

**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~~ **cause of death certifiers** to provide  
4 certification thereto; amending K.S.A. **65-2401 and** 65-2412 and  
5 repealing the existing ~~section~~ **sections**.

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

8 **Section 1. K.S.A. 65-2401 is hereby amended to read as follows:**  
9 **65-2401. As used in this act:**

10 (a) "Vital statistics" includes the registration, preparation,  
11 transcription, collection, compilation, and preservation of data  
12 pertaining to birth, adoption, legitimation, death, stillbirth, marriage,  
13 divorce, annulment of marriage, induced termination of pregnancy,  
14 and data incidental thereto.

15 (b) "Live birth" means the complete expulsion or extraction from  
16 its mother of a human child, irrespective of the duration of pregnancy,  
17 which, after such expulsion or extraction, breathes or shows any other  
18 evidence of life such as beating of the heart, pulsation of the umbilical  
19 cord, or definite movement of voluntary muscles, whether or not the  
20 umbilical cord has been cut or the placenta is attached.

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

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

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

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

35 (g) "Person in charge of interment" means any person who  
36 places or causes to be placed a stillborn child or dead body or the

1 ashes, after cremation, in a grave, vault, urn or other receptacle, or  
2 otherwise disposes thereof.

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

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

9 ~~Section 1.~~ **Sec. 2.** K.S.A. 65-2412 is hereby amended to read as  
10 follows: 65-2412. (a) A death certificate or stillbirth certificate for each  
11 death or stillbirth ~~which~~ *that* occurs in this state shall be filed with the state  
12 registrar within three days after such death and prior to removal of the  
13 body from the state and shall be registered by the state registrar if such  
14 death certificate or stillbirth certificate has been completed and filed in  
15 accordance with this section. If the place of death is unknown, a death  
16 certificate shall be filed indicating the location where the body was found  
17 as the place of death. A certificate shall be filed within three days after  
18 such occurrence; if death occurs in a moving conveyance, the death  
19 certificate shall record the location where the dead body was first removed  
20 from such conveyance as the place of death.

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

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

36 (3) The secretary of health and environment shall fix and collect a fee  
37 for each form provided to a funeral director pursuant to this subsection.  
38 The fee shall be collected at the time the form is provided to the funeral  
39 director and shall be in the same amount as the fee for a certified copy of a  
40 death certificate.

41 (c) When death occurred without medical attendance or when inquiry  
42 is required by the laws relating to postmortem examinations, the coroner  
43 shall investigate the cause of death and shall complete and sign the

1 ~~medical cause of death~~ certification within 24 hours after receipt of the  
2 death certificate or as provided in K.S.A. 65-2414, and amendments  
3 thereto.

4 (d) **A cause of death certifier who makes a certification of a cause**  
5 **of death in good faith is immune from civil liability for such**  
6 **certification.**

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

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

13 ~~Sec. 2:~~ **3.** K.S.A. **65-2401 and** 65-2412 ~~is~~ **are** hereby repealed.

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