

Providing for the administration of a statewide system of vital statistics; prescribing the functions of the State Department of Health, the State Advisory Health Board and local registrars; imposing duties upon coroners, prothonotaries, clerks of orphans' court, physicians, midwives and other persons; requiring reports and certificates for the registration of vital statistics; regulating the disposition of dead bodies; limiting the disclosure of records; prescribing the sufficiency of vital statistics records as evidence; prescribing fees and penalties; and revising and consolidating the laws relating thereto.

Table of Contents

Article I. General Provisions

- Section 101. General Provisions: Short Title.
- Section 102. General Provisions: Effective Date.
- Section 103. General Provisions: Saving Clause.
- Section 104. General Provisions: Severability.
- Section 105. General Provisions: Definitions.

Article II. State Department of Health

- Section 201. Department: General Powers and Duties.
- Section 202. Department: Bureau of Vital Statistics.
- Section 203. Department: State Registrar of Vital Statistics.
- Section 204. Department: Forms.
- Section 205. Department: Regulations.
- Section 206. Vital Statistics Improvement Account.
- Section 207. Department: Certificate of Birth Resulting in Stillbirth.

Article III. Registration District Administration

- Section 301. Registration Districts: Creation by Department.
- Section 302. Registration Districts: Local Registrars; Appointment and Removal of.
- Section 303. Registration Districts: Local Registrars' Duties.
- Section 304. Registration Districts: Local Registrars' Compensation.
- Section 305. Registration Districts: Institutional Records Required.

Article IV. Birth Registration

- Section 401. Birth Registration: General Provisions.
- Section 402. Birth Registration: Foundlings.
- Section 403. Birth Registration: Children Born in a Country Other Than the United States.

Article IV-A. Missing Children Registration

- Section 401-A. Missing Children Registration: Definitions.
- Section 402-A. Missing Children Registration: Investigating Law Enforcement Agency.

Section 403-A. Missing Children Registration: Notation on Birth and School Record.

Section 404-A. Missing Children Registration: Request for Information.

Article V. Death and Fetal Death Registration

Section 501. Death and Fetal Death Registration: Certificates to be Filed.

Section 502. Death and Fetal Death Registration: Information or Certificates.

Section 503. Death and Fetal Death Registration: Coroner Referrals.

Section 504. Death and Fetal Death Registration: Permits Concerning Dead Bodies and Fetal Remains.

Section 505. Death and Fetal Death Registration: Out-of-State Permits.

Section 506. Death and Fetal Death Registration: Regulations Concerning Dead Bodies and Fetal Remains.

Section 506.1. Death and Fetal Death Registration: Unidentified Dead Bodies and Fetal Remains.

Section 506.2. Death and Fetal Registration; Disposition of Cremated Remains of Veterans.

Section 507. Death and Fetal Death Registrations: Pronouncement of Death by a Professional Nurse.

Article VI. Change of Civil Status

Section 601. Change of Civil Status: Marriage Registration.

Section 602. Change of Civil Status: Court Reports.

Section 603. Change of Civil Status: Amendment of Birth Certificates.

Section 604. Change of Civil Status Registration of Foreign Born Children Adopted in Pennsylvania.

Article VII. Subsequent Registrations

Section 701. Subsequent Registrations: Supplemental Reports on on Original Records.

Section 702. Subsequent Registrations: Delayed Registrations.

Section 703. Subsequent Registrations: Correction of Records.

Article VIII. Records

Section 801. Records: Disclosure in General

Section 801.1. Records: Reports to County Registration Commissions

Section 802. Records: Copies of Marriage Registration and Court Report Records.

Section 803. Records: Disclosure of Illegitimacy of Birth.

Section 804. Records: Disclosure of Other Records.

Section 804.1. Department of Health Office Acting in Lieu of Local Registrar (Repealed).

Section 805. Records: Disclosure for Research Purposes.

Section 806. Records: Disclosure to Governmental Agencies.

Section 806.1. Records: Miniature Certifications of Birth (Repealed).

Section 807. Records: Fees for Copies.

Section 808. Records: Accounting for Fees.

Section 809. Records: Disclosure by Local Registrars.

Section 810. Records: Evidentiary Sufficiency.

Article IX. Penalties

Section 901. Penalties: General Provisions.
Section 902. Penalties: Misdemeanors.

Article X. Repeals

Section 1001. Repeals: Specific Repeals.
Section 1002. Repeals: General Repealer.
Section 1003. Repeals: Acts Expressly Saved from Repeal.
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Article I. General Provisions

Section 101. General Provisions: Short Title.--The short title of this act is the "Vital Statistics Law of 1953".

Section 102. General Provisions: Effective Date.--The provisions of this act shall become effective immediately upon final enactment.

Section 103. General Provisions: Saving Clause.--The provisions of this act, so far as they are the same as those of acts repealed by this act, are intended as a continuation of such acts and not as new enactments. The provisions of this act shall not affect anything done under the authority of such repealed acts prior to the effective date of this act. All regulations and rules made pursuant to any act repealed by this act shall continue in force until changed by the proper authority named in this act. All certificates and permits actually issued under such repealed acts shall continue in force and effect.

Section 104. General Provisions: Severability.--If any provision of this act or the application of any provision to particular circumstances is held invalid, the remainder of the act or the application of such provision to other circumstances shall not be affected.

Section 105. General Provisions: Definitions.--As used in this act--

(1) "Department" means the State Department of Health.

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

(3) "Live birth" means the expulsion or extraction from its mother of a product of conception, irrespective of the period of gestation, which shows any evidence of life at any moment after such expulsion or extraction.

(4) "Fetal death" means the expulsion or extraction from its mother of a product of conception after sixteen (16) weeks gestation, which shows no evidence of life after such expulsion or extraction.

(5) "Dead body" means (i) a lifeless human body, or (ii) such parts of a human body as permit a reasonable inference that death has occurred.

(6) "Fetal remains" means the fetus expelled or extracted in the case of a fetal death as defined by this section.

(7) "Person in charge of interment" means any person who places or causes to be placed a dead body or fetal remains in a grave, vault or other receptacle, or otherwise disposes thereof.

(8) "Physician" means (i) a person licensed under the laws of this Commonwealth to engage as a doctor of medicine in the practice of all the branches of medicine, or (ii) a person licensed under the laws of this Commonwealth to engage in the practice of osteopathy or osteopathic surgery.

(9) "Immediate family member" means grandparents, parents, siblings, grandchildren, spouses and children. ((9) added Dec. 20, 1991, P.L.399, No.46)

(10) "Veteran" means a deceased person who qualifies for burial at a national cemetery under 38 U.S.C. (relating to veterans' benefits). ((10) added July 5, 2012, P.L.942, No.101)

(11) "Veterans' service organization" means an association, corporation or other entity that qualifies under section 501(c)(3) or (19) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3) or (19)) as a tax exempt organization that has been organized for the benefit of veterans and recognized or chartered by the Congress of the United States. The term includes, but is not limited to, the Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and the Vietnam Veterans of America. The term also includes a member or employee of an eligible nonprofit veterans' corporation, association or entity, such as the Missing In America Veteran Recovery Program, that specifically assists in facilitating the identification and interment or final disposition of unclaimed remains of American veterans. ((11) added July 5, 2012, P.L.942, No.101)

(12) "National cemetery" means any cemetery under the control of the United States Department of Veterans Affairs National Cemetery Administration. ((12) added July 5, 2012, P.L.942, No.101)

Article II. State Department of Health

Section 201. Department: General Powers and Duties.--The department shall, pursuant to the provisions of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), as amended, cited as "The Administrative Code of 1929":

(1) Administer and enforce the provisions of this act and the regulations made pursuant thereto.

(2) Install and maintain a statewide system of vital statistics.

(3) Be the custodian of all vital statistics files and records collected, created or compiled under the provisions of this act.

(4) Have supervisory power over all local registrars appointed under the provisions of this act.

Section 202. Department: Bureau of Vital Statistics.--The Secretary of Health may create, staff and equip a bureau of vital statistics and such other administrative organizations within the department as shall be suitable for the execution of the powers and duties conferred upon the department by this act.

Section 203. Department: State Registrar of Vital Statistics.--The Secretary of Health may designate the head or chief of a bureau of vital statistics as the State Registrar of Vital Statistics.

Section 204. Department: Forms.--The department shall prescribe the forms for all certificates required by this act. The department may prescribe all other forms necessary for collecting, transcribing, compiling and preserving vital statistics. The department shall include in such forms all

standard items which contribute to a uniform comparable nationwide system of vital statistics.

Section 205. Department: Regulations.--The Advisory Health Board shall make and may amend or repeal regulations for the administration of the provisions of this act. The Advisory Health Board may make, amend or repeal regulations for the administration of a uniform efficient statewide system of vital statistics which will protect the public health and preserve the completeness and integrity of vital statistics records.

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

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

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

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

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

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

(206 added Nov. 23, 2004, P.L.909, No.122)

Section 207. Department: Certificate of Birth Resulting in Stillbirth.--Upon request from the mother or father, a certificate of birth resulting in stillbirth shall be issued by the department for any fetal death previously filed with the department. If the father is not identified on the fetal death record or the child was conceived during a criminal act, only the mother shall be permitted to request the certificate of birth resulting in stillbirth. The fee for issuance shall be the same as the fee for a death certificate issued by the department. The certificate shall include, but not be limited to, the following:

- (1) Name of the stillborn child.
- (2) Date of delivery.
- (3) County of delivery.
- (4) Mother's name and birthplace.
- (5) Father's name and birthplace.

(6) The statement: "This certificate is not proof of live birth."

Such certificate shall not affect the registration, filing or record requirements of this act, nor shall the issuance of such certificate impose upon a coroner or medical examiner any additional duties to conduct an investigation.

(207 added July 7, 2011, P.L.280, No.62)

Article III. Registration: District Administration

Section 301. Registration Districts: Creation by Department.--The department shall divide the Commonwealth from time to time into registration districts which shall conform to political subdivisions or combinations thereof.

Section 302. Registration Districts: Local Registrars; Appointment and Removal of.--(a) The Secretary of Health shall appoint a local registrar for each registration district. Each local registrar shall appoint a deputy to act in the event of his absence or disability. If the department determines that the proper and efficient administration of a registration district requires additional personnel, the department may appoint one or more assistants. No local registrar, deputy or assistant shall be appointed who does not meet the qualifications prescribed by the Advisory Health Board. The department may at any time remove any local registrar, deputy or assistant for cause. The department may abolish the office of any local registrar in the event that the registration district is combined with another. The department may reduce the number of assistants at any time.

(b) Any vacancy in the office of local registrar, deputy or assistant for a registration district that exists on or after the effective date of this subsection shall be filled as provided in this section.

(302 amended July 5, 2012, P.L.942, No.101)

Section 303. Registration Districts: Local Registrars' Duties.--Local registrars shall perform the duties imposed upon them by this act, under and subject to the supervision of the department. Local registrars shall transmit certificates and transcripts to such places and at such times as shall be prescribed by the department.

(303 amended July 2, 2009, P.L.52, No.11)

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

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

(c) (1) A local registrar may not be compensated in excess of sixty thousand dollars (\$60,000) in any one calendar year. Compensation shall include fees received from the department

under subsection (a) and retained from requesters under subsection (b).

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

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

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

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

(304 amended Nov. 23, 2004, P.L.909, No.122)

Section 305. Registration Districts: Institutional Records Required.--All superintendents, managers and other persons in charge of hospitals, maternity homes, homes for the aged and public and private institutions to which persons resort for medical care or to which persons are committed by process of law, shall obtain and record as to each inmate, at the time of his admittance, all personal information required in the certificates prescribed by the department. Each inmate shall supply such information at the time of admittance, but if the inmate is unable personally to supply the information a relative of the inmate or other person acquainted with the facts shall do so.

Article IV. Birth Registration

Section 401. Birth Registration: General Provisions.--(a) A certificate of each birth occurring in this Commonwealth shall be filed with the local registrar of the district in which the birth occurs within a period prescribed by regulations of the Advisory Health Board. The certificate shall be prepared, signed and filed by the attending physician or licensed midwife, except that when there is no attending physician or licensed midwife the certificate shall be prepared, signed and filed (1) by the father, or (2) in the event of his death, disability or absence, by the mother, or (3) in the event of her death or disability, by the householder of the premises or superintendent of the institution in which the birth occurs, or (4) in the event of the absence or disability of all persons heretofore named, then by such person acquainted with the facts as the local registrar shall designate. The Social Security number or numbers of each parent shall be obtained and maintained separately by the department in a fashion that permits routine screened inquiries, unless there is good cause for not requiring the furnishing of such number or numbers in accordance with Federal regulations. This information is considered confidential and is to be made available only to Federal and State agencies responsible for establishing paternity or enforcing child support orders.

(b) Upon filing of the certificate, the department shall provide the father or the mother with a brochure relating to the existence of and eligibility for the Children's Health Insurance Program (CHIP) under Article XXIII of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(401 amended June 25, 2001, P.L.725, No.69)

Section 402. Birth Registration: Foundling Registration.--The birth of each child of unknown parentage discovered within this Commonwealth shall be registered on a form prescribed by the department and within such period of time following the discovery of the child as the regulations

of the Advisory Health Board shall prescribe. The person in charge of the agency or institution or such other person into whose care the child is first delivered shall file the registration form with the local registrar of the district in which the child is discovered. Such registration shall be acceptable for all purposes in lieu of a certificate of birth.

Section 403. Birth Registration: Children Born in a Country Other Than the United States.--(a) The department shall, upon request, complete and register birth certificates for any child born in a country other than the United States when either parent is a citizen of the United States and a resident of the Commonwealth of Pennsylvania.

(b) (1) Except as provided in clause (2), a birth certificate issued under subsection (a) shall show the true country and date of birth, and that the certificate is not evidence of the United States citizenship of the registrant. For such registration the department shall require proof of parental United States citizenship and of Pennsylvania residence.

(2) For any foreign-born child who satisfies the requirements of either 8 U.S.C. § 1431 or 1433 and whose parent presents documents from the United States Department of State, United States Department of Justice, Immigration and Naturalization Service, United States Citizenship and Immigration Services of the United States Department of Homeland Security or their successor agencies, including either a certificate of citizenship, a United States passport or other document as specified by the department, verifying the child's United States citizenship, the birth certificate shall show the true country and date of birth but will not contain any notation regarding citizenship of the registrant. For such registration the department shall require proof of parental United States citizenship and of Pennsylvania residence.

(c) The Social Security number or numbers of each parent are to be recorded and maintained as required in section 401.

(d) Certified copies of such certificates shall be issued upon application and payment of the prescribed fee.

(403 amended May 18, 2004, P.L.230, No.35)

Compiler's Note: Section 3 of Act 35 of 2004, which amended section 403, provided that the amendment of section 403 shall be applicable to any child born on or after January 1, 1986.

Article IV-A. Missing Children Registration
(Art. IV-A added July 11, 1990, P.L.433, No.106)

Section 401-A. Missing Children Registration:
Definitions.--As used in this article--

(1) "Division" means the Division of Vital Records of the Department of Health.

(2) "Investigating law enforcement agency" means the Pennsylvania State Police or local police force responsible for investigating missing persons or children reports within the political subdivision where the child was reported lost, abducted, missing or runaway.

(3) "Missing child" means an individual under eighteen (18) years of age who is reported to a law enforcement agency as abducted, lost, missing or a runaway.

(4) "School district" means the last known school which the missing child attended.

(5) "State Police" means the Pennsylvania State Police.

(401-A added July 11, 1990, P.L.433, No.106)

Section 402-A. Missing Children Registration: Investigating Law Enforcement Agency.--An investigating law enforcement agency shall report to the school district and immediately notify the division for the purpose specified in section 403-A of this act that an individual under eighteen (18) years of age is lost, abducted, missing or a runaway. The investigating law enforcement agency shall notify the school district and the division upon recovery of a child who was the subject of a report.

(402-A added July 11, 1990, P.L.433, No.106)

Section 403-A. Missing Children Registration: Notations on Birth and School Records.--If the division receives notification of a missing child, it shall make a notation on the birth certificate record of the missing child so that, if that birth certificate is requested, the division will be alerted to the fact that the birth certificate is that of a missing child. When the division is notified of the recovery of a missing child, it shall remove the notation. When a school receives notification of a missing child, it shall make a notation on the school record of the missing child so that, if that school record is requested, the school will be alerted to the fact that the school record is that of a missing child. If the school is notified of the recovery of a missing child, it shall remove the notation.

(403-A added July 11, 1990, P.L.433, No.106)

Section 404-A. Missing Children Registration: Requests for Information.--When the division or a school receives a request for information from a record which has a "Missing Child" notation, no information contained in the record shall be released to the requester prior to contact with the investigating law enforcement agency. The division and schools shall make an effort to obtain information to identify the person whose request is verbal. The division or school receiving the request shall contact the investigating law enforcement agency to coordinate the response.

(404-A added July 11, 1990, P.L.433, No.106)

Article V. Death and Fetal Death Registration

Section 501. Death and Fetal Death Registration: Certificates to be Filed.--A certificate of each death or fetal death which occurs in this Commonwealth shall be filed within four (4) business days after the death or fetal death or within four (4) business days after the finding of a dead body or fetal remains. In every instance, the certificate shall be filed prior to the issuance of a permit for interment or other disposition of the dead body or fetal remains. The person in charge of interment or of removal of the dead body or fetal remains from the registration district shall file the certificate with any local registrar or the State Registrar of Vital Statistics, who shall be authorized to issue certified copies of such death.

(501 amended July 5, 2012, P.L.942, No.101)

Section 502. Death and Fetal Death Registration: Information for Certificates.--In preparing a certificate of death or fetal death, the person in charge of interment or of removal of a dead body or fetal remains from the registration district shall obtain the required information. The following persons shall supply the information certified by their respective signatures:

(1) Personal information concerning the deceased or the fetal death shall be supplied by the person best acquainted with the facts.

(2) Subject to the limitation contained in clause (3), the medical certification, except in the event of a referral to the coroner pursuant to section five hundred three of this act, shall be supplied (i) in the case of a death, by the physician, certified registered nurse practitioner or physician assistant or (ii) dentist who is a staff member of an approved hospital who attended the deceased during the last illness, provided the death occurs in the hospital and the deceased had been admitted on the dental service, and (iii) in the case of a fetal death, by the attending physician, certified registered nurse practitioner or physician assistant.

(3) In all cases where the physician, certified registered nurse practitioner, physician assistant or dentist who would otherwise supply the medical certification is a member of the immediate family of the deceased, the case shall be referred to another physician, certified registered nurse practitioner, physician assistant or dentist who qualifies under clause (2) for a medical certification. In the event a qualified alternate physician, certified registered nurse practitioner, physician assistant or dentist is unavailable or unwilling to provide the medical certification required by law, the case shall be referred to the coroner of the county wherein the death occurred or to a coroner of an adjacent county. In no event shall a coroner sign a certificate of death or fetal death for a deceased who was a member of his immediate family.

(502 amended July 7, 2017, P.L.296, No.17)

Section 503. Death and Fetal Death Registration: Coroner Referrals.--The local registrar or person in charge of interment or other person having knowledge of the death or fetal death shall refer to the coroner the following cases: (1) where no physician, certified registered nurse practitioner, physician assistant or dentist who is a staff member of an approved hospital was in attendance during the last illness of the deceased or in the case of a fetal death where there was no attending physician, certified registered nurse practitioner or physician assistant or (2) where the physician, certified registered nurse practitioner, physician assistant or dentist who is a staff member of an approved hospital in attendance during the last illness of the deceased or the attending physician, certified registered nurse practitioner or physician assistant in the case of a fetal death is physically unable to supply the necessary data, or (3) where the circumstances suggest that the death was sudden or violent or suspicious in nature or was the result of other than natural causes, or (4) where the physician, certified registered nurse practitioner, physician assistant, dentist or coroner who provided or would provide the medical certification is a member of the immediate family of the deceased. In every instance of a referral under this section, the coroner shall make an immediate investigation and shall supply the necessary data, including the medical certification of the death or fetal death. In no event shall a coroner sign a certificate of death or fetal death for a deceased who was a member of his immediate family.

(503 amended July 7, 2017, P.L.296, No.17)

Section 504. Death and Fetal Death Registration: Permits Concerning Dead Bodies and Fetal Remains.--No person shall dispose of a dead body or fetal remains until a local registrar or the State Registrar of Vital Statistics issues a permit for disposal. The local registrar or the State Registrar of Vital Statistics shall be authorized to issue the permit and may issue blank presigned permits to the funeral director only. The funeral director or the person in charge of interment or removal

shall, within ninety-six (96) hours after the death or fetal death or within ninety-six (96) hours after the finding of a dead body or fetal remains, file with the local registrar a certificate of death or fetal death.

The sexton or other person in charge of any premises in which bodies are interred or cremated shall not allow the interment or cremation of any dead body or fetal remains unless a permit issued under this section is presented to the sexton. The sexton or other person in charge of the premises shall endorse upon each permit presented to the sexton or other person the date of interment or cremation, over the sexton's or other person's signature, and shall return the permit so endorsed to the local registrar of the sexton's or other person's district or the State Registrar of Vital Statistics within ten days from the date of interment or cremation.

(504 amended July 2, 2009, P.L.52, No.11)

Section 505. Death and Fetal Death Registration: Out-of-State Permits.--When a death or fetal death occurs outside of this Commonwealth and the dead body or fetal remains are accompanied by a permit for burial, removal or other disposition, issued in accordance with the law and regulations in force where the death or fetal death occurred, the permit shall authorize transportation into or through this Commonwealth and burial or other disposition of the dead body or fetal remains within this Commonwealth, without the indorsement of a local registrar of this Commonwealth.

Section 506. Death and Fetal Death Registration: Regulations Concerning Dead Bodies and Fetal Remains.--The Advisory Health Board shall make and may amend or repeal regulations governing disposal, transportation, interment and disinterment of dead bodies and fetal remains, in order to protect the public health and promote the integrity and efficacy of death and fetal death registration. However, the Advisory Health Board shall not, pursuant to the authority contained in this or any other act, promulgate any regulation which would require that the top of the outer case containing a casket be buried a distance of more than two feet from the natural surface of the ground.

(506 amended Nov. 20, 1981, P.L.338, No.123)

Section 506.1. Death and Fetal Death Registration: Unidentified Dead Bodies and Fetal Remains.--(a) Notwithstanding any other provision of law to the contrary, no certificate of death or fetal death shall be issued in this Commonwealth if the body or fetal remains have not been positively identified unless the person issuing the certificate of death first obtains a DNA sample and submits the same to the Pennsylvania State Police for storage, for forensic DNA analysis, including nuclear and mitochondrial DNA typing, and for inclusion in any appropriate DNA database, in accordance with established Pennsylvania State Police policies and procedures. A person submitting a DNA sample to the Pennsylvania State Police pursuant to this section shall immediately notify the Pennsylvania State Police when any previously unidentified body or fetal remains are positively identified. The Pennsylvania State Police shall immediately notify the person submitting a DNA sample pursuant to this section when any identification is made following submission of the sample. The Pennsylvania State Police shall not charge any fees for receiving, storing or analyzing a DNA sample submitted pursuant to this section. The Pennsylvania State Police shall establish policies and procedures to implement the requirements of this section.

(b) This section does not:

(1) relieve a coroner or medical examiner of the requirements of 18 Pa.C.S. § 2908(a.1) (relating to missing children); or

(2) authorize a coroner or medical examiner to dispense with normal investigative procedures to determine the identity of a body or fetal remains.

(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"DNA" means deoxyribonucleic acid. DNA is located in the cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

"DNA sample" means a blood, skeletal or tissue sample obtained by a coroner or medical examiner from an unidentified dead body or from fetal remains as required by this section for analysis or storage, or both.

(506.1 added Nov. 23, 2004, P.L.950, No.141)

Section 506.2. Death and Fetal Death Registration:
Disposition of Cremated Remains of Veterans.--(a) A funeral director or funeral establishment which has held in its possession cremated remains for more than one hundred twenty (120) days from the date of cremation may, in accordance with this section, determine if the cremated remains are those of a veteran and, if so, shall dispose of the remains as provided in this section.

(b) (1) Notwithstanding any law or regulation to the contrary, nothing in this section shall prevent a funeral director or funeral establishment from sharing information with the United States Department of Veterans Affairs, a veterans' service organization or a national cemetery for the purpose of determining whether the cremated remains are those of a veteran.

(2) A funeral director or funeral establishment shall be discharged from any legal obligations or liability with regard to releasing information to or sharing information with the United States Department of Veterans Affairs, a veterans' service organization or a national cemetery in accordance with this section.

(c) (1) If a funeral director or funeral establishment ascertains the cremated remains in its possession are those of a veteran and the funeral director or funeral establishment has not been instructed by the legally authorized person in control of the final disposition of the decedent to arrange for the final disposition of the cremated remains, the funeral director or funeral establishment shall relinquish possession of the cremated remains to a veterans' service organization.

(2) Final disposition shall be made in a national cemetery if the deceased veteran is eligible for interment in such a manner.

(d) The funeral director, funeral establishment or veterans' service organization, notwithstanding any law to the contrary, upon disposing of cremated remains in accordance with this section, shall be:

(1) Held harmless for any costs or damages, except if there is gross negligence or willful misconduct.

(2) Discharged from any legal obligation or liability concerning the cremated remains.

(e) When the estate of the decedent has been identified, the estate of the decedent shall be responsible for reimbursing a funeral director, funeral establishment or veterans' service organization for all reasonable expenses incurred in relation to the final disposition of the cremated remains.

(f) A funeral director or funeral establishment shall establish and maintain a record identifying the veterans' service organization receiving the cremated remains and the site designated for final disposition of the cremated remains.

(g) The funeral director or funeral establishment shall make a good faith effort to notify the next of kin of the identified cremated remains of the veteran.

(h) Nothing in this section shall require a funeral director or funeral establishment to:

(1) Determine or seek others to determine that an individual's cremated remains are those of a veteran if the funeral director or funeral establishment was informed by the legally authorized person in control of the final disposition of the cremated remains that the individual was not a veteran.

(2) Relinquish possession of the cremated remains to a veterans' service organization if the funeral director or funeral establishment was instructed by the legally authorized person in control of the cremated remains or had a reasonable belief that the decedent did not desire any funeral or burial-related services or ceremonies recognizing the decedent's service as a veteran.

(i) As used in this section, "final disposition" does not include the scattering of cremated remains.

(506.2 added July 5, 2012, P.L.942, No.101)

Section 507. Death and Fetal Death Registrations:
Pronouncement of Death by a Professional Nurse.--(a)

Professional nurses licensed under the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law," who are involved in direct care of a patient shall have the authority to pronounce death as determined under the act of December 17, 1982 (P.L.1401, No.323), known as the "Uniform Determination of Death Act," in the case of death from natural causes of a patient who is under the care of a physician or certified registered nurse practitioner when the physician or certified registered nurse practitioner is unable to be present within a reasonable period of time to certify the cause of death.

(b) Professional nurses shall have the authority to release the body of the deceased to a funeral director after notice has been given to the attending physician or certified registered nurse practitioner, when the deceased has an attending physician or certified registered nurse practitioner, and to a family member.

(c) If circumstances surrounding the nature of death are not anticipated and require a coroner's investigation, the professional nurse shall notify the county coroner, and the authority to release the body of the deceased to the funeral director shall be that of the coroner.

(d) Except as provided for under sections 502 and 503, this section provides for the pronouncement of death by professional nurses in accordance with the "Uniform Determination of Death Act," but in no way authorizes a nurse to determine the cause of death. The responsibility for determining the cause of death remains with the physician, certified registered nurse practitioner or the coroner as provided under this act.

(e) (1) Professional nurses and employing agencies of professional nurses acting in good faith and in compliance with the guidelines established by this act and the State Board of Nursing shall be immune from liability claims by reason of pronouncing death.

(2) Nothing contained in this section shall be deemed to impose any obligation upon a professional nurse to carry out the function authorized by this act.

(3) Nothing in this section is intended to relieve a professional nurse of any civil or criminal liability that might otherwise be incurred for failing to follow the rules and regulations of the State Board of Nursing.

(4) Nothing in this section shall preempt the requirements of the provisions of 20 Pa.C.S. Ch. 86 (relating to anatomical gifts).

(507 amended June 22, 2012, P.L.644, No.68)

Article VI. Change of Civil Status

Section 601. Change of Civil Status: Marriage Registration.--The clerk of orphans' court of every county shall execute a statistical summary of the marriage license applications for marriages solemnized within this Commonwealth. The department shall prescribe the forms of such summary and the forms of marriage license applications. On or before the fifteenth day of each calendar month, each clerk of orphans' court shall transmit to the department the summary of all marriage license applications pertaining to the executed marriage license certificates filed with the clerk during the immediately preceding calendar month. The applicants for each marriage license shall, in addition to the fee for the license, pay to the clerk of orphans' court a fee of fifty cents (\$.50) for the execution and transmission of the summary required by this section. The department, at its discretion, may prescribe the method by which the transmission of the statistical summaries to the department is to occur under this section, including, but not limited to, transmission by paper copy by mail or other courier, facsimile transmission or electronic means.

(601 amended Oct. 30, 2001, P.L.826, No.82)

Section 602. Change of Civil Status: Court Reports.--A monthly statistical summary of divorces and annulments of marriage and a certificate of each adoption and annulment of adoption decreed or ordered in this Commonwealth shall be transmitted to the department. The prothonotary or the clerk of the orphans' court shall execute each such statistical summary and certificate on a form prescribed by the department. On or before the fifteenth day of each calendar month, the prothonotary or clerk shall transmit to the department such summaries pertaining to divorces and annulments of marriage together with the certificates pertaining to adoptions or annulments of adoption decreed or ordered during the preceding calendar month. The prothonotary or clerk shall assess a fee of fifty cents (\$.50) as part of the costs of the proceedings had in connection with each divorce, annulment of marriage, adoption or annulment of adoption and shall receive and apply such fee in the same manner and for the same uses as other costs received by the prothonotary or clerk. The department, at its discretion, may prescribe the method by which the transmission of the statistical summaries and the certificates to the department is to occur under this section, including, but not limited to, transmission by paper copy by mail or other courier, facsimile transmission or electronic means.

(602 amended Oct. 30, 2001, P.L.826, No.82)

Section 603. Change of Civil Status: Amendment of Birth Certificates.--(a) Any person born in this Commonwealth (1) whose birth is registered as illegitimate but who is legitimated

by the subsequent marriage of his natural parents, or (2) whose parentage is determined by a court of competent jurisdiction, or (3) who is adopted under the laws of this Commonwealth or of any other state or territory of the United States of America, or (4) whose name is changed by order or decree of a court of competent jurisdiction, may request the department to prepare an amended certificate of birth on the basis of proof of the new status.

(b) The person involved if he has attained majority and is not incompetent, or his parent, guardian or legal representative, shall file an application making such request and shall submit such proof as the Advisory Health Board may by its regulations require.

(c) After the amended certificate is prepared, any information disclosed from the record shall be from the amended certificate; and access to the original certificate of birth and to the documents of proof on which the amended certificate is based shall be authorized only upon request of the person involved if he has attained majority and is not incompetent, or upon request of his parent, guardian or legal representative, or upon order of a court of competent jurisdiction.

Section 604. Change of Civil Status Registration of Foreign Born Children Adopted in Pennsylvania.--(a) For any child born in a foreign country but adopted in Pennsylvania, whose adopting parents are United States citizens and residents of Pennsylvania, the department shall, upon request, complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, together with proof of the date and place of the child's birth.

(b) (1) Except as provided in clause (2), a birth certificate issued under subsection (a) shall show the new name of the child as specified in the decree of adoption, and such further information concerning the adopting parents as may be necessary to complete the birth certificate. The certificate shall show the true country and date of birth of the child, and that the certificate is not evidence of United States citizenship.

(2) For any foreign-born child who satisfies the requirements of either 8 U.S.C. § 1431 or 1433 and whose parent presents documents from the United States Department of State, United States Department of Justice, Immigration and Naturalization Service, United States Citizenship and Immigration Services of the United States Department of Homeland Security or their successor agencies, including either a certificate of citizenship, a United States passport or other document as specified by the department, verifying the child's United States citizenship, the birth certificate shall show the true country and date of birth but will not contain any notation regarding citizenship of the registrant. For such registration the department shall require proof of parental United States citizenship and of Pennsylvania residence.

(c) Certified copies of such certificates shall be issued upon application and payment of the prescribed fee.

(604 amended May 18, 2004, P.L.230, No.35)

Compiler's Note: Section 3 of Act 35 of 2004, which amended section 604, provided that the amendment of section 604 shall be applicable to any child born on or after January 1, 1986.

Section 701. Subsequent Registrations: Supplemental Reports on Original Records.--The Advisory Health Board shall adopt regulations for the purpose of obtaining information omitted from original certificates filed with the department. Supplemental reports filed within the time prescribed therefor shall be considered a part of the original record and certificates or records so completed shall not be considered as "delayed", "amended" or "corrected".

Section 702. Subsequent Registrations: Delayed Registrations.--The acceptance of any vital statistics record after the time prescribed for its filing shall be subject to such regulations as the Advisory Health Board may deem necessary and proper to preserve the integrity of vital statistics records.

Section 703. Subsequent Registrations: Correction of Records.--The acceptance of an application to correct an alleged error in any certificate or record filed with a local registrar or with the department under this act shall be subject to such regulations as the Advisory Health Board may deem necessary and proper to preserve the integrity of vital statistics records.

Article VIII. Records

Section 801. Records: Disclosure in General.--The vital statistics records of the department and of local registrars shall not be open to public inspection except as authorized by the provisions of this act and the regulations of the Advisory Health Board. Neither the department nor local registrars shall issue copies of or disclose any vital statistics record or part thereof created under the provisions of this or prior acts except in compliance with the provisions of this act and the regulations of the Advisory Health Board. When one hundred five (105) years have elapsed after the date of birth or fifty (50) years have elapsed after the date of death, the records shall become public records. To ensure the proper safekeeping of original birth records after one hundred five (105) years and death records after fifty (50) years the records shall be maintained by the State Archives.

(801 amended Dec. 15, 2011, P.L.445, No.110)

Section 801.1. Records: Reports to County Registration Commissions.--The department shall transmit monthly to the Department of State an electronic file containing information on all resident deaths, except residents less than eighteen (18) years of age, for the preceding month. The electronic file shall include the full name of the decedent, gender, last address, the date of birth if available, county of residence, the date of death, county of death, State file number and the last four digits of the decedent's Social Security number. The Department of State shall enter this information into the "SURE system" as defined in 25 Pa.C.S. § 1102 (relating to definitions), or a similar successor system, which shall be used by the county boards of election for the purpose of removing deceased individuals from their voter registration rolls.

(801.1 amended July 2, 2009, P.L.52, No.11)

Section 802. Records: Copies of Marriage Registration and Court Report Records.--The department shall not issue any copies, certified or otherwise, of records heretofore or hereafter transmitted to the department which consist of (1) marriage license certificates or transcripts of marriage license records, (2) certificates of court orders or decrees of adoption or annulment of adoption, or (3) certificates of divorce or

annulment of marriage. Persons requiring copies of such records shall apply to the court or county office which issued the order, decree or marriage license upon which any such record is based.

Section 803. Records: Disclosure of Illegitimacy of Birth.--The department shall issue certified copies of or disclose a record from which illegitimacy of birth can be ascertained only upon (1) an order of a court of competent jurisdiction specifying the record sought and holding that such record is necessary for the determination of personal or property rights, or (2) a finding by an officer of the department designated by the Secretary of Health that the applicant therefor has attained majority and is not incompetent and is the person to whom the record relates or the mother or legal representative of the person to whom the record relates, and further that the information contained in the record is necessary for the determination of personal or property rights.

Section 804. Records: Disclosure of Other Records.--Except for records described in sections eight hundred two and eight hundred three of this act, the department shall issue certified copies of or disclose a vital statistics record or part thereof if an officer of the department designated by the Secretary of Health finds that the applicant therefor has a direct interest in the content of the record and that the information contained therein is necessary for the determination of personal or property rights.

Section 804.1. Department of Health Office Acting in Lieu of Local Registrar.--(804.1 repealed Oct. 30, 2017, P.L.379, No.40)

Section 805. Records: Disclosure for Research Purposes.--The department may permit the use of vital statistics records or parts thereof for research, subject to strict supervision by the department to insure that the use of the records is limited to research purposes.

Section 806. Records: Disclosure to Governmental Agencies.--The department may disclose information or data from vital statistics record to federal, state or municipal agencies of government which request such information or data in the interest of conduct of official duty.

Section 806.1. Records: Miniature Certifications of Birth.--(806.1 repealed Dec. 23, 2003, P.L.282, No.47)

Section 807. Records: Fees for Copies.--(a) Except as otherwise provided in this act, the Advisory Health Board shall prescribe the fees to be paid by applicants for copies of vital statistics records or parts thereof. ((a) amended July 3, 1957, P.L.433, No.237)

(b) Federal, state and municipal agencies of government may obtain copies of records or certifications of data from records without payment of fees, provided that the department and the Commonwealth incur no expense in connection therewith.

(c) No fee shall be charged for certified copies of records or parts thereof furnished members of the armed forces of the United States and their dependents during their term of active service and after their death in service or honorable discharge therefrom.

Section 808. Records: Accounting for Fees.--The department shall keep an account of all fees received by it pursuant to the provisions of this act and shall deliver the same to the State Treasurer through the Department of Revenue. Fees received by local registrars for the issuance of certified copies of original certificates of death pursuant to section eight hundred

nine of this act shall not be subject to accounting by the department.

Section 809. Records: Disclosure by Local Registrars.--(a)

The Advisory Health Board shall by regulations not in conflict with the provisions of this act prescribe the manner and extent to which local registrars shall disclose vital statistics records.

(b) (1) Subject to the approval of the Advisory Health Board, the department may authorize any local registrar to issue certified copies of original certificates of death or parts thereof which are in his possession, but in every instance local registrars shall transmit the original certificates of death to the department in accordance with the rules and orders of the department.

(2) After the original certificate of death has been transmitted to the department, the local registrar may issue a copy of a certified copy of the original certificate of death or part thereof which is in his possession for ninety (90) days after issuance of the original certificate of death.

(3) Any local registrar who issues a certified copy of an original certificate of death or a copy of a certified copy of the original certificate of death in accordance with the provisions of this section shall receive therefor a fee prescribed by the Advisory Health Board, not exceeding the fee charged by the department for a like service, to be paid by the person applying for the certified copy.

((b) amended July 5, 2012, P.L.942, No.101)

Section 810. Records: Evidentiary Sufficiency.--Any record or duly certified copy of a record or part thereof which is (1) filed with the department in accordance with the provisions of this act and the regulations of the Advisory Health Board and which (2) is not a "delayed" record filed under section seven hundred two of this act or a record "corrected" under section seven hundred three of this act shall constitute prima facie evidence of its contents, except that in any proceeding in which paternity is controverted and which affects the interests of an alleged father or his successors in interest no record or part thereof shall constitute prima facie evidence of paternity unless the alleged father is the husband of the mother of the child.

Article IX. Penalties

Section 901. Penalties: General Provisions.--Except where a different penalty is provided by this act, any person who violates any of the provisions of this act or regulations made thereunder or neglects or refuses to perform any of the duties imposed upon him by this act or regulations made thereunder shall, for every such offense, upon conviction thereof in a summary proceeding before any magistrate, alderman or justice of the peace in the county wherein the offense was committed, be sentenced to pay a fine of not less than fifty dollars (\$50) and not more than three hundred dollars (\$300), together with costs, and in default of payment of the fine and costs, to be imprisoned in the county jail for a period not to exceed thirty (30) days.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 902. Penalties: Misdemeanors.--Any person (1) who wilfully and knowingly furnishes false information for inclusion

in any certificate or record provided for by this act, or (2) who wilfully makes or alters any certificate or record provided for by this act in violation of the provisions of this act or regulations made thereunder, or (3) who wilfully discloses or aids, assists, abets or induces any other person to disclose any information contained in vital statistics records in violation of the provisions of this act or regulations made thereunder, shall be guilty of a misdemeanor, and, upon conviction for any of the offenses specified in this section, shall be sentenced to pay a fine of not more than one thousand dollars (\$1000) or undergo an imprisonment of not more than six (6) months, or both, at the discretion of the court.

Article X. Repeals

Section 1001. Repeals: Specific Repeals.--The following acts and parts of acts and all amendments of each are hereby repealed:

(1) Section ten of the act, approved the twenty-seventh day of April, one thousand nine hundred five (Pamphlet Laws 312), entitled "An act creating a Department of Health, and defining its powers and duties."

(2) The act, approved the first day of May, one thousand nine hundred five (Pamphlet Laws 330), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics at the capital of the State, as required to be established by the State Board of Health; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State, as provided in section seven of 'An act to establish a State Board of Health for the better protection of life and health, and to prevent the spread of contagious and infectious diseases in this Commonwealth,' approved June third, eighteen hundred and eighty-five; and making an appropriation for establishing and maintaining such a Bureau, and providing certain penalties."

(3) The act, approved the seventh day of June, one thousand nine hundred fifteen (Pamphlet Laws 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act."

(4) The act, approved the sixteenth day of July, one thousand nine hundred forty-one (Pamphlet Laws 383), entitled "An act concerning the permanent recordation of certain births, birth certificates, the issuance of copies of such certificates, and prescribing the procedure therefor; enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics; providing for appeals from the action of the Bureau

of Vital Statistics to the Orphans' Court, and imposing duties and powers on such Orphans' Court."

(5) The act, approved the twenty-fourth day of July, one thousand nine hundred forty-one (Pamphlet Laws 497), entitled "An act requiring prothonotaries and clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings; providing for the registration of such certificates by the said department, the issuance of certified copies thereof, and fixing fees and penalties."

(6) The act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 414), entitled "An act relating to vital statistics and to make uniform the law with reference thereto."

(7) The act, approved the thirty-first day of May, one thousand nine hundred forty-seven (Pamphlet Laws 361), entitled "An act authorizing and directing the Board of Finance and Revenue of the Commonwealth of Pennsylvania to hear and determine petitions for refund of money paid as a filing fee for filing a delayed certificate of birth, and prescribing a limitation period within which such petitions must be filed."

Section 1002. Repeals: General Repealer.--All other acts and parts of acts inconsistent herewith are hereby repealed.

Section 1003. Repeals: Acts Expressly Saved from Repeal.--This act shall not repeal or modify any of the provisions of the following acts:

(1) The act, approved the sixteenth day of July, one thousand nine hundred forty-one (Pamphlet Laws 405), entitled "An act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees, and imposing certain duties upon the orphans' court and the Bureau of Vital Statistics of the Department of Public Health; authorizing the orphans' court to appoint masters for the determination of certain questions, and requiring counties to pay the compensation of such masters."

(2) The act, approved the eleventh day of June, one thousand nine hundred forty-one (Pamphlet Laws 114), entitled "An act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the act, approved June seventh, one thousand nine hundred fifteen (Pamphlet Laws, nine hundred), and for searches of the files and records when no certified copy is made."

(3) The act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws 322), entitled "An act providing for the issuance of certified copies of death, birth and marriage certificates, and divorce decrees, by county officers, free of charge, to disabled war veterans and their dependents, in death and compensation cases; and prescribing penalties."

(4) The act, approved the sixth day of April, one thousand nine hundred forty-five (Pamphlet Laws 165), entitled "An act providing for the issuance of certified copies of birth, death, and marriage certificates by the proper city and county officers in cities of the first class, to disabled war veterans and their dependents, in death and compensation cases, free of charge."