

MINNESOTA RULES

CHAPTER 4601
DEPARTMENT OF HEALTH
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4601.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4601.0100 to 4601.2600, the terms used have the meanings given them in this part.

Subp. 2. **Amendment.** "Amendment" has the meaning given in Minnesota Statutes, section 144.212, subdivision 1a.

Subp. 3. **Certified birth record.** "Certified birth record" means the portion of a registered birth record, certified by a registrar, printed in a standardized format according to parts 4601.2500 and 4601.2525 and Minnesota Statutes, section 144.225, subdivision 8, and subject to tangible interest requirements under part 4601.2600 and Minnesota Statutes, section 144.225, subdivision 7.

Subp. 4. **Certified death record.** "Certified death record" means the portion of a registered death record, certified by a registrar, printed in a standardized format according to parts 4601.2500 and 4601.2550 and Minnesota Statutes, section 144.225, subdivision 8, and subject to tangible interest requirements under part 4601.2600 and Minnesota Statutes, section 144.225, subdivision 7.

Subp. 5. **Civil registration information.** "Civil registration information" means the portion of a birth record describing the registrant and the date and place of birth. Civil registration information includes fact of birth and demographic information. Civil registration information does not include health information as defined under subpart 14.

Subp. 6. **Date.** "Date" means month, day, and year.

Subp. 7. **Date filed.** "Date filed" means the date a vital record is presented for registration.

Subp. 8. **Delayed registration.** "Delayed registration" has the meaning given in Minnesota Statutes, section 144.212, subdivision 2a.

Subp. 9. **Demographic information.** "Demographic information" means information required by the state registrar to describe characteristics of a registrant, the family of a registrant, and geographic locations pertinent to a registrant and a birth or death. Demographic information does not include health information as defined under subpart 14.

Subp. 10. **Fact of birth information.** "Fact of birth information" means information required by the state registrar to record the time and place a birth occurs and to identify the person born. Fact of birth information does not include health information as defined under subpart 14.

Subp. 11. **Fact of death information.** "Fact of death information" means information required by the state registrar to record the time and place a death occurs and to identify the person who is deceased. Fact of death information does not include cause and manner of death information.

Subp. 12. **Fetal death.** "Fetal death" means death of a product of human conception before the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy, that is not an induced termination of pregnancy. The death is indicated by the fact that after expulsion or extraction, the fetus does not breathe or show any other evidence of life, including beating of

the heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions. Respirations are to be distinguished from fleeting respiratory efforts or gasps.

Subp. 13. **Funeral establishment.** "Funeral establishment" has the meaning given in Minnesota Statutes, section 149A.02, subdivision 20.

Subp. 14. **Health information.** "Health information" means medical or statistical information from which an identification of risk for disease, disability, or developmental delay in a mother or child can be made.

Subp. 15. **Induced termination of pregnancy.** "Induced termination of pregnancy" means the purposeful interruption of an intrauterine pregnancy, with the intention other than to produce a live-born infant. This definition excludes management of prolonged retention of products of conception following fetal death.

Subp. 16. **Institution.** "Institution" has the meaning given in Minnesota Statutes, section 144.215, subdivision 5.

Subp. 17. **Live birth.** "Live birth" means the complete expulsion or extraction of a product of human conception from its mother, irrespective of the duration of pregnancy, that, after expulsion or extraction, breathes, or shows any other evidence of life, including beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions. Respirations are to be distinguished from fleeting respiratory efforts or gasps.

Subp. 18. **Notarized statement.** "Notarized statement" means a statement attested by a notary public who has fulfilled the requirements of Minnesota Statutes, sections 358.41 to 358.50 and chapter 359.

Subp. 19. **Physician.** "Physician" means a person with a valid license in good standing under Minnesota Statutes, chapter 147, to practice medicine as defined under Minnesota Statutes, section 147.081, subdivision 3, or a person currently licensed in good standing to practice medicine under the laws of the person's resident state or the state where the person is actively practicing medicine.

Subp. 20. **Register.** "Register" means the acceptance of a birth or a death record by a registrar as the official record of the birth or death.

Subp. 21. **Registrant.** "Registrant" means the subject of a birth or death record.

Subp. 22. **Registrar.** "Registrar" means a local registrar as defined under Minnesota Statutes, section 144.212, subdivision 10, or the state registrar as defined under Minnesota Statutes, section 144.212, subdivision 6.

Subp. 23. **Subregistrar.** "Subregistrar" means a licensed mortician who is authorized to issue a disposition permit or a transit permit as required by Minnesota Statutes, section 149A.93.

Subp. 24. **System of vital records.** "System of vital records" has the meaning given in Minnesota Statutes, section 144.212, subdivision 7.

Subp. 25. **Vital record.** "Vital record" has the meaning given in Minnesota Statutes, section 144.212, subdivision 8.

Subp. 26. **Vital records statistics.** "Vital records statistics" has the meaning given in Minnesota Statutes, section 144.212, subdivision 9.

Statutory Authority: *MS s 144.12; 144.213; 144.215; 144.221*

History: *25 SR 487; L 2001 ISp9 art 15 s 32; L 2015 c 21 art 1 s 109*

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4601.0200 DUTIES OF STATE REGISTRAR.

According to parts 4601.0100 to 4601.2600 and the Vital Records Act, Minnesota Statutes, sections 144.211 to 144.227, the state registrar must:

A. administer and enforce parts 4601.0100 to 4601.2600 and the Vital Records Act and issue instructions for the efficient administration of the system of vital records;

B. work in partnership with local registrars to maintain a system of vital records;

C. be the custodian of records of the system of vital records, including establishing a retention schedule for all information maintained in the system of vital records;

D. establish operating procedures for the system of vital records;

E. conduct training programs to promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital records;

F. develop and make available electronic and paper input and output forms for the submission, processing, and issuance of birth and death records;

G. establish a centralized electronic system for the processing of birth and death records, including reports of fetal deaths;

H. approve and order security paper for statewide use to print certified birth or death records according to part 4601.2500 and Minnesota Statutes, section 144.225, subdivision 8;

I. develop and implement procedures for local registrars to order the security paper described in item H;

J. obtain legal interpretations from the Office of the Attorney General when needed for issues related to processing birth, death, and fetal death records and receiving marriage and divorce data according to Minnesota Statutes, sections 144.223 and 144.224, and relay legal interpretations to local registrars; and

K. delegate duties and responsibilities to local registrars to ensure the efficient and secure operation of the system of vital records.

Statutory Authority: *MS s 144.12; 144.213; 144.215; 144.221*

History: 25 SR 487; L 2001 1Sp9 art 15 s 32; L 2015 c 21 art 1 s 109

Published Electronically: September 30, 2015

4601.0300 DUTIES OF LOCAL REGISTRARS.

According to parts 4601.0100 to 4601.2600 and the Vital Records Act, Minnesota Statutes, sections 144.211 to 144.227, a local registrar must:

- A. work in partnership with the state registrar to maintain a system of vital records;
- B. attend training conducted by the state registrar at least once per year;
- C. actively support and promote uniformity of policy and procedures throughout the state in matters pertaining to the system of vital records;
- D. use and actively support the use of the centralized electronic system of the state registrar for all vital records processing, including:
 - (1) actively promote the use of the system by funeral directors, hospitals, physicians, and other health care providers in the local registrar's county; and
 - (2) support electronic ordering of and payment for certified death records by funeral directors;
- E. be in compliance with the requirements of parts 4601.0100 to 4601.2600; the Vital Records Act; the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13; and other state or federal laws or regulations that apply to the system of vital records;
- F. refuse to accept a birth or death electronic or paper input form if the form is incomplete, inaccurate, illegible, or mutilated. The registrar must clearly communicate to the person filing the birth or death record why the electronic or paper input form is not acceptable and must provide the person with refiling instructions;
- G. process birth, death, and fetal death records, including entering the data into the electronic system of the state registrar;
- H. maintain paper birth and death records that are not part of the electronic system of the state registrar according to the retention schedule established by the state registrar;
- I. issue certified birth and death records;
- J. issue noncertified copies of birth and death records and provide other services related to vital records;
- K. order security paper approved by the state registrar to print certified birth and death records;
- L. amend and replace birth records and amend death records as instructed by the state registrar;

M. act as an agent of the state registrar and provide assistance to funeral directors, hospitals, physicians and other health care providers, and other individuals in matters related to the system of vital records;

N. refer matters related to the system of vital records according to parts 4601.0100 to 4601.2600 and as instructed by the state registrar;

O. comply with the procedures established by the state registrar; and

P. perform other duties as instructed by the state registrar.

Statutory Authority: *MS s 144.12; 144.213; 144.215; 144.221*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32; L 2015 c 21 art 1 s 109*

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4601.0400 FEES.

Subpart 1. **Statutory fees.** Fees for the following services related to vital records are in the amounts prescribed under Minnesota Statutes, section 144.226:

A. for issuing a copy, verification, or certification of a vital record, including a certification that a record cannot be found;

B. for replacing a birth record;

C. for filing a delayed registration;

D. for amending a vital record; and

E. for copying a document pertaining to a vital record.

Subp. 2. **Multiple copies.** If a person requests multiple copies of a record or certified birth or death record in the same transaction, the fee for each additional copy of an identical record or certified birth or death record is \$2, plus any applicable surcharges under Minnesota Statutes, section 144.226.

Subp. 3. **Replacing a birth record; adoption.** The fee for replacing a birth record following adoption is \$20.

Subp. 4. **Expedited fee.** For a service that is not requested in person, a registrar may charge a fee of \$20 to expedite the completion of a service related to a vital record if the requester wants the service completed faster than the service would be completed during the ordinary course of business. If a person is requesting multiple services related to the same record, the expedited fee is \$20 for that record. If the person is requesting a service for multiple records, the expedited fee is multiplied by the number of records. A registrar must not expedite a service and must not accept or must refund an expedited fee if the applicable requirements of parts 4601.0100 to 4601.2600 are not met by the requester at the time of the request.

Subp. 5. **Reports of vital record data.** A registrar must charge a fee of \$15 for a report that displays public birth or death data if the generation of that report is an automated feature of the electronic system of the state registrar. Data included in a report under this subpart are limited to one type of record, a time span of no greater than one year, and one county. Upon request, a registrar must provide a list of reports available.

Subp. 6. **Fees waived.**

A. When a fee for an amendment is charged according to Minnesota Statutes, section 144.226, and a certified birth or death record is issued in the same transaction, a registrar must waive the fee for the certified birth or death record if the person requesting the amendment and the certified birth or death record surrenders a previously issued record that is in error. Surcharges under Minnesota Statutes, section 144.226, apply.

B. A registrar must waive the fee for a report described in subpart 5 if:

(1) the report will be used by the Department of Health or by local government in the county where the report is generated; or

(2) the report will be used by the state registrar to fulfill a contractual obligation.

Statutory Authority: *MS s 144.12; 144.213; 144.215; 144.221*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32*

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4601.0500 NO FURTHER DOCUMENTATION REQUIRED.

The state or local registrar is not required to obtain further documentation to verify the contents of a birth or death record, except as provided under parts 4601.0100 to 4601.2600.

Statutory Authority: *MS s 144.12; 144.213; 144.215; 144.221*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

BIRTH RECORDS

4601.0600 FILING DOCUMENTATION OF BIRTH WITHIN FIRST YEAR OF BIRTH.

Subpart 1. **Births occurring in institution.** According to Minnesota Statutes, section 144.215, subdivision 5, the person in charge of an institution or that person's authorized designee must collect the required birth information, verify the accuracy of the information, and file documentation of birth with a registrar according to parts 4601.0100 to 4601.2600 for each birth that occurs in the institution and for each birth that occurs en route to the institution.

Subp. 2. **Births occurring outside institution.** According to Minnesota Statutes, section 144.215, subdivision 6, when a birth occurs outside of an institution, one of the following persons,

in the indicated order of preference, must collect the required birth information, verify the accuracy of the information, and file documentation of birth with a registrar according to subpart 6:

A. the physician or certified nurse midwife present at the time of the birth or immediately thereafter;

B. in the absence of a physician or certified nurse midwife, a person present at the time of the birth or immediately thereafter;

C. the father or mother of the child; or

D. in the absence or inability of the father or the mother, the person with primary responsibility for the premises where the child was born.

Subp. 3. **Infants of unknown parentage.** According to Minnesota Statutes, section 144.216, subdivision 1, whoever finds a live born infant of unknown parentage must file documentation of the birth with a registrar according to parts 4601.0100 to 4601.2600. Whoever assumes custody of a live born infant of unknown parentage must contact the state registrar and provide any information required that was not provided by the person who found the infant.

Subp. 4. **Birth information required.** The person filing the documentation of birth must include the following birth information in items A to C:

A. For a birth filed under subpart 1 or 2 or part 4601.0900, fact of birth, demographic, and health information associated with the birth as prescribed on an input birth record form supplied by the state registrar. A registrar may waive a birth information requirement if the person filing the documentation of birth can demonstrate that:

- (1) the information is not available through reasonable inquiries;
- (2) providing the information endangers the safety of the mother or child;
- (3) the mother of the child refuses to provide the information; or
- (4) the services of a health care provider were not used for prenatal care or delivery.

B. If birth information requirements are waived according to item A, at least the following information must be provided:

- (1) date and county of birth;
- (2) child's sex;
- (3) birth order if multiple birth; and
- (4) first name, middle name, and maiden surname of mother.

C. For infants of unknown parentage, the persons identified in subpart 3 must provide as much fact of birth information as possible. A registrar must register a birth record according to the following:

(1) if the actual date of birth cannot be determined, the date found must be recorded as the date of birth;

(2) if the actual place of birth cannot be determined, the place found must be recorded as the place of birth;

(3) the name given to the child by the custodian of the child must be recorded as the child's legal name; and

(4) the name and address of the custodian must be recorded as the name and address of the attendant.

Subp. 5. **Recognition of parentage.** If the mother and father of a child are not married at the time of birth and there is no presumption of paternity according to Minnesota Statutes, section 257.55, the father's name must not be entered on the birth record unless, at the time of filing, a recognition of parentage prepared according to Minnesota Statutes, section 257.75, accompanies the filing of birth documentation.

Subp. 6. **Additional evidence required.** To file documentation of birth with a registrar for a birth occurring outside an institution according to subpart 2:

A. The person filing documentation of birth must include the information required in subpart 4 and must present evidence that:

(1) the mother was pregnant;

(2) the child was born alive; and

(3) the mother was present in Minnesota on the date of the birth.

B. The registrar must determine if the evidence presented verifies the facts listed in item A. A document listed in subitems (1) to (3), if it meets the requirements of part 4601.1100, subpart 1, may be submitted:

(1) a notarized statement from a person who attended the birth that attests to item A, subitems (1) to (3);

(2) a postnatal medical record from a clinic or a hospital; or

(3) a prenatal medical record from a clinic or other health care provider that verifies that the mother was pregnant.

C. If a registrar determines that the documentation of birth meets the requirements of this part, the registrar must register the birth.

D. If a local registrar determines that the documentation of birth does not meet the requirements of this part, the local registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements of this part. The local registrar must notify the person of the option to file the documentation of birth with the state registrar.

E. If the state registrar determines that the documentation of birth presented does not meet the requirements of this part, the state registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements of this part and must notify the person of the right to petition a court to establish the record according to Minnesota Statutes, section 144.215, subdivision 7.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487*

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4601.0700 BIRTHS IN MOVING CONVEYANCE.

When a birth occurs in a moving conveyance within the United States, while in international waters or air space, or in a foreign country or its air space and the child is first removed from the conveyance in Minnesota, the birth must be registered in Minnesota and the place where the child is first removed is considered the place of birth. The birth record must include the type of conveyance.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.0800 MONTHLY REPORT OF BIRTHS.

This part applies only to an institution that does not file documentation of birth through the centralized electronic system of the state registrar. The person in charge of the institution or that person's authorized designee must submit to the state registrar, on or before the tenth day of each month, a report of all births occurring in the institution and all births occurring en route to the institution during the previous month. The report must be in a format approved by the state registrar.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.0900 DELAYED BIRTH REGISTRATION.

Subpart 1. **Delayed registration.** For a person born in Minnesota whose birth is not recorded, the registrant age 18 or older, parent, guardian, or legal representative who demonstrates tangible interest may file with a registrar documentation of birth for a delayed registration of birth. The person filing the documentation of birth must use a form prescribed by the state registrar and provide a certified statement that a birth record is not on file in Minnesota. In addition to meeting the requirements of part 4601.0600, subpart 4, documentation of birth for a delayed registration must meet the requirements of this part.

Subp. 2. **Verification by registrar.** Before registering the birth record, the registrar must ensure that no prior birth record is registered for the person whose birth is to be registered.

Subp. 3. **Delayed registration within seven years of birth.** To file documentation of birth for a delayed registration of birth within seven years of the birth:

A. A person filing the documentation must provide the information required under part 4601.0600, subpart 4.

B. For a birth that occurred in or en route to an institution, the person filing the documentation must provide:

(1) a notarized statement from the person in charge of the institution where the birth occurred or that person's designee responsible for filing documentation of birth for the institution, substantiating the fact of birth and documenting the reason for the delay in filing the documentation of birth; or

(2) a notarized statement from the physician, certified nurse midwife, or other person who attended the birth, substantiating the fact of birth and documenting the reason for the delay in filing the documentation of birth.

C. For a birth that did not occur in or en route to an institution or if the institution cannot substantiate the fact of birth information, documentation must include:

(1) the additional evidence required under part 4601.0600, subpart 6;

(2) a document substantiating the registrant's name, date of birth, name of the mother, and name of the father if the parents were married or if paternity is legally established; and

(3) a notarized statement as described in part 4601.0600, subpart 6, item B, subitem (1).

D. A document submitted must meet the requirements of part 4601.1100, subpart 1.

E. If a registrar determines that the documentation of birth meets the requirements of this part, the registrar must register the birth.

F. If a local registrar determines that the documentation of birth does not meet the requirements of this part, the local registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The local registrar must notify the person of the option to file documentation of birth with the state registrar.

G. If the state registrar determines that the documentation of birth does not meet the requirements of this part, the state registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The state registrar must notify the person of the right to petition a court to establish the record according to Minnesota Statutes, section 144.217, subdivision 2.

Subp. 4. **Delayed registration seven or more years after birth.** To file documentation of birth for a delayed registration of birth seven or more years after the birth:

A. A person filing documentation of birth must provide the information required under part 4601.0600, subpart 4.

B. The person filing documentation of birth must provide evidence of:

- (1) the name of the person at the time of birth;
- (2) the date and place of birth;
- (3) the name of the mother; and
- (4) the name of the father if the parents were married or if paternity is legally established.

C. The following documentation is required:

(1) at least two documents to support the registrant's name, date, and place of birth. If the earliest document presented to substantiate the date or place of birth was established more than seven years after birth, one additional document is required; and

- (2) a document to support the facts of parentage.

D. All documents submitted must meet the requirements of part 4601.1100, subpart 1.

E. If a registrar determines that the documentation of birth meets the requirements of this part, the registrar must register the birth.

F. If a local registrar determines that the documentation of birth does not meet the requirements of this part, the local registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The local registrar must notify the person of the option to file documentation of birth with the state registrar.

G. If the state registrar determines that the documentation of birth does not meet the requirements of this part, the state registrar must notify the person who presented the information of the reasons the information or evidence presented does not meet the requirements. The state registrar must notify the person of the right to petition a court to establish the record according to Minnesota Statutes, section 144.217, subdivision 2.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.1000 BIRTH RECORD AMENDMENTS.

Subpart 1. **Requesting amendment.** A registrant age 18 or older or the registrant's parent, legal guardian, or legal representative may request a registrar to amend the civil registration information in a birth record. The person requesting the amendment must demonstrate tangible interest in the birth record to be amended according to part 4601.2600 and Minnesota Statutes, section 144.225, subdivision 7.

Subp. 2. Amending within 45 days and before issuance.

A. A parent of the registrant or the person who filed the documentation of birth according to part 4601.0600 or 4601.0900 may request an amendment of the registrant's birth record under this subpart. An amendment requested under this subpart must:

(1) be made to a registrar within 45 days of the date filed and before the date of issuance of the first certified birth record; and

(2) be limited to changes to the registrant's name, correction of information originally recorded in error, or the provision of missing information. Changes to the registrant's name are limited to spelling corrections if a document that established the legal name of the child has been processed by a registrar.

B. If the registrar determines that the requested amendment meets the requirements of this subpart, the registrar must amend the record. Amendments to the registrant's birth record made under this subpart must not be noted on a certified birth record.

Subp. 3. Amending after 45 days or issuance.

A. If a request to amend a birth record is made more than 45 days after the date filed, if a certified birth record has been issued, or if the requested amendment does not meet the requirements of subpart 2, item A, subitem (2), the person requesting the amendment must provide the following documentation:

(1) at least two documents to support the amendment of an item that appears on the standardized format for a certified birth record as described in parts 4601.2500 and 4601.2525; or

(2) a document to support the amendment of any other item on the civil registration information of the birth record.

B. A document submitted to a registrar must meet the requirements of part 4601.1100, subpart 1.

Subp. 4. Adding information after 45 days or issuance. A document to support the addition of an item on the civil registration information of a birth record is required to add missing information to a birth record if the request is made more than 45 days after the date filed or if a certified birth record has been issued. A document submitted to a registrar must meet the requirements of part 4601.1100, subpart 1.

Subp. 5. Amending information previously amended. A person must contact the state registrar with a written request for an amendment if the amendment requested is to information that has been previously amended.

Subp. 6. Verification by registrar. Before amending a birth record, a registrar must review the documents submitted. If the registrar determines that the documents presented meet the requirements of this part, the registrar must amend the record. If the requested amendment is to information that has been previously amended or if a local registrar determines that the documents presented do not meet the requirements of this part, the local registrar must notify the person of the

option to request the amendment through the state registrar. If the state registrar determines that the documents presented do not meet the requirements of this part, the state registrar must notify the person of the right to appeal to a court of competent jurisdiction.

Subp. 7. **Court order.** If a court order is presented by a person requesting an amendment according to subpart 1, a registrar must add or change information that the court order specifically directs the registrar to add or change. To add or change information that the court order does not specifically direct, the person must present the evidence required under subpart 3 or 4.

Subp. 8. **Establishment of paternity.** To change the father recorded on a birth record because of establishment or revocation of paternity:

A. if the request is made within 45 days after the date filed and before the issuance of a certified birth record and documentation of paternity is provided according to part 4601.1300, subpart 1, items B to D, the registrar must change the father recorded on the birth record; or

B. if the request is made more than 45 days after the date filed or if a certified birth record has been issued, the person must request a replacement record under part 4601.1300.

Subp. 9. **Amending health information.** A person who filed the documentation of birth under part 4601.0600 or 4601.0900 or the biological mother of the registrant may request the state registrar to amend the health information of a birth record according to items A and B.

A. Requests to amend health information on the birth record must be made to the state registrar on a form prescribed by the state registrar and must include a notarized statement of approval from the entity that originally filed the documentation of birth. Upon receipt of a request and a notarized statement, the state registrar must amend the health information on the birth record.

B. If a request to amend health information on the birth record is received directly from the entity that originally filed the documentation of birth, the state registrar must waive the requirement for the notarized statement.

Subp. 10. **Corrections and amendments by state registrar.** If a birth occurs in Minnesota and the state registrar finds that the information provided in the documentation of birth is not accurate, the state registrar must contact the person who filed the documentation of birth to request correction of the information. If the person who filed the documentation of birth cannot be located, the state registrar must consider the record in error and must not issue a certified birth record until corrections are made.

Subp. 11. **Amending replaced record.** A request for an amendment to a record that has been replaced under part 4601.1300 must be made to the state registrar and must include a notarized statement agreeing to the amendment from the registrant and each parent whose name appears on the birth record or whose name is requested to be added to the birth record through the amendment.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32*

Published Electronically: *July 26, 2007*

4601.1100 REQUIREMENTS FOR DOCUMENTS SUBMITTED.

Subpart 1. **Document requirements.** The documents submitted to support a birth registration or amendment must:

- A. be legible;
- B. be without any sign of erasure, alteration, or change of the pertinent information;
- C. indicate the date and by whom the original document was made;
- D. be the original document or authenticated as a true document by the issuing agent;
- E. for a registrant age seven years or over, have been established at least seven years before the date of the request for a birth registration or amendment or within three years of the date of birth; and
- F. for a registrant under seven years of age, have been established at least one year before the date of the request for a birth registration or amendment or within the first year of life.

Subp. 2. **Acceptable documents.** A registrar may accept a document listed in items A to J if the registrar determines that the document is sufficient to support the requested amendment and that the document meets the requirements of subpart 1:

- A. a notarized statement of a physician, certified nurse midwife, or traditional lay midwife who attended the birth;
- B. a school record;
- C. a social security number history (Numident) printout from the Social Security Administration;
- D. a United States military discharge;
- E. a valid United States passport;
- F. a hospital or clinic record;
- G. a United States census record;
- H. a marriage certificate;
- I. a naturalization certificate, alien registration card, or other documentation issued by United States Citizenship and Immigration Services; or
- J. a tribal enrollment record.

Subp. 3. **Other documents.** A registrar may accept a document not listed in subpart 2 if the registrar determines that the document is sufficient to support the requested amendment and that the document meets the requirements of subpart 1.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: 25 SR 487; L 2007 c 13 art 1 s 25

Published Electronically: July 26, 2007

4601.1200 SUMMARY OF DOCUMENTATION SUBMITTED.

A registrar must record on the electronic system of the state registrar a summary of each document submitted to support the facts shown on the birth record being registered or amended, including:

- A. the title or description of the document;
- B. the source of the document;
- C. the name of the person who issued or signed the document;
- D. the date the document was created; and
- E. the date the document was issued or signed.

Statutory Authority: MS s 144.12; 144.213; 144.215

History: 25 SR 487

Published Electronically: July 26, 2007

4601.1300 REPLACEMENT BIRTH RECORD.

Subpart 1. **Registering replacement record.** The state registrar must register a replacement record. The state registrar may delegate the responsibility to register a replacement to a local registrar if the state registrar determines that a local registrar has the training and resources to register the replacement records. A replacement record must be registered:

- A. upon receipt of a certified copy of an order, decree, or certificate of adoption according to Minnesota Statutes, section 144.218, subdivision 1;
- B. if a birth record of a child has been registered and the birth parents of the child marry after the birth of the child according to Minnesota Statutes, section 144.218, subdivision 3. The state registrar must register the replacement record upon receipt of a certified copy of the marriage certificate of the birth parents and either a recognition of parentage or court adjudication of paternity;
- C. upon receipt of a court order according to Minnesota Statutes, section 144.218, subdivision 4;
- D. upon receipt of a declaration of parentage, a recognition of parentage, or a court order according to Minnesota Statutes, section 257.73; or
- E. according to any other applicable state or federal statutes or regulations.

Subp. 2. Changing original birth record.

- A. A replacement record must contain all of the information from the original record except:

(1) a registrar must change information that a court order specifically directs the registrar to change;

(2) a registrar must change parent and registrant information provided to a registrar on a certificate of adoption. If the birth mother is not named as a parent on the replacement birth record, health information and any civil registration information that would identify the birth mother will not be included on the replacement record; and

(3) in the case of a paternity adjudication, recognition of parentage, or declaration of parentage, a registrar must add the father's information when creating a replacement record. According to Minnesota Statutes, section 144.215, subdivision 3, if the court order does not declare the name of the child, a registrar must change the surname of the child to the surname of the father if both parents request the change in writing.

B. Changes to the replacement record other than those permitted under item A must be requested as an amendment under part 4601.1000.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.1400 EXPUNGEMENT OF BIRTH RECORDS.

The state registrar must expunge a birth record if the state registrar finds that the birth documented by the record did not occur in Minnesota. This part does not apply to a birth record registered according to Minnesota Statutes, section 144.218, subdivision 2, for a person who was born in a foreign country and adopted in Minnesota.

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

DEATH RECORDS

4601.1500 DOCUMENTATION OF DEATH.

Documentation of death must be filed with a registrar by the mortician, funeral director, or other person in charge of disposition of the body. The fact of death and demographic information must be filed before interment or other disposition of the body. The mortician, funeral director, or other person in charge of disposition of the body must provide the documentation of death to a registrar according to parts 4601.0100 to 4601.2600.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.1600 COLLECTING AND PROVIDING DOCUMENTATION OF DEATH.

Subpart 1. **Collecting death and demographic information.** The mortician, funeral director, or other person in charge of disposition of the body must collect fact of death and demographic information. Fact of death information may be collected from the hospital or nursing home where the death occurred or from the coroner or medical examiner. Demographic information may be collected from relatives or friends of the deceased, hospital or institutional records, the records of a coroner or medical examiner, or another source if the person collecting the information determines that the information provided is accurate.

Subp. 2. **Providing information to registrar.** The person in charge of disposition of the body must provide to the registrar the fact of death and demographic information and the name of the physician who agrees to provide the cause of death information or the name of the coroner or medical examiner who agrees to or is required to provide the cause of death information. The state registrar or person in charge of disposition of the body must contact the physician to request the cause of death information.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.1700 PLACE AND TIME OF DEATH.

The place where death is pronounced is considered the place where death occurred. If the place of death is unknown but the dead body is found in Minnesota, the place where the body is found is considered the place of death. If the date of death is unknown, the date the body is found is considered the date of death. When a death occurs in a moving conveyance and the body is first removed in Minnesota, documentation of death must be filed in Minnesota and the place of death is considered the place where the body is first removed from the conveyance.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.1800 PROVIDING CAUSE OF DEATH INFORMATION.

Cause of death information for each death that occurs in Minnesota may be provided only by a physician, coroner, or medical examiner. A physician who provides the cause of death must be a physician present at the time of death, a physician or associate of a physician who provided medical treatment for the deceased before death, or a physician who has direct knowledge of the circumstances and cause of death and has access to the medical record of the deceased. Cause of death information must be provided to a registrar according to parts 4601.0100 to 4601.2600.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487*

NOTE: The legislature passed the following language in Laws 2017, chapter 59, section 16:

Sec. 16. RULE CHANGE.

Minnesota Rules, part 4601.1800, shall be modified to read as follows until the commissioner of health can revise the rule under Minnesota Statutes, chapter 14:

"Cause of death information for each death that occurs in Minnesota may be provided only by a physician, advanced practice registered nurse, physician assistant, coroner, or medical examiner. The physician, advanced practice registered nurse, or physician assistant who provides the cause of death must be the physician, advanced practice registered nurse, or physician assistant who was present at the time of death; the physician, advanced practice registered nurse, physician assistant, or an associate of the physician, advanced practice registered nurse, or physician assistant who provided medical treatment for the deceased before death; or a physician, advanced practice registered nurse, or physician assistant who has direct knowledge of the circumstances and cause of death and has access to the medical record of the deceased. Cause of death information must be provided to a registrar according to parts 4601.0100 to 4601.2600."

EFFECTIVE DATE. This section is effective the day following final enactment and applies to Minnesota Rules, part 4601.1800, until the commissioner modifies it. This change does not affect the commissioner's rulemaking authority to modify the rule as conditions change or circumstances indicate.

Published Electronically: *August 17, 2017*

4601.1900 MONTHLY FUNERAL ESTABLISHMENT REPORT.

This part applies only to a funeral establishment that does not file documentation of death through the centralized electronic system of the state registrar. The person in charge of the funeral establishment or that person's authorized designee must submit to the state registrar, on or before the tenth day of each month, a report of all deaths during the previous month for which a mortician or funeral director affiliated with the funeral establishment was responsible for collecting and providing documentation of death according to part 4601.1600. The submitted report must be in a format approved by the state registrar.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.2000 DOCUMENTATION OF DEATH; DELAYED REGISTRATION OF DEATH.

Documentation of death for a delayed death registration must be filed with a registrar according to parts 4601.1500 to 4601.1800 within five days of the discovery that documentation of death has not been filed. If fact of death, demographic, and cause of death information cannot be provided, a court order establishing the fact of death is required to register the death.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.2100 DEATH RECORD AMENDMENTS.

Subpart 1. **Requesting amendment.** Any person may request a death record amendment. To amend fact of death or demographic information on a death record, a person requesting the

amendment must choose one of the options described in subparts 2 to 6. To amend cause of death information on a death record, a person requesting the amendment must comply with subpart 9.

Subp. 2. Amending within 45 days and before issuance.

A. The informant who provided the original information or the person who filed documentation of death according to part 4601.1500 or 4601.2000 may request an amendment of a death record under this subpart. An amendment requested under this subpart must:

(1) be made to a registrar within 45 days of the date filed and before the date of issuance of the first certified death record; and

(2) be limited to correction of information originally recorded in error or the provision of missing information.

B. If the registrar determines that the requested amendment meets the requirements of this subpart, the registrar must amend the record. Amendments to the death record made under this subpart must not be noted on a certified death record.

Subp. 3. Amending through funeral establishment. To amend fact of death or demographic information through a funeral establishment:

A. A person may contact the funeral establishment that originally filed the documentation of death to request an amendment if the amendment is requested within one year of the death.

B. If the person in charge of the funeral establishment or that person's authorized designee agrees to process the amendment, the person in charge of the funeral establishment or that person's authorized designee must ask the informant who provided the original information for approval of the requested amendment. If the informant approves the amendment in writing, the person in charge of the funeral establishment or that person's authorized designee must request that a registrar amend the record. Upon receipt of a written request on a form prescribed by the state registrar, a registrar must amend the record.

C. If the person in charge of the funeral establishment or that person's authorized designee refuses to process the amendment, the person in charge of the funeral establishment or that person's authorized designee must refer the person requesting the amendment to a registrar according to subparts 5 and 6.

Subp. 4. Amending through informant. If an amendment is requested within one year of a death and the requesting person knows the informant who provided the original information, the person requesting an amendment may contact the informant directly with a request for an amendment. If the informant agrees with the requested amendment, the informant must present to a registrar a notarized statement that states the informant is the informant named on the original documentation of death, that the requested amendment is accurate, and that the informant agrees to the requested amendment. Upon receipt of the notarized statement, a registrar must amend the record.

Subp. 5. Amending through registrar.

A. If an amendment is requested within five years of a death, the person requesting the amendment may contact a registrar to make the amendment. The person requesting the amendment must:

- (1) request the amendment on a form prescribed by the state registrar; and
- (2) when a change in the deceased's name, date of death, place of death, date of birth, parentage, spouse's name, maiden name, marital status, social security number, or sex is requested, present legal documentation that is acceptable under item B.

B. To be acceptable legal documentation, the document must support the requested amendment, meet the requirements of part 4601.1100, subpart 1, items A to D, and be one of the following:

- (1) a birth record;
- (2) a marriage certificate;
- (3) a divorce decree;
- (4) a legal description of the place of death that has been properly recorded with the county recorder;
- (5) a social security number history (Numident) printout from the Social Security Administration;
- (6) for date or place of death, a notarized statement from a person who was present at the death that verifies the accuracy of the requested change; or
- (7) a court order that instructs a registrar to make the requested change.

C. If the registrar determines that the legal documentation is sufficient to support the requested amendment, the registrar must amend the death record.

D. A local registrar must forward the request for amendment and any supporting documentation to the state registrar to be evaluated according to the criteria in subpart 7 if a request includes one of the following:

- (1) an amendment to fact of death or demographic information other than the information listed in item A, subitem (2);
- (2) an amendment to information that has been previously amended; or
- (3) an amendment requested without sufficient legal documentation.

Subp. 6. Amending through state registrar. A person requesting an amendment must contact the state registrar with a written request for an amendment when:

- A. the person is requesting an amendment more than five years after the date of death;

B. the person is requesting an amendment to fact of death or demographic information other than the information listed in subpart 5, item A, subitem (2);

C. the person is requesting an amendment to information that has been previously amended;
or

D. the person cannot provide acceptable legal documentation according to subpart 5, item B.

Subp. 7. Evaluation by state registrar.

A. When requesting an amendment through the state registrar according to subpart 6, a person must request the amendment on a form prescribed by the state registrar and provide documentation to support the accuracy of the requested amendment.

B. The state registrar must consider:

(1) the extent and type of documentation presented;

(2) the ability of the state registrar to authenticate the documentation presented;

(3) whether changing the record as requested is prohibited by law;

(4) the impact that the requested amendment would have on the use of the certified death record as a legal document; and

(5) the impact that the requested amendment would have on the use of the death record as a statistical or historical record.

C. If the state registrar determines that the supporting documentation is sufficient to justify the requested amendment, the state registrar must amend the death record. If the state registrar determines that the supporting documentation is not sufficient to justify the requested amendment, the state registrar must notify the requester of the option to seek a court order to require the state registrar to amend the record.

Subp. 8. Corrections and amendments by state registrar. If the state registrar finds that the fact of death or demographic information in a death record is not accurate, the state registrar must contact the mortician, funeral director, or other person who filed the original documentation of death to request correction of the information. If the mortician, funeral director, or other person who filed the documentation of death cannot be located or cannot provide the requested correction, the state registrar must consider the record in error and must not issue a certified death record until corrections are made.

Subp. 9. Amending cause of death information. Requests to amend cause of death information must be made to the state registrar on a form prescribed by the state registrar and must include a notarized statement of approval from the physician who originally provided the cause of death information or a notarized statement of approval from a coroner or medical examiner of the county where the death occurred. Upon receipt of a request and a notarized statement, the state registrar must amend the cause of death information. If a request to amend cause of death information is

received directly from a physician who originally provided the cause of death information or from a coroner or medical examiner of the county where the death occurred, the state registrar must waive the requirement for the notarized statement.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32*

Published Electronically: *July 26, 2007*

4601.2200 FETAL DEATH REPORTING.

Subpart 1. [Repealed, L 2005 c 60 s 7]

Subp. 2. **Fetus delivered in moving conveyance.** When a fetus is delivered in a moving conveyance and the fetus is first removed from the conveyance in Minnesota, the place of delivery is the place where the fetus is first removed.

Subp. 3. **Monthly report.** This subpart applies only to an institution that does not report fetal deaths through the centralized electronic system of the state registrar. The person in charge of the institution or that person's authorized designee must submit to the state registrar, on or before the tenth day of each month, a report of all fetal deaths occurring in the institution and all fetal deaths occurring en route to the institution during the previous month. The submitted report must be in a format approved by the state registrar.

Subp. 4. **Correcting reports.** The mother named on the fetal death report or the person who filed the report according to subpart 1 may submit a request to the state registrar to correct information on a fetal death report. Upon receipt of a signed statement identifying the information in error and providing the correct information, the state registrar must correct the fetal death report. If the fetal death report has been destroyed according to subpart 5, the state registrar must notify the person requesting the correction that the record has been destroyed and the correction will not be made.

Subp. 5. **Disposition of reports.** Reports of fetal deaths are statistical reports only. Retention of fetal death reports is governed by the Department of Health's record retention schedule.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487; L 2005 c 60 s 7*

Published Electronically: *July 26, 2007*

4601.2300 FETAL DEATH NOTIFICATION.

A mortician or funeral director in charge of disposition of the remains must notify the state registrar of a fetal death. The notification must be presented in a medium and format approved by the state registrar.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

4601.2400 EXPUNGEMENT OF DEATH AND FETAL DEATH RECORDS.

The state registrar must expunge a death or fetal death record if the state registrar finds that the death or fetal death documented by the record did not occur in Minnesota.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487*

Published Electronically: *July 26, 2007*

CERTIFICATE FORM AND ISSUANCE**4601.2500 REQUIREMENTS FOR CERTIFIED BIRTH OR DEATH RECORD.**

Subpart 1. **Security paper.** A certified birth or death record must be printed on security paper. The state registrar must approve and provide access to security paper for statewide use. Local registrars must order security paper approved by the state registrar. To approve and provide access to security paper for statewide use, the state registrar must consider:

- A. what security paper characteristics are needed to effectively reduce the potential for fraud;
- B. the cost of the security paper;
- C. the cost-effectiveness of options for distribution of the security paper;
- D. the availability of security paper with the required features;
- E. the type and characteristics of security paper used for certified birth and death records in other states;
- F. applicable state and federal regulations; and
- G. recommendations of national organizations and government entities.

Subp. 2. **Signature required.** The facsimile or actual signature of the state registrar must appear on a certified birth or death record.

Subp. 3. **Seal required.** The seal of the state of Minnesota must be part of the security paper.

Statutory Authority: *MS s 144.12; 144.213; 144.215; 144.221*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32*

Published Electronically: *July 26, 2007*

4601.2525 REQUIREMENTS FOR CERTIFIED BIRTH RECORD.

Subpart 1. **Data items required.** A certified birth record must be in a format prescribed by the state registrar and include the date issued, the county or office of issuance, and the following items, if the items are present on the birth record:

- A. registrant's first name, middle name, last name, and suffix;

- B. date and time of birth;
- C. first name, middle name, last name, and suffix of an alias;
- D. sex;
- E. county and either city or township of birth;
- F. mother's first name, middle name, and maiden surname;
- G. state or foreign country of the mother's birthplace;
- H. father's first name, middle name, and last name;
- I. state or foreign country of the father's birthplace; and
- J. date the record was filed.

Subp. 2. **Amendments to birth records; notation.** Except as provided in part 4601.1000, subpart 2, an amendment must be noted on a certified birth record as follows:

A. if the name or date of birth of the registrant has been amended, the amendment must be noted on the certified birth record with the label of the item amended, date of amendment, and the basis for the amendment; and

B. if the information under subpart 1, items C to J, has been amended, the amendment must be noted on the certified birth record with the following statement: "A data item other than the registrant's name or date of birth was amended on this birth record on," followed by the date of the amendment. The specific data item amended must not be identified.

Subp. 3. **Deceased person.** If a registrant is deceased and documentation of death has been filed or the state registrar has received notification of the death from another state, the word "deceased" must appear as a watermark across the center of the record, in a border, note field, or other highlighted area on the certified birth record.

Subp. 4. **Foreign adoption birth record.** For a birth record that is registered according to Minnesota Statutes, section 144.218, subdivision 2, for a person who was born in a foreign country and adopted in Minnesota, the certified birth record must include the following statement: "This birth record is not evidence of United States citizenship."

Subp. 5. **Infant of unknown parentage.** For a birth record that is registered according to Minnesota Statutes, section 144.216, for an infant of unknown parentage, the certified birth record must include the following statement: "This birth record was registered according to Minnesota Statutes, section 144.216, for an infant of unknown parentage." This subpart does not apply to a replacement record registered according to Minnesota Statutes, section 144.216, subdivision 2, if the child is subsequently identified or the birth record is found.

Subp. 6. **Delayed registration of birth.** For a birth record that is registered according to Minnesota Statutes, section 144.217, as a delayed registration of birth, a certified birth record must

include the following statement: "This birth record was registered according to Minnesota Statutes, section 144.217, as a delayed registration of birth."

Statutory Authority: *MS s 144.12; 144.213; 144.215*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32*

Published Electronically: *July 26, 2007*

4601.2550 REQUIREMENTS FOR CERTIFIED DEATH RECORD.

Subpart 1. **Data items required; fact of death.** A fact of death certified death record must be in the format prescribed by the state registrar and include the date issued, the county or office of issuance, and the following items, if the items are present on a death record:

- A. first name, middle name, last name, and suffix of the deceased;
- B. maiden surname of the deceased;
- C. first name, middle name, last name, and suffix of an alias of the deceased;
- D. sex;
- E. social security number;
- F. date of death;
- G. county and either city or township of death;
- H. date of birth;
- I. city and state or foreign country of birth;
- J. father's first name, middle name, and last name;
- K. mother's first name, middle name, and maiden surname;
- L. marital status;
- M. first name, middle name, and last name or maiden surname of a spouse, if married;
- N. county, state, and either city or township of residence;
- O. name of the funeral establishment; and
- P. date the documentation of death was filed.

Subp. 2. **Data items required; fact and cause of death.** A fact and cause of death certified death record must be in the format prescribed by the state registrar and include the following items, if the items are present on the death record:

- A. all of the items required under subpart 1;
- B. immediate cause of death;

- C. underlying cause of death;
- D. conditions contributing to the death;
- E. manner of death; and
- F. name and address of the physician who provided the cause of death information.

Subp. 3. **Amendments to death records; notation.** Except as provided in part 4601.2100, subpart 2, an amendment to any item listed in subpart 1 must be noted on a certified death record.

Statutory Authority: *MS s 144.12; 144.213; 144.221*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32*

Published Electronically: *July 26, 2007*

4601.2600 TANGIBLE INTEREST.

Subpart 1. **Application; birth or death record.** An application for a certified birth or death record must be made on a form prescribed by a registrar or contain the information required in this part. An application must be made to a registrar and accompanied by the required fee and documentation. If the applicant is alleging to have tangible interest because a certified birth or death record is necessary for the protection or determination of a personal or property right, the applicant must apply for issuance of a certified birth or death record to the state registrar and provide supporting documentation. The state registrar must evaluate the application according to the criteria described in subpart 12.

Subp. 2. Registrant information.

A. To request a certified birth record, the applicant must provide the following information about the registrant:

- (1) first name, middle name, and last name;
- (2) sex;
- (3) date of birth;
- (4) county of birth;
- (5) mother's first name, middle name, and maiden surname; and
- (6) father's first name, middle name, and last name.

B. To request a certified death record, the applicant must provide the following information about the registrant:

- (1) first name, middle name, and last name;
- (2) county of death; and
- (3) date of death.

- C. A registrar may accept estimates of or waive a requirement listed in items A and B if:
- (1) the applicant does not have exact knowledge of the information; and
 - (2) the applicant has provided sufficient information for the registrar to locate the record.

Subp. 3. **Applicant information.**

A. To request a certified birth or death record, the applicant must provide the following information about the applicant:

- (1) first name, middle name, and last name;
- (2) home or business address;
- (3) telephone number;
- (4) date of birth;
- (5) signature of the applicant;
- (6) date the application is signed; and
- (7) a statement of the relationship of the applicant to the registrant demonstrating tangible interest according to Minnesota Statutes, section 144.225, subdivision 7.

B. A registrar may waive the requirement for a telephone number under item A, subitem (3), if the applicant states that the applicant does not have a business or home telephone. The registrar may waive the requirement for the middle name under item A, subitem (1), if the applicant states that the applicant does not have a middle name.

Subp. 4. **Application form; statutory authority.** A registrar must provide an application form or instructions accompanying an application form that includes the statutory authority for collecting the application information, the consequences for not providing the information, and the penalty for providing false information.

Subp. 5. **Identification required.** An applicant must provide a completed application as described in subparts 1 to 3 and, except as noted in subpart 6, provide documentation of identity as follows in items A and B.

A. For an application made in person, the applicant must provide a document of identity that readily identifies the applicant. To be accepted by a registrar, the document of identity must include the applicant's signature and photograph or physical description and the registrar must be able to authenticate the document with the issuing entity. If a normally acceptable document of identity was issued so long ago that the registrar determines that it no longer readily identifies the applicant, an applicant must provide a document of identity that was issued more recently. A document of identity that has been altered or changed in any way is not acceptable.

B. For an application not made in person, the application must be notarized according to Minnesota Statutes, sections 358.41 to 358.50.

Subp. 6. **Acceptable identification not available.** If an applicant does not have an acceptable document of identity or if an applicant provides a signed statement that no document of identity is available, to obtain the certified birth or death record, the applicant must have a witness attest to the applicant's identity. The witness must:

- A. have known the applicant for at least two years;
- B. complete a statement to identify as described in subpart 7; and

C. accompany the applicant, sign the statement to identify in the presence of a registrar, and present an acceptable document of identity according to subpart 5, item A, and either subpart 8 or 9. If a witness cannot accompany an applicant to a registrar's office, the witness' signature must be notarized on a statement to identify according to subpart 7.

Subp. 7. **Statement to identify.**

A. A completed statement to identify must include the following information about the witness:

- (1) first name, middle name, and last name;
- (2) home or business address;
- (3) telephone number;
- (4) date of birth;
- (5) number of years the witness has known the applicant;
- (6) relationship of the witness to the applicant or the basis for the witness' knowledge of the applicant;
- (7) signature of the witness;
- (8) date the statement to identify is signed by the witness; and
- (9) a sentence relating the statement to identify to a specific application for a certified birth or death record. If the completed statement to identify is included as part of a completed application form provided by a registrar, no sentence is required.

B. A registrar may waive the requirement for a telephone number under item A, subitem (3), if the witness states that the witness does not have a business or home telephone. The registrar may waive the requirement for the middle name under item A, subitem (1), if the witness states that the witness does not have a middle name.

Subp. 8. **Acceptable document of identity.** A registrar must accept a document listed in items A to I as meeting the requirements of subpart 5, unless the registrar determines that the document was issued too long ago to readily identify the applicant or witness, the document has been altered or changed, or there is evidence of fraud on the face of the document. Acceptable documents include:

A. an unexpired picture driver's license issued according to Minnesota Statutes, section 171.07, or according to the laws of another state or territory of the United States. A temporary driver's license or learner's permit is not acceptable;

B. an unexpired state picture identification card issued according to Minnesota Statutes, section 171.07, or according to the laws of another state or territory of the United States;

C. an unexpired federal, state, or local government employee picture identification card issued by a government entity located in the United States;

D. an unexpired aircraft pilot's license issued by the United States Department of Transportation, Federal Aviation Administration;

E. an unexpired United States military picture identification card;

F. an unexpired United States passport;

G. for an applicant who is not a registrant, an unexpired Canadian passport;

H. for an applicant who is not a registrant, an unexpired passport from another jurisdiction with:

(1) a United States Citizenship and Immigration Services, arrival and departure form I-94 attached, bearing the same name as that on the passport and containing an unexpired endorsement of the alien's nonimmigrant status; or

(2) an unexpired I-551 stamp; or

I. for an applicant who is not a registrant, one of the following documents issued by the United States Department of Justice, United States Citizenship and Immigration Services, or a subsequent form or version of a document specified in this item:

(1) a naturalization certificate form (form N-550 or N-570);

(2) a certificate of citizenship (form N-560 or N-561);

(3) a United States citizen identification card (form I-179 or I-197);

(4) a valid permanent resident or resident alien card (form I-551 or I-151);

(5) a Northern Mariana card (form I-873 with "Northern Mariana" imprinted instead of resident alien);

(6) an American Indian card (form I-872 with "American Indian" imprinted instead of resident alien);

(7) an unexpired employment authorization document with a photograph (form I-688, I-688A, I-688B, or I-766); or

(8) an unexpired reentry permit/refugee travel document (form I-571).

Subp. 9. Documents acceptable with discretion.

A. A registrar may accept a document not listed in subpart 8 if the registrar determines that the document meets the requirements of subpart 5.

B. A registrar may accept one of the following documents as a document of identity if the document is known to be reliable and valid in the county where the application for a certified birth or death record is made and if the document meets the requirements for an acceptable document of identity described in subpart 5:

- (1) a business or industrial identification card or pass; or
- (2) a school or college identification card.

Subp. 10. Delay to authenticate. A registrar may delay issuance of a certified birth or death record if the registrar needs more time to authenticate a document of identity with the entity who issued the document of identity.

Subp. 11. Refusal to issue. A registrar must refuse to issue a certified birth or death record if the applicant fails to meet the requirements of this part.

Subp. 12. Personal or property right criteria.

A. To determine whether a certified birth or death record is necessary for the protection or determination of a personal or property right, the state registrar must consider:

- (1) the extent and type of documentation presented;
- (2) the ability of the state registrar to authenticate the documentation presented;
- (3) if issuing a certified birth or death record is prohibited by law;
- (4) evidence of fraud or the intent to commit fraud;
- (5) the impact of the issuance on the use of a certified birth or death record as a legal document; and
- (6) the ability of the applicant to protect or determine a personal or property right without a certified birth or death record.

B. If the state registrar determines that the supporting documentation is sufficient to demonstrate tangible interest, the state registrar must issue the certified birth or death record. If the state registrar determines that the supporting documentation is not sufficient to demonstrate tangible interest, the state registrar must notify the applicant of the option to seek a court order to direct the state registrar to issue a certified birth or death record.

Statutory Authority: *MS s 144.12; 144.213; 144.215; 144.221*

History: *25 SR 487; L 2001 1Sp9 art 15 s 32; L 2007 c 13 art 1 s 25*

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