

**Proposed Rule**  
LSA Document #07-821

DIGEST

Adds [410 IAC 18-0.5](#) to add definitions. Amends [410 IAC 18-1-1](#) through [410 IAC 18-1-8](#) to correct terminology. Adds [410 IAC 18-3](#) to specify the documentation required to obtain a certified copy of a birth record and to whom a birth certificate may be issued by the state registrar. Adds [410 IAC 18-4](#) to specify the documentation required to obtain a certified copy of a death record and to whom a death certificate may be issued by the state registrar. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[410 IAC 18-0.5](#); [410 IAC 18-1-1](#); [410 IAC 18-1-2](#); [410 IAC 18-1-3](#); [410 IAC 18-1-4](#); [410 IAC 18-1-5](#); [410 IAC 18-1-6](#); [410 IAC 18-1-7](#); [410 IAC 18-1-8](#); [410 IAC 18-3](#); [410 IAC 18-4](#)

SECTION 1. [410 IAC 18-0.5](#) IS ADDED TO READ AS FOLLOWS:

**Rule 0.5. Definitions**

**[410 IAC 18-0.5-1](#) Applicability**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 1. The definitions in this section apply throughout this article.**

(Indiana State Department of Health; [410 IAC 18-0.5-1](#))

**[410 IAC 18-0.5-2](#) "Adult" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 2. "Adult" means a person at least eighteen (18) years of age.**

(Indiana State Department of Health; [410 IAC 18-0.5-2](#))

**[410 IAC 18-0.5-3](#) "Applicant" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 3. "Applicant" means the person making application to obtain a birth certificate or death certificate.**

(Indiana State Department of Health; [410 IAC 18-0.5-3](#))

**[410 IAC 18-0.5-4](#) "Birth certificate" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 4. "Birth certificate" means a certified copy of a birth record that includes the state registrar's**

**signature and the seal of the state of Indiana.**

(Indiana State Department of Health; [410 IAC 18-0.5-4](#))

**[410 IAC 18-0.5-5](#) "Death certificate" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 5. "Death certificate" means a certified copy of a death record that includes the state registrar's signature and the seal of the state of Indiana.**

(Indiana State Department of Health; [410 IAC 18-0.5-5](#))

**[410 IAC 18-0.5-6](#) "Direct descendant" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 6. "Direct descendant" means, in relation to the individual, all of his or her descendants of all generations.**

(Indiana State Department of Health; [410 IAC 18-0.5-6](#))

**[410 IAC 18-0.5-7](#) "Domestic partner" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 7. "Domestic partner" means a person, other than a spouse, with whom one cohabits.**

(Indiana State Department of Health; [410 IAC 18-0.5-7](#))

**[410 IAC 18-0.5-8](#) "Individual" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 8. "Individual" means the person named in the birth or death record.**

(Indiana State Department of Health; [410 IAC 18-0.5-8](#))

**[410 IAC 18-0.5-9](#) "Legal guardian" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 9. "Legal guardian" means a person who has been appointed as guardian by the court.**

(Indiana State Department of Health; [410 IAC 18-0.5-9](#))

**[410 IAC 18-0.5-10](#) "Parent" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 10. "Parent" means the biological, step, or adoptive mother or father of the individual.**

(Indiana State Department of Health; [410 IAC 18-0.5-10](#))

**[410 IAC 18-0.5-11](#) "Sibling" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 11. "Sibling" means a person who has one (1) or more parents in common with the individual.**

(Indiana State Department of Health; [410 IAC 18-0.5-11](#))

**[410 IAC 18-0.5-12](#) "Spouse" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 12. "Spouse" means the current husband or wife of the individual.**

(Indiana State Department of Health; [410 IAC 18-0.5-12](#))

**[410 IAC 18-0.5-13](#) "State department" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 13. "State department" refers to the Indiana state department of health.**

(Indiana State Department of Health; [410 IAC 18-0.5-13](#))

**[410 IAC 18-0.5-14](#) "State health commissioner" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 14. "State health commissioner" means the state health commissioner of the state department.**

(Indiana State Department of Health; [410 IAC 18-0.5-14](#))

**[410 IAC 18-0.5-15](#) "State registrar" defined**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 15. "State registrar" means the employee in charge of the state department administering the system of vital statistics.**

(Indiana State Department of Health; [410 IAC 18-0.5-15](#))

SECTION 2. [410 IAC 18-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**Rule 1. Provisional Notification of Death**

#### **410 IAC 18-1-1 Scope of rule**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37](#)

Sec. 1. It is the express intent of this ~~regulation~~ **rule** to provide an orderly and systematic procedure for the official registration of deceased persons dying in this state when a certification of the cause of death cannot be obtained in time to prevent delay of funeral arrangements and disposition of the remains. It is intended that use of a ~~provisional certificate~~ **notification** of death shall be limited to those circumstances where the cause of death cannot be obtained prior to scheduled disposition of the remains without undue hardship upon the family of the deceased or the funeral director in charge of interment.

*(Indiana State Department of Health; Reg HVR-1, Sec 1; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#))*

SECTION 3. [410 IAC 18-1-2](#) IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 18-1-2 Provisional death notification information**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37](#)

Sec. 2. A provisional ~~certificate~~ **notification** of death shall, **as follows:**

(1) Be prescribed and furnished by the ~~Indiana state Board of Health. Such provisional certificate of death shall~~ **department.**

(2) Require, but not be limited to, the following information:

(A) ~~The~~ **The** name of ~~the~~ deceased.

(B) The usual residence of the deceased.

(C) The place of death or place where body was found.

(D) The time and date of death.

(E) The age, sex, and race or color of the deceased. ~~and~~

(F) The name of the physician last in attendance to the deceased. ~~The provisional certificate of death shall~~

(3) Be considered a privilege, not a right, and its uses and limitations shall be administered by the state ~~department~~ and local ~~boards of health~~ **departments.**

*(Indiana State Department of Health; Reg HVR-1, Sec 2; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#))*

SECTION 4. [410 IAC 18-1-3](#) IS AMENDED TO READ AS FOLLOWS:

#### **410 IAC 18-1-3 Permit for transportation or disposition of body; exceptions to use of provisional notification**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37](#)

Sec. 3. The delivery of a provisional ~~certif-icate~~ **notification** of death and its acceptance by a local health officer authorized to use the same, shall entitle the person in charge of interment to a permit for transportation ~~and/or~~ **or** disposition, **or both**, of the body except that a provisional ~~certificate~~ **notification** of death shall not be used if disposition of the body is by cremation. If the circumstances suggest that the death is due to other than natural causes, permission of the coroner must be obtained prior to removal of the body or preparation of the body for burial. Upon use of a provisional ~~certificate~~ **notification** of death, the person in charge of interment shall present to the local health officer of the jurisdiction in which the death occurred or the body was found, a properly executed certificate of death within seven (7) days of the date of death or discovery of the body.

(Indiana State Department of Health; Reg HVR-1, Sec 3; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#))

SECTION 5. [410 IAC 18-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[410 IAC 18-1-4](#) Authorization of local boards for use of provisional notification**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37](#)

Sec. 4. Local ~~boards of health~~ **departments** shall:

(1) make application for use of a provisional ~~certificate~~ **notification** of death; and shall

(2) have unrevoked written authorization from the state ~~Board of Health~~ **department** prior to the use of any provisional ~~certificate~~ **notification** of death.

(Indiana State Department of Health; Reg HVR-1, Sec 4; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#))

SECTION 6. [410 IAC 18-1-5](#) IS AMENDED TO READ AS FOLLOWS:

**[410 IAC 18-1-5](#) Revocation of authorization**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37](#)

Sec. 5. Failure to comply with the provisions of this ~~regulation and/or rule~~ **or the laws, or both**, governing the administration of vital statistics shall be cause to revoke the authority for use of a provisional ~~certificate~~ **notification** of death in the local health jurisdiction. Upon discovery of willful or negligent violation or failure to comply with such provisions, the state ~~Board of Health~~ **department** shall notify the local health officer by registered mail that authority to use the provisional ~~certificate~~ **notification** of death is revoked, and ~~such the~~ revocation shall be effective upon receipt. A local health officer shall not be eligible for reapplication within one (1) year from the date of revocation of authority to use the provisional ~~certificate~~ **notification** of death.

(Indiana State Department of Health; Reg HVR-1, Sec 5; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 74; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#))

SECTION 7. [410 IAC 18-1-6](#) IS AMENDED TO READ AS FOLLOWS:

**[410 IAC 18-1-6](#) Suspension of provisional notification privilege; liability**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37](#)

Sec. 6. The local health officer may suspend the privilege of the provisional ~~certificate~~ **notification** of death to any funeral home, firm, or establishment for failure to present a properly executed certificate of death or for other good and sufficient cause. A suspension of the privilege to use the provisional ~~certificate~~ **notification** of death shall not be less than ninety (90) days nor more than twenty-four (24) months. The suspension shall be subject to review and amendment or repeal by the state ~~Board of Health~~ **department**. The funeral home, firm, or establishment shall be responsible for the acts of funeral directors or embalmers in its employ, and any suspension of privilege shall be binding upon it equally with the person in charge of interment.

(Indiana State Department of Health; Reg HVR-1, Sec 6; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 75; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#))

SECTION 8. [410 IAC 18-1-7](#) IS AMENDED TO READ AS FOLLOWS:

**[410 IAC 18-1-7](#) Suspension list**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37](#)

Sec. 7. The state ~~Board of Health~~ **department** shall issue on ~~no~~ **not** less than a quarterly basis the name and address of all funeral homes for which the privilege is suspended and the duration of ~~such~~ **the** suspension. All local health officers shall deny the use of the provisional ~~certificate~~ **notification** of death to any funeral home named on the suspension list.

*(Indiana State Department of Health; Reg HVR-1, Sec 7; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 75; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#))*

SECTION 9. [410 IAC 18-1-8](#) IS AMENDED TO READ AS FOLLOWS:

**[410 IAC 18-1-8](#) Advisory committee; members**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37](#)

Sec. 8. There is hereby created, an advisory committee composed of five (5) persons who shall be appointed by the state health commissioner, and ~~such~~ **the** members shall serve without pay for a three (3) year term or until their successors are appointed. The committee shall include **the following**:

- (1) A local health officer.
- (2) A physician.
- (3) A representative of the Indiana Funeral Directors Association.
- (4) A representative of the state board of embalmers and funeral directors. ~~and~~
- (5) A representative of the state ~~Board of Health~~, **department**, who shall act as ~~chairman~~: **chairperson**.

The committee shall be advisory to the state ~~Board of Health~~ **department** in matters pertaining to administration of the death registration system and this ~~regulation~~: **rule**.

*(Indiana State Department of Health; Reg HVR-1, Sec 8; filed Jul 28, 1959, 9:40 a.m.: Rules and Regs. 1960, p. 75; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: [20070613-IR-410070141RFA](#))*

SECTION 10. [410 IAC 18-3](#) IS ADDED TO READ AS FOLLOWS:

**Rule 3. Birth Certificates**

**[410 IAC 18-3-1](#) Issuance of birth certificates**

**Authority:** [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

**Affected:** [IC 16-37-2-2.1](#)

**Sec. 1. The state registrar may issue a birth certificate to the following applicants:**

- (1) The individual.
- (2) The mother of the individual.
- (3) The father of the individual, if named on the birth certificate, married to the mother of the individual, or paternity has been established under [IC 16-37-2-2.1](#).
- (4) A grandparent of the individual, if parents of the individual were married at the time of birth.
- (5) The legal guardian of the individual.
- (6) An adult sibling of the adult individual.
- (7) An adult aunt or adult uncle of the individual, if parents of the individual were married at the time of

birth.

(8) The spouse of the individual.

(9) An adult child or adult grandchild of the individual.

(Indiana State Department of Health; [410 IAC 18-3-1](#))

#### **[410 IAC 18-3-2](#) Documentation required to obtain birth certificate**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 2. The applicant of a birth certificate shall provide the following to the state registrar upon request:**

(1) The following information about the individual:

(A) Full name at birth.

(B) City or county of birth.

(C) Date of birth.

(D) Parent's full names, including mother's maiden name.

(2) Purpose for which record is to be used.

(3) Guardianship papers, if applicable.

(4) The following information about the applicant:

(A) Documentation to verify relationship to the individual.

(B) Written signature.

(C) Photocopy of signature identification of the applicant.

(D) Address and telephone number.

(5) If the individual is under eighteen (18) years of age and is also the applicant, the following additional information must also be provided to the state registrar:

(A) Written signature of parent or guardian.

(B) Photocopy of signature identification of parent or guardian.

(C) Telephone number of parent or guardian.

(6) Other documentation as requested by state registrar.

(7) A check or money order payable to the Indiana state department of health for the correct amount required by law.

(Indiana State Department of Health; [410 IAC 18-3-2](#))

SECTION 11. [410 IAC 18-4](#) IS ADDED TO READ AS FOLLOWS:

#### **Rule 4. Death Certificates**

##### **[410 IAC 18-4-1](#) Issuance of death certificates**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 1. The state registrar may issue a death certificate to any one (1) or more of the following applicants:**

(1) The parents of the individual.

(2) Grandparents of the individual.

(3) Siblings of the individual.

(4) The spouse or domestic partner of the individual.

(5) Adult children of the individual.

(6) Direct descendants.

(7) Other family members at the discretion of the state registrar.

(Indiana State Department of Health; [410 IAC 18-4-1](#))

**[410 IAC 18-4-2](#) Documentation required to obtain death certificate**

Authority: [IC 16-19-3-4](#); [IC 16-19-3-5](#); [IC 16-37-1-3](#)

Affected: [IC 16-37](#)

**Sec. 2. The applicant of a death certificate shall provide the following to the state registrar upon request:**

- (1) Valid identification.**
- (2) Other documentation as requested by the state registrar.**
- (3) A check or money order payable to the Indiana state department of health for the correct amount required by law.**

*(Indiana State Department of Health; [410 IAC 18-4-2](#))*

**[Notice of Public Hearing](#)**

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