GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

HOUSE BILL NO. 489

MONDAY, MARCH 14, 2016

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 8, 2016
2:41pm
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to death certificates.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 213.076 is amended to read as follows:

4 (1) (a) A certificate of death or a provisional certificate of death for each death which
5 occurs in the Commonwealth shall be filed with the cabinet or as otherwise
6 directed by the state registrar prior to final disposition, and it shall be
7 registered if it has been completed and filed in accordance with this section.
8 The funeral director, or person acting as such, who first takes custody of a
9 dead body shall be responsible for filing the certificate of death. The funeral
10 director, or person acting as such, shall obtain the required personal and
11 statistical particulars from the person best qualified to supply them over the
12 signature and address of the informant. Effective January 1, 2015, all
13 certificates of death shall be filed with the cabinet using the Kentucky
14 Electronic Death Registration System in a manner directed by the state
15 registrar.

16 (b) At the time of obtaining the required personal and statistical particulars from
17 the informant referred to in paragraph (a) of this subsection, the funeral
18 director, or person acting as such, shall ask the informant if the deceased ever
19 served in the military. If the informant answers in the affirmative, then the
20 funeral director, or person acting as such, shall provide the informant with a
21 fact sheet stating military burial rights supplied by the Kentucky Department
22 of Veterans' Affairs.

23 (c) The funeral director, or person acting as such, shall within five (5) days of the
24 death, present the certificate to the attending physician, if any, ***<u>to the</u>***
25 ***<u>physician pronouncing death,</u>*** or to the health officer or coroner as directed
26 by the state registrar, for the medical certificate of the cause of death and other
27 particulars necessary to complete the record as required by this chapter.

1 (d) It shall be unlawful for an institution to release a dead human body until the
2 funeral director, or person acting as such, has completed and filed with the
3 local registrar or person in charge of the institution, a provisional certificate of
4 death. If death occurs outside an institution, the provisional certificate shall be
5 filed with the local registrar by the funeral director, or person acting as such,
6 prior to final disposition of the dead body. A copy of the provisional
7 certificate of death signed by the person with whom it was filed, shall
8 constitute authority for the possession, transportation, and, except for
9 cremation, final disposition of the body.
10 (e) All persons having in their possession a completed provisional certificate of
11 death shall file the certificate at not more than weekly intervals with the local
12 registrar.
13 (f) If the place of death is unknown but the dead body is found in the
14 Commonwealth, the certificate of death shall be completed and filed in
15 accordance with this section. The place where the body is found shall be
16 shown as the place of death. If the date of death is unknown, it shall be
17 determined by approximation subject to amendment upon completion of any
18 postmortem examination required to be performed.
19 (g) If death occurs in a moving conveyance in the United States and the body is
20 first removed from the conveyance in the Commonwealth, the death shall be
21 registered in Kentucky, and the place where it is first removed shall be
22 considered the place of death. If a death occurs on a moving conveyance while
23 in international waters or air space or in a foreign country or its air space, and
24 the body is first removed from the conveyance in the Commonwealth, the
25 death shall be registered in Kentucky, but the certificate shall show the actual
26 place of death insofar as can be determined.
27 (2) If any certificate of death is incomplete or unsatisfactory, the state registrar shall call

1 attention to the defects in the certificate and require the person responsible for the
2 entry to complete or correct. The state registrar may also require additional
3 information about the circumstances and medical conditions surrounding a death in
4 order to properly code and classify the underlying cause. A funeral director shall not
5 be held responsible for the failure of a physician, dentist, chiropractor, or coroner to
6 complete or correct the entry for which he or she is responsible.
7 (3) The medical certification shall be completed, signed, and returned to the funeral
8 director within five (5) working days after presentation to the physician, dentist, or
9 chiropractor in charge of the patient's care for the illness or condition which resulted
10 in death, except when inquiry is required by KRS 72.400 to 72.475. In such cases,
11 or if the cause of death is unknown or under investigation, the cause of death shall
12 be shown as such on the certificate. A supplemental report providing the medical
13 information omitted from the original certificate shall be filed by the certifier with
14 the state registrar within five (5) days after receiving results of the inquiry as
15 required by KRS 72.400 to 72.475. The supplemental report shall be made a part of
16 the existing death certificate. This report shall be considered an amendment, and the
17 death certificate shall be marked "Amended." In the absence of the physician,
18 dentist, or chiropractor, or with such person's approval, the certificate may be
19 completed and signed by his associate physician, dentist, or chiropractor, or the
20 chief medical officer of the institution in which death occurred, or the physician
21 who performed an autopsy upon the decedent, or a physician employed by the local
22 health department, if the individual has access to the medical history of the case and
23 death is due to natural causes.
24 (4) If death occurs more than thirty-six (36) hours after the decedent was last treated or
25 attended by a physician, dentist, or chiropractor, the case shall be referred to the
26 coroner for investigation to determine and certify the cause of death. In the event
27 that a coroner is not available to sign the certificate and there is no duly appointed

1 deputy, the county judge/executive shall appoint a competent person to investigate
2 the death and certify to its cause.
3 (5) (a) The physician, dentist, chiropractor, or coroner who certifies to the cause of
4 death shall return the certificate to the funeral director, or person acting as
5 such, who, in turn, shall file the certificate directly with the Vital Statistics
6 Branch. Any certified copies of the record requested at the time of filing shall
7 be issued in not more than two (2) working days.
8 (b) In the case of a death in which diabetes was known to be an underlying cause
9 or contributing condition, diabetes shall be listed in the appropriate location
10 on the death certificate by the physician, dentist, chiropractor, or coroner who
11 certifies to the cause of death.
12 (6) The Vital Statistics Branch shall provide self-addressed, color-coded envelopes for
13 the funeral homes in the Commonwealth of Kentucky.
14 (7) Three (3) free verification-of-death statements shall be provided to the funeral
15 director by the Vital Statistics Branch for every death in the Commonwealth of
16 Kentucky.
17 (8) The body of any person whose death occurs in Kentucky shall not be interred,
18 deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from
19 or into any registration district, until a provisional certificate of death has been filed
20 with the local registrar of the registration district in which the death occurs. If the
21 death occurred from a disease declared by the Cabinet for Health and Family
22 Services to be infectious, contagious, or communicable and dangerous to the public
23 health, no permit for the removal or other disposition of the body shall be granted
24 by the registrar except under conditions prescribed by the Cabinet for Health and
25 Family Services and the local health department. The Cabinet for Health and Family
26 Services shall identify by regulation those communicable diseases which require
27 blood and body fluid precautions. If a person who has been diagnosed as being

1 infected with a communicable disease for which blood and body fluid precautions
2 are required, dies within a health facility as defined in KRS 216B.015, the facility
3 shall notify any embalmer or funeral director to whom the body will be transported
4 of the need for such precautions. The notice shall be provided by including the
5 statement "Blood and Body Fluid Precautions" on the provisional report-of-death
6 form as prescribed by the Cabinet for Health and Family Services. Lack of this
7 notice shall not relieve any embalmer or funeral director from taking universal
8 blood and body fluid precautions as are recommended by the United States
9 Department of Health and Human Services, Centers for Disease Control for
10 Morticians' Services. No embalmer or funeral director shall charge more for
11 embalming the remains of a person with a communicable disease which requires
12 blood and body fluid precautions than the price for embalming services listed on the
13 price list funeral providers are required to maintain and provide to consumers
14 pursuant to 16 C.F.R. Sec. 453.2 (1988).
15 (9) A burial-transit permit for the final disposition issued under the law of another state
16 which accompanies a dead body or fetus brought into the Commonwealth shall be
17 the authority for final disposition of the body or fetus in the Commonwealth and
18 may be accepted in lieu of a certificate of death. There shall be noted on the face of
19 the record made for return to the local registrar that the body was shipped to
20 Kentucky for interment and the actual place of death.
21 (10) Nothing in this section shall be construed to delay, beyond a reasonable time, the
22 interment or other disposition of a body unless the services of the coroner or the
23 health officer are required or the Department for Public Health deems it necessary
24 for the protection of the public health. If compliance with this section would result
25 in unreasonable delay in the disposition of the body the funeral director, or person
26 acting as such, shall file with the local registrar or deputy registrar prior to interment
27 a provisional certificate of death which shall contain the name, date, and place of

1 death of the deceased, the name of the medical certifier, and an agreement to furnish
2 within ten (10) days a complete and satisfactory certificate of death.
3 (11) No sexton or other person in charge of any place in which interment or other
4 disposition of dead bodies is made shall inter or allow interment or other disposition
5 of a dead body or fetus unless it is accompanied by a copy of the provisional
6 certificate of death. The sexton, or if there is no sexton, the funeral director, or
7 person acting as such, shall enter on the provisional certificate over his signature,
8 the date, place, and manner of final disposition and file the certificate within five (5)
9 days with the local registrar.
10 (12) Authorization for disinterment, transportation, and reinterment or other disposition
11 shall be required prior to disinterment of any human remains. The authorization
12 shall be issued by the state registrar upon proper application. The provisions of this
13 subsection shall apply to all manners of disposition except cremation and without
14 regard for the time and place of death. The provisions of KRS 381.765 shall not
15 apply to remains removed for scientific study and the advancement of knowledge.
16 (13) After a death certificate has been on file for five (5) years, it may not be changed in
17 any manner except upon order of a court. Prior to that time, requests for corrections,
18 amendments, or additions shall be accompanied by prima facie evidence which
19 supports the requested change.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 8 APRIL 2016