

RULES AND REGULATIONS GOVERNING VITAL RECORDS

[R23-3-VR]



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

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INTRODUCTION

These amended *Rules and Regulations Governing Vital Records* [R23-3-VR]¹ are promulgated pursuant to the authority conferred under § 23-3-3 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting an efficient statewide vital records system for the protection of the health, welfare and safety of the public. These specific amendments implement recent changes to Chapter 23-3 of the General Laws of Rhode Island, as amended, and address several needed “housekeeping” revisions.

Pursuant to the provisions of § 42-35-3(a)(3) and § 42-35.1-4 of the General Laws of Rhode Island, as amended, consideration was given to:

- (a) Alternative approaches to the regulations;
- (b) Duplication or overlap with other state regulations; and
- (c) Significant economic impact on small business.

Based on the available information, no known alternative approaches, duplication or overlap was identified.

Upon promulgation of these amendments, these amended Regulations shall supersede all previous *Rules and Regulations Governing Vital Statistics* promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

¹ Prior to October 2014, these Regulations were promulgated under the title *Rules and Regulations Governing Vital Statistics*. Beginning with the October 2014 edition, the title was changed to *Rules and Regulations Governing Vital Records* for consistency with terminology required pursuant to RIGL § 23-3-29.

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PART I **DEFINITIONS AND DUTIES OF STATE AND LOCAL REGISTRARS**

Section 1.0 **Definitions**

Wherever used in these Regulations, the terms listed below shall be construed in the following manner; and, furthermore, every word importing the masculine gender only, may be construed to extend to and to include females as well as males.

- 1.1 **"Act"** refers to RIGL Chapter 23-3, entitled "Vital Records."
- 1.2 **"Adoptee"** refers to a person who was born in Rhode Island and whose original birth certificate was sealed and a new birth record created due to an adoption.
- 1.3 **"Adoptee vital records file"** means a file operated by the Office of Vital Records that maintains pre-adoption birth certificates, and includes contact preference form(s). The Office of Vital Records will provide qualified adult adoptees with non-certified copies of their birth certificates from this file.
- 1.4 **"Adult adoptee"** refers to an adoptee, born in Rhode Island, as defined by § 23-3-1 of the Act.
- 1.5 **"Amendment"** means any change, correction or addition made to a vital record after filing of same; except that any minor correction or addition made to a birth record less than one year after the date of the birth shall not be considered an amendment.
- 1.6 **"Birth parent"** refers to the person, father or mother of genetic origin of the child, who is legally presumed under the laws of Rhode Island or has been adjudged by a court of competent jurisdiction to be the father or mother of genetic origin of the child.
- 1.7 **"Certifying physician"** refers to a physician who has attended a person during his last illness prior to death; or the physician declaring a person dead; or, if death occurred in a hospital, a registered hospital medical officer duly appointed by the hospital director or administrator.
- 1.8 **"Community of resident"** means the city or town within the State of Rhode Island of a person's home address at the time of his or her marriage or death or of his or her mother's home address at the time of his or her birth.
- 1.9 **"Contact Preference Form"** means a form prepared and maintained by the Office of Vital Records that birth parent(s) of adoptees may file to express his or her preference regarding contact with the adoptee. The birth parent(s) shall be given the contact options found in § 23-3-15(g)(2) of the Act. The contact preference form shall also include language informing the birth parent(s) of their ability to provide genetic, social, and health history to the Passive Voluntary Adoption Mutual Consent Registry as defined in § 15-7.2-1 of the Act.
- 1.10 **"Dead body"** means a lifeless human body or parts of such body or bones thereof from the state of which it reasonably may be concluded that death occurred.
- 1.11 **"Director"** means the Director of the Rhode Island Department of Health.

- 1.12 **"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; 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 the voluntary muscles.
- 1.13 **"Filing"** means the presentation of a certificate, report, or other record provided for in law and in these Regulations, for registration by the local registrar and/or the State Registrar, as specified in these Regulations. (See "Registration").
- 1.14 **"Final disposition"** means the burial, interment, cremation, or other disposition of a dead body or fetus.
- 1.15 **"Foundling"** refers to an infant of unknown parentage.
- 1.16 **"Funeral director"** means a person licensed to practice pursuant to RIGL Chapter 5-33.
- 1.17 **"Institution"** means any establishment, public or private, which provides in-patient medical, surgical, or diagnostic care or treatment; or nursing, custodial, or domiciliary care to two or more unrelated individuals; or to which persons are committed by law.
- 1.18 **"Issue"** refers to lineal descendants of the person on the birth certificate and/or record (children, grandchildren and their children to the remotest degree).
- 1.19 **"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 the voluntary muscles, whether or not the umbilical cord has been cut, or the placenta is attached.
- 1.20 **"Local registrar"** means a city or town clerk in Rhode Island or any other person designated for that purpose by the governing body of a city or town in Rhode Island pursuant to § 23-3-6 of the Act.
- 1.21 **"Office"** means the Office of Vital Records of the Rhode Island Department of Health.
- 1.22 **"Physician"** refers to a person authorized or licensed to practice medicine pursuant to RIGL Chapter 5-37, and, as used in these *Rules and Regulations Governing Vital Records* only, a person licensed as a certified nurse practitioner pursuant to RIGL Chapter 5-34 or licensed as a physician's assistant pursuant to RIGL Chapter 5-54.
- 1.23 **"Registrant(s)"** means the subject(s) of the vital record.
- 1.24 **"Registration"** means the acceptance by the local registrar and/or the State Registrar and the incorporation in their official records of certificates, reports, or other records provided for in law, or in these Regulations.
- 1.25 **"Delayed registration"** means the registration of any vital record one year or more after the date of occurrence of the vital event.
- 1.26 **"Late registration"** means the registration of any vital record twenty (20) or more days after the last day of the month of occurrence, but less than one year following the vital event.

- 1.27 **"Signing" or "Signature"** means the application of either a hand signature to a paper record or an electronic process approved by the State Registrar of Vital Records.
- 1.28 **"RIGL"** means the General Laws of Rhode Island, as amended.
- 1.29 **"State Registrar"** means the State Registrar of Vital Records, who is also the chief of the Office of Vital Records, appointed by the Director pursuant to § 23-3-4 of the Act.
- 1.30 **"System of vital records"** means the registration, collection, preservation, amendment, and certification of vital records, and activities related thereto, including the tabulation, analysis, and publication of statistical data derived from such records.
- 1.31 **"These Regulations"** mean all parts of Rhode Island *Rules and Regulations Governing Vital Records* [R23-3-VR].
- 1.32 **"Vital records"** means a birth, death, fetal death, or marriage, or divorce and the legal registration and data collection of the demographic and medical data related to those events.

Section 2.0 **Duties of State Registrar of Vital Records**

- 2.1 Pursuant to the provisions of § 23-3-5 of the Act, the State Registrar shall:
 - 2.1.1 Administer and enforce the Act and these Regulations and issue instructions for the efficient administration of the statewide system of vital records.
 - 2.1.2 Direct and supervise the statewide system of vital records and the Office of Vital Records and be custodian of its records.
 - 2.1.3 Direct, supervise and control the activities of local registrars and the activities of town and city clerks related to the operation of the system of vital records.
 - 2.1.4 Prescribe, with approval of the Director, and distribute such forms as are required by the Act and these Regulations.
 - 2.1.5 Prepare and publish annual reports of vital records of Rhode Island and such other reports as may be required by the Director.
 - 2.1.6 **[DELETED]**
 - 2.1.7 Provide a copy of each certificate of birth, death, and marriage to the city or town clerk of the community of residence of the registrant(s) on or before the tenth (10th) day of the month after the certificate is received by the Office, except for those certificates filed directly with the State Registrar or where the city or town has electronic access to the vital record pursuant to § 23-3-10(d)(3) of the Act.
- 2.2 Pursuant to § 23-3-5(b) of the Act, the State Registrar, with the approval of the Director, may delegate such functions and duties vested in the State Registrar to employees of the Office and to local registrars as deemed necessary or expedient.

- 2.3 Upon request, the State Registrar shall provide to all funeral directors, attorneys, and other interested persons in Rhode Island, information regarding current fees for certified copies of death records and addresses of vital records offices in other states. In addition, the State Registrar shall provide information on services available in each state to expedite requests for certified copies of death records.
- 2.3.1 The State Registrar, in bona fide emergency situations, will attempt to further expedite issuance of the certified copy of the death certificate by personally contacting the state registrar or other person in charge of the vital records office in the other state.
- 2.3.2 Costs for electronic funds transfers and/or overnight delivery services shall be borne by the original applicant in need of the expedited return of the certified copy of death.

Section 3.0 Duties of Local Registrars

- 3.1 Pursuant to the provisions of § 23-3-7 of the Act, the local registrar with respect to his/her city or town shall:
- 3.1.1 Administer and enforce the provisions of the Act, these Regulations, and instructions issued hereunder.
- 3.1.2 Require that certificates be completed and filed in accordance with provisions of the Act and these Regulations.
- 3.1.3 Transmit in accordance with § 8.0, § 18.4, or such other sections of these Regulations, the certificates, reports, or other returns filed with him/her for the preceding month to the State Registrar or more frequently when directed to do so by the State Registrar.
- 3.1.4 Maintain such records, make such reports, and perform such other duties as may be required by the State Registrar.
- 3.1.5 **[DELETED]**

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PART II GENERAL REQUIREMENTS FOR THE FILING AND REGISTRATION OF VITAL RECORDS

Section 4.0 Authorized Forms

- 4.1 In order to promote and maintain uniformity in the system of vital records, the forms of certificates, records, and other reports required by the Act or these Regulations shall include, as a minimum, the items recommended by the federal agency responsible for national vital statistics, subject to the approval of and modification by the Director.
- 4.2 No forms other than those supplied by the State Registrar shall be used for vital records, and all such forms, records, and reports are the property of the state of Rhode Island and shall be surrendered to the State Registrar or his/her representative upon demand.
- 4.3 The State Registrar shall prepare and issue such instructions concerning the use of forms and supplies as may be required to secure the uniform observance of the Act and the maintenance of an adequate system for the collection, registration and preservation of vital records throughout Rhode Island.

Section 5.0 Duties to Report Information Required for Vital Records

- 5.1 Pursuant to § 23-3-27 of the Act, any person having knowledge of the facts regarding any birth, death, fetal death, marriage or divorce, shall report such information as he/she may possess upon demand of the State Registrar and in accordance with these Regulations.

Section 6.0 Acceptance of Certificates

- 6.1 The State Registrar and each local registrar to whom certificates are presented for registration shall examine the certificates to determine that they have been completed on authorized forms and in accordance with the Act, these Regulations, and instructions of the State Registrar.
- 6.2 The State and local registrar shall only accept a certificate or such other forms for registration if:
 - (a) It is completed preferably electronically or by machine with black non-water soluble ink;
 - (b) It contains the hand, machine or electronically printed name and the original signature, or electronic signature as approved by the State Registrar, of the certifier on a birth, death, or fetal death record, or of the officiant and witnesses on a marriage record.
 - (c) The cause of death is hand, machine or electronically printed on the death record;
 - (d) It is the original certificate on the authorized form;
 - (e) It contains proper and consistent data;
 - (f) It contains no corrections made with correction fluid or correction tape;
 - (g) It includes all the information requested on the form or satisfactorily accounts for any omission; and

(h) It is satisfactorily completed in accordance with the Act and these Regulations.

- 6.3 When any certificate, presented to the state or local registrar for registration, is deemed to be unacceptable for any of the reasons stated in § 6.2 of these Regulations, it shall be the duty of the registrar to notify the person responsible for filing or completing the certificate. The registrar may require the responsible person either to supply complete and correct information to be entered on the certificate or to complete and file a new certificate which shall not be marked "copy" or "duplicate".

Section 7.0 **Registration Procedure**

- 7.1 When the State or local registrar with whom a certificate or other form is filed for registration determines that the certificate or other form is acceptable for registration, the registrar shall register the certificate or such other form by entering on its face the date of registration and his/her signature.
- 7.1.1 The State Registrar and each local registrar shall number vital records consecutively. Such numbering is to be carried out separately for each category of vital event, beginning with the number 1 on the first certificate of each vital event, registered for each calendar year.
- 7.1.2 Each local registrar shall retain copies of all certificates registered as required above or as otherwise directed by the State Registrar.

Section 8.0 **Transmittal Procedure**

- 8.1 Each local registrar shall, on or before the twenty-fourth (24th) day of each month, transmit to the State Registrar all original certificates filed within his/her jurisdiction for vital events which have occurred during or prior to the first fifteen (15) days of that month.
- 8.2 On or before the ninth (9th) day of each month, each local registrar shall transmit to the State Registrar all original certificates filed within his/her jurisdiction for vital events which have occurred during or prior to the sixteenth (16th) through the last day of the prior month.
- 8.3 Transmittal forms provided by the State Registrar shall be completed and signed by the local registrar and shall accompany each transmittal.
- 8.4 If no certificate of birth, death, fetal death, or marriage was filed in any month, the local registrar shall, on or before the ninth (9th) day of the following month, transmit such report to the State Registrar on forms provided for that purpose by the State Registrar.

Section 9.0 **Void Certificates**

- 9.1 When the State Registrar shall determine that any vital record was registered improperly, such as through fraud, misrepresentation or duplication, the registrar shall give written notice to the registrant or informant of his/her intention to void said certificate. This notice shall give such person an opportunity to appear and show cause why the certificate should not be voided. The notice shall be served on such person by certified mail, return receipt requested, to his or her last known address on file in the Office. Unless such person shall demonstrate to the State Registrar within thirty (30) days after the date of mailing that there is satisfactory cause that the certificate should not be voided, the State Registrar shall void the certificate and it shall not be available for certification. Neither the State nor local registrar shall issue copies until the matter is resolved.

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**PART III REQUIREMENTS FOR BIRTH AND FOUNDLING REGISTRATION,
ADOPTION, LEGITIMATION, AND PATERNITY**

Section 10.0 Birth Registration

10.1 A certificate of birth for each live birth which occurs in Rhode Island on or after January 1, 2005 shall be filed electronically and directly with the Office of Vital Records.

10.1.1 **[DELETED]**

10.2 When a birth occurs in an institution, the person in charge of the institution or his/her designee shall obtain the personal data, prepare the certificate, secure the signatures required on the certificate, and file it with the State Registrar. The physician and/or midwife in attendance shall certify the facts of birth and provide medical information required on the certificate within three (3) days after the birth.

10.2.1 **[DELETED]**

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

- (a) The physician in attendance at or immediately after the birth; or
- (b) In the absence of the person identified in § 10.3(a), any other health care person in attendance at or immediately after the birth; or
- (c) In the absence of a person identified in § 10.3(b), 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 in a moving conveyance, the place of birth shall be that address in the city or town where the child is first removed from that conveyance.

10.4 The name of the father and the surname of the child to be recorded on the birth certificate shall be determined as follows:

10.4.1 If the mother was married either at the time of conception or birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.

10.4.2 If the mother was not married, either at the time of conception or birth, the name of the father shall be entered on the certificate only if paternity has been established by affidavit of both parents or by determination of a court of competent jurisdiction.

10.4.3 If the mother was not married either at the time of conception or birth and paternity has not been established by affidavit of both parents or by determination of a court of competent jurisdiction, the name of the father shall not be entered on the certificate and the child shall bear the mother's current legal surname.

Section 11.0 Foundling Registration (Infants of Unknown Parentage)

11.1 Whoever assumes the custody of a living infant of unknown parentage shall file a report as prescribed by the State Registrar within four (4) days, with the following information:

11.1.1 The report shall be made on a certificate of live birth that shall be plainly marked "Foundling Registration" in the top margin and shall include the following information:

- (a) The name given to the child by the custodian;
- (b) The place where the child was found, which shall be entered as the place of birth;
- (c) The date of birth, which shall be determined by approximation;
- (d) The sex of the child; and
- (e) Other data as required by the State Registrar.

11.1.2 Parentage data shall be left blank.

11.1.3 The custodian, as determined by a court of competent jurisdiction or the state agency responsible for well being of the child, shall certify to the facts of birth.

11.1.4 The name and address of the person(s) or institution with whom said child has been placed for care, the date of the finding of said child, and the approximate age of the child, if determined by the custodian, shall be considered part of the birth certificate and maintained as directed by the State Registrar.

11.2 **[DELETED]**

11.3 If the child is identified and a certificate of birth is found or obtained, any report registered under § 11.0 of these Regulations shall be sealed and filed and may be opened only by order of a court of competent jurisdiction.

Section 12.0 New Certificates of Birth Following Adoption, Legitimation, and Paternity Determinations or Acknowledgements

12.1 Pursuant to § 23-3-15 of the Act, the State Registrar shall establish a new certificate of birth for a person born in Rhode Island when the State Registrar receives one of the following:

- (a) An adoption report as provided in § 23-3-14 of the Act or a certified copy of a decree of adoption from a court of competent jurisdiction in another state or country, 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 the court decreeing the adoption, the adoptive parents, or the adopted person requests that such new certificate shall not be established; or
- (b) A request that a new certificate be established and evidence of legitimation as required in § 12.2 of these Regulations; or
- (c) A request that a new certificate be established and a certified copy of an order from a court of competent jurisdiction determining the paternity of such a person; or

- (d) A request that a new certificate be established and a sworn acknowledgment of paternity made by both parents of a registrant born out of wedlock, as required in § 12.2 of these Regulations.
- 12.2 Absent a court determination of paternity, the following evidence shall be required for legitimation or paternity acknowledgment of a person born in Rhode Island:
- (a) A sworn acknowledgment by the mother that she was free to marry both at the time of conception and at the time of the birth of the registrant; and
 - (b) A sworn acknowledgment of paternity made by the mother listed on the registrant's original certificate of birth and by the man to be named as father, certifying that they are the natural parents of the registrant; and
 - (c) In addition, for a legitimation, a certified copy of a certificate of marriage showing that the aforementioned natural parents of the registrant have been married in accordance with the statutes of Rhode Island or of another state or country, or a court order recognizing such marriage.
- 12.3 Absent a court determination of paternity, the State Registrar shall not establish a new certificate of birth when application to do so is made by the mother and a putative father if the name of a man other than the putative father is listed as the father on the original certificate of birth or if the mother was not free to marry both at the time of conception and at the time of birth of the registrant.
- 12.4 New certificates of birth subsequent to adoption, legitimation, or paternity shall be established in conformance with the following procedures:
- 12.4.1 Information required to locate the existing certificate and to complete the new certificate shall be provided on such forms as the State Registrar may require.
 - 12.4.2 The new certificate of birth shall be the certificate in use at the time the birth occurred. If such certificate is not available, the certificate in current use shall be used.
 - 12.4.3 The parents of a child who has been legitimated may choose a new given name and/or surname for the child; such name(s) shall be entered as the name(s) of the registrant on the new certificate of birth.
 - 12.4.4 Pursuant to § 23-3-21(d) of the Act, following a sworn acknowledgement of paternity where the parents have not married each other after the birth of the registrant, neither the given name nor the surname of the registrant shall be changed unless an order by a court of competent jurisdiction or a legal change of name is presented to the State Registrar.
 - 12.4.5 The new certificate of birth shall include the following items and such other information as required to complete the certificate:
 - (a) The actual place and date of birth as transcribed from the original certificate;
 - (b) The names and personal information of the adoptive parents or of the natural parents, as appropriate;

- (c) The printed name of the person in attendance at birth;
 - (d) The state file number and local file number, if any, assigned to the original birth certificate; and
 - (e) The original filing date.
- 12.4.6 If no certificate of birth is on file for the person for whom a new certificate is to be established, a delayed certificate of birth shall be filed with the State Registrar, as provided in § 23-3-12 or § 23-3-13 of the Act and in these Regulations, before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings in accordance with § 23-3-15 of the Act, a delayed certificate shall not be required.
- 12.5 A new certificate of birth established following adoption, legitimation, or paternity shall be substituted for the original certificate, as follows:
- 12.5.1 The original certificate and the evidence of adoption, legitimation, or paternity shall be placed in a sealed file and shall not be subject to inspection except upon order of a court of competent jurisdiction, or as allowed by § 23-3-15 of the Act in the case of an adult adoptee.
 - 12.5.2 All copies of the original certificate in the custody of local registrars in Rhode Island shall be forwarded to the State Registrar provided that, where such copies are in the form of entries in permanent ledgers wherein removal of a single record is impossible or not feasible, the entries on such records shall be eradicated with indelible ink.
- 12.6 Upon receipt of a court order nullifying an adoption, legitimation, or paternity, the State Registrar shall:
- (a) Remove the certificate created by the adoption, legitimation, or paternity from the Office's files and place it and the court order in a sealed file. Such records shall not be subject to inspection except upon order of a court of competent jurisdiction;
 - (b) Restore the original certificate of birth to the Office's files;
 - (c) **[DELETED]**
 - (d) **[DELETED]**
 - (e) **[DELETED]**.
- 12.6.1 Upon receipt from a passive voluntary adoption mutual consent registry of a certificate provided for in § 15-7.2-12(b) of the Act, or as in accordance with § 23-3-15 of the Act, the adult adoptee named in the certificate, and only that person, shall be entitled to receive non-certified copies of his or her original birth certificate.
- 12.6.2 Pursuant to § 23-3-15 of the Act, the general public shall have access to the following records in regards to adult adoptee access to original birth certificates on a quarterly basis:
- (a) Number of original birth certificates released since the effective date of the relevant chapter of the Act;

- (b) Number of contact preference forms filed; and
- (c) Number of birth parent(s) who indicated on the contact preference form that they would like to be contacted, would like to be contacted only through an intermediary, or do not want to be contacted.

12.7 **Certificates of Foreign Birth**

12.7.1 The State Registrar shall, upon request, prepare and register a certificate in Rhode Island 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 Rhode Island.

- (a) The certificate shall be established upon receipt of a report 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 eighteen (18) years of age or over that a certificate be prepared.
- (b) The certificate shall be labeled "certificate of foreign birth" and shall show the actual country of birth.
- (c) After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

12.7.2 If the child was born in a foreign country but was a citizen of the United States at the time of birth, the adoptive parent(s) must use the procedures for obtaining a revised birth certificate for their child through the U.S. Department of State. A "certificate of foreign birth" application will not be appropriate for this situation.

12.7.3 A new certificate of birth following foreign adoption shall be exempt from judicial proceeding when the child automatically acquired United States citizenship following a foreign adoption and received the subsequent certificate of citizenship under the "Child Citizenship Act" (CAA, P.L. 106-395).

12.7.3.1 A Rhode Island resident who is a United States citizen and adopts a foreign born child who automatically acquires citizenship in accordance with the "Child Citizenship Act" must submit a written request to the State Registrar for a "Certificate of Foreign Birth". The following documents must be shown to be in order to obtain the certificate:

- (a) A certified English translation of certificate of citizenship or IR-3 designation or proof of IR-3 designation;
- (b) A certified English translation of foreign birth certificate;
- (c) Original documents certified by United States Embassy abroad (certification of foreign adoption and certified English translation);
- (d) Permanent United States Identification card or passport; and
- (e) Social Security card.

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PART IV REQUIREMENTS FOR DEATH REGISTRATION

Section 13.0 Death Registration

- 13.1 A death certificate for each death which occurs in Rhode Island shall be filed within seven (7) calendar days after such death and prior to removal of a dead body from Rhode Island.
- 13.2 Death certificates shall be filed with the local registrar of the city or town:
- (a) In which death occurred; or
 - (b) In which a dead body is found, if the place of death is unknown; or
 - (c) In which a dead body was first removed from a moving conveyance, if death occurs in such conveyance.

Section 14.0 Responsibility of Funeral Director

- 14.1 The funeral director, his/her duly authorized agent or person acting as such, who first assumes custody of a dead body shall file the certificate of death after that person has completed the certificate:
- (a) By entering the personal data obtained from the next of kin or best qualified person or source available;
 - (b) By obtaining medical certification of cause of death from the person responsible therefor (the physician who attended the deceased person during his/her last illness; or the physician declaring such person dead; or, if the death occurred in a hospital, a registered hospital medical officer duly appointed by the hospital director or administrator; or the medical examiner, pursuant to § 23-3-16(d) of the Act); and
 - (c) By obtaining medical certification on the burial-transit permit in accordance with § 22.0 of these Regulations.
- 14.2 A funeral director or other person who removes a dead body or fetus from the place of death or transports or finally disposes of a dead body or fetus shall keep a record containing information which shall identify the body, the date and place of death, and the name of the individual who released the dead body or fetus, pursuant to § 23-3-26(c) of the Act.
- 14.3 When a dead body or fetus is to be disinterred, the funeral director, his/her duly authorized agent or person acting as such, shall obtain a disinterment permit from the local registrar at the place of disinterment, in accordance with § 23.0 of these Regulations.
- 14.4 Each funeral director shall, on or before the tenth (10th) day of each month, file a report with the State Registrar listing funerals performed and/or decedents serviced following deaths or fetal deaths during the previous month. Such reports shall be made on forms approved by the State Registrar. Failure to file these reports within the prescribed time shall be grounds for disciplinary action, including revocation of license by the state board of examiners in embalming and funeral directors.

Section 15.0 **Responsibility of Physician**

15.1 Immediately following a person's death, the attending physician or the physician declaring a person dead, or if the death occurs in a hospital, a registered hospital medical officer duly appointed by the hospital director or administrator shall complete the physician's portion of the burial-transit permit, provided that the death does not fall under the jurisdiction of the medical examiner in accordance with § 15.1.1 of these Regulations, so that the burial-transit permit can be released with the dead body. Within forty-eight (48) hours of a person's death, the physician shall also give the funeral director a certificate of death on which only the following information has been completed:

- (a) The name of the deceased which shall be entered in the margin;
- (b) The date of death;
- (c) A properly completed medical certification of death, with cause of death printed or typed in black ink;
- (d) The certifier's signature and hand or machine printed name; and
- (e) Such other information as may be required in the medical certification section of the death certificate.

A staff member of an institution assisting the physician in completing the medical certification section of a death certificate shall complete only the medical certification section as designated by the physician.

15.1.1 The certifying physician shall not complete or sign the medical certification or burial-transit permit but shall refer the case to the medical examiner, where the decedent may appear to have met death in any manner as specified in "*Rules and Regulations Pertaining to Medical Examiner System*" [Reference 1] and RIGL Chapter 23-4 [Reference 2].

Section 16.0 **Responsibility of Medical Examiner**

16.1 In all cases where the medical examiner has assumed medico-legal jurisdiction in accordance with "*Rules and Regulations Pertaining to Medical Examiner System*" [Reference 1] and RIGL Chapter 23-4 [Reference 2], the medical examiner shall execute and sign the medical certification and burial-transit permit in accordance with §§ 18.0, 21.0, and 22.0 of these Regulations and within forty-eight (48) hours after taking charge of the case.

16.1.1 Furthermore, when death occurred without medical attendance as set forth in § 23-3-16(c) of the Act, the medical examiner shall investigate the cause of death and shall complete and sign the medical certification and burial-transit permit within forty-eight (48) hours after taking charge of the case pursuant to § 23-3-16(d) of the Act.

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Section 17.0 Responsibility of Institution

- 17.1 Each director or administrator of an institution shall on or before the tenth (10th) day of each month file a report with the State Registrar, listing deaths and fetal deaths occurring in the institution during the previous month.
- 17.2 When a dead human 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, pursuant to § 23-3-26(b) of the Act.

Section 18.0 Medical Certification of Cause of Death

- 18.1 Completed and properly executed medical certification of cause of death shall mean the printed or typed entry of a definite medical diagnosis of cause of death by a physician or medical examiner. This may be:
- (a) Entry of the clinical findings of the physician who attended the deceased for the illness or condition that resulted in death; or
 - (b) Entry of tentative clinical findings that may or may not be supported by the gross findings of an autopsy; or
 - (c) Entry of autopsy findings where necessary to establish a definite medical diagnosis of cause of death.
- 18.2 In any case where an autopsy is to be performed, it shall not be necessary to defer the entry of the cause of death until a full report is available or until microscopic or toxicological studies are completed.
- 18.3 In any case where the autopsy findings significantly change the cause of death already entered on the death certificate, a supplemental report of the cause of death shall be forwarded to the State Registrar by the certifying physician, attending physician, or medical examiner as soon as the findings are available. The report shall be made on a form supplied by the State Registrar and shall be signed by the certifying physician, attending physician or medical examiner. Upon receipt of this form, the State Registrar shall enter the new information on the death certificate in accordance with § 35.0 and § 36.0 of these Regulations.
- 18.4 Whenever a local registrar receives a death certificate which has been certified by a certifying physician or medical examiner and which states that the cause of death is "pending", such certificate shall be registered upon receipt and immediately sent to the State Registrar. Immediately upon determining the cause of death, the medical examiner or certifying physician shall forward the cause of death to the State Registrar on forms furnished for that purpose.

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PART V REQUIREMENTS FOR FETAL DEATH REGISTRATION

Section 19.0 Fetal Death Registration

- 19.1 Fetal deaths of less than twenty (20) weeks gestation shall be reported directly to the State Registrar within seven (7) calendar days after delivery.
- 19.2 A fetal death certificate for each fetal death which occurs in Rhode Island after a gestation period of twenty (20) or more weeks shall be filed with the State Registrar or as otherwise directed by the State Registrar. The certificate shall be filed within seven (7) calendar days after delivery and prior to removal of the fetus from Rhode Island. The State Registrar shall accept the certificate for registration if it has been completed and filed in accordance with the requirements of the Act and these Regulations, provided that:
- (a) When the place where the fetal death occurred is unknown, a fetal death certificate shall be filed within seven (7) days with the State Registrar or as otherwise directed by the State Registrar; or
 - (b) If the fetal death occurred in a moving conveyance, a fetal death certificate shall be filed within seven (7) days with the State Registrar or as otherwise directed by the State Registrar.

Section 20.0 Responsibility for Filing

- 20.1 Responsibility for filing of the fetal death certificate shall reside with one of the following:
- (a) The funeral director, his/her duly authorized agent or person acting as such, who first assumes custody of a fetus for the purpose of final disposition or removal from the state; or
 - (b) The person in charge of the institution where the fetal death occurred, when the institution disposes of the fetus; or
 - (c) The physician or other person in attendance at or after the delivery, when the fetal death does not occur in a hospital or other institution and no funeral director assumes custody of the fetus.
- 20.2 Prior to filing the fetal death certificate, the person responsible for its filing shall obtain the personal information required on the certificate from the best source available and the medical certification, including cause of death, from the person responsible therefor.

Section 21.0 Responsibility for Medical Certification

- 21.1 The medical certification shall be completed and signed within forty-eight (48) hours after delivery by the physician in attendance at or after the delivery, in accordance with § 18.0 of these Regulations, unless inquiry by the medical examiner is required by law.

- 21.2 When a fetal death occurs without medical attendance upon the mother at or after the delivery or when inquiry is required pursuant to "*Rules and Regulations Pertaining to Medical Examiner System*" [Reference 1] and RIGL Chapter 23-4 [Reference 2], the medical examiner shall investigate the cause of fetal death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case in accordance with § 23-3-17(e) of the Act and § 18.0 of these Regulations.
- 21.2.1 A certificate containing the facts found in the corresponding fetal death certificate may be marked "delayed" if not registered within one (1) year of the delivery date.
- 21.3 **Filing of Certificates of Birth Resulting in Stillbirth.** The State Registrar shall produce a certificate of birth resulting in stillbirth for fetal deaths only if a fetal death certificate was already completed and filed.
- 21.3.1 The certificate shall:
- (a) Only be issued at the request of either individual listed as mother or father on the report of the fetal death;
 - (b) Meet all formatting requirements for a certificate of live birth as provided in the Act, and
 - (c) If the parents of the stillborn child refrain from naming the stillborn child, the person preparing the certificate shall leave any references to the stillborn child's name blank.
- 21.4 If parent(s) listed on the fetal death certificate would like to change anything on the certificate of birth resulting in stillbirth the fetal death certificate shall be amended first.
- 21.5 The State Registrar shall file the certificate of birth resulting in stillbirth with the original fetal death certificate and mark the creation date as the date filed.

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**PART VI REQUIREMENTS FOR BURIAL-TRANSIT, DISINTERMENT AND
REINTERMENT PERMITS, AND CREMATION CERTIFICATES**

Section 22.0 Permits for Burial-Transit

- 22.1 A burial-transit permit shall be completed before a dead body can be cremated, buried, or removed from Rhode Island. The permit shall be made available for removal with the dead body except when:
- (a) The funeral director, his/her duly authorized agent or person acting as such, has been told by the certifying physician that the death is not under the jurisdiction of the medical examiner, and that such certifying physician will complete the burial-transit permit and medical certification as required by these Regulations, prior to final disposition or removal of the dead body from Rhode Island; or
 - (b) The death is under the jurisdiction of the medical examiner who has authorized the funeral director to remove the dead body.
- 22.2 The funeral director, his/her duly authorized agent or person acting as such, who first assumes the custody of a dead body shall prepare the burial-transit permit; such burial-transit permit shall be signed by the funeral director and by the certifying physician or medical examiner in accordance with § 15.0 and § 16.0 of these Regulations.
- 22.3 A burial-transit permit issued under the law of another state which accompanies a dead body brought into Rhode Island shall be authority for final disposition of the dead body in Rhode Island.
- 22.4 The burial-transit permit shall accompany the dead body during transportation except for first removals within Rhode Island, as specified in § 22.1 of these Regulations.
- 22.5 Burial-transit permits shall be presented to and shall be signed by the sexton or person in charge of the cemetery, crematory, or other place of final disposition of a dead body prior to disposal of the dead body.
- 22.6 On or before the fifth (5th) day of each month, the sexton or other person in charge of the place of final disposition of a dead body shall transmit all burial-transit permits received during the prior month to the local registrar of the city or town in which the place of final disposition is located.
- 22.7 Local registrars shall retain burial-transit permits for not less than five (5) years.

Section 23.0 Permits for Disinterment and Reinterment

- 23.1 A permit for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus unless otherwise ordered by a court of competent jurisdiction. However, if the dead body or fetus is to be disinterred and reinterred in the same cemetery, no permit shall be required provided that the sexton or other person in charge of the cemetery shall establish a record relative to the facts of disinterment and reinterment within the cemetery.

- 23.2 The permit shall be issued in quadruplicate to the funeral director by the local registrar of the city or town in which the place of disinterment is located, upon proper application on a form provided by the State Registrar.
- 23.3 The funeral director shall retain one copy, shall file the second copy with the sexton or person in charge of the cemetery from which disinterment is to be made, shall use the third copy during transportation and give it to the sexton or person in charge of the cemetery of reinterment, and shall forward the fourth copy to the State Registrar.
- 23.4 The sexton or other person in charge of the cemetery of disinterment shall establish a record of the facts of disinterment and reinterment and shall, prior to the fifth (5th) day of the following month, send the second copy to the local registrar of the city or town in which the cemetery of disinterment is located.
- 23.5 The sexton or other person in charge of the cemetery of reinterment shall establish a record of the facts of disinterment and reinterment and shall, prior to the fifth (5th) day of the following month, send the third copy to the local registrar of the city or town in which the cemetery of reinterment is located.
- 23.6 The Office shall enter on the face of the death certificate the date of reinterment and the location of the cemetery of reinterment.

Section 24.0 Final Disposition by Medical School

- 24.1 Following the final disposition of the remains of a dead body which has been conveyed to a medical school to be used for anatomical study or other medical purposes, said school shall notify the State Registrar in writing, prior to the fifth (5th) day of the following month, of the date, manner, and place of final disposition.
- 24.2 The State Registrar shall enter on the face of the death certificate the date, manner, and place of final disposition.

Section 25.0 Cremation Certificates

- 25.1 The body of a deceased person shall not be cremated in or removed from Rhode Island for the purpose of cremation without a cremation certificate having been obtained from the Office of State Medical Examiners in accordance with "*Rules and Regulations Pertaining to Medical Examiner System*" [Reference I], and § 23-3-18(e) of the Act.
- 25.2 A deceased person shall not be cremated within twenty-four (24) hours after death unless death resulted from a contagious or infectious disease.
- 25.3 If the death occurred within Rhode Island, the dead body shall not be received or cremated by any corporation authorized to cremate a dead body until its officers have received the burial-transit permit required by law before burial and a cremation certificate from the medical examiner certifying that the medical examiner has made a personal inquiry into the cause and manner of death and is of the opinion that no further examination or judicial

inquiry concerning the same is necessary.

- 25.4 If the death occurred without Rhode Island, the reception and cremation of the body of the deceased person shall be governed by the receipt of the burial-transit permit or other appropriate certificate as the cremation certificate from the Medical Examiner of the State of Rhode Island.
- 25.5 The funeral director shall mail the cremation certificate to the State Registrar for filing.

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**PART VII REQUIREMENTS FOR ISSUANCE, COMPLETION AND FILING OF
MARRIAGE LICENSE - MARRIAGE SOLEMNIZATION -
REGISTRATION**

Section 26.0 Issuance of Marriage License

- 26.1 Persons intending to be married in Rhode Island must first obtain a marriage license from:
- (a) If both persons live in Rhode Island, they may apply for a marriage license from the local registrar or his/her assistant, at the city or town hall where either person resides; or
 - (b) If only one person lives in Rhode Island, they must apply for a marriage license from the local registrar or his/her assistant, at the city or town hall where the Rhode Island resident lives, or
 - (c) If neither person lives in Rhode Island, they must apply for a marriage license from the local registrar or his/her assistant from the city or town hall of the city or town where the marriage ceremony will be performed. Applicants for a marriage license must know the city or town in which the marriage will be solemnized should the property of the marriage site be situated across two or more municipalities.
- 26.2 In situation 26.1(a) or (b), the marriage may be performed in any city or town in Rhode Island. In situation 26.1(c), the marriage shall be performed only in the city or town where the marriage license was issued.
- 26.3 Applicants for a marriage license shall provide all the information requested to complete the marriage license, and shall attest to the truth of the information by signing the license in the presence of the local registrar or his/her assistant. Furthermore, applicants must submit the following supporting documentation:
- (a) A valid government issued form of identification and a government issued certificate providing birth facts for each applicant, preferably a certified copy of a birth certificate;
 - (b) Pursuant to RIGL § 15-2-11 [Reference 3], a minor's permit signed in the presence of the local registrar, or his/her assistant, by the parent(s) or guardian(s), if the person entering into the marriage is a minor of at least sixteen (16) years of age but less than eighteen (18) years of age;
 - (c) Pursuant to RIGL § 15-2-11 [Reference 3], a written order from the Family Court to issue the license if either person is less than sixteen (16) years of age; and
 - (d) A certified copy of a final divorce decree/dissolution, or of a death certificate, if the applicant has been previously married or party to a registered civil union or domestic partnership/relationship.
- 26.4 The license shall be valid for three (3) months after the date of issuance. If the marriage is not performed within the three (3) months, the license becomes invalid and the party or parties in possession of the license shall return it immediately to the local registrar from whom it was obtained.

Section 27.0 Marriage Solemnization

- 27.1 The persons to be married shall present the valid marriage license, signed by both of them and by the local registrar of the place of issuance, to the officiant, who shall be a person empowered to join persons in marriage pursuant to the provisions of RIGL §§ 15-3-5 and 15-3-6 [Reference 4].
- 27.2 The presence of at least two (2) witnesses of legal age other than the officiant is required for the solemnization of a marriage.

Section 28.0 Completion and Filing of Marriage License

- 28.1 After a marriage has been performed, the officiant shall provide for the completion of the following items on the marriage license:
- (a) The signatures of the two (2) witnesses, with names hand, machine or electronically printed;
 - (b) The date of the marriage;
 - (c) The city or town where the marriage was performed;
 - (d) The type of ceremony;
 - (e) The title, the name of the court, or the denomination of the officiant, as appropriate;
 - (f) The address of the officiant; and
 - (g) The signature of the officiant, with his/her name hand, machine or electronically printed, attesting to the facts of the marriage.
- All items must be completed legibly in non-water soluble black ink; all signatures must also be in non-water soluble black ink.
- 28.2 The completed and signed marriage license shall be filed by the officiant, within seventy-two (72) hours of the ceremony, with the local registrar of the city or town in which the marriage license was issued and shall be considered the marriage certificate for vital records purposes.

Section 29.0 [DELETED]

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**PART VIII REQUIREMENTS FOR DELAYED AND LATE REGISTRATION OF
CERTIFICATES**

Section 30.0 Delayed Registration of Certificates

- 30.1 All delayed certificates shall be filed directly with the State Registrar on forms authorized for each vital event and shall be clearly marked "delayed".
- 30.2 Certificates shall be accepted for delayed registration only if:
- (a) A search by the Office reveals that no certificate for the event has been previously registered;
 - (b) The evidence as required in § 30.3 of these Regulations, has been submitted and found satisfactory to the State Registrar;
 - (c) Payment of the required statutory fee is made;
 - (d) The certificate has been completed as required; and
 - (e) The appropriate provisions of § 30.4 of these Regulations have been met.
- 30.3 Documentary evidence submitted in order to establish the date and place of the vital event and the name(s) of the registrant(s) shall be original records or certified copies thereof and shall include as a minimum:
- (a) Two (2) evidentiary documents, if the certificate is filed within seven (7) years of the occurrence of the vital event, one (1) of which must have been established within three (3) years of the date of the vital event.
 - (b) Three (3) evidentiary documents if the record is filed seven (7) years or more after the occurrence of the vital event. Such documents shall be at least five (5) years old and at least two (2) documents must have been established within seven (7) years of the date of the vital event.
 - (c) **[DELETED]**
 - (d) **[DELETED]**
- 30.4 A delayed certificate of a vital event may be filed with the State Registrar by the person who was responsible for filing the certificate within the prescribed statutory and regulatory time requirements, with a statement indicating that the information was taken from his/her records; or
- 30.4.1 For delayed birth certificates:
- (a) The registrant, if of legal age; or
 - (b) The parent or guardian.
- 30.4.2 For delayed death certificates:
- (a) The certifying physician; or
 - (b) The medical examiner when the case was under his/her jurisdiction; or
 - (c) The next of kin of the decedent; or

(d) The legal representative of the next of kin or of the estate of the decedent.

30.4.3 For delayed marriage certificates:

(a) Either married party; or

(b) A legal representative of either married party in the event one of the parties is deceased or physically incapacitated.

30.5 The State Registrar may require an explanation for the delayed filing from the person who requests the filing. Such explanation shall be made a part of the delayed certificate.

30.6 If the State Registrar determines after a review of evidentiary documentation that such evidence is unsatisfactory, the applicant shall be so notified.

Section 31.0 Delayed Registration of Birth Certificates

31.1 The following facts, as a minimum, must be established to register a delayed birth certificate:

(a) The full name of the person at the time of birth, except that a name established by adoption, legitimation, court determination of paternity, other court order, or sworn acknowledgment of paternity may be reflected on the delayed registration;

(b) The date and place of birth; and

(c) The name(s) of the parent(s), except that inclusion of the father's name shall be subject to § 10.4 of these Regulations.

Section 32.0 Medical Certification on Delayed Death Certificates

32.1 If the medical certification of the cause of death is indicated on the delayed death certificate, it must be established by one of the following:

(a) The certifying physician; or

(b) The medical examiner; or

(c) A physician who has reviewed the medical records of the decedent.

Section 33.0 Delayed Registration of Marriage Certificates

33.1 As a minimum, evidence must be submitted that the registrants complied with the statutory requirements of RIGL Chapter 15-2 [Reference 3], for obtaining a marriage license.

Section 34.0 Late Registration of Certificates

34.1 A late registration of a certificate shall be completed on the authorized form in use at the time of vital event.

34.2 Satisfactory documentation, substantiating the name of the person and the date and place of the occurrence of the vital event may be submitted to the State or local registrar in order to register a late certificate of a vital event.

- 34.3 The State or local registrar may require an explanation for the failure to file the certificate within the time prescribed by the Act and these Regulations. Either registrar may also require that documentary evidence prescribed for delayed registration, in accordance with § 30.3 of these Regulations, be submitted for the late registration. Such explanation or evidence shall be made a part of the registration of the late certificate.
- 34.4 No certificate shall be accepted for late registration unless the evidentiary documentation is found satisfactory to the State or local registrar or unless so ordered by a court of competent jurisdiction. When a certificate is not accepted, the applicant shall be so notified.

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PART IX **AMENDMENTS TO VITAL RECORDS**

Section 35.0 **Requirements to Amend Vital Records**

- 35.1 A vital record may be amended only by the State Registrar, in accordance with § 23-3-21 of the Act and these Regulations.
- 35.2 In order to preserve the integrity and accuracy of vital records, the State Registrar may initiate amendments to vital records. In such cases, the State Registrar may waive the requirements of § 35.5 of these Regulations.
- 35.3 The following person(s) may apply to the State Registrar for an amendment to a vital record:
- (a) The person(s) originally responsible for filing the certificate; or
 - (b) The person(s) required to provide or complete the information thereon; or
 - (c) The registrant, his/her parent(s), guardian, next of kin, or legal representative.
- 35.4 The person who applies for an amendment to a vital record must submit satisfactory evidentiary documentation to support the change(s), as required by § 35.5 of these Regulations. If the State Registrar deems the evidence is unsatisfactory, he/she shall notify the applicant that the registrar shall not amend the record unless so ordered by a court of competent jurisdiction.
- 35.5 Evidentiary documentation to support an amendment to a vital record shall consist of the following:
- (a) An affidavit executed by the registrant(s) or his/her relative, or a person with knowledge of the correct information; and
 - (b) At least one (1) original document supporting the amendment, or a certified copy thereof, signed by the custodian of the original document, provided that such document must have been established within seven (7) years of the fact or event that it substantiates.
 - (c) For corrections of errors relating to race on a vital record, certified copies of the birth records of either the registrant(s), or his/her parent(s), identifying race or color; or documents of similar validity;
 - (d) For corrections of errors in the given name of a registrant on a birth record, an affidavit executed only by the registrant, if of legal age, his/her parent(s) or his/her legal guardian(s), or his/her legal representative; and one (1) evidentiary document, except as provided in § 35.7 and § 37.0 of these Regulations.
 - (e) For corrections to sex on the birth certificate that differ from the sex on the original birth certificate, the State Registrar shall change the certificate of birth to reflect the new sex designation, without indicating such change², upon receipt of:
 - (1) An affidavit executed by:

² Correction requests regarding sex on a birth certificate that include a request for a legal name change will be marked as amended only with respect to the name change, pursuant to § 36.0 of these Regulations.

- (i) The registrant if of legal age; or
 - (ii) The registrant's parent(s), legal guardian(s) or legal representative if not of legal age; and
 - (2) An affidavit executed by a physician licensed to practice medicine pursuant to RIGL Chapter 5-37, a certified nurse practitioner licensed pursuant to RIGL Chapter 5-34 or a physician's assistant licensed pursuant to RIGL Chapter 5-54 who has treated or evaluated the individual, stating that either:
 - (i) The individual has undergone surgical and/or hormonal treatment based on contemporary clinical standards and/or other treatment appropriate for the individual for the purpose of gender transition based on contemporary clinical standards³, or
 - (ii) The individual has an intersex condition, and that in the physician's (as defined in § 1.0 of these Regulations) professional opinion, the individual's sex designation should be changed.
 - (3) In addition to the individuals identified in § 35.5(e)(2), an appropriately executed affidavit from a physician, certified nurse practitioner or physician's assistant licensed under comparable medical practice statutes of another state shall be accepted.
 - (4) In addition to the individuals identified in §§ 35.5(e)(2) and (e)(3), an affidavit, accompanied by appropriate documentation, that has been executed by a physician, certified nurse practitioner or physician's assistant licensed in a foreign country may be accepted.
- 35.6 Except for the medical certification section on a death record, once an item has been amended on a vital record in accordance with the evidentiary requirements of § 35.5 of these Regulations, such item shall not be amended again unless the State Registrar is ordered to do so by a court of competent jurisdiction.
- 35.7 After thirty (30) days from registration in the Office, changes to the given name of the registrant on a birth certificate which reflect a new given name, rather than a minor correction in spelling, a variant form of the name, or a clerical error, shall be made only upon submission of an order to do so from a court of competent jurisdiction.

Section 36.0 **Procedure to Amend Vital Records**

- 36.1 An amendment to a vital record shall be completed by one of the following methods:
- (a) Completing a blank item with the correct information and denoting the amended information with an asterisk; or

³ Contemporary clinical standards are defined as those *Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People*, Version 7 as adopted by the World Professional Association for Transgender Health.

- (b) Drawing a single line through the incorrect information, noting the correct information directly above or next to it, and denoting the corrected information with an asterisk; or
 - (c) Preparing a new certificate with the corrected information, when corrected in accordance with § 12.0 of these Regulations; or
 - (d) If the vital event was registered electronically, then all the information must be amended as directed within the current electronic registration system noting the date of the amendment, the information being amended and any applicable comments on the bottom of the certified copy or as otherwise directed by the State Registrar.
- 36.2 A vital record which has been amended shall be marked "Amended" and the date of the amendment shall be entered on the vital record, except as provided in § 12.0, § 35.5 and § 37.0 of these Regulations.
- 36.2.1 In the case of a legal name changed granted by a court of competent jurisdiction, the name of the court granting the legal name change and the date granted must appear on the certificate unless the name is changed through a paternity, legitimation or adoption or as authorized in § 37.0 of these Regulations.
- 36.3 Except as provided in § 12.0 of these Regulations, when the name of the registrant on a birth certificate is changed by court order, pursuant to §§ 23-3-21(a) and (c) of the Act, the birth certificate shall be marked "Amended" and the effective date of the order and the name of the court shall be entered on the birth certificate.
- 36.4 When the State Registrar amends a vital record, a record of all evidentiary documentation supporting the amendment shall be preserved in a permanent cross-reference file in the Office. The State Registrar shall report all amendments to the local registrar(s) who have the records on file by transmitting a photocopy or other notification of the amendment, in order that the local registrar shall amend his/her copy of the vital record to agree with the original vital record on file at the Office.

Section 37.0 Additions or Minor Corrections to Birth Certificates Within One Year of the Date of Birth.

- 37.1 Pursuant to § 23-3-21(b) of the Act, additions or minor corrections of the types indicated below made to birth certificates within one (1) year of the date of birth shall not be marked "Amended":
- (a) The addition of the given name of the registrant, when the given name is blank;
 - (b) Corrections to the given name of the registrant on a birth certificate which reflect a minor correction in spelling, a variant form of the name, or clerical error;
 - (c) Corrections of typographical or transcription errors, or clearly inconsistent information; and
 - (d) Corrections or additions to items in the "Information for Medical and Health Use Only" section, except that race and marital status shall be corrected only in accordance with § 35.0 and § 36.0 of these Regulations.

- 37.2 The State Registrar may require evidentiary documentation and/or an affidavit executed by the parent(s) listed on the birth certificate or the legal guardian of the registrant prior to additions or minor corrections to birth certificates within one (1) year of the date of birth.

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PART X DISCLOSURE, REPRODUCTION, AND CERTIFIED COPIES OF VITAL RECORDS

Section 38.0 Disclosure of Vital Records

38.1 Pursuant to § 23-3-23 of the Act, except as provided in § 38.5 of these Regulations, in order to protect the integrity of vital records, to insure their proper use, and to insure the efficient and proper administration of the vital records system, no person shall permit inspection of or disclose information contained in a vital record, or copy or issue a copy of all or part of any such record prior to the time a record is determined to be a public record, except to those person(s) or entities listed below:

- (a) For birth records, the registrant, if over (18) years of age, the registrant's parent or guardian, grandparent(s), sibling(s), if over (18) years of age, spouse, civil union or registered domestic partner, issue(s), if over (18) years of age; or
 - (1) Attorneys-at-law, title examiners, or members of legally incorporated genealogical societies, in the conduct of their official duties; or
 - (2) Persons requiring information for the determination or protection of a personal or property right; or
 - (3) A person who presents to the State or local registrar a court order instructing the registrar to provide disclosure.
- (b) For all other vital records, the registrant's spouse/partner or registered domestic partner, sibling(s) if over (18) years of age, parent(s) or guardian(s), grandparent(s), or his/her issue(s) if over (18) years of age; or
 - (1) Attorneys-at-law, title examiners, or members of legally incorporated genealogical societies, in the conduct of their official duties; or
 - (2) Persons requiring information for the determination or protection of a personal or property right;
 - (3) A person who has been granted a court order instructing the registrar to provide disclosure; or
 - (4) A person who can demonstrate to the State or local registrar a legitimate direct and tangible interest in such records.
 - (i) If a request by such person is denied by the local registrar, the person may submit the request to the State Registrar.
 - (5) Firms, agencies or individuals that are given approval pursuant to § 38.2(d) and/or (e) of these Regulations.

38.2 Research and Administrative Purposes. Except as prohibited in § 38.5 of these Regulations, the Director or his/her designee may authorize, under appropriate privacy safeguards, the disclosure of data contained in vital records for research and administrative purposes to one or more of the following:

- (a) The National Center for Health Statistics (NCHS), provided both that the state shall be reimbursed for the cost of furnishing data and that such data shall be used only for statistical purposes by the national office, unless authorized to do otherwise by the State Registrar; or
 - (b) Federal, state, local and other public or private agencies in the conduct of their official duties; or
 - (c) Persons or institutions engaged in research; or
 - (d) With regards to death certificates only, public or private agencies required to determine if an account/policy holder is deceased and such account/policy funds may be subject to being escheated to the state as unclaimed/abandoned property as long as such agencies demonstrate a legitimate direct and tangible interest in the State's death records; or
 - (e) With regards to death certificates only, an agency or firm that seeks to verify Fact of Death and that is approved by the State Registrar through the national Electronic Verification of Vital Events (EVVE) system as long as such agency or firm demonstrates a legitimate direct and tangible interest in the State's death records.
- 38.3 Disclosure to the parties listed in § 38.2 of these Regulations shall be subject to the following limitations, where applicable:
- (a) The information disclosed to them shall be used only for the stated purposes;
 - (b) No information from vital records shall be published or disseminated in a form that might permit identification of individuals, corporations, or institutions named or listed in vital records, unless permission of these respondents shall have been independently obtained;
 - (c) No communications shall be made with individuals, corporations, or institutions named or listed on vital records, or with family members, or with informants or certifying officials, unless approval has been obtained by the Director or his designee;
 - (d) No statement shall be made indicating or suggesting that interpretations drawn from vital records data are those of the Department or of state government.
- 38.4 Pursuant to § 23-3-23(d) of the Act, the State or local registrar shall not require evidence of a direct and tangible interest in order to disclose information from vital records for vital events which have occurred one hundred (100) years or more prior to disclosure.
- 38.5 Disclosure of Out-of-Wedlock Births. Pursuant to § 23-3-23(c) of the Act, information in vital records indicating that a birth occurred out of wedlock may be disclosed only to one of the following:
- (a) The mother listed on the certificate; or
 - (b) Persons or agencies who have the written approval of the mother listed on the certificate; or
 - (c) The registrant, if over the age of eighteen (18); or
 - (d) The natural father, if his name appears on the certificate; or

- (e) A person who presents proof of legal guardianship of a child born out of wedlock; or
- (f) A person who has been granted a court order instructing the Office to issue a certified copy; or
- (g) Attorneys or adoption agencies who request certified copies for adoption proceedings; or
- (h) Attorneys who represent either the registrant, the mother listed on the certificate, or the father, if his name appears on the certificate.

38.5.1 Information indicating that a birth occurred out of wedlock may be disclosed to the following only, according to the indicated restrictions:

- (a) At the discretion of the State Registrar, federal, state, county, or municipal agencies charged by law with the duty of detecting or prosecuting crime, preserving the internal security of the United States, or determining citizenship; or
- (b) With the approval of the Director, public health agencies which demonstrate that failure to disclose such information to them would be detrimental to the registrant or to the administration of a public health program.

Section 39.0 Reproduction for Preservation of Vital Records

39.1 To preserve original documents, the State Registrar is authorized to prepare electronic, photographic, or other reproductions of original records and files in his/her office. Such reproductions when certified by him or her shall be accepted as the original records, pursuant to § 23-3-22 of the Act.

Section 40.0 Certified Copies of Vital Records

40.1 Certified copies of vital records may be prepared and issued only by the State Registrar and, where applicable, by the local registrar, in accordance with these Regulations. Only authorized forms provided by the State Registrar may be used for preparing certified copies.

40.2 Each certified copy issued shall show the following:

- (a) The date of registration at the place where the record was first registered;
- (b) The date of issuance of the copy;
- (c) The signature of the issuing registrar, or an authorized facsimile signature thereof;
- (d) The seal of the issuing office or as otherwise directed by the State Registrar; and
- (e) A statement that the facts are true facts as recorded.

40.3 Pursuant to § 23-3-24 of the Act, certified copies issued from records marked "delayed" or "amended", or "court order" shall indicate that the record is delayed, amended, or the result of a court order and the effective date.

40.3.1 Certified copies of delayed certificates shall include an abstract of the evidence submitted to substantiate the registration of the record, when such evidence has been made part of the record.

- 40.3.2 All certified copies of birth certificates which have been amended following a legal change of name shall show the effective date of the order and the name of the court shall be entered on the certified copy.
- 40.4 Pursuant to § 23-3-24(c) of the Act, a certified copy of a certificate or any part thereof, issued in accordance with the Act and these Regulations shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one (1) year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.
- 40.5 The State or local registrar may issue certified copies only of vital events recorded as having occurred in Rhode Island, except that certified copies of vital events recorded in Rhode Island, but having occurred elsewhere, may be made when evidence is presented that the event is not recorded at the place of occurrence.
- 40.6 Non-certified copies may be provided by the State or local registrar to governmental agencies or to individuals or institutions doing research in accordance with § 38.2 and § 38.3 of these Regulations.

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PART XI FEES, VIOLATIONS AND PENALTIES - SEVERABILITY

Section 41.0 Fees

41.1 Certified copies and searches:

(a) The State Registrar shall charge fees for certified copies and searches as follows:

- (1) For a search of two (2) consecutive calendar years under one name and for issuance of a certified copy of a certificate of birth, fetal death, death, or marriage, or a certification of birth, or a certification that the record cannot be found, the fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;

For each duplicate copy of a certificate or certification issued at the same time, the fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;

- (2) For each additional calendar year search, if applied for at the same time or within three (3) months of the original request and if proof of payment for the basic search is submitted, the fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;
- (3) For providing expedited service, the additional handling fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*;
- (4) For processing of adoptions, legitimations, or paternity determinations as specified in § 23-3-14 and § 23-3-15 of the Act, there shall be a fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.
- (5) For making authorized corrections, alterations, and additions, the fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*; provided, no fee shall be collected for making authorized corrections or alterations and additions on records filed before one year of the date on which the event recorded has occurred.
- (6) For examination of documentary proof and the filing of a delayed record, a fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* and in addition to that fee, the fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* for the issuance of a certified copy of a delayed record.

(b) The local registrar shall charge fees for certified copies and searches as follows:

(1) For a search of two (2) consecutive calendar years under one name and for issuance of a certified copy of a certificate of birth, fetal death, death, delayed birth, or marriage, or a certification of birth or a certification that the record cannot be found, the fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*. For each duplicate copy of a certificate or certification issued at the same time, the fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.

(2) For each additional calendar year search, if applied for at the same time or within three (3) months of the original request and if proof of payment for the basic search is submitted, the fee is as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.

(c) Fees collected under § 41.1(b) of these Regulations by the local registrar shall be deposited in the city or town treasury according to the procedures established by the city or town treasurer except that an amount set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* of the certified copy fees shall be submitted to the State Registrar for deposit in the General Fund of the State of Rhode Island.

41.2 Marriage licenses: Upon issuing a marriage license, the local registrar shall charge, collect, and deposit fees for the marriage license in accordance with the provisions of RIGL § 15-2-9 and § 15-2-9.1 [Reference 3] and the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.

41.3 **[DELETED]**

Section 42.0 **Violations and Penalties**

42.1 Any person who wilfully and knowingly violates any provisions of the Act, or the requirements of these Regulations, shall be subject to the penalties as set forth in the Act.

Section 43.0 **Severability**

43.1 If any provision of these Regulations or the application to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the regulations which can be given effect, and to this end the provisions of these Regulations are declared to be severable.

REFERENCES

1. "Rules and Regulations Pertaining to Medical Examiner System", Rhode Island Department of Health, September 2012.
2. "Office of State Medical Examiners", RIGL Chapter 23-4. Available online:
<http://webserver.rilin.state.ri.us/Statutes/TITLE23/23-4/INDEX.HTM>
3. "Marriage Licenses", RIGL Chapter 15-2. Available online:
<http://webserver.rilin.state.ri.us/Statutes/TITLE15/15-2/INDEX.HTM>
4. "Solemnization of Marriages", RIGL Chapter 15-3. Available online:
<http://webserver.rilin.state.ri.us/Statutes/TITLE15/15-3/INDEX.HTM>

The revision dates of all regulations cited above were current when these amended regulations were filed with the Secretary of State. Current copies of all regulations issued by the RI Department of Health may be downloaded at no charge from the RI Secretary of State's Final Rules and Regulations Database website:
<http://www.sos.ri.gov/rules/>

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