

No. 2004-122

AN ACT

HB 138

Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An act providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto," providing for the Vital Statistics Improvement Account; and further providing for local registrars' fees, for reports to county registration commissions and for issuance of certificates of death.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, is amended by adding a section to read:

Section 206. Vital Statistics Improvement Account.—(a) There is hereby established the Vital Statistics Improvement Account as a restricted account within the General Fund.

(b) All moneys transmitted to the department pursuant to section 304(b) and one dollar (\$1) of each fee received pursuant to section 804.1 shall be paid into the Vital Statistics Improvement Account.

(c) Moneys paid into the Vital Statistics Improvement Account are hereby appropriated upon approval of the Governor to the department and shall be distributed as follows:

(1) Beginning with calendar year 2005 and each calendar year thereafter, one-third of the funds transmitted to the department pursuant to section 304(b) during the prior calendar year and deposited in the Vital Statistics Improvement Account and one dollar (\$1) of each fee received pursuant to section 804.1 in the prior calendar year and deposited in the Vital Statistics Improvement Account shall be distributed not later than June 30, 2005, and each June 30 thereafter, to the county coroner or medical examiner of each county of this Commonwealth proportionate to the number of deaths in the county as a percentage of the total deaths occurring in this Commonwealth in the prior calendar year. Such distribution shall not require a contract or grant agreement.

(2) Funds remaining after the distribution under paragraph (1) shall be retained in the Vital Statistics Improvement Account and shall be used for administrative expenses of the department for implementing and maintaining the system for such payments under paragraph (1) and for improvements to the vital statistics system.

(3) County coroners or medical examiners shall use the funds received under this section for the purposes of laboratory or necropsy room modernization, including supplies, equipment, training and office and laboratory facility improvement or the modernization of equipment used for forensic investigation.

Section 2. Section 304 of the act, amended December 20, 1991 (P.L.399, No.46), is amended to read:

Section 304. Registration Districts: Local Registrars' Compensation.—(a) Each local registrar shall be paid a fee of one dollar (\$1) for each certificate transmitted in accordance with the provisions of this act or for each report of no certificates filed during any calendar month. The fees prescribed by this section shall be paid by the Commonwealth from funds appropriated to the department.

(b) Local registrars shall issue certificates of death from original certificates of death in their possession upon completion of a period of instruction on the preparation of certificates by representatives of the Division of Vital Records. For each certificate issued, the local registrar shall receive a fee of ~~[two dollars (\$2).]~~ **six dollars (\$6) from the requester. Each fee received by the local registrar shall be distributed as follows: three dollars (\$3) shall be retained by the local registrar and three dollars (\$3) shall be transmitted to the department for deposit in the Vital Statistics Improvement Account.**

(c) (1) A local registrar may not ~~[receive an aggregate amount of fees in excess of thirty-five thousand dollars (\$35,000) in any one calendar year.]~~ **be compensated in excess of sixty thousand dollars (\$60,000) in any one calendar year. Compensation shall include fees received from the department under subsection (a) and retained from requesters under subsection (b).**

(2) **Upon reaching the limitation on compensation set forth under clause (1) in any one calendar year, the local registrar shall transmit all additional fees received under subsection (b) to the department for deposit as follows:**

(i) **Three dollars (\$3) shall be deposited in the Vital Statistics Improvement Fund.**

(ii) **Three dollars (\$3) shall be deposited in the General Fund.**

(d) Any regulation inconsistent with or contrary to the provisions of this section is superseded.

Section 3. Section 801.1 of the act, added August 18, 1961 (P.L.1011, No.452), is amended to read:

Section 801.1. Records: Reports to County Registration Commissions.—The department shall report monthly in writing to the registration commission of each county the deaths of residents of such counties, except residents less than ~~[twenty]~~ **eighteen** years of age, for the preceding month. Said report shall contain the full name of the decedent, his

or her last address, the date of his *or her* birth if available, and the date of his *or her* death.

Section 4. The act is amended by adding a section to read:

Section 804.1. Department of Health Office Acting in Lieu of Local Registrar.—When there is no local registrar, upon application and payment of a fee of nine dollars (\$9), the local department office shall issue a certificate of death. Each fee received by the local department office shall be distributed as follows: eight dollars (\$8) shall be deposited in the General Fund and one dollar (\$1) shall be retained by the department for distribution to the county coroner or medical examiner as provided for in section 206.

Section 5. This act shall take effect in 60 days.

APPROVED—The 23rd day of November, A.D. 2004.

EDWARD G. RENDELL