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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2044

03/04/2019 Authored by Klevorn, Lippert, Sandell, Loeffler, Cantrell and others
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; changing access to birth and death records; amending Minnesota
1.3 Statutes 2018, section 144.225, subdivision 7.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 144.225, subdivision 7, is amended to read:

1.6 Subd. 7. Certified birth or death record. (a) The state registrar or local issuance office
1.7 shall issue a certified birth or death record or a statement of no vital record found to an
1.8 individual upon the individual's proper completion of an attestation provided by the
1.9 commissioner and payment of the required fee:

1.10 (1) to a person who has a tangible interest in the requested vital record. A person who
1.11 has a tangible interest is:

1.12 (i) the subject of the vital record;

1.13 (ii) a child of the subject;

1.14 (iii) the spouse of the subject;

1.15 (iv) a parent of the subject;

1.16 (v) the grandparent or grandchild of the subject;

1.17 (vi) if the requested record is a death record, a sibling of the subject;

1.18 ~~(vii) the party responsible for filing the vital record;~~

1.19 ~~(viii)~~ (vii) the legal custodian, guardian or conservator, or health care agent of the subject;

2.1 ~~(ix)~~ (viii) a personal representative, by sworn affidavit of the fact that the certified copy
2.2 is required for administration of the estate;

2.3 ~~(x)~~ (ix) a successor of the subject, as defined in section 524.1-201, if the subject is
2.4 deceased, by sworn affidavit of the fact that the certified copy is required for administration
2.5 of the estate;

2.6 ~~(xi)~~ (x) if the requested record is a death record, a trustee of a trust by sworn affidavit
2.7 of the fact that the certified copy is needed for the proper administration of the trust;

2.8 ~~(xii)~~ (xi) a person or entity who demonstrates that a certified vital record is necessary
2.9 for the determination or protection of a personal or property right, pursuant to rules adopted
2.10 by the commissioner; or

2.11 ~~(xiii)~~ (xii) an adoption agency in order to complete confidential postadoption searches
2.12 as required by section 259.83;

2.13 (2) to any local, state, or federal governmental agency upon request if the certified vital
2.14 record is necessary for the governmental agency to perform its authorized duties;

2.15 (3) to an attorney representing the subject of a record or an individual with tangible
2.16 interest, as defined in clause (1), upon evidence of the attorney's license;

2.17 (4) pursuant to a court order issued by a court of competent jurisdiction. For purposes
2.18 of this section, a subpoena does not constitute a court order; or

2.19 (5) to a representative authorized by a person under clauses (1) to (4).

2.20 (b) The state registrar or local issuance office shall also issue a certified death record to
2.21 an individual described in paragraph (a), clause (1), items (ii) to ~~(viii)~~ (xi), if, on behalf of
2.22 the individual, a licensed mortician furnishes the registrar with a properly completed
2.23 attestation in the form provided by the commissioner within 180 days of the time of death
2.24 of the subject of the death record. This paragraph is not subject to the requirements specified
2.25 in Minnesota Rules, part 4601.2600, subpart 5, item B.