



Ohio Legislative Service Commission

Bill Analysis

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Am. Sub. S.B. 61 131st General Assembly (As Reported by H. Health and Aging)

Sens. Hughes, Eklund, Patton, Seitz, Brown, Bacon, Balderson, Burke, Cafaro, Coley, Faber, Gardner, Hite, Jones, Jordan, LaRose, Lehner, Manning, Obhof, Peterson, Sawyer, Schiavoni, Tavares, Thomas, Uecker, Widener, Williams, Yuko

Reps. Barnes, Bishoff

BILL SUMMARY

- Limits to whom a certified copy of a death certificate containing the decedent's Social Security number may be issued in the first five years after the decedent's death.

CONTENT AND OPERATION

Certified copies of death certificates

The bill limits to whom an official who maintains vital records may issue a certified copy of a death certificate containing the decedent's Social Security number in the first five years after the decedent's death.¹ Under law not modified by the bill, officials who maintain vital records are the Director of the Ohio Department of Health (ODH Director), the State Registrar of Vital Statistics (who is employed by ODH), and local registrars of vital statistics. Currently, those officials must issue a certified copy of a death certificate (with no information redacted) to any person on the person's submission of the required application and fee.² (Existing provisions³ specify when

* The corrected version removes duplicative text regarding an agent of a county veterans service officer.

¹ R.C. 3705.23(A)(5).

² R.C. 3705.23(A)(1).

³ R.C. 3705.09, 3705.11, 3705.12, 3705.121, 3705.122, 3705.123, 3705.124, and 3705.15, not in the bill.

certain vital records are not public records and accordingly, may not be issued, but none of those apply to death certificates.)

The bill's restriction on who may receive a certified copy of a death certificate with the decedent's Social Security number is expressed as a prohibition on the specified vital statistics officials. The officials are prohibited from including the decedent's Social Security number on a certified copy of the decedent's death certificate for the first five years after the decedent's death, unless that information is specifically requested to be on the certified copy by one of the following who presents satisfactory proof to the official of the person's identity:⁴

--The decedent's spouse.

--A county veterans service officer.

--A local official authorized to effectuate an indigent burial.

--An agent of a county veterans service officer or local official authorized to effectuate an indigent burial, but only if the agent presents either of the following indicating the agent's status: (1) photographic identification, such as an employment badge or (2) a signed and dated letter on the officer's or official's letterhead.

--A lineal descendant of the decedent. (Although not defined in the Revised Code, a law dictionary defines a "lineal descendant" as a blood relative in the direct line of descent (*e.g.*, children, grandchildren, and great-grandchildren).⁵)

--An individual with a class A or B license issued by the Director of the Ohio Department of Public Safety to engage in the business of private investigation.

--A local, state, or federal law enforcement official or prosecutor.

--An individual engaged in the work of, or connected with or employed by, any media organization or media association if the individual seeks the death certificate for the purpose of gathering, procuring, compiling, editing, disseminating, or publishing news.

--The executor or administrator of the decedent's estate, or an attorney representing the executor or administrator.

⁴ R.C. 3705.23(A)(5) and Section 3.

⁵ *Black's Law Dictionary* 510 (9th ed. 2009).

--The adult or group of adults to whom a decedent, before death, assigned the right to direct the disposition of the decedent's remains and make certain arrangements related to the decedent's funeral.⁶

--An agent of the decedent when the decedent had been the principal under a power of attorney created under law not modified by the bill (see **COMMENT**, below).⁷ (An "agent" for this purpose is a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, co-agent, successor agent, and a person to which an agent's authority is delegated.⁸)

--A licensed funeral director, or an employee or agent of that individual, who requests a certified copy of the death certificate on the behalf of a person specified above who is not a law enforcement official or prosecutor.

--Another person not specified above who is authorized by law to act on the behalf of the decedent or the decedent's estate.

COMMENT

A power of attorney is a writing or other record that grants authority to an agent to act in the place of the principal, whether or not the term "power of attorney" is used.⁹ It is not the same as a durable power of attorney for health care, which is an advance directive an individual (the "principal") can execute to designate another individual (the "attorney-in-fact") to make health care decisions once the principal's attending physician determines that the principal cannot make them.¹⁰

⁶ The authority for a person to assign the right of disposition to one or more adults (the "representative" or "successor representative") is conferred by R.C. 2108.70.

⁷ Specifically, R.C. 1337.21 through 1337.64, not in the bill.

⁸ R.C. 1337.22(A), not in the bill.

⁹ R.C. 1337.22(G), not in the bill.

¹⁰ R.C. 1337.12(A)(1), not in the bill.



HISTORY

ACTION

DATE

Introduced	02-18-15
Reported, S. Health & Human Services	04-22-15
Passed Senate (33-0)	05-13-15
Reported, H. Health & Aging	06-24-15

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