



HOUSE OF REPRESENTATIVES
FIFTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FIRST REGULAR SESSION, 2006

PUBLIC LAW 15-50
H. B. No. 15-15, HS1, HD1

AN ACT

To adopt the “Model State Vital Statistics Act and Regulation Revision” as recommended by the National Center for Health and Statistics and the Centers of Disease Control to establish a uniform system for handling records that satisfy legal requirements as well as meet statistical and research needs at local, state, and national levels.

**BE IT ENACTED BY THE FIFTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:**

1 **Section 1. Short Title.** This Act shall hereby be known as the “Vital Statistics Act
2 of 2006.”

3 **Section 2. Findings and Purpose.** The Legislature finds that the Department of
4 Public Health’s Health and Vital Statistics Office is critical to maintaining, developing,
5 analyzing, and disseminating information used to plan and evaluate health programs and to
6 identify specific problem areas, such as infant mortality, teen pregnancy, or tobacco use. The
7 “Model State Vital Statistics Act and Regulations” was developed by the Centers for Disease
8 Control and Prevention and the National Center for Health Statistics to promote uniformity
9 among States in definitions, registration practices, disclosure and issuance procedures.
10 Therefore, the purpose of adopting this uniform system is to enable the Health and Vital
11 Statistics Office to meet statistical and research needs at the local and national levels.

12 **Section 3. Definitions.** The following terms are hereby defined as follows:

13 (a) “Dead body” means a human body or such parts of human body from the
14 condition of which it reasonably may be concluded that death occurred.

15 (b) “Fetal death” means death prior to the complete expulsion or extraction
16 from its mother of a product or human conception, irrespective of the duration of
17 pregnancy and which is not an induced termination of pregnancy. The death is

1 indicated by the fact that after such expulsion or extraction, the fetus does not breathe
2 or show any other evidence of life, such as beating of the heart, pulsation of the
3 umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be
4 distinguished from transient cardiac contractions; respirations are to be distinguished
5 from fleeting respiratory efforts or gasps.

6 (c) "File" means the presentation and acceptance of a vital record or report
7 provided for in this Act for registration by the Health and Vital Statistics Office of the
8 Department of Public Health.

9 (d) "Filing date of" means the date a vital record is accepted for registration
10 by the Health and Vital Statistics Office of the Department of Public Health.

11 (e) "Final disposition" means the burial, interment, cremation, removal from
12 the CNMI, or other authorized disposition of a dead body or fetus.

13 (f) "Institution" means any establishment, public or private, which provides
14 in-patient or out-patient medical, surgical, or diagnostic care or treatment or nursing,
15 custodial, or domiciliary care, or to which persons are committed by law.

16 (g) "Live birth" means the complete expulsion or extraction from its mother
17 of a product of human conception, irrespective of the duration of pregnancy, which,
18 after such expulsion or extraction, breathes, or shows any other evidence of life, such
19 as beating of the heart, pulsation of the umbilical cord, or definite movement of
20 voluntary muscles, whether or not the umbilical cord has been cut or the placenta is
21 attached. Heartbeats are to be distinguished from transient cardiac contractions;
22 respirations are to be distinguished from fleeting respiratory efforts or gasps.

23 (h) "Physician" means a person authorized or licensed to practice medicine or
24 osteopathy pursuant to the laws of the CNMI.

25 (i) "Registration" means the process by which vital records are completed,
26 filed, and incorporated into the official records of the Health and Vital Statistics
27 Office.

28 (j) "System of vital statistics" means the registration, collection, preservation,
29 amendment, and certification of vital records; the collection of other reports required

1 by this Act; and activities related thereto including the tabulation, analysis,
2 publication, and dissemination of vital statistics.

3 (k) “Vital records” means certificates or reports of birth, death, and data
4 related thereto.

5 (l) “Vital reports” means reports of fetal death and induced termination of
6 pregnancy and data related thereto.

7 (m) “Vital statistics” means the data derived from certificates and reports of
8 birth, death, fetal death, induced termination of pregnancy, and related reports.

9 **Section 4. Health and Vital Statistics Office Established.** There is hereby
10 established in the Department of Public Health a Health and Vital Statistics Office which
11 shall install, maintain, and operate a system of vital statistics throughout the CNMI. The
12 Health and Vital Statistics Office shall be provided with sufficient staff, suitable offices, and
13 other resources for the proper administration of the system of vital statistics and for the
14 preservation and security of its official records.

15 **Section 5. Regulations.** The Secretary of the Department of Public Health,
16 hereinafter referred to as the “State Agency”, is authorized to adopt, amend, and repeal
17 regulations for the purpose of carrying out the provisions of this Act.

18 **Section 6. Appointment of Registrar or Person in Charge of Vital Statistics.** The
19 Secretary of the Department of Public Health shall appoint the Registrar of Vital Statistics,
20 hereinafter referred to as “Registrar”.

21 **Section 7. Duties of the Registrar or Person in Charge.**

22 (a) The Registrar shall:

23 (1) Administer and enforce the provisions of this Act and the
24 regulations issued hereunder, and issue instructions for the efficient
25 administration of the system of vital statistics.

26 (2) Direct and supervise the system of vital statistics and the Health
27 and Vital Statistics Office and be custodian of its records.

1 (3) Direct, supervise, and control the activities of all persons when
2 they are engaged in activities pertaining to the operation of the system of vital
3 statistics.

4 (4) Conduct training programs to promote uniformity of policy and
5 procedures throughout the CNMI in matters pertaining to the system of vital
6 statistics.

7 (5) Prescribe, furnish and distribute such forms as are required by this
8 Act and the regulations issued hereunder, or prescribe such other means for
9 transmission of data as will accomplish the purpose of complete and accurate
10 reporting and registration.

11 (6) Prepare and publish reports of vital statistics for the CNMI, and
12 such other reports as may be required by the State Agency.

13 (7) Provide to local health agencies copies of or data derived from
14 certificates and reports required under this Act, as he or she shall determine
15 are necessary for local health planning and program activities. The Registrar
16 shall establish a schedule with each local health agency for transmittal of the
17 copies or data. The copies or data shall remain the property of the Health and
18 Vital Statistics Office, and the uses which may be made of them shall be
19 governed by the Registrar.

20 (b) The Registrar may establish or designate offices in Rota and Tinian as
21 provided by regulation to aid in the efficient administration of the system of vital
22 statistics.

23 (c) The Registrar may delegate such functions and duties to employees of the
24 Health and Vital Statistics Office and to employees of any office established or
25 designated under Section 7(b).

26 **Section 8. Content of Certificates and Reports.**

27 (a) In order to promote and maintain nationwide uniformity in the system
28 of vital statistics, the forms of certificates and reports required by this Act, or by

1 regulations adopted hereunder, shall include as a minimum the items recommended
2 by the Federal agency responsible for national vital statistics.

3 (b) Each certificate, report, and other document required by this Act shall
4 be prepared in the format approved by the Registrar.

5 (c) All vital records shall contain the date of filing.

6 (d) Information required in certificates, forms, records, or reports
7 authorized by this Act may be filed, verified, registered, and stored by photographic,
8 electronic, or other means as prescribed by the Registrar.

9 **Section 9. Birth Registration.**

10 (a) A certificate of birth for each live birth which occurs in the CNMI
11 shall be filed with the Health and Vital Statistics Office, or as otherwise directed by
12 the Registrar, within 5 days after such birth and shall be registered if it has been
13 completed and filed in accordance with this section.

14 (b) When a birth occurs in an institution or en route thereto, the person in
15 charge of the institution or his or her authorized designee shall obtain the personal
16 data, prepare the certificate, certify that the child was born alive at the place and time
17 and on the date stated either by signature or by an approved electronic process, and
18 file the certificate as directed in Section 9(a). The physician or other person in
19 attendance shall provide the medical information required by the certificate within 72
20 hours after the birth.

21 (c) When a birth occurs outside an institution,

22 (1) the certificate shall be prepared and filed by one of the
23 following in the indicated order of priority, in accordance with regulations
24 promulgated by the State Agency;

25 (i) the physician in attendance at or immediately after the
26 birth, or in the absence of such a person;

27 (ii) any other person in attendance at or immediately after
28 the birth, or in the absence of such a person.

1 (iii) the father, the mother, or, in the absence of the father
2 and the inability of the mother, the person in charge of the premises
3 where the birth occurred.

4 (2) the State Agency shall by regulation determine what evidence
5 may be required to establish the facts of birth.

6 (d) When a birth occurs on a moving conveyance within the CNMI and
7 the child is first removed from the conveyance in the CNMI, the birth shall be
8 registered in the CNMI and the place where it is first removed shall be considered the
9 place of birth. When a birth occurs on a moving conveyance while in international
10 waters or air space or in a foreign country or its air space and the child is first
11 removed from the conveyance in the CNMI, the birth shall be registered in the CNMI,
12 but the certificate shall show the actual place of birth insofar as can be determined.

13 (e) For the purposes of birth registration, the mother is deemed to be the
14 woman who gives birth to the child, unless otherwise provided by CNMI law or
15 determined by CNMI Courts prior to the filing of the birth certificate. The
16 information about the father shall be entered as provided in Section 9(f).

17 (f) (1) If the mother was married at the time of either conception or birth,
18 or between conception and birth, the name of the husband shall be entered on the
19 certificate as the father of the child, unless:

20 (i) paternity has been determined otherwise by the CNMI Superior
21 Court, or

22 (ii) the mother and the mother's husband execute joint or separate
23 affidavits attesting that the husband is not the father of the child. Affidavits
24 shall be notarized, and signatures of the mother and of the husband shall be
25 individually notarized on any joint affidavit. In such event, information about
26 the father shall be omitted from the certificate, or

27 (iii) the mother executes an affidavit attesting that the husband is
28 not the father and that the putative father is the father, and the putative father
29 executes an affidavit attesting that he is the father, and the husband executes

1 an affidavit attesting that he is not the father. Affidavits may be joint or
2 individual or a combination hereof, and each signature shall be individually
3 notarized. In such event, the putative father shall be shown as the father on
4 the certificate.

5 (2) If the mother was not married at the time of either conception
6 or birth or between conception and birth, the name of the father shall not be
7 entered on the certificate without an affidavit of paternity signed by the
8 mother and the person to be named as the father.

9 (3) In any case in which paternity of a child is determined by the
10 CNMI Superior Court, the name of the father and surname shall be entered on
11 the certificate of birth in accordance with the finding and order of the court.

12 (4) If the father is not named on the certificate of birth, no other
13 information about the father shall be entered on the certificate.

14 (5) Affidavits referenced in this section shall be filed with the
15 Registrar.

16 (g) Either of the parents of the child, or other informant, shall verify the
17 accuracy of the personal data to be entered on the certificate in time to permit the
18 filing of the certificate within the 5 days prescribed in Section 9(a).

19 (h) Certificates of birth filed after 5 days, but within one year from the
20 date of birth shall be registered on the standard form of live birth certificate in the
21 manner prescribed above. Such certificates shall not be marked "Delayed". The
22 Registrar may require additional evidence in support of the facts of birth.

23 **Section 10. Infants of Unknown Parentage; Foundling Registration.**

24 (a) Whoever assumes the custody of a live-born infant of unknown
25 parentage shall report on a form and in a manner prescribed by the Registrar within 5
26 days to the Health and Vital Statistics Office the following information.

27 (1) the date and village and/or island of finding;

28 (2) sex and approximate birth date of child;

- 1 (3) name and address of the person or institution with whom the
2 child has been placed for care;
- 3 (4) name given to the child by the custodian of the child; and
- 4 (5) other data required by the Registrar.

5 (b) The place where the child was found shall be entered as the place of
6 birth.

7 (c) A report registered under this section shall constitute the certificate of
8 birth for the child.

9 (d) If the child is identified and a certificate of birth is found or obtained,
10 the report registered under this section shall be placed in a special file and shall not be
11 subject to inspection except upon order of the CNMI Superior Court or as provided by
12 regulation.

13 **Section 11. Delayed Registration of Birth.**

14 (a) When a certificate of birth of a person born in the CNMI has not been
15 filed within one year, a delayed certificate of birth may be filed in accordance with
16 regulations of the State Agency. No delayed certificate shall be registered until the
17 evidentiary requirements as specified in regulation have been met.

18 (b) Such birth shall be registered on a delayed certificate of birth form,
19 and show on its face the date of registration. The delayed registration shall contain a
20 summary statement of the evidence submitted in support of the delayed registration.

21 (c) No delayed certificate of birth shall be registered for a deceased
22 person.

23 (d) (1) When an applicant as defined by regulation does not submit the
24 minimum documentation required in the regulations for delayed registration or when
25 the Registrar has cause to question the validity or adequacy of the applicant's sworn
26 statement or the documentary evidence, and if the deficiencies are not corrected, the
27 Registrar shall not register the delayed certificate of birth and shall advise the
28 applicant of the reasons for this action, and shall further advise the applicant of his or
29 her right to seek an order from the CNMI Superior Court.

1 (2) The State Agency may by regulation provide for the dismissal of
2 an application which is not actively pursued.

3 **Section 12. Judicial Procedure to Establish Facts of Birth.**

4 (a) If the State Agency refuses to file a certificate of birth under the
5 provisions of Section 9 or 11, a petition signed and sworn to by the petitioner may be
6 filed with CNMI Superior Court for an order establishing a record of the date and
7 place of the birth and the parentage of the person whose birth is to be registered.

8 (b) Such petition shall be made on a form prescribed and furnished or
9 approved by the Registrar and shall allege:

10 (1) that the person for whom a certificate of birth is sought was
11 born in the CNMI;

12 (2) that no certificate of birth of such person can be found in the
13 Health and Vital Statistics or Records Office.

14 (3) that diligent efforts by the petitioner have failed to obtain the
15 evidence required in accordance with Sections 9 or 11 of this Act and
16 Regulations adopted pursuant thereto;

17 (4) that the Registrar has refused to file a certificate of birth, and;

18 (5) such other allegations as may be required.

19 (c) The petition shall be accompanied by a statement of the Registrar
20 made in accordance with Sections 9 or 11 and all documentary evidence which was
21 submitted to the Registrar in support of such registration.

22 (d) The court shall fix a time and place for hearing the petition and shall
23 give the Registrar 15 days notice of said hearing. The Registrar or his authorized
24 representative may appear and testify in the proceeding.

25 (e) If the court finds, from the evidence presented, that the person for
26 whom a certificate of birth is sought was born in the CNMI, it shall make findings as
27 to the place and date of birth, parentage, and such other findings as may be required
28 and shall issue an order, on a form prescribed and furnished or approved by the
29 Registrar, to establish as court order certificate of birth. This order shall include the

1 birth data to be registered, a description of the evidence presented, and the date of the
2 court's action.

3 (f) The clerk of court shall forward each such order to the Registrar not
4 later than the tenth day of the calendar month following the month in which it was
5 entered. Such order shall be registered by the Registrar and shall constitute the court
6 order certificate of birth.

7 **Section 13. Certificates of Adoption.**

8 (a) For each adoption decreed by the CNMI Superior Court, the court shall
9 require the preparation of a certificate of adoption on a form prescribed and furnished
10 by the Registrar. The certificate of adoption shall include such facts as are necessary
11 to locate and identify the certificate of birth of the person adopted or, in the case of a
12 person who was born in a foreign country, evidence from sources determined to be
13 reliable by the court as to the date and place of birth of such person; shall provide
14 information necessary to establish a new certificate of birth of the person adopted;
15 shall identify the order of adoption; and shall be certified by the clerk of court.

16 (b) Information necessary to prepare the certificate of adoption shall be
17 furnished by each petitioner for adoption or his or her attorney. Any health or social
18 services agency or any person having knowledge of the facts shall supply the court
19 with such additional information as may be necessary to complete the certificate of
20 adoption. The provision of such information shall be a prerequisite to the issuance of
21 a final decree in the matter by the court.

22 (c) Whenever an adoption decree is amended or annulled, the clerk of the
23 court shall prepare a report thereof, which shall include such facts as are necessary to
24 identify the original certificate of adoption and the facts amended in the adoption
25 decree as shall be necessary to properly amend the birth record.

26 (d) No later than the tenth (10) day of each calendar month or more
27 frequently, as directed by the Registrar, the clerk of court shall forward to the
28 Registrar certificates of adoption, reports of annulment of adoption, and amendments

1 of decrees of adoption which were entered in the preceding month, together with such
2 related reports as the Registrar shall require.

3 (e) When the Registrar shall receive a certificate of adoption, report of
4 annulment of adoption, or amendment of a decree of adoption for a person born
5 outside the CNMI, he or she shall forward such certificate or report to the Registrar in
6 the State of birth.

7 (f) If the birth occurred in a foreign country, and the child was not a
8 citizen of the United States at the time of birth, the Registrar shall prepare a
9 “Certificate of Foreign Birth” as provided by Section 14(h). If the child was born in a
10 foreign country, the Registrar shall also send a copy of the certificate of adoption,
11 report of annulment of adoption, or amendment of a decree of adoption to the
12 appropriate registration authority in that country.

13 (g) If the child was born in a foreign country but was a citizen of the
14 United States at the time of birth, the Registrar shall not prepare a “Certificate of
15 Foreign Birth” and shall notify the adoptive parents of the procedures for obtaining a
16 revised birth certificate for their child through the United States Department of State.

17 **Section 14. Certificates of Birth Following Adoption, Legitimation, Court**
18 **Determination of Paternity, and Paternity Acknowledgement.**

19 (a) The Registrar shall establish a new certificate of birth for a person born
20 in the CNMI when he or she receives the following:

21 (1) A certificate of adoption as provided in Section 13 or a
22 certificate of adoption prepared and filed in accordance with the laws of
23 another State or foreign country, or a certified copy of the decree of adoption,
24 together with the information necessary to identify the original certificate of
25 birth and to establish a new certificate of birth; except that a new certificate of
26 birth shall not be established if so requested by the court decreeing the
27 adoption, the adoptive parents, or the adopted person.

28 (2) A request that a new certificate be established as prescribed by
29 regulation and such evidence as required by regulation proving that such

1 person has been legitimated, or that CNMI Superior Court has determined the
2 paternity of such a person, or that both parents have acknowledged the
3 paternity of such person and request that the surname be changed from that
4 shown on the original certificate.

5 (b) When a new certificate of birth is established, the actual village and/or
6 district and date of birth shall be shown. The new certificate shall be substituted for
7 the original certificate of birth in the files, and the original certificate of birth and the
8 evidence of adoption, legitimation, court determination of paternity, or paternity
9 acknowledgment shall not be subject to inspection except upon order of the CNMI
10 Superior Court or as provided by regulation or as otherwise provided by CNMI law.

11 (c) Upon receipt of a report of an amended decree of adoption, the
12 certificate of birth shall be amended as provided by regulation.

13 (d) Upon receipt of a report or decree of annulment of adoption, the
14 original certificate of birth shall be restored to its place in the files and the new
15 certificate and evidence shall not be subject to inspection except upon order of the
16 CNMI Superior Court or as provided by regulation.

17 (e) Upon written request of both parents and receipt of a sworn
18 acknowledgment of paternity signed by both parents of a child born out of wedlock,
19 the Registrar shall reflect such paternity on the certificate of birth in the manner
20 prescribed by regulation if paternity is not already shown on the certificate of birth.

21 (f) If no certificate of birth is on file for the person for whom a new birth
22 certificate is to be established under this section, and the date and place of birth have
23 not been determined in the adoption or paternity proceedings, a delayed certificate of
24 birth shall be filed with the Registrar as provided in Section 11 or Section 12 of this
25 Act before a new certificate of birth is established. The new birth certificate shall be
26 prepared on the delayed birth certificate form.

27 (g) When a new certificate of birth is established by the Registrar, all
28 copies of the original certificate of birth in the custody of any other custodian of vital

1 records in the CNMI shall be sealed from inspection or forwarded to the Registrar, as
2 he or she shall direct.

3 (h) The Registrar shall, upon request, prepare and register a certificate in
4 the CNMI for a person born in a foreign country who is not a citizen of the United
5 States and who was adopted through the CNMI Superior Court. The certificate shall
6 be established upon receipt of a certificate of adoption from the court decreeing the
7 adopted person if 18 years of age or over that such a certificate be prepared. Such
8 certificate shall be labeled "Certificate of Foreign Birth" and shall show the actual
9 country of birth. A statement shall also be included on the certificate indicating that it
10 is not evidence of United States citizenship for the child for whom it is issued. After
11 registration of the birth certificate in the new name of the adopted person, the
12 Registrar shall seal and file the certificate of adoption which shall not be subject to
13 inspection except upon order of the CNMI Superior Court or as provided by
14 regulation or as otherwise provided by CNMI law.

15 **Section 15. Death Registration.**

16 (a) A certificate of death for each death which occurs in the CNMI shall
17 be filed with the Health and Vital Statistics Office, or as otherwise directed by the
18 Registrar, within 5 days after death or the finding of a dead body and prior to final
19 disposition, and shall be registered if it has been completed and filed in accordance
20 with this section.

21 (1) If the place of death is unknown but the dead body is found in
22 the CNMI (Saipan, Rota, Tinian or the Northern Islands), the certificate of
23 death shall be completed and filed in accordance with this section. The place
24 where the body is found shall be shown as the place of death. If the date of
25 death is unknown, it shall be determined by approximation. If the date cannot
26 be determined by approximation, the date found shall be entered and identified
27 as such.

28 (2) When death occurs in a moving conveyance in the CNMI
29 (Saipan, Rota, Tinian or the Northern Islands), and the body is first removed

1 from the conveyance in the CNMI (Saipan, Rota, Tinian or the Northern
2 Islands), the death shall be registered in the CNMI (Saipan, Rota, Tinian or the
3 Northern Islands) and the place where it is first removed shall be considered
4 the place of death. When a death occurs on a moving conveyance while in
5 international waters or air space or in a foreign country or its air space and the
6 body is first removed from the conveyance in the CNMI (Saipan, Rota, Tinian
7 or the Northern Islands), the death shall be registered in the CNMI (Saipan,
8 Rota, Tinian or the Northern Islands) but the certificate shall show the actual
9 place of death insofar as can be determined.

10 (3) In all other cases, the place where death is pronounced shall be
11 considered the place where death occurred.

12 (b) The funeral director or person acting as such who first assumes
13 custody of the dead body shall file the certificate of death. He or she shall obtain the
14 personal data from the next of kin or the best qualified person or source available and
15 shall obtain the medical certification from the person responsible therefore. The
16 funeral director or person acting as such shall provide the death certificate containing
17 sufficient information to identify the decedent to the certifier within 48 hours after
18 death.

19 (c) The medical certification shall be completed within 48 hours after
20 receipt of the death certificate by the physician in charge of the patient's care for the
21 illness or condition which resulted in death, except when inquiry is required by the
22 Attorney General's Office. In the absence or inability of said physician or with his or
23 her approval, the certificate may be completed by his or her associate physician, the
24 chief medical officer of the institution in which death occurred, or the physician who
25 performed an autopsy upon the decedent, provided such individual has access to the
26 medical history of the case, and death is due to natural causes. The person
27 completing the cause of death shall attest to its accuracy either by signature or by an
28 approved electronic process.

1 (d) When inquiry is required by the Attorney General’s Office, the
2 pathologist or other medical examiner in the jurisdiction where death occurred or the
3 body was found, shall determine the cause of death and shall complete and sign the
4 medical certification within 48 hours after taking charge of the case.

5 (e) When death occurs in an institution and the person responsible for the
6 completion of the medical certification is not available to pronounce death, another
7 physician at the institution who views the body may pronounce death, attest to the
8 pronouncement by signature or an approved electronic process, and, with the
9 permission of the person responsible for the medical certification, release the body to
10 the funeral director or person acting as such. The funeral director or person acting as
11 such must in all cases obtain the medical certification from the person responsible for
12 its completion or obtain assurance that the medical certification has been provided to
13 the Registrar by an approved electronic process.

14 (f) If the cause of death cannot be determined within the time prescribed,
15 the medical certification shall be completed as provided by regulation. The attending
16 physician, pathologist, or medical examiner shall give the funeral director or person
17 acting as such notice of the reason for the delay, and final disposition of the body
18 shall not be made until authorized by the attending physician, pathologist, or medical
19 examiner.

20 (g) Upon receipt of autopsy results or other information that would change
21 the information in the cause-of-death section of the death certificate from that
22 originally reported, the certifier shall immediately file a supplemental report of cause
23 of death with the Health and Vital Statistics Office to amend the record.

24 (h) When a death is presumed to have occurred within the CNMI but the
25 body cannot be located, a death certificate may be prepared by the Registrar only
26 upon receipt of an order of the CNMI Superior Court which shall include the finding
27 of facts required to complete the death certificate. Such a death certificate shall be
28 marked “Presumptive” and shall show on its face the date of death as determined by

1 the court and the date of registration, and shall identify the court and the date of the
2 decree.

3 **Section 16. Delayed Registration of Death.**

4 (a) When a death occurring in the CNMI has not been registered within
5 the time period prescribed by Section 15, a certificate of death may be filed in
6 accordance with regulations of the State Agency. Such certificate shall be registered
7 subject to such evidentiary requirements as the State Agency shall by regulation
8 prescribe to substantiate the alleged facts of death.

9 (b) When an applicant does not submit the minimum documentation
10 required in the regulations for delayed registration or when the Registrar has cause to
11 question the validity or adequacy of the applicant’s sworn statement or the
12 documentary evidence, and if the deficiencies are not corrected, the Registrar shall
13 not register the delayed certificate of death and shall advise the applicant of the
14 reasons for this action, and shall further advise the applicant of his or her right to seek
15 an order from the CNMI Superior Court.

16 (c) Certificates of death registered one year or more after the date of death
17 shall be marked “Delayed” and shall show on their face the date of the delayed
18 registration.

19 **Section 17. Reports of Fetal Death.** Each fetal death of 350 grams or more, or if
20 weight is unknown, of 20 completed weeks gestation or more, calculated from the date the
21 last normal menstrual period began to the date of delivery, which occurs in the CNMI
22 (Saipan, Rota, Tinian or Northern Islands) shall be reported within 5 days after delivery to
23 the Health and Vital Statistics Office or as otherwise directed by the Registrar. All induced
24 terminations of pregnancy shall not be reported as fetal deaths and shall be reported by the
25 attending physician to the Registrar for statistical purposes and to the Department of Public
26 Safety.

27 (a) When a fetus is delivered in an institution, the person in charge of the
28 institution or his or her designated representative shall prepare and file the report.

1 (b) When a fetus is delivered outside an institution, the physician in
2 attendance at or immediately after delivery shall prepare and file the report.

3 (c) When a fetal death required to be reported by this section occurs
4 without medical attendance at or immediately after the delivery, or when an inquiry is
5 required by the Attorney General's Office, the attending physician, pathologist or
6 medical examiner shall investigate the cause of the fetal death and shall prepare and
7 file the report within 5 days.

8 (d) When a fetal death occurs in a moving conveyance and the fetus is first
9 removed from the conveyance in the CNMI (Saipan, Rota, Tinian or Northern
10 Islands) or when a fetus is found in the CNMI and the place of fetal death is
11 unknown, the fetal death shall be reported in the CNMI (Saipan, Rota, Tinian or
12 Northern Islands). The place where the fetus was first removed from the conveyance
13 or the fetus was found shall be considered the place of fetal death.

14 **Section 18. Vital Reports.** The report required under Section 17 is a statistical report
15 to be used only for medical and health purposes. A schedule for the disposition of these
16 reports may be provided by regulation.

17 **Section 19. Authorization for Final Disposition.**

18 (a) The funeral director or person acting as such who first assumes
19 custody of a dead body shall, prior to final disposition of the body, obtain
20 authorization for final disposition of the body. The physician or pathologist when
21 certifying the cause of death also shall authorize final disposition of the body on a
22 form or in a format prescribed by the Registrar.

23 (b) Prior to final disposition of a fetus, irrespective of the duration of
24 pregnancy, the funeral director, the person in charge of the institution, or other person
25 assuming responsibility for final disposition of the fetus shall obtain from the parents
26 authorization for final disposition. Such authorization shall be on a form or in a
27 format proscribed by the Registrar.

1 (c) With the consent of the physician or pathologist who is to certify the
2 cause of death, a dead body may be moved from the place of death for the purpose of
3 being prepared for final disposition.

4 (d) An authorization for final disposition issued under the law of another
5 State which accompanies a dead body or fetus brought into CNMI shall be authority
6 for final disposition of the body or fetus in the CNMI.

7 (e) No sexton or other person in charge of any place in which interment or
8 other disposition of dead bodies is made shall inter or allow interment or other
9 disposition of a dead body or fetus unless it is accompanied by authorization for final
10 disposition.

11 (f) Each person in charge of any place for final disposition shall include in
12 the authorization the date of disposition and shall return all authorizations to the
13 funeral director or person acting as such within 10 days after the date of disposition.
14 When there is no person in charge of the place for final disposition, the funeral
15 director or person acting as such shall complete the authorization. At the close of
16 each month the funeral director or person acting as such shall transmit to the
17 Registrar, in the State where death occurred, all authorizations received during the
18 month.

19 **Section 20. Amendment of Vital Records.**

20 (a) A certificate or report registered under this Act may be amended only
21 in accordance with this Act and regulations adopted by the State Agency to protect
22 the integrity and accuracy of vital records.

23 (b) A certificate or report that is amended under this section shall indicate
24 that it has been amended, except as otherwise provided in this section or by
25 regulation. A record shall be maintained which identifies the evidence upon which
26 the amendment was based, the date of the amendment, and the identity of the person
27 making the amendment. The State Agency shall prescribe by regulation the
28 conditions under which additions or minor corrections may be made to certificates or

1 records within one year of the event without the certificate or record indicating that it
2 has been amended.

3 (c) Upon receipt of a certified copy of an order of the CNMI Superior
4 Court changing the name of a person born in the CNMI and upon request of such
5 person or his or her parents, guardian, or legal representative, the Registrar shall
6 amend the certificate of birth of such individual to show the new name.

7 (d) Upon receipt of a certified copy of an order of the CNMI Superior
8 Court indicating the sex of an individual born in the CNMI has been changed by
9 surgical procedure and whether such individual's name has been changed, the
10 certificate of birth of such individual shall be amended as prescribed by regulation.

11 (e) When an applicant does not submit the minimum documentation
12 required in the regulations for amending a vital record or when the Registrar has
13 cause to question the validity or adequacy of the applicant's sworn statements or the
14 documentary evidence, and if the deficiencies are not corrected, the Registrar shall
15 not amend the vital record and shall advise the applicant of the reason for this action
16 and shall further advise the applicant of the right of appeal to the CNMI Superior
17 Court.

18 (f) When a certificate or report is amended under this section by the
19 Registrar, the Registrar shall report the amendment to any other custodian of the vital
20 record and their record shall be amended accordingly.

21 **Section 21. Preservation of Vital Records.** To preserve vital records, the Registrar
22 is authorized to prepare typewritten, photographic, electronic, or other reproductions of
23 certificates or reports in the Health and Vital Statistics Office. Such reproductions when
24 verified and approved by the Registrar shall be accepted as the original records, and the
25 documents from which permanent reproductions have been made may be disposed of as
26 provided by regulation.

27 **Section 22. Disclosure of Information from Vital Records or Vital Reports.**
28 In accordance with Section 25 of this Act and the regulations adopted pursuant thereto:

1 (a) To protect the integrity of vital records or vital reports, to ensure their
2 proper use, and to ensure the efficient and proper administration of the system of vital
3 statistics, it shall be unlawful for any person to permit inspection of, or to disclose
4 information contained in vital records or in vital reports or to copy or issue a copy of
5 all or part of any such record or report unless authorized by this Act or by regulation
6 or by order of the CNMI Superior Court. Regulations adopted under this section shall
7 provide for adequate standards of security and confidentiality of vital records.

8 (b) Disclosure of information which may identify any person named in
9 any vital record or report may be made only pursuant to regulations which require
10 submission of written requests for information by researchers and execution of
11 research agreements that protect the confidentiality of the information provided. Such
12 agreements shall prohibit the release by the researcher of any information that might
13 identify any person other than releases that may be provided for in the agreement.
14 For purposes of this Act, research means a systematic investigation designed
15 primarily to develop or contribute to generalizable knowledge.

16 (1) Nothing in this Act prohibits the release of information or data
17 which would not identify any person named in a vital record or report.

18 (c) Appeals from decisions of custodians of vital records, as designated
19 under authority of Section 7(a), who refuse to disclose information from records as
20 prescribed by this section and regulations issued hereunder, shall be made to the
21 Secretary of the Department of Public Health whose decisions shall be binding upon
22 such custodians.

23 (d) When 100 years have elapsed after the date of birth, or 50 years have
24 elapsed after the date of death, the records of these events in the custody of the
25 Registrar shall become available to the public to the extent it is consistent with the
26 Federal and CNMI privacy acts, and in accordance with regulations which shall
27 provide for the continued safekeeping of the records.

28 (e) The Federal agency responsible for national vital statistics may be
29 furnished such copies of records, reports, or data from the system of vital statistics as

1 it may require for national statistics. To furnish such records, reports, or data the
2 Registrar shall enter into an agreement with the Federal agency indicating the
3 statistical or research purposes for which the records, reports, or data may be used.
4 Such agreement will also set forth the support to be provided by the Federal agency
5 for the collection, processing, and transmission of such records, reports, or data.
6 Upon written request of the Federal agency, the Registrar may approve, in writing,
7 additional statistical or research uses of the records, reports, or data supplied under
8 the agreement.

9 (f) Federal, State, and local governmental agencies may, upon request, be
10 furnished copies of records or data from the system of vital statistics, provided that
11 such copies or data shall be used solely in the conduct of their official duties.

12 (g) The Registrar may, by agreement, transmit copies of records and other
13 reports required by this Act to offices of vital statistics outside the CNMI when such
14 records or other reports relate to residents of those jurisdictions or persons born in
15 those jurisdictions. The agreement shall specify the statistical and administrative
16 purposes for which the records may be used and the agreement shall further provide
17 instructions for the proper retention and disposition of such copies. Copies received
18 by the Health and Vital Statistics Office from offices of vital statistics in other States
19 shall be handled in the same manner as prescribed in this section.

20 **Section 23. Copies from the System of Vital Statistics.** In accordance with Section
21 24 of this Act and the regulations adopted pursuant thereto:

22 (a) The Registrar shall, upon receipt of an application, issue a certified
23 copy of a vital record in his or her custody or a part thereof to the registrant, his or her
24 spouse, children, parents, or guardian, or their respective authorized representative.
25 Others may be authorized to obtain certified copies when they demonstrate that the
26 record is needed for the determination or protection of his or her personal or property
27 right. The State Agency may adopt regulations to further define those who may
28 obtain copies of vital records filed under this Act.

1 (b) All forms and procedures used in the issuance of certified copies of
2 vital records in the CNMI shall be uniform and provided or approved by the
3 Registrar. All certified copies issued shall have security features that deter the
4 document from being altered, counterfeited, duplicated, or simulated without ready
5 detection.

6 (c) Each copy or abstract issued shall show the date of registration and
7 copies or abstracts issued from records marked “Amended” shall be similarly marked
8 and show the effective date. Copies issued from records marked “Delayed” shall be
9 similarly marked and shall include the date of registration and a description of the
10 evidence used to establish the delayed certificate. Any copy issued of a “Certificate
11 of Foreign Birth” shall indicate this fact and show the actual place of birth and the
12 fact that the certificate is not proof of United States citizenship for the adoptive child.

13 (d) A certified copy or other copy of a death certificate containing the
14 cause of death information shall not be issued except as follows:

15 (1) Upon specific request of the spouse, children, parents, or other
16 next of kin of the decedent or their respective authorized representative; or

17 (2) when a documented need for the cause of death to establish a
18 legal right or claim has been demonstrated; or

19 (3) when the request for the copy is made by or on behalf of an
20 organization that provides benefits to the decedent’s survivors or
21 beneficiaries; or

22 (4) upon specific request by local, State, or Federal agencies for
23 research or administrative purposes approved by the Registrar; or

24 (5) when needed for research activities approved by the Registrar;
25 or

26 (6) upon receipt of an order from a court of competent jurisdiction
27 ordering such release.

28 (e) A certified copy of a vital record or any part thereof, issued in
29 accordance with subsections a, b, and c shall be considered for all purposes the same

1 as the original and shall be prima facie evidence of the facts stated therein, provided
2 that the evidentiary value of a certificate or record filed more than one year after the
3 event, or a record which has been amended, or a certificate of foreign birth, shall be
4 determined by the judicial or administrative body or official before whom the
5 certificate is offered as evidence.

6 (f) Nothing in this section shall be construed to permit disclosure of
7 information contained in the “Information for Medical and Health Use Only” section
8 of the birth certificate unless specifically authorized by the State Agency for statistical
9 or research purposes. Such data shall not be subject to subpoena or court order and
10 shall not be admissible before any court, tribunal, or judicial body.

11 (g) When the Registrar receives information that a certificate may have
12 been registered through fraud or misrepresentation, he or she shall withhold issuance
13 of any copy of that certificate pending an administrative hearing to determine whether
14 fraud or misrepresentation has occurred. The Registrar shall offer the registrant or the
15 registrant’s authorized representative notice and opportunity to be heard. If upon
16 conclusion of the hearing no fraud or misrepresentation is found, copies may be
17 issued. If upon conclusion of the hearing, fraud or misrepresentation is found, the
18 Registrar shall remove the certificate from the file. The certificate and evidence shall
19 be retained but shall not be subject to inspection or copying except upon order of the
20 CNMI Superior Court or by the Registrar for purposes of administering the vital
21 statistics program.

22 **Section 24. Fees.**

23 (a) The State Agency shall prescribe by regulation the fee to be paid for
24 the following services:

25 (1) Certified copies of certificates or records, or for a search of the
26 files or records when no copy is made, or for copies or information provided
27 for research, statistical, or administrative purposes;

28 (2) the replacement of a birth certificate subsequent to adoption,
29 legitimation, paternity determination or acknowledgment, or court order;

- 1 (3) the filing of a delayed registration of a vital event;
- 2 (4) the amendment of a vital record; and
- 3 (5) other services as determined by regulation.

4 (b) Fees collected under this section by the Registrar shall be deposited in
5 the CNMI General Fund.

6 **Section 25. Persons Required to Keep Records.**

7 (a) Every person in charge of an institution shall keep a record of personal
8 data concerning each person admitted or confined to such institution. This record
9 shall include such information as required for the certificates of birth and death and
10 the reports of fetal death and induced termination of pregnancy required by this Act.
11 The record shall be made at the time of admission from information provided by the
12 person being admitted or confined, but when it cannot be so obtained, the information
13 shall be obtained from relatives or other persons acquainted with the facts. The name
14 and address of the person providing the information shall be a part of the record.

15 (b) When a dead body or fetus is released or disposed of by an institution,
16 the person in charge of the institution shall keep a record showing the name of the
17 decedent, date of death, name, and address of the person to whom the body or fetus is
18 released, and the date of removal from the institution. If final disposition is made by
19 the institution, the date, place, and manner of disposition shall also be recorded.

20 **Section 26. Matching of Birth and Death Certificates.** To protect the integrity of
21 vital records and to prevent the fraudulent use of birth certificates of deceased persons, the
22 Registrar is hereby authorized to match birth and death certificates, in accordance with
23 regulations which require proof beyond a reasonable doubt the fact of death, and to post the
24 facts of death to the appropriate birth certificate. Copies issued from birth certificates
25 marked deceased shall be similarly marked.

26 **Section 27. Penalties.**

27 (a) A fine of not more than \$10,000 or imprisonment of not more than 5
28 years, or both, shall be imposed on:

1 (1) Any person who willfully and knowingly makes any false
2 statement in a certificate, record, or report required by this Act, or in an
3 application for an amendment thereof, or in an application for a certified copy
4 of a vital record, or who willfully and knowingly supplies false information
5 intending that such information be used in the preparation of any such report,
6 record, or certificate, or amendment thereof; or

7 (2) any person who, without lawful authority and with the intent to
8 deceive, makes, counterfeits, alters, amends, or mutilates any certificate,
9 record, or report required by this Act or a certified copy of such certificate,
10 record, or report; or

11 (3) any person who willfully and knowingly obtains, possesses,
12 uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to
13 another, for any purpose of deception, any certificate, record, or report
14 required by this Act or certified copy thereof so made, counterfeited, altered,
15 amended, or mutilated, or which is false in whole or in part, or which relates
16 to the birth of another person, whether living or deceased; or

17 (4) any employee of the Health and Vital Statistics or any office
18 designated under Section 7(b) who willfully and knowingly furnishes or
19 processes a certificate of birth, or certified copy of a certificate of birth, with
20 the knowledge or intention that it be used for the purposes of deception; or

21 (5) any person who without lawful authority possesses any
22 certificate, record, or report, required by this Act or a copy or certified copy of
23 such certificate, record, or report knowing same to have been stolen or
24 otherwise unlawfully obtained.

25 (b) A fine of not more than \$1,000 or imprisonment of not more than one
26 year, or both, shall be imposed on:

27 (1) Any person who willfully and knowingly refuses to provide
28 information required by this Act or regulations adopted hereunder; or

1 (2) any person who willfully and knowingly transports or accepts
2 for transportation, interment, or other disposition a dead body without an
3 accompanying permit as provided in this Act; or

4 (3) any person who permits inspection of, or discloses information
5 contained in vital records or vital reports or copies or issues a copy of all or
6 part of any such record or report without authorization by this Act or by order
7 of the CNMI Superior Court; or

8 (4) any person who willfully and knowingly neglects or violates
9 any of the provisions of this Act or refuses to perform any of the duties
10 imposed upon him or her by this Act.

11 **Section 28. Applicability.** The provisions of this Act shall also apply to all
12 certificates of birth, death, and reports of fetal death and induced termination of pregnancy
13 previously received by the Health and Vital Statistics Office and in the custody of the
14 Registrar.

15 **Section 29. Severability.** If any provision of this Act or the application of any such
16 provision to any person or circumstance should be held invalid by a court of competent
17 jurisdiction, the remainder of this Act or the application of its provisions to persons or
18 circumstances other than those to which it is held invalid shall not be affected thereby.

19 **Section 30. Savings Clause.** This Act and any repealer contained herein shall not be
20 construed as affecting any existing right acquired under contract or acquired under statutes
21 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
22 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
23 The enactment of this Act shall not have the effect of terminating, or in any way modifying,
24 any liability, civil or criminal, which shall already be in existence on the date this Act
25 becomes effective.

1 **Section 31. Effective Date.** This Act shall take effect upon its approval by the
2 Governor or becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/S/ _____

JUSTO S. QUITUGUA
ACTING SPEAKER

/S/ _____

EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 14th day of MARCH, 2007

/S/ _____

BENIGNO R. FITIAL
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS