

Session of 2023

HOUSE BILL No. 2358

By Committee on Federal and State Affairs

2-8

1 AN ACT concerning public health; relating to the uniform vital statistics
2 act; ~~medical~~ certification of an individual's cause of death; permitting
3 mid-level practitioners to provide certification thereto; amending
4 K.S.A. ~~65-2412~~ and repealing the existing section.

65-2401 and

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. ~~K.S.A. 65-2412~~ is hereby amended to read as follows: 65-
8 2412. (a) A death certificate or stillbirth certificate for each death or
9 stillbirth ~~which~~ *that* occurs in this state shall be filed with the state
10 registrar within three days after such death and prior to removal of the
11 body from the state and shall be registered by the state registrar if such
12 death certificate or stillbirth certificate has been completed and filed in
13 accordance with this section. If the place of death is unknown, a death
14 certificate shall be filed indicating the location where the body was found
15 as the place of death. A certificate shall be filed within three days after
16 such occurrence; if death occurs in a moving conveyance, the death
17 certificate shall record the location where the dead body was first removed
18 from such conveyance as the place of death.

19 (b) (1) The funeral director or person acting as such who first
20 assumes custody of a dead body shall file the death certificate. Such
21 person shall obtain the personal data from the next of kin or the best
22 qualified person or source available and shall obtain the ~~medical~~
23 certification of cause of death from ~~the a physician, coroner, deputy~~
24 ~~coroner, special deputy coroner or a mid-level practitioner as defined in~~
25 ~~K.S.A. 65-1626, and amendments thereto,~~ who was last in attendance prior
26 to burial.

27 (2) The death certificate filed with the state registrar shall be the
28 official death record, except that a funeral director licensed pursuant to
29 K.S.A. 65-1714, and amendments thereto, may verify as true and accurate
30 information pertaining to a death on a form provided by the state registrar,
31 and any such form, verified within 21 days of date of death, shall be prima
32 facie evidence of the facts ~~therein stated for purposes of pertaining to~~
33 establishing *such* death.

34 (3) The secretary of health and environment shall fix and collect a fee
35 for each form provided to a funeral director pursuant to this subsection.
36 The fee shall be collected at the time the form is provided to the funeral

cause of death certifier

K.S.A. 65-2401 is hereby amended to read as follows: As used in this act: (a) "Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to birth, adoption, legitimation, death, stillbirth, marriage, divorce, annulment of marriage, induced termination of pregnancy, and data incidental thereto.

(b) "Live birth" means the complete expulsion or extraction from its mother of a human child, 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.

(c) "Gestational age" means the age of the human child as measured in weeks as determined by either the last date of the mother's menstrual period, a sonogram conducted prior to the 20th week of pregnancy or the confirmed known date of conception.

(d) "Stillbirth" means any complete expulsion or extraction from its mother of a human child the gestational age of which is not less than 20 completed weeks, resulting in other than a live birth, as defined in this section, and which is not an induced termination of pregnancy.

(e) "Induced termination of pregnancy" means abortion, as defined in K.S.A. 65-6701, and amendments thereto.

(f) "Dead body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(g) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(h) "Secretary" means the secretary of health and environment.

(i) *"Cause of death certifier" means a person licensed to practice medicine and surgery by the state board of healing arts, a physician assistant licensed licensed by the state board of healing arts, an advanced practice registered nurse licensed by the state board of nursing or a district coroner, deputy coroner or special deputy coroner.*

Section 2.

1 director and shall be in the same amount as the fee for a certified copy of a
2 death certificate.

3 (c) When death occurred without medical attendance or when inquiry
4 is required by the laws relating to postmortem examinations, the coroner
5 shall investigate the cause of death and shall complete and sign the
6 ~~medical~~ certification within 24 hours after receipt of the death certificate
7 or as provided in K.S.A. 65-2414, and amendments thereto.

8 (d) / In every instance a certificate shall be filed prior to interment or
9 disposal of the body.

10 (f) (e) ~~On and after January 1, 2017,~~ Any death certificate, stillbirth
11 certificate or ~~medical~~ certification required to be filed by this section shall
12 be filed through the Kansas electronic death registration system
13 maintained by the Kansas department of health and environment.

14 3 Sec. 2. K.S.A. 65-2412 is hereby repealed.

15 4 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.

cause of death

cause of death

A cause of death certifier who makes a certification of a cause of death in good faith is immune from civil liability for such certification.
(e)