender identity non-discrimination protections in the U.S.
- Fifty percent of the Fortune 500 and nearly three-fourths (73 percent) of the CEI universe of businesses offer transgender-inclusive health care coverage, up from 0 in 2002 and over six times as many businesses as five years ago. With 136 new employers offering this coverage in the 2017 report, this represents the greatest increase

in a single year of employers offering transgender-inclusive health care benefits.

- A majority of CEI-rated businesses (86 percent) offer education and training programs that specifically include definitions and/ or scenarios on gender identity in the workplace; and,
- Nearly four-hundred (387) major businesses have adopted gender transition guidelines for employees and their teams to establish best practices in transgender inclusion.

These reflect low-cost, high yield investments in major businesses' talent as well as in their broader profile as forward-looking, responsible businesses. Top-rated CEI employers span nearly every industry and major geography of the United States. Of the employers in the CEI with global operations (57 percent), a strong majority (98 percent) has extended sexual orientation and gender identity-based workplace protections throughout their international operations.

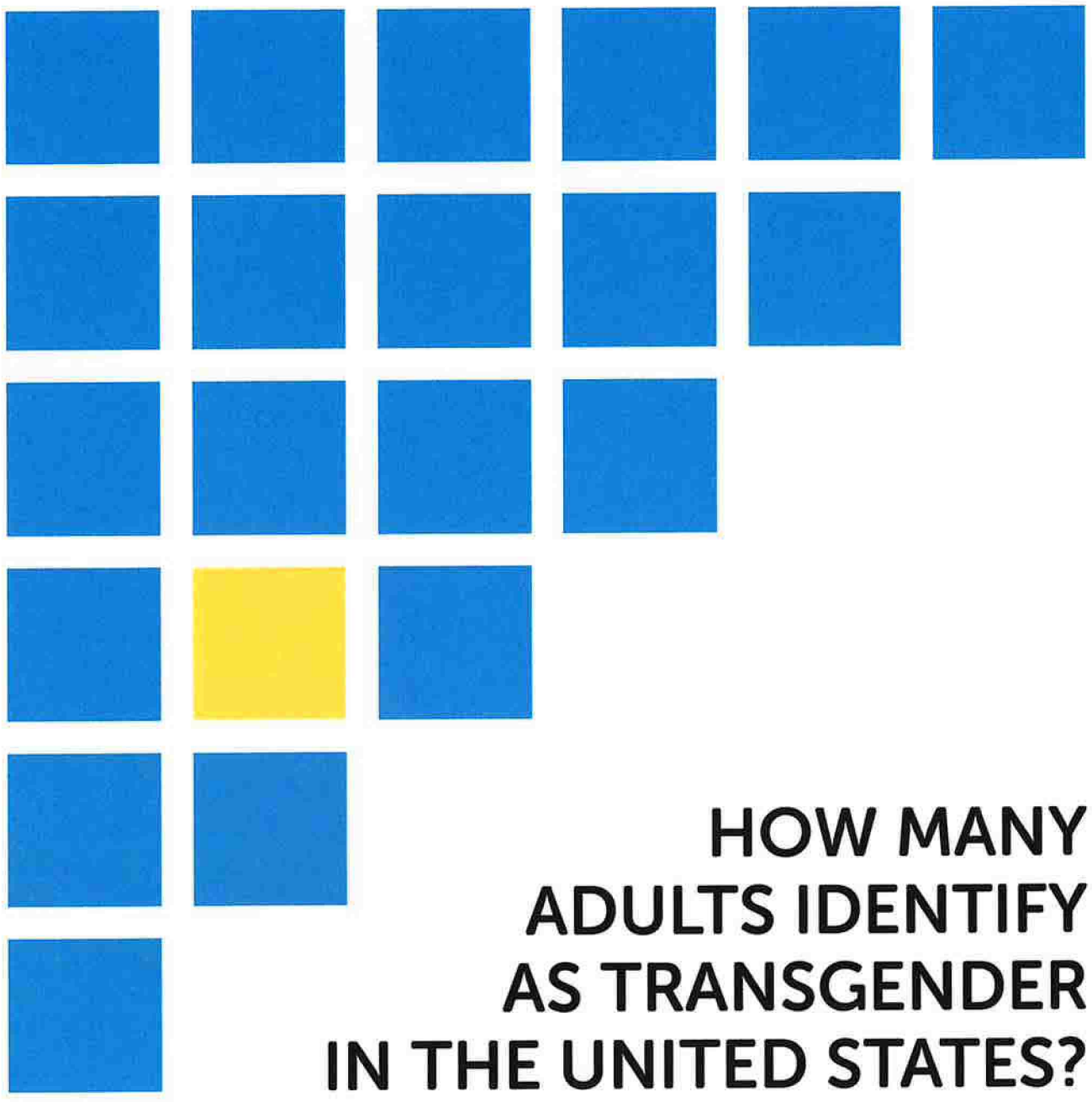
In addition to the depth of investment the top-rated businesses have made in the name of equality, the 2017 CEI shows an unprecedented breadth of brand new businesses. This year's CEI contains an impressive 72 new businesses that opted into the survey. A grand total of 5,228 major brands fall under rated CEI businesses.

The following report is reflective of primarily verified data submitted to the HRC Foundation as well as independent research on non-responding businesses. Wherever credit can be verified, all ranked businesses will receive it, irrespective of their participation in the CEI survey.

The HRC Foundation has worked with hundreds of businesses to promote workplace equality for LGBT workers.

The most significant progress in the CEI has been the wide-scale adoption of transgender-inclusive initiatives across businesses.

EXHIBIT J



HOW MANY ADULTS IDENTIFY AS TRANSGENDER IN THE UNITED STATES?

Andrew R. Flores, Jody L. Herman, Gary J. Gates, and Taylor N. T. Brown



JUNE 2016

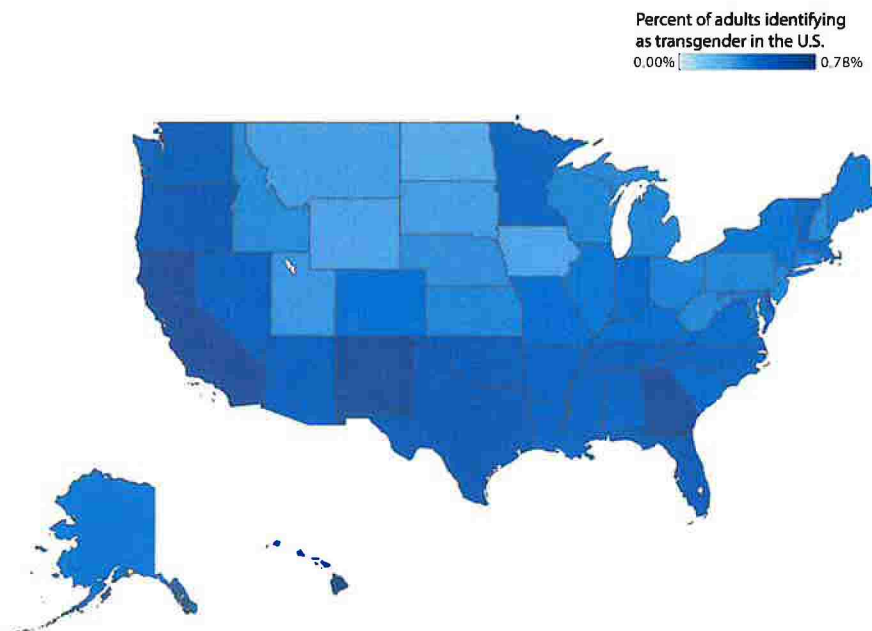
INTRODUCTION AND SUMMARY

Population-based surveys, meaning those that are designed to allow researchers to generalize findings to the population, rarely ask questions to identify transgender people and, therefore, cannot be used to provide estimates of the size and characteristics of the transgender population. The federal government administers several large, national population-based surveys like the American Community Survey and the National Health Interview Survey that track the demographics, health and well-being of U.S. residents. Unfortunately, these surveys do not currently measure gender identity.¹ However, there are several state-level population-based surveys that identify transgender respondents and can be used to estimate the size and characteristics of the transgender population.

In 2011, Gary J. Gates utilized two state-level population-based surveys that collected data from 2003 in California and from 2007 and 2009 in Massachusetts to estimate that 0.3% of the U.S. adult population, roughly 700,000 adults, identified as transgender.² Since then, more state-level data sources have emerged that allow us to utilize an estimation procedure that would not have been possible with the limited data available in 2011. Compared to the data used in Gates' study, these new data sources provide more recent data (2014), larger sample sizes, and more detailed information about respondents. This allows for the development of more recent, detailed, and statistically robust estimates of the percentage and number of adults in the United States who identify as transgender.

This report utilizes data from the CDC's Behavioral Risk Factor Surveillance System (BRFSS) to estimate the percentage and number of adults who identify as transgender nationally and in all 50 states.³ We find that 0.6% of U.S. adults identify as transgender. This figure is double the estimate that utilized data from roughly a decade ago and implies that an estimated 1.4 million adults in the U.S. identify as transgender.⁴ State-level estimates of adults who identify as transgender range from 0.3% in North Dakota to 0.8% in Hawaii.⁵ In addition, due to current state-level policy debates that specifically target and affect transgender students, we provide estimates of the number of adults who identify as transgender by age. The youngest age group, 18 to 24 year olds, is more likely than older age groups to identify as transgender.

Figure 1. Percent of Adults Who Identify as Transgender in the United States



National and State-level Estimates of Transgender-Identified Adults

An estimated 0.6% of adults, about 1.4 million, identify as transgender in the United States. States vary in the percentage of residents who identify as transgender (See Table 1). Hawaii has the highest percentage of adults who identify as transgender, approximately 0.8% of adults, and North Dakota has the lowest percentage, at 0.3%. The District of Columbia is notable for its relatively high percentage of transgender-identified adults (2.8%).⁶ Twenty states and the District of Columbia are estimated to have a higher percentage of transgender-identified adults than the national average.

Table 1. Estimated Population of Adults Who Identify as Transgender by State of Residence

STATE	POPULATION	PERCENT	RANK
United States of America	1,397,150	0.58%	-
Alabama	22,500	0.61%	15
Alaska	2,700	0.49%	33
Arizona	30,550	0.62%	12
Arkansas	13,400	0.60%	18
California	218,400	0.76%	2
Colorado	20,850	0.53%	27
Connecticut	12,400	0.44%	37
Delaware	4,550	0.64%	9
District of Columbia ⁷	14,550	2.77%	-
Florida	100,300	0.66%	6
Georgia	55,650	0.75%	4
Hawaii	8,450	0.78%	1
Idaho	4,750	0.41%	43
Illinois	49,750	0.51%	30
Indiana	27,600	0.56%	23
Iowa	7,400	0.31%	49
Kansas	9,300	0.43%	41
Kentucky	17,700	0.53%	26
Louisiana	20,900	0.60%	17
Maine	5,350	0.50%	31
Maryland	22,300	0.49%	32
Massachusetts	29,900	0.57%	22
Michigan	32,900	0.43%	40
Minnesota	24,250	0.59%	20
Mississippi	13,650	0.61%	14
Missouri	25,050	0.54%	25
Montana	2,700	0.34%	47
Nebraska	5,400	0.39%	44
Nevada	12,700	0.61%	13

STATE	POPULATION	PERCENT	RANK
New Hampshire	4,500	0.43%	39
New Jersey	30,100	0.44%	36
New Mexico	11,750	0.75%	3
New York	78,600	0.51%	29
North Carolina	44,750	0.60%	16
North Dakota	1,650	0.30%	50
Ohio	39,950	0.45%	34
Oklahoma	18,350	0.64%	8
Oregon	19,750	0.65%	7
Pennsylvania	43,800	0.44%	35
Rhode Island	4,250	0.51%	28
South Carolina	21,000	0.58%	21
South Dakota	2,150	0.34%	46
Tennessee	31,200	0.63%	10
Texas	125,350	0.66%	5
Utah	7,200	0.36%	45
Vermont	3,000	0.59%	19
Virginia	34,500	0.55%	24
Washington	32,850	0.62%	11
West Virginia	6,100	0.42%	42
Wisconsin	19,150	0.43%	38
Wyoming	1,400	0.32%	48

HOW MANY ADULTS IDENTIFY AS TRANSGENDER IN THE UNITED STATES? 4

Estimates of Transgender-Identified Adults by Age

Prior research suggests that individuals who identify as transgender are younger, on average, than non-transgender individuals.⁸ As expected, we find that younger adults are more likely than older adults to identify as transgender. An estimated 0.7% of adults between the ages of 18 and 24 identify as transgender. Lower percentages of older adults identify as transgender, with 0.6% of adults age 25 to 64 and 0.5% of adults age 65 or older identifying as transgender.

Table 2. Estimated Population of Adults Who Identify as Transgender by Age and State of Residence

STATE	AGE					
	18-24		25-64		65 AND OLDER	
	POPULATION	PERCENTAGE	POPULATION	PERCENTAGE	POPULATION	PERCENTAGE
United States of America	205,850	0.66%	967,100	0.58%	217,050	0.50%
Alabama	3,250	0.67%	15,450	0.61%	3,700	0.53%
Alaska	500	0.60%	1,950	0.48%	250	0.42%
Arizona	4,700	0.72%	20,800	0.63%	4,850	0.50%
Arkansas	1,850	0.65%	9,150	0.61%	2,300	0.52%
California	33,450	0.84%	154,750	0.77%	29,050	0.63%
Colorado	3,200	0.63%	14,900	0.53%	2,750	0.45%
Connecticut	1,750	0.52%	8,450	0.44%	2,100	0.40%
Delaware	700	0.73%	3,050	0.64%	800	0.55%
District of Columbia	2,600	3.14%	9,900	2.66%	1,950	2.72%
Florida	13,450	0.75%	66,750	0.67%	19,350	0.55%
Georgia	8,700	0.86%	39,500	0.75%	7,450	0.66%
Hawaii	1,200	0.89%	5,700	0.77%	1,550	0.72%
Idaho	750	0.47%	3,250	0.41%	750	0.35%
Illinois	7,150	0.57%	34,500	0.50%	7,750	0.46%
Indiana	4,100	0.62%	18,950	0.56%	4,450	0.50%
Iowa	1,100	0.35%	4,900	0.31%	1,350	0.29%
Kansas	1,500	0.49%	6,300	0.43%	1,500	0.38%
Kentucky	2,400	0.57%	12,200	0.52%	3,000	0.49%
Louisiana	3,150	0.66%	14,550	0.60%	3,100	0.52%
Maine	650	0.56%	3,650	0.50%	1,050	0.45%
Maryland	3,200	0.57%	15,650	0.49%	3,300	0.43%
Massachusetts	4,550	0.66%	20,150	0.56%	5,050	0.53%
Michigan	4,800	0.48%	22,400	0.43%	5,600	0.39%
Minnesota	3,450	0.69%	16,750	0.58%	3,950	0.54%
Mississippi	2,100	0.66%	9,400	0.62%	2,150	0.53%
Missouri	3,600	0.60%	17,000	0.54%	4,400	0.50%
Montana	400	0.40%	1,800	0.34%	450	0.30%

STATE	AGE					
	18-24		25-64		65 AND OLDER	
	POPULATION	PERCENTAGE	POPULATION	PERCENTAGE	POPULATION	PERCENTAGE
Nebraska	800	0.44%	3,650	0.39%	900	0.35%
Nevada	1,750	0.70%	9,100	0.61%	1,750	0.49%
New Hampshire	650	0.50%	3,100	0.43%	750	0.39%
New Jersey	3,950	0.51%	21,050	0.44%	5,050	0.41%
New Mexico	1,800	0.85%	8,000	0.75%	1,850	0.62%
New York	11,150	0.56%	54,150	0.51%	12,850	0.47%
North Carolina	6,600	0.68%	31,050	0.60%	7,150	0.53%
North Dakota	300	0.34%	1,050	0.30%	300	0.29%
Ohio	5,550	0.50%	27,150	0.45%	7,000	0.41%
Oklahoma	2,800	0.72%	12,600	0.64%	2,900	0.55%
Oregon	2,800	0.76%	13,700	0.65%	3,150	0.55%
Pennsylvania	6,100	0.48%	29,250	0.44%	8,250	0.40%
Rhode Island	650	0.56%	2,800	0.51%	750	0.46%
South Carolina	3,150	0.64%	14,250	0.58%	3,450	0.50%
South Dakota	350	0.39%	1,400	0.34%	350	0.30%
Tennessee	4,250	0.68%	21,550	0.63%	5,150	0.56%
Texas	19,600	0.73%	88,950	0.66%	15,700	0.55%
Utah	1,350	0.42%	4,950	0.36%	800	0.30%
Vermont	450	0.67%	2,000	0.59%	550	0.53%
Virginia	5,150	0.62%	24,000	0.54%	5,200	0.49%
Washington	4,850	0.73%	23,150	0.62%	4,700	0.52%
West Virginia	750	0.44%	4,150	0.42%	1,200	0.38%
Wisconsin	2,700	0.49%	13,150	0.43%	3,250	0.39%
Wyoming	200	0.37%	1,000	0.32%	200	0.29%

Discussion

Our current best estimate of the percentage of adults who identify as transgender in the United States is double that of the estimate produced by Gary J. Gates in 2011. Several reasons may account for this difference. A perceived increase in visibility and social acceptance of transgender people may increase the number of individuals willing to identify as transgender on a government-administered survey. The Gates estimate was based on data from only two states with very small samples. The current study analyzes population-based data from 19 states that identify transgender individuals. This provides larger samples and a wealth of information about transgender-identified adults not previously available. As a result, more sophisticated estimation procedures are now possible that produce more detailed and robust estimates than were possible in 2011. As new data collection efforts emerge at the state and national levels, estimates can continue to be refined to improve our understanding of the size and characteristics of the transgender population.

Appendix: Methodology and Credible Intervals of Population Estimates

Methodology

The Behavioral Risk Factor Surveillance System (BRFSS) collects state-specific data on health-related factors across the 50 states, the District of Columbia, and the territories of the United States. The survey is designed to be representative within each state. The survey is conducted by an interviewer via landline and cellular telephone. The national response rate for the 2014 BRFSS was 48.7% for landline telephones and 40.5% for cellular telephones (American Association of Public Opinion Research, Response Rate calculation 4).

The BRFSS contains optional module questionnaires in addition to its standard questionnaire for each state.⁹ The 2014 BRFSS had 19 optional modules that states were able to opt-into. One of the modules contained the following question:

Do you consider yourself to be transgender?

Yes

No

[If Yes] Do you consider yourself to be male-to-female, female-to-male, or gender non-conforming?

If the interviewer is asked for a definition of transgender, they respond:

Some people describe themselves as transgender when they experience a different gender identity from their sex at birth. For example, a person born into a male body, but who feels female or lives as a woman would be transgender. Some transgender people change their physical appearance so that it matches their internal gender identity. Some transgender people take hormones and some have surgery. A transgender person may be of any sexual orientation – straight, gay, lesbian, or bisexual.

Since this question is included in an optional module, some states did not ask this question while others did. The 19 states that did ask this question include: Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Montana, Nevada, New York, Ohio, Pennsylvania, Vermont, Virginia, Wisconsin, and Wyoming. In total, 0.52% of BRFSS respondents in these states identified as transgender, and 151,456 respondents answered this question.

To estimate the population by state, we relied on multilevel regression and post-stratification.¹⁰ The method fits multilevel logistic regression to the data to predict the likelihood that an individual identifies as transgender relying on demographic attributes about the respondents (e.g., race and ethnicity; age cohorts; and educational attainment). State and regional characteristics were accounted for and state-level characteristics were included to add information about how states differ from one another (e.g., racial composition, median income, percentage of households that are of same-sex couples, and percentage of the population that identifies as Evangelical). This method has been applied to measure statewide political attitudes¹¹ and to measure Jewish populations.¹² Further, the estimation strategy has undergone rigorous evaluation by other scholars, and these evaluations often show the method produces reliable and valid estimates.¹³ While the estimation approach is not without its criticisms,¹⁴ the method remains the best available approach to perform this estimation procedure. A recent research grant was awarded by the National Science Foundation to further refine and build upon the method.¹⁵

We extend the application of the estimation technique by incorporating all of the states in the BRFSS, even though respondents in only 19 states received the gender identity question. By doing so, we impute the states that did not ask the gender identity question by modeling the probability that a respondent identifies as transgender. The hierarchical model still incorporates the statewide covariates to increase precision in the estimation.¹⁶ All models were estimated using a Hamiltonian Monte Carlo as implemented by the Stan probabilistic programming language.¹⁷ The model was evaluated for appropriate diagnostics before results were presented. In the tables below, 95% credible intervals are provided for both the population estimates and the population estimates by age. A credible interval is a Bayesian equivalent of a confidence interval. A 95% credible interval represents the upper and lower bounds where there is a 0.95 probability an estimate falls between them.

Table A1. Estimated Population of Adults Who Identify as Transgender by State of Residence, 95% Credible Intervals

STATE	POPULATION		PERCENT	
	LOWER BOUND	UPPER BOUND	LOWER BOUND	UPPER BOUND
United States of America	854,066	2,293,511	0.36%	0.95%
Alabama	11,487	46,858	0.31%	1.27%
Alaska	1,634	4,323	0.30%	0.80%
Arizona	17,137	53,889	0.35%	1.09%
Arkansas	6,898	25,072	0.31%	1.12%
California	120,074	378,513	0.42%	1.31%
Colorado	12,094	35,295	0.31%	0.89%
Connecticut	7,454	19,824	0.27%	0.71%
Delaware	3,195	6,176	0.45%	0.87%
District of Columbia	2,608	66,391	0.50%	12.63%
Florida	58,364	163,960	0.38%	1.07%
Georgia	31,243	97,981	0.42%	1.32%
Hawaii	6,310	11,215	0.58%	1.03%
Idaho	3,403	6,800	0.29%	0.58%
Illinois	30,519	77,228	0.31%	0.79%
Indiana	21,867	35,060	0.44%	0.71%
Iowa	4,558	10,398	0.19%	0.44%
Kansas	7,183	11,706	0.33%	0.54%
Kentucky	13,092	23,060	0.39%	0.69%
Louisiana	15,582	27,230	0.45%	0.78%
Maine	3,202	8,895	0.30%	0.84%
Maryland	17,177	28,088	0.38%	0.62%
Massachusetts	17,251	49,307	0.33%	0.94%
Michigan	19,132	52,059	0.25%	0.68%
Minnesota	19,368	30,211	0.47%	0.74%
Mississippi	6,731	27,122	0.30%	1.21%
Missouri	13,512	43,611	0.29%	0.94%
Montana	1,880	3,669	0.24%	0.47%
Nebraska	3,247	8,207	0.23%	0.59%
Nevada	8,570	18,018	0.41%	0.86%
New Hampshire	2,693	7,362	0.26%	0.70%
New Jersey	17,981	49,987	0.26%	0.73%
New Mexico	6,613	19,959	0.42%	1.27%
New York	57,043	103,813	0.37%	0.68%

STATE	POPULATION		PERCENT	
	LOWER BOUND	UPPER BOUND	LOWER BOUND	UPPER BOUND
North Carolina	26,299	76,786	0.35%	1.03%
North Dakota	961	2,785	0.18%	0.51%
Ohio	30,705	50,183	0.35%	0.56%
Oklahoma	9,049	37,798	0.31%	1.31%
Oregon	10,774	36,440	0.35%	1.20%
Pennsylvania	33,506	56,799	0.33%	0.57%
Rhode Island	2,493	6,979	0.30%	0.84%
South Carolina	12,139	38,343	0.33%	1.05%
South Dakota	1,279	3,592	0.20%	0.57%
Tennessee	16,601	60,319	0.33%	1.22%
Texas	71,791	212,200	0.38%	1.11%
Utah	3,338	16,157	0.17%	0.82%
Vermont	2,126	4,034	0.42%	0.80%
Virginia	26,945	44,697	0.43%	0.71%
Washington	18,574	57,196	0.35%	1.08%
West Virginia	3,518	10,477	0.24%	0.71%
Wisconsin	13,920	25,364	0.32%	0.58%
Wyoming	945	2,073	0.22%	0.47%

Table A2. Estimated Population of Adults Who Identify as Transgender by Age and State of Residence, 95% Credible Intervals

STATE	AGE					
	18-24		25-64		65 AND OLDER	
	POPULATION [LB, UB]	PERCENTAGE [LB, UB]	POPULATION [LB, UB]	PERCENTAGE [LB, UB]	POPULATION [LB, UB]	PERCENTAGE [LB, UB]
United States of America	[121,074, 354,454]	[0.39%, 1.13%]	[569,753, 1,649,712]	[0.34%, 1.00%]	[132,175, 360,271]	[0.31%, 0.84%]
Alabama	[1,624, 7,089]	[0.33%, 1.46%]	[7,630, 32,564]	[0.30%, 1.29%]	[1,868, 7,887]	[0.27%, 1.13%]
Alaska	[282, 806]	[0.35%, 0.99%]	[1,132, 3,210]	[0.28%, 0.81%]	[157, 434]	[0.25%, 0.69%]
Arizona	[2,562, 8,556]	[0.39%, 1.31%]	[11,120, 37,886]	[0.34%, 1.14%]	[2,708, 8,560]	[0.28%, 0.88%]
Arkansas	[966, 3,550]	[0.34%, 1.23%]	[4,614, 17,456]	[0.31%, 1.16%]	[1,185, 4,384]	[0.27%, 0.99%]
California	[18,464, 60,029]	[0.46%, 1.50%]	[83,407, 274,478]	[0.41%, 1.36%]	[15,871, 51,075]	[0.35%, 1.11%]
Colorado	[1,796, 5,616]	[0.35%, 1.10%]	[8,404, 25,994]	[0.30%, 0.92%]	[1,595, 4,612]	[0.26%, 0.76%]
Connecticut	[1,024, 2,942]	[0.30%, 0.86%]	[4,988, 14,281]	[0.26%, 0.74%]	[1,253, 3,458]	[0.24%, 0.65%]
Delaware	[451, 974]	[0.49%, 1.05%]	[2,061, 4,417]	[0.43%, 0.92%]	[541, 1,074]	[0.38%, 0.76%]
District of Columbia	[470, 11,880]	[0.57%, 14.48%]	[1,786, 47,078]	[0.48%, 12.65%]	[361, 9,351]	[0.51%, 13.10%]
Florida	[7,554, 23,144]	[0.42%, 1.29%]	[37,404, 114,026]	[0.37%, 1.14%]	[11,453, 32,341]	[0.33%, 0.92%]
Georgia	[4,847, 16,177]	[0.48%, 1.59%]	[21,496, 71,304]	[0.41%, 1.35%]	[4,147, 13,309]	[0.37%, 1.17%]
Hawaii	[845, 1,662]	[0.62%, 1.23%]	[4,005, 7,975]	[0.54%, 1.08%]	[1,088, 2,098]	[0.51%, 0.99%]
Idaho	[500, 1,087]	[0.32%, 0.69%]	[2,224, 4,882]	[0.28%, 0.61%]	[525, 1,068]	[0.25%, 0.50%]
Illinois	[4,255, 11,778]	[0.34%, 0.94%]	[20,559, 55,749]	[0.30%, 0.81%]	[4,668, 12,533]	[0.28%, 0.74%]
Indiana	[3,045, 5,579]	[0.46%, 0.84%]	[14,012, 25,792]	[0.41%, 0.76%]	[3,457, 5,802]	[0.39%, 0.65%]
Iowa	[656, 1,617]	[0.21%, 0.52%]	[2,963, 7,376]	[0.19%, 0.47%]	[841, 1,939]	[0.18%, 0.41%]
Kansas	[1,065, 1,978]	[0.36%, 0.66%]	[4,565, 8,465]	[0.31%, 0.58%]	[1,130, 1,919]	[0.29%, 0.49%]
Kentucky	[1,665, 3,374]	[0.39%, 0.80%]	[8,649, 16,904]	[0.37%, 0.73%]	[2,190, 3,949]	[0.36%, 0.64%]
Louisiana	[2,204, 4,371]	[0.46%, 0.92%]	[10,310, 20,236]	[0.43%, 0.84%]	[2,260, 4,181]	[0.38%, 0.71%]
Maine	[378, 1,146]	[0.32%, 0.98%]	[2,120, 6,268]	[0.29%, 0.87%]	[607, 1,739]	[0.27%, 0.77%]
Maryland	[2,303, 4,398]	[0.41%, 0.78%]	[11,347, 21,316]	[0.35%, 0.66%]	[2,461, 4,307]	[0.32%, 0.57%]
Massachusetts	[2,568, 7,807]	[0.37%, 1.13%]	[11,326, 34,087]	[0.31%, 0.95%]	[2,832, 8,391]	[0.30%, 0.88%]
Michigan	[2,655, 7,870]	[0.27%, 0.79%]	[12,593, 37,168]	[0.24%, 0.72%]	[3,240, 8,999]	[0.23%, 0.63%]
Minnesota	[2,541, 4,552]	[0.51%, 0.91%]	[12,539, 22,498]	[0.44%, 0.78%]	[3,043, 5,080]	[0.42%, 0.70%]

STATE	AGE					
	18-24		25-64		65 AND OLDER	
	POPULATION (LB, UB)	PERCENTAGE (LB, UB)	POPULATION (LB, UB)	PERCENTAGE (LB, UB)	POPULATION (LB, UB)	PERCENTAGE (LB, UB)
Mississippi	[1,009, 4,310]	[0.32%, 1.37%]	[4,490, 19,158]	[0.29%, 1.26%]	[1,036, 4,327]	[0.26%, 1.08%]
Missouri	[1,876, 6,423]	[0.32%, 1.08%]	[8,975, 30,421]	[0.29%, 0.97%]	[2,324, 7,535]	[0.26%, 0.85%]
Montana	[266, 572]	[0.27%, 0.58%]	[1,222, 2,592]	[0.23%, 0.49%]	[323, 650]	[0.21%, 0.41%]
Nebraska	[473, 1,264]	[0.25%, 0.68%]	[2,143, 5,820]	[0.23%, 0.61%]	[551, 1,389]	[0.21%, 0.54%]
Nevada	[1,135, 2,646]	[0.45%, 1.04%]	[5,889, 13,545]	[0.40%, 0.92%]	[1,150, 2,547]	[0.32%, 0.71%]
New Hampshire	[356, 1,067]	[0.28%, 0.85%]	[1,798, 5,237]	[0.25%, 0.72%]	[450, 1,244]	[0.23%, 0.64%]
New Jersey	[2,265, 6,732]	[0.29%, 0.86%]	[12,204, 36,508]	[0.25%, 0.76%]	[3,013, 8,517]	[0.24%, 0.68%]
New Mexico	[988, 3,255]	[0.46%, 1.53%]	[4,389, 14,044]	[0.41%, 1.32%]	[1,011, 3,160]	[0.34%, 1.07%]
New York	[7,732, 15,788]	[0.39%, 0.79%]	[37,363, 76,111]	[0.35%, 0.72%]	[9,137, 17,614]	[0.33%, 0.64%]
North Carolina	[3,765, 11,609]	[0.39%, 1.19%]	[17,757, 54,557]	[0.34%, 1.06%]	[4,194, 12,219]	[0.31%, 0.91%]
North Dakota	[170, 531]	[0.19%, 0.59%]	[593, 1,834]	[0.17%, 0.51%]	[170, 498]	[0.17%, 0.50%]
Ohio	[4,001, 7,561]	[0.36%, 0.68%]	[19,701, 36,836]	[0.32%, 0.61%]	[5,251, 9,125]	[0.31%, 0.54%]
Oklahoma	[1,351, 6,063]	[0.35%, 1.56%]	[6,026, 26,649]	[0.31%, 1.36%]	[1,438, 6,011]	[0.27%, 1.13%]
Oregon	[1,512, 5,190]	[0.41%, 1.42%]	[7,380, 25,644]	[0.35%, 1.22%]	[1,714, 5,934]	[0.30%, 1.02%]
Pennsylvania	[4,284, 8,404]	[0.34%, 0.67%]	[21,090, 40,686]	[0.31%, 0.60%]	[6,172, 10,959]	[0.30%, 0.54%]
Rhode Island	[389, 1,143]	[0.32%, 0.95%]	[1,608, 4,817]	[0.29%, 0.87%]	[424, 1,219]	[0.27%, 0.77%]
South Carolina	[1,784, 5,944]	[0.36%, 1.21%]	[7,977, 26,549]	[0.32%, 1.08%]	[1,963, 6,533]	[0.28%, 0.94%]
South Dakota	[188, 577]	[0.22%, 0.69%]	[827, 2,452]	[0.20%, 0.58%]	[217, 631]	[0.18%, 0.52%]
Tennessee	[2,220, 8,664]	[0.36%, 1.39%]	[11,036, 42,384]	[0.32%, 1.24%]	[2,740, 9,962]	[0.30%, 1.09%]
Texas	[10,763, 33,983]	[0.40%, 1.27%]	[49,965, 156,972]	[0.37%, 1.16%]	[8,906, 27,059]	[0.31%, 0.95%]
Utah	[617, 3,133]	[0.19%, 0.96%]	[2,244, 11,329]	[0.16%, 0.83%]	[385, 1,804]	[0.14%, 0.67%]
Vermont	[299, 629]	[0.46%, 0.96%]	[1,364, 2,844]	[0.40%, 0.84%]	[372, 745]	[0.38%, 0.75%]
Virginia	[3,798, 6,980]	[0.46%, 0.85%]	[17,590, 33,074]	[0.40%, 0.75%]	[3,987, 7,026]	[0.38%, 0.66%]
Washington	[2,662, 8,550]	[0.40%, 1.29%]	[12,748, 41,018]	[0.34%, 1.10%]	[2,655, 8,291]	[0.29%, 0.91%]
West Virginia	[427, 1,325]	[0.25%, 0.76%]	[2,347, 7,299]	[0.24%, 0.74%]	[687, 2,040]	[0.22%, 0.66%]
Wisconsin	[1,883, 3,799]	[0.34%, 0.69%]	[9,141, 18,414]	[0.30%, 0.61%]	[2,287, 4,434]	[0.28%, 0.54%]
Wyoming	[135, 328]	[0.23%, 0.57%]	[634, 1,509]	[0.21%, 0.49%]	[141, 308]	[0.19%, 0.41%]

*Note: LB=95% Lower bound; UB=95% Upper bound

ENDNOTES

- ¹ For a discussion of gender identity data collection in federal population-based surveys and recommended measures, see The GenIUSS Group. (2014). *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys*. J.L. Herman (Ed.). Los Angeles, CA: The Williams Institute, available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>.
- ² Gates, G.J. (2011). *How many people are lesbian, gay, bisexual, and transgender?* Los Angeles, CA: The Williams Institute, available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>. A more recent report that was released in March 2016 provided estimates of the transgender population ages 13 and above in 15 states ("Estimates of Transgender Populations in States with Legislation Impacting Transgender People, available at <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/estimates-of-transgender-populations-in-states-with-legislation-impacting-transgender-people/>). These estimates were based on Gates' 2011 study and other estimates of the transgender youth population. We believe the current study provides more robust estimates of the percentage of transgender-identified adults in those 15 states.
- ³ A detailed description of the methodology for this study is included in the Appendix and further details will be included in a separate document published alongside this report.
- ⁴ For national and state estimates provided in this report, adult general population figures from the U.S. Census Bureau's American Community Survey, 2011-2013 3-year PUMS, were multiplied by the estimated percentage of transgender-identified adults to yield the estimated number of transgender-identified adults.
- ⁵ The District of Columbia is not included in this range for states. DC had a notably high percentage of transgender-identified adults (2.8%) and is considered an outlier due to its unique geographic (urban) and demographic profile.
- ⁶ See note #5.
- ⁷ See note #5.
- ⁸ See, for instance, Conron, K.J., Scott, G., Stowell, G.S., and Landers, S. J. (2012). Transgender Health in Massachusetts: Results from a Household Probability Sample of Adults. *American Journal of Public Health*, 102(1), 118-122.
- ⁹ For more detailed information on gender identity data collection in the BRFSS, see Baker, K.E. & Hughes, M. (2016). *Sexual Orientation and Gender Identity Data Collection in the Behavioral Risk Factor Surveillance System*. Washington, DC: The Center for American Progress, available at <https://cdn.americanprogress.org/wp-content/uploads/2016/03/29090401/BRFSSdatacollect-brief-03.31.16.pdf>.
- ¹⁰ Park, D.K., Gelman, A., & Bafumi, J. (2004). Bayesian multilevel estimation with poststratification: State-level estimates from national polls. *Political Analysis*, 12, 375-385.
- ¹¹ Flores, A.R., & Barclay, S. (2015). *Trends in public support for marriage for same-sex couples by state*. Los Angeles, CA: The Williams Institute, UCLA.
- ¹² Saxe, L., & Tighe, E. (2013). Estimating and understanding the Jewish population in the United States: A program of research. *Contemporary Jewry*, 33(1), 43-62; Tighe, E., Livert, D., Barnett, M., & Saxe, L. (2010). Cross-survey analysis to estimate low-incidence religious groups. *Sociological Methods & Research*, 39(1), 56-82.
- ¹³ Lax, J.R., & Phillips, J.H. (2009). How should we estimate public opinion in the states? *American Journal of Political Science*, 53(1), 107-121; Warshaw, C., & Rodden, J. (2012). How should we measure district-level public opinion on individual issues? *Journal of Politics*, 74(1), 203-219.
- ¹⁴ Buttice, M.K., Highton, B. (2013). How does multilevel regression and poststratification perform with conventional national surveys? *Political Analysis*, 21(4), 449-467; Toshokov, D. (2015). Exploring the performance of multilevel modeling and poststratification with Eurobarometer data. *Political Analysis*, 23(3), 455-460.
- ¹⁵ NSF-1424962. (2014-2017). Using multilevel regress and post-stratification to measure and study dynamic public opinion.
- ¹⁶ See Flores, A.R. (2016). *Estimating the adult population that identifies as transgender in the BRFSS*. Los Angeles, CA: The Williams Institute, UCLA.
- ¹⁷ Stan Development Team. (2016) RStan: The R interface to Stan, version 2.9.0. <http://mc-stan.org>.

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EXHIBIT K

Mother Jones

POLITICS JANUARY 27, 2017

Transgender Rights Are Under Attack in These 11 States

Advocates are already seeing an onslaught of discriminatory bills in state legislatures this year.

ASHLEY DEJEAN



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Conservatives now hold the governor's seat and control of the legislature in roughly half of all states, and since the election they've quickly gotten to work proposing measures that opponents say could threaten the rights and safety of transgender people. Human rights advocates say they're fearing an onslaught of discriminatory bills in the coming months.

“We are seeing them already in an impressive number of states given how early in the legislative session it is,” says HRC’s Cathryn Oakley.

“We are seeing them already in an impressive number of states given how early in the legislative session it is,” says Cathryn Oakley, senior legislative counsel for the Human Rights Campaign, though she adds that “some at this point are still rumored.” By HRC’s estimate, at least 40 anti-LGBT proposals have already been introduced for the legislative sessions this year.

Some of the measures are so-called bathroom bills (made famous by North Carolina’s HB2), which ban transgender people from using the restroom of their choice, often under the guise of privacy and “protecting women and children.” As Oakley explains, these bills are bad policy not

only because they infringe on the rights of transgender people, but also because of the damage they can inflict on a state’s economy.

After North Carolina passed HB2 last year, several businesses decided to pull plans to expand in the state, local governments banned

official travel to North Carolina, and events like the NCAA basketball championship were moved elsewhere.

Other proposals would force schools to out transgender students to their parents, something advocates find particularly troubling. Up to 40 percent of homeless youth are LGBT. Whether their parents accept their gender identity has a significant impact on the mental health outcomes of young transgender people. “It risks their long-term health care outcomes and economic future by endangering their ability to protect their own privacy and move safely through the world,” explains Sasha Buchert with the Transgender Law Center.

Here’s a roundup of anti-transgender proposals in state governments since the election:

Alabama: SB1

This bill is intended to be a “backstop” if the courts overturn North Carolina’s bathroom law. Under the proposed legislation, all bathrooms and changing facilities in the state must be designed for use “by one person at a time” or “multiple persons of the same gender.” Gender-neutral bathrooms meant for multiple people would have to be “staffed by an attendant stationed at the door of each rest room to monitor the appropriate use of the rest room and answer any questions or concerns posed by users.” Any business, school, or other entity violating these rules would be subject to a fine of a minimum of \$2,000 for the first violation and at least \$3,500 for each subsequent violation.

As *ThinkProgress* points out, the bill, proposed by state Sen. Phil Williams (R-Rainbow City), is written in such a vague way that it’s actually unclear if it would actually have any impact on transgender people. Still, Williams made his intention clear in an op-ed announcing the bill: “The argument that a self-professed ‘gender identity’ affords access to a facility over the deep concerns of other members of the public is a violation of that right to privacy.”

Arizona: HB 2293, HB 2294

Transgender people already cannot get sex reassignment surgery under Arizona’s Medicaid system. Now, state Rep. Anthony Kern’s (R-Glendale) HB 2294 would formally codify that reality into law, which transgender rights advocates worry could make accessing the surgery even more difficult in the future.

Kern also introduced HB 2293, which would prohibit people who are incarcerated from getting sex reassignment surgery. “Any medical procedures that doctors deem are medically necessary for particular individuals to treat their gender dysphoria should be covered by insurance of every kind,” Abby Jensen, vice president of Southern Arizona Gender Alliance and a board member of Equality Arizona, told *Mother Jones*. “There is no reason to single out transgender people for that exclusion, especially when the procedures that we’re talking about are commonly paid for by the same insurance plans for other conditions.”

Jensen’s also troubled by another piece of legislation, SB 1199, that would require people seeking to change their name to undergo a criminal background check. The sponsor of the bill says it “would not make it easier or harder” for a transgender person to get a name change and is intended to keep people from masking their criminal history. But Jensen worries the legislation could have a disproportionate impact on transgender people: “Because of discrimination and bias against trans people, we are arrested and incarcerated at much higher rates than the general population,” she said. “A criminal background check could give judges an excuse to deny a name change petition.” While such a denial may be reversible on appeal, Jensen adds, “very few trans people have legal representation and there are no LGBT legal advocacy organizations currently active in Arizona.”

Kansas: HB 2171

The measure would prohibit transgender students from accessing the locker rooms, showers, and restrooms that correspond with their gender identity. It defines sex as “determined by a person’s chromosomes” and “identified at birth by a person’s anatomy.” Under the proposal, any citizen could complain directly to the attorney general about an offending school if the school does not “cure a violation” within three days. The attorney general could then sue the school if it determines after an investigation that legal action is warranted.

“The bill on its face is just an attack on little kids,” Tom Witt, director of Equality Kansas, told the *Topeka Capita-Journal*. “I am just incredibly angry and disappointed that anyone would introduce such a thing in this state.”

“The bill on its face is just an attack on little kids” said Tom

Witt, director of Equality Kansas.

businesses to legally discriminate against LGBT people.

Kentucky: HB106

In Kentucky, the typical political dichotomy has been turned on its head: A Democrat is actually leading the anti-transgender charge, and Republican leadership has spoken out against the idea of legislating where transgender people can pee. State Rep. Rick Nelson's (D-Middlesboro) bill will require people using state and local government bathrooms to use the facility in line with the sex on their birth certificate. Nelson has also introduced a so-called "religious freedom bill," which would allow

Missouri: SB 98

Some lawmakers in Missouri don't want transgender students in public schools using the bathroom or locker room that matches their gender identity. The legislation, introduced by state Sen. Ed Emery (R-Lamar), would force students to use the bathroom based on their sex as "determined by a person's chromosomes." Emery is promoting his legislation by stoking fears: "If you had a daughter, you might not feel that she was completely safe if young men were allowed into her shower room, and vice versa," he said, according to St. Louis Public Radio.

Under his legislation, a student seeking a special accommodation, such as using a private bathroom, needs parental permission to do so—meaning the student would need to be out to his or her parents. The bill explicitly states that no special accommodations can be made to allow the student into their desired bathroom or locker room.

South Carolina: Bill 3012

A bathroom bill in South Carolina failed to even make it to a vote on the Senate floor last year, with several lawmakers and the governor deciding they weren't interested in such legislation in the wake of the backlash in North Carolina to HB2. But now, state Rep. Steven Long (R-Boiling Springs) decided to soften the proposal in hopes of getting it passed. Instead of prohibiting transgender people from using the bathroom of their choice, the new proposal aims to let businesses decide whether to discriminate by banning local governments from requiring businesses to allow transgender patrons their choice of restroom.

South Dakota: SB 115

Two lawmakers in South Dakota have also introduced softer legislation after Gov. Dennis Daugaard vetoed a bill last year that would have prohibited transgender students in public schools from using the bathroom and locker rooms of their choice. The new proposal only applies to locker rooms and other changing facilities, but is expected to meet the same fate as last year's legislation. The governor's chief of staff has already said Daugaard would veto the bill if it came to his desk, telling the Associated Press that it's "substantially the same."

Texas: SB6, SB242

Texas Republicans are trying to push through legislation that would prohibit transgender people from using the bathroom they choose in public schools and buildings. SB6 would also stop local governments from passing nondiscrimination rules, meaning businesses and other privately owned facilities will ultimately decide whether or not to limit bathroom access. Violating the rules would lead to a fine of at least \$1,000 for the first offense and jump to \$10,000 for each subsequent offense.

Whether the legislation will pass remains unclear. The state House speaker says it's not a priority and many in the business community are pushing back against the law. However, the lieutenant governor is leading the charge, and the state Senate seems keen to limit bathroom access, therefore risking an estimated \$8.5 billion a year to the state according to the Texas Association of Business. Gov. Greg Abbott hasn't publicly supported the bill, but this hot take from last year gives some pretty clear insight to his thoughts on the matter at hand:



Greg Abbott 
@GregAbbott_TX



JFK wanted to send a man to the moon. Obama wants to send a man to the women's restroom. We must get our country back on track. #tcot

Case 3:19-cv-00328 Document 62-11 Filed 03/09/20 Page 4 of 5 PageID #: 645

♡ 5,176 10:01 AM - May 17, 2016ⓘ

💬 4,687 people are talking about this>

Also under review by the Texas Legislature is another proposal that states parents are entitled to all information schools have regarding their child's psychological and emotional well-being. LGBT advocacy organization Equality Texas says this bill would force school employees to out students in some cases. SB 242's author argues this is not the case, but if a parent asks for information, school employees would be legally required to provide it under the proposal.

"If your kid is gay, and can tell his teacher, but hasn't told you, then you are the problem," said Equality Texas Board Chairman Steven Rudner in a statement opposing the legislation. "If a kid can tell a teacher but not their parent, it is a pretty good indication that your child is scared of you and the consequences of telling you, and you are who the kid needs to be protected from."

Virginia: HB 1612

Delegate Bob Marshall's (R-Prince William) bill, which has already been killed, would have limited bathroom access in schools and other government facilities. When one transgender man recently asked proponents of the bill where they thought he should use the restroom, Marshall responded, "Not here." Advocates say Marshall's bill was especially dangerous because of a provision that would require schools to out students to their parents within 24 hours if they asked "to be recognized or treated as the opposite sex."

Gov. Terry McAuliffe had vowed to veto the legislation. In fact, he extended protections to transgender workers just days after the bill was introduced—signing an executive order banning the state from doing business with any group that discriminates based on sexual orientation or gender identity.

Washington: HB 1011

You might think Washington state lawmakers would drop the issue of where transgender people can go to the bathroom considering the state passed nondiscrimination protections all the way back in 2006, and multiple efforts to restrict bathroom access failed last year. However, 14 Republican state lawmakers have introduced a bill that states nondiscrimination laws do not prohibit public and private institutions from limiting bathroom access based on someone's genitals.

Transgender rights advocates point out the kicker with this bill is that it highlights the absurd anxiety some people have about what's in people's pants by explicitly referring to genitalia: The legislation states that nondiscrimination protections don't apply "if the person is preoperative, nonoperative, or otherwise has genitalia of a different gender from that for which the facility is segregated."

Wyoming: HB 244

Most of the bathroom bills across the nation put the onus on schools or the government to keep transgender people out of the bathroom of their choice, but in Wyoming, legislation has been introduced to make using a public bathroom or changing facility that does not correspond to your sex assigned at birth an act of public indecency. Under this legislation, transgender people could be incarcerated for up to six months and fined \$750 for using the bathroom.

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EXHIBIT L

ORIGINAL

425

House Bill No.

DeBerry
Thomas B. DeBerry
PRIME SPONSOR

BY REPRESENTATIVE

TAKE UP PAS/LS FIRST TITLE BELOW

AN ACT TO

enact the Vital Records Act of 1977; to provide for an Office of Vital Records within the Tennessee Department of Public Health and to institute a comprehensive statewide system of vital records; and to repeal Tennessee Code Annotated, Sections 53-401 through 53-458, inclusive, the same being all of Chapter 4 of Title 53 of the Tennessee Code Annotated.

SIGNATURES OF OTHER SPONSORS

DeBerry (as per journal)

OTHER SPONSORS (OVER)

* THIS FOLDER-JACKET (FILE) IS AN INTEGRAL AND VITAL PART OF THIS MEASURE .. DO NOT REMOVE! DO NOT DEFACE!

HOUSE ACTION

PIR _____ 3/16 19 77
P2R _____ 3/17 19 77

STANDING COMMITTEE ON:

GEN'L WELF
ACTION: FOR PASSAGE FOR PASSAGE WA
DATE: 3-30-77 E.D.G. CHMN.

3-30-77

ACTION: FOR PASSAGE FOR PASSAGE WA
DATE: _____ CHMN.

COMMITTEE ON CALENDAR AND RULES

RECEIVED _____ 3/30 19 77
REPORTED OUT _____ 4/5 19 77
FOR CALENDAR #8 _____ 4/7 19 77
CHMN.

SPECIAL ORDER _____ 19
SPECIAL ORDER _____ 19

P2R _____ 19
S.B. NO. 162 SUBSTITUTED FOR

4/7 77

DeBerry
CHIEF CLERK, HOUSE

SENATE ACTION

P1R _____ 19
P2R _____ 19

STANDING COMMITTEE ON:

ACTION: FOR PASSAGE FOR PASSAGE WA
DATE: _____ CHMN.

ACTION: FOR PASSAGE FOR PASSAGE WA
DATE: _____ CHMN.

COMMITTEE ON CALENDAR

RECEIVED _____ 19
REPORTED OUT _____ 19
FOR CALENDAR _____ 19
CHMN.

SPECIAL ORDER _____ 19
SPECIAL ORDER _____ 19

SUBSTITUTED FOR SB NO. _____

P2R _____ 19

CHIEF CLERK, SENATE

FURTHER SENATE ACTION (OVER)

COMMITTEE VOTE RECORD
HOUSE OF REPRESENTATIVES

COMMITTEE: CALENDAR & RULES

DATE: 4/5/77

OFFICERS: Lanier, Chairman

BILL NO. 425

Miller, Vice Chairman

MOTION BY: DeBerry

S. T. Burnett, Secretary

SECONDED BY: Burnett

NAME	AYE	NO	PRES. N-Y	NAME	AYE	NO	PRES. N-Y
1. Blackburn				21. Lashlee			
2. Bishop				22. Love			
3. Bissell				23. Miller			
4. Bragg				24. Murphy, Mike			
5. Buck				25. Murphy, I.H.			
6. Burks		/		26. Murray, Ed			
7. Burnett, S.T.				27. Murray, Roger			
8. Clark				28. Phillips			
9. Darnell				29. Pickering			
10. Davis				30. Robinson, Robb			
11. DeBerry				31. Rhinehart			
12. DePriest				32. Richardson			
13. Dixon				33. Spence			
14. Ellis				34. Starnes			
15. Ford, Emmitt				35. Watson			
16. Fuqua				36. Work			
17. Gill				37. Speaker McWherter			
18. Hillis				38. Speaker pro tem McWilliams			
19. King				39.			
20. Lanier				40.			
				TOTAL			

ally 1

ACTION TAKEN:

Set of Calendar # 4/7/77
 Deferred until _____
 Referred to Committee _____
 Other _____

EXPLANATORY NOTE

Enacts the "Vital Records Act of 1977" to provide for a comprehensive modernization of Tennessee's vital records statutes.

AN ACT to enact the Vital Records Act of 1977; to provide for an Office of Vital Records within the Tennessee Department of Public Health and to institute a comprehensive statewide system of vital records; and to repeal Tennessee Code Annotated, Sections 53-401 through 53-458, inclusive, the same being all of Chapter 4 of Title 53 of the Tennessee Code Annotated.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Short Title. This act shall be known and may be cited as the "Vital Records Act of 1977".

SECTION 2. Definitions. As used in this act, the following terms shall have the following meaning unless the context requires otherwise:

- (a) "Commissioner" means the commissioner of the Tennessee department of public health.
- (b) "Dead body" means a human body from the condition of which it reasonably may be concluded that death occurred.
- (c) "Department" means the Tennessee department of public health.
- (d) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles.
- (e) "File" means to present a vital record provided for in this act for registration by the office of vital records.
- (f) "Final disposition" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead body or fetus.

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- (g) "Induced termination of pregnancy" means the intentional termination of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus.
- (h) "Institution" means any establishment, public or private, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodial or domiciliary care, or to which persons are committed by law.
- (i) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of the pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- (j) "Person in charge of interment" means any person who places or causes to be placed, a deceased person, still-born child, or dead body, or, after cremation, the ashes thereof, in the earth, a grave, tomb, vault, urn, or other receptacle, either in a cemetery or at any other place, or disposes otherwise thereof.
- (k) "Physician" means a person licensed to practice medicine or osteopathy pursuant to the laws of this state.
- (l) "Public health council" means the council referred to in Tennessee Code Annotated, Section 53-114.
- (m) "Registration" means the acceptance by the office of vital records and the incorporation of vital records provided for in this act into its official records.
- (n) "System of vital records" includes the registration, collection, preservation, amendment, and certification of vital records, and the collection of other reports required by this act.
- (o) "Vital records" means certificates or reports of births, death, marriage, divorce, or annulment and other records related thereto.

SECTION 3. Office of Vital Records and Statewide System.

I. The department shall:

- (a) Establish an office of vital records with suitable offices which shall be properly equipped with fireproof vault and filing cases for the preservation of all official records made and received under this chapter or under the regulations of the department.
- (b) Make and amend, with the approval of the public health council, regulations necessary for the creation and efficient performance of an adequate system of vital records, and give instructions and prescribe forms for collecting, transcribing, compiling, and preserving vital records.
- (c) Enforce this chapter and the regulations made pursuant thereto.
- (d) Provide a seal of office.
- (e) Divide the state into vital records registration districts. The department may from time to time, as conditions justify, change their boundaries. The subdivisions of the state at the time this chapter becomes effective, shall be continued until changed by the department.

II. The commissioner shall:

(a) Appoint a state registrar of vital records, herein referred to as the state registrar, who shall be qualified in accordance with classification standards of education and experience.

(b) In case of a vacancy in the office of state registrar, the commissioner shall immediately appoint a successor.

III. The state registrar shall:

(a) Under the supervision of the commissioner, shall act as agent of the commissioner and:

(1) Have charge of the office of vital records and shall act as the custodian of all the certificates and records received by him, and perform such other duties as the commissioner may prescribe.

(2) Be charged with the execution of this chapter and of the regulations of the department throughout the state and have supervisory power over the local registrars and deputy local registrars.

(b) Prescribe, with the approval of the department, furnish, and distribute such forms as are required by this act and the rules and regulations issued hereunder or prescribe such other means for transmission of records as will accomplish the purpose of complete and accurate registration.

(c) Assist in preparing and publishing reports of vital statistics of this state and such other reports as may be required by the department.

(d) The state registrar may establish or designate additional offices in the state to aid in the administration of the statewide system of vital records.

(e) The state registrar may delegate such functions and duties vested in him to employees of the office of vital records and to employees of an office established or designated under Section 3 (III) (d).

(f) The state registrar shall provide copies of certificates or reports required under this act or other information derived from such certificates or reports as he shall determine are necessary to local health agencies for local health planning and program activities. The state registrar shall establish a schedule for such transmittal with each local health agency. The records or other information shall remain the property of the office of vital records and the uses which may be made of such records or other information shall be governed by the state registrar. A schedule for the disposition of the certificates, reports, or data provided under this section shall be established by the state registrar.

SECTION 4. Content of Certificates and Reports. (a) In order to promote and maintain nationwide uniformity in the system of vital records, the forms of certificates, reports, and other returns required by this act, or by regulations adopted hereunder, shall include as a minimum the items recommended by the federal agency responsible for national vital statistics.

(b) Each certificate, report, and form required to be filed and registered under this act shall be on a form or in a format prescribed by the state registrar and shall contain the date received for registration.

(c) Each certificate provided for in this chapter, filed within six months after the recorded event occurred, shall be prima facie evidence of the facts therein stated. Information pertaining to the father of a child shall constitute such evidence if the alleged father is or becomes the husband of the mother in a legal marriage; if not, the information pertaining to the father of a child shall not constitute such evidence in any civil or criminal proceeding adverse to the interests of the alleged father, or of his heirs, devisees, or other successors in interest, if the paternity is controverted.

SECTION 5. Location Registrars - Appointment - Removal. The state registrar shall:

(a) Appoint such number of local registrars for the registration districts as may be necessary. Full-time local health department personnel may be appointed local registrars.

(b) Remove for cause any local registrar whose services are found to be unsatisfactory.

(c) In case of death, resignation, removal from the registration district, or removal for cause of any local registrar, the state registrar shall immediately appoint a successor.

(d) The local registrars and their deputies are charged with the duty of complying with all instructions of the state registrar, and of checking upon the compliance by others with the provisions of this chapter and with the regulations of the department.

(e) Each local registrar, upon acceptance of his written appointment, shall recommend a deputy or deputies, and in case of death, resignation, or removal of such deputy, a successor, subject to the approval of the state registrar.

(f) The information collected and recorded, under the provisions of this chapter shall be such as will aid the public health and social policies of the state, and furnish and preserve evidence affecting personal and property rights of the individual citizen.

SECTION 6. Birth Registration. (a) A certificate of birth for each live birth which occurs in this state shall be filed with the office of vital records or as otherwise directed by the state registrar within ten (10) days after such birth and shall be registered if it has been completed and filed in accordance with this section.

(b) When a birth occurs in an institution or enroute thereto, the person in charge of the institution or his designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the office of vital records or as otherwise directed by the state registrar within the required ten (10) days. The physician in attendance shall provide the medical information required by the certificate and certify to the facts of birth within seventy-two (72) hours after the birth. If the physician does not certify to the facts of birth within the required seventy-two (72) hours, another physician or registered nurse in attendance designated by the physician or the chief medical officer of the institution in which the birth occurred shall complete and sign the certification.

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed in one of the following in the indicated order of priority:

- (1) The physician in attendance or immediately after the birth, or in the absence of such person,
- (2) Any other person in attendance at or immediately after the birth, or in the absence of such person,
- (3) The father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(d) When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the certificate shall show the actual place of birth in so far as can be determined.

- (e) (1) If the mother was married at the time of either conception or birth, or any time between conception and birth, the name of the husband shall be entered on the certificate as the father of the child and the surname of the child shall be entered on the certificate as that of the husband.

- (2) If the mother was not married at the time of either conception or birth or between conception and birth, the name of the father shall not be entered on the certificate of birth, and the surname of the child shall be that of the legal surname of the mother. All information pertaining to the father shall be omitted.
- (3) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.
- (4) In all other cases, the surname of the child shall be the legal surname of the mother.
- (5) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(f) A child born to a married woman as a result of artificial insemination, with consent of her husband, shall be deemed to be the legitimate child of the husband and wife.

(g) Either parent of the child or any other knowledgeable informant shall attest to the accuracy of the personal data provided in sufficient time to permit the filing of the certificate within the ten (10) days prescribed by this section.

SECTION 7. Infants of Unknown Parentage; Foundling Registration. (a) Whoever assumes the custody of a live born infant of unknown parentage shall report on a form and in a manner prescribed by the state registrar within ten (10) days to the office of vital records the following information:

- (1) the date and place of finding;
- (2) Sex, color or race, and approximate birth date of the child;
- (3) Name and address of the person or institution with whom the child has been placed for care;
- (4) Name given to the child by the custodian of the child;
- (5) Other data required by the state registrar.

(b) The place where the child was found shall be entered as the place of birth.

(c) A report registered under this section shall constitute the certificate of birth for the child.

(d) If the child is subsequently identified and a certificate of birth is found or obtained, the report registered under this section shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

SECTION 8. Delayed Registration of Birth. (a) When the birth of a person born in this state has not been filed within the time period provided in Section 6, a certificate of birth may be filed in accordance with regulations of the office of vital records. The certificate shall be registered subject to such evidentiary requirements as the office of vital records shall by regulation prescribe to substantiate the alleged facts of birth.

(b) A certificate of birth registered six months or more after the date of birth shall be marked "delayed" and show on its face the date of the delayed registration.

(c) A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

(d) When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not register the delayed certificate of birth and shall advise the applicant of the reason for this action.

SECTION 9. Judicial Procedure to Establish Facts Of Birth. (a) If a delayed certificate of birth is rejected under the provisions of Section 8 of this act, a petition signed and sworn to by the petitioner may be filed with a court of competent jurisdiction for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

(b) Such petition shall be made on a form prescribed and furnished by the state registrar and shall allege that:

- (1) The person for whom a delayed certificate of birth is sought was born in this state.
- (2) No certificate of birth can be found in the office of vital records.
- (3) Diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Section 8 of this act and regulations adopted pursuant thereto.

(c) The petition shall be accompanied by a statement of the state registrar made in accordance with Section 8 of this act and all documentary evidence which was submitted to the state registrar in support of such registration.

(d) The court shall fix a time and place for hearing the petition and shall give the state registrar twenty-one (21) days of notice thereof. The state registrar or his authorized representative may appear and testify in the proceeding.

(e) If the court finds, from the evidence presented, that the person for whom a delayed certificate of birth is sought was born in this state, it shall make findings as to the place and date of birth, parentage, and such other findings as the case may require and shall issue an order on a form prescribed and furnished by the state registrar to establish a certificate of birth. This order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.

(f) The clerk of the court shall forward each order to the state registrar no later than the tenth (10th) day of the calendar month following the month in which it was entered. Such order shall be registered by the state registrar and shall constitute the authority placing a delayed certificate of birth on file.

(g) The person for whom the delayed certificate of birth is sought shall sign the delayed certificate form furnished by the state registrar before a notary public or other person authorized to administer oaths unless the registrant is deceased or deemed incompetent.

SECTION 10. Court Report of Adoption. For each final decree of adoption by a court of competent jurisdiction in Tennessee, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the state registrar.

For each amendment or annulment of an order of adoption, the clerk of the court shall prepare a report thereon, which shall include such facts as are necessary to identify the original report of adoption and those facts amended in the adoption decree, and forward a certified copy of such report to the state registrar.

The child-placing agency or, in family adoptions, the attorney or petitioners shall cause to be completed on a form furnished by the state registrar, the request for a new certificate of birth by adoption and shall file this form with the clerk of the court to be forwarded to the state registrar with the certified report of adoption when the final order has been granted. This form shall furnish information for locating the certificate of birth in the original name and information concerning the adoptive parent(s) to be entered on the new certificate. The form shall be signed by the petitioner(s) to whom the final decree was granted and in stepparent adoptions, the adoptive and natural parent.

No later than the tenth (10th) day of each calendar month or as directed by the state registrar, the clerk of the court shall forward to the state registrar the certified report of adoption, annulment, or amendment to the adoption decree and the request for a new certificate of birth by adoption.

When the state registrar shall receive a report of adoption, annulment, or amendment to the decree of adoption from the clerk of the court for a person born in another state, such report shall be forwarded to the state registrar in the state of birth. If the birth occurred in a foreign country the report of adoption shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency.

Upon receipt of a certified copy of a final decree of adoption, or certified report of adoption prepared in accordance with the laws of another state or foreign country, and the request for a new certificate of birth by adoption, the state registrar shall prepare and file a new certificate of birth in the adopted name for a person born in Tennessee, if not in conflict with Tennessee adoption laws.

SECTION 11. Conditions Precedent to the Preparation of New Certificate by Adoption, Legitimation, or Adjudication of Paternity. New certificates of birth shall be prepared on adoption, legitimations, and orders of paternity only. All orders of adoption, legitimation, and paternity shall be final and all required legal papers placed on file in the office of vital records. The certificate of birth in the original name shall be removed from the volume and a record inserted thereof which shall show the original certificate number, date removed, and code citation. The birth shall have occurred in Tennessee and a certificate of birth in the original name shall be on file in the department.

The new certificate shall be prepared on a standard form in current use in the department and shall be signed by the state registrar in the space provided for the signature of the attendant at birth. The new certificate shall show the date of birth, place of birth, sex, and date of filing as shown on the certificate of birth in the original name. A new certificate of birth by adoption shall show the residence of the adoptive parent(s) as at the time the final order of adoption was granted.

When a final order of adoption has been granted to only one petitioner and upon receipt of a certified request of the petitioner, the word "adoption" may be entered on the new certificate of birth in the space provided for the information concerning the other parent. The certified request shall be furnished to the state registrar prior to the preparation of the new certificate. A new certificate of birth by adoption shall not be prepared if so requested by the court that granted the adoption, the adoptive parent(s), or the adopted person.

A certificate of birth in the original name which indicates a legitimate birth and another person as father shall not be removed for the preparation of a new certificate of birth by legitimation unless an order from a court of competent jurisdiction refuting such facts as set forth by regulation is furnished to the state registrar. A new certificate of birth shall not be prepared for the person in the instance where his or her father and mother were married prior to the birth of such person and the original certificate indicates another person as father or an illegitimate birth. The certificate of birth in the original name shall be amended in accordance with regulations to show correct facts at the time of the birth.

A new certificate of birth shall not be prepared on an order of legitimation or paternity granted by a juvenile court on an adult (18 years of age or older).

When an order of paternity has been granted on an unborn infant, the original certificate of birth shall be prepared and filed in accordance with the laws and regulations of the department and a new certificate by paternity shall be prepared upon receipt of the required legal papers from the court.

SECTION 12. New Certificates of Birth by Adoption, Legitimation, and Orders of Paternity. The state registrar shall prepare a new certificate of birth for a person born in Tennessee upon receipt of required legal documents as provided in the following cases:

(a) Adoption. Certified copy of adoption or certified copy of final decree of adoption and request for new certificate of birth by adoption.

(b) Legitimation by court order in cases where the parents have never married. Certified copy of an order of legitimation that establishes the relationship of parent and child between the petitioner and child named in the petition, decrees the name the child is to bear, and a request for new certificate of birth by legitimation on a form provided by the state registrar that furnishes information for locating certificate of birth in original name and information concerning parents to be entered on new certificate.

(c) Legitimation by subsequent marriage of parents. Certified copy of marriage certificate or certificate of marriage of parents, and affidavits of mother and father acknowledging paternity on a form provided by the state registrar. The form shall furnish information for locating the certificate of birth in the original name and information concerning the parents to be entered on the new certificate. If the father is deceased and in lieu of his affidavit, the state registrar shall accept a certified copy of a bill or petition for divorce or sworn answer thereto properly filed in which the husband by oath acknowledged himself as father of the child or children named therein or by a certified copy of an order, judgment or decree wherein the court determined the deceased husband to be the father of the child or children and had acknowledged paternity thereof, whether heard on an ex parte or contested proceeding.

(d) Order of Paternity. Certified copy of an order of paternity or a certificate of paternity on a form provided by the state registrar which furnishes information for locating the certificate of birth in the original name, establishes the name of the father, and decrees the name the child is to bear.

SECTION 13. Sealing of Documents. All legal documents pertaining to the adoption, legitimation, or order of paternity, together with the certificate of birth in the original name, shall be placed in an envelope and sealed following the preparation of the new certificate. These sealed documents shall be preserved in a fireproof vault in the department and shall not be removed from that office except by order of a court of competent jurisdiction. The sealed documents shall be opened by the state registrar for the purpose of issuing a copy of the certificate in the name at birth, upon receipt of a certified copy of an order of the court that granted the adoption, legitimation, or order of paternity or in legitimations by subsequent marriage of the parents. Upon receipt of a certified copy of an order from the court of competent jurisdiction ordering the annulment of an order of adoption, legitimation, or order of paternity or the replacement of a certificate of birth in the original name on file, the state registrar shall open the sealed documents, replace the certificate of birth in the original name in the volume of births in which originally filed, remove the new certificate, and place it under seal with the legal documents and the certified copy of the court order.

When a new certificate of birth has been filed by the state registrar, all copies of the record of birth in the original name in the custody of any other party shall be forwarded to the state registrar upon receipt of his request.

SECTION 14. Death Registration. (a) A death certificate for each death which occurs in this state shall be filed with the office of vital records or as otherwise directed by the state registrar within five (5) days after death and prior to final disposition, or as prescribed by regulations of the department. It shall be registered if it has been completed and filed in accordance with this section.

- (1) If the place of death is unknown but the body is found in this state, the death certificate shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by the date the body was found.
- (2) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined.

(b) The funeral director or person acting as such who first assumes custody of the dead body shall file the death certificate. He shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor, as set below.

(c) The medical certification shall be completed, signed, and returned to the funeral director by the physician in charge of the patient's care for the illness or condition which resulted in death within forty-eight (48) hours after death, except when inquiry is required by the medical examiner. In the absence of the physician, the certificate may be completed and signed by another physician designated by the physician or by the chief medical officer of the institution in which the death occurred.

(d) When inquiry is required, the medical examiner shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case.

(e) If the cause of death cannot be determined within forty-eight (48) hours after death, the medical certification shall be completed as provided by regulation. The attending physician or medical examiner shall give the funeral director, or person acting as such, notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician or medical examiner.

SECTION 15. Delayed Registration of Death. (a) When a death occurring in this state has not been registered within the time period prescribed by Section 14 of this act, a certificate may be filed in accordance with the regulations of the department. Such certificate shall be registered subject to such evidentiary requirements as the department shall by regulation prescribe to substantiate the alleged facts of death.

(b) Certificates of death registered six (6) months or more after the date of death shall be marked "delayed".

SECTION 16. Reports of Fetal Death. (a) Each fetal death of twenty (20) completed weeks' gestation or more or a weight of 350 grams or more, which occurs in this state, shall be reported to the office of vital records within ten (10) days after delivery.

(1) When a dead fetus is delivered in an institution the person in charge of the institution or his designated representative shall prepare and file the report.

(2) When a dead fetus is delivered outside an institution the physician in attendance at or immediately after the delivery shall prepare and file the report.

(b) The name of father shall be entered on the fetal death report in accordance with the provisions of Section 6 of this act.

(c) When a fetal death required to be reported by this section occurs without medical attendance at or immediately after the delivery or when inquiry is required the medical examiner shall investigate the cause and shall prepare and file the report.

(d) The reports required under this section are statistical reports to be used only for medical, health, and research purposes and shall not be incorporated into the permanent official records of the system of vital records. A schedule for the disposition of these reports shall be provided for by regulation.

SECTION 17. Reports of Induced Termination of Pregnancy. (a) Each induced termination of pregnancy which occurs in this state shall be reported to the office of vital records within ten (10) days after the procedure by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, the attending physician shall prepare and file the report.

(b) The reports required under this section are to be used only for medical and health purposes and shall not be incorporated into the permanent, official records of the system of vital records. The individual undergoing the induced termination of pregnancy shall not be identified by name on the report, though some means of identification shall be used to provide retrieval of further information if necessary. A schedule for the disposition of these reports shall be provided by regulations of the department.

SECTION 18. Authorization for Final Disposition. (a) Prior to final disposition of a dead fetus, irrespective of the duration of pregnancy, the funeral director, the person in charge of the institution or other person assuming responsibility for final disposition of the fetus, shall obtain from the parents authorization for final disposition on a form prescribed and furnished or approved by the state registrar. After final disposition, the authorization shall be retained for a period of three (3) years by the funeral director, the person in charge of the institution, or other person making the final disposition.

(b) With the consent of the physician or medical examiner who is to certify the cause of death, a body may be moved from the place of death for the purpose of being prepared for final disposition.

(c) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. Such authorization shall be issued by the state registrar to a licensed funeral director or person acting as such, upon proper application.

(d) No person in charge of any premises in which cremation of dead bodies is done shall cremate or permit the cremation of any body unless it is accompanied by a burial, removal, or transit permit issued in accordance with the law and regulations in force at the place where the death, stillbirth, or disinterment occurred. Each person in charge of any crematory shall endorse upon the burial, removal, or transit permit the date of cremation, the name and location by county and civil district of the crematory over his signature and shall file all permits so endorsed with the local registrar of the district in which the crematory is located within seventy-two (72) hours from the time of cremation, but in every instance prior to the transportation by common carrier or removal from the state of the ashes.

(e) The person in charge of any premises in which cremation of dead bodies is done shall keep a record of all cremations made in the premises under his charge, stating the name of the deceased person or stillborn child, date and place of death, stillbirth, or disinterment, date of cremation, and the name and address of the undertaker, or person acting as such, who delivered the body to the crematory. The record shall be open to inspection by the state registrar or his designated representative at all times.

SECTION 19. Marriage Registration. (a) A record of each marriage performed in this state shall be filed with the office of vital records and shall be registered if it has been completed and filed in accordance with this section.

(b) The official who issues the marriage license shall prepare the record on the form prescribed and furnished by the state registrar upon the basis of information obtained from the parties to be married.

(c) Every person who performs a marriage shall certify the fact of marriage and return the record to the official who issued the license within three (3) days after the ceremony.

(d) Every official issuing marriage licenses shall complete and forward to the office of vital records on or before the tenth (10th) day of each calendar month the records of marriages filed with him during the preceding calendar month.

(e) A marriage record not filed within the time prescribed by statute may be registered in accordance with regulations of the office of vital records.

(f) Every officer authorized to issue marriage licenses shall be paid a recording fee of one dollar (\$1.00) for each marriage certificate filed with him and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.

(g) If a license to marry has been obtained by incorrect identification the fraudulent record should be voided and a correct certificate of marriage placed on file by order of the court in the county where the license was issued in accordance with regulations established by the department.

SECTION 20. Divorce or Annulment Registration. (a) For each divorce, dissolution of marriage, or annulment granted by any court in this state, a record shall be filed by the clerk of the court with the office of vital records and shall be registered if it has been completed and filed in accordance with this section. The record shall be prepared by the petitioner or his legal representative on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. In all cases the completed record shall be a prerequisite to the granting of the final decree.

(b) The clerk of the court shall complete and forward to the office of vital records on or before the tenth (10th) day of each calendar month the records of each divorce, dissolution of marriage, or annulment filed with him during the preceding calendar month.

(c) Every clerk of the court shall be entitled to a fee of one dollar (\$1.00) for each certificate prepared and forwarded by him to the state registrar. This recording shall be a part of the court costs accruing to the clerk and paid by the applicant for the divorce or annulment of marriage and shall be collected in the same manner and in addition to the other costs in the case.

SECTION 21. Amendment of Vital Records. (a) In order to protect the integrity and accuracy of vital records a certificate or record registered under this act may be amended only in accordance with this act and regulations adopted by the department.

(b) A certificate or record that is amended under this section shall be marked "amended". The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The department shall prescribe by regulation the conditions under which additions or minor corrections may be made to certificates or records within one (1) year after the date of the event without the certificate or record being considered "amended".

(c) Upon receipt of a certified copy of a court order changing the name of a person born in the state and upon request of such person or his parents, guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name.

(d) Upon receipt of a sworn statement from the physician performing the surgery certifying the sex of an individual born in this state has been changed by surgical procedure, and upon written request of such individual and a court order the birth certificate shall be amended to reflect such change. The name of the individual may also be changed in accordance with the provisions of Section 21 (c) of this act.

(e) When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action.

SECTION 22. Reproduction of Vital Records. To preserve vital records, the state registrar is authorized to prepare typewritten, photographic, electronic, or other reproductions of original records and files in the office of vital records. Such reproductions when certified by the state registrar shall be accepted as the original records.

SECTION 23. Disclosure of Information from Vital Records. (a) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the system of vital records, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or to copy or issue a copy of all or part of any such records except as authorized by this act, regulation, promulgated pursuant to this act, or as otherwise authorized by law, or by order of a court of competent jurisdiction. Regulations promulgated pursuant to this act shall provide for adequate standards of security and confidentiality of vital records.

(b) The department may authorize by regulation the disclosure of information contained in vital records for research purposes.

(c) Appeals from decisions of the custodians of permanent local records refusing to disclose information, or to permit inspection of or copying of records under the authority of this section and regulations issued hereunder shall be made to the state registrar, whose decisions shall be binding upon the local custodians of permanent local records.

(d) When one hundred (100) years have elapsed after the date of birth, or fifty (50) years have elapsed after the date of death, marriage, or divorce, dissolution of marriage or annulment, the records of these events in the custody of the state registrar shall become public records and shall be made available to any interested person in accordance with regulations which shall provide for the continued safekeeping of the records.

SECTION 24. Copies or Data from the System of Vital Records. In accordance with Section 23 of this act and the regulations adopted pursuant thereto:

(a) The state registrar and other custodian(s) authorized by the state registrar to issue certified copies shall upon receipt of written application issue a certified copy of a vital record in his custody or a part thereof to any applicant showing a direct and tangible interest in the vital record. Each copy issued shall show the date of registration and copies issued from records marked "delayed" and "amended" shall be similarly marked and show the effective date. All forms and procedures used in the issuance of certified copies of vital records in this state shall be approved or provided by the state registrar.

(b) A certified copy of a vital record or any part thereof, issued in accordance with subsection (a) shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

(c) The federal agency responsible for national vital statistics may be furnished such copies or data from the system of vital records as it may require for national statistics, provided such federal agency shares in the cost of collecting, processing, and transmitting such data, and provided further that such data shall not be used for other than statistical purposes by the federal agency unless so authorized by the state registrar.

(d) Federal agencies, the state of Tennessee, Tennessee courts and municipal and county law enforcement agencies, upon official request, may be furnished verification of information for statistical or administrative purposes upon such terms or conditions as may be prescribed by regulation, provided that such copies or information shall not be used for other than the purpose for which it was requested unless so authorized by the state registrar.

(e) The state registrar may, by agreement, transmit transcripts of records and other reports required by this act to offices of vital records outside this state when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall require that the transcripts be used for statistical and administrative purposes only as specified in the agreement. Any agreement shall provide that such transcripts shall not be retained by the other jurisdiction for more than two (2) years from the date of the event or after the statistical tabulation has been accomplished, whichever time period is shorter.

Transcripts received from other jurisdictions by the office of vital records in this state shall be handled in the same manner as prescribed in the preceding paragraph of this subsection.

(g) Local health departments in counties with a population of 250,000 or greater according to the 1970 federal census or any subsequent federal census, may issue copies of birth certificates, which copies shall have the force and effect of certified copies issued by the office of vital records of the department. The local health departments in such counties are designated as branch offices of the central office of vital records for the purpose of issuance of copies of birth certificates only, but not for the purpose of alteration of birth certificates.

(h) Local health departments may issue copies of death certificates, which copies have the force and effect of certified copies issued by the office of vital records of the department.

(i) No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized in this act or regulations adopted hereunder.

SECTION 25. Fees for Copies and Searches. (a) The department shall prescribe the fees to be paid for certified copies or certificates or records, or for a search of the files or records when no copy is made, or for copies or information provided for research, statistical, or administrative purposes.

(b) Fees collected under this section by the state registrar shall be deposited in the general fund of this state, according to the prevailing procedures governing collection.

SECTION 26. Persons Required to Keep Records. (a) Every person in charge of an institution as defined in this act shall keep a record of personal particulars and information concerning each person admitted or confined to such institution. This record shall include such information as required by the certificates of birth and death and the reports of fetal death and induced termination of pregnancy forms required by this act. The record shall be made at the time of admission from information provided by the person being admitted or confined, but when it cannot be so obtained, the same shall be obtained from a relative or other person acquainted with the facts. The name and address of the person providing the information shall be part of the record.

(b) When a dead body is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body is released, date of removal from the institution, or if finally disposed of by the institution, the date, place, and manner of disposition shall be recorded.

(c) A funeral director, embalmer, or other person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other report required by this act or regulations promulgated hereunder, shall keep a record which shall identify the body, and such information pertaining to this receipt, removal, and delivery of such body as may be provided in regulations adopted by the department.

SECTION 27. Duties to Furnish Information Relative to Vital Events. Any person having knowledge of the facts shall furnish such information as he may possess regarding any birth, death, fetal death, marriage, divorce, dissolution of marriage or annulment, upon demand of the state registrar.

Medical records will be made available to the state registrar or any direct representative thereof, for the limited purpose of gathering information on birth certificates, death certificates, and reports of fetal deaths.

SECTION 28. Penalties. (a) The state registrar shall have the authority to investigate cases of irregularities or violations of law, personally or by an accredited representative and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violations of any of the provisions of this chapter to the district attorney-general who shall forthwith initiate and promptly follow up the necessary court proceedings against the person alleged to be responsible for the violation of law. Upon request of the department, the attorney general and reporter of the state of Tennessee shall likewise assist in the enforcement provisions of this chapter.

(b) It is unlawful for any person to:

- (1) Willfully and knowingly make any false statement in a certificate, record, or report required to be filed under this act, or in an application for an amendment thereof or in an application for a certified copy of a vital record, or willfully and knowingly supply false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or
- (2) Absent lawful authority and with the intent to deceive, make, counterfeit, alter, amend, or mutilate any certificate, record, or report required to be filed under this act or a certified copy of such certificate, record, or report; or

- (3) Willfully and knowingly obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; or
- (4) With the intention to deceive willfully and knowingly obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or
- (5) Willfully and knowingly furnish or process a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or
- (6) Without lawful authority possess any certificate, record, or report, required by this act or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained;

(c) An offense contained in subsection (b) of this section shall constitute a felony and be punishable by a fine of not more than ten thousand dollars (\$10,000.00) or imprisoned not less than one (1) year nor more than five (5) years, or both.

- (1) Any person who willfully and knowingly refuses to provide information required by this act or regulations adopted hereunder; or willfully and knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided in this act; or willfully and knowingly neglects or violates any of the provisions of this act or refuses to perform any of the duties imposed upon him by this act shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or be imprisoned in a county jail or workhouse for not more than one (1) year, or both for each offense.

SECTION 29. Applicability. The provisions of this act also apply to all certificates of birth, death, marriage, and divorce, dissolution or annulment and reports of fetal death and induced termination of pregnancy previously received by the office of vital records or by any custodian of permanent local records.

SECTION 30. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 31. Repeal. Tennessee Code Annotated, Sections 53-401 through 53-458, inclusive, the same being all of Chapter 4 of Title 53 of Tennessee Code Annotated, are hereby repealed.

SECTION 32. Effective Date. This act shall take effect July 1, 1977.

COMMITTEE VOTE RECORD -- HOUSE OF REPRESENTATIVES

Date 3/30/77

COMMITTEE: GENERAL WELFARE

OFFICERS:

Bill No.: 425 amendment # 1

Gill, Chairman

Motion By: Ashford

Starnes, Vice Chairman

Seconded By: Gill

DeBerry, Secretary

NAME	AYE	NO	PRES. N-V	NAME	AYE	NO	PRES. N-V
1. Ashford	1			15. ██████████			
2. Bell		1		16. Speaker McWherter			
3. Chiles	2			17. Speaker pro tem McWilliams			
4. DeBerry	3			18.			
5. DePriest	4			19.			
6. Fleming	5			20.			
7. Ford, N.	6			21.			
8. Gill	7			22.			
9. Good	8			23.			
10. Hood		2		24.			
11. Johnson	9			25.			
12. Ozment		3		26.			
13. Pruitt			1	27.			
14. Starnes	10			28.			
				TOTAL	10	3	1

ACTION TAKEN:

For Passage _____ For Passage w/amend. _____

Without Recommendation _____

Referred to Committee _____

Other adopted

COMMITTEE VOTE RECORD -- HOUSE OF REPRESENTATIVES

Date 3/30/77

COMMITTEE: GENERAL WELFARE

OFFICERS:

Bill No.: 425, amendment # 2


Gill, Chairman

Motion By: Ashford

Starnes, Vice Chairman

Seconded By: DeBerry

DeBerry, Secretary

NAME	AYE	NO	PRES. N-V	NAME	AYE	NO	PRES. N-V
1. Ashford	1			15. Steinhauer			
2. Bell	2			16. Speaker McWherter			
3. Chiles	3			17. Speaker pro tem McWilliams			
4. DeBerry S.		1		18.			
5. DePriest	4			19.			
6. Fleming	5			20.			
7. Ford, N. 	6			21.			
8. Gill C.	7			22.			
9. Good Bob	8			23.			
10. Hood Donald		2		24.			
11. Johnson		3		25.			
12. Ozment		4		26.			
13. Pruitt		5		27.			
14. Starnes V.C.	9			28.			
TOTAL					9	5	0

ACTION TAKEN:

For Passage

For Passage w/amend. _____

Without Recommendation _____

Referred to Committee _____

Other Adopted

COMMITTEE: GENERAL WELFARE
 Bill No.: 425, amendment # 3
 Motion By: Ashford
 Seconded By: _____

OFFICERS:
Gill, Chairman
Starnes, Vice Chairman
DeBerry, Secretary

NAME	AYE	NO	PRES. N-V	NAME	AYE	NO	PRES. N-V
1. Ashford				15. Starnes			
2. Bell				16. Speaker McWherter			
3. Chiles				17. Speaker pro tem McWilliams			
4. DeBerry				18.			
5. DePriest				19.			
6. Fleming				20.			
7. Ford, N.				21.			
8. Gill				22.			
9. Good				23.			
10. Hood				24.			
11. Johnson				25.			
12. Ozment				26.			
13. Pruitt				27.			
14. Starnes				28.			
				TOTAL			

ACTION TAKEN:
 For Passage _____ For Passage w/amend. _____
 Without Recommendation _____
 Referred to Committee _____
 Other All present voting AYE.

COMMITTEE: GENERAL WELFARE

OFFICERS:

Bill No.: Table motion.

Gill, Chairman

Motion By: Pruitt

Starnes, Vice Chairman

Seconded By: Gill

DeBerry, Secretary

NAME	AYE	NO	PRES. N-V	NAME	AYE	NO	PRES. N-V
1. Ashford	1			15. Starnes			
2. Bell	2	1		16. Speaker McWherter			
3. Chiles	3			17. Speaker pro tem McWilliams			
4. DeBerry	4			18.			
5. DePriest	5			19.			
6. Fleming	6			20.			
7. Ford, N.	7			21.			
8. Gill	8			22.			
9. Good	9			23.			
10. Hood	10			24.			
11. Johnson	11			25.			
12. Ozment	12			26.			
13. Pruitt		1		27.			
14. Starnes	13			28.			
TOTAL					13	1	0

ACTION TAKEN:

For Passage _____ For Passage w/amend. _____

Without Recommendation _____

Referred to Committee _____

Other To table the motion by Mr. Pruitt. Fast Passed Motion by Rep. Pruitt was to defer the bill for one week.

COMMITTEE VOTE RECORD -- HOUSE OF REPRESENTATIVES Date 3/30/77

COMMITTEE: GENERAL WELFARE

OFFICERS:

Bill No.: 425

Gill, Chairman

Motion By: Starnes

Starnes, Vice Chairman

Seconded By: Bell

DeBerry, Secretary

NAME	AYE	NO	PRES. N-V	NAME	AYE	NO	P
1. Ashford	1			15. Steinhaues			
2. Bell	2			16. Speaker McWherter			
3. Chiles	3			17. Speaker pro tem McWilliams			
4. DeBerry S.	4			18.			
5. DePriest	5			19.			
6. Fleming	6			20.			
7. Ford, N.	7			21.			
8. Gill C.	8			22.			
9. Good Bob	9			23.			
10. Hood Donald	10			24.			
11. Johnson	11			25.			
12. Ozment	12			26.			
13. Pruitt		1		27.			
14. Starnes V.C.	13			28.			
TOTAL					13	1	0

ACTION TAKEN:

For Passage _____

For Passage w/amend.

Without Recommendation _____

Referred to Committee _____

Other _____

I hereby certify this document
to be a true and exact copy of
the original document filed in
the Tennessee State Library and
Archives


LEGISLATIVE HISTORY STAFF, TSL&A

Date February 27, 2020

EXHIBIT M

BY SENATOR Garrett Talamie PRIME SPONSOR

TAPE OR PASTE SHORT TITLE BELOW

AN ACT TO

enact the Vital Records Act of 1977; to provide for an Office of Vital Records within the Tennessee Department of Public Health and to institute a comprehensive statewide system of vital records; and to repeal Tennessee Code Annotated, Sections 53-401 through 53-458, inclusive, the same being all of Chapter 4 of Title 53 of the Tennessee Code Annotated.

ATTACH SPONSOR'S EXPLANATION INSIDE

SIGNATURES OF OTHER SPONSORS

OTHER SPONSORS (OVER)

SENATE ACTION

P1R 2-28 19 77
 P2R 3-2 19 77

STANDING COMMITTEE ON:

ACTION: Sen. Welch FOR PASSAGE FOR PASSAGE WA
 DATE: 3-16-77 CHMN.

ACTION: FOR PASSAGE FOR PASSAGE WA
 DATE: CHMN.

COMMITTEE ON CALENDAR

RECEIVED 3-16-77 19 77
 REPORTED OUT 3-16 19 77
 FOR CALENDAR 3-21 19 77
 CHMN.
 SPECIAL ORDER 3-23 19 77
 SPECIAL ORDER 19

P3R Amended 3-23 19 77

HB NO. _____ SUBSTITUTED FOR

_____ 19 _____

me CHIEF CLERK, SENATE

HOUSE ACTION

P1R 3-24 19 77
 P2R _____ 19 _____

STANDING COMMITTEE ON:

ACTION: FOR PASSAGE FOR PASSAGE WA
 DATE: CHMN.

ACTION: FOR PASSAGE FOR PASSAGE WA
 DATE: CHMN.

COMMITTEE ON CALENDAR AND RULES

RECEIVED _____ 19 _____
 REPORTED OUT _____ 19 _____
 FOR CALENDAR _____ 19 _____
 CHMN.
 SPECIAL ORDER _____ 19 _____
 SPECIAL ORDER _____ 19 _____

SUBSTITUTED FOR HOUSE BILL NO. 420

P3R Amended 19 77

me CHIEF CLERK, HOUSE

FURTHER HOUSE ACTION (OVER)

* THIS FOLDER-JACKET (FILE) IS AN INTEGRAL AND VITAL PART OF THIS MEASURE.. DO NOT REMOVE! DO NOT DEFACE!

Jim A. Hoff
Signature of Sponsor

AMEND

Senate
~~House~~

BILL

No. 162 by
No. 425

adding at the end of part (1) of subsection (e) of Section 6,
the following:

except that where the mother though married
has retained her maiden surname, then on ~~wx~~ sworn
application of both parents, the child's surname
to be entered on the birth certificate ~~shall~~ ^{may} be

the maiden surname of the child's mother, or ^{both}
^{surnames as the parents mutually agree.}
and by adding at the end of part (2) of subsection (e) of
Section 6, the following:

Provided, however, that where both parents by
sworn application so request, the ~~wx~~ legal surname
of the ~~wx~~ father shall be entered on the ~~birth~~
certificate as that of the child and shall become the
legal surname of the child, notwithstanding the
absence of a marriage relationship between the
parents.

*See Concurrence
4-20-77*

*Adopted
4-27-77
JAW*

Ashford

Signature of Sponsor

AMEND

Senate

~~House~~

BILL

No. 162

No. ~~425~~ by

deleting from Section 20(a) the last two sentences of said section so that the section as amended shall read "(a) For each divorce, dissolution of marriage, or Annulment granted by any Court in this State, a record shall be filed by the Clerk of the Court with the office of vital records and shall be registered if it has been completed and filed in accordance with this section."

See-enclosed in
4-20-77

Adopted

4-2-77

Olson

GW

Committee AMENDMENT NO. 2

Edward Gill Stamer
Signature of Sponsor

AMEND Senate No. 162
House No. 425 by

deleting Section 21 paragraph (d) in its entirety and inserting in lieu thereof a new paragraph (d) to read as follows:

The sex of an individual will not be changed on the original certificate of birth as a result of sex change surgery.

adapted

4/7/77

D Hill

Senate Rankin
4-20-77

Committee AMENDMENT NO. 1

Cashford & Dr. Gill
Signature of Sponsor

AMEND

Senate
House

BILL

No. 162
No. ~~465~~ by

deleting from Section 4, paragraph (c) the second sentence beginning with the words "Information pertaining to the father" and ending with the words "is controverted";

And is further amended by deleting from Section 5, paragraph (f) the words "and social policies";

And is further amended by deleting all of paragraph (e)(1) of Section 6 and inserting in lieu thereof a new paragraph (e)(1) to Section 6 to read as follows:

If the mother was married at the time of either conception or birth, or anytime between conception and birth to the natural father of the child, the name of the father shall be entered on the certificate and the surname of the child shall be entered on the certificate as that of the natural father.

And is further amended by deleting from Section 9, paragraph (b) the words "be made on a form prescribed and furnished by the state registrar and shall";

And is further amended by deleting from Section 9, paragraph (e) the words "on a form prescribed and furnished by the state registrar";

And is further amended by deleting from Section 9, paragraph (f) the words "the tenth (10th) day of the calendar month following the month in which it was entered" and inserting in lieu thereof the words "no later than forty (40) days from entry of the order";

And is further amended by inserting in paragraph (g) of Section 9 between the words "sought" and "shall" the words "or his or her parent or legal guardian";

And is further amended by inserting in paragraph (c) of Section 18 between the words "reinterment" and "shall" the words "in cases of movement of cemeteries or parts of cemeteries or for reuniting families";

And is further amended by adding to paragraph (b) of Section 21 a new sentence which shall read "minor corrections shall mean amendment of obvious errors, transposition of letters in words of common knowledge, or omissions.";

And is further amended by deleting all of paragraph (a) of Section 26;

And is further amended by deleting the first paragraph of Section 27 in its entirety.

*Senate
concurrent
4-20-77*

*Adopted
4-7-77
Dr*

AMENDMENT NO. 1

[Signature]
Signature of Sponsor

PAGE ONE OF TWO PAGES

AMEND Senate No. 162
House BILL No. _____ by

deleting the first and last sentence of Section 17 (b), while retaining the following existent language:

"The individual undergoing the induced termination of pregnancy shall not be identified by name on the report, though some means of identification shall be used to provide retrieval of further information if necessary."

AND FURTHER AMEND Section 28, subparagraph (c) by deleting the existent language and substituting in lieu thereof the following:

"An offense contained subsection (b) of this section shall constitute a misdemeanor and be punishable by a fine of not more than fifty dollars (\$50) or imprisonment in a county jail or workhouse for not more than eleven (11) months and twenty-nine (29) days, or both."

Adopted
Amended
3-23-77
Filed
4:45 p.m.
3-16-77

AMENDMENT NO. 01

David
Signature of Sponsor

PAGE TWO OF TWO PAGES

AMEND

Senate
House

BILL

No. 162
No. _____ by

AND FURTHER AMEND Section 28, subparagraph (c) (1) by deleting the words and figures "one thousand dollars (\$1,000)" and substituting in lieu thereof the following words and figures:

"fifty dollars (\$50)."

AMENDMENT NO. 1 to Amend #1

[Handwritten Signature]
Signature of Sponsor

AMEND

Senate

AMENDMENT No. 162

~~XXXX~~

No. 228 by

deleting from Amendment 1 the words and phrases beginning "AND FURTHER AMEND Section 28 subparagraph (c)..." and inserting in lieu thereof the following:

"AND FURTHER AMEND Section 28, subparagraph (c) by deleting the existing language and substituting in lieu thereof the following:

'An offense contained in subsection (b) of this section shall be punishable by a fine of not less than fifty dollars (\$50.00) or not more than one thousand dollars (\$1,000.00) or imprisonment in a county jail or workhouse for not more than eleven (11) months and twenty-nine (29) days, or both.'

Adopted
3-23-77

Filed
3-21-77

adm/EX-60

BILL NO. 162

COMMITTEE VOTE RECORD

Senate General Welfare Committee

Motion Bonus

Seconded None

Date 3/16/77

Committee Member	Aye	No	Present Not Voting
1. Boner, Bill	1		
2. Crouch, Ernest	2		
3. Dunavant, L.	3		
4. Harvill, Halbert	4		
5. Henry, Douglas	5		
6. Hooper, Ben	6		
7. Moore, Carl	7		
8. Talarico, Gabe	8		
9.			
10. Nave, Marshall (C)	9		
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

ACTION TAKEN:

For Passage _____

For Passage with amendment _____

Referred to Committee Calendar

S-2
1-77

BILL NO. 162

Amended # 2

COMMITTEE VOTE RECORD

Senate General Welfare Committee

Motion Henry

Seconded Hooper

Date 3/16/77

Committee Member	Aye	No	Present Not Voting
1. Boner, Bill	1		
2. Crouch, Ernest	2		
3. Dunavant, L.	3		
4. Harvill, Halbert	4		
5. Henry, Douglas	5		
6. Hooper, Ben	6		
7. Moore, Carl	7		
8. Talarico, Gabe			—
9.			
10. Nave, Marshall (C)	8		
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

ACTION TAKEN:

For Passage _____

For Passage with amendment 8-0-1

Referred to Committee _____

S-2
1-77

BILL NO. 162

Amended #1 Sub B

COMMITTEE VOTE RECORD

Senate General Welfare Committee

Motion Henry

Seconded Boner

Date 3/16/77

Committee Member	Aye	No	Present Not Voting
1. Boner, Bill	1		
2. Crouch, Ernest	2		
3. Dunavant, L.		1	
4. Harvill, Halbert		2	
5. Henry, Douglas	3		
6. Hooper, Ben	4		
7. Moore, Carl		3	
8. Talarico, Gabe	5		
9.			
10. Nave, Marshall (C)	6		
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

ACTION TAKEN:

For Passage _____

For Passage with amendment 6-3-0

Referred to Committee _____

S-2
1-77

EXPLANATORY NOTE

Enacts the "Vital Records Act of 1977" to provide for a comprehensive modernization of Tennessee's vital records statutes.

AN ACT

to enact the Vital Records Act of 1977; to provide for an Office of Vital Records within the Tennessee Department of Public Health and to institute a comprehensive statewide system of vital records; and to repeal Tennessee Code Annotated, Sections 53-401 through 53-458, inclusive, the same being all of Chapter 4 of Title 53 of the Tennessee Code Annotated.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Short Title. This act shall be known and may be cited as the "Vital Records Act of 1977".

SECTION 2. Definitions. As used in this act, the following terms shall have the following meaning unless the context requires otherwise:

- (a) "Commissioner" means the commissioner of the Tennessee department of public health.
- (b) "Dead body" means a human body from the condition of which it reasonably may be concluded that death occurred.
- (c) "Department" means the Tennessee department of public health.
- (d) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles.
- (e) "File" means to present a vital record provided for in this act for registration by the office of vital records.
- (f) "Final disposition" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead body or fetus.

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- (g) "Induced termination of pregnancy" means the intentional termination of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus.
- (h) "Institution" means any establishment, public or private, which provides inpatient or outpatient medical, surgical, or diagnostic care or treatment or nursing, custodial or domiciliary care, or to which persons are committed by law.
- (i) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of the pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- (j) "Person in charge of interment" means any person who places or causes to be placed, a deceased person, still-born child, or dead body, or, after cremation, the ashes thereof, in the earth, a grave, tomb, vault, urn, or other receptacle, either in a cemetery or at any other place, or disposes otherwise thereof.
- (k) "Physician" means a person licensed to practice medicine or osteopathy pursuant to the laws of this state.
- (l) "Public health council" means the council referred to in Tennessee Code Annotated, Section 53-114.
- (m) "Registration" means the acceptance by the office of vital records and the incorporation of vital records provided for in this act into its official records.
- (n) "System of vital records" includes the registration, collection, preservation, amendment, and certification of vital records, and the collection of other reports required by this act.
- (o) "Vital records" means certificates or reports of births, death, marriage, divorce, or annulment and other records related thereto.

SECTION 3. Office of Vital Records and Statewide System.

I. The department shall:

- (a) Establish an office of vital records with suitable offices which shall be properly equipped with fireproof vault and filing cases for the preservation of all official records made and received under this chapter or under the regulations of the department.
- (b) Make and amend, with the approval of the public health council, regulations necessary for the creation and efficient performance of an adequate system of vital records, and give instructions and prescribe forms for collecting, transcribing, compiling, and preserving vital records.
- (c) Enforce this chapter and the regulations made pursuant thereto.
- (d) Provide a seal of office.
- (e) Divide the state into vital records registration districts. The department may from time to time, as conditions justify, change their boundaries. The subdivisions of the state at the time this chapter becomes effective, shall be continued until changed by the department.

II. The commissioner shall:

(a) Appoint a state registrar of vital records, herein referred to as the state registrar, who shall be qualified in accordance with classification standards of education and experience.

(b) In case of a vacancy in the office of state registrar, the commissioner shall immediately appoint a successor.

III. The state registrar shall:

(a) Under the supervision of the commissioner, shall act as agent of the commissioner and:

(1) Have charge of the office of vital records and shall act as the custodian of all the certificates and records received by him, and perform such other duties as the commissioner may prescribe.

(2) Be charged with the execution of this chapter and of the regulations of the department throughout the state and have supervisory power over the local registrars and deputy local registrars.

(b) Prescribe, with the approval of the department, furnish, and distribute such forms as are required by this act and the rules and regulations issued hereunder or prescribe such other means for transmission of records as will accomplish the purpose of complete and accurate registration.

(c) Assist in preparing and publishing reports of vital statistics of this state and such other reports as may be required by the department.

(d) The state registrar may establish or designate additional offices in the state to aid in the administration of the statewide system of vital records.

(e) The state registrar may delegate such functions and duties vested in him to employees of the office of vital records and to employees of an office established or designated under Section 3 (III) (d).

(f) The state registrar shall provide copies of certificates or reports required under this act or other information derived from such certificates or reports as he shall determine are necessary to local health agencies for local health planning and program activities. The state registrar shall establish a schedule for such transmittal with each local health agency. The records or other information shall remain the property of the office of vital records and the uses which may be made of such records or other information shall be governed by the state registrar. A schedule for the disposition of the certificates, reports, or data provided under this section shall be established by the state registrar.

SECTION 4. Content of Certificates and Reports. (a) In order to promote and maintain nationwide uniformity in the system of vital records, the forms of certificates, reports, and other returns required by this act, or by regulations adopted hereunder, shall include as a minimum the items recommended by the federal agency responsible for national vital statistics.

(b) Each certificate, report, and form required to be filed and registered under this act shall be on a form or in a format prescribed by the state registrar and shall contain the date received for registration.

(c) Each certificate provided for in this chapter, filed within six months after the recorded event occurred, shall be prima facie evidence of the facts therein stated. ~~Information pertaining to the father of a child shall constitute such evidence if the alleged father is or becomes the husband of the mother in a legal marriage; if not, the information pertaining to the father of a child shall not constitute such evidence in any civil or criminal proceeding adverse to the interests of the alleged father, or of his heirs, devisees, or other successors in interest, if the paternity is controverted.~~

House amendment
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House Amendment # 1

SECTION 5. Location Registrars - Appointment - Removal. The state registrar shall:

(a) Appoint such number of local registrars for the registration districts as may be necessary. Full-time local health department personnel may be appointed local registrars.

(b) Remove for cause any local registrar whose services are found to be unsatisfactory.

(c) In case of death, resignation, removal from the registration district, or removal for cause of any local registrar, the state registrar shall immediately appoint a successor.

(d) The local registrars and their deputies are charged with the duty of complying with all instructions of the state registrar, and of checking upon the compliance by others with the provisions of this chapter and with the regulations of the department.

(e) Each local registrar, upon acceptance of his written appointment, shall recommend a deputy or deputies, and in case of death, resignation, or removal of such deputy, a successor, subject to the approval of the state registrar.

(f) The information collected and recorded, under the provisions of this chapter shall be such as will aid the public health ~~and social policies~~ of the state, and furnish and preserve evidence affecting personal and property rights of the individual citizen.

SECTION 6. Birth Registration. (a) A certificate of birth for each live birth which occurs in this state shall be filed with the office of vital records or as otherwise directed by the state registrar within ten (10) days after such birth and shall be registered if it has been completed and filed in accordance with this section.

(b) When a birth occurs in an institution or enroute thereto, the person in charge of the institution or his designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the office of vital records or as otherwise directed by the state registrar within the required ten (10) days. The physician in attendance shall provide the medical information required by the certificate and certify to the facts of birth within seventy-two (72) hours after the birth. If the physician does not certify to the facts of birth within the required seventy-two (72) hours, another physician or registered nurse in attendance designated by the physician or the chief medical officer of the institution in which the birth occurred shall complete and sign the certification.

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed in one of the following in the indicated order of priority:

- (1) The physician in attendance or immediately after the birth, or in the absence of such person,
- (2) Any other person in attendance at or immediately after the birth, or in the absence of such person,
- (3) The father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.

(d) When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the certificate shall show the actual place of birth in so far as can be determined.

Amendment
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- (e) (1) ~~If the mother was married at the time of either conception or birth, or any time between conception and birth, the name of the husband shall be entered on the certificate as the father of the child and the surname of the child shall be entered on the certificate as that of the husband.~~

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If the mother was married at the time of either conception or birth, or anytime between conception and birth to the natural father of the child, the name of the father shall be entered on the certificate and the surname of the child shall be entered on the certificate as that of the natural father~~x~~

House Amendment
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except that where the mother though married has retained her maiden surname, then on ~~xx~~ sworn application of both parents, the child's surname to be entered on the birth certificate ~~shall~~^{may} be the maiden surname of the child's mother, or both surnames as the parents mutually agree.

- (2) If the mother was not married at the time of either conception or birth or between conception and birth, the name of the father shall not be entered on the certificate of birth, and the surname of the child shall be that of the legal surname of the mother. All information pertaining to the father shall be omitted.

House Amendment
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Provided, however, that where both parents by sworn application so request, the ~~xx~~ legal surname of the ~~xx~~ father shall be entered on the ~~xxxxxx~~ certificate as that of the child and shall become the legal surname of the child, notwithstanding the absence of a marriage relationship between the parents.



- (3) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.
- (4) In all other cases, the surname of the child shall be the legal surname of the mother.
- (5) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(f) A child born to a married woman as a result of artificial insemination, with consent of her husband, shall be deemed to be the legitimate child of the husband and wife.

(g) Either parent of the child or any other knowledgeable informant shall attest to the accuracy of the personal data provided in sufficient time to permit the filing of the certificate within the ten (10) days prescribed by this section.

SECTION 7. Infants of Unknown Parentage; Foundling Registration. (a) Whoever assumes the custody of a live born infant of unknown parentage shall report on a form and in a manner prescribed by the state registrar within ten (10) days to the office of vital records the following information:

- (1) the date and place of finding;
- (2) Sex, color or race, and approximate birth date of the child;
- (3) Name and address of the person or institution with whom the child has been placed for care;
- (4) Name given to the child by the custodian of the child;
- (5) Other data required by the state registrar.

(b) The place where the child was found shall be entered as the place of birth.

(c) A report registered under this section shall constitute the certificate of birth for the child.

(d) If the child is subsequently identified and a certificate of birth is found or obtained, the report registered under this section shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

SECTION 8. Delayed Registration of Birth. (a) When the birth of a person born in this state has not been filed within the time period provided in Section 6, a certificate of birth may be filed in accordance with regulations of the office of vital records. The certificate shall be registered subject to such evidentiary requirements as the office of vital records shall by regulation prescribe to substantiate the alleged facts of birth.

(b) A certificate of birth registered six months or more after the date of birth shall be marked "delayed" and show on its face the date of the delayed registration.

(c) A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

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(d) When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not register the delayed certificate of birth and shall advise the applicant of the reason for this action.

SECTION 9. Judicial Procedure to Establish Facts Of Birth. (a) If a delayed certificate of birth is rejected under the provisions of Section 8 of this act, a petition signed and sworn to by the petitioner may be filed with a court of competent jurisdiction for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

(b) Such petition shall be made on a form prescribed and furnished by the state registrar and shall allege that:

- (1) The person for whom a delayed certificate of birth is sought was born in this state.
- (2) No certificate of birth can be found in the office of vital records.
- (3) Diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Section 8 of this act and regulations adopted pursuant thereto.

(c) The petition shall be accompanied by a statement of the state registrar made in accordance with Section 8 of this act and all documentary evidence which was submitted to the state registrar in support of such registration.

(d) The court shall fix a time and place for hearing the petition and shall give the state registrar twenty-one (21) days of notice thereof. The state registrar or his authorized representative may appear and testify in the proceeding.

(e) If the court finds, from the evidence presented, that the person for whom a delayed certificate of birth is sought was born in this state, it shall make findings as to the place and date of birth, parentage, and such other findings as the case may require and shall issue an order ~~on a form prescribed and furnished by the state registrar~~ to establish a certificate of birth. This order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.

(f) The clerk of the court shall forward each order to the state registrar no later than ~~the tenth (10th) day of the calendar month following the month in which it was entered~~ **forty (40) days from entry of the order.**

Such order shall be registered by the state registrar and shall constitute the authority placing a delayed certificate of birth on file.

(g) The person for whom the delayed certificate of birth is sought **or his or her parent or legal guardian** shall sign the delayed certificate form furnished by the state registrar before a notary public or other person authorized to administer oaths unless the registrant is deceased or deemed incompetent.

SECTION 10. Court Report of Adoption. For each final decree of adoption by a court of competent jurisdiction in Tennessee, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the state registrar.

For each amendment or annulment of an order of adoption, the clerk of the court shall prepare a report thereon, which shall include such facts as are necessary to identify the original report of adoption and those facts amended in the adoption decree, and forward a certified copy of such report to the state registrar.

The child-placing agency or, in family adoptions, the attorney or petitioners shall cause to be completed on a form furnished by the state registrar, the request for a new certificate of birth by adoption and shall file this form with the clerk of the court to be forwarded to the state registrar with the certified report of adoption when the final order has been granted. This form shall furnish information for locating the certificate of birth in the original name and information concerning the adoptive parent(s) to be entered on the new certificate. The form shall be signed by the petitioner(s) to whom the final decree was granted and in stepparent adoptions, the adoptive and natural parent.

No later than the tenth (10th) day of each calendar month or as directed by the state registrar, the clerk of the court shall forward to the state registrar the certified report of adoption, annulment, or amendment to the adoption decree and the request for a new certificate of birth by adoption.

When the state registrar shall receive a report of adoption, annulment, or amendment to the decree of adoption from the clerk of the court for a person born in another state, such report shall be forwarded to the state registrar in the state of birth. If the birth occurred in a foreign country the report of adoption shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency.

Upon receipt of a certified copy of a final decree of adoption, or certified report of adoption prepared in accordance with the laws of another state or foreign country, and the request for a new certificate of birth by adoption, the state registrar shall prepare and file a new certificate of birth in the adopted name for a person born in Tennessee, if not in conflict with Tennessee adoption laws.

SECTION 11. Conditions Precedent to the Preparation of New Certificate by Adoption, Legitimation, or Adjudication of Paternity. New certificates of birth shall be prepared on adoption, legitimations, and orders of paternity only. All orders of adoption, legitimation, and paternity shall be final and all required legal papers placed on file in the office of vital records. The certificate of birth in the original name shall be removed from the volume and a record inserted thereof which shall show the original certificate number, date removed, and code citation. The birth shall have occurred in Tennessee and a certificate of birth in the original name shall be on file in the department.

The new certificate shall be prepared on a standard form in current use in the department and shall be signed by the state registrar in the space provided for the signature of the attendant at birth. The new certificate shall show the date of birth, place of birth, sex, and date of filing as shown on the certificate of birth in the original name. A new certificate of birth by adoption shall show the residence of the adoptive parent(s) as at the time the final order of adoption was granted.

When a final order of adoption has been granted to only one petitioner and upon receipt of a certified request of the petitioner, the word "adoption" may be entered on the new certificate of birth in the space provided for the information concerning the other parent. The certified request shall be furnished to the state registrar prior to the preparation of the new certificate. A new certificate of birth by adoption shall not be prepared if so requested by the court that granted the adoption, the adoptive parent(s), or the adopted person.

A certificate of birth in the original name which indicates a legitimate birth and another person as father shall not be removed for the preparation of a new certificate of birth by legitimation unless an order from a court of competent jurisdiction refuting such facts as set forth by regulation is furnished to the state registrar. A new certificate of birth shall not be prepared for the person in the instance where his or her father and mother were married prior to the birth of such person and the original certificate indicates another person as father or an illegitimate birth. The certificate of birth in the original name shall be amended in accordance with regulations to show correct facts at the time of the birth.

A new certificate of birth shall not be prepared on an order of legitimation or paternity granted by a juvenile court on an adult (18 years of age or older).

When an order of paternity has been granted on an unborn infant, the original certificate of birth shall be prepared and filed in accordance with the laws and regulations of the department and a new certificate by paternity shall be prepared upon receipt of the required legal papers from the court.

SECTION 12. New Certificates of Birth by Adoption, Legitimation, and Orders of Paternity. The state registrar shall prepare a new certificate of birth for a person born in Tennessee upon receipt of required legal documents as provided in the following cases:

(a) Adoption. Certified copy of adoption or certified copy of final decree of adoption and request for new certificate of birth by adoption.

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(b) Legitimation by court order in cases where the parents have never married. Certified copy of an order of legitimation that establishes the relationship of parent and child between the petitioner and child named in the petition, decrees the name the child is to bear, and a request for new certificate of birth by legitimation on a form provided by the state registrar that furnishes information for locating certificate of birth in original name and information concerning parents to be entered on new certificate.

(c) Legitimation by subsequent marriage of parents. Certified copy of marriage certificate or certificate of marriage of parents, and affidavits of mother and father acknowledging paternity on a form provided by the state registrar. The form shall furnish information for locating the certificate of birth in the original name and information concerning the parents to be entered on the new certificate. If the father is deceased and in lieu of his affidavit, the state registrar shall accept a certified copy of a bill or petition for divorce or sworn answer thereto properly filed in which the husband by oath acknowledged himself as father of the child or children named therein or by a certified copy of an order, judgment or decree wherein the court determined the deceased husband to be the father of the child or children and had acknowledged paternity thereof, whether heard on an ex parte or contested proceeding.

(d) Order of Paternity. Certified copy of an order of paternity or a certificate of paternity on a form provided by the state registrar which furnishes information for locating the certificate of birth in the original name, establishes the name of the father, and decrees the name the child is to bear.

(e) Report of Foreign Birth. The State Registrar shall prepare a Report of Foreign Birth for a child not born in any state, territory or possession of the United States whose adoptive parents are residents of Tennessee when required adoption papers have been received from a court of jurisdiction in Tennessee.

SECTION 13. Sealing of Documents. All legal documents pertaining to the adoption, legitimation, or order of paternity, together with the certificate of birth in the original name, shall be placed in an envelope and sealed following the preparation of the new certificate. These sealed documents shall be preserved in a fireproof vault in the department and shall not be removed from that office except by order of a court of competent jurisdiction. The sealed documents shall be opened by the state registrar for the purpose of issuing a copy of the certificate in the name at birth, upon receipt of a certified copy of an order of the court that granted the adoption, legitimation, or order of paternity or in legitimations by subsequent marriage of the parents. Upon receipt of a certified copy of an order from the court of competent jurisdiction ordering the annulment of an order of adoption, legitimation, or order of paternity or the replacement of a certificate of birth in the original name on file, the state registrar shall open the sealed documents, replace the certificate of birth in the original name in the volume of births in which originally filed, remove the new certificate, and place it under seal with the legal documents and the certified copy of the court order.

When a new certificate of birth has been filed by the state registrar, all copies of the record of birth in the original name in the custody of any other party shall be forwarded to the state registrar upon receipt of his request.

SECTION 14. Death Registration. (a) A death certificate for each death which occurs in this state shall be filed with the office of vital records or as otherwise directed by the state registrar within five (5) days after death and prior to final disposition, or as prescribed by regulations of the department. It shall be registered if it has been completed and filed in accordance with this section.

- (1) If the place of death is unknown but the body is found in this state, the death certificate shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by the date the body was found.
- (2) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined.

Senate Amendment

(b) The funeral director or person acting as such who first assumes custody of the dead body shall file the death certificate. He shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor, as set below.

(c) The medical certification shall be completed, signed, and returned to the funeral director by the physician in charge of the patient's care for the illness or condition which resulted in death within forty-eight (48) hours after death, except when inquiry is required by the medical examiner. In the absence of the physician, the certificate may be completed and signed by another physician designated by the physician or by the chief medical officer of the institution in which the death occurred.

(d) When inquiry is required, the medical examiner shall determine the cause of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case.

(e) If the cause of death cannot be determined within forty-eight (48) hours after death, the medical certification shall be completed as provided by regulation. The attending physician or medical examiner shall give the funeral director, or person acting as such, notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician or medical examiner.

SECTION 15. Delayed Registration of Death. (a) When a death occurring in this state has not been registered within the time period prescribed by Section 14 of this act, a certificate may be filed in accordance with the regulations of the department. Such certificate shall be registered subject to such evidentiary requirements as the department shall by regulation prescribe to substantiate the alleged facts of death.

(b) Certificates of death registered six (6) months or more after the date of death shall be marked "delayed".

SECTION 16. Reports of Fetal Death. (a) Each fetal death of twenty (20) completed weeks' gestation or more or a weight of 350 grams or more, which occurs in this state, shall be reported to the office of vital records within ten (10) days after delivery.

(1) When a dead fetus is delivered in an institution the person in charge of the institution or his designated representative shall prepare and file the report.

(2) When a dead fetus is delivered outside an institution the physician in attendance at or immediately after the delivery shall prepare and file the report.

(b) The name of father shall be entered on the fetal death report in accordance with the provisions of Section 6 of this act.

(c) When a fetal death required to be reported by this section occurs without medical attendance at or immediately after the delivery or when inquiry is required the medical examiner shall investigate the cause and shall prepare and file the report.

(d) The reports required under this section are statistical reports to be used only for medical, health, and research purposes and shall not be incorporated into the permanent official records of the system of vital records. A schedule for the disposition of these reports shall be provided for by regulation.

SECTION 17. Reports of Induced Termination of Pregnancy. (a) Each induced termination of pregnancy which occurs in this state shall be reported to the office of vital records within ten (10) days after the procedure by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, the attending physician shall prepare and file the report.

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(b) ~~The reports required under this section are to be used only for medical and health purposes and shall not be incorporated into the permanent, official records of the system of vital records. The individual undergoing the induced termination of pregnancy shall not be identified by name on the report, though some means of identification shall be used to provide retrieval of further information if necessary. A schedule for the disposition of these reports shall be provided by regulations of the department.~~

SECTION 18. Authorization for Final Disposition. (a) Prior to final disposition of a dead fetus, irrespective of the duration of pregnancy, the funeral director, the person in charge of the institution or other person assuming responsibility for final disposition of the fetus, shall obtain from the parents authorization for final disposition on a form prescribed and furnished or approved by the state registrar. After final disposition, the authorization shall be retained for a period of three (3) years by the funeral director, the person in charge of the institution, or other person making the final disposition.

(b) With the consent of the physician or medical examiner who is to certify the cause of death, a body may be moved from the place of death for the purpose of being prepared for final disposition.

(c) Authorization for disinterment and reinterment in cases of movement of cemeteries or parts of cemeteries or for reuniting families shall be required prior to disinterment of a dead body or fetus. Such authorization shall be issued by the state registrar to a licensed funeral director or person acting as such, upon proper application.

(d) No person in charge of any premises in which cremation of dead bodies is done shall cremate or permit the cremation of any body unless it is accompanied by a burial, removal, or transit permit issued in accordance with the law and regulations in force at the place where the death, stillbirth, or disinterment occurred. Each person in charge of any crematory shall endorse upon the burial, removal, or transit permit the date of cremation, the name and location by county and civil district of the crematory over his signature and shall file all permits so endorsed with the local registrar of the district in which the crematory is located within seventy-two (72) hours from the time of cremation, but in every instance prior to the transportation by common carrier or removal from the state of the ashes.

(e) The person in charge of any premises in which cremation of dead bodies is done shall keep a record of all cremations made in the premises under his charge, stating the name of the deceased person or stillborn child, date and place of death, stillbirth, or disinterment, date of cremation, and the name and address of the undertaker, or person acting as such, who delivered the body to the crematory. The record shall be open to inspection by the state registrar or his designated representative at all times.

SECTION 19. Marriage Registration. (a) A record of each marriage performed in this state shall be filed with the office of vital records and shall be registered if it has been completed and filed in accordance with this section.

(b) The official who issues the marriage license shall prepare the record on the form prescribed and furnished by the state registrar upon the basis of information obtained from the parties to be married.

(c) Every person who performs a marriage shall certify the fact of marriage and return the record to the official who issued the license within three (3) days after the ceremony.

(d) Every official issuing marriage licenses shall complete and forward to the office of vital records on or before the tenth (10th) day of each calendar month the records of marriages filed with him during the preceding calendar month.

(e) A marriage record not filed within the time prescribed by statute may be registered in accordance with regulations of the office of vital records.

(f) Every officer authorized to issue marriage licenses shall be paid a recording fee of one dollar (\$1.00) for each marriage certificate filed with him and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.

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(g) If a license to marry has been obtained by incorrect identification the fraudulent record should be voided and a correct certificate of marriage placed on file by order of the court in the county where the license was issued in accordance with regulations established by the department.

SECTION 20. Divorce or Annulment Registration. (a) For each divorce, dissolution of marriage, or annulment granted by any court in this state, a record shall be filed by the clerk of the court with the office of vital records and shall be registered if it has been completed and filed in accordance with this section. ~~The record shall be prepared by the petitioner or his legal representative on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. In all cases the completed record shall be a prerequisite to the granting of the final decree.~~

(b) The clerk of the court shall complete and forward to the office of vital records on or before the tenth (10th) day of each calendar month the records of each divorce, dissolution of marriage, or annulment filed with him during the preceding calendar month.

(c) Every clerk of the court shall be entitled to a fee of one dollar (\$1.00) for each certificate prepared and forwarded by him to the state registrar. This recording shall be a part of the court costs accruing to the clerk and paid by the applicant for the divorce or annulment of marriage and shall be collected in the same manner and in addition to the other costs in the case.

SECTION 21. Amendment of Vital Records. (a) In order to protect the integrity and accuracy of vital records a certificate or record registered under this act may be amended only in accordance with this act and regulations adopted by the department.

(d) The sex of an individual will not be changed on the original certificate of birth as a result of sex change surgery.

(e) When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action.

SECTION 22. Reproduction of Vital Records. To preserve vital records, the state registrar is authorized to prepare typewritten, photographic, electronic, or other reproductions of original records and files in the office of vital records. Such reproductions when certified by the state registrar shall be accepted as the original records.

SECTION 23. Disclosure of Information from Vital Records. (a) To protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the system of vital records, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or to copy or issue a copy of all or part of any such records except as authorized by this act, regulation, promulgated pursuant to this act, or as otherwise authorized by law, or by order of a court of competent jurisdiction. Regulations promulgated pursuant to this act shall provide for adequate standards of security and confidentiality of vital records.

(b) The department may authorize by regulation the disclosure of information contained in vital records for research purposes.

(c) Appeals from decisions of the custodians of permanent local records refusing to disclose information, or to permit inspection of or copying of records under the authority of this section and regulations issued hereunder shall be made to the state registrar, whose decisions shall be binding upon the local custodians of permanent local records.

(d) When one hundred (100) years have elapsed after the date of birth, or fifty (50) years have elapsed after the date of death, marriage, or divorce, dissolution of marriage or annulment, the records of these events in the custody of the state registrar shall become public records and shall be made available to any interested person in accordance with regulations which shall provide for the continued safekeeping of the records.

SECTION 24. Copies or Data from the System of Vital Records. In accordance with Section 23 of this act and the regulations adopted pursuant thereto:

(a) The state registrar and other custodian(s) authorized by the state registrar to issue certified copies shall upon receipt of written application issue a certified copy of a vital record in his custody or a part thereof to any applicant showing a direct and tangible interest in the vital record. Each copy issued shall show the date of registration and copies issued from records marked "delayed" and "amended" shall be similarly marked and show the effective date. All forms and procedures used in the issuance of certified copies of vital records in this state shall be approved or provided by the state registrar.

(b) A certified copy of a vital record or any part thereof, issued in accordance with subsection (a) shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

(c) The federal agency responsible for national vital statistics may be furnished such copies or data from the system of vital records as it may require for national statistics, provided such federal agency shares in the cost of collecting, processing, and transmitting such data, and provided further that such data shall not be used for other than statistical purposes by the federal agency unless so authorized by the state registrar.

(d) Federal agencies, the state of Tennessee, Tennessee courts and municipal and county law enforcement agencies, upon official request, may be furnished verification of information for statistical or administrative purposes upon such terms or conditions as may be prescribed by regulation, provided that such copies or information shall not be used for other than the purpose for which it was requested unless so authorized by the state registrar.

(e) The state registrar may, by agreement, transmit transcripts of records and other reports required by this act to offices of vital records outside this state when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall require that the transcripts be used for statistical and administrative purposes only as specified in the agreement. Any agreement shall provide that such transcripts shall not be retained by the other jurisdiction for more than two (2) years from the date of the event or after the statistical tabulation has been accomplished, whichever time period is shorter.

Transcripts received from other jurisdictions by the office of vital records in this state shall be handled in the same manner as prescribed in the preceding paragraph of this subsection.

(g) Local health departments in counties with a population of 250,000 or greater according to the 1970 federal census or any subsequent federal census, may issue copies of birth certificates, which copies shall have the force and effect of certified copies issued by the office of vital records of the department. The local health departments in such counties are designated as branch offices of the central office of vital records for the purpose of issuance of copies of birth certificates only, but not for the purpose of alteration of birth certificates.

(h) Local health departments may issue copies of death certificates, which copies have the force and effect of certified copies issued by the office of vital records of the department.

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(i) No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized in this act or regulations adopted hereunder.

SECTION 25. Fees for Copies and Searches. (a) The department shall prescribe the fees to be paid for certified copies or certificates or records, or for a search of the files or records when no copy is made, or for copies or information provided for research, statistical, or administrative purposes.

(b) Fees collected under this section by the state registrar shall be deposited in the general fund of this state, according to the prevailing procedures governing collection.

SECTION 26. Persons Required to Keep Records. ~~(a) Every person in charge of an institution as defined in this act shall keep a record of personal particulars and information concerning each person admitted or confined to such institution. This record shall include such information as required by the certificates of birth and death and the reports of fetal death and induced termination of pregnancy forms required by this act. The record shall be made at the time of admission from information provided by the person being admitted or confined, but when it cannot be so obtained, the same shall be obtained from a relative or other person acquainted with the facts. The name and address of the person providing the information shall be part of the record.~~

(a) When a dead body is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body is released, date of removal from the institution, or if finally disposed of by the institution, the date, place, and manner of disposition shall be recorded.

(b) A funeral director, embalmer, or other person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other report required by this act or regulations promulgated hereunder, shall keep a record which shall identify the body, and such information pertaining to this receipt, removal, and delivery of such body as may be provided in regulations adopted by the department.

SECTION 27. Duties to Furnish Information Relative to Vital Events. ~~Any person having knowledge of the facts shall furnish such information as he may possess regarding any birth, death, fetal death, marriage, divorce, dissolution of marriage or annulment, upon demand of the state registrar.~~

Medical records will be made available to the state registrar or any direct representative thereof, for the limited purpose of gathering information on birth certificates, death certificates, and reports of fetal deaths.

SECTION 28. Penalties. (a) The state registrar shall have the authority to investigate cases of irregularities or violations of law, personally or by an accredited representative and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violations of any of the provisions of this chapter to the district attorney-general who shall forthwith initiate and promptly follow up the necessary court proceedings against the person alleged to be responsible for the violation of law. Upon request of the department, the attorney general and reporter of the state of Tennessee shall likewise assist in the enforcement provisions of this chapter.

(b) It is unlawful for any person to:

- (1) Willfully and knowingly make any false statement in a certificate, record, or report required to be filed under this act, or in an application for an amendment thereof or in an application for a certified copy of a vital record, or willfully and knowingly supply false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or
- (2) Absent lawful authority and with the intent to deceive, make, counterfeit, alter, amend, or mutilate any certificate, record, or report required to be filed under this act or a certified copy of such certificate, record, or report; or

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Senate Amendment # 1
to Amendment # 1

- (3) Willfully and knowingly obtain, possess, use, sell, furnish, or attempt to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; or
- (4) With the intention to deceive willfully and knowingly obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; or
- (5) Willfully and knowingly furnish or process a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or
- (6) Without lawful authority possess any certificate, record, or report, required by this act or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained;

(c) ~~An offense contained in subsection (b) of this section shall constitute a felony and be punishable by a fine of not more than ten thousand dollars (\$10,000.00) or imprisoned not less than one (1) year nor more than five (5) years, or both.~~

a. ~~An offense contained in subsection (b) of this section shall be punishable by a fine of not less than fifty dollars (\$50.00) or not more than one thousand dollars (\$1,000.00) or imprisonment in a county jail or workhouse for not more than eleven (11) months and twenty-nine (29) days, or both.~~ (1) Any person who willfully and knowingly refuses to provide information required by this act or regulations adopted hereunder; or willfully and knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided in this act; or willfully and knowingly neglects or violates any of the provisions of this act or refuses to perform any of the duties imposed upon him by this act shall be guilty of a misdemeanor and shall be punished by a fine of not more than ~~one thousand dollars (\$1,000.00)~~ **fifty dollars (\$50.00)** or be imprisoned in a county jail or workhouse for not more than one (1) year, or both for each offense.

Senate Amendment # 1

SECTION 29. Applicability. The provisions of this act also apply to all certificates of birth, death, marriage, and divorce, dissolution or annulment and reports of fetal death and induced termination of pregnancy previously received by the office of vital records or by any custodian of permanent local records.

SECTION 30. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 31. Repeal. Tennessee Code Annotated, Sections 53-401 through 53-458, inclusive, the same being all of Chapter 4 of Title 53 of Tennessee Code Annotated, are hereby repealed.

SECTION 32. Effective Date. This act shall take effect July 1, 1977.

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SIGNATURES OF OTHER SPONSORS

FURTHER SENATE ACTION

FURTHER HOUSE ACTION

Senate Concerned Mr
Dove Amund # 1-
2-3-4,

4-20-77
EWJ

I hereby certify this document
to be a true and exact copy of
the original document filed in
the Tennessee State Library and
Archives


LEGISLATIVE HISTORY STAFF, TSL&A

Date February 27, 2020

EXHIBIT N

1 IN RE:

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4 GORE,

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6 Vs.

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14 TRANSCRIPTION OF AUDIO RECORDED PROCEEDINGS

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16 RECORDED PROCEEDINGS OF: Tennessee Legislative Session

17

18 DATE RECORDED: April 4, 1977

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22 Transcribed by:

23 Melissa Iadimarco

24 Court Reporter/Transcriptionist

25

P R O C E E D I N G S

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2 SENATE SPEAKER: House Bill No. 425 by
3 Representative Dubury (inaudible) an act to enact the
4 Vital Records Act of 1977 to provide for an Office of
5 Vital Records within the Tennessee Department of
6 Public Health and to institute a comprehensive
7 statewide system of vital records and to rebuild
8 (inaudible) Sections 53-401 through 53-458 inclusive,
9 the same being all of Chapter 4 of Title 53 of the
10 Tennessee Code annotated.

11 SPEAKER: Let it debate.

12 SENATE SPEAKER: The senate bill is on the desk.
13 Without objection, let the proper motion substitute
14 and conform the Senate bill to the House bill be
15 spread upon a journal and show him as passed. We have
16 an amendment on the desk.

17 SPEAKER: Thank you, Mr. Speaker. For the
18 purpose of discussion, calling up amendment, I move
19 passes up senate bill 162 on third and final reading.

20 SENATE SPEAKER: Proper motion. Is there a
21 second? Properly second. Call up the first
22 amendment, Mr. Clerk

23 THE CLERK: Amendment No. 1, a committee
24 amendment by Representative Ashton to amend the house
25 bill -- Senate bill 162 by deleting Section 4,

1 Paragraph C the second sentence beginning with the
2 words "information pertaining to the father" and
3 ending with the words "is controverted" and is further
4 amended by the deleting from Section 5 Paragraph F the
5 words "and social policies", and is further amended by
6 the deleting all of Paragraph E, Subsection 1 of
7 Section 6 and inserting in lieu thereof, a new
8 Paragraph E, Subsection 1 to Subsection 6 to read as
9 follows: "If the mother was married at the time of
10 either conception or a birth or any time between
11 conception and birth to the natural father of the
12 child, the name of the father shall be entered on the
13 certificate and the surname of the child shall be
14 entered on the certificate as that of the natural
15 father. "

16 And is further amended by deleting from Section
17 9, Paragraph B, the words "be made on a form
18 prescribed and furnished by the state registrar and
19 shall" and is further amended by deleting from Section
20 9, Paragraph F the words "the 10th day of the calendar
21 month, following the month in which it was entered"
22 and inserting in lieu thereof the words "no later than
23 40 days from entry of the order" and is further
24 amended by inserting in Paragraph G of Section 9
25 between the words "some" and "shall" the words "his or

1 her parent or legal guardian" and is further amended
2 by inserting in Paragraph C of Section 18 between the
3 words "reinternment" and "shall" the words "in case of
4 movement of cemeteries or plots of cemeteries or for
5 reuniting families", and is further amended by adding
6 to Paragraph B of Section 21 a new sentence, which
7 shall read "minor corrections shall mean amendment of
8 obvious errors, transposition of letters and words of
9 common knowledge or omissions" and is further amended
10 by deleting all of Paragraph A of Section 26, and is
11 further amended by deleting the first paragraph of
12 Section 27 in its entirety.

13 SENATE SPEAKER: Whose amendment? Representative
14 Ashton?

15 REPRESENTATIVE ASHTON: (inaudible) to the House,
16 the amendment is long and as some people have said, it
17 looks like it rewrites the bill. But it really
18 doesn't. It changes a few legal problems that
19 developed as far as the Courts administration of
20 certain aspects of the vital records bill is
21 concerned. And that allowing the court's latitude and
22 prescribing what would be in its court orders, as they
23 pertain to adoption, the amount of information that's
24 necessary.

25 It also limits the jurisdiction of the

1 commissioner -- director of Vital records on
2 disinterning and reinterning bodies to that cemetery
3 or part of a cemetery has to be moved, it still
4 requires a certificate of a medical examiner and a
5 judge on internment or disinternment for forensic
6 purposes.

7 Pending any questions on the amendment,
8 Mr. Speaker, I would move adoption of Amendment No. 1,
9 which is a committee amendment.

10 SENATE SPEAKER: Is this a committee amendment?

11 REPRESENTATIVE ASHTON: A committee amendment.

12 SENATE SPEAKER: I believe, under the rules, it
13 requires a committee chairman, Mr. Ashton.

14 SPEAKER: Representative Williams (inaudible),
15 Mr. Speaker.

16 SENATE SPEAKER: Will you yield? Representative
17 Gill.

18 REPRESENTATIVE GILL: I defer to Mr. Ashton.

19 SENATE SPEAKER: Okay. Proper motion. Is there
20 a second? Probably a second. Representative Brad?

21 REPRESENTATIVE BRAD: Our response to the
22 amendment is -- Representative Ashton, is in any way
23 disturbed by the part of the section that says that if
24 you don't know who the father is, leave that blank?

25 REPRESENTATIVE ASHTON: No, sir. That part of

1 the bill is still in there, in that there is no direct
2 agreement by the person claiming to be father, no name
3 would be put in for the father in this amendment.

4 SENATE SPEAKER: Further discussion on the
5 amendment? Are you ready for the questions? So any
6 members in favor of the adoption Amendment No. 1, the
7 House -- Senate bill number is 162. Vote aye. All
8 opposed, no. You adopt.

9 Next amendment, Mr. Clerk?

10 THE CLERK: Amendment No. 2, a committee
11 amendment by Dr. Gill and (inaudible) to amend Senate
12 bill 162 by deleting Section 21 Paragraph D in its
13 entirety and then stating in lieu thereof a new
14 Paragraph D to read as follows: "The sex of an
15 individual will not be changed on the original
16 certificate of birth as a result of sex change
17 surgery."

18 SENATE SPEAKER: Mr. Gill.

19 REPRESENTATIVE GILL: Mr. Speaker, I'd like to
20 further this amendment to our august legal counsel and
21 the general welfare committee, Representative Ashton.

22 SENATE SPEAKER: Who? Representative Ashton,
23 you're recognized, sir.

24 REPRESENTATIVE ASHTON: Thank you, Mr. Speaker
25 pro tem. Ladies and gentlemen of the jury, this is a

1 section of the bill I'd advise all of you, if you have
2 the bill, to take it out and look at it so that you
3 can read that section. This is the section that
4 caused alleged controversy originally. And it
5 pertains to the modification of birth certificates
6 where there has been a sex change operation.

7 And the amendment to leave section -- Subsection
8 B of Section 21 and insert in lieu thereof, that the
9 certificate cannot be changed as it pertains to sex of
10 the individual, but that upon -- by correlation upon a
11 court order, the name could be changed.

12 And the intent of this amendment and the intent
13 of the committee when it adopted it was that those
14 natural events which occur at birth should not be
15 allowed to be changed by an individual later on in
16 life, that those events that are described to a
17 person after he was born, such as his name, the name
18 of his parents, the date of his birth, even, which are
19 not physical facts, should be allowed to be changed by
20 court order.

21 And the reasoning for the amendment being that I
22 move adoption amendment No. 2.

23 SENATE SPEAKER: Proper motion? Is there a
24 second? Properly seconded. Committee amendment. Any
25 discussion? Ready for the question. So any members

1 in favor of the adoption amendment No. 2, vote aye.
2 All opposed, vote no. You adopt. Next amendment,
3 Mr. Clerk.

4 THE CLERK: Amendment No. 3 by representative
5 Ashton to amend Senate bill 162 by deleting from
6 Section 20, Subsection A, the last two sentences of
7 said section so that this section as amended shall
8 read "A, for each divorce, dissolution of marriage or
9 annulment by any court in this state, a record shall
10 be filed with the Court of the clerk of the court with
11 the Office of Vital Records and shall be registered,
12 first has been completed and filed in accordance with
13 this section."

14 SENATE SPEAKER: Representative Ashton?

15 REPRESENTATIVE ASHTON: Mr. Speaker, ladies and
16 gentlemen of the House, this amendment requires the
17 clerk of the Court in divorce cases, as in other cases
18 involving right of title records to maintain and
19 transmit to the Bureau of Vital Statistics such
20 statistical information as they might require, so that
21 they might be able to furnish this to other agencies
22 to do socioeconomic research.

23 And pending any questions, I move the adoption of
24 the amendment.

25 SENATE SPEAKER: Proper motion, properly second

1 by (inaudible) of the bill. Any discussion on the
2 amendment? Be ready for the question. So any members
3 in favor of the adoption of amendment No. 3 Senate
4 bill 162, vote aye. Opposed, no. You adopt. Next
5 amendment, Mr. Clerk.

6 (Audio recording concluded.)
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C E R T I F I C A T E

I, MELISSA IADIMARCO, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 2nd day of March, 2020.



MELISSA IADIMARCO, CSR

EXHIBIT O

1 IN RE:

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6 Vs.

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14 TRANSCRIPTION OF AUDIO RECORDED PROCEEDINGS

15

16 RECORDED PROCEEDINGS OF: Tennessee Legislative Session

17

18 DATE RECORDED: April 20, 1977

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22 Transcribed by:

23 Melissa Iadimarco

24 Court Reporter/Transcriptionist

25

P R O C E E D I N G S

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2 SENATOR: I assume this House joint resolution is
3 over here. It memorializes Bishop Gil Patterson.
4 They're having a pretty big affair tomorrow night in
5 Memphis for Bishop Patterson. He has been elected
6 his third time now as bishop at Church of God in
7 Christ International.

8 SENATE SPEAKER: Senator Gil Patterson's father
9 (inaudible) Patterson (inaudible) Resolution 186.
10 Those in favor will say aye. Opposed, no. It is
11 done. Regular order, Mr. Clerk.

12 THE CLERK: Mr. Speaker, I'm giving notice. I am
13 directed to return to the Senate, Senate bill No. 564,
14 by Mr. Donavan amended in the House. I'm giving
15 notice.

16 SENATE SPEAKER: Notice of the amendment, 570 --
17 whatever it is.

18 SENATOR: 564.

19 SENATE SPEAKER: 564. Any other --

20 SENATOR: Mr. Speaker, the clerk would like to
21 make an announcement with regard to these --

22 SENATE SPEAKER: May I have order. Okay. What?

23 SENATOR: Mr. Clerk, do you recognize --

24 Mr. Speaker, we have placed on your desk a new
25 folder that will have House amendments to Senate

1 bills. Now these will be on the messages coming back
2 from the House where they have amended the Senate
3 bill. Is there a copy of the message and there is a
4 copy of each amendment that has been placed on the
5 Senate bill in the House. And they will be on your
6 desk every day in numerical order, according whatever
7 way you want to call it. So --

8 SENATE SPEAKER: Regular order, Mr. Clerk.

9 THE CLERK: Mr. Speaker, I'm directed to return
10 to the Senate, Senate bill No. 244 by Mr. Albright
11 amended in the House. Notice has been given.

12 SENATE SPEAKER: Are you ready, Senator Albright?

13 SENATOR ALBRIGHT: On the amendment there's two

14 --

15 SENATOR: Mr. Clerk, this amendment is
16 disturbing.

17 SENATOR ALBRIGHT: (Inaudible) amendment 66
18 decibels. Mr. Speaker, what this does in the bill on
19 the noise pollution, we had a number of (inaudible)
20 and this just takes the highest one and strikes all
21 the other ones. And I'd like to move the House
22 amendment and I'd like to move that we confer on the
23 House amendment.

24 SENATE SPEAKER: Motion is about House amendment
25 No. 1. The Senate bill 244, Senator Henry.

1 SENATOR HENRY: Senator Albright (inaudible)
2 placed on amendment. Senator, the amendment to make
3 this bill more restrictive on (inaudible) less
4 restrictive.

5 SENATOR ALBRIGHT: Senator, what happened, we had
6 a schedule in the bill that said 1978 it would go to a
7 lesser agree and this just struck out everything and
8 takes the highest. It would be less restrictive.

9 SENATE SPEAKER: The amendment, any further
10 questions on the amendment. Those favoring adoption
11 of amendment No. 1 Senate bill 244 vote aye. When the
12 bell rings, take (inaudible) votes, let every senator
13 vote. Take the roll. Aye's 25, No's nothing. That
14 passes, Amendment No. 1, Senate bill 244. Senator
15 Talarico?

16 SENATOR: Mr. Speaker, I understand I have a
17 message for House (inaudible) Senate bill 162.

18 SENATOR TALARICO: 162. Mr. Speaker, there are
19 four amounts, House amendments to this bill. This is
20 not a (inaudible) bill. None of them are major
21 amendments that does anything major to the bill
22 amendment No. 1, I'd like to call up Amendment No. 1.

23 SENATE SPEAKER: Amendment No. 1, Mr. Clerk.

24 SENATOR TALARICO: Just cleans up the procedural
25 wording relative to the bill and relates to the filing

1 of special bonds and other manner (inaudible) and
2 that's simply what the amendment No. 1 does. Pending
3 any questions, I move the adoption of House amendment
4 No. 1.

5 SENATE SPEAKER: Motion to adopt House amendment
6 No. 1, the Senate bill 162. Those in favor will vote
7 aye. When the bell rings, opposed no. Let every
8 senator vote. It takes 17 votes, (inaudible) motion.
9 Call up the amendment. Take the roll. Aye's 27, No's
10 (inaudible.) House amendment No. 1, Senate bill 162
11 No. -- House amendment No. 2, Senator Talarico.

12 SENATOR TALARICO: Mr. Speaker, House amendment
13 No. 2 a section of this bill that would allow the
14 changing on the birth certificate, the sex and House
15 Amendment No. 2 deletes this section in the bill and
16 pending any questions, I move the adoption of House
17 Amendment No. 2.

18 SENATE SPEAKER: So moved and seconded. You are
19 ready. Those in favor, vote aye when the bell rings,
20 opposed no. Let every senator vote. Every senator,
21 House amendment No. 2. House amendment No. 2. Take
22 the roll, Mr. clerk. Ayes 25, No's nothing.
23 (inaudible) No. 2 -- No. 3.

24 SENATOR TALARICO: Amendment No. 3 changes the
25 wording relative to the filing of records of

1 (inaudible) with the Office of Vital Records and
2 serves as the court clerk will file these records.
3 Pending any question, move the adoption --

4 SENATE SPEAKER: Motion is (inaudible), No. 3,
5 every senator, vote aye when the bell rings. Every
6 senator, every senator, every senator, ever senator.
7 Take roll, Mr. Clerk. All right. Ayes 23.

8 (Audio recording concluded.)
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C E R T I F I C A T E

I, MELISSA IADIMARCO, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes to the best of my ability taken while listening to the provided recording.

Dated this 2nd day of March, 2020.



MELISSA IADIMARCO, CSR

EXHIBIT P

Tre Hargett
Secretary of State

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Dear Patron:

Enclosed with your order of cassette tapes you will find copies of the corresponding log sheets for each tape. These log sheets may help you in locating the discussion in which you are interested. The column on the left side of each page may be used as a minute guide. The logs list each bill number being discussed, and may include: name of person speaking, short phrases describing subject matter, and any result of debate (vote totals, passed out of committee, etc.).

We hope these logs sheets will be useful to you in your research. Please let us know if we may assist you again.

Legislative History Staff
Tennessee State Library and Archives

Year: 1977

Public Chapter: 128

House Bill: 425

Senate Bill: 16



Tennessee Secretary of State
Tre Hargett

Vincent McGrath
Legislative History Coordinator

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Record No. H-79

1. McKinney (continued)
2. Amend #3 read. Pickering
3. Bragg - comments - motion to table - Pickering - withdraws
4. Amend #3 - Bragg - motion to table withdrawn - new Amend #3 read. Pickering
5. Ashford - comments - Bewley - comments
6. Clark - comments - motion to table - Pickering request to move bill down
7. Speaker Rules - moved to heel *HB 30th Cont. 5/1/80*
8. HB-540 (SB-459) Spence - Boards and Commission - Amend #1 - read - Jensen
9. Adopted - Woods -questions Spence
10. King - questions Spence
11. Dixon - comments
12. Passed 3rd Reading - 62-20-3
13. HB-305 (SB-360) Lashlee -Wildlife Resources Agency - Amend #1 read-Lashlee
14. Adopted - Lashlee - comments - Passed 3rd Reading - 87-1-1
15. HB-215 (SB-181) - DeBerry-Burnett(F) Passed 3rd Reading 88-1
16. HB-344 (SB-337) - DeBerry-Burnett (F)
17. Carter questions DeBerry
18. Passed 3rd Reading - 90-0-2
19. HB-425 (SB-162) Burnett (F) Amend #1 read - Ashford
20.
21. Ashford - comments
22.
23. Bragg questions Ashford - adopted
24. Amend #2 read. Gill - Ashford - comments
25.
26. Adopted - Amend #3 read. Ashford - comments
27. Adopted - Amend #4 - read - Jensen
28. Jensen - comments
29.
30.
31.

11:43
End Record

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Date February 4, 2020

Record No. S#98

1. Ashe (continued) Hicks-comments
2. Henry-comments - against
3. Hamilton-comments - Ashe -comments
4. _____
5. Amend #3 - Fails 16-11-3. Passed 3rd Reading - 27-2-2.
6. SB-583 (HB-1017) - Ford-Highways, Roads and Bridges-Amend #1-Baird (R)
7. Adopted. Amend #2-Baird(R) - withdrawn
8. Amend #3-Baird(R)-Adopted
9. Passed 3rd Reading - 24-0-3.
10. SB-657 (HB-715) Hooper-Purchasing-Amend #1-Adopted-Passed 3rd Reading-27-1
11. SB-480(HB-810) Blank-moved to Monday's Calender-SB-692(HB-615) Boner
12. Moved to Thursday's Calender. Unfinished Business - HB-170-motion to
13. reconsider. Byrd-Amend #1 - Adopted-Passed 3rd Reading-23-0-4.
14. SJR-48 W/D-SB-843 W/D. Rules suspended-HJR-186-Adopted
15. Notive Given: SB-564-Announcement-Clerk. Notice Given: SB-244-Albright-
16. Amend #1 move to concur. Henry questions Albright-Adopted 25-0. SB-162-
17. Amend #1 - Adopted 27-0.
18. Amend #2 - Adopted 25-0
19. Amend #3 -Adopted 23-0
20. Amend #4 - Henry questions Talarico
21. Adopted 25-0
22. SB-55-Blank - Amend #2
23. Adopted -25-0
24. SB-227-Hamilton - move to concur in Amend #1 - Adopted - 25-0
25. Hamilton - motion to non-concur-adopted
26. SB-134-Hamilton - Amend #1 move to concur-adopted 25-0.
27. 1st Reading -SR-30, 29. SJR 87, 88, 89.
28. _____
29. _____
30. _____
31. _____

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LEGISLATIVE HISTORY STAFF, TSL&A

Date February 4, 2020

THURSDAY

Apr. 7, 1977

HOUSE CALENDAR
SUMMARY OF GENERAL BILLS
CONVENES 10³⁰ AM

PAGE 1
OF
4 PAGES

6PM Mon

PUBLISHED BY THE TENNESSEE LEGISLATIVE COUNCIL STAFF
FOR MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY

(Circled Bill Number indicates which Bill is printed in your file)

HB 416
53 452

Murphy (Davidson)
SEWAGE - PROVIDES THAT SOLID WASTES MAY BECOME PROPERTY OF PRIVATE FIRM COLLECTING THE WASTES.
AMENDS TCA 6-4105.

HB 102

Blackburn
PURCHASING - EXEMPTS DIVISION OF SERVICES FOR THE BLIND FROM PUBLIC PURCHASING LAWS SUBJECT TO POLICIES OF BOARD OF STANDARDS AND PURCHASES.
AMENDS TCA 12-336.

HB 300
53 372

Bragg; Murphy (Davidson)
TRAFFIC SAFETY - REQUIRES PARENT OR LEGAL CUSTODIAN OF CHILD UNDER FOUR YEARS OF AGE TO SEE THAT A CHILD PASSENGER RESTRAINT SYSTEM IS USED. PROVIDES THAT NEGLIGENCE OF SUCH DUTY MAY NOT BE CONSIDERED AS CONTRIBUTORY NEGLIGENCE NOR CONSIDERED IN MITIGATION OF DAMAGES IN CIVIL SUIT.
AMENDS TCA 59-930.

HB 540
(SB 439)

Spence
BOARDS AND COMMISSIONS - EXEMPTS EMPLOYEES OF EDUCATIONAL INSTITUTIONS FROM RESTRICTIONS AGAINST GOVERNMENT EMPLOYEES SERVING AS MEMBERS OF COMMISSIONS AND BOARDS.
AMENDS TCA 2-112.

HB 305
(SB 360)

Lashlee; Butler; Fuqua; et al
WILDLIFE RESOURCES AGENCY - GRANTS AUTHORITY TO WILDLIFE RESOURCES AGENCY TO MAKE EMERGENCY PURCHASES TO REPAIR VEHICLES USED IN FIELD WORK, PROCEDURES.
AMENDS TCA 12-324.
Present Law: Allows commissioner of general services to delegate authority to any state government department, institution or agency for purchase of materials to meet emergencies.
Proposal: Officers of wildlife resources agency granted permanent authority to make emergency purchases, for amount not in excess of \$250 at any one time.

HB 215
(SB 181)

DeBerry; Burnett (Fentress)
CUSTODY AND SUPPORT - REQUIRES ASSIGNMENT TO STATE OF ANY CHILD SUPPORT PAYMENTS UP TO AMOUNT OF PUBLIC ASSISTANCE RECEIVED FOR SUCH CHILD.
AMENDS TCA TITLE 14, CHAPTER 3.
Present Law: Requires state recovery of assistance paid against deserting parent or parents where such desertion placed the child in needy circumstances.
Proposal: Requires notification of assignment to appropriate court clerk who shall then transmit all support payments received to the state department pending further notification.

HB 344
(SB 337)

DeBerry; Burnett (Fentress)
PENAL AND REFORMATORY INSTITUTIONS - AUTHORIZES COMMISSIONER OF CORRECTION TO ISSUE NON-BONDABLE WARRANT TO RETAKE PRISONER SENTENCED TO PENITENTIARY WHO ABSCONDS WHILE ON WORK RELEASE PROGRAM OR IN VIOLATION OF FURLOUGH AGREEMENT.
AMENDS TCA TITLE 41, CHAPTER 1.

HB 425
(SB 162)

Burnett (Fentress)
VITAL STATISTICS - ENACTS VITAL RECORDS ACT OF 1977, STATEWIDE SYSTEM OF VITAL RECORDS.
REPEALS TCA 53-401 THRU 458.
REINTRODUCTION OF HB 233.
Proposal: State registrar to prescribe forms and publish reports.
Further: Registrar to establish rules and regulations on distribution of information.
Further: If birth occurs on moving conveyance and child is first removed from conveyance in this state -- Tennessee considered place of birth.
Further: If mother married at conception or birth, name of husband to be listed as father.
Further: If mother not married at conception or birth, omit all information pertaining to father, child takes mother's surname.
Further: Child born to married woman as a result of artificial insemination deemed to be legitimate child of husband.
Further: If delayed certificate of birth not accepted by registrar, parents may petition court to enter an order verifying facts proved in a hearing on the matter.
Present Law: Certified copies of court records used to verify adoption.
Proposal: Registrar to provide forms to be used by court and parties.
Present Law: Death defined as "brain death."
Proposal: No comparable provision.
Further: Death certificate must be filed within five days or later in accordance with registrar's regulations.
Present Law: Abortions reported to commissioner of public health. Stillbirth to be reported within 72 hours.
Proposal: Fetal deaths after 20 weeks gestation period or minimum weight of 350 grams to be reported within ten days; reports for research purposes only, to be destroyed according to regulation.
Further: All abortions to be reported.
Further: Authorization required by parents to dispose of dead fetus.
Present Law: \$.50 recording fee for marriage certificates.
Proposal: Increases fee to \$1.
Further: Court clerks to file records of divorce and annulment, \$1 fee.
Further: Registrar may use modern technology to keep records.
Further: One hundred years after birth and 50 years after death or dissolution of marriage, records become public.

On March 23, 1977, the Senate amended to delete provisions that required reports of induced termination of pregnancy are not to be incorporated in their permanent official records of the office of vital records and that such reports would be disposed of according to a departmental schedule; further, changed certain penalty provisions from a felony and \$10,000 fine or 1-5 years imprisonment, or both, to a misdemeanor, with fine of not less than \$50 nor more than \$1,000, or imprisonment for not more than 11 months, 29 days, or both; further, reduced other misdemeanor penalty provisions from a fine of not more than \$1,000 to a fine of not more than \$50; further, added a requirement that the state registrar prepare reports of foreign births for children born outside of U. S. or territories or possessions, whose adoptive parents are residents of Tennessee when the required adoption papers have been received from a state court having adoption jurisdiction.

HB 129
(SB 101)

Buck; Murray (Franklin)
LIENS - ALLOWS JUDGE OR CHANCELLOR AWARD ATTORNEY'S FEES IN ACTIONS TO ENFORCE MECHANICS' AND MATERIALMEN'S LIENS.
AMENDS TCA 64-1126.

HB 49
(SB 48)

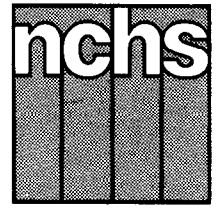
Rhinehart; Burks
CRIMINAL OFFENSES - INCREASES PENALTY FOR ASSAULT WITH INTENT TO COMMIT ROBBERY, WHERE VICTIM IS ABOVE A CERTAIN AGE, BLIND, OR DISABLED, IN THE DISCRETION OF THE JURY.
AMENDS TCA 39-607.

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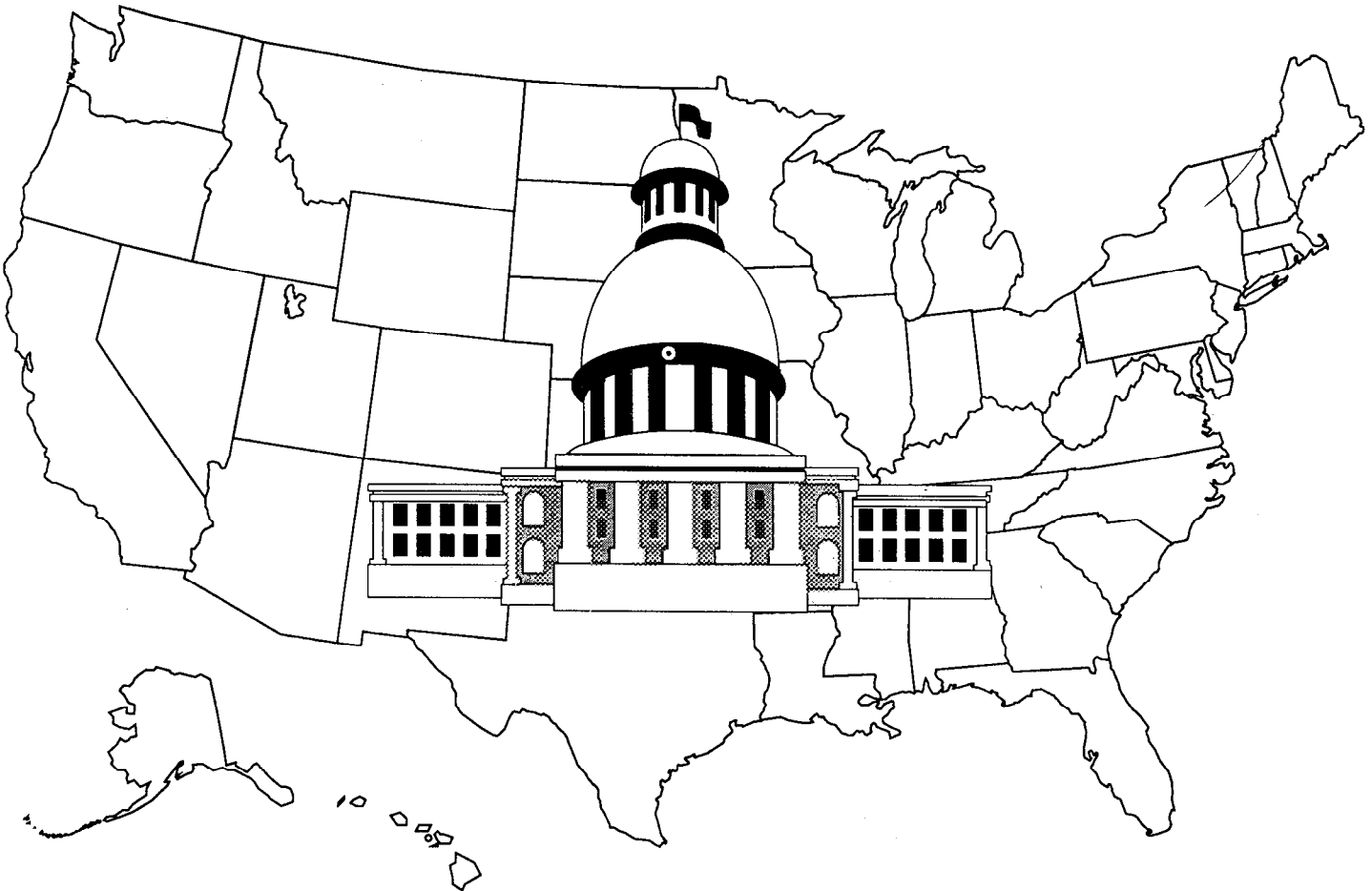
Date February 4, 2020

EXHIBIT Q



Model State Vital Statistics Act and Regulations

From the CENTERS FOR DISEASE CONTROL AND PREVENTION/National Center for Health Statistics



1992 Revision



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Centers for Disease Control and Prevention
National Center for Health Statistics



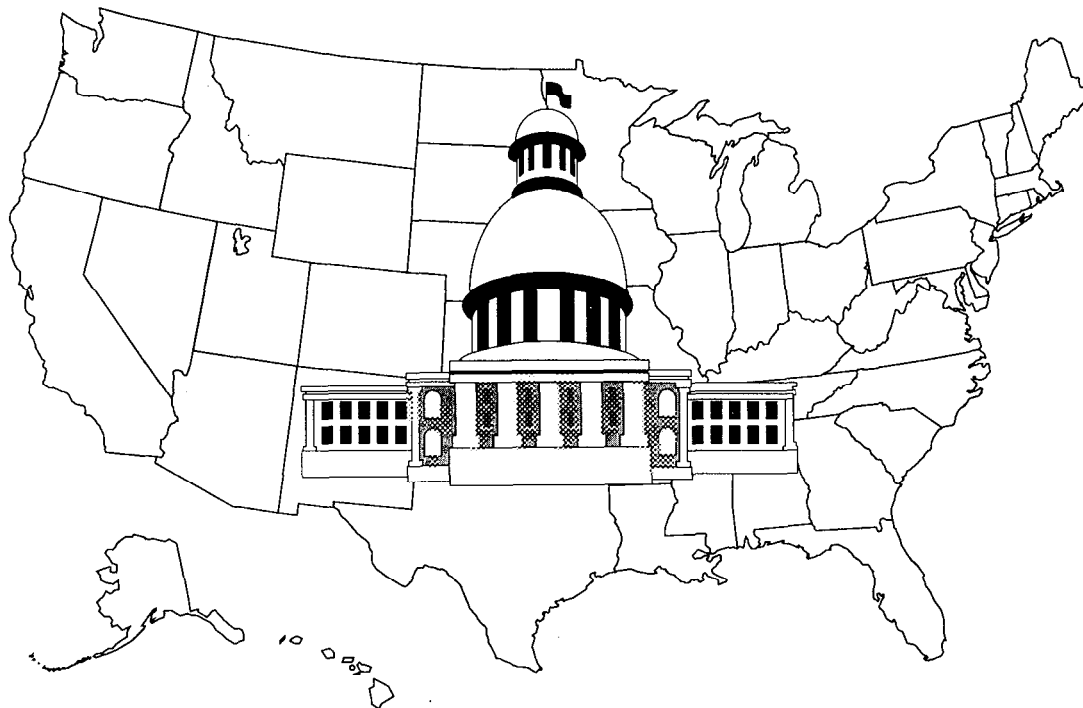
Approved and Recommended by the
Association for Vital Records and Health Statistics
Centers for Disease Control and Prevention
United States Public Health Service

This document has also been submitted to the Council of State Governments for inclusion in *Suggested State Legislation*.
At the time of publication, their action is pending.

This revision replaces the 1977 Revision of the Model State Vital Statistics Act and Model State Vital Statistics Regulations (PHS 78-1115).

Model State Vital Statistics Act and Regulations

From the CENTERS FOR DISEASE CONTROL AND PREVENTION/National Center for Health Statistics



1992 Revision

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Centers for Disease Control and Prevention
National Center for Health Statistics

Hyattsville, Maryland
February 1994
DHHS Publication No. (PHS) 94-1115

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Preface

The U.S. vital registration and statistics system exemplifies cooperation between the Federal and State Government at its best. Even though the legal responsibility for the registration of vital events rests with the individual States, the States and the National Center for Health Statistics (the Federal partner) work together to build a uniform system that produces records to satisfy the legal requirements of individuals and their families and also to meet statistical and research needs at the local, State, and national levels. The cooperation includes the development and promotion of standard certificates and reporting forms, training and quality control programs, and model legislation.

This is the fifth revision of the Model State Vital Statistics Act (the first was in 1907) and the second revision of the Model State Vital Statistics Regulations (the first was in 1977). The Model Act and Regulations provide detailed guidance to State registrars of vital statistics and State legislators who are considering revision of their own State vital statistics laws and regulations. The Model Act and Regulations serve to promote uniformity among States in definitions, registration practices, disclosure and issuance procedures, and in many other functions that comprise a State system of vital statistics.

A major goal of this revision of the Model Act and Regulations is to ensure the vital statistics laws allow States to easily incorporate technological advances in records and information management. Special emphasis was given to the language within the revision in order that it can serve as a model for the next 10-15 years. The wording used will allow States to make use of emerging technology that will continue to impact the vital statistics system without having to change their law.

In developing this revision, input was sought not only from State vital records and statistics offices but also from other persons and organizations, including Federal agencies, which have an interest in the registration system either as a source of legal records or a source of statistical data. The expert testimony and comments from these interested persons and organizations provided invaluable assistance in developing the revision and should help guarantee that the vital statistics system continues to serve the interests of its many users, especially the general public.

Working Group to Revise the Model State Vital Statistics Act and Model State Vital Statistics Regulations

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Acknowledgment

The Working Group Would Like to Thank the Following Organizations That Provided Input to the Revision

Testimony heard:

American Association of Motor Vehicle Administrators
American Bar Association
American College of Obstetricians and Gynecologists
American Council of Life Insurance
American Health Information Management Association (formerly, American Medical Record Association)
American Medical Association
Centers for Disease Control and Prevention, Division of Surveillance and Epidemiology
Dow Chemical Company
Immigration and Naturalization Service
International Association of Coroners and Medical Examiners
Medical Ethicists - George Washington University
National Association of Medical Examiners
National Committee on Vital and Health Statistics
National Conference of Commissioners on Uniform State Laws
National Funeral Directors Association
National Genealogical Society
National Medical Association
Social Security Administration, Office of Retirement and Survivors Benefits
State Department, Office of Fraud Prevention Programs
University of Maryland, Journalism Department

Written input received:

American Hospital Association
Association of State and Territorial Health Officials-Epidemiology affiliate (Council of State and Territorial Epidemiologists)
U.S. Office of Child Support Enforcement

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MODEL STATE VITAL STATISTICS ACT

NOTE: Where the need for variation was apparent, parentheses, “(),” have been placed around the word or phrase. In cases where recommendations were considered optional, brackets, “[],” have been placed around the word or phrase.

Section 1. Definitions

- (a) “Dead body” means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death occurred.
- (b) “Fetal death” means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy and which is not an induced termination of pregnancy. The death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.
- (c) “File” means the presentation and acceptance of a vital record or report provided for in this Act for registration by the (Office of Vital Statistics).
- (d) “Filing, date of” means the date a vital record is accepted for registration by the (Office of Vital Statistics).
- (e) “Final disposition” means the burial, interment, cremation, removal from the State, or other authorized disposition of a dead body or fetus.
- (f) “Induced termination of pregnancy” means the purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant, and which does not result in a live birth. This definition excludes management of prolonged retention of products of conception following fetal death.
- (g) “Institution” means any establishment, public or private, which provides in-patient or out-patient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care, or to which persons are committed by law.
- (h) “Live birth” means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.
- (i) “Physician” means a person authorized or licensed to practice medicine or osteopathy pursuant to the laws of this State.
- (j) “Registration” means the process by which vital records are completed, filed, and incorporated into the official records of the (Office of Vital Statistics).
- (k) “System of vital statistics” means the registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required by this Act; and activities related thereto including the tabulation, analysis, publication, and dissemination of vital statistics.
- (l) “Vital records” means certificates or reports of birth, death, marriage, (divorce, dissolution of marriage, or annulment) and data related thereto.
- (m) “Vital reports” means reports of fetal death and induced termination of pregnancy and data related thereto.
- (n) “Vital statistics” means the data derived from certificates and reports of birth, death, fetal death, induced termination of pregnancy, marriage, (divorce, dissolution of marriage, or annulment) and related reports.

Section 2. Office of Vital Statistics and Statewide System of Vital Statistics

There is hereby established in the (State public health administrative agency) an (Office of Vital Statistics) which shall install, maintain, and operate the only system of vital statistics throughout this State. The (Office of Vital Statistics) shall be provided with sufficient staff, suitable offices, and other resources for the proper administration of the system of vital statistics and for the preservation and security of its official records.

Section 3. Regulations

The (State public health administrative agency), hereinafter referred to as “State Agency,” is authorized to adopt, amend, and repeal regulations for the purpose of carrying out the provisions of this Act.

Section 4. Appointment of State Registrar of Vital Statistics

The (State Health Officer) shall appoint the State Registrar of Vital Statistics, hereinafter referred to as “State Registrar,” in accordance with (applicable civil service laws and regulations).

Section 5. Duties of State Registrar

- (a) The State Registrar shall:
 - (1) Administer and enforce the provisions of this Act and the regulations issued hereunder, and issue instructions for the efficient administration of the system of vital statistics.
 - (2) Direct and supervise the system of vital statistics and the (Office of Vital Statistics) and be custodian of its records.
 - (3) Direct, supervise, and control the activities of all persons when they are engaged in activities pertaining to the operation of the system of vital statistics.
 - (4) Conduct training programs to promote uniformity of policy and procedures throughout the State in matters pertaining to the system of vital statistics.
 - (5) Prescribe, with the approval of the State Agency, furnish and distribute such forms as are required by this Act and the regulations issued hereunder, or prescribe such other means for transmission of data as will accomplish the purpose of complete and accurate reporting and registration.
 - (6) Prepare and publish reports of vital statistics of this State and such other reports as may be required by the State Agency.
 - (7) Provide to local health agencies copies of or data derived from certificates and reports required under this Act, as he or she shall determine are necessary for local health planning and program activities. The State Registrar shall establish a schedule with each local health agency for transmittal of the copies or data. The copies or data shall remain the property of the (Office of Vital Statistics), and the uses which may be made of them shall be governed by the State Registrar.
- (b) The State Registrar may establish or designate offices in the State as provided by regulation to aid in the efficient administration of the system of vital statistics.
- (c) The State Registrar may delegate such functions and duties vested in him or her to employees of the (Office of Vital Statistics) and to employees of any office established or designated under Section 5(b).

Section 6. Content of Certificates and Reports

- (a) In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of certificates and reports required by this Act, or by regulations adopted hereunder, shall include as a minimum the items recommended by the Federal agency responsible for national vital statistics.
- (b) Each certificate, report, and other document required by this Act shall be prepared in the format approved by the State Registrar.
- (c) All vital records shall contain the date of filing.
- (d) Information required in certificates, forms, records, or reports authorized by this Act may be filed, verified, registered, and stored by photographic, electronic, or other means as prescribed by the State Registrar.

Section 7. Birth Registration

- (a) A certificate of birth for each live birth which occurs in this State shall be filed with the (Office of Vital Statistics), or as otherwise directed by the State Registrar, within 5 days after such birth and shall be registered if it has been completed and filed in accordance with this section.
- (b) When a birth occurs in an institution or en route thereto, the person in charge of the institution or his or her authorized designee shall obtain the personal data, prepare the certificate, certify that the child was born alive at the place and time and on the date stated either by signature or by an approved electronic process, and file the certificate as directed in Section 7(a). The physician or other person in attendance shall provide the medical information required by the certificate within 72 hours after the birth.

- (c) When a birth occurs outside an institution,
 - (1) the certificate shall be prepared and filed by one of the following in the indicated order of priority, in accordance with regulations promulgated by the State Agency:
 - (a) the physician in attendance at or immediately after the birth, or in the absence of such a person;
 - (b) any other person in attendance at or immediately after the birth, or in the absence of such a person;
 - (c) the father, the mother, or, in the absence of the father and the inability of the mother, the person in charge of the premises where the birth occurred.
 - (2) the State Agency shall by regulation determine what evidence may be required to establish the facts of birth.
- (d) When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this State, the birth shall be registered in this State and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this State, the birth shall be registered in this State, but the certificate shall show the actual place of birth insofar as can be determined.
- (e) For the purposes of birth registration, the mother is deemed to be the woman who gives birth to the child, unless otherwise provided by State law or determined by a (court of competent jurisdiction) prior to the filing of the birth certificate. The information about the father shall be entered as provided in Section 7(f).
- (f)
 - (1) If the mother was married at the time of either conception or birth, or between conception and birth, the name of the husband shall be entered on the certificate as the father of the child, unless:
 - (a) paternity has been determined otherwise by (a court of competent jurisdiction), or
 - (b) the mother and the mother's husband execute joint or separate affidavits attesting that the husband is not the father of the child. Affidavits shall be notarized, and signatures of the mother and of the husband shall be individually notarized on any joint affidavit. In such event, information about the father shall be omitted from the certificate, or
 - (c) the mother executes an affidavit attesting that the husband is not the father and that the putative father is the father, and the putative father executes an affidavit attesting that he is the father, and the husband executes an affidavit attesting that he is not the father. Affidavits may be joint or individual or a combination thereof, and each signature shall be individually notarized. In such event, the putative father shall be shown as the father on the certificate.
 - (2) If the mother was not married at the time of either conception or birth or between conception and birth, the name of the father shall not be entered on the certificate without an affidavit of paternity signed by the mother and the person to be named as the father.
 - (3) In any case in which paternity of a child is determined by (a court of competent jurisdiction), the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.
 - (4) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.
 - (5) Affidavits referenced in this section shall be filed with the State Registrar.
- (g) Either of the parents of the child, or other informant, shall verify the accuracy of the personal data to be entered on the certificate in time to permit the filing of the certificate within the 5 days prescribed in Section 7(a).
- (h) Certificates of birth filed after 5 days, but within one year from the date of birth shall be registered on the standard form of live birth certificate in the manner prescribed above. Such certificates shall not be marked "Delayed." The State Registrar may require additional evidence in support of the facts of birth.

Section 8. Infants of Unknown Parentage; Foundling Registration

- (a) Whoever assumes the custody of a live-born infant of unknown parentage shall report on a form and in a manner prescribed by the State Registrar within 5 days to the (Office of Vital Statistics) the following information:

- (1) the date and city and/or county of finding;
 - (2) sex and approximate birth date of child;
 - (3) name and address of the person or institution with whom the child has been placed for care;
 - (4) name given to the child by the custodian of the child; and
 - (5) other data required by the State Registrar.
- (b) The place where the child was found shall be entered as the place of birth.
 - (c) A report registered under this section shall constitute the certificate of birth for the child.
 - (d) If the child is identified and a certificate of birth is found or obtained, the report registered under this section shall be placed in a special file and shall not be subject to inspection except upon order of (a court of competent jurisdiction) or as provided by regulation.

Section 9. Delayed Registration of Birth

- (a) When a certificate of birth of a person born in this State has not been filed within one year, a delayed certificate of birth may be filed in accordance with regulations of the State Agency. No delayed certificate shall be registered until the evidentiary requirements as specified in regulation have been met.
- (b) Such birth shall be registered on a delayed certificate of birth form, and show on its face the date of registration. The delayed certificate shall contain a summary statement of the evidence submitted in support of the delayed registration.
- (c) No delayed certificate of birth shall be registered for a deceased person.
- (d)
 - (1) When an applicant as defined by regulation does not submit the minimum documentation required in the regulations for delayed registration or when the State Registrar has cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not register the delayed certificate of birth and shall advise the applicant of the reasons for this action, and shall further advise the applicant of his or her right to seek an order from (a court of competent jurisdiction).
 - (2) The State Agency may by regulation provide for the dismissal of an application which is not actively pursued.

Section 10. Judicial Procedure to Establish Facts of Birth

- (a) If the State (Agency, Registrar) refuses to file a certificate of birth under the provisions of Section 7 or 9, a petition signed and sworn to by the petitioner may be filed with (a court of competent jurisdiction) for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.
- (b) Such petition shall be made on a form prescribed and furnished or approved by the State Registrar and shall allege:
 - (1) that the person for whom a certificate of birth is sought was born in this State;
 - (2) that no certificate of birth of such person can be found in the (Office of Vital Statistics) or (the office of any local custodian of birth certificates);
 - (3) that diligent efforts by the petitioner have failed to obtain the evidence required in accordance with Sections 7 or 9 of this Act and Regulations adopted pursuant thereto;
 - (4) that the State Registrar has refused to file a certificate of birth, and;
 - (5) such other allegations as may be required.
- (c) The petition shall be accompanied by a statement of the State Registrar made in accordance with Sections 7 or 9 and all documentary evidence which was submitted to the State Registrar in support of such registration.
- (d) The court shall fix a time and place for hearing the petition and shall give the State Registrar () days notice of said hearing. The State Registrar or his authorized representative may appear and testify in the proceeding.
- (e) If the court finds, from the evidence presented, that the person for whom a certificate of birth is sought was born in this State, it shall make findings as to the place and date of birth, parentage, and such other findings as may be required and shall issue an order, on a form prescribed and furnished or approved by the State Registrar, to establish

a court order certificate of birth. This order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.

- (f) The clerk of court shall forward each such order to the State Registrar not later than the tenth day of the calendar month following the month in which it was entered. Such order shall be registered by the State Registrar and shall constitute the court order certificate of birth.

Section 11. Certificates of Adoption

- (a) For each adoption decreed by (a court of competent jurisdiction) in this State, the court shall require the preparation of a certificate of adoption on a form prescribed and furnished by the State Registrar. The certificate of adoption shall include such facts as are necessary to locate and identify the certificate of birth of the person adopted or, in the case of a person who was born in a foreign country, evidence from sources determined to be reliable by the court as to the date and place of birth of such person; shall provide information necessary to establish a new certificate of birth of the person adopted; shall identify the order of adoption; and shall be certified by the clerk of court.
- (b) Information necessary to prepare the certificate of adoption shall be furnished by each petitioner for adoption or his or her attorney. The (social service agency) or any person having knowledge of the facts shall supply the court with such additional information as may be necessary to complete the certificate of adoption. The provision of such information shall be prerequisite to the issuance of a final decree in the matter by the court.
- (c) Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a report thereof, which shall include such facts as are necessary to identify the original certificate of adoption and the facts amended in the adoption decree as shall be necessary to properly amend the birth record.
- (d) Not later than the () day of each calendar month or more frequently, as directed by the State Registrar, the clerk of the court shall forward to the State Registrar certificates of adoption, reports of annulment of adoption, and amendments of decrees of adoption which were entered in the preceding month, together with such related reports as the State Registrar shall require.
- (e) When the State Registrar shall receive a certificate of adoption, report of annulment of adoption, or amendment of a decree of adoption for a person born outside this State, he or she shall forward such certificate or report to the State Registrar in the State of birth.
- (f) If the birth occurred in a foreign country, and the child was not a citizen of the United States at the time of birth, the State Registrar shall prepare a "Certificate of Foreign Birth" as provided by Section 12(h). If the child was born in Canada, the State Registrar shall also send a copy of the certificate of adoption, report of annulment of adoption, or amendment of a decree of adoption to the appropriate registration authority in that country.
- (g) If the child was born in a foreign country but was a citizen of the United States at the time of birth, the State Registrar shall not prepare a "Certificate of Foreign Birth" and shall notify the adoptive parents of the procedures for obtaining a revised birth certificate for their child through the United States Department of State.

Section 12. Certificates of Birth Following Adoption, Legitimation, Court Determination of Paternity, and Paternity Acknowledgment

- (a) The State Registrar shall establish a new certificate of birth for a person born in this State when he or she receives the following:
 - (1) A certificate of adoption as provided in Section 11 or a certificate of adoption prepared and filed in accordance with the laws of another State or foreign country, or a certified copy of the decree of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person.
 - (2) A request that a new certificate be established as prescribed by regulation and such evidence as required by regulation proving that such person has been legitimated, or that (a court of competent jurisdiction) has determined the paternity of such person, or that both parents have acknowledged the paternity of such person and request that the surname be changed from that shown on the original certificate.
- (b) When a new certificate of birth is established, the actual city and/or county and date of birth shall be shown. The new certificate shall be substituted for the original certificate of birth in the files, and the original certificate of birth and the evidence of adoption, legitimation, court determination of paternity, or paternity acknowledgment shall not be

subject to inspection except upon order of (a court of competent jurisdiction) or as provided by regulation or as otherwise provided by State law.

- (c) Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.
- (d) Upon receipt of a report or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of (a court of competent jurisdiction) or as provided by regulation.
- (e) Upon written request of both parents and receipt of a sworn acknowledgment of paternity signed by both parents of a child born out of wedlock, the State Registrar shall reflect such paternity on the certificate of birth in the manner prescribed by regulation if paternity is not already shown on the certificate of birth.
- (f) If no certificate of birth is on file for the person for whom a new birth certificate is to be established under this section, and the date and place of birth have not been determined in the adoption or paternity proceedings, a delayed certificate of birth shall be filed with the State Registrar as provided in Section 9 or Section 10 of this Act before a new certificate of birth is established. The new birth certificate shall be prepared on the delayed birth certificate form.
- (g) When a new certificate of birth is established by the State Registrar, all copies of the original certificate of birth in the custody of any other custodian of vital records in this State shall be sealed from inspection or forwarded to the State Registrar, as he or she shall direct.
- (h) The State Registrar shall, upon request, prepare and register a certificate in this State for a person born in a foreign country who is not a citizen of the United States and who was adopted through (a court of competent jurisdiction) in this State. The certificate shall be established upon receipt of a certificate of adoption from the court decreeing the adoption, proof of the date and place of the child's birth, and a request from the court, the adopting parents, or the adopted person if 18 years of age or over that such a certificate be prepared. Such certificate shall be labeled "Certificate of Foreign Birth" and shall show the actual country of birth. A statement shall also be included on the certificate indicating that it is not evidence of United States citizenship for the child for whom it is issued. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the certificate of adoption which shall not be subject to inspection except upon order of (a court of competent jurisdiction) or as provided by regulation or as otherwise provided by State law.

Section 13. Death Registration

- (a) A certificate of death for each death which occurs in this State shall be filed with the (Office of Vital Statistics), or as otherwise directed by the State Registrar, within 5 days after death or the finding of a dead body and prior to final disposition, and shall be registered if it has been completed and filed in accordance with this section.
 - (1) If the place of death is unknown but the dead body is found in this State, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation. If the date cannot be determined by approximation, the date found shall be entered and identified as such.
 - (2) When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this State, the death shall be registered in this State and the place where it is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this State, the death shall be registered in this State but the certificate shall show the actual place of death insofar as can be determined.
 - (3) In all other cases, the place where death is pronounced shall be considered the place where death occurred.
- (b) The funeral director or person acting as such who first assumes custody of the dead body shall file the certificate of death. He or she shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible therefor. The funeral director or person acting as such shall provide the death certificate containing sufficient information to identify the decedent to the certifier within 48 hours after death.
- (c) The medical certification shall be completed within 48 hours after receipt of the death certificate by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the

(Post-Mortem Examinations Act). In the absence or inability of said physician or with his or her approval, the certificate may be completed by his or her associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, and death is due to natural causes. The person completing the cause of death shall attest to its accuracy either by signature or by an approved electronic process.

- (d) When inquiry is required by the (Post-Mortem Examinations Act), the (medical examiner, coroner) in the jurisdiction where death occurred or the body was found shall determine the cause of death and shall complete and sign the medical certification within 48 hours after taking charge of the case.
- (e) When death occurs in an institution and the person responsible for the completion of the medical certification is not available to pronounce death, another physician at the institution who views the body may pronounce death, attest to the pronouncement by signature or an approved electronic process, and, with the permission of the person responsible for the medical certification, release the body to the funeral director or person acting as such. The funeral director or person acting as such must in all cases obtain the medical certification from the person responsible for its completion or obtain assurance that the medical certification has been provided to the State Registrar by an approved electronic process.
- (f) If the cause of death cannot be determined within the time prescribed, the medical certification shall be completed as provided by regulation. The attending physician or (medical examiner, coroner) shall give the funeral director or person acting as such notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the attending physician or (medical examiner, coroner).
- (g) Upon receipt of autopsy results or other information that would change the information in the cause-of-death section of the death certificate from that originally reported, the certifier shall immediately file a supplemental report of cause of death with the (Office of Vital Statistics) to amend the record.
- (h) When a death is presumed to have occurred within this State but the body cannot be located, a death certificate may be prepared by the State Registrar only upon receipt of an order of (a court of competent jurisdiction) which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive" and shall show on its face the date of death as determined by the court and the date of registration, and shall identify the court and the date of the decree.

Section 14. Delayed Registration of Death

- (a) When a death occurring in this State has not been registered within the time period prescribed by Section 13, a certificate of death may be filed in accordance with regulations of the State Agency. Such certificate shall be registered subject to such evidentiary requirements as the State Agency shall by regulation prescribe to substantiate the alleged facts of death.
- (b) When an applicant does not submit the minimum documentation required in the regulations for delayed registration or when the State Registrar has cause to question the validity or adequacy of the applicant's sworn statement or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not register the delayed certificate of death and shall advise the applicant of the reasons for this action, and shall further advise the applicant of his or her right to seek an order from (a court of competent jurisdiction).
- (c) Certificates of death registered one year or more after the date of death shall be marked "Delayed" and shall show on their face the date of the delayed registration.

Section 15. Reports of Fetal Death

Each fetal death of 350 grams or more, or if weight is unknown, of 20 completed weeks gestation or more, calculated from the date last normal menstrual period began to the date of delivery, which occurs in this State shall be reported within 5 days after delivery to the (Office of Vital Statistics) or as otherwise directed by the State Registrar. All induced terminations of pregnancy shall be reported in the manner prescribed in Section 16 and shall not be reported as fetal deaths.

- (a) When a fetus is delivered in an institution, the person in charge of the institution or his or her designated representative shall prepare and file the report.
- (b) When a fetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall prepare and file the report.

- (c) When a fetal death required to be reported by this section occurs without medical attendance at or immediately after the delivery, or when inquiry is required by the (Post-Mortem Examinations Act), the (medical examiner, coroner) shall investigate the cause of fetal death and shall prepare and file the report within 5 days.
- (d) When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this State or when a fetus is found in this State and the place of fetal death is unknown, the fetal death shall be reported in this State. The place where the fetus was first removed from the conveyance or the fetus was found shall be considered the place of fetal death.

Section 16. Reports of Induced Termination of Pregnancy

Each induced termination of pregnancy which occurs in this State, regardless of the length of gestation, shall be reported to the (Office of Vital Statistics) within 5 days by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, it shall be reported by the attending physician.

Section 17. Vital Reports

The reports required under Sections 15 and 16 are statistical reports to be used only for medical and health purposes. A schedule for the disposition of these reports may be provided by regulation.

Section 18. Authorization for Final Disposition

- (a) The funeral director or person acting as such who first assumes custody of a dead body shall, prior to final disposition of the body, obtain authorization for final disposition of the body. The physician or (medical examiner, coroner) when certifying the cause of death also shall authorize final disposition of the body on a form or in a format prescribed by the State Registrar. If the body is to be cremated, additional authorization for cremation must be obtained from the (medical examiner, coroner) on a form or in a format prescribed by the State Registrar.
- (b) Prior to final disposition of a fetus, irrespective of the duration of pregnancy, the funeral director, the person in charge of the institution, or other person assuming responsibility for final disposition of the fetus shall obtain from the parents authorization for final disposition. Such authorization shall be on a form or in a format prescribed by the State Registrar.
- (c) With the consent of the physician or (medical examiner, coroner) who is to certify the cause of death, a dead body may be moved from the place of death for the purpose of being prepared for final disposition,
- (d) An authorization for final disposition issued under the law of another State which accompanies a dead body or fetus brought into this State shall be authority for final disposition of the body or fetus in this State.
- (e) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition.
- (f) Each person in charge of any place for final disposition shall include in the authorization the date of disposition and shall return all authorizations to the funeral director or person acting as such within 10 days after the date of disposition. When there is no person in charge of the place for final disposition, the funeral director or person acting as such shall complete the authorization. At the close of each month the funeral director or person acting as such shall transmit to the State Registrar, in the State where death occurred, all authorizations received during the month.
- [(g) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. Such authorization shall be issued by the State Registrar to a licensed funeral director or person acting as such, upon proper application.]

Section 19. Marriage Registration

- (a) A record of each marriage performed in this State shall be filed with the (Office of Vital Statistics) and shall be registered if it has been completed and filed in accordance with this section and regulations adopted by the State Agency.
- (b) The (official) who issues the marriage license shall prepare the record in the form prescribed or furnished by the State Registrar upon the basis of information obtained from (one of) the parties to be married.

- (c) Each person who performs a marriage shall certify the fact of marriage and return the record to the (official) who issued the license within () days after the ceremony. (This record shall be signed by the witnesses to the ceremony.) (A signed copy shall be given to the parties.)
- (d) Every (official) issuing marriage licenses shall complete and forward to the (Office of Vital Statistics) on or before the () day of each calendar month the records of marriages returned to such official during the preceding calendar month.
- (e) A marriage record not filed within the time prescribed by statute may be registered in accordance with regulations adopted by the State Agency.
- [(f) Provision for a recording fee may be added here if desired.]

Section 20. (Divorce, Dissolution of Marriage, or Annulment) Registration

- (a) A record of each (divorce, dissolution of marriage, or annulment) (decreed, ordered) by any court in this State shall be filed by the (clerk of court) with the (Office of Vital Statistics) and shall be registered if it has been completed and filed in accordance with this section. The record shall be prepared by the petitioner or his or her legal representative in the form prescribed or furnished by the State Registrar and shall be presented to the (clerk of court) with the petition. In all cases the completed record shall be prerequisite to the entry of the (decree, order).
- (b) The (clerk of court) shall complete and forward to the (Office of Vital Statistics) on or before the () day of each calendar month the records of each (divorce, dissolution of marriage, or annulment) (decree, order) entered during the preceding calendar month.
- [(c) Provision for a recording fee may be added here if desired.]
- [(d) Provision for adoption of regulations by the State Agency may be added here if desired.]

Section 21. Amendment of Vital Records

- (a) A certificate or report registered under this Act may be amended only in accordance with this Act and regulations adopted by the State Agency to protect the integrity and accuracy of vital records.
- (b) A certificate or report that is amended under this section shall indicate that it has been amended, except as otherwise provided in this section or by regulation. A record shall be maintained which identifies the evidence upon which the amendment was based, the date of the amendment, and the identity of the person making the amendment. The State Agency shall prescribe by regulation the conditions under which additions or minor corrections may be made to certificates or records within one year of the event without the certificate or record indicating that it has been amended.
- (c) Upon receipt of a certified copy of an order of (a court of competent jurisdiction) changing the name of a person born in this State and upon request of such person or his or her parents, guardian, or legal representative, the State Registrar shall amend the certificate of birth to show the new name.
- (d) Upon receipt of a certified copy of an order of (a court of competent jurisdiction) indicating the sex of an individual born in this State has been changed by surgical procedure and whether such individual's name has been changed, the certificate of birth of such individual shall be amended as prescribed by regulation.
- (e) When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the State Registrar has cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not amend the vital record and shall advise the applicant of the reason for this action and shall further advise the applicant of the right of appeal to (a court of competent jurisdiction).
- (f) When a certificate or report is amended under this section by the State Registrar, the State Registrar shall report the amendment to any other custodian of the vital record and their record shall be amended accordingly.

When an amendment is made to a certificate of marriage or (divorce, dissolution of marriage, or annulment) by the local official issuing the marriage license or the court which entered the decree of (divorce, dissolution of marriage, or annulment), copies of such amendment shall be forwarded to the State Registrar.

Section 22. Preservation of Vital Records

To preserve vital records, the State Registrar is authorized to prepare typewritten, photographic, electronic, or other reproductions of certificates or reports in the (Office of Vital Statistics). Such reproductions when verified and approved by the State Registrar shall be accepted as the original records, and the documents from which permanent reproductions have been made may be disposed of as provided by regulation.

Section 23. Disclosure of Information from Vital Records or Vital Reports

In accordance with Section 24 of this Act and the regulations adopted pursuant thereto:

(a) To protect the integrity of vital records or vital reports, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records or in vital reports or to copy or issue a copy of all or part of any such record or report unless authorized by this Act and by regulation or by order of (a court of competent jurisdiction). Regulations adopted under this section shall provide for adequate standards of security and confidentiality of vital records.

(b) Disclosure of information which may identify any person [or institution] named in any vital record or report may be made only pursuant to regulations which require submission of written requests for information by researchers and execution of research agreements that protect the confidentiality of the information provided. Such agreements shall prohibit the release by the researcher of any information that might identify any person [or institution] other than releases that may be provided for in- the agreement. For purposes of this Act, research means a systematic investigation designed primarily to develop or contribute to generalizable knowledge.

Nothing in this Act prohibits the release of information or data which would not identify any person [or institution] named in a vital record or report.

(c) Appeals from decisions of custodians of vital records, as designated under authority of Section 5(b), who refuse to disclose information from records as prescribed by this section and regulations issued hereunder, shall be made to the State Registrar whose decisions shall be binding upon such custodians.

(d) When 100 years have elapsed after the date of birth, or 50 years have elapsed after the date of death, marriage, or (divorce, dissolution of marriage, or annulment), the records of these events in the custody of the State Registrar shall become available to the public without restriction, in accordance with regulations which shall provide for the continued safekeeping of the records.

(e) The Federal agency responsible for national vital statistics may be furnished such copies of records, reports, or data from the system of vital statistics as it may require for national statistics. To furnish such records, reports, or data the State (Agency, Registrar) shall enter into an agreement with the Federal agency indicating the statistical or research purposes for which the records, reports, or data may be used. Such agreement will also set forth the support to be provided by the Federal agency for the collection, processing, and transmission of such records, reports, or data. Upon written request of the Federal agency, the State (Agency, Registrar) may approve, in writing, additional statistical or research uses of the records, reports, or data supplied under the agreement.

(f) Federal, State, and local governmental agencies may, upon request, be furnished copies of records or data from the system of vital statistics, provided that such copies or data shall be used solely in the conduct of their official duties.

(g) The State Registrar may, by agreement, transmit copies of records and other reports required by this Act to offices of vital statistics outside this State when such records or other reports relate to residents of those jurisdictions or persons born in those jurisdictions. The agreement shall specify the statistical and administrative purposes for which the records may be used and the agreement shall further provide instructions for the proper retention and disposition of such copies. Copies received by the (Office of Vital Statistics) from offices of vital statistics in other States shall be handled in the same manner as prescribed in this section.

Section 24. Copies from the System of Vital Statistics

In accordance with Section 23 of this Act and the regulations adopted pursuant thereto:

(a) The State Registrar [and other custodian(s) of vital records authorized by the State Registrar to issue certified copies] shall, upon receipt of an application, issue a certified copy of a vital record in his or her custody or a part thereof to the registrant, his or her spouse, children, parents, or guardian, or their respective authorized representative. Others may be authorized to obtain certified copies when they demonstrate that the record is needed

for the determination or protection of his or her personal or property right. The State Agency may adopt regulations to further define those who may obtain copies of vital records filed under this Act.

- (b) All forms and procedures used in the issuance of certified copies of vital records in the State shall be uniform and provided or approved by the State Registrar. All certified copies issued shall have security features that deter the document from being altered, counterfeited, duplicated, or simulated without ready detection.
- (c) Each copy or abstract issued shall show the date of registration and copies or abstracts issued from records marked “Amended” shall be similarly marked and show the effective date. Copies issued from records marked “Delayed” shall be similarly marked and shall include the date of registration and a description of the evidence used to establish the delayed certificate. Any copy issued of a “Certificate of Foreign Birth” shall indicate this fact and show the actual place of birth and the fact that the certificate is not proof of United States citizenship for the adoptive child.
- (d) A certified copy or other copy of a death certificate containing the cause of death information shall not be issued except as follows:
 - (1) Upon specific request of the spouse, children, parents, or other next of kin of the decedent or their respective authorized representatives; or
 - (2) when a documented need for the cause of death to establish a legal right or claim has been demonstrated; or
 - (3) when the request for the copy is made by or on behalf of an organization that provides benefits to the decedent’s survivors or beneficiaries; or
 - (4) upon specific request by local, State, or Federal agencies for research or administrative purposes approved by the State (Agency, Registrar); or
 - (5) when needed for research activities approved by the State (Agency, Registrar); or
 - (6) upon receipt of an order from a court of competent jurisdiction ordering such release.
- (e) A certified copy of a vital record or any part thereof, issued in accordance with subsections (a), (b), and (c) shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, or a certificate of foreign birth, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.
- (f) Nothing in this section shall be construed to permit disclosure of information contained in the “Information for Medical and Health Use Only” section of the birth certificate or the “Information for Statistical Purposes Only” section of the certificate of marriage or certificate of (divorce, dissolution of marriage, or annulment) unless specifically authorized by the State (Agency, Registrar) for statistical or research purposes. Such data shall not be subject to subpoena or court order and shall not be admissible before any court, tribunal, or judicial body.
- (g) When the State Registrar receives information that a certificate may have been registered through fraud or misrepresentation, he or she shall withhold issuance of any copy of that certificate pending an administrative hearing to determine whether fraud or misrepresentation has occurred. The State Registrar shall offer the registrant or the registrant’s authorized representative notice and opportunity to be heard. If upon conclusion of the hearing no fraud or misrepresentation is found, copies may be issued. If upon conclusion of the hearing, fraud or misrepresentation is found, the State Registrar shall remove the certificate from the file. The certificate and evidence shall be retained but shall not be subject to inspection or copying except upon order of (a court of competent jurisdiction) or by the State Registrar for purposes of administering the vital statistics program.
- (h) No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized in this Act or regulations adopted hereunder.

Section 25. Fees

- (a) The State Agency shall prescribe by regulation the fee to be paid for the following services:
 - (1) Certified copies of certificates or records, or for a search of the files or records when no copy is made, or for copies or information provided for research, statistical, or administrative purposes;
 - (2) the replacement of a birth certificate subsequent to adoption, legitimation, paternity determination or acknowledgment, or court order;

- (3) the filing of a delayed registration of a vital event;
 - (4) the amendment of a vital record, [provided that no fee shall be charged for an amendment completed within one year after the filing of the record]; and
 - (5) other services as determined by regulation.
- [(b) In addition to the fee prescribed by regulation for a certified copy of a certificate or record, the State Registrar shall collect an additional fee of \$ ____ for each copy requested to be deposited in the State Vital Statistics Improvement Fund. Funds collected pursuant to this section shall be used to modernize and automate the system of vital statistics in this State. Such funds shall not be used to supplant existing funding which is necessary for the daily operation of the system of vital statistics.]
- (c) Fees collected under this section by the State Registrar shall be deposited in the (general fund, special vital statistics fund) of this State, according to the procedures established by (the laws governing collection, the State Treasurer). [Fees for special programs, research, and the State Vital Statistics Improvement Fund shall be retained in a nonlapsing fund for the improvement of the system of vital statistics.]

Section 26. Persons Required to Keep Records

- (a) Every person in charge of an institution shall keep a record of personal data concerning each person admitted or confined to such institution. This record shall include such information as required for the certificates of birth and death and the reports of fetal death and induced termination of pregnancy required by this Act. The record shall be made at the time of admission from information provided by the person being admitted or confined, but when it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record.
- (b) When a dead body or fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the decedent, date of death, name and address of the person to whom the body or fetus is released, and the date of removal from the institution. If final disposition is made by the institution, the date, place, and manner of disposition shall also be recorded.
- (c) A funeral director, embalmer, sexton, or other person who removes from the place of death, transports, or makes final disposition of a dead body or fetus, in addition to filing any certificate or other report required by this Act or regulations promulgated hereunder, shall keep a record which shall identify the body, and such information pertaining to his or her receipt, removal, delivery, burial, or cremation of such body as may be required by regulations adopted by the State Agency.
- (d) Records maintained under this section shall be retained for a period of not less than () years and shall be made available for inspection by the State Registrar or his or her representative upon demand.

Section 27. Duties to Furnish Information

- (a) Any person having knowledge of the facts shall furnish such information as he or she may possess regarding any birth, death, fetal death, induced termination of pregnancy, marriage, or (divorce, dissolution of marriage, or annulment), upon demand of the State Registrar.
- (b) Any person or institution that in good faith provides information required by this Act or regulations shall not be subject to any action for damages.
- [(c) Not later than the tenth day of the month following the month of occurrence, the administrator of each institution shall send to the (Office of Vital Statistics) a list showing all births and deaths occurring in that institution during the preceding month. Such lists shall be on forms provided by the State Registrar.]
- [(d) Not later than the tenth day of the month following the month of occurrence, each funeral director shall send to the (Office of Vital Statistics) a list showing all dead bodies embalmed or otherwise prepared for final disposition or dead bodies finally disposed of by the funeral director during the preceding month. Such list shall be made on forms provided by the State Registrar.]

Section 28. Matching of Birth and Death Certificates

To protect the integrity of vital records and to prevent the fraudulent use of birth certificates of deceased persons, the State Registrar is hereby authorized to match birth and death certificates, in accordance with regulations which require

proof beyond a reasonable doubt the fact of death, and to post the facts of death to the appropriate birth certificate. Copies issued from birth certificates marked deceased shall be similarly marked.

Section 29. Penalties

- (a) A fine of not more than \$10,000 or imprisonment of not more than 5 years, or both, shall be imposed on:
- (1) Any person who willfully and knowingly makes any false statement in a certificate, record, or report required by this Act, or in an application for an amendment thereof, or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; or
 - (2) any person who, without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required by this Act or a certified copy of such certificate, record, or report; or
 - (3) any person who willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, or report required by this Act or certified copy thereof so made, counterfeited, altered, amended, or mutilated, or which is false in whole or in part, or which relates to the birth of another person, whether living or deceased; or
 - (4) any employee of the (Office of Vital Statistics or any office designated under Section 5(b)) who willfully and knowingly furnishes or processes a certificate of birth, or certified copy of a certificate of birth, with the knowledge or intention that it be used for the purposes of deception; or
 - (5) any person who without lawful authority possesses any certificate, record, or report, required by this Act or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained.
- (b) A fine of not more than \$1,000 or imprisonment of not more than one year, or both, shall be imposed on:
- (1) Any person who willfully and knowingly refuses to provide information required by this Act or regulations adopted hereunder; or
 - (2) any person who willfully and knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided in this Act; or
 - (3) any person who willfully and knowingly neglects or violates any of the provisions of this Act or refuses to perform any of the duties imposed upon him or her by this Act.

Section 30. Applicability

The provisions of this Act also apply to all certificates of birth, death, marriage, and (divorce, dissolution of marriage, or annulment) and reports of fetal death and induced termination of pregnancy previously received by the (Office of Vital Statistics) and in the custody of the State Registrar or any other (custodian of vital records).

Section 31. Severability

If any provision of this Act (or the application thereof to any person or circumstances) is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared to be severable.

Section 32. Uniformity of Interpretation

This Act shall be so construed as to effectuate its general purpose to make uniform the laws of those States which enact it.

Section 33. Short Title

This Act may be cited as the "Vital Statistics Act."

Section 34. Repeal

(Section ____ and Section _____, _____ Laws of _____ are hereby repealed; and) all other laws or parts of laws which are inconsistent with the provisions of this Act are hereby repealed.

Section 35. Time of Taking Effect

This Act shall take effect

MODEL STATE VITAL STATISTICS REGULATIONS

This set of Model State Vital Statistics Regulations has been developed to supplement the Model State Vital Statistics Act of 1992 and to serve as a more detailed guide to State and local registration officials who administer the vital statistics system of the United States.

NOTE: Where the need for variation was apparent, parentheses, “(),” have been placed around the word or phrase. In cases where recommendations were considered optional, brackets, “[],” have been placed around the word or phrase.

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Model State Vital Statistics Regulations

Regulation 1. Duties of State Registrar

(Authorization: Section 5 of the Model Act)

Regulation 1 .1 Media, (Forms, Certificates, Electronic Data Files)

All forms, certificates, records, electronic data files, and reports used in the system of vital statistics are the property of the (State public health administrative agency) -hereinafter referred to as “State Agency”-and shall be surrendered to the State Registrar of Vital Statistics- hereinafter referred to as “State Registrar” -upon demand. The forms prescribed and distributed by the State Registrar for reporting vital statistics shall be used only for official purposes. Only those forms furnished or approved by the State Registrar shall be used in the reporting of vital statistics or in making copies thereof. Electronic data records will be accepted only when standards set by the State Registrar are met.

Regulation 1.2 Requirements for Preparation of Certificates

All forms, certificates, and reports relating to vital statistics must either be typewritten or printed legibly in black, unfading ink, or stored on electronic media approved by the State Registrar. All signatures required shall be entered in black, unfading ink or stored electronically. Unless otherwise directed by the State Registrar, no certificate shall be complete and correct and acceptable for registration:

- (a) That does not contain the certifier’s name typed or printed legibly [under his or her signature];
- (b) that does not supply all items of information called for thereon or satisfactorily account for their omission;
- (c) that contains alterations or erasures;
- (d) that does not contain handwritten signatures as required;
- (e) that is marked “copy” or “duplicate”;
- (f) that is a carbon copy;
- (g) that is prepared on an improper form;
- (h) that contains improper or inconsistent data;
- (i) that contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease; or
- (j) that is not prepared in conformity with regulations or instructions issued by the State Registrar,

Regulation 1.3 Designation of Local Registration Offices

The State Registrar shall determine whether offices other than the (Office of Vital Statistics) are needed in this State to aid in the efficient administration of the system of vital statistics. Such determination shall be based on an evaluation of the most efficient method to meet the needs of the people of this State with respect to the establishment and operation of the system of vital statistics.

If the State Registrar determines that additional offices are necessary, such offices shall be designated with the approval of the State Agency. The duties and responsibilities may be assigned to currently existing offices or special branch offices of the (Office of Vital Statistics) may be established in those areas where they are deemed necessary, or a combination of existing offices and branch offices may be used. In all cases where existing offices are utilized, the employees of such offices shall be subject to the control of the State Registrar when they are performing functions relating to the system of vital statistics.

The State Registrar shall appoint a local registrar for each local registration office so designated. The local registrar shall, with the approval of the State Registrar, appoint one or more deputy local registrars of vital statistics. The deputy local registrar shall perform the duties of the local registrar in the absence or incapacity of such local registrar and shall perform such other duties as may be prescribed. The State Registrar may remove a local registrar or deputy local registrar for cause.

The State Registrar shall delegate such duties and responsibilities to such offices as he or she deems necessary to ensure the efficient operation of the system of vital statistics. These may include any or all of the following:

- (a) The receipt and processing of records of birth and death and reports of fetal death occurring within their registration district. This would include the receipt of these records and reports from the person responsible for their filing, checking them for accuracy and completeness, and forwarding them to the (Office of Vital Statistics) at intervals prescribed by the State Registrar.
- (b) Maintenance of all birth and death records received for filing. These records are considered to be in the custody of the State Registrar and are subject to the same requirements regarding disclosure as are records in the possession of the State Registrar. Records maintained by a local registration office shall be surrendered to the State Registrar upon demand.
- (c) Issuance of certified copies of birth and/or death records. The records from which the certified copies are issued shall be those maintained in the local registration office or shall be provided by the (Office of Vital Statistics). All forms and procedures used to issue the copies shall be provided or approved by the State Registrar. If it is deemed appropriate and feasible, any such office may be provided access to all birth and/or death records filed in this State.
- (d) Acting as the agent of the State Registrar in their designated area and providing assistance to physicians, hospitals, funeral directors, and others in matters related to the system of vital statistics.
- (e) Performing such other duties as may be prescribed by the State Registrar.

The State Registrar, with the approval of the State Agency, shall determine the responsibilities and duties of each office independently.

Regulation 2. Birth Registration
Out-of-Institution Birth-Documentary Evidence

(Authorization: Section 7 of the Model Act)

When a birth occurs in this State outside of a hospital or institution, and the birth certificate is filed before the first birthday, additional evidence in support of the facts of birth may be required.

A certificate for the birth shall be completed and filed upon presentation of the following evidence by the individual responsible for filing the certificate:

- (a) Evidence of pregnancy, such as but not limited to:
 - (1) Prenatal record, or
 - (2) a statement from a physician or other health care provider qualified to determine pregnancy, or
 - (3) a home visit by a public health nurse or other health care provider, or
 - (4) other evidence acceptable to the State Registrar.
- (b) Evidence that the infant was born alive, such as but not limited to:
 - (1) A statement from the physician or other health care provider who saw or examined the infant, or
 - (2) an observation of the infant during a home visit by a public health nurse, or
 - (3) other evidence acceptable to the State Registrar.
- (c) Evidence of the mother's presence in this State on the date of the birth, such as but not limited to:
 - (1) If the birth occurred in the mother's residence,
 - (a) a driver's license, or a State-issued identification card, which includes the mother's current residence on the face of the license/card, or
 - (b) a rent receipt that includes the mother's name and address, or
 - (c) any type of utility, telephone, or other bill that includes the mother's name and address, or
 - (d) other evidence acceptable to the State Registrar.
 - (2) If the birth occurred outside of the mother's place of residence, and the mother is a resident of this State, such evidence shall consist of:
 - (a) An affidavit from the tenant of the premises where the birth occurred, that the mother was present on those premises at the time of the birth, and

- (b) evidence of the affiant's residence similar to that required in paragraph (c)(1) of this regulation, and
 - (c) evidence of the mother's residence in the State similar to that required in paragraph (c)(1) of this regulation, or
 - (4) other evidence acceptable to the State Registrar.
- (3) If the mother is not a resident of this State, such evidence must consist of clear and convincing evidence acceptable to the State Registrar.

Regulation 3. Infants of Unknown Parentage; Foundling Registration

(Authorization: Section 8 of the Model Act)

The report for an infant of unknown parentage shall be registered on a current certificate of live birth and shall:

- (a) Have "foundling" plainly marked in the top margin of the certificate;
- (b) show the required facts as determined by approximation and have parentage data left blank; and
- (c) show the name and title of the custodian in lieu of the attendant.

When a report has been placed in a special file as provided by (Section 8(d) of the Model Act), the State Registrar may inspect such information for purposes of properly administering the vital statistics program.

Regulation 4. Delayed Registration of Birth

(Authorization: Section 9 of the Model Act)

Regulation 4.1 Delayed Certificate of Birth Form

All certificates registered one year or more after the date of birth are to be registered on a delayed certificate of birth form prescribed and furnished by the State Registrar.

Regulation 4.2 Who May Request the Registration of a Delayed Certificate of Birth

Any person born in this State whose birth is not recorded in this State, his or her parent or guardian, or any other person age 18 years or over acting for the registrant and having personal knowledge of the facts of birth may request the registration of a delayed certificate of birth, subject to these regulations and instructions issued by the State Registrar.

Each application for a delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered if such person is age 18 years or over and is competent to sign and swear to the accuracy of the facts stated therein; otherwise the application shall be signed and sworn to by one of the parents of the registrant, his or her guardian, or any other person age 18 years or over having personal knowledge of the facts of birth.

Regulation 4.3 Facts to be Established for a Delayed Registration of Birth

The minimum facts which must be established by documentary evidence shall be the following:

- (a) The full name of the person at the time of birth;
- (b) the date of birth and State of birth;
- (c) the full maiden name of the mother; and
- (d) the full name of the father; except that if the mother was not married either at the time of conception or birth the name of the father shall not be entered on the delayed certificate except as provided in Regulation 4.4.

Regulation 4.4 Delayed Registration Following a Legal Change of Status

When evidence is presented reflecting a legal change of status by adoption, legitimation, paternity determination, or acknowledgment of paternity, a new delayed certificate may be established to reflect such change.

The existing certificate and the evidence upon which the new certificate was based shall be placed in a special file. Such file shall not be subject to inspection except upon order of (a court of competent jurisdiction) or by the State Registrar for purposes of properly administering the vital statistics program.

Regulation 4.5 Documentary Evidence - Requirements

To be acceptable for filing, the name of the registrant at the time of the birth and the date and place of birth entered on a delayed certificate of birth shall be supported by at least:

- (a) A hospital record created at the time of birth, or two pieces of acceptable documentary evidence, if the record is filed within 10 years after the date of birth; or
- (b) three pieces of acceptable documentary evidence, if the record is filed 10 years or more after the date of birth.

Facts of parentage shall be supported by at least one document.

Regulation 4.6 Documentary Evidence - Acceptability

The State Registrar shall determine the acceptability of all documentary evidence submitted.

- (a) Documents presented, including but not limited to census, hospital, church, and school records, must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document. Documents must have been established at least one year prior to the date of application. Affidavits of personal knowledge are not acceptable as evidence to establish a delayed certificate of birth.
- (b) All documents submitted in evidence:
 - (1) for persons age 10 years or over, must have been established at least 10 years prior to the date of application, or within 3 years of the date of birth; and
 - (2) for persons under 10 years of age, must be dated at least one year prior to the date of application or within the first year of life.

Regulation 4.7 Abstraction of Documentary Evidence

The State Registrar, or his or her designated representative, shall abstract on the delayed certificate of birth a description of each document submitted to support the facts shown on the delayed birth certificate. This description shall include:

- (a) The title or description of the document;
- (b) the name and address of the custodian;
- (c) the date of the original filing of the document being abstracted; and
- (d) all birth facts required by Regulation 4.3 contained in each document accepted as evidence.

All documents submitted in support of the delayed birth registration shall be returned to the applicant after review.

Regulation 4.8 Verification by the State Registrar

The State Registrar, or his or her designated representative shall verify:

- (a) That no prior birth certificate is on file for the person whose birth is to be recorded;
- (b) that he or she has reviewed the evidence submitted to establish the facts of birth; and
- (c) that the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.

Regulation 4.9 Dismissal After 1 Year

Applications for delayed certificates which have not been completed within 1 year from the date of application may be dismissed at the discretion of the State Registrar. Upon dismissal, the State Registrar shall so advise the applicant and all documents submitted in support of such registration shall be returned to the applicant.

Regulation 5. Certificates of Birth Following Adoption, Legitimation, Paternity Determination, and Paternity Acknowledgment

(Authorization: Section 12 of the Model Act)

Regulation 5.1 Legitimation

If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a sworn acknowledgment of paternity signed by the natural parents of said child together with a certified copy of the parents' marriage record. However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity is made by (a court of competent jurisdiction), or following adoption.

Regulation 5.2 Court Determination of Paternity

A new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a certified copy of a court determination of paternity, together with a request from the natural mother or person having legal custody of said child that such new certificate be prepared. If the surname of the child is not decreed by the court, the request for the new certificate shall specify the surname to be placed on the certificate.

Regulation 5.3 Acknowledgment of Paternity

- (a) A new certificate of birth shall be prepared by the State Registrar for a child born out of wedlock in this State upon receipt of a sworn acknowledgment of paternity signed by both parents and a written request by both parents that the child's surname be changed on the certificate. However, if another man is shown as the father of the child on the original certificate, a new certificate may be prepared only when a determination of paternity is made by (a court of competent jurisdiction), or following adoption.
- (b) In lieu of preparing a new birth certificate under the provisions of Regulations 5.1, 5.2, and 5.3, the original certificate may be altered provided that the fact of alteration is not obvious on the face of the certificate.

Regulation 5.4 New Certificate

The new certificate of birth prepared after adoption, legitimation, court determination of paternity, or acknowledgment of paternity shall be on the form in use at the time of its preparation and shall include the following items and such other information necessary to complete the certificate:

- (a) The name of the child;
- (b) the date and city and/or county of birth as transcribed from the original certificate;
- (c) the names and personal particulars of the adoptive parents or of the natural parents, whichever is appropriate;
- (d) the name of the attendant, printed or typed;
- (e) the birth number assigned to the original birth certificate; and
- (f) the original filing date.

The information necessary to locate the existing certificate and to complete the new certificate shall be submitted to the State Registrar on forms prescribed or approved by him or her.

Regulation 5.5 Existing Certificate to Be Placed in a Special File

After preparation of the new certificate, the existing certificate and the evidence upon which the new certificate was based are to be placed in a special file. Such file shall not be subject to inspection except upon order of (a court of competent jurisdiction) or by the State Registrar for purposes of properly administering the vital statistics program or as otherwise provided by State law.

Regulation 6. Death Registration

(Authorization: Section 13 of the Model Act)

Regulation 6.1 Acceptance of Incomplete Death Certificate

If all the information necessary to complete a death certificate is not available within the time prescribed for filing of the certificate, the funeral director or person acting as such shall file the certificate with all information that is available and satisfactorily account for all the items that are omitted. In all cases the medical certification must be provided by the

person responsible for such certification. If the cause of death is unknown or pending investigation, the cause of death shall be shown as such on the certificate. The person providing the medical certification of cause of death also shall authorize the final disposition of the body.

A supplemental report providing the personal information omitted from the original certificate shall be filed by the funeral director or person acting as such with the State Registrar as soon as possible, but in all cases within 30 days of the date the death occurred.

A supplemental report providing the medical information omitted from the original certificate shall be filed by the certifier with the State Registrar within 30 days. If extended time is needed to get information, the State Registrar shall be notified. The State Registrar may provide for an extension not to exceed 60 days.

The supplemental report(s) shall be made a part of the existing death certificate. Such report(s) shall be considered an amendment, and the death certificate shall be marked "Amended."

Regulation 6.2 Hospital or Institution May Assist in Preparation of Certificate

When a death occurs in a hospital or other institution and the death is not under the jurisdiction of the (medical examiner, coroner), the person in charge of such institution, or his or her designated representative, may initiate the preparation of the death certificate as follows:

- (a) (1) Place the full name of the decedent and the date, time, and place of death on the death certificate and obtain from the attending physician the medical certification of cause of death; or
- (2) place the full name of the decedent and the date, time, and place of death on the death certificate and obtain the pronouncing physician's attestation.
- (b) Present the partially completed death certificate to the funeral director or person acting as such.

Regulation 7. Delayed Registration of Death

(Authorization: Section 14 of the Model Act)

The registration of a death after the time prescribed by statute and regulations shall be registered on the current certificate of death form in the manner prescribed below:

- (a) If the attending physician or (medical examiner, coroner) at the time of death and the attending funeral director or person who acted as such are available to complete the certificate of death, it may be completed without additional evidence and filed with the State Registrar. For those certificates filed one year or more after the date of death, the physician or (medical examiner, coroner) and the funeral director or person who acted as such must state in accompanying affidavits that the information on the certificate is based on records kept in their files.
- (b) In the absence of the attending physician or (medical examiner, coroner) and the funeral director or person who acted as such, the certificate may be filed by the next of kin of the decedent and shall be accompanied by two documents which identify the decedent and his or her date and place of death.

In all cases, the State Registrar may require additional documentary evidence to prove the facts of death.

A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate.

Regulation 8. Disposition of Reports of Fetal Death and Induced Termination of Pregnancy

(Authorization: Section 17 of the Model Act)

Reports of fetal death and induced termination of pregnancy are statistical reports only. The State Registrar is authorized to dispose of such reports when all statistical processing of the reports has been accomplished. However, the State Registrar may establish a file of such reports so they will be available for future statistical and research projects. Such file shall be retained for as long as the State Registrar deems necessary and it shall then be destroyed. The file may be maintained by photographic, electronic, or other means as determined by the State Registrar, in which case the original report from which the photographic, electronic, or other file was made shall be destroyed.

The provisions of this regulation shall also apply to all records or reports of fetal death or induced termination of pregnancy filed prior to the adoption of this regulation.

Regulation 9. Authorization for Final Disposition

(Authorization: Section 18 of the Model Act)

Regulation 9.1 Removal of Body

Before removing a dead body or fetus from the place of death, the funeral director or person acting as such shall:

- (a) Obtain assurance from the attending physician that death is from natural causes and that the physician will assume responsibility for certifying to the cause of death or fetal death and receive permission to remove the body from the place of death; or
- (b) notify the (medical examiner, coroner) if the case comes within his or her jurisdiction and obtain authorization to remove the body.

[Regulation 9.2 Authorization for Disinterment and Reinterment

An authorization for disinterment and reinterment of a dead body shall be issued by the State Registrar upon receipt of a written application signed by the next of kin and the person who is in charge of the disinterment or upon receipt of an order of (a court of competent jurisdiction) directing such disinterment.

Upon receipt of a court order or signed permission of the next of kin, the State Registrar may issue one authorization to permit disinterment and reinterment of all remains in a mass disinterment provided that, insofar as possible, the remains of each body be identified and the place of disinterment and reinterment specified. The authorization shall be permission for disinterment, transportation, and reinterment.

A dead body deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.]

Regulation 10. Delayed Registration of Marriage

(Authorization: Section 19 of the Model Act)

The registration of a marriage after the time prescribed by statute shall be made on the current certificate of marriage form in the manner prescribed below:

- (a) The certificate must be filed with the (appropriate official) where the marriage license was originally issued.
- (b) To be acceptable for registration by the State Registrar the delayed certificate of marriage must be supported by:
 - (1) A copy of the license or of the application for license if the license was granted, and
 - (2) a signed statement from the officiant or the custodian of the records of the officiant and from one witness to the wedding ceremony indicating that a marriage ceremony was performed and the date and place of the marriage.
- (c) In all cases, the State Registrar may require additional documentary evidence to prove the facts of marriage.
- (d) When an applicant does not submit the minimum documentation required for delayed registration or when the State Registrar has cause to question the validity or adequacy of the statements or the documentary evidence, and if the deficiencies are not corrected, the State Registrar shall not register the delayed certificate of marriage and shall advise the applicant of the reasons for this action, and shall further advise the applicant of his or her right to seek an order from (a court of competent jurisdiction).

Regulation 11. Amendment of Vital Records

(Authorization: Section 21 of the Model Act)

Regulation 11 .1 Amendment of Minor Errors on Birth Certificates During the First Year

Amendment of obvious errors, transposition of letters in words of common knowledge, or omissions may be made by the State Registrar within the first year after the date of birth either upon his or her own observation or query or upon request of a person as defined in Regulation 11.3. When such additions or minor amendments are made by the State Registrar, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change shall be made on the certificate in such a way as not to become a part of any certified copy issued. The certificate shall not be marked "Amended."

Regulation 11.2 All Other Amendments

Unless otherwise provided in these regulations or in the statute, all other amendments to vital records shall be supported by:

- (a) An affidavit setting forth:
 - (1) Information to identify the certificate;
 - (2) the incorrect data as listed on the certificate;
 - (3) the correct data as they should appear; and
- (b) One or more items of documentary evidence which support the alleged facts and were established at least 5 years prior to the date of application for amendment or within 7 years of the date of the event.

The State Registrar shall evaluate the evidence submitted in support of any amendment, and when he or she finds reason to doubt its validity or adequacy, the amendment may be rejected and the applicant advised of the reasons for this action.

Regulation 11.3 Who May Apply

- (a) To amend a birth certificate, application may be made by one of the parents if the registrant is under age 18, the guardian, the registrant if he or she is age 18 years or over, or the individual responsible for filing the certificate.
- (b) To amend a death certificate, application may be made by the next of kin, the informant listed on the death certificate, or the funeral director or person acting as such who submitted the death certificate. Applications to amend the medical certification of cause of death shall be made only by the physician who provided the medical certification or the (medical examiner, coroner).
- (c) Applications for amendment of certificates of marriage shall be made jointly by both parties to the marriage or by the survivor. In the event the marriage to which the application relates was terminated by (divorce, dissolution of marriage, or annulment) on or before the date of application for amendment, the applicant may request amendment only of those items on the certificate of marriage which relate to the applicant.
- (d) Applications for amendment of matters contained in certificates of (divorce, dissolution of marriage, or annulment) which are not part of the (decree, court order) may be made by either party to the marriage so terminated. Applications for amendment of matters contained in certificates of (divorce, dissolution of marriage, or annulment) which are part of the (decree, court order) may only be made by the court which ordered the (divorce, dissolution of marriage, or annulment) upon which the report was made.

Regulation 11.4 Amendment of Registrant's Given Names on Birth Certificates Within the First Year

Until the registrant's first birthday, given names may be amended upon receipt of an affidavit signed by the parent(s) named on the certificate or the guardian, person, or agency having legal custody of the registrant.

After one year from the date of birth the provisions of Regulation 11.2 must be followed to amend a given name if the name was entered incorrectly on the birth certificate. A legal change of name order must be submitted from (a court of competent jurisdiction) to change a given name after one year.

Regulation 11.5 Addition of Given Names on Birth Certificates

Until the registrant's seventh birthday, given names, for a child whose birth was recorded without given names, may be added to the certificate upon receipt of an affidavit signed by the parent(s) named on the certificate or the guardian, person, or agency having legal custody of the registrant.

After 7 years the provisions of Regulation 1.1.2 must be followed to add a given name.

Regulation 11.6 Amendment of Cause of Death

The cause of death may be amended only upon receipt of a signed statement or an approved electronic notification from the physician or (medical examiner, coroner) who originally certified the cause of death. In the absence or inability of the physician or with his or her approval, the cause of death may be amended upon receipt of a signed statement or an approved electronic notification from his or her associate physician, or the chief medical officer of the institution in which death occurred, or a (medical examiner, coroner) who assumes jurisdiction of the case provided such individual has access to the medical history of the case. The State Registrar may require documentary evidence to substantiate the requested amendment.

Regulation 11.7 Amendment of the Same Item More than Once

Once an amendment of an item is made on a vital record, that item shall not be amended again except upon receipt of a court order from (a court of competent jurisdiction).

Regulation 11.8 Methods of Amending Certificates

Certificates of birth, death, marriage, and (divorce, dissolution of marriage, or annulment) may be amended by the State Registrar in the following manner:

- (a) Completing the item in any case where the item was left blank on the existing certificate.
- [(b) Preparing a new certificate showing the correct information when the State Registrar deems that the nature of the amendment so requires.

The new certificate shall be prepared on the form used for registering current events at the time of amendment. Except as provided elsewhere in these regulations, the item number of the entry that was amended shall be identified on the new certificate.

In all cases, the new certificate shall show the date the amendment was made and be given the same State file number as the existing certificate. Signatures, if any, appearing on the existing certificate shall be typed on the new certificate.]

- [(c) Drawing a single line through the item to be amended and inserting the correct data immediately above or to the side thereof. The line drawn through the original entry shall not obliterate such entry.]
- [(d) Completing a special form which shall include the incorrect information as it appears on the original certificate, the correct information as it should appear, an abstract of the documentation used to support the amendment, and sufficient information about the registrant to link the special form to the original record. When a copy of the record is issued, a copy of the amendment must be included.]
- [(e) Amending a record maintained in an electronic file by changing the item(s) to be amended. The date of the amendment must be made a part of the record and the original information must also be retained.]
- [(f) A certificate of birth amended pursuant to the provisions of (Section 21(d) of the Model Act) shall be amended by preparing a new certificate. The item numbers of the entries that were amended shall not, however, be identified on the new certificate or on any certified copies that may be issued of that certificate.]

Regulation 12. Record Preservation

(Authorization: Section 22 of the Model Act)

When an authorized reproduction of a vital record has been properly prepared by the State Registrar and when all steps have been taken to ensure the continued preservation of the information, the record from which such authorized reproduction was made may be disposed of by the State Registrar. Such record may not be disposed of, however, until the quality of the authorized reproduction has been tested to ensure that acceptable certified copies can be issued and until a security copy of such document has been placed in a secure location removed from the building where the authorized reproduction is housed. Such security copy shall be maintained in such a manner to ensure that it can replace the authorized reproduction should the authorized reproduction be lost or destroyed.

The State Registrar shall offer the original documents from which the authorized reproductions are made to the (State Archival Authority). The (State Archival Authority) may be allowed to retain permanently such records provided they

adhere to the restrictions in the vital statistics law related to access to such records. If the (State Archival Authority) does not wish to place such records in their files the State Registrar shall be authorized to destroy the documents. Such destruction shall be by approved methods for disposition of confidential or sensitive documents.

Regulation 13. Disclosure of Records

(Authorization: Sections 23 and 24 of the Model Act)

To protect the integrity of vital records:

- (a) The State Registrar or other custodians of vital records shall not permit inspection of, or disclose information contained in, vital statistics records, or copy or issue a copy of all or part of any such record unless he or she is satisfied that the applicant is authorized to obtain a copy or abstract of such record.
 - (1) Family members doing genealogical research and genealogists representing a family member may obtain copies of records needed for their research. Unless the registrant is deceased, appropriate authorizations shall be required from the registrant or relevant family members as defined in Section 24(a) for the release of the records.
 - (2) The term “authorized representative” shall include an attorney, physician, funeral director, or other designated agent acting in behalf of the registrant or his or her family.
 - (3) The natural parents of adopted children, when neither has custody, and commercial firms or agencies requesting listings of names and addresses shall not be authorized to obtain copies or abstracts of the record.
- (b) All requests for disclosure of information contained in vital records or reports for research which identifies any person [or institution] shall be submitted in writing to the State (Agency, Registrar).
 - (1) Each request must contain:
 - (a) Objectives of the research;
 - (b) peer review and approval of study protocol for any contact of study subjects;
 - (c) storage and security measures to be taken to assure confidentiality of identifying information, and provision for return or destruction of the information at the conclusion of the research;
 - (d) time frame of the study;
 - (e) acknowledgement and agreement that ownership of all information provided by the State (Agency, Registrar) shall remain exclusively in the State Agency and that use of that information by the researcher constitutes a license only for usage during the course of the research and creates no ownership rights by the researcher; and
 - (f) acknowledgment and agreement that release of identifying information contained in vital records or reports by the researcher to any other person or entity may be made only with prior written approval of the State (Agency, Registrar).
 - (2) All requests shall be reviewed to determine compliance with the following:
 - (a) The request contains all required elements;
 - (b) the request adequately justifies the need for the requested information;
 - (c) the requested information can be provided within the time frame set forth in the request; and
 - (d) the State Agency has adequate resources with which to comply with the request;
 - (3) The State (Agency, Registrar) shall enter into research agreements for all approved research requests. Each research agreement shall specify exactly what information will be disclosed and shall prohibit release by the researcher of any information which may identify any person or institution. Additionally, each research agreement may provide that in the event of breach the principal investigator(s) and collaborator(s) shall be barred from participation in future research agreements and shall pay to the State Agency the sum of \$(5,000.00) per violation of the research agreement.

- (c) For all requests for disclosure of information contained in vital records or reports for research which does not contain identifiers but may identify any person [or institution], a signed agreement must be obtained from the person or entity requesting the information which provides the following assurances:
- (1) The recipient will neither use nor permit others to use the information in any way except for statistical reporting and analysis;
 - (2) the recipient will neither release nor permit others to release the information or any part of the information to any person who is not a member of the organization without approval of the State (Agency, Registrar);
 - (3) the recipient will neither attempt to link nor permit others to attempt to link the data set with individually identifiable records from any other data set;
 - (4) the recipient will neither use nor will allow anyone else to attempt to use the information to learn the identity of any person [or institution] included in the information provided; and
 - (5) if the identity of any person [or institution] is discovered inadvertently, the recipient will not make use of this knowledge; will immediately notify the State (Agency, Registrar); will safeguard or destroy the information which led to the identification of the individual [or institution] as requested by the State (Agency, Registrar); and will inform no one else of the discovery.
- (d) The State Registrar or local custodian shall not issue a certified copy of a record until the applicant has provided sufficient information to locate the record. Whenever it shall be deemed necessary to establish an applicant's right to information from a vital record, the State Registrar or local custodian may **also** require identification of the applicant or a sworn statement.
- (e) When 100 years have elapsed after the date of birth, or 50 years have elapsed after the date of death, marriage, or (divorce, dissolution of marriage, or annulment), such records in the custody of the State Registrar shall become available to any person upon submission of an application containing sufficient information to locate the record. For each copy issued or search of the files made, the State Registrar shall collect the same fee as is charged for the issuance of certified copies or a search of the files for other records in his or her possession.

[The State (Agency, Registrar) may establish a public room where copies of these records will be made available for viewing. Such records will be made available in photographic or other suitable format and adequate facilities for viewing will be provided. Each person using this facility will be charged a fee of ____ per hour or fraction thereof.]

Regulation 14. Copies of Data from Vital Records

(Authorization: Section 24 of the Model Act)

- (a) Certified copies of vital records may be made by mechanical, electronic, or other reproductive processes.
- (b) Each certified copy issued shall be certified as a true copy by the officer in whose custody the record is entrusted and shall include the date issued, the name of the issuing officer, the registrar's signature or an authorized facsimile thereof, and the seal of the issuing office. In addition, all certified copies of a birth record shall include at a minimum the following information: certificate number, given name(s), surname, generational identifier, date of birth, State and city or county of birth, sex, and date of filing. In addition, all certified copies of a death record shall include at a minimum the following information: given name(s), surname, generational identifier, date of death, date of birth or age, State and city or county of death, sex, and date of filing.
- (c) All certified copies shall include, at a minimum, the following security features:
 - (1) sensitized security paper;
 - (2) background security design;
 - (3) copy void pantograph;
 - (4) consecutive numbering;
 - [(5) engraved border;
 - (6) prismatic printing;
 - (7) erasable fluorescent background inks;

- (8) nonoptical brightener paper;
 - (9) microline;
 - (10) complex colors;
 - (11) security thread;
 - (12) intaglio print;
 - (13) security laminate.]
- (d) Verification of the facts contained in a vital record may be furnished by the State Registrar to any Federal, State, county, or municipal government agency or to any other agency representing the interest of the registrant. Such verifications shall be on a form prescribed and furnished by the State Registrar or on a form furnished by the requesting agency and acceptable to the State Registrar; or, the State Registrar may authorize the verification in other ways when it shall prove in the best interests of his or her office.

Regulation 15. Fees

(Authorization: Section 25 of the Model Act)

- (a) No certified or uncertified copy shall be issued until the fee for such copy is received unless specific approval has been obtained from the State Registrar or otherwise provided for by statute or regulation.
- (b) Fee for services:
 - (1) (a) For a () year search of the files and issuance of a certified abstract of a vital record if found. . . \$ ___
 - (b) For each additional certified abstract of the same vital record issued at the same time \$ ___
 - (2) (a) For a () year search of the files and issuance of a certified or uncertified facsimile of a birth, death, marriage, or divorce record if found. \$ ___
 - (b) For each additional facsimile of the same birth, death, marriage, or divorce record issued at the same time \$ ___
 - (3) For a search of the birth, death, marriage, or divorce files when no record is found or no copy is made the fee per hour or portion thereof of search is \$ ___
 - (4) For a verification of the facts contained in a birth, death, marriage, or divorce record when no copys issued \$ ___
 - (5) For preparation of a new certificate of birth by adoption, legitimation, or paternity determination which does (not) include one certified copy \$ ___
 - (6) For preparing a certificate of foreign birth which does (not) include one certified copy \$ ___
 - (7) For amending a birth, death, marriage, or divorce certificate [one year or more after the event] which does (not) include one certified copy \$ ___
 - (8) For preparing and filing a delayed certificate of birth, death, marriage, or divorce which does (not) include one certified copy \$ ___
 - (9) Additional handling charge for nonroutine, expedited service and all special delivery mail that requires special attention \$ ___
 - (10) A fee may be charged for special services not specified above. The fee shall be the actual cost for providing the service as determined by the State Registrar.

Regulation 16. Persons Required to Keep Records

(Authorization: Section 26 of the Model Act)

Each funeral director shall keep a record containing, as a minimum, the following information about each dead body or fetus the funeral director handles:

- (a) The date, place, and time of receipt;
- (b) the date, place, and manner of disposition;
- (c) if the dead body or fetus is delivered to another funeral director, the date of such delivery and the name and address of the funeral director to whom delivered; and
- (d) the items required by the certificate of death for those deaths for which the funeral director was required to file the certificate.

Regulation 17. Matching of Birth and Death Certificates

(Authorization: Section 28 of the Model Act)

When carrying out the birth and death matching program, the State Registrar shall establish written guidelines which provide the standards for determining a match does exist. These standards shall specify the information about the decedent which should be available and which should be compared to the information on the birth certificate before a match can be made. These items include as a minimum: name of decedent; name of father and maiden name of mother; date of birth or age of decedent; State of birth of decedent; and marital status of decedent. No match shall be made unless there is documented proof of the fact of death.

The date of death, the State where death occurred, and the death certificate number shall be posted to the birth certificate.

**DEPARTMENT OF
HEALTH & HUMAN SERVICES**

Public Health Service
Centers for Disease Control and Prevention
National Center for Health Statistics
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EXHIBIT R

'Wright' Key Opens Success Door

By JIMMY DAVY

Last spring, freshman Mike Wright won the No. 1 quarterback assignment for Vanderbilt's football team.

How fast he can become a winning quarterback in the Southeastern Conference, and in competition with the likes of Oklahoma, remains the most vital question to be answered for the fortunes of the 1976 Commodore program.

AT 6-4, 210 POUNDS, the former prep All-American and All-South quarterback from Father Ryan High is the perfect physical specimen.

He has a rifle arm. He runs with speed and power. Commodore coach Fred Pancoast says that despite the kidding often directed toward him, he is a natural leader. And, far more sensitive than his outward demeanor would indicate.

What's left for this sophomore-to-be in his personal development as a quarterback in the talent-rich, highly-competitive football big league known as the SEC?

One word. Maturity.

IT'S WHAT WRIGHT lacked last fall when he was called on at Rice in the second game of the season. He kept throwing the ball into the ground in front of receivers. Nerves. All freshmen experience it.

He started his first game at, of all places, Florida. The Gators shut him out. But, they didn't knock him out. He proved, if nothing else, he can take the punishment of a 35-0 licking and fight back.

He doesn't resent the pressure he was placed under early last year, mainly because veteran Fred Fisher absorbed injuries. He's sorry he didn't step in more forcefully, having more hand in the closing winning streak of four games.

"No matter what the situation, I should have done better last year. I thought I could cut it, but it wasn't like high school playing people like Florida and Georgia," Wright said yesterday.

"THOSE KIND OF GAMES" have matured me a lot. I think spring practice matured me," Wright added. "But, I know I still have a long way to go. Knowing how much I need to improve motivates me."

Wright says that his mistake last year was trying to accept too much of the responsibility of moving the football. This, too, is the usual mistake of a freshman, whose abilities were overwhelming in high school.

"The big key for Mike's development as a solid quarterback depends on his understanding of the role within the framework of the entire offensive unit," Pancoast said yesterday between practices.

"He can't do it his way all the time. Or by himself," the Vandy coach went on. "This is the big breakaway from high school football."

Pancoast says that last year Wright was too predictable with the football.

"HE IS A POWERFUL runner, but he liked to run with the ball too much," Pancoast said. "On the option, he would keep it most times. When he went back to pass, you had the feeling he always wanted to break and run. The defense had the same feeling."

Pancoast says, however, that he noticed a change in Wright just this spring as the big youngster battled two other talented quarterbacks, David Culley and Randy Hampton, for the No. 1 spot coming into pre-season practice.

"I noticed that Mike was a leader both vocally and in his actions toward the end of the spring work," the Vandy coach said. "He appeared to be settling into the framework of the offense much better, utilizing the people around him."

"WHAT HE WAS DOING" will help him. The more he calls on the running of Adolph Groves and David Johnson and the better they run, the more effective his talents are going to be," Pancoast added.

Then the Commodore head man paused. Looking ahead to the coming season, he added:

"The thing that can hurt him most is that we expect too much, too early. He needs to just blend into the offense. How quickly he does this will be very important to the goals we've set for ourselves this season. And, for his own personal goals."

Wright says that he is not afraid of pressure. He

already has heard the questions concerning "if Wright is going to be able to cut it this fall."

"People kind ask me this, although in a round-about way," he said, smiling.

"I feel good about the season because I like the offense. I feel like I understand it better than I did the things we tried to run last year. And, we have a lot of good players who fit right into it," Wright said.

WRIGHT SAYS THAT the offense, a mixture of double-wing, misdirection and others, doesn't necessarily compliment his talents. But, it does a lot of the others.

"We have some good offensive players. Johnson, Groves, (Hal) Kemp, (Daryl) Mills, (Martin) Cox and others can do the job," he said. "And, we have some people up front who can get it going. Mike Birdsong, Tom Ballman and all those other linemen have ability."

Then he was thoughtful for awhile before adding: "We have a lot of ability coming back. Probably more than we had last year. I think it's just a case of getting to know each other and pulling for each other and playing as a unit."

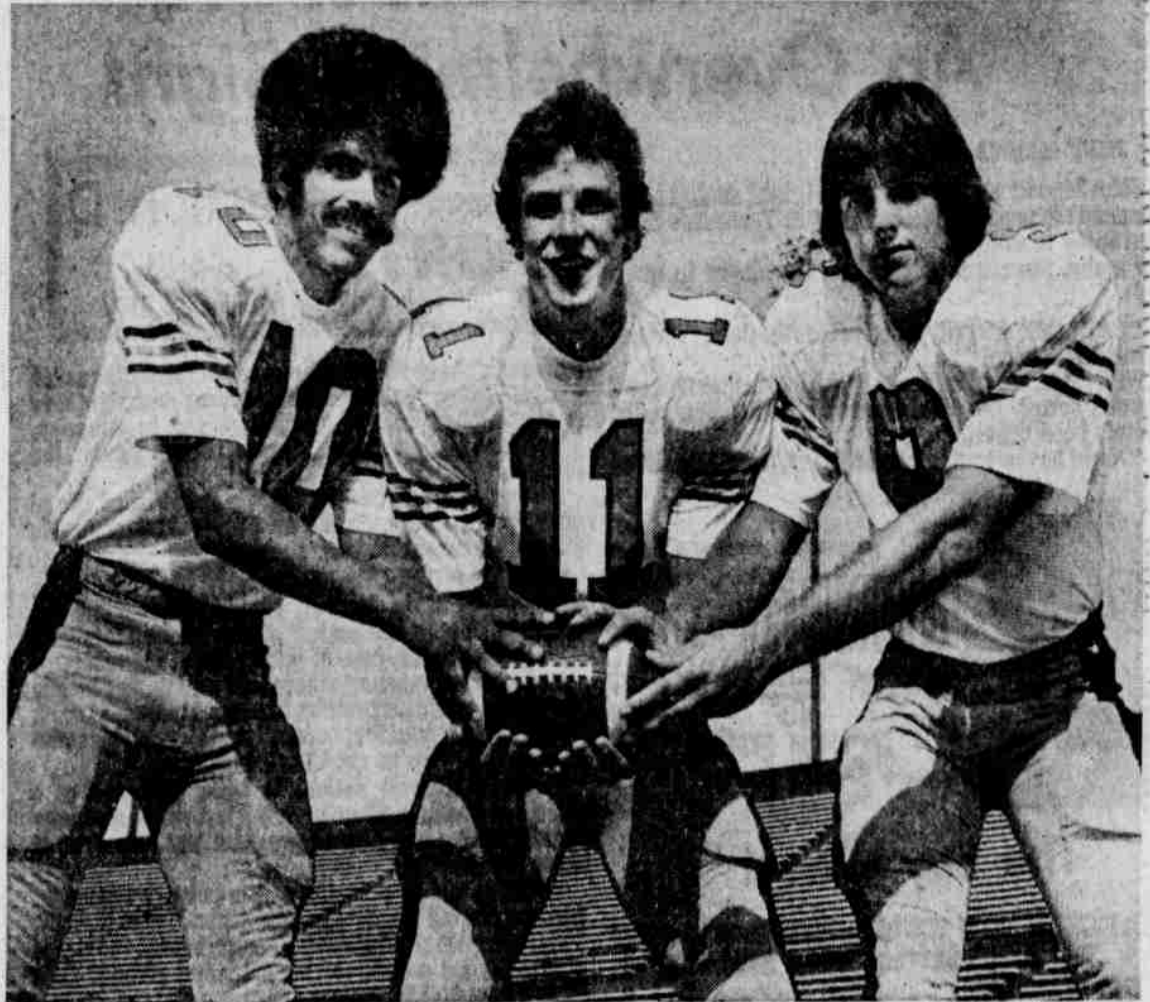
Although experience is limited, Vanderbilt has the ingredients of a solid quarterbacking corps with Culley, a redshirt senior; Hampton, a redshirt sophomore; and freshmen Scotti Madison and Josh Hellstrom suited up for pre-season work.

VANDY, WHICH WORKED out twice yesterday, will put on the pads early this week and will hold the first limited scrimmaging sometime near midweek, Pancoast says.

That's when the freshmen will be integrated into the varsity practice scheme and the heavy work will begin for the Sept. 11 opener against defending national champion Oklahoma at Dudley Field.

Only a handful of end zone seats remain for this sensational opener. The Tennessee game, Nov. 27, already is a sellout and the Ole Miss game, Oct. 23, is well on its way to sellout status.

The only sideline seats still available are in the season ticket packages which will be sold right up until the opener.



Staff photo by Frank Empson

Sophomore Mike Wright, center, the No. 1 signal-caller as Vanderbilt begins pre-season practice, is joined by fellow quarterbacks David Culley, left, and Randy Hampton to form a solid unit. Many feel Wright's maturity holds the key to Commodore fortunes this season.

Transsexual Wins Premier

By WILL GRIMSLEY

SOUTH ORANGE, N.J. (AP) — "I just want to prove I am human — not a two-headed person," Dr. Renee Richards, the woman who once was a man, said after a winning debut yesterday in the \$60,000 Tennis Week Open tournament.

THE TALL, EYE surgeon from Newport Beach, Calif., weathered a circus-like atmosphere at the staid, 80-year-old South Orange Tennis Club for a 6-0, 6-2 victory over Cathy Beene, 24, of Houston.

Her appearance became a national event, bringing in television cameras and writers from many out-of-state cities for the occasion.

The South Orange Club, where the ancient game of bocci still is played on the green lawns, was tossed into temporary confusion as hundreds gathered for a look at the Yale graduate who changed sex a year ago.

Dr. Richards, who formerly was rated in the top 10 in Eastern 35-and-over ranks among men, was a prominent New York Ophthalmologist as Dr. Richard Raskin.

SHE APPEARED for her center court match attired in a white tennis dress with blue horizontal stripes on both the dress and panties, which showed under a ballerina skirt. She

wore gold earrings. When she drove up to the clubhouse, built in 1896, with friends, she was besieged by a cordon of ballboys and scores of cameramen.

She engaged one of the ballboys in conversation.

"I said, 'Hi' to her and she asked, 'Are you going to ballboy for my match today?'" said Jim Sharkey, 13, of South Orange. "I said 'Yes' and she replied, 'That's nice.'"

"She talked in a very husky voice. I thought she would talk like a woman but she talked like a man. It was scary."

Dr. Richards, 6-foot-2 and 145 pounds, played very well in the first set but tired visibly in the second, requiring salt tablets during court changeovers. Once in the fifth game of the second set she dropped her racket on the court and left it there.

"I was physically exhausted," she said afterwards. "But I still intend to pursue tennis, and I think with tournament competition I can hold my own with the best women players."

Dr. Richards filed an entry in the U.S. Open Tennis Championships, starting Sept. 1 at Forest Hills, but was told she would have to take a chromosome test — a scraping of the inner cheek — as would all other women players. She said she would not take the test.

MEANWHILE, THE Women's Tennis Association, headed by Chris

Evert, said it would boycott the tournament if the transsexual is permitted to compete.

Twenty-five players boycotted this tournament but a field of 22, largely players of lesser ranking, elected to stay in. One of these, Cathy Hoerter of Seal Beach, Calif., formerly ranked fifth nationally, said that she thought it was wrong for women to make a judgement in Dr. Richards' case.

"This should be left up to a committee and not to the women themselves," she said. "Renee is a very impressive player. She has the independent body movement of a man but she has the lack of stamina of a woman. I don't think she could beat Chris Evert or any of the top players."

BEENE, 24, former collegiate women's doubles champion, agreed, but said she had mixed emotions about whether Renee should be admitted into women's tournaments.

"It would set a precedent," she said. "It isn't that she is too good for the women but that other male players might see in it a chance to undergo a similar operation and make a lot of money."

Beene said she was beaten more on her own errors than on Dr. Richards' play.

"Starting the match, I was sure I would win," she said. "But then I got so nervous I threw the match away. I still think I can beat her. Chris, Evonne Goolagong, Virginia Wade and the others would have no trouble with her."

BEENE WAS SO nervous she served 11 double faults in the match, made countless unforced errors and got just six points in the first set.

Dr. Richards, on the other hand, used

her superior height and reach to good advantage, served hard in the earlier stages of the match and displayed a crackling top spin backhand. Her anticipation and court coverage was excellent until she tired in the second set.

"It shows I am human," Dr. Richards, a left-hander, said afterward. "I can miss a forehand and flub an overhead like anybody else. The women have nothing to fear from a 42-year-old woman like me. They will find out I am not two-headed."

Gene Scott, promoter of the Tennis Week tournament and once a ranking U.S. player, said Renee is not nearly the player she was when she played as Richard Raskin.

"I HAVE KNOWN Dr. Richards for 15 years," said Scott. "Once he had three match points on me in a tournament at Forest Hills. I don't think Renee's endurance is as good as that of Richard Raskin. She doesn't have the same hard service nor the ground strokes, although her court coverage and natural skill is the same."

Dr. Richards said afterward that money was not an issue in her pursuit of tennis honors. She indicated that hers was a campaign for public acceptance of the thousands of transsexuals who are held in disrepute.

"I have taken a leave of absence from my practice," she said. "Australia has invited me to play there and I will go there in December. The reason I am seeking to play in women's tournaments — and I will continue to pursue that in every way possible — is that I love tennis. I can't play in men's tournaments. The only place I can play in women's tournaments, and I intend to."



—UPI Telephoto

SOUTH ORANGE, N.J. — Dr. Renee Richards, 42, near collapse between games, takes a breather in the first round of play at the \$40,000 Women's Open tennis championships. Richards, formerly Dr. Richard Raskin, sparked a major controversy when the transsexual tennis player decided to play in the women's tournament.

Teens Break AAU Records

MEMPHIS, Tenn. (UPI) — Three teenagers set National Junior Olympic records yesterday in final competition in track and field events at the 10th Annual games held at Memphis State University.

Helene Connell, 16, a high school senior from Jackson, N.J., bettered an NJO discus record by 10 feet with a toss of 153 feet. The previous record of 143 feet was set by Lorna Griffen of Cordallis, Mont., in 1974.

Other top finishers in discus competition included Cindi Kiser, Branson, Mo., 140-9; and Sue Kobza, Schuyler, Minn., 135-9.

In the boys shot put finals, Vincent Goldsmith of Tacoma, Wash., threw for 63-1, breaking the previous record of 63-3/4 inches set in 1974 by Ron Klotzner of New Jersey.

Second place in the shot put went to Joe Maciejczyk, Bethel Park, Penn., 60-2 and third place to Jeff Lukens, Sioux Falls, S.D., 57-2.

Another Washington youth, Patsy Walker, Yelm, broke the girls' NJO high jump record by clearing 5-10. Her jump replaced the previous record of 5-8 set by Toni Jones of Washington D.C. in 1975.

Sharon Burrill, Denver, Colo., placed second with 5-9 inches and Tammie Thomas, Euless, Tex., third with 5-8 1/4.

The athletes, ranging in age from 8 to 18, qualified in district and regional meets earlier this year to earn berths at the national games sponsored by the Amateur Athletic Union.

Sunday Ayem By John Bibb

(From First Sports Page)

couldn't get a very good look."

Guepe Recalls Report

GUEPE CLAIMS TO this day that Thorsey's scouting report to the Virginia team was a bit fuzzy.

"Frank's reports usually were full of detailed stuff, plus an occasional bit of humor that kept us all awake during his remarks," Guepe said, "but I remember saying something to one of our coaches after the South Carolina report that Thorsey seemed a bit hesitant in some of his remarks. He, of course, hadn't said a word to any of us about not getting into the game."

It wasn't until after Virginia beat South Carolina, 28-27, "in one of the doggonedest games you'll ever see," as Guepe described it, did Thorsey admit to his ferris-wheel report.

"He told us about it because I got furious when South Carolina kept running a play that we just couldn't handle," Guepe said. "Then, the straw came when they ran an old hide-out play on us and scored. I criticized Thorsey something awful and wouldn't even speak to him for an hour or so after the game, even though we had won it."

"Finally, later in the night Thorsey told the scouting story. I still don't know whether to believe it or not, but the more I think about it, the more I laugh. In all my days of playing and coaching, I never heard anything like it. Often, when things were going bad or we were up-tight with a big game on us, I'd have one of our coaches or players tell the story. It got everybody loose, most especially Thorsey."

Films All-Important Now

THE NEW RULE forbidding in-person scouting has most coaches wondering exactly

how it will affect their plans for preparing for an opponent.

"We all rely so much on movies that I wonder if we know precisely how important in-person scouting has been all these years," said Vanderbilt's headman Fred Pancoast. "I know the first thing I've always asked a scout is for his comparison, on a first-hand basis, of our guys against theirs. The film exchanges are important, and that is now our lone system of scouting, but there is nothing to replace the 'feel' an individual scout gets while sitting there, taking notes and watching in person."

"Among other things, the in-person scout gets such important information as the opponent's snap count, the extent of injuries to players, and above all, that certain comparison of theirs against ours."

When Vandy faces Oklahoma here Sept. 11, it will be the first time in Pancoast's career that he sends a football team against a foe without having the benefit of a "live" scouting report.

"It's something all of us, Oklahoma included, will have to learn to live with under the new rules," Pancoast said.

SEC Strengthens Rule

SOUTHEASTERN CONFERENCE rules concerning in-person scouting are more stringent than the NCAA's.

The NCAA legislation, Article 12, Section 2, points out that a Division I member institution shall not pay or permit payment to scout an opponent, while the SEC says simply there shall be no scouting at all, eliminating the loophole of a scout paying his own expenses.

"In all our discussions of the rule, on a conference level, we attempted to iron out any of these details that might become troublesome," said Pancoast. "Right now, our league rule is no in-person scouting of any kind. Period."

EXHIBIT S

Transsexual To Play Here Next Week

Richards Joins WTT Nets

By PETER P. SPUDICH JR.

CLEVELAND (UPI) — Dr. Renee Richards, the transsexual who proclaims to be among the top 10 professional women tennis players in the world, signed a contract yesterday with the Cleveland Nets to play for the World Team Tennis club through the 1978 season.

DR. RICHARDS' second appearance as a Net will be in Nashville next Thursday when Cleveland meets the Phoenix Suns.

"I am thankful that I'm being given the opportunity to play professional tennis at the level that I have tried to play, but which has been met with so much frustration that I have been unable to do," said the 42-year-old Richards, an ophthalmologist from Newport Beach, Calif.

Richards, who a couple of years ago underwent surgery to change her sex from male to female, said she was "very disappointed" about her recent attempt to play in the French Open in Paris and earlier at the Italian Open, being met both times by criticism she said was undue.

"I got so turned off by my reception in Europe ... I'm disenchanted with Europe," Richards said.

THE HARD-LINE STANCE by officials forced her to withdraw from the French Open after failing to pass an Olympic-style chromosome test. She

earlier had failed the same test in Rome before withdrawing from the Italian Open.

"This really is a great opportunity for me," she said about playing with the Nets, owned by Joe Zingale, who said Richards' first appearance in a WTT match would be tomorrow night against San Francisco. "I can help the team."

Zingale said she can help in two ways. "I signed her because she is a good player and it will add depth to our team," he said. "This also will be a tremendous drawing card for us."

WTT OFFICIALS in New York were informed about Richards' signing with the Nets by Zingale, who said he was met with "mixed" emotions. He also said the contract must, and is expected to be approved, by the WTT — though he declined to reveal details of the pact.

"I didn't ask them," Zingale said when asked about WTT sanctioning. "That's not the way I work. There's a lot of politics involved when you try to get approval from everybody for such a move."

Negotiations to sign Richards began Wednesday when she arrived from Europe, Zingale said, adding that it didn't take much time to reach agreement since she wanted to play here, not in San Diego, where she also had been offered a WTT pact a year ago. Richards also declined an offer to play for Larry King's team.

"There was so much notoriety with me last year, I

didn't think it was time to sign with World Team Tennis," she related. "And this year Larry King talked to me in Palm Springs about signing with his team, too."

She says so much has been said about her sexuality that it has "steam-rollered" her, adding that "that's not what I want."

"I'm a tennis player," she vows. "I always have been a tennis player. I want a chance to show that I can play with the top tennis players in the world. I know I can."

Having been met with "cynicism" and "scathing denunciations" during the time after her operation, Richards called the past year while she tried to play professional tennis a "disaster," adding that "If I had to do it over again I would not do it."

Richards applied to play at the U.S. Open last fall, but was denied admission because she refused to take the chromosome test. The Women's Tennis Association also has taken a stand against Richards' participation in women's events, though former WTA President Billie Jean King has played with and against Richards in Lionel Cup matches, a satellite circuit of the Virginia Slims.

Richards, whose name used to be Dr. Richard Raskind and was ranked nationally as a men's amateur singles player, is divorced and the father of a son, Nikki, 5, who lives with his mother, Barbara Raskind, in New York.



—UPI Telephoto

CLEVELAND — Dr. Renee Richards, the transsexual who proclaims herself among the top 10 professional women tennis players in the world, talks with reporters at a news conference with Cleveland Nets' owner Joe Zingale, announcing that she signed a contract to play with the Nets. Her second match brings her to Nashville next week.



FRIDAY
AYEM
WITH
JOHN BIBB
SPORTS EDITOR

Total Disbelief

IT'S GETTING so nothing seems right anymore.

Like, for instance, the news that Our Braves play their first—and only scheduled—doubleheader tonight against the San Francisco Giants. Surely, that isn't right, is it?

A team couldn't lose all those games—33, the most in the major leagues—playing one game a night.

Whatever, the Braves offer their version of baseball's biggest bargain tonight, and as the Atlanta informants proclaim, when the Braves are involved, doubleheader records have a chance to fall.

For instance: The Braves' last doubleheader record came in Atlanta Stadium in 1972. In August of '72, Nate Colbert of the San Diego Padres set the record for most total bases and most RBIs in a doubleheader. He had 22 and 13, respectively.

FOR THE RECORD, and because we get an occasional inquiry concerning same, the first doubleheader in baseball came in 1882.

As might be anticipated, the doubleheader was the result of necessity. Worcester and Providence had been rained out of an important game, so the next day they were forced to play two. That set the precedent for the most unusual deal in sports—the baseball doubleheader. Two contests for the



Bob Menne



Nate Colbert

price of one. No other sport offers the identical deal, although basketball folks say their tournaments and doubleheaders are matching bargains.

AND, WHILE we're on the subject of disbeliefs, did anyone notice what happened to Bob Menne?

Of all the lockerroom philosophies in golf, none rings truer—most of the time—than the one which suggests the putter is the key stick in the bag.

You know: "Drive for show, but putt for dough."

Phooey. Ask Menne.

A recent PGA tour disclosure shows that Menne established a putting record during the Tournament Players Championship at Sawgrass Club near Jacksonville. Menne, of Lawrence, Mass., and among the outstanding young players on the tour, used 99 putts over the four rounds at Sawgrass.

That achievement lowered the record set in 1966 by Bert Yancey. Bert used 102 strokes on the putting greens in winning the Portland Open.

HOWEVER, IN establishing the PGA Tour putting record, Menne finished the far down the list at Sawgrass.

As a matter of fact, Menne finished 47th, shooting rounds of 74-78-75-76—303. His earnings for the tournament totaled \$757.50, which is less than some Sawgrass members' club bills were during the week.

Menne's record first came to light weeks after the tournament when he was discussing his Sawgrass experience with PGA Tour officials. Scorecards were obtained and reviewed. Menne

(Turn to Page 39)



—AP Wirephoto

PHILADELPHIA — Sixers' coach Gene Shue presses a thumb to his lips as he considers tonight's NBA playoff game against the Portland Trail Blazers here.

Sixers' Coach Ponders Lineup Change To Break Slump

Shue May Bench McGinnis

By RALPH BERNSTEIN

PHILADELPHIA (AP) — Philadelphia 76ers Coach Gene Shue is thinking about replacing slump-ridden George McGinnis in the starting lineup for the fifth game of the National Basketball Association championship series.

The 76ers and the Portland Trail Blazers are tied 2-2 in the best-of-seven playoff, each team winning on its home court. The fifth game is here tonight, the sixth in Portland Sunday, and a seventh, if necessary, here on June 8.

SHUE MADE IT clear that he had not decided on whether to start Steve Mix in place of McGinnis.

"I was asked what my thoughts might be in that area and I left it open," Shue said. "I am considering it. It is a possibility."

The thought here is that Shue will stay with McGinnis, a super star forward who averaged 21 points a game in the regular season, but has been in a deepening playoff slump. In the four games with Portland, he is averaging 9.8 from the floor, a poor 33 per cent, and seven for 13 at the foul line, just 53.7 per cent.

An indication of Shue's thinking could be in the words of Sixers assistant coach Jack McMahon.

"THE KEY (to our chances) is George," McMahon

said. "If George continues to play below par, struggle, we're in trouble. If George regains his form we'll win."

McGinnis, who had spoken freely about his perplexing slump, has decided not to talk about it anymore. "Now it's time to do it or shut up," says the 6-9 star.

Meanwhile, Shue is trying to soften pedal the 76ers' growing reputation as the Bickersons. He's tired of reading about his players criticizing each other and his strategy. He's particularly displeased with what he calls a poor press in Philadelphia.

"I BELIEVE in positive thoughts, also facts," the coach said before yesterday's secret practice session. "I do not believe this team has been given its due by the local media. . . . The tendency all year has been to make this team controversial."

"The most knowledgeable people in basketball around the league, looking from an outside point of view, cannot believe the things they read. This team is so successful."

He doesn't explain, however, what he expects the media to do when Joe Bryant, Rip Mix, Mix complains about the way he is being used, Lloyd Free and Larry Dawkins demand to be traded, Julius "Dr. J." Erving criticizes strategy, Doug Collins questions the game plan etc. Should the Doug look the other way?

Shue says the 76ers seen in the playoffs are a different team than the one that won its conference in regular season play. Then, McGinnis was in form and Free healthy.

"NOW WE'RE a team struggling, trying to get the job done with people we didn't use during the regular season," Shue said.

Erving, who with Collins has carried the 76ers'

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Three Tie For 2nd

Archer Leads Kemper Open

CHARLOTTE, N.C. (AP) — George Archer, on the verge of quitting the tour until he won the Sahara Invitational last fall, birdied his last three holes for a six-under-par 66 that staked him to a one-stroke lead yesterday in the first round of the \$250,000 Kemper Open Golf Tournament.

Archer, a former Masters champion, said he'd decided to leave the tour until that 1976 victory.

"THAT GAVE me an exemption for this year and that's the only reason I'm out here now," said Archer, who has played poorly since an operation on his left wrist two years ago.

"It was a disaster," he said. "It's a long-time thing to get over. It took away my left side and everything went, putting and everything. I'm still trying to get some distance back. It's coming, but it's slow."

He finished with a rush in the hot, humid weather, however, twice sinking putts in the 20-25 foot range and once hitting a two iron to within four feet for a birdie-birdie-birdie finish that lifted him in front of power-hitting Jim Dent, big Barney Thompson and Tom Weiskopf, tied at 67.

Chi Chi Rodriguez, Kermit Zarley and Don Iverson were at 68, four under par and only two off the lead. Lanny Wadkins, twice a runnerup this season and the

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—AP Wirephoto

CHARLOTTE, N.C. — Golfer Tom Weiskopf reacts as a birdie putt on the fifth hole fails to drop during yesterday's first round of the Kemper Open.

San Franciscan On APSU List

By LARRY BUOY

Dan Belluomini, assistant basketball coach at the University of San Francisco for the past seven years, has added his name to the list of candidates for the Austin Peay State University head coaching job.

BELLUOMINI, 37, is expected to be included in the top five or six finalists out of the more than 70 applicants who will be invited to the Clarksville campus next week for personal interviews.

Other leading candidates for the opening created when Lake Kelley left APSU for a head coach position at Oral Roberts University last month are:

- Ron Bargatz, Vanderbilt assistant.
- Art Tolis, Louisiana State assistant.
- Joe Kingery, Clemson assistant.
- Randy Albrecht, fired last season as head coach at St. Louis.
- Clyde Lee, former Vanderbilt All-American and professional player.

"I believe you'll find the next Austin Peay basketball coach somewhere on that list," said a source close to the situation yesterday. "Unless some new name crops up in the next couple days, I think one of these men will get the job."

Interviews will be held all next week, starting Monday, with the new coach to be named shortly thereafter.

EXHIBIT T

Doctor Cites 3,000 U.S. Sex Changes

NEW YORK (AP) — More than 3,000 sex change operations have been performed in the United States in the past 10 years, and one of the biggest problems today, says a doctor involved in many of them, is the continuing prejudice toward transsexuals.

"Prejudice towards transsexuals has been a disgrace in this country," said Dr. Roberto C. Granato, who performed the sex change operation on Dr. Renee Richards, whose participation in women's tennis competition has been the center of recent controversy.

DR. RICHARDS, who once played tennis as Dr. Richard Raskind, advanced Tuesday to the women's quarterfinals of the \$60,000 Tennis Week tournament at South Orange, N.J.

Granato, a urologist and professor at Columbia University's College of Physicians and Surgeons, said more and more doctors are performing the procedure as it becomes accepted in the medical community.

"I'm glad more doctors are doing it because I've spent a good length of time teaching residents, and presenting the technique to such organizations as the American Urological Association, the American Medical Association and the American College of Surgeons," said Granato, 50, an Argentinian.

GRANATO HAS performed more than 200 sex change operations in the past seven years.

"At first I encountered prejudice from the medical community, the nursing community and the lay community," he said. "But little by little, that has broken down. Now those same people want to learn about the procedure, they want to help."

In male-to-female surgery, the male sexual organs are removed. The urethra — the canal that carries urine from the bladder to be expelled — is preserved and trimmed to female size, and the skin of the penis is kept and used later as lining of the new vagina. The female clitoris is created with erectile tissue from the penis.

THE VAGINA is placed in the normal area between the bladder and the rectum. This means the interior wall of the vagina is in direct contact with an erogenous nerve network, permitting orgasm during intercourse. Breasts are increased with silicone. The patient is in the hospital for eight days, and in four to eight weeks, she can have normal sexual intercourse, Granato said.

The female-to-male operation is more complex and not as rewarding for the patient, Granato said, because it is difficult to obtain erectile tissue for a penis. He said he has only been involved in three female-to-male operations.

"BEFORE I consider operating, the person has to have a complete evaluation from a psychiatrist, counseling, and must have taken female hormones for at least a year and undergone all the beautification and cosmetic processes as a female," he said. "Then I do it, after written advice from a psychiatrist."

Dr. Richards, 42, an ophthalmologist, wants to play in the U.S. Open tournament at Forest Hills, N.Y., next week. Tennis officials have demanded she take a chromosome test to prove her sexuality.

She has refused to take the test, arguing it is an infringement on her rights and an invalid indication of a person's sex.

Granato said he agrees. He said the test would reveal traces of male chromosomes and is unfair because "sexuality is in the individual's mind and body. Chromosomes are secondary."



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