

of prosecution, or in default of such fine and costs, be imprisoned in the county jail for not less than ten days nor more than thirty days. All penalties, costs, and fines collected under this act shall be paid to the Secretary of Agriculture of the Department of Agriculture of this Commonwealth, or his agent, and by him shall be paid into the State Treasury for the use of the Commonwealth.

Enforcement.

Section 6. The enforcement of this act shall be vested in the State Department of Agriculture, and its officers, employes and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of grapes, [or] potatoes, *apples or peaches* and securing evidence of violation of this act; and the Secretary of Agriculture of this Commonwealth is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions.

**Act effective
June 1, 1943.**

Section 7. This act as amended shall take effect June first, one thousand nine hundred and [thirty-seven] *forty-three*.

**Inconsistent
acts repealed.**

Section 8. All acts and parts of acts inconsistent with this act are repealed.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

—
No. 192

AN ACT

Relating to vital statistics and to make uniform the law with reference thereto.

Vital statistics.

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

Definitions.

Section 1. Definitions: As used in this act—

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, divorces, marital status and data incidental thereto.

(2) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

(3) "Stillbirth" means a birth after twenty weeks of gestation which is not a live birth.

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

(5) "Person in charge of interment" means any person who places or causes to be placed a stillborn

child or dead body, or the ashes after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(6) "Department" means Department of Health.

Department of Health.

Section 2. Duties of Department of Health: The Department of Health—

(1) May, pursuant to the provisions of the Act of April 9, 1929, Pamphlet Laws 177, as amended, cited as "The Administrative Code of 1929," establish a bureau of vital statistics, with suitable offices properly equipped, for the preservation of its official records, and may designate the head or chief of such bureau as the "State Registrar."

Duties.

(2) Shall install a statewide system of vital statistics.

(3) May make and amend necessary regulations, give instructions, and prescribe forms for collecting, transcribing, compiling and preserving vital statistics, and

(4) Shall enforce this act and the regulations made pursuant thereto.

Section 3. Registration Districts.—The department shall divide the state from time to time into registration districts which shall conform to political subdivisions or combinations thereof or of parts thereof.

Registration districts.

Section 4. Duties of Department.—The department shall have charge of vital statistics and be the custodian of all vital statistics, files and records.

Custodian of records.

Section 5. Local Registrars and Deputies.—The department shall appoint local registrars. A local registrar, with the approval of the department, may appoint deputies. The local registrar shall immediately report to the department violations of this act or the regulations of the department.

Local registrars and deputies.

Section 6. Compulsory Registration of Births.—Within the time prescribed by the department, a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred by the physician, midwife or other legally authorized person in attendance at the birth, or if not so attended, by one of the parents.

Registration of births.

Section 7. Local Registrar to Prepare Birth Certificate.—If neither parent of the newborn child, whose birth is unattended as above provided, is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth, and prepare and file the certificate. The department shall prescribe the time within which a supplementary report, furnishing information omitted from the original certificate, may be returned for the purpose of completing the certificate. Certificates of birth completed by a supplementary report shall not be considered "delayed" or "altered."

Birth certificate.

Registration
of foundlings.
Foundling
report.

Section 8. Registration of Foundlings; Foundling Report.—

(1) Whoever assumes the custody of a child of unknown parentage shall immediately report to the local registrar in writing:

(a) The date and place of finding or assumption of custody.

(b) Sex, color or race, and approximate age of child.

(c) Name and address of the person or institution with whom the child has been placed for care, and

(d) Name given to the child by the finder or custodian.

(2) The place where the child was found or custody assumed shall be known as the place of birth, and the date of birth shall be determined by approximation.*

(3) The report shall constitute the certificate of birth.

(4) If the child is identified, and a regular certificate of birth is found or obtained, the report shall be sealed and filed, and may be opened only by court order.

Registration
of deaths and
stillbirths.

Section 9. Registration of Deaths and Stillbirths.—

A certificate of every death or stillbirth shall be filed with the local registrar of the district in which the death or stillbirth occurred, within three days after the occurrence is known, or if the place of death or stillbirth is not known, then with the local registrar of the district in which the body is found, within twenty-four hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

Death and
stillbirth
certificates.

Section 10. Death and Stillbirth Certificates.—

(1) The person in charge of interment shall file with the local registrar of the district in which the death or stillbirth occurred, or the body was found, a certificate of death or stillbirth within three days after the occurrence.

(2) In preparing a certificate of death or stillbirth, the person in charge of interment shall obtain and enter on the certificate the personal data required by the department from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased, or to the coroner having jurisdiction, who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

(3) Thereupon the person in charge of interment shall notify the appropriate local registrar if the death occurred without medical attendance, or if the physician

* "approximation" in original.

last in attendance fails to sign the death certificate. In such event the local registrar shall inform the local coroner and refer the case to him for immediate investigation and certification of the cause of death prior to issuing a permit for burial, cremation or other disposition of the body. When the local coroner is not a physician, or when there is no coroner, the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

Section 11. Delayed Determination of Cause of Death.—If the cause of death cannot be determined within three days, the certification of its cause may be filed after the prescribed period, but the coroner shall give the local registrar of the district in which the death occurred written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued.

Delayed
determination
of cause
of death.

Section 12. Form of Certificates.—The forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the United States Bureau of the Census, subject to approval of and modification by the department. The form and use of such certificates shall be subject to the provisions of section 21.

Form of
certificates.

Section 13. Certificates as Evidence.—Certificates filed within six months after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence, only if the alleged father is the husband of the mother, if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.

Evidence.

Section 14. Certified Copies.—

Certified copies.

(1) Subject to the requirements of sections 18, 19 and 20, the department shall, upon request, furnish to any applicant a certified copy of any certificate or any part thereof.

(2) Copies of the contents of any certificate on file in the department, or any part thereof, certified by the department, shall be considered for all purposes the same as the original, subject to the requirements of sections 18, 19 and 20.

Section 15. Fees for Copies and Searches.—The department shall prescribe the fees, if any, to be paid for certified copies of certificates or parts thereof, or for the

Fees.

search of the files or records, when no certified copy is made. Subject to sections 18, 19 and 20, the United States Bureau of the Census may obtain transcripts, or, without payment of fees, certified copies, provided the State is put to no expense in connection therewith. Certified copies of certificates or parts thereof, and searches of the files or records, when no certified copy is made, shall be furnished to or made for soldiers, sailors, marines, war nurses and their dependents, and to members of such women's organizations as have the same recognized military status, both during their term of service as such, and after their death in service or their honorable discharge therefrom, without the payment of any fee.

Persons with
military status.

Section 16. Accounting for Fees.—The department shall keep an account of all fees received and turn the same over to the* State Treasurer through the Department of Revenue.

Section 17. Delayed or Altered Certificates.—A person born in this State may file or amend a certificate after the time herein prescribed upon submitting such proof as shall be required by the department.

Delayed or
altered
certificates.

Section 18. Delayed and Altered Certificates; Procedure.—

(1) Certificates accepted subsequent to six months after the time prescribed for filing, and certificates which have been altered after being filed with the state registrar, shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered."

(2) A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate.

Section 19. Delayed or Altered Certificates as Evidence.—The probative value of a "delayed" or "altered" certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

Section 20. Disclosure of Records.—

Records of vital
statistics open
to inspection.

(1) The vital statistic records and files of the department are open to inspection, subject to the provisions of this act and regulations of the department, but it is unlawful for any officer or employe of the State to disclose data contained in vital statistical records, except as authorized by this act and by the department.

(2) Disclosure of illegitimacy of birth or of information from which it can be ascertained may be made only upon order of a court, in a case where such information is necessary for the determination of personal or property rights, and then only for such purpose.

(3) The department shall not permit inspection of

* "the the" in original.

the records, or issue a certified copy of a certificate or part thereof, unless it is satisfied that the applicant therefor has a direct interest in the matter recorded, and that the information therein contained is necessary for the determination of personal or property rights. Its decision shall be subject however to review by a court under the limitations of this section.

(4) The department may permit the use of data contained in vital statistical records for research purposes only, but no identifying use thereof shall be made.

(5) Subject to the provisions of this section, the department may direct local registrars to make a return upon the filing of birth, death and stillbirth certificates, with them, of certain data shown thereon, to Federal, State or municipal agencies. Payment by such agencies for such services may be made to local registrars as the department shall direct.

Section 21. Adoption.—In cases of adoption the department, upon the receipt of a certified copy of an order or decree of adoption, shall prepare a supplementary certificate in the new name of the adopted person, and seal and file the original certificate of birth with said certified copy attached thereto. Such sealed documents may be opened by the department only upon the demand of the adopted person, if of legal age, or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption, the department shall restore the original certificate to its original place in the files.

Adoption.

Section 22. Legitimation.—In cases of legitimation the department, upon receipt of proof thereof, shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original record shall be sealed and filed and may be opened only upon order of court.

Legitimation.

Section 23. Persons Required to Make Records.—Persons in charge of institutions for care or correction, or for treatment of disease, injury or childbirth, shall record and report all statistical data required by this act relating to their inmates or patients.

Section 24. Permit for Removal, Burial or Other Disposition.—When a death or stillbirth occurs, or a dead body is found, the body shall not be disposed of or removed from the registration district until a permit has been issued by the local registrar.

Burial or removal permits.

Section 25. Foreign Permit for Removal, Burial or Other Disposition of Body.—When death or stillbirth occurs outside this State and the body is accompanied by a permit for burial, removal or other disposition, issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or

through this State, but before burial, cremation or other disposal of the body within this State the permit shall be endorsed by the local registrar who shall keep a record thereof.

Section 26. Prerequisites for Permits.—No permit under section 25 shall issue until a certificate of death or stillbirth, as far as it can be completed under the circumstances of the case, has been filed, and until all the regulations of the department in respect to the issuance of such permit have been complied with.

Transmittal of certificates to State registrar.

Section 27. Transmittal of Certificates to State Registrar.—Local registrars shall transmit all certificates filed with them to the department in accordance with regulations of the department.

Compensation of local registrars.

Section 28. Compensation of Local Registrars.—Each local registrar shall be paid the sum of fifty cents for each complete birth, death or stillbirth certificate returned by him to the department, in accordance with the regulations of the department. In case no birth, death or stillbirth was registered during any calendar month, the local registrar shall so report, and be paid the sum of fifty cents for the report. The department is authorized to change, by regulation, the amounts specified herein to be paid to local registrars, and the department shall limit the aggregate amount of fees to be paid per annum to any local registrar, either by setting an annual aggregate maximum of such fees, or by graduating the fees according to the number of registrations.

County treasurer to pay fees from general fund.

Section 29. Payment of Fees.—Upon certification by the department, the fees of local registrars shall be paid by the treasurer of the proper county out of the general fund of the county. The department monthly shall certify to the treasurer of the several counties the number of births, stillbirths and deaths certified from his county, with the names of the local registrars, and the amount due each.

Registration of marriages.

Section 30. Registration of Marriages; Marriage Certificates Filed.—Every person who performs a marriage ceremony shall prepare and sign a certificate of marriage in duplicate, one of which shall be given to the parties and the other filed by him, within ten days after the ceremony, with the officer who issued the marriage license. Every officer who issues a marriage license shall forward to the department, on or before the 15th day of each calendar month, the certificates of marriage which were filed with him during the preceding calendar month.

Marriage certificate.

Marriage license fees.

Section 31. Marriage License Fees.—Every officer authorized to issue marriage licenses shall be paid a recording fee of fifty cents for each marriage certificate filed with him, and forwarded by him to the department. The recording fee shall be paid by the applicant

for the license and be collected, together with the fee, for the license.

Section 32. Registration of Divorces, Annulments and Adoptions.—For each divorce, annulment of marriage, adoption or annulment of adoption, the clerk of the court shall prepare, within thirty days after the decree becomes final, certificate of such decree, on a form furnished by the department, and before the 15th day of each calendar month the clerk shall forward to the department the certificates prepared by him during the preceding calendar month.

Registration of divorces, annulments and adoptions.

Section 33. Clerk of Court to Be Paid Statistical Recording Fee.—The clerk of the court shall be paid fifty cents for each certificate prepared and forwarded by him to the department as above provided.

Recording fees.

Section 34. Penalties.—

(1) Any person who wilfully makes or alters any certificate or certified copy thereof, provided for in this act, except in accordance with the provisions of this act, shall be fined not more than one thousand dollars (\$1,000.00) or be imprisoned not exceeding six (6) months, or both fined and imprisoned.

Penalties.

(2) Any person who knowingly transports or accepts for transportation, interment or other disposition, a dead body, without an accompanying permit issued in accordance with the provisions of this act, shall be fined not more than five hundred dollars (\$500.00).

(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act, or neglects or refuses to perform any of the duties imposed upon him by this act, shall be fined not more than one hundred dollars (\$100.00).

Section 35. Severability.—If any provision of this act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Provisions of act to be severable.

Section 36. Uniformity of Interpretation.—This act shall be so construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Uniformity.

Section 37. Short Title.—This act may be cited as the "Uniform Vital Statistics Act."

Section 38. Repeal.—All acts and parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN